

INTERPRETATIONS OF ACADEMIC FREEDOM - A HISTORICAL
INVESTIGATION

by

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DECLARATION

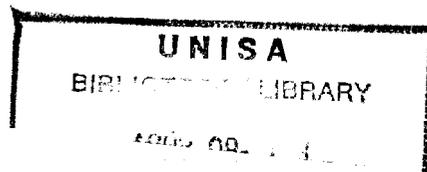
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DEDICATION

This dissertation is dedicated

to

my loveliest wife

Phikiwe Jane

for

her undying love, support and encouragement

and

our special gifts

Ebenezer, Koinonia and Baal Perazim.

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The Author

Tzaneen

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SUMMARY

This dissertation is a study of academic freedom, an issue which is regarded as a pre-condition for the university's successful execution of its task, namely the advancement and dissemination of knowledge. To understand what academic freedom really implies and entails, a historical review was undertaken of the various interpretations of academic freedom in the Medieval Italy and France, Imperial Germany, the late 19th century and the 20th century American and South African universities. As an ideal, academic freedom implies the free but responsible search for knowledge and truth. The historical review revealed, however, that academic freedom has at times been misunderstood and abused.

The realisation of true academic freedom in South African universities was the motivating force behind this study. Therefore, this study is concluded with guidelines and recommendations grounded in the historical review that will hopefully promote academic freedom in South African universities.

TITLE OF DISSERTATION: INTERPRETATIONS OF ACADEMIC FREEDOM -
A HISTORICAL INVESTIGATION

KEY TERMS:

Academic freedom; institutional autonomy; Medieval universities; *Lehrfreiheit*; *Lernfreiheit*; civil liberty; special theory of academic freedom; the American Association of University Professors; student militancy; the academic freedom committees of the University of Cape Town and the University of the Witwatersrand; open universities in South Africa; the Ivory Tower model; the Supermarket model; the People's University model.

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CHAPTER 1

ORIENTATION TO RESEARCH

1.1 INTRODUCTION

The university is a unique institution with a vital cultural role and task. Its purpose is to benefit the community that established it and maintains it, and humanity in general, through the advancement and dissemination of knowledge (American Association of University Professors 1961:866; Louw 1992:19-20; O'Hear 1988:6; Raichle 1968:55; Searle 1975:87; Tight 1987:10). For the successful execution of its task, the university needs the guaranteed freedom of the academic community (Benatar 1991:5; Hook 1986:6-7; James 1965:viii; Tight 1988:117-118; Turner 1988:106-107).

However, worldwide, throughout the ages, the historical annals of university education reveal that there is little agreement or clarity about what academic freedom is, its nature, scope, implication and how it can be realised (Cadwallander 1983:2; Fernando, Harley, Novak & Swinehart 1990:7-8; Hofstadter & Metzger 1955:3; Louw 1992:21; Searle 1975:87; Tight 1987:21). Consequently, the concept "has been both misused and misunderstood" (Tight 1987:21). This dissertation attempts to make a contribution towards the clarification of academic freedom and how it can be promoted and protected.

1.2 MOTIVATION FOR RESEARCH

The role and task of the university are vital to society. The realisation and protection of academic freedom to enable the university to achieve its goals are, as a result, essential. The uncertainty regarding the meaning of academic freedom and how it can be realised, however, presents some concerns. An investigation towards the establishment of the nature, meaning and implications of academic freedom, and how academic freedom can be promoted and protected, is imperative. The author, therefore, decided to do research on the interpretations of academic freedom in various historical exemplars in order to contribute towards the aforementioned issues regarding academic freedom. The need for nurturing a climate in which academic freedom and intellectual work can flourish for the benefit of the entire society prompted the researcher to undertake this study. Nurturing such a climate is important in South Africa if our attempts to establish a truly democratic society are to be successful.

1.3 OVERALL AIM OF THE STUDY

The study is aimed at identifying, inter alia, the following:

- * which ideas and concepts are often misinterpreted as academic freedom;
- * the purpose and function that academic freedom serves in the university;

- * who is entitled to academic freedom;
- * the obligations or responsibilities that academic freedom entails;
- * the possible factors or sources that can limit or inhibit academic freedom; and
- * the possible steps that can be taken to promote and protect academic freedom in institutions of higher education in South Africa.

1.4 METHODOLOGY

1.4.1 Research approach

In this study the problem historical approach was used. This approach proceeds from the assumption that present day issues can only be clearly understood if they are seen from a historical perspective (Kirk 1955:9; Venter 1979:174ff; Venter & Van Heerden 1989:57). The problem that was studied is the interpretations of academic freedom that have occurred, and re-occurred, during certain historical periods.

The problem-historical approach calls for a search in the temporal-spatial dimension (Venter 1979:203-205, 1986:4), which in this study meant that certain historical periods were chosen as exemplars to be studied. Knowledge from the following border disciplines is relevant for this pedagogical problem:

- * History, since academic freedom is a historical issue;

- * Sociology, since the university, to which academic freedom is intrinsically linked, exists as part of society;
- * Economics, since the functioning of the university and the realisation of its academic and research programmes depends on the allocation and availability of funds;
- * Politics, since the university operates within the context of the country's political and educational policies - government policies have, therefore, an influence on academic freedom; and
- * Psychology, in order to understand the attitude and psyche of the militant students and/or teachers.

The method that is usually implemented in conjunction with the problem-historical approach, namely the historical-educational method (Venter & Van Heerden 1989:111ff), was used in this study. This method involves a study of one or more historical exemplars in order to address the identified contemporary educational problem by rooting out universal educational verities.

The historical-educational method as applied in this study involved the following steps:

- * problem formulation;
- * data search; and
- * data recording or report writing.

These steps, as they were implemented in this study, are explained in the following subsections.

1.4.2 Problem formulation

The pivotal problems which this dissertation addresses are the following:

- * What does academic freedom actually entail? Does the concept imply an exclusive freedom restricted to the walls of the institution and the teachers' field of expertise or is it part of civil liberty? Does academic freedom imply an individual licence for academics and/or students to do or behave as they please? Does academic freedom include or exclude student freedom, and in what way?
- * What purpose is served by academic freedom?
- * What obligations and/or responsibilities does academic freedom entail?
- * What can limit or inhibit academic freedom?
- * What possible steps can be taken to promote and/or ensure academic freedom in institutions of higher education, including those in South Africa?

1.4.3 Data search

The problem-historical approach and the historical-educational method were applied in this study as a systematic research of interpretations of academic freedom in the chosen

exemplars by means of primary and secondary sources. The historical exemplars used in this study are the universities in Medieval Europe, Imperial Germany, United States of America and South Africa (see section 1.5). The primary sources, which provided the main sources of information included reports, journals and periodicals, academic freedom lectures, educational bulletins, case studies, newspapers and other news media such as television. Authoritative secondary sources were also implemented throughout this study.

1.4.4 Data recording

The recording of the collected historical data was done chronologically. Each historical exemplar and the data relevant thereto is presented in chronological order. Furthermore, the chapters also follow chronologically.

The recording and discussion of the collected historical data are divided into four chapters, each of which deals with one historical exemplar. The study is developed, and the knowledge recorded in different chapters in the following sequence:

The second chapter focuses on the origin of the idea of academic freedom in the Medieval era. The chapter begins with a survey on the origin of the university institution in Medieval Europe. The origin and interpretation of academic freedom in this era is then discussed. The chapter further looks at the problems related to academic freedom in these

early universities, as well as the methods used by the scholars of the time to enhance and protect academic freedom.

Chapter three is a discussion on the interpretation of academic freedom in the eighteenth and nineteenth centuries' universities in Imperial Germany. The chapter starts with an outline of the Germans' notion of a university as a research institution. The concepts *Lehrfreiheit* and *Lernfreiheit*, the meanings and implications of these concepts in relation to academic freedom are then discussed. Finally, the idea of academic freedom as a "special theory" is outlined. The "special theory" is discussed in this chapter because this theory of academic freedom links up with the German's *Lehrfreiheit* and *Lernfreiheit* ideals.

In chapter four academic freedom in the United States of America during the late nineteenth and twentieth centuries is discussed. The discussion focuses on the role of the Association of American University Professors (AAUP) which played a significant role in the advancement of academic freedom in American higher education institutions. The establishment of the AAUP, its interpretations of academic freedom and its efforts in promoting academic freedom form part of the discussion. Finally, the student militancy that occurred in American universities in the 1960s-1970s, is discussed.

Chapter five looks at academic freedom in South African universities. The chapter starts with a survey on the origin of university education in South Africa. Academic freedom

in South African universities during the apartheid era is then discussed. Finally, academic freedom and problems related to the issue in the post-apartheid South Africa are analysed.

The discussions in chapters two, three, four and five will have revealed the different historical interpretations of academic freedom. The misconceptions as well as abuse of academic freedom by students and/or teachers over the ages, will also have been brought to light. This study is, then, concluded in chapter six where the researcher re-states and clarifies the concepts which have often been confused with academic freedom. In this chapter the researcher also provides his conclusions as well as recommendations/guidelines on how academic freedom can possibly be enhanced and protected in institutions of higher learning in South Africa.

1.5 DELIMITATION OF THE FIELD OF STUDY

Academic freedom is an issue primarily associated with tertiary educational institutions (Cadwallander 1983:2; Hofstadter & Metzger 1955:3). The university is by its academic nature and task, irrevocably linked to the issue of academic freedom. According to Cadwallander (1983:2) and Hofstadter and Metzger (1955:3), the history of academic freedom is concurrent with the history of the university since its inception during the eleventh and twelfth centuries. The author has, therefore, restricted this study to tertiary education, in particular university education.

The historical exemplars used in this study (see section 1.4.3) were chosen for the following reasons:

Firstly, academic freedom is a concept that originated in Europe during the Medieval era (Bowen 1975:105; Hofstadter & Metzger 1955:3-4; Raichle 1968:55; Wieruszowski 1966:1). No study of academic freedom, no matter what the context may be, can be complete if its origin in the Medieval European university is not researched.

Secondly, scholars in Imperial Germany and the United States of America played a significant role towards the understanding, advancement, promotion and protection of academic freedom during the eighteenth, nineteenth and early twentieth centuries. The interpretation of academic freedom in these countries during the eighteenth, nineteenth and early twentieth centuries is, thus, investigated.

Lastly, an attempt at finding answers to questions relating to academic freedom in South African universities requires an investigation of issues pertaining to academic freedom in South Africa. The interpretation and implication of academic freedom in South African university education is, thus, investigated.

The issue of academic or university autonomy and responsibility cannot be divorced from academic freedom (AAUP 1961:871; Benatar 1991:5; Berdahl 1990:169-170; Hetherington 1965:1; Leveratt 1992:151; Tight 1988:129-130). According to the

aforementioned authors, academic autonomy is a pre-condition for the realisation of academic freedom. They argue that an institution which enjoys academic autonomy is in a better position to advance and promote academic freedom. Aspects of academic autonomy, like the freedom and ability of the university to determine the composition of its staff, admission requirements for students, the freedom to control the university research activities and the determination of the curricula, therefore, also form part of this study.

The amount of autonomy that universities enjoy is governed by the relationship that exists between the government of the day and its policies and the university institution (Berdahl 1990:171; Raichle 1968:55). Any study on academic freedom and academic autonomy should, therefore, take the country's political and educational policies into account.

Since its inception in the Medieval university institutions, academic freedom has always implied freedom of the teachers on the one hand, and freedom of students on the other (Ambrose 1990:6; Bowen 1975:105; Cadwallander 1983:2; Hofstadter & Metzger 1955:3; Passow 1990:19; Tight 1987:9, 1988:121-122; Turner 1988:107-108). In this study, academic freedom is, therefore, discussed in the context of both teacher freedom and student freedom. This will further assist in gaining clarity in issues relating to the freedom and/or rights for teachers, students or both in the South African context.

To achieve the intended objectives, the study focuses on academic freedom in South

African university education since its inception in the second half of the nineteenth century up to and including 1998. It is the intention of the researcher to bring into sharp relief a few points which are basic to the concept of academic freedom, that could be used towards the realisation and guarantee of such freedom, particularly in South African universities. Hopefully this will stimulate further research and debate on the issue of academic freedom.

1.6 CONCLUSION

Academic freedom is essential for the successful execution of the university's academic and/or research tasks. This research attempts to clarify the idea of academic freedom - pertaining to the meaning, nature, scope and implications of the concept and how academic freedom can be promoted and protected in South African universities. This research starts in the next chapter with an investigation of the origin and interpretation of academic freedom in the universities of Medieval Europe.

CHAPTER 2

THE ORIGIN AND MEANING OF ACADEMIC FREEDOM IN THE MEDIEVAL PERIOD

2.1 INTRODUCTION

Academic freedom originated in Western European universities during the eleventh and twelfth centuries (Bowen 1975:105; Cadwallander 1983:2; Kirk 1955:9; Raichle 1968:55; Wieruszowski 1966:5). In this chapter a historical survey of the origin of the university institution and the idea of academic freedom will be given. The researcher will restrict himself to the Medieval Italian and French universities because it was in these countries where the first modern universities originated. The survey will attempt to determine what academic freedom implied in the Medieval era, and also highlight the problems related to academic freedom in these early institutions.

2.2 THE ORIGIN OF THE UNIVERSITY INSTITUTION

Before the eleventh century education in Europe was provided mainly by cathedral schools. Education was mainly religious in nature, and subjects like religious doctrine, ethics and archeology were emphasised (Bowen 1975:105). The curriculum was not graded in any particular sequence (Bowen 1975:105-106; Wieruszowski (1966:15). In

other words, courses or subjects were not graded systematically for the different years of study.

There was also no body or panel of experts responsible for curricula compilation and development. Individual teachers, or masters, compiled the content of learning, and decided on how student achievements were to be evaluated (Bowen 1975:105-106; Wieruszowski 1966:15). Each school had its own curriculum, and “the quality and content of their instruction ... [was] dependent on the [skill and expertise of] individual masters” (Bowen 1975:105).

As Europe grew in social complexity, there arose a need for trained lawyers, doctors, school masters, clerics and administrative personnel to fill the ranks of the church, State and schools (Horn 1978:unnumbered; Rait 1969:6; Rashdall 1936:6). To meet this need, the education provided by the cathedral schools had to become broader, based not only on religion. Specialised subjects or courses in law, medicine, art, school management and administration had to be included. It also “became necessary”, asserts Bowen (1975:106), “for the schools to operate according to a more systematic curriculum”. Courses were to be graded and classified according to the level of difficulty and field of specialisation.

Subsequently, a number of cathedral schools were selected as pilot projects. Their curricula and learning content were graded and classified; and subjects and/or courses in law, medicine, art and administration were included. Students interested in these fields

were then enrolled, with experienced and qualified masters as their teachers. These new institutions were referred to as the higher institutions of learning , the “stadium generale” or what is today known as the university (Bowen 1975:106; Rashdall 1936:7-8).

The first of these higher institutions, established at the famous Salerno medical school, was the University of Salerno. Salerno University was located in the city of Sarleno, the capital of the province of Salerno, Italy (Van Niekerk 1993:156, 1994:19). The University of Sarleno was a secular institution, and offered courses in medicine, as well as law and philosophy (Donavan 1963:182; Goodman 1969:27; Woollbert 1968:377). In line with the Medieval feudal system, degrees in these courses were only conferred on various members of the royal families and feudal families (Woollbert 1968:377).

Sarleno University was noted for the highly learned physicians that it produced (Donavan 1968:182), and it attracted students from all over Europe, as well as from Asia and Africa (Donavan 1968:182).

After the thirteenth century, however, Salerno University steadily declined. The reasons behind its decline are not quite clear. Donavan (1963:182) and Woollbert (1968:377) speculate that it was possibly due to its secular nature, which in a religious era promoted a more rapid advancement of other institutions (like Bologna University, which will be discussed in the following paragraphs). Salerno University was finally dissolved by an edict of Napoleon in 1811 (Donavan 1963:182; Woollbert 1968:377).

In 1076 a second Italian institution of higher learning, Bologna University, was established in the city of Bologna. Bologna University became a centre for civil and canon law (Goodman 1969:27; Hofstadter & Metzger 1955:3-4; Rait 1969:8). Later, in the early twelfth century, the first French university, the University of Paris, was instituted in the city of Paris. Paris University was a theology and art study centre (Hofstadter & Metzger 1955:4).

Bologna and Paris Universities were the great seats of learning in Medieval Europe (Rait 1969:11). These two institutions had, therefore, a significant impact on the development of higher education, including the idea of academic freedom (Rashdall 1936:17).

In the following sections an outline of academic freedom as it was understood in the archetypal Bologna and Paris Universities will be given.

2.3 ACADEMIC FREEDOM IN THE MEDIEVAL UNIVERSITIES

2.3.1 Bologna University

2.3.1.1 Bologna University - a guild of students

The University of Bologna was established by a group of clergymen who had an interest in learning, amongst others, civil and canon law (Goodman 1969:27; Hofstadter &

Metzger 1955:4; Horn 1978; Rait 1969:8). These two subjects were highly valued in the ecclesiastical government of the time and in church administration (Horn 1978).

The eleventh century students at Bologna University were mature people, between the ages of 30 and 40 years old (Van Niekerk 1993:157, 1994:20). They were clergymen and people who had work experience and financial resources. They hired learned men from Italy and from other parts of Europe who became their teachers. These mature students of the University of Bologna decided who should be admitted as students, what subjects they wanted to study (that is, the choice of subjects to study), who should teach them, and what the teachers should be paid (Bozzoli 1969:11). Rait (1969:13-14) and Van Niekerk (1993:157-158) point out that Bologna University students could make such decisions because they were older, more mature and experienced than their counterparts in other Medieval and contemporary universities.

The mature students at the University of Bologna controlled, therefore, the running of the institution and the teachers were the employees of the students (Rait 1969:14). The University was, as a result, regarded as a guild (or organisation) of students, that is, an institution run by students.

Teachers at Bologna University did, however, choose the actual material that made up the disciplines (Bozzoli 1969:11; Rashdall 1936:148; Van Niekerk 1992:157). In other words, the students did not determine the curricula. The students decided on the choice

of subjects they wanted to study, but the masters compiled the curricula and actual learning content, or the syllabi, in the different disciplines. The masters were also charged with the responsibility of examining the candidates for admission to the relevant profession. They examined the candidate, gave him a licence to incept or gave him a public probational discourse, after which, if he conducted himself satisfactorily and passed, was received into the collegium of the masters of civil or canon law (Bowen 1975:109-110; Wieruszowski 1966:31-32).

Thus, though the University of Bologna was regarded as a guild of students, the teachers also played a significant role in the running and the control of the academic functioning of the university. In reality, the Medieval Bologna University was an association of both the masters and students (Bowen 1975:108). Both parties contributed significantly towards the efficient functioning of the institution.

Academic freedom at Bologna University referred, therefore, to both student freedom and teacher freedom. For students, the concept academic freedom implied their freedom to decide on the subjects to be studied, to select who should teach, to determine teachers' salaries and to decide who should be admitted as students. For teachers, the concept academic freedom referred to their freedom to determine the curriculum and the learning material that made up each discipline, and to examine the students. The early Italian, Spanish and Portuguese universities were modelled after the University of Bologna (Hofstadter & Metzger 1955:4).

While the teachers and students at Bologna University were mainly responsible for the running and the control of the academic activities, Bologna city state had jurisdictional control over the university. It was the city state that formulated the legislations and policies that regulated, *inter alia*, the establishment and management of the university, taxes to be levied on foreign students and textbooks and the appointment of senior officials, such as the rector (Raichle 1968:55; Ryan 1985:12).

The city state's restrictions on Bologna University's autonomy and the exact meaning and scope of the freedom accorded to the academic community at the University of Bologna created various problems in the relationship between the state and the scholars. In the following section a few cases of the nature of such problems are briefly outlined.

2.3.1.2 The problematical relationship between Bologna city state and Bologna University

Bologna University was not founded constitutionally. "The university developed into a stadium [university] by custom, rather than by explicitly formal foundation" (Bowen 1975:125). It had no formal constitution or university charter, and there were no specific rules that regulated the formation and recognition of student and teacher organisations. There were also no laws that offered legal protection to the academic community, both teachers and students (Rashdall 1936:160).

According to Bologna city state policies, the student guilds were not allowed to appoint their own rector. The rector was appointed by and regarded as a representative of the city state (Bowen 1975:129). Furthermore, Bologna city state laws did not provide for the legal formation and recognition of student organisations. According to Bowen (1975:129) and Rashdall (1936:16), the city officials feared that the strong student guilds, if allowed to form and operate student organisations, could dominate the running of Bologna University and undermine the city state policies and its managerial control of the university.

In 1216 the students requested the city state officials to grant Bologna University legal autonomy so that it could appoint its own rector and form recognised student organisation(s) to represent the interests of the students. Their request was, however, not granted. The students, subsequently, boycotted classes. They also threatened to close the university and vacate the city if their request was not granted (Bowen 1975:129; Rashdall 1936:162).

The students' threat to close the university and leave the city was a serious one for two reasons. Firstly, the prestige of Bologna city as housing one of the first and finest universities in Europe, was at stake. Secondly, the economic prosperity of the city state depended, to a certain extent, on the students' commercial contribution to the city (for example, municipal taxes levied on textbooks and other levies that the city incurred from the foreign students) (Bowen 1975:128-129). The city officials did not, however, yield

to the students' threats. Tension between the city officials and the students mounted. Finally the students left the city on May 27 1217, and the University of Bologna was closed for the following three years (Bowen 1975:130; Rashdall 1936:169).

The closure of Bologna University in 1217 reflects one of the first serious issues related to academic freedom in the history of university education. The main issues were the students' request for institutional autonomy, to be able appoint their own rector, and their freedom to form student organisations (Heatherington 1965:1; James 1965:viii).

Institutional autonomy is one of the essential conditions of the university institution for the effective execution of its academic tasks (Benatar 1991:5; Bartos 1990:24; Behr 1982:1; Louw 1992:25-26; Miller 1991:35; Tight 1987:12). According to Berdahl (1990:171) and Tight (1988:122-123), an institution which enjoys academic autonomy is in a better position to promote, protect and realise academic freedom. Issues relating to institutional autonomy and student participation and/or representation (as requested by Bologna University students) are, therefore, further explored in the following paragraphs.

During the three years that Bologna University was closed, students continued their studies in universities in other Italian cities. Their enrollment strengthened the establishment and development of these relatively new institutions. As a result, the officials in these cities and universities were glad to have them (Bowen 1975:130; Rashdall 1969:169).

The prestige that the University of Bologna had given to Bologna city was lost. In addition, Bologna city state suffered heavy economic losses due to the loss of the taxes levied on students and other commercial contributions from students. This caused Bologna city state officials to reconsider the situation that led to the closure of Bologna University, and in the year 1220 the Mayor of Bologna city tried to induce the students to return. He allowed students to appoint their own rector. He also provided them with imperial protection when travelling to Italy for study purposes, and gave them free access to all study centres in the city as well as exemption from municipal taxes, including those levied on textbooks (Bowen 1975:132; Rashdall 1936:175). Of these concessions, the most notable were, according to Bowen (1975:132), the granting of Bologna University the freedom to appoint its own rector, and allowing students to form student organisation(s) to represent their interests to the city state officials.

The concessions made by the Mayor were accepted by the student guilds. In the same year (1220), the University of Bologna resumed operation.

In the next section, developments at Paris University and how they relate to academic freedom will be scrutinised.

2.3.2 Paris University

2.3.2.1 Paris University - a guild of masters

The University of Paris was founded early in the twelfth century. In contrast to Bologna University, it was established by a group of scholars who wanted to teach (Hofstadter & Metzger 1955:3-4; Van Niekerk 1993:158). These scholars (that is, teachers) wanted to have their own institution which they would run (Van Niekerk 1993:158). In other words, the teachers determined who was to be admitted as students, the curricula, who was to teach and his salary, and the policy regarding the standard of education, without interference from the students and the Church and/or the ecclesiastic government.

Paris University was, therefore, a guild of masters. The teachers ran the university and protected it as a corporate of teachers (Van Niekerk 1993:158). Paris University was, in other words, the first group and corporation of intellectual masters (Bowen 1975:109; Hofstadter & Metzger 1955:4-5; Rait 1969:12). Students at Paris University were, however, allowed to choose the subjects that they wanted to study. Academic freedom at the Medieval Paris University implied, therefore, the freedom of teachers to determine who was to be admitted as students, to decide on the appointment of staff and their salaries, to determine the curriculum and the policies pertaining to examinations, and the freedom of students to choose the subjects and courses they wanted to study.

Paris University was the basis for and model of future modern universities (Hofstadter & Metzger 1955:4). German and a few English universities, including Oxford and Cambridge Universities, were modelled after the University of Paris (Hofstadter & Metzger 1955:4).

The functioning of Paris University was, however, not without problems. It experienced many incidents of student unrest, the so-called “town versus gown” incidents of the years 1200 to 1229. These are discussed in the following section.

2.3.2.2 Student unrest at Paris University

The University of Paris grew at a tremendous pace. This can be ascribed to its easily accessible location in the city centre, and to the fact that Paris was the royal capital of France (Peyre 1968:445). Students came to Paris in great numbers and by the beginning of the thirteenth century the institution was firmly established as a “stadium generale”, a place where students from all parts of Europe were received, not merely those of a particular country or district (Rait 1969:8; Rashdall 1936:7).

Paris University’s constitution did not, however, provide for the imperial protection of foreign students (Bowen 1975:112; Van Niekerk 1993:158). Foreign students did not enjoy scholarly privileges, such as the exemption from municipal taxes and the taxes

levied on textbooks as well as the civil rights and protection that their French counterparts enjoyed (Bowen 1975:112).

In the early part of the year 1200, the foreign students, who formed a significant proportion of Paris University, requested the city state to amend the university's constitution and to provide them with the scholarly privileges, protection and civil rights the native Parisian students enjoyed. Their request was not granted (Bowen 1975:112-113).

The students' request for civil protection was, however, considered later in the year 1200 after a very serious clash between an armed group of citizens, led by the provosts or officers of the city of Paris, and the students. The fight originated in a tavern. The servant of a noble German foreign scholar, a Bishop-elect of Liege was, after a dispute over the quality of wine, assaulted by the tavern owner. The other German students intervened in support of their fellow-student, leaving the tavern owner severely beaten. In reaction, the officers of the city, at the head of an armed band of citizens, attacked the German students' hostel. In the fight which thereupon ensued, several students were killed. Amongst those killed was the Bishop-elect of Liege himself (Bowen 1975:112-113; Rashdall 1936:294-295; Wieruszowski 1966: 32-33).

In the aftermath of the events described above, teachers at Paris University intervened and appealed to the King of France, Phillip Augustus, to give foreign students full diplomatic

and civil protection. They also requested that prompt and full legal proceedings should be instituted against all those involved (that is, students, townspeople/citizens and city officers) in the brawl. The King listened to the teachers' plea and the foreign students were granted diplomatic protection. All students at Paris University, whether foreigners or citizens of France, were thereafter given equal benefits and civil protection (Rashdall 1936:295). The King further undertook that such cases would, in the future, be given prompt legal attention. A Charter containing the recognition of scholarly privileges and the King's agreements with the scholars was given to Paris University (Bowen 1975:113).

Confrontations between students and townspeople continued, however. Eventually, a riot involving students and townspeople led to the temporary closure of Paris University from 1229-1231. This riot also started as a tavern brawl. A dispute that students had with the landlord over the reckoning of the wine exploded into a quarrel with the tavern owner. The tavern owner's neighbours assisted him, and the students were severely beaten (Rashdall 1936:334; Wieruszowski 1966:34).

The next day the students returned with a "strong reinforcement of gownmen armed with swords and sticks, who broke into the tavern, avenged their comrades on the host and his neighbours ..., and amused themselves at the expense of peaceable citizens, men and women alike" (Rashdall 1936:335).

This was followed by acts of retaliation between students and the townspeople/citizens

during which several people were killed. In the course of the events the government sent city officers and soldiers to quell the riot. The government officials, as with the bishop and papal legate, however, sided with the townsmen in fighting the students (Rashdall 1936:335). Furthermore, the city state officials, asserts Wieruszowski (1966:34), took no legal action against either the students or the townspeople involved in the clash.

The failure of the city state to take appropriate legal action against all those involved (both students and the townspeople) in the riot, was viewed by the masters/teachers as contradicting their agreement with the King of France of 1200, and evoking and violating the scholarly privileges granted to them by the King in that year. According to the King's decree of 1200, the case should have been given a proper hearing and handed over to the city judge to preside over such a hearing (Wieruszowski 1966:34).

The teachers demanded that the city state officials honour the King's decree of 1200. They suspended lectures in order to enforce compliance to their demands. When the boycott proved ineffective, they left the university with the threat never to return unless the King's decree of 1200 was fully recognised (Bowen 1975:112; Rashdall 1936:336-337; Wieruszowski 1966:36). The scholars migrated to Oxford and Cambridge Universities in England and other smaller universities in France.

During the period in which the University of Paris was closed (1229-1231), the city officials reconsidered the situation that led to the closure of the university. The

authorities' concern was (as was the case at Bologna city state - see section 2.3.1.2), firstly, the lost status that the university had bestowed on the city of Paris, and, secondly, the economic losses that had resulted when the scholars left the city. This led to Pope Gregory IX's efforts to induce the masters to return.

The Pope started by arresting and punishing the townspeople involved in the violence and killings (Rashdall 1936:337-338). He further proclaimed the Charter of 1231, called the "Papal Bull *Parens Scientiarum*", in which the scholarly privileges contained in the King's Charter of 1200 were reendorsed (Ambrose 1990:5; Bowen 1975:112). The Charter also granted the "academy and its facilities the privileges of autonomy from external influence [by the city state authorities and the Church], including the liberty of individual faculties to determine teaching methods" (Ambrose 1990:5). It also provided for negotiations between the University of Paris and the state, if the former was dissatisfied with any issue pertaining to the scholars and students' privileges and to the control of the University (Wieruszowski 1966:36). In the same year (1231) Paris University was reopened.

The student incidents at Paris University (sketched in the preceding paragraphs) should not have been regarded as part and parcel of students' academic freedom. They were † social issues (Tight 1987:21; Turner 1988:105). Such incidents and their subsequent † academic reprisals illustrate, however, how non-academic issues can be abused to disrupt † the academic programme and the task of the university. Such issues, as Tight (1987:21)

and Turner (1988:105) point out, were and are still, however, sometimes confused with academic freedom.

The incidents at Paris University also illustrate how students (and teachers) can abuse their positions and act in a socially irresponsible way whilst claiming academic privileges on issues that actually have very little or no relation to real academic issues. This was the case at Paris University, and it eventually led to the closure of the institution.

The above incidents at Paris and Bologna Universities were the first of many incidents related to student activism at universities and schools. Other such incidents were: the battle of St. Scholastica's day, 10th February 1354, in Oxford, and many centuries later the 1960s and 1970s student unrests in China, Japan, Paris, Latin America and United States of America and the 1976 Soweto uprisings and the Anti-Republic Day Festival riots in May 1981 in South Africa. All these incidents of unrests (some of which will be highlighted in the following chapters of this study) affected the academic programme of the university. The nature of these unrests and the attitude of the students (and teachers) during such riots will be explored in the following chapters to assist one in coming closer to the true meaning and implications of academic freedom.

Besides intervening in students' issues, teachers at Paris University had their own concerns related to teachers' freedom. These are outlined in the following section.

2.3.2.3 Problems relating to teacher freedom at Paris University

When Paris University became a “*stadium generale*”, that is an international university, students from foreign countries flocked to Paris to receive higher education. The result was a demand for teachers that exceeded the supply (Wieruszowski 1966:31). Consequently, many unqualified teachers as well as teachers who were not registered with the masters’ guild took advantage of the situation and opened unregistered private teaching centres throughout the city of Paris.

In an attempt to eliminate such unregistered teaching centres, the Third Lateral Council of Paris in 1179 issued a decree aimed at controlling the formation of teaching centres and the certification and registration of teachers. The Council’s intention was to regulate the establishment of institutions and the registration of teachers who were qualified to teach (Rait 1969:11-12).

Prior to the above decree, the certification and registration of teachers had been a task carried out by the teachers of Paris University (Rashdall 1936:282-283; Wieruszowski 1966:31). The decision of the Council to interfere in the examination and registration of teachers was not, therefore, condoned by the masters. They appealed to the city state officials to leave such responsibilities in the hands of the teachers. When the authorities refused, they boycotted classes. They also threatened to leave the university. Finally, the city Council granted the teachers’ request. All issues pertaining to the licencing of

teaching centres, admission and examining of students, and licencing and registration of newly qualified teachers were to be in the hands of teachers. It was further agreed between the teachers and the city Council that, henceforth, the principle inherent in all professional guilds in Paris should be that every new member or teacher should be properly trained for an adequate period of at least three years by an authorised senior master and that he should not be admitted to the guild without the approval of that master (Wieruszowski 1966:31).

The teachers' request to control the examination and certification of teachers was a legitimate academic issue. However, the methods the teachers employed to state their case - class boycotts and threats to leave the institution - are questionable. Such methods do not only have a negative effect on the status and the functioning of academic institutions, but they also promote a relationship of distrust between the institution and its financing sectors, which are usually the state and the larger community (Raichle 1968:55). On the other hand, the state (and the broader community) grants the academy freedom in running its own affairs, but they also expect, and justifiably so, that the academy should act responsibly in carrying out its duties.

Another issue involving the licensing and recognition of teachers at Paris University occurred in 1212. The events that led up to it were as follows:

Teachers at Paris University were trained and recommended for admission to the masters'

guild by an authorised senior master (Wieruszowski 1966:31). After the training, the granting or conferring of “licentia docentia” or the licence to teach at the “stadium generale” Paris, was conducted by the Chancellor. The Chancellor was, however, appointed by and regarded as a representative of Paris city state. The Chancellor was to perform his task with impartiality and fairness. He was not to “take money [bribes] for the grant of the licentia docentia nor request anything from the teacher, nor should a qualified applicant [as recommended by a senior master] be denied the licence” (Bowen 1975:107). In other words, the Chancellor was to confer a teaching licence to every competent student who had satisfied the prescribed requirements for the certificate (Rait 1969:41).

In practice, however, the Chancellor did accept bribes for the granting of a teaching licence (Wieruszowski 1966:33). In addition, as a member of the ecclesiastical government, he appeared to favour those students who were aligned with the Church authorities (Rait 1969:42). Thus, the Chancellor “used his authority in the granting of licences to act against the prerogative of the students to be granted the licence to be recognised in the masters’ guild” (Wieruszowski 1966:33-34). Furthermore, some candidates applying for the “licentia docentia” to become part of masters’ guild were refused without proper grounds and without consultation with the senior teachers organization (Rait 1969:43). Those students whose applications were considered, were either closely aligned with the Church authorities or had secretly bribed the Chancellor (Rait 1969:43).

The masters complained to the Pope about the actions of the Chancellor. They asked that † the Chancellor should conduct his responsibilities objectively and refrain from accepting bribes, showing favouritism or denying licences to candidates who satisfied the prescribed requirements (Rait 1969:43). The Pope did not, however, believe the teachers' allegations against the Chancellor. The teachers' request was, therefore, not granted by the city officials (Rait 1969:44).

When the masters' complaints were ignored by the Pope, they boycotted classes. They also threatened to leave the institution, and they brought the university to a brink of closure (Wieruszowski 1966:33-34). The Pope finally conceded to the teachers' requests, and instructed the Chancellor to perform his task objectively and responsibly. The Chancellor was in future to consult with the teachers on the screening of the students' application (Rait 1969:43-33). This agreement was written into the Statutes of His Legat Robert de Courcon of 1212.

The city officials and the Pope's attitude (described in the preceding paragraphs) † indicated a lack of sound relations and understanding between the academics and the city officials (Berdahl 1990:171; Fernando et al 1990:6). MacIver (1967:69), Raichle (1968:55), and Tight (1987:10) point out that a sound relationship of mutual trust and † support between the university and the state is essential for the successful functioning of † the academy and for real academic freedom.

2.4 CONCLUSION

From the preceding sections of this chapter it appears that academic freedom in Medieval universities signified the freedom or ability of teachers to determine the curricula as well as policies pertaining to examinations and licensing of students to be accepted to the masters guild. It also signified the students' freedom to choose the subjects they wanted to study. Policies on the employment of teachers and their salaries and who was to be admitted as students, were determined by teachers or students, depending on whether the institution was a teachers guild (for example, Paris University) or students guild (like Bologna University).

The Medieval university institutions emphasised substantive academic autonomy, that is "the power of the university in its corporative form to determine its own goals and programmes" (Berdahl 1990:172). Today, as in Medieval times, academic freedom is, however, sometimes abused.

In the next chapter, the understanding of the idea of academic freedom in the eighteenth and nineteenth centuries German universities will be discussed.

CHAPTER 3

ACADEMIC FREEDOM IN GERMAN UNIVERSITIES

3.1 INTRODUCTION

The universities of Imperial Germany played a significant role in the interpretation of academic freedom in the eighteenth and nineteenth centuries. In this chapter the interpretation of academic freedom in German universities in these centuries will be scrutinised.

The German universities linked the concept of academic freedom to research and the ideals of *Lehrfreiheit* and *Lernfreiheit*, that is, the freedom to teach and freedom to learn. The emphasis will, therefore, be on the significance that the *Lehrfreiheit* and *Lernfreiheit* ideals had on the interpretation of academic freedom in the universities of Imperial Germany.

3.2 ACADEMIC AUTONOMY AND FREEDOM IN GERMAN UNIVERSITIES

3.2.1 Introduction of research as a university function

Prior to the late seventeenth and early eighteenth centuries, university education did not emphasise research (Hofstadter & Metzger 1955:369; Thwing 1928:114). The aim and function of the university were solely those of teaching and the dissemination of subject content. The reason was that the task of the university at that time was not to discover new knowledge, but merely to train lawyers, school teachers, clerics and other personnel who were to fill the ranks of administration of the church, State and schools (Rait 1969:6; Rashdall 1936:6).

During the eighteenth century, with the great advances that were being made in the natural sciences and technology, the idea of linking the university and research started to receive increasing attention. This was aimed at promoting the pursuit and advancement of knowledge and truth, and corresponded with the quest for advancement in technology (Berdahl 1990:170). The university became, therefore, during the course of the eighteenth century a research centre for scientific and technological advancement, as well as a teaching institute.

Germany was the first country to establish and develop the concept of a university as a

research centre (Hofstadter & Metzger 1955:369). The German scholars' zeal to advance the country's technology, undergirded this shift in the function of German universities (Metzger 1961:95).

The introduction of university research reinforced the need for university independence, freedom of inquiry, freedom of expression and teaching by the teaching staff, and freedom of learning, studying and acquiring of knowledge by the students, without unnecessary interference from the State, or any other organisation or individual (Hofstadter & Metzger 1955:369; Metzger 1961:95). The desire and need for a research climate characterised by freedom of inquiry and expression, led to the Germans' ideals of *Lehrfreiheit* and *Lernfreiheit* as part of the university institution. The practical application of *Lehrfreiheit* and *Lernfreiheit* occurred for the first time in 1810 at the University of Berlin (Ambrose 1990:6; Hook 1986:6; Raichle 1968:55; Passow 1990:20; Van Niekerk 1994:22).

The control of German universities as well as the meaning and implications of the German's *Lehrfreiheit* and *Lernfreiheit* ideals form the focus of discussion in the next sections.

3.2.2 The control of German universities

The eighteenth and nineteenth centuries' German universities were autonomous

institutions (Ambrose 1990:6; Fellman 1969:vi). The universities were run and controlled by university faculties. All matters pertaining to policies, academic matters and the appointment of staff, were the responsibility of these faculties. Teachers were, therefore, actively involved in the formulation of rules and policies which guided their services. This situation facilitated the implementation of academic freedom ideals, that is, the *Lehrfreiheit* and *Lernfreiheit* ideals.

3.2.3 The ideals of *Lehrfreiheit* and *Lernfreiheit*

3.2.3.1 *Lehrfreiheit*

In the universities of Imperial Germany the concept *Lehrfreiheit* implied firstly, that “the university professor was free to examine bodies of knowledge and to report his findings in lecture or published form without any interference” (Metzger 1961:112-113), that is, he enjoyed full freedom of inquiry, publication and teaching (Hook 1973:40; Tight 1987:9). In other words, *Lehrfreiheit* referred to an exclusive freedom for the academics without any fear of interference from the state or any other sector of the society (Tight 1987:9-10; Van Niekerk 1994:22-23). Secondly, *Lehrfreiheit* implied “the paucity of administrative rules within the teaching situation” (Metzger 1961:113).

Lehrfreiheit meant, therefore, “the absence of a prescribed syllabus, the freedom from tutorial duties and the opportunity to lecture on any subject according to the teachers’

interest” (Hofstadter & Metzger 1955:386; Metzger 1961:113). In brief, *Lehrfreiheit*, therefore, referred to the teachers’ freedom, and implied their freedom to inquire, publish ✓ their findings and disseminate them to students (Ambrose 1990:5; Passow 1990:20; ✓ Raichle 1968:55; Tight 1987:9).

Lehrfreiheit was regarded by Imperial German scholars as an inalienable endowment for all scholars, and it was, therefore, not a special freedom restricted only to certain academic fields or universities. It was a distinctive prerogative of the academic profession and the essential condition for the promotion of instruction and research in all universities (Metzger 1961:113; Thwing 1928:114-115). Furthermore, no institution in Germany qualified as a university, unless it upheld *Lehrfreiheit* in carrying out its research and ✓ teaching functions (Hofstadter & Metzger 1955:386). In other words, *Lehrfreiheit* was regarded by the Germans as a precondition for the whole process of research and instruction (Flew 1990:6; Tight 1987:9-10) and it carried with it an obligation to all academics towards the promotion of the university’s function (Louw 1992:21-22). The implication is, therefore, that responsibility, accountability and professionalism were part ✓ and parcel of academic freedom in the universities of Imperial Germany.

Lehrfreiheit was not a license for academics to claim non-academic privileges (such as civil liberties) nor was it an excuse for socially irresponsible actions as was prevalent in Medieval institutions (see sections 2.3.2.2.1 and 2.3.2.2.2). Academic freedom in Imperial Germany was meant and granted for the responsible promotion of the academy

and its functions, which included research as well as instruction.

The German's concept of *Lehrfreiheit* also reflected a dichotomy of rights. It distinguished sharply between the freedom that academics enjoyed within the walls of the university and civil liberties that they were granted outside the walls of the university as citizens. Within the university walls, a professor was allowed a wide latitude of freedom of expression, but outside the university the same degree of freedom was not granted (Hofstadter & Metzger 1955:387; Metzger 1961:115-116). In other words, *Lehrfreiheit* did not protect general freedom of speech and political activities. In fact, as civil servants, German professors were bound to circumspection and civil obedience (Hofstadter & Metzger 1955:387; Metzger 1961:116).

Furthermore, German academics were not allowed to participate in partisan politics since it was regarded as inappropriate, unprofessional behaviour (Ryan 1985:12). Political activity was considered to "produce a habit that would prove fatal to the theorist, the habit of opportunism" (Metzger 1961:115-116). In other words, political involvement was believed to reduce the effectiveness of the teacher in his professional duties, especially in his research role, thus, hampering the whole research process and its aims (Hofstadter & Metzger 1955:387-388). Any academic who violated this principle faced rigid and severe consequences, including expulsion (Hofstadter & Metzger 1955:388; Metzger 1961:116).

The German academics did not, therefore, enjoy nor claim *Lehrfreiheit* as a civil liberty, but as an intellectual freedom to advance university research and instruction. There were, thus, two realms of existence for the German scholars: one within the university, which was the realm of *Lehrfreiheit*, and the other, outside the university, which was the realm of existence as a citizen, under the general civil laws of the state (Hofstadter & Metzger 1955:387-388; Metzger 1961:116).

Tight (1987:21) and Turner (1988:105) commend the Germans' *Lehrfreiheit* because it clearly distinguished between academic freedom and civil obedience. Academics should not claim academic freedom in order to justify civil disobedience (Tight (1988:115-116). In the Medieval era (see sections 2.3.1.2, 2.3.2.2 and 2.3.2.3) and also in the twentieth century [see sections 4.3.2.2 (a), 5.5.1.1 and 5.5.1.2] political, social and civil issues were often propounded under the banner of academic freedom. The Germans' *Lehrfreiheit* correctly distinguished between academic and non-academic freedom. As Hook (1986:6) and Raichle (1968:55) point out, academic freedom should be restricted to the quest for truth and the advancement and dissemination of the knowledge attained in this quest.

There were, however, academic abuses of the Germans' *Lehrfreiheit*. There were cases of laxity in teaching and administration (Hofstadter & Metzger 1955:386; Metzger 1961:113). This can be ascribed to the absence of a prescribed syllabus, the freedom from tutorial duties and the freedom to lecture on any subject according to the teacher's interest (Hofstadter & Metzger 1955:386; Metzger 1961:113). The German lecturers were not

expected to plan their lessons in accordance with structured syllabi, as is the case in most modern universities (Metzger 1961:113).

Planning and organisation according to structured syllabus is essential for effective teaching (Calitz 1987:72-73; Farrant 1980:168-169; Van der Stoep and Louw 1984:124-125). It helps to maintain high educational standards, both in any particular university and amongst various universities (Calitz 1987:72; Van der Stoep & Louw 1984:124-125).

While *Lehrfreiheit* was applicable to the German teachers, the concept *Lernfreiheit* was applicable to students. *Lernfreiheit* as implemented in the universities of Imperial Germany is discussed in the following section.

3.2.3.2 *Lernfreiheit*

In terms of *Lernfreiheit* German students were

free to move from one institution to the other, free to determine the choice and sequence of courses, were responsible to no one for regular [class] attendance, were exempted from all tests save the final examination, and were permitted to live in private quarters and control their own private lives without university interference (Metzger 1961:112).

Lernfreiheit denoted, therefore, the German students' freedom to learn without interference (Ambrose 1990:6; Hirsh & Kemerer 1982:375; Hook 1973:40, 1986:6; Raichle 1968:55). The Germans' interpretation of student freedom, therefore, viewed it as part of academic freedom, the students' freedom to select their subjects or courses, and to enquire, discuss, study and learn without interference (Hirsh and Kemerer 1982:375; Passow 1990:20; Tight 1988:121-122).

There were, however, constraints on *Lernfreiheit*. The German students were not allowed free expression and open debate on all issues. The German professors seldom allowed any deviation from their own views (Hofstadter & Metzger 1955:400-401; Metzger 1961:116-117). They "cherished the idea of convincing one's students, of winning them over to the personal system and philosophical views of the professor" (Metzger 1961:117). This practice inhibited, therefore, the students' freedom of expression and ultimately also a deep search for the truth.

Hirsh and Kemerer (1982:375) maintain that student freedom of expression and open debate on the subject content should be part and parcel of higher learning, because it is only through logical argument and debate "that students would be able to see sense and meaning in their learning, and be able to arrive at fruitful conclusions". According to Passow (1990:20), students should have the freedom in the classroom to acquire and assimilate knowledge and ideas by means of logical discussions and debates. Because the German professors actually constrained *Lernfreiheit* according to their own biases, they

deprived students of meaningful learning (Hirsh & Kemerer 1982:375). †

Lernfreiheit also had other shortcomings in relation to students' learning progress. *Lernfreiheit* meant that German students were exempted from all tests, save the examination, neither were they responsible to anyone for regular class attendance (Metzger 1961:112). Continuous evaluation is, however, one of the basic didactic principles for effective teaching and learning (Farrant 1980:147-148; Van der Stoep & Louw 1984:228-229). Only through continuous evaluation can learning problems be † identified and remedied. Regular class attendance also ensures that the subject content is sequentially developed in the student's mind (Van der Stoep & Louw 1984:229). † Therefore, neglect of continuous evaluation and the absentia from lessons actually † handicap the students' progress. †

Lehrfreiheit and *Lernfreiheit* ideals undergird the so-called "special theory of academic freedom" (Raichle 1968:55; Searle 1975:87; Tight 1987:10-11), which is discussed in the following section.

3.3 *LEHRFREIHEIT* AND *LERNFREIHEIT* AND THE SPECIAL THEORY OF ACADEMIC FREEDOM

The concept "special theory of academic freedom" was first used by the American, Robert Searle, in his publication "The two concepts of academic freedom" in 1972

(Searle 1972:170). He formulated the theory with specific reference to the freedoms provided by the Germans' *Lehrfreiheit* and *Lernfreiheit* ideals (see sections 3.2.3.1 and 3.2.3.2). The special theory of academic freedom is discussed by Searle in comparison with what he terms "the general theory of academic freedom" - which, in short, is the theory that equates academic freedom to civil liberty or civil freedom. The issue on the equating of academic freedom and civil liberty will not be discussed in this section, but in sections 4.3.2.2 and 6.2.1.

The special theory of academic freedom postulates that academic freedom is a special right, on the one hand, of academics to conduct research and to publish and teach without undue interference, and, on the other hand, of students to a corresponding freedom to study and learn (Bartos 1990:25; Louw 1992:21-22; Searle 1972:170; Searle 1975:87; Tight 1988:131-132; Turner 1988:105). The special theory of academic freedom reflects, therefore, the classical German notion of *Lernfreiheit* and *Lehrfreiheit* (Searle 1972:170, 1975:87). The special theory of academic freedom also restricts academic freedom to the academic community within, and to, academic issues (Fernando et al. 1990:7-8).

The underlying premise of the special theory of academic freedom is, therefore, that academic freedom belongs exclusively to members of the academic community, by virtue of that membership, and not by virtue of their rights as citizens (Hook 1986:7; Louw 1992:21-22; Raichle 1968:55). The crux of this view is that academics have a special

competence or expertise in their subject and, therefore, in the search for knowledge (Fernando et al. 1990:8).

The special theory of academic freedom is based on the following assumptions regarding the function and task of the university:

- * the nature and objectives of the university institution as an institution designed for the advancement and dissemination of knowledge;
- * the value claim that knowledge is valuable both for its own sake and because of its application, and should therefore, be advanced and disseminated;
- * the idea that knowledge is best acquired and validated if it is based on free inquiry; and
- * the theory of academic competence that the professionally competent, by virtue of their special knowledge and mastery of techniques, are qualified to advance their aims of research and teaching in ways that lay people are not (Fernando et al. 1990:8-9; Pincoffs 1975:ix-x; Searle 1975:87-88).

3.6 CONCLUSION

Through *Lehrfreiheit* and *Lernfreiheit*, German scholars brought new meaning to the concept of academic freedom. These ideals were subsequently taken up in the special

theory of academic freedom. Furthermore, the German ideals of *Lehrfreiheit* and *Lernfreiheit* formed the basis of academic freedom in the twentieth century.

One country which has played a significant role in the understanding of academic freedom in the early twentieth century is the United States of America (Hook 1986:6-7; Stoff & Schwartzberg 1961:93; Tight 1987:7-8). The interpretation of academic freedom in American universities is, therefore, the subject of the next chapter.

CHAPTER 4

ACADEMIC FREEDOM IN AMERICAN UNIVERSITIES DURING THE NINETEENTH AND TWENTIETH CENTURIES

4.1 INTRODUCTION

American universities inherited from their German counterparts the emphasis on research as well as the ideals of *Lehrfreiheit* and *Lernfreiheit*. The ideals of *Lehrfreiheit* and *Lernfreiheit* were, however, interpreted uniquely and in such a way that culminated in flagrant abuse thereof during the 1960s and 1970s. How this came about is explained in this chapter.

4.2 THE RESEARCH IDEAL

In the nineteenth century American universities had close contact with German universities. At that time more than one thousand American students were enrolled at German universities. (Kirk 1955:22-23; Raichle 1968:56; Thwing 1928:40.) Through this contact, the ideals, methods and functions of German universities were transmitted to American universities (Hofstadter & Metzger 1955:376; Metzger 1961:95-96).

Prior to the nineteenth century, American universities placed little or no emphasis on

research. Their emphasis was purely on the instruction of students by lecturers and the assimilation of knowledge by the former (Berdahl 1990:171; Metzger 1961:96). In other words, prior to the nineteenth century, the aim and function of the American university was the teaching and the dissemination of knowledge (American Association of University Professors 1961:867; Hofstadter & Metzger 1955:376; Thwing 1928:115-116).

Due to the contact with German universities in the nineteenth century, the American institutions started emphasising research, that is, the development and advancement of knowledge and truth, as one of the main purposes of higher education. "The German influence on the American university provided a revolutionary emphasis on research and a heightened awareness by American scholars of the level of autonomy necessary to be productive within research orientated institutions" (Ambrose 1990:6).

Other influential German ideals that had an impact on American universities were *Lehrfreiheit* and *Lernfreiheit*. From these ideals the Americans developed their own interpretation of academic freedom regarding both teachers and students. These are discussed in the following sections.

4.3 ACADEMIC FREEDOM IN AMERICAN UNIVERSITIES DURING THE NINETEENTH AND TWENTIETH CENTURIES

4.3.1 The control of American universities

During the nineteenth and early twentieth centuries, American universities were run and controlled by a state appointed board of trustees and administrators that was responsible for all policy and academic matters, including the appointment of staff (Metzger 1961:5-6). The appointed academic staff were granted academic tenure, which was a form of contractual job security to academics that provided security against unfair dismissals (Cadwallander 1983:1, 10-11; Hook 1986:7; Joughin 1969:36-37).

The board of trustees and administrators could make decisions, on policy and academic matters, without consulting the teaching staff, and which the board imposed them on the teaching staff (Ambrose 1990:6; Fellman 1969:vi-vii; Hirsh and Kemerer 1982:375; Kirk 1955:23-24; Metzger 1961:5-6; Pacholski 1992:1317-1318). If teachers did not adhere to all board decisions, they were either compelled to resign or their services were terminated (regardless of the granted academic tenure) (Kirk 1955:23-24).

The board of trustees and administrators continually encroached and intervened even on academic matters (Hofstadter & Metzger 1955:399). Academics were not allowed to comment on or question the decisions of the trustees and board of administrators on these

issues. They had to “abide by rules which they did not help formulate, and their services could be terminated for infractions or alleged infractions” without proper reasons ✓ (Hofstadter & Metzger 1955:399; Ryan 1985:13).

Academics also found that recourse to courts of law was difficult. Judges were reluctant to overrule the decisions of the university administrators, except when it could be proved that they were in conflict with the university charter (Pacholski 1992:1318). Judges argued that “colleges and universities exist on a plane separate from larger society, and that decisions affecting the rights of persons within the academic institutions should be ✓ subjected to minimal scrutiny by courts of law” (Pacholski 1992:1318).

Appeals to the civil courts by academics, therefore, proved in many instances to be fruitless, with no practical effect. As a result, during the late nineteenth and early twentieth centuries, despite the close contact with German universities, American academics had little or no academic freedom (Hofstadter & Metzger 1955:376; Metzger ✓ 1969:116-117; Raichle 1968:56).

In the early twentieth century, American professors who had graduated at German universities, sought means to implement the German *Lehrfreiheit* and *Lernfreiheit* ideals, and in so doing advance academic freedom in their own universities. Subsequently, in 1915, eight hundred and sixty seven professors from different universities in America came together and formed the Association of American University Professors (AAUP),

in order to advance the ideals of academic freedom in America (Ambrose 1990:6; Raichle 1968:56).

The AAUP and its role in promoting academic freedom in American higher institutions are discussed in the following section.

4.3.2 Academic freedom and the American Association of University Professors (AAUP)

4.3.2.1 The establishment of the AAUP

The American Association of University Professors (AAUP) was formed in 1915, under the leadership of John Dewey, Head of Department of Philosophy, Psychology and Education at Columbia University, and Arthur O. Lovejoy, Professor of Philosophy at Columbia University. The purpose of the association was to address the problems that ✓ surrounded academic freedom in American higher institutions (Hook 1986:6; Raichle 1968:56; The American Association of University Professors 1961:862-863). The aim was to “facilitate a more effective cooperation among teachers and research scholars ... [and] to increase the usefulness and advance the standards, ideas, and welfare of the profession” (Joughin 1969:3). To this effect the association’s main committee, “Committee A of Academic Freedom and Tenure”, formulated in its 1915 Report a working definition and a code of scholarly behaviour, and developed principles that

would ensure that the enforcement of the code would be in scholarly hands (Schrecker 1983:28).

4.3.2.2 The AAUP's interpretation of academic freedom

The AAUP, in its policy document entitled a "Declaration of Principles on Academic Freedom and Tenure" of 1915, interpreted academic freedom as follows:

- * The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties;
- * The teacher is entitled to freedom in the classroom in discussing his subject, but should be careful not to introduce into his teachings controversial matters which have no relation to his subject;
- * The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes, he should be free from institutional censorship, but his special position in the community imposes special obligations, on him to act in a socially responsible manner (own emphasis) (AAUP 1915; Hofstadter & Metzger 1955:488-489; Joughin 1969:35-36).

The AAUP's 1915 policy document was revised and expanded in 1940, and was thereafter known as "The 1940 Statements of Principles on Academic Freedom and Tenure". Further statements of principles on academic related issues were later formulated. These include statements of principles on the procedural standards in faculty dismissals (1958), professional ethics (1966), and statements on rights and freedom of students (1967) (Joughin 1969:3-36; Raichle 1968:56).

The Germans' *Lehrfreiheit* formed the foundation of the AAUP's interpretation of academic freedom and teacher freedom. Three elements were encompassed in the AAUP's interpretation of the teacher freedom, namely:

- * freedom in research;
- * freedom in the publication of the findings; and
- * freedom in teaching of the findings in the classroom.

All the three elements were based on the *Lehrfreiheit* ideal (AAUP 1961:861; Ambrose 1990:6; also see section 3.2.3.1).

The Americans, like the Germans, also linked academic freedom to the function of the university. The purposes for which universities exist were identified by the AAUP as follows:

- * to promote inquiry and advance the sum of human knowledge;
- * to provide general instruction to the students; and
- * to develop experts for various branches of public service (AAUP 1961:866).

Academic freedom was, therefore, aimed at protecting the pursuit, development and dissemination of knowledge and truth. The proper discharge and fulfilment of the university function and the work of the professorate were considered to require that academics be accorded academic freedom (AAUP 1961:865). Academic freedom was viewed as an intellectual freedom to promote the culture and function of the academic institution. ✓

As in Imperial Germany, academic freedom was also a prerogative of the academic profession. The American teachers were given full freedom in research, in the publication of results, and in the classroom to teach without fear or favour. ✓

There were, however, some differences between the German and American interpretations of academic freedom. Firstly, unlike the Germans who view academic freedom as a special freedom exclusively to academics in their field of expertise (see sections 3.2.3.1 and 3.3), the Americans conceived of academic freedom as part of civil freedom. In other words, not only academics, but all citizens had the same rights of free inquiry, freedom of publication, freedom of association and freedom of expression (Hofstadter & Metzger 1955:399). The freedom that the Americans enjoyed within the ✓

walls of the university was viewed as part of the wider liberty that citizens outside the university should be entitled to as well (Hofstadter & Metzger 1955:399; Metzger 1961:124-125). Teachers were, therefore, also permitted to freely express their views in non-academic issues (within and outside the university), and were allowed to engage in party political activities. This was not the case in Germany.

The American academics functioned, therefore, in an arena of educational, social and political freedom. The American teachers' attempted to align academic freedom with the notion of democracy and civil freedom (Metzger 1961:124-125). In other words, the American scholars tended to equate academic freedom and civil freedom. The difference between the two - which the AAUP did not spell out - is that private and non-specialist views of academics should not be linked to his or her academic status. Such views should be proclaimed as private opinions and the airing thereof is a civil liberty not an academic liberty (see Hook 1986:6; Raichle 1968:55; Rendel 1988:74-75; Turner 1988:105; Welsh 1987:18).

The AAUP's interpretation of academic freedom was, therefore, wider than that of the Germans. The AAUP did not, however, promote nor condone civil disobedience (Hofstadter & Metzger 1955:485-486; Metzger 1961:220-221).

The second difference between the American and German interpretation of academic freedom revolved around the independence or autonomy of the university institutions.

Unlike the German universities which had institutional autonomy (see section 3.2.2), nineteenth and early twentieth centuries American universities were not autonomous institutions (Ambrose 1990:6; Fellman 1969:vi; Hirsh & Kemerer 1982:375; Hofstadter & Metzger 1955:398-399; Kirk 1955:23-24; Metzger 1961:125; Pacholski 1992:1317). Furthermore, German universities were governed by faculties (see section 3.2.2), whereas control over American universities was legally vested in lay Boards of Trustees and administrators (see section 4.3.1). Through the Board of Trustees, the state, as the financing body, controlled the affairs of the university (Ryan 1985:13).

However, to be able to discharge its function properly, the academic institution should be autonomous (AAUP 1961:865; Bartos 1990:24; Benatar 1991:5; Tight 1987:11; Louw 1992:25-26; Welsh 1987:18). The university should be free to appoint well qualified teachers, determine curricula and learning content, research programmes and fund allocation, without undue interference from the State. Institutional autonomy and academic freedom are interrelated and the latter is meaningless without the former (Benatar 1991:5; Bartos 1990:24; Behr 1982:1; Berdahl 1990:171; Louw 1992:25-26; Miller 1991:35; Tight 1988:122-123). According to Berdahl (1990:171), an institution which enjoys institutional autonomy is in a better position to promote, protect and realise academic freedom. American universities were, as a result, deprived of a better opportunity of promoting academic freedom.

The AAUP's struggle for academic freedom and university autonomy received support

from most American professors and, consequently, its support grew at a tremendous pace. Most colleges and universities in the USA implemented the AAUP's principles to promote the freedom of the academic community (Hofstadter & Metzger 1955:485). The association, thus, soon became a leading defender of academic freedom in the United States of America and a leader in the struggle for academic freedom worldwide (Hofstadter & Metzger 1955:485). The role of the AAUP in promoting academic freedom and the challenges that the organisation encountered in its effort to advance the American teachers' freedom, are explored in the following sections.

4.3.2.3 The role of AAUP in promoting academic freedom

The AAUP was from its inception involved in investigating and defending cases regarding academic freedom (Kirk 1955:23; Pacholski 1992:1323; Raichle 1968:56). It mediated disputes and investigated cases related to academic issues. The Association did not, however, act as a policing department or a grand jury, sifting, trying or testing all reports of academic injustice, nor did it promote irresponsibility towards law and order (Hofstadter & Metzger 1955:485-486; Metzger 1961:220-221). It also did not wish to arouse resistance by making frontal attacks upon university administrators. The AAUP worked, instead, towards a better understanding and upholding of academic freedom, rather than avenge any academic injustices (Metzger 1961:221). The Association, in contrast to the Medieval teachers and students (see sections 2.3.2.2 and 2.3.2.3) and students (and teachers) during the unrests among American students in the 1960 and

1970s (see section 4.3.3.2) as well as students in South African universities [see sections 5.3.1.3 (b), 5.4.3 5.4.4.1 and 5.4.4.2.], never encouraged confrontation with the State and/or university authorities, but focused on negotiation towards a better understanding and reaching a common ground (Hofstadter & Metzger 1955:486).

The AAUP also, in its effort to promote and guarantee academic freedom in American higher institutions, did not use the methods and means used in industrial disputes, such as strikes, boycotts, picketing, sit-ins and mass demonstrations (Kadish 1969:35). Such methods were viewed by the AAUP as creating friction and distrust between the State and/or university administrators (and teachers), instead of facilitating understanding (Kadish 1969:35). The AAUP stipulated in its first report (The AAUP Committee A 1915 Report on Academic Freedom and Tenure) that striking was not an appropriate mechanism for resolving academic disputes (The AAUP 1915). Its attitude in its effort to promote academic freedom in American universities, was not to disrupt or bring to halt the academic operation of the university. The academic progress and the promotion of a learning culture remained its priority.

The AAUP's approach in its promotion of academic freedom was, therefore, based on the laudable consideration of the interest and welfare of the university (Kadish 1969:35).

Another method used by the AAUP to encourage American university administrators to uphold academic freedom, was that of moral persuasion (Hofstadter & Metzger

1955:486). The names of universities involved in cases relating to academic freedom were published in the AAUP bulletin. This served to warn academics and students (and the larger society), to keep away from the institution(s) which the Association regarded as non-recommendable for sound education (Pacholski 1992:1323). This method of censure was actually a black-listing mechanism aimed at coercing administrators to uphold the AAUP's recommended academic policies.

Most American university administrators aligned themselves with the academic ideals of the AAUP, and implemented the recommendations and rules of the AAUP. The AAUP was, therefore, successful in settling numerous disputes between administrators and academics (Hook 1973:38; Hook 1986:6).

The AAUP became, therefore, the champion of academic freedom in American universities. Its achievements inspired the formation of other professional agencies, like the National Education Association, the Progressive Education Association, the Association of American Colleges and the American Federation of Teachers, later in the twentieth century (Joughin 1969:66; MacIver 1967:1). These agencies worked in interaction with one another and with the AAUP (Joughin 1969:66). American educators could, then, either take contractual or constitutional claims to court, or rely on these associations for settling disputes related to academic matters such as unfair dismissals and censorship in teaching, research and publication (Metzger 1961:220-221).

Shortly after the formation of the AAUP, America became involved in the First World War, in 1917. The challenges that then confronted the AAUP are discussed in the following section.

4.3.2.4 Challenges to the AAUP

(a) The First World War

The first World War broke out in 1914 and the United State of America joined the allies in 1917. Some American academics criticised America's involvement in the war (Metzger 1961:221). The state, subsequently, tried to enforce loyalty and support for its war involvement by introducing statutes that restricted freedom of speech in general. Any academic who violated these statutes, and expressed views contrary to the support for the State's involvement in the war, was to be dismissed from his academic position. (Hofstadter & Metzger 1955:496.)

Thus, American professors were caught in the dilemma of loyalty to the state, on the one hand, and on the other hand, their belief that academic freedom should be upheld. The state's restrictions on freedom of speech, which simultaneously restricted academic freedom, was perceived by academics as an "almost total collapse of the moral and institutional safeguard that had been wrought in the slowness of time" (Hofstadter & Metzger 1955:496). "Suddenly", says Metzger (1961;227-228), "the gains for academic

freedom that had painfully and gradually been won - the greater acceptance of the principle, the beginning of a regime of academic law - were swept aside.”

In an attempt to salvage academic freedom, the AAUP appointed a committee, known as “The Academic Freedom Committee in War Time”. In its report, this Committee set out certain limits on the freedom of expression of academics which were not to be exceeded during war time. Furthermore, the Committee cited four grounds on which the academic institution’s administrators and/or the government might legitimately dismiss professors or teachers. These were :

- * disobedience to any statute or lawful executive order relating to the war; ✓
- * propaganda designed, or mistakably tending, to cause others to resist or evade the compulsory service law or the regulation of the military authorities; ✓
- * action designed to dissuade others from rendering voluntary assistance to the efforts of the government; and ✓
- * violating the obligation to refrain from public discussion of the war; and in their [academics] private intercourse with neighbours, colleagues and students, to avoid all hostile or offensive expressions concerning the United States or its government and its involvement in the war (own emphasis) (Hofstadter & Metzger 1955:504; Metzger 1961:227- 228).

In this way, the AAUP and its appointed “Academic Freedom Committee in War Time”

tried to effect a balance between, on the one hand, loyalty to one's country's war time efforts and, on the other hand, the academic freedom of research, publication and instruction in the academic's field of expertise. In other words, criticism of the state's war involvement was forbidden because it was not a field of academic expertise.

The decision of "The Academic Freedom Committee in War Time", to accept restrictions on civil freedom of speech was, however, viewed critically by some members of the AAUP. According to Hofstadter and Metzger (1955:504), these academics thought the Committee and the AAUP had "handed over the keys of the castle to the enemy", and that academics would once again be subjected to undue state interference as was the case in American universities prior to the establishment of the AAUP (see section 4.3.1). Such fears were not unfounded. State prescriptiveness as to both the academic freedom and the personal political beliefs of academics became a reality during the 1940s and 1950s.

(b) The threat of communism

In the aftermath of the First World War, the American state and many citizens became apprehensive about national security and the threat that communism posed to human liberty (MacIver 1967:35-36). After World War I and especially during the Cold War and the McCarthy era (McCarthy was the president of the FBI during the 1950s), the hunt for communists was virulent. Communist academics were expelled from American higher educational institutions (Passow 1990:20; NEB, 1992, s.v. "Academic Freedom "). One

of the earliest, most intensive purges took place in New York City University in 1940, where more than forty teachers with communist sympathies were dismissed (Schrecker 1983:31; MacIver 1967:36). Oaths of loyalty to the United States government, censorship on books and other publications, and strictly regulated freedom of speech, that is, expression on non-academic issues, were enforced by the government.

These restrictions on academic freedom were crucial (Schrecker 1983:31). The traditional AAUP's interpretation of academic freedom would not have sanctioned the firing of teachers simply for belonging to an unpopular, but nevertheless legal, political organisation (Schrecker 1983:31). In addition, the communist academics who were expelled were, according to Schrecker (1983:31-32), highly trained academics who, despite their political "radicalism", shared their colleagues' (that is, non-communists American academics) commitment to the standards of their profession, in particular the concern for objectivity and fairness. They believed that it was unprofessional to use the classroom for other, than educational purposes. Further, it appeared as if they made no effort to impose their point of view on students. According to Schrecker (1983:32), they had always encouraged full freedom of discussion in their classes.

The expulsion of the American communist academics was not made on academic grounds, and as a result, was perceived by academics as an infringement of their academic freedom, and in turn depriving students of good teachers (Schrecker 1983:32). American academics felt that academic freedom should protect the pursuit, development

and dissemination of knowledge and truth (AAUP 1961:864; Berdahl 1990:171-172; Louw 1992:21-22). If the freedom of teachers to teach, and students to learn and study is, therefore, restricted for any non-academic reason, including that of belonging to an unpopular political party, it becomes a matter of academic concern. Political affairs should be confined to the political arena, and should not be allowed to deprive universities of good, but politically incorrect teachers.

In 1947 the American AAUP adopted a resolution against the expulsion of communist academics which, however, had very little impact on the American government and the public. The notion that communists were unfit to teach had "become so commonplace within the [American] academic community that even the firing off three tenured professors [late in 1949] ha[d] provoked little outcry" (Schrecker 1983:34). According to Schrecker (1983:34), by 1950 most communists academics had left the American universities, and the few communists still left were not registered members of the communist party.

Further challenges to American academic freedom occurred in the 1960s, and it revolved around the academic freedom of students. This is the subject of the next section.

4.3.3 Academic freedom and student militancy in the 1960s and 1970s

The 1915 and 1940 AAUP's report on Academic Freedom and Tenure (see section

4.3.2.1) not only referred to teachers' freedom, but also referred to student freedom which reads as follows:

Academic Freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the [student] to freedom in learning (Joughin 1969:34).

The AAUP's interpretation of student freedom was based on the Germans *Lernfreiheit* ideal (see section 3.2.3.2). Like the German students, the American students had freedom to choose the subject of study, to study and learn without any interference (Hofstadter & Metzger 1955:400-401).

Prior to the 1960s, American students had, on the whole, been politically passive (Horn 1983:17), and accepted the AAUP's interpretation of student freedom. In the 1960s, however, American students began to demand for more than merely freedom to learn. This led to militancy and uprisings, which is outlined in the following paragraphs. | -

The 1960s saw the birth of the New Left. This was a movement of militant students (mainly in the social sciences) and their adult mentors - who were mainly academics (Glazer 1985:2; Horn 1983:17). The New Left aligned itself with the Civil Rights Movement, and in the early 1960s took its form as a committed youth movement broadly committed to absolute freedom - politically, socially and personally (Westby 1976:25- ✓

26). In the political arena, the New Left focused on civil rights and racial justice issues. All forms of State bureaucracy and top-down governance in the universities were also opposed (Altbach 1974:12; Glass & Conrad 1970:248-250; Mead 1969:30). Such opposition and the concomitant demands for absolute freedom were expressed in the violent student uprisings of the 1960s and 1970s.

In this exposition of these student uprisings the focus will be on the following :

- * the causes of the uprisings;
- * the uprisings; and
- * the changes brought about by the uprisings.

4.3.3.1 The causes of the uprisings

Several issues, academic as well as non-academic, prompted the student uprisings of the 1960s and 1970s. Non-academic issues will be discussed first. These included the Vietnam war and racism and social discrimination.

(a) The Vietnam war

The New Left opposed America's involvement in the Vietnam war (1957-1975). It demanded that the American government should withdraw and pay more attention to

domestic issues, like the improvement of the economy, race relations and the promotion of peace, rather than supporting war (Ambrose 1990:9; Passow 1990:20). The students also resented the military research that was conducted on campuses and the use of massive funds for such research. They demanded that the funds that were used for military purposes should rather be used for education, for bursaries for needy students and for environmental conservation. (Passow 1990:20.)

(b) Racism and social discrimination

New Left students were against all racial and minority discrimination (Keniston 1970:117). They demanded equality and equal educational opportunities for all race groups. They also demanded affirmative treatment of students who they felt had

traditionally been excluded from the mainstreams of social, economic and political life: those who are not white, adult, middle class, Protestant, Anglo-Saxon and male. Thus, ... [they demanded that] Blacks, young people, women, Jews and Catholics, a variety of ethnic groups, and working- and lower-class individuals ... [be] counted in as full members of society, granted full legal rights and equal psychocultural esteem (Keniston 1970:117).

Apart from the above political and non-academic issues, there were issues related to

American universities which contributed to the student uprisings. These issues and the concomitant demands of the New Left included the following:

(c) Lack of student involvement in decision making process

According to Horowitz (1986:15), the discontented American students “were almost totally uninvolved in contributing to the decisions that affected their lives as students”. The students objected to their lack of a significant role in the university decision making process and demanded a participatory role (Glass & Conrad 1970:250-251). The students demanded involvement and representation in, inter alia, the following areas :

- * board of trustees, faculty committees and other administrative and policy making bodies;
- * curriculum planning; and
- * faculty appointments (Glass & Conrad 1970:250-251; Horowitz 1986:15; Lewis 1971:495; McKenna 1971:57-58; Muirhead 1969:29).

(d) Student admission and staff appointment policies

The New Left was opposed to university policies used for admitting Black students and the appointment of Black staff. The policies were viewed as discriminating against Blacks and other minority groups (Keniston 1970:121-122). They demanded a change in the

policies to provide for more Black students enrolment and the so called “Third World students” (Keniston 1970:121-122). Those students were also to be granted equal opportunities in terms of scholarships and residential facilities. The students also demanded more Black faculty appointments in American universities (Glazer 1985:2).

(e) Curriculum content

Another objection of discontented students was directed towards curriculum content, especially of social science courses. They labelled it as “uninteresting and unchallenging” (McKenna 1971:55; Passow 1990:20; Tight 1988:122). They claimed that the content of the courses offered was irrelevant, and did not “reflect either the rapid change in the social or major current problems on local, national and international levels” (McKenna 1971:55-56). According to Glass and Conrad (1970:250), the students regarded much of the curriculum content as irrelevant to the solution of real life problems, and they decried the absence of courses which related to major social issues of that time. Existing social science courses, they claimed, were superficial.

The students demanded a complete restructuring of the university’s curriculum content. They also demanded for the integration of Black and other minorities’ cultures and languages in the curriculum (Keniston 1970:121).

(f) Teaching methods ✓

In addition to the objections against the curriculum content of social science courses, students also claimed that university teachers were using “dull and non-motivating teaching methods” (McKenna 1971:54). They complained that the “teaching and learning activities to which they [were] subjected [were] dreary, non-motivating and frequently demeaning” (McKenna 1971:56). They also claimed that “the educational process [was] so organised that their instructors lecture[d] for fifty minutes or so, then return[ed] to their research, writing and consulting, leaving little or no time for dialogue” (McKenna 1971:56). The students wanted teaching approaches which would allow them to freely air their own opinions.

(g) Teacher-student relationships ✓

Radical students were striving for human rights, including their own. They complained of “indifference and neglect of [student] rights and freedoms. They objected to being treated as ‘second-class citizens’ in the classroom, student government, student publications, student organizations and in disciplinary areas. They strive[d] for dignity, privacy, justice, and respect as persons” (Glass & Conrad 1970:250).

The students claimed that their lecturers often did not even listen to their views, that “when they present[ed] points of view at variance with those of their instructors, the

instructors talk[ed] long and loud. They talk[ed] the students nearly under the table, and then withdr[ew] without even providing for student rebuttal” (McKenna 1971:56). The students felt that such teachers did not understand them and did not treat them as human beings of dignity and worth. Instead :

They talk[ed] down to [students] ... as though ...[the students] were small children. And they put down all manner of behaviour, dress, and hair style, no matter how harmless, that [did] not conform to their scheme of things. Students also point[ed] out that their instructors [did] not try very hard to understand how students [felt] about themselves, their relationships to their peers, to adults, and to the greater community (McKenna 1971:51).

Students wanted to be “accorded the right and dignity of personhood that faculty and administrators gave to each other”, rather than being treated as “clients, customs, or nuisances” (Glass & Conrad 1970:251).

Notwithstanding the demands for dignified treatment, the students resorted to violence in order to express their grievances.

4.3.3.2 The uprisings

The students involved in uprisings at universities such as Berkeley, Columbia and Kent

State were aggressive, militant and violent (Early & David 1973:3). They displayed an ungovernable attitude, and “rebelled against whatever form the government and educational systems took” (Mead 1969:30). “They were radical and oriented to [militant] action” (Horowitz 1986:12). They used violent and confrontational tactics to assert their demands (Henry 1969:32). Such tactics included the following :

- * burning of buildings;
- * destroying records, files and other important documents;
- * marches, picketing, and rallies accompanied by physical violence;
- * occupying buildings;
- * obstructing building entrances;
- * holding staff hostage and sometimes physically assaulting them; and
- * interrupting classes and the university's academic programme (Bayer & Austin 1971:303; Buckwald 1969:29; Early & David 1973:5; Henry 1969:32; Horowitz 1986:12).

Such tactics can never be justified (Backman & Finlay 1973:33-34). According to Williamson (1970:19), the students thought that “freedom is indeed the freedom to do as ... [one] pleases But ... even freedom of speech has its limits when it interferes seriously with the freedom of others. And so it is with any freedom [including academic freedom]”.

Furthermore, as Keniston (1970:123) points out, “campus conflicts, disruptions, building occupations and protest marches are seen by the vocationalist [that is the serious/determined students] as willful distractions from the main business of college [and university], which is acquiring vocational skills and getting good education”. ✓

4.3.3.3 Changes brought about by the uprisings

The uprisings led to many changes in American universities, some of which are the following:

- * students were allowed to be part of various university bodies, such as faculty committees (Smith 1980:65); ✓
- * students were allowed to play a “larger role in curriculum review, in the process of developing new courses, even on occasion, in faculty choice” (Glazer 1985:3- ✓
4);
- * more Black students and other minority group students were admitted, and special admission policies were established for the other minority groups (Glazer 1985:4); ✓
- * more black faculty and administrators were hired (Glazer 1985:4);
- * ethnic studies were initiated (Knock 1978:145; Smith 1980:65); and ✓
- * a more job-oriented training of students approach was initiated at American ✓
universities (Glass & Conrad 1970:250; McKenna 1971:55-56).

According to Glazer (1985:3), some university governors implemented the changes only from fear of “the threat of violence and the fear of destruction of expensive university facilities [by students]”.

Glass and Conrad (1970:251) make a case for involving students in those areas where “they [students] will show commitment and acceptance of responsibility, in addition to [the level of] expertise”. Glass and Conrad (1970:251) recommend, however, minimal student involvement in, for example, administrative affairs, board of trustees and other major decision making bodies, which require a high level of expertise and responsibility.

Muirhead (1969:29) also indicates that he doubts whether student representation in administrative affairs of the university and on the board of trustees, even if possible, would be productive at all.

These are valid doubts. When student involvement was implemented in American universities, “students soon lost interest in participating in the time-consuming and not very interesting university [administrative and decision making] tasks” (Glazer 1985:4).

In practice, therefore, the involvement of students in university administrative and policy making bodies in American universities was beneficial for neither the students nor the university and/or university administrators.

4.4 CONCLUSION

In this chapter it was seen that during the course of the nineteenth and twentieth centuries the American interpretation of academic freedom shifted from a strictly academic view to a view which wedded societal and academic discontent. Academic freedom became a tool for radical social change in the hands of discontented students.

This view, as we shall see in the following chapter is also upheld by discontented students in South Africa.

CHAPTER 5

ACADEMIC FREEDOM IN SOUTH AFRICAN UNIVERSITIES

5.1 INTRODUCTION

South African universities have been modelled after European universities, and have also been firmly rooted in essential Western conceptions of academic freedom (Behr 1992:2; Welsh 1987:18). Although fully fledged university education in South Africa was already instituted in 1916 (see section 5.2), the “struggle for academic freedom [in South African universities] began in earnest in 1959 [during the apartheid era] ...” (Dempster 1986:8).

The governance in South African universities as well as the subsequent freedom, or lack thereof, of the academic community are scrutinised in this chapter. The focus will include the freedom, or lack of freedom, of universities to autonomously determine the admission of students, the composition of the staff, curricula and learning content and their freedom, or lack of freedom, to research, publish and disseminate knowledge to students and the wider public. The background on the establishment of South African university education will first be briefly outlined.

5.2 THE ESTABLISHMENT OF UNIVERSITY EDUCATION IN SOUTH AFRICA

The foundation of university education in South Africa was laid in the second half of the nineteenth century via a number of state supported colleges which offered both secondary and post-secondary education (Behr 1984:140, 1988:183). The first of these colleges was the South African College (1829) in Cape Town. This college prepared students for matriculation and higher examination of the University of London. Diocesan, Rondebosch, St. Andrews, Grahamstown, Victoria and Stellenbosch Colleges were later founded in the period between 1848-1866. These colleges were meant to prepare youths for study at European universities (Behr 1984:140, 1988:183).

In 1873 the University of the Cape of Good Hope was founded in Cape Town as an examination branch of the University of London. This university did no teaching, but only awarded degrees to students who had qualified at the University of London. It also controlled the Junior Certificate and matriculation examinations, as well as entry to the public service. (Behr 1988:184.) The colleges continued with their teaching task, while the University of the Cape of Good Hope laid down the syllabi and conducted examinations. This continued until the establishment of the University of South Africa (Unisa) in 1916.

In 1916 the University of South Africa (Unisa), with its seat in Pretoria, was established

in terms of Act 12 of 1916. It was established as a federal examination centre for university education (Behr 1984:140, 1988:183). Unisa incorporated the University of the Cape of Good Hope and the Diocesan, Rondebosch, St. Andrews, Grahamstown and Stellenbosch Colleges. These colleges were, through the same Act (Act 12 of 1916), designated as teaching university colleges under the tutelage of Unisa. The Victoria College and the South African College were not under the tutelage of Unisa, but were turned into fully fledged universities, in terms of Act 13 of 1916. The Victoria College became the University of Stellenbosch (in terms of Act 13 of 1916), and the South African College became the University of Cape Town, (in terms of Act 14 of 1916) (Behr 1984:140-141, 1988:183-184). These universities were intended to cater for White students only (Behr 1984:141). Other universities that were established to cater for the White population were the Universities of Natal (1909), Witwatersrand (1922), Pretoria (1930), Potchefstroom University for Christian Higher Education (1951), Orange Free State (1950), and the Rand Afrikaanse University (1966) (Behr 1984:217, 1988:191; Centlivres & Fectham 1957:3).

Tertiary education for Blacks also began in 1916, with the establishment of the South African Native College at Alice, in the Eastern Cape. The college performed the dual role of providing secondary as well as tertiary education for Black students (Behr 1988:185). In 1951 it became affiliated to Rhodes University, and changed its name from South African Native College to Fort Hare College. This college admitted African, Coloured, Asian as well as a few White students (Centlivres & Fectham 1957:2-3; The Academic

Freedom Committees of the University of Cape Town and the University of the Witwatersrand 1974:19).

The Extension of University Act, Act 45 of 1959, provided for the establishment of the following tertiary colleges and/or universities for Blacks, Coloureds and Indians:

- * the University College of the North (Turfloop), for Tsonga, Northern Sotho and Venda speaking Blacks;
- * the University College of Zululand, for the Zulu speaking group of the Blacks;
- * the University College of Western Cape, for the Coloureds; and
- * the University College of Durban-Westville, for Indians, (Behr 1988:193; The Academic Freedom Committees 1974:19).

At the same time, the Fort Hare Transfer Act, Act 64 of 1959, transferred the control of Fort Hare University College from Rhodes University to the then newly established Department of Bantu Education. The college was to cater exclusively for Xhosa speaking Black students (Behr 1988:193; The Academic Freedom Committees 1974:19). Turfloop, Zululand, Western Cape and Durban-Westville University Colleges were under the tutelage of Unisa, but in 1969 legislation was passed which made them independent universities. Being independent, these universities could establish their own satellite campuses. They could also admit persons belonging to other race groups other than Whites, but subject to approval by the Minister of National Education. Turfloop

University, for example, which was designed to cater exclusively for Blacks could admit Coloured students (Africa Watch 1991:75-76; Behr 1988:194-195; The Academic Freedom Committees 1974:15).

Further non-White tertiary institutions were established in the 1970s and 1980s. These included the following:

- * the Medical University of Southern Africa (Medunsa), established in terms of Act 78 of 1976, for training doctors, dentists, veterinary surgeons, and paramedics;
- * Vista University, established in terms of Act 106 of 1981, to provide general university education for non-Whites;
- * the University of Transkei;
- * the University of Bophuthatswana; and
- * the University of Venda (Behr 1988:194-195).

Having listed the various universities established in South Africa, the state of academic freedom in South African universities will now be scrutinised.

5.3 ACADEMIC AUTONOMY AND FREEDOM IN SOUTH AFRICAN UNIVERSITIES

Prior to the apartheid era, South African universities were “rooted firmly in essentially

Western conceptions of academic freedom, university autonomy and university neutrality” (Welsh 1987:18). Academic autonomy and freedom in South African universities were, however, greatly restricted during the apartheid era (Bozolli 1969:5; Welsh 1987:18). The era of apartheid, which began in 1948 when the National Party came into power, was an era of politically imposed racial segregation, also in universities. During this era the state, and not the universities, had the final say in the following aspects:

- * student admission;
- * staff appointment;
- * determination of curricula and learning material; and
- * research and publication.

The functioning of the above issues prior to the apartheid era as well as state interference during the apartheid era in these issues, which are by their very nature academic issues, are discussed in the following sections.

5.3.1 Student admission

5.3.1.1 Student admission before the apartheid era (1909-1947)

During 1909-1947, that is, even before the official state-imposed apartheid era in South

Africa (in 1948), racial segregation in South African universities and centres for training medical students (like hospitals) was already in place. During this era the Councils of South African universities had the sole power to determine whom they should accept as students (Behr 1984:219-220, 1988:191; Centlivres & Fectham 1957:2-3; Foner 1995:172; The Academic Freedom Committees 1974:vii). The University Councils decided where and how racial restrictions were imposed.

The Afrikaans-medium universities, even before the apartheid era, admitted only White students, while the four English-medium universities, namely, Witwatersrand, Natal, Cape Town and Rhodes, admitted students from the Black, Coloured and Indian communities (Behr 1987:3; Centlivres & Fectham 1957:2-3). As a result, the four universities became known as the “open universities” (Africa Watch 1991:74; Behr 1984:143-144, 1987:3, 1988:184-183; Centlivres & Fectham 1957:2; Christie 1985:231; The Academic Freedom Committees 1974:vii). These universities did, however, have limitations and restrictions attached to the admission of non-White students between the period 1909-1947, that is, even before the official apartheid era.

The University of Cape Town did not admit Black students to the medical faculty of the university. The reason was the racially segregated “regulations of the Provincial Administration in regard to the use of Provincial hospitals...” that were in place even before 1948 (Behr 1988:185). The principle of segregation had, therefore, to be followed

in the clinical training of medical students. There were no racial limits imposed on student admission in the other faculties.

The University of Witwatersrand also refused the admission of Non-White students into medical studies on the grounds that the university could not offer adequate clinical training. Although, prior to the apartheid era, the Board of the Johannesburg General Hospital was prepared to allow non-White students to practice in non-White wards, the university authorities were afraid of the “social implications of a possibly far reaching character” (Behr 1988:186). “The University wanted to place the onus for non-admission of Non-Whites on the Government” (Behr 1988:186). In 1938, however, University of Witwatersrand changed its attitude and henceforth admitted non-White students to medical studies (Behr 1988:187).

During the period 1909-1947, Natal University College, later the University of Natal, had already many restrictions on its admission of non-White students. The University charter had a legal “colour bar” policy as regards student enrolment, and which also enabled the University Council to refuse admission of non-White students without stating reasons (Behr 1987:3, 1988:188). Non-White students who were admitted at the time, except for post-graduate students, were required to attend separate classes apart from White students (Centlivres & Fectham 1957:2). Only a limited range of subjects for a BA degree, with lectures given by special part-time lecturers, were offered to such non-White students (Behr 1988:189). In all academic activities, including examinations, non-White students

were strictly segregated from their White counterparts (Behr 1988:189).

As with the University of Natal, the University of Rhodes also practised a “colour bar” policy pertaining to student admission from 1933-1947. This policy was “rescinded in 1947 when Rhodes University College was faced with the decision of becoming an independent university” (Behr 1988:191). However, with the affiliation of Fort Hare University College to Rhodes University in 1951, the policy, in line with official apartheid (see section 5.3.1.2), was adopted that “Non-White students would be admitted to Rhodes [University] only in respect of courses for which no provision was made at Fort Hare” (Behr 1988:191).

At all four of the “open universities” segregation was also maintained “in regard to boarding and sporting activities ... either as a matter of policy or at any rate in actual practice” (Behr 1984:218).

In 1948 the era of official state-imposed apartheid was ushered in, which placed severe restrictions on student admission at South African universities. State interference in university student admission, however, only became evident in the late 1950s. This is discussed in the next section.

5.3.1.2 The imposition of racial restrictions

In March 1957, the National Party government introduced the Separate University Education Bill (The Academic Freedom Committees 1974:vii,10). The Bill aimed at prohibiting all White universities from admitting any non-White students, as well as prohibiting White students from attending institutions designed for non-Whites (Africa Watch 1991:74-75; Behr 1984:143-144, 1988:193; Centlivres & Fectham 1957:3-4 ; The Academic Freedom Committees 1974:9; Voya, Mtshoma & Abrahams 1990:139-140).

In response to the publication of the Separate University Education Bill, the University of Cape Town and the University of the Witwatersrand sent deputations to the Minister of Education, Arts and Science, “through which they expressed their strong opposition to [state-imposed] university racial segregation [in all faculties]” (The Academic Freedom Committees 1974:10). On May 21, 1957 “200 professors, lecturers, students and members of the [University] Council and the Convocation of the University of the Witwatersrand marched in a solemn procession of protest through the streets of Johannesburg to the City Hall” (The Academic Freedom Committees 1974:10).

On 7 June the same year, students and faculty members at the University of Cape Town protested in similar strength, and marched through the streets of Cape Town. In the same year, the faculty members of the University of Cape Town and the University of the Witwatersrand also published a 47-page document entitled “The Open Universities in

South Africa”, in which they declared their opposition to the government’s policies and the Separate University Education Bill (Africa Watch 1991:74; Christie 1985:231; The Academic Freedom Committees 1974:8-9).

The Separate University Education Bill was referred to a Select Committee, which was later transformed into a Commission of Inquiry (Behr 1988:193). The field of inquiry of the Commission was, however, very narrow, as the policy of university segregation had already been approved at the Second Reading of the Bill by Parliament (Foner 1995:172; The Academic Freedom Committees 1974:9-10). Representatives of the University of Cape Town and the University of the Witwatersrand pleaded on academic grounds against the Separate University Education Bill before the Commission (The Academic Freedom Committees 1974:10). However, in August 1958, the Commission reported and recommended that a new Bill be introduced, bearing the title of the “Extension of University Education Bill”. The Extension of University Education Bill, which became law (namely, the Extension of University Education Act 45 of 1959), reaffirmed racial restrictions on student admissions to universities. This Bill was submitted to Parliament on February 1959 “without prior consultation with either the University Advisory Committee or the Committee of University Principals ... and despite heated opposition from the United Party and the Native Representatives” (The Academic Freedom Committees 1974:9). Students from the “open universities” demonstrated outside during the Parliamentary sitting (The Academic Freedom Committees 1974:10).

The Extension of University Education Act meant that the state deprived universities of the autonomy and freedom to determine entrance requirements solely on the basis of academic merit. However, within the state-prescribed racial structure, universities still determined entrance requirements according to academic merit.

The racial restrictions on university admission excluded the University of South Africa (Unisa), which was a correspondence university. The Natal Medical School, which was attached to the University of Natal, was also excluded because the teaching staff threatened that “they would resign if the school was brought under direct Government control [and the admission restrictions enforced]” (The Academic Freedom Committees 1974:9-10).

The four “open universities” in South Africa identified two serious implications for academic freedom that ensued from the Extension of University Education Act. Firstly, if universities are

coerced into accepting some non-academic criterion for the admission of students, respect for university’s freedom diminishes and no longer stands in the way of unwarranted interference from outside in respect of what may be taught in universities, how it may be taught, [whom may be taught] and who may teach there (Centlivres & Fectham 1957:14).

In other words, the State's racial restrictions on university admission undermined the integrity of the university.

Secondly, "a limitation on admission for other than academic reasons hampers the search for truth" (Centlivres & Fectham 1957:14). The argument of the four "open universities" in this respect was that, "the primary and fundamental characteristic" of a university is to attract students and/or scholars from diverse backgrounds and environments. "This diversity itself contributes to the discovery of truth, for truth is hammered out in discussion, in the clash of ideas" (Centlivres & Fectham 1957:14-15). Objectivity and illumination in fields of university study, like Sociology, Anthropology, History, Economics and Psychology, come from discussions of people with different experiences (Centlivres & Fectham 1957:15). There is a "salutary discipline in teaching a group whose members are capable of scrutinizing facts from different angles because of their different backgrounds" (Centlivres & Fectham 1957:15).

Thirdly, if a university is "coerced into accepting a practice which is contrary to its ideal, an injury is done to the spirit of academic freedom. Such an injury has incalculable consequences in its effect upon the intellectual climate in which the members of a university live and work. It creates fear" (Centlivres & Fectham 1957:15).

In other words, if a university is fully committed to the academic pursuit of truth, and yet

“compelled to adopt a practice based, in one of its activities, on non-academic criteria, there must arise the fear that advances in knowledge may also be judged by academically irrelevant political considerations” (Centlivres & Fectham 1957:15). What then occurs is that political correctness, not truth, becomes the criterion for acceptable social theories.

After 1959 some non-White students were allowed to enroll at White universities, but only those who had either enrolled prior to 1959 and were now completing outstanding courses for their degrees or who had obtained the consent of the Minister of National Education. Such permission was granted only in respect of courses, like medicine, for which no provision was made at non-White universities (Behr 1984:191; The Academic Freedom Committees 1974:13-14).

5.3.1.3 Opposition to racial restrictions

(a) Opposition at the English “open universities”

In July 1959, in reaction to the passing of the Extension of University Education Act, students and faculty members at the University of Cape Town marched through the city bearing a “torch of academic freedom” which they extinguished in front of the Parliament building, symbolising the curtailment of academic freedom in South African university education (Foner 1995:175-176). On 29 July 1959, a ceremony was held at the university at which the following Dedication was signed by the Chancellor, the Chairman of

Council, the Vice-Chancellor and the President of Convocation:

We are members of a University which since its foundation has always been free to decide whom to admit to its fellowship. In exercising this freedom our University has acted in the belief that the only valid criterion for entry to a University is academic merit. Nevertheless, without consultation with our University, without its consent, and, in our view, for no sufficient reason, a law has been passed authorising the Government to impose restrictions based on colour. We wish to testify from our own experience that relations in our University have been harmonious, that mutual understanding has been fostered, and that our very diversity has enriched our academic life and helped us to contribute to the advancement of knowledge. We dedicate ourselves to the tasks that lie ahead: to maintain our established rights to determine who shall teach, what shall be taught, and how it shall be taught in this University, and to strive to regain the right to determine who shall be taught, without regard to any criterion except academic merit (The Academic Freedom Committee 1974:10-11).

Cape Town University also established the T.B. Davie (Academic Freedom) Memorial Lecture, named in honour of a Vice-Chancellor of the university "who courageously defended academic freedom during the 1950s" (Foner 1995:175-176). The purpose of this lecture, which is presented annually, is to keep the memory of academic freedom and the

efforts to uphold it in the university alive (Foner 1995:176). An annual academic freedom memorial lecture (the E.G. Malherbe Academic Freedom Lecture) was also established for the same purpose at the University of Natal.

On 26 July 1960, a bronze plaque was unveiled by the Chancellor of the University of Cape Town, Dr. the Hon A van de Sandt Centlivres, in the Lobby of the Jagger Library. The plaque records the loss of academic freedom in the year 1960 and leaves a space for the insertion of the date marking the restoration of academic freedom (The Academic Freedom Committees 1974:11). The plaque reads:

MONUMENTUM HOC AENEUM
DEDICAVIT CANCELLARIUS
EREPTAE LIBERTATIS ACADEMICAЕ
QUAE DEFFECIT ANNO MCMLX
REDIT ANNO ____
(The Academic Freedom Committee 1974:11)

Beneath the plaque was a bound volume containing the illuminated Dedication and the signatures of the academic staff members of the university. In April 1961 a plaque was also unveiled at a formal ceremony at the University of the Witwatersrand. The plaque declared:

We affirm in the name of the University of the Witwatersrand that it is our duty to uphold the principle that a university is a place where men and women, without regard to race and colour, are welcomed to join in the acquisition and advancement of knowledge; and to continue faithfully to defend the ideal against all those who have sought by legislative enactment to curtail the autonomy of the University. Now therefore we dedicate ourselves to the maintenance of this ideal and to the restoration of the autonomy of our university (The Academic Freedom Committees 1974:12).

The commitment of the Universities of Witwatersrand, Cape Town, Natal and Rhodes to the ideal of the “open university” led them to dissociate themselves from the non-White ethnic universities and to “abrogate responsibility for assisting them in their early years, and to demean their very existence as tribal colleges” (Behr 1987:3, 1988:194). They held that academic support of these universities implied, in fact, support of the Extension of University Education Act and, thus, of the apartheid policy. However, Behr (1988:194) maintains that such dissociation, firstly, gave the Nationalist “Afrikaner academics free rein to take up teaching and administrative posts in these institutions [that is, the Non-White universities]”, and thereby furthering the ideals of apartheid (Behr 1988:194). Secondly, “the four English-medium universities, by not becoming involved with the Black universities once they had become a fact of life, deprived Non-White students at

the time of insights into the great liberal tradition of the non-Afrikaner academe” (Behr 1988:194).

The implementation of the Extension of University Education Act led to serious problems in non-White university education during the 1960s and 1970s. Some of these problems are highlighted in the following paragraphs.

(b) Opposition at non-White universities

The passing of The Extension of University Act in 1959 led to widespread disruptions and unrests especially in Black universities, which included class boycotts, vandalism, riots, mass demonstrations, picketing and sit-ins (Behr 1988:196; Christie 1985:232-233).

The academics and students demanded the scrapping of the Extension of University Education Act.

One of the first protest actions occurred in 1960 at Fort Hare University. The academic staff and students passed “resolutions condemning the extension of apartheid to universities” (Christie 1985:232). The state retaliated, firstly, by dismissing staff members who had protested and forbidding Fort Hare University to admit any students who had criticised the government’s idea of segregated university education (Christie 1985:232-233). Subsequently, Professor Z.K. Matthews, the deputy-principal of the university, expressed his disapproval of segregated education and the action of the

government by resigning (Christie 1985:232). Secondly, under state directive, the university authorities “forced students to sign a declaration accepting [Fort Hare University] College regulations, or leave. In these ways opposition to the new [admission] system [created by the Extension of University Education Act] was brought under control by the government” (Christie 1985:232).

Such state action did not, however, bring an end to unrest at Fort Hare nor to the unrests occurring at other universities, such as Turfloop and Zululand. On the contrary, the unrests at non-White universities increased. An example of such unrests was the anti-republic demonstrations at Fort Hare University. On 29 and 30 May 1961, Fort Hare University students boycotted classes in protest against apartheid and the formation of the South African Republic. The University of Fort Hare was subsequently closed until the July 1961. (Christie 1985:233.) At the Universities of Turfloop and Zululand students also boycotted classes. Violent protests and demonstrations at these universities resulted in the destruction of university property and serious clashes with State security forces.

Strikes, protests, demonstrations, violence and clashes with police continued to occur at Black universities, and eventually culminated in 1976 in the so-called Soweto student uprisings.

The 1976 Soweto student uprisings erupted after the government’s imposition of Afrikaans as a medium of instruction in Black schools (Voya et al. 1990:131). The

uprisings started at Soweto schools in Johannesburg on 16 June 1976 and soon spread to other areas of the country, and to colleges and universities. The riots began as peaceful mass protest marches by some six thousand school children from Black schools, firstly in Soweto and later from schools in the Witwatersrand, Cape Peninsula and elsewhere (Hachten & Giffard (1984:3). In Soweto the march did not remain peaceful. Violent clashes with the police followed when the latter attempted to stop the march. Tear gas and live ammunition were used by the security forces, and “by the time the tear gas and gunsmoke had cleared, more than six hundred were dead; unofficial estimates went as high as one thousand” (Hatchen & Giffard 1984:4).

The violence in Soweto triggered further riots. Massive destruction of schools, colleges and universities occurred through petrol bombing and other forms of vandalism such as stone throwing (Behr 1994:195). The state of violent unrest in Black education persisted for some eight months. By then more than a thousand people had been killed and over three thousand injured. Incalculable damage had been caused to State and private property (Behr 1984:195). One of the worst cases of vandalism occurred at the University of Zululand, “where the administration block was razed and the chapel was subjected to unrestrained vandalism” (Behr 1988:196). At this university, the damage caused in one morning of violence was estimated at R500 000.

The 1976 riots had been triggered by the imposition of Afrikaans as medium of instruction in schools. The violence that erupted in schools, colleges and universities was,

however, the expression and outlet of the anger at the injustices that Blacks had suffered under the National Party government's policy of apartheid (see Behr 1984:190; The Natal Mercury 1/3/1980:1-5). Sadly, however, violent confrontation is the very antithesis of academic freedom. The violence of 1976 did, however, force the National Party government to take note of the anger of Black students. The attempted reforms in regard to student admission that the National Party government came up with are discussed in the following section.

5.3.1.4 Government reforms

In its attempt to address the breakdown in Black education, the government appointed a Commission headed by Mr. Justice P.M. Cillie, which was to investigate the causes of the 1976 unrests. In its report, tabled in Parliament on 20 February 1980, the Commission recognised the following causes:

- * the low standard of education;
- * the poor quality of teaching;
- * lack of adequate school infrastructure;
- * lack of adequate equipment in Black schools; and
- * the use of Afrikaans as a medium of instruction (The Natal Mercury, 1/3/1980:1-5).

In 1981 the De Lange Commission was appointed to look into possible ways of improving Black education. In its report the Commission recommended that equal opportunities and equal standards in education be implemented. It also proposed that unutilised White education facilities be made available to Blacks who were deprived of such facilities. (Human Science Research Council 1981a:8.)

The 1976 riots also led the National Party government to repeal the Bantu Education Act of 1953 - which stipulated that all schools for Africans had to be registered with the government and be placed under the then newly established Department of Bantu Education (Behr 1988:193; Christie 1985:55) - and replaced it with the Education and Training Act, Act 90 of 1979, which stipulated the change of name of the Department of Bantu Education to the Department of Education and Training, and also placed the control of Black universities in the Republic of South Africa under the Department of National Education (Christie 1985:56). Universities in the then independent states and homelands, like Transkei, Bophutatswana and Venda, remained under the control of the relevant State or homeland's Department of Education. The alleged reform was that Black universities would be under the same control, management and financing as White universities, namely the Department of National Education (see Behr 1988:62). The professed ideal was that Black and White university education would then enjoy equal privileges, nevertheless "education for Africans remained virtually the same" (Christie 1985:56).

The National Party government also tried to effect greater reform towards more university freedom in student admission, by means of the University Amendment Act, Act 83 of 1983. This Act allowed universities for Whites, Coloureds and Indians to enrol students of other population groups within a fixed quota. The purpose of the quota was to cause as little disturbance to the established pattern of the population structure of that institution as possible. (Africa Watch 1991:74-75; Behr 1984:156-157, 1987:4, 1988:197-198.) The Act subsequently became known as the "Quota Act". The Act was, however, never implemented because of the opposition from the academics and students in Black universities and the four English-medium universities, that is, the four "open universities". These academics and students recognised the racism inherent in the Act's quota system. They maintained that:

- * the quota system would not restore to universities the free right to determine on academic grounds who should be admitted as students;
- * the system would transfer the obligation of denying admission to Black students who qualify on academic grounds from the Minister to the university and would consequently involve the university in the enforcement of objectionable discriminatory laws; and
- * the proposed system would not achieve the government's stated desire to promote as far as possible, university autonomy, decentralized decision-making and depoliticising of the procedures of admission (Behr 1984:157-158, 1987:4, 1988:197-198).

Faced with such opposition, the National Party government did not implement the University Amendment Act, that is the “Quota Act”, and instead allowed “universities the freedom of admission of students [irrespective of colour or race]” (Behr 1987:4, 1988:198). The Act, however, remained on the Statute Book, and could, therefore, be applied if a too substantial change contrary to official apartheid policy in the racial composition of the student body of a university occurred (Behr 1987:4, 1988:198). The 1980s led, however, to the downfall of apartheid and, therefore, the University Amendment Act was never implemented. Instead the number of Black (and other non-White) students in White universities steadily increased as from 1984.

In contrast to the legal restrictions placed on student admissions during the apartheid era, there were never legal restrictions on staff appointments (The Academic Freedom Committees 1974:17). There was, nevertheless, state interference. In the next section the National Party government’s interference in university’s staff appointments is scrutinised.

5.3.2 Staff appointment

Prior to and even during the apartheid era “[t]here [were] no racial restrictions in law governing appointments to the teaching staff of the open [and other] universities ...” (The Academic Freedom Committees 1974:17). The only exception was the appointment of Principals and Deputy-principals who, on recommendation by the University Council,

were appointed by the Minister of National Education (The Academic Freedom Committees 1974:17,20).

Despite the fact that no apartheid laws pertained specifically to university staff appointments, the National Party government did interfere in the appointment of academic staff. For example, in 1968 at the University of Cape Town, the Minister of National Education refused to allow the University Council to appoint an African academic into a senior lecturing post in Social Anthropology (The Academic Freedom Committees 1974:17). The academic that the University Council had selected was Mr. Archie Mafeje, who held a MA degree in Social Anthropology from Cape Town University and was then engaged in research at the University of Cambridge. Mr. Mafeje had the necessary qualifications for the post, which meant that the Minister of National Education's refusal to allow his appointment was due to his being Black (The Academic Freedom Committees 1974:17).

The Minister's overriding of the appointment of Mr. Mafeje led to a nine-day sit-in protest in the university's administration offices by the students (The Academic Freedom Committees 1974:17). The protest spread to the University of the Witwatersrand where students planned a protest march through the city of Johannesburg. The march was, however, prohibited by the then Prime Minister, Mr. B.J. Vorster. Picket protests, which continued for several days, were then held on the University of Cape Town and the University of the Witwatersrand campuses, "despite extreme harassment from pro-

Government supporters [probably the pro-government students and/or the security forces]” (The Academic Freedom Committees 1974:17-18). Finally, on 13 December 1968, a second bronze plaque [see section 5.3.1.3 (a)] for the first plaque) was unveiled by the then Chancellor of the University of Cape Town, Dr. H.F. Oppenheimer, in the lobby of the university library. The plaque records that “the right of appointing teachers at the sole discretion of the University was restricted in the year 1968, and leaves a blank space for the insertion of the date when this right is restored” (The Academic Freedom Committees 1974:18). It reads:

MONUMENTO
HOC ALTERO
A CANCELLARIO
DEDICATO
COMMEMORATUM EST
ELIGENDI PRAELECTORES
UNICO UNIVERSITATIS ARBITRATU
RESTAURATUM ANNO _____

(The Academic Freedom Committees 1974:18).

Beneath the plaque is a bound volume containing the illuminated Rededication and the signatures of the academic staff members of the University. The Rededication to academic freedom reads as follows:

The principles of academic freedom to which this University since its foundation has subscribed are clearly set out in the DEDICATION which was signed by members of the university on July 29th, 1959. Despite the University's adherence to these principles and its constant opposition to all forms of academic segregation on racial grounds, the Government has nevertheless prevented the University from exercising its established rights to determine who shall teach. Mindful of the obligation imposed upon us in our DEDICATION, this further infringement of University liberty causes us to rededicate ourselves to the principles of academic freedom and to apply ourselves with renewed vigour until the fundamental rights of the University are fully restored (The Academic Freedom Committees 1974:18).

The above mentioned episode at Cape Town University meant that university autonomy and academic freedom as to academic staff appointment, that is who should teach, was also curbed by the ideology of apartheid. In other words, in addition to academic merit, race and even political affiliation were criteria for academic posts (Africa Watch 1991:75; Behr 1988:194). Africa Watch (1991:75) and Behr (1988:194) claim that during the apartheid era most university posts, especially senior posts, in White and non-White universities were filled by members of the Nationalist Party, in order to promote its apartheid ideology. As a result the "staff proportion remained [predominantly] White [Nationalist Party members], even in the so called ethnic universities" (Africa Watch

1991:75). Senior academic staff members and administrators (for example, rectors) were seconded from the Department of National Education to serve in Black universities, which were under the then Department of Bantu Education (The Academic Freedom Committees 1974:20).

Since the early 1980s, with the political changes in the country, the National Party government's interference in the appointment and promotion of academic staff diminished (Africa Watch 1991:75; Khosa 1990:2). Whether the present government will also interfere in staff appointments, remains to be seen.

Another area of state interference during the apartheid era was that of the curricula, especially in the human and social sciences. The nature of such interference is highlighted in the next section.

5.3.3 Determination of curricula and learning material

During the apartheid era, the state always had the final say in the curricula and structure of courses in South African universities (Behr 1984:221). The universities designed the curricula and course content, and the Minister of National Education, in collaboration with the Committee of University Principals (CUP) and the Committee of Heads of Education Departments (CHED), was responsible for the final endorsement thereof (Behr 1984:221).

The involvement of the Committee of University Principals (CUP) and the Committee Heads of Education Departments (CHED) indicated that the Minister did not make unilateral decisions, but involved the universities in curricula decision-making. The system provided, therefore, for the partnership of both the state and the academic structures/bodies in the determination of the curricula and the learning content. This trend also ensured uniformity in all universities with respect to the requirements for a degree or diploma - which is laudable.

However, the Minister of National Education and the then CUP and CHED members (who were mostly Nationalist Party members), in keeping with apartheid ideologies, expected that specific requirements be met in the course content for subjects, especially in the human and social sciences (Ellis 1995:541-542; Foner 1995:172; The Academic Freedom Committees 1974:30). The course content of the subjects in these fields, which by their very nature focus on the government and its policies, were required to be in line with apartheid ideologies. Any content or learning material that was regarded as “undesirable” or “offensive”, that is, that criticised or challenged the National Party government and its racial policies, was not approved (Africa Watch 1991:75-76; Ellis 1995:541-542; Foner 1995:172). During the height of the apartheid era the National Party government did, therefore, prescribe to and restrict universities in the determination of learning content.

As in other aspects, like student admission (see section 5.3.2) and research and

publication (see section 5.3.4), the National Party government's interference in the determination of curricula and learning content gradually diminished since the early 1980s as a result of political changes in the country. South African universities gradually started enjoying greater autonomy in determining courses and course structures. University faculties determined the course structures and requirements for a particular degree or diploma. At present structures like the Standard Generating Bodies (SGB), National Qualifications Framework (NQF) and the South African Qualifications Authority (SAQA) are in place to provide guidelines for academic standards and for designing course structures and the registration thereof. Whether these bodies will become restrictively prescriptive remains to be seen.

The National Party government also had specific requirements and restrictions pertaining to university research. This is discussed in the following section.

5.3.4 Research and publication

As with the university institutions, research centres in South Africa are largely funded by the state. The economic sector also makes substantial contributions in funding research programmes, through donations to universities and offering bursaries and scholarships to prospective students and scholars. The academics at universities and research centres determine, control and supervise the actual research programmes (Behr 1984:219; Wolpes et al. 1995:121).

During the apartheid era academic research and publications in South Africa, as was the case with the general speech and press publications, were subject to state censorship laws (Ellis 1995:540; The Academic Freedom Committees 1974:25). These laws included:

- * the Internal Security Act of 1950;
- * the Publication and Entertainment Act of 1963;
- * the revision of the preceding Act, namely the Publication Act of 1974 (see Africa Watch 1991:74-76; Hatchen & Giffard 1984:112-124; The Academic Freedom Committees 1974:25-39).

The Internal Security Act of 1950 stipulated that it was an offence to publish any article or material, whether written or filmed, that challenged or criticised the government's policies (Hatchen & Giffard 1984:114; The Academic Freedom Committees 1974:25-26).

The Publication Acts of 1963 and 1974 stipulated that all materials, books, motion pictures, plays, live performances and other publications, had to receive prior government approval and if necessary censored before being presented to the public (Hatchen & Giffard 1984:155-156; The Academic Freedom Committees 1974:28).

Any person, including researchers and academics, who violated these laws and published material that challenged and/or criticised the government or its apartheid policies, was prosecuted (Africa Watch 1991:75-76). Such publications were also banned in South Africa, and the author thereof faced severe punishment, which could include

imprisonment and/or job expulsion if state employed (Africa Watch 1991:75-76; Foner 1995:173). To prevent the violation of the Security and Publication Acts, academics intending to do research in political-related fields, such as Political Science, required ministerial consent before embarking on such research and publishing the findings thereof (The Academic Freedom Committees 1974:29).

The government also restricted contact between South African academics and their foreign counterparts who opposed segregation policies by denying passports to such South African academics. Visas to foreign academics who were critical of the government and its policies were also refused. (Ellis 1995:540-541.) The hostility of academics from other countries also meant that South African academics experienced difficulties in attending conferences outside South Africa (Ellis 1995:541).

The field in which research was most hampered was that of the social sciences, like History and Political Science (Ellis 1995:541-542; Foner 1995:172). As indicated in section 5.3.3, by their very nature these subjects focus on governments and their policies. Due to the fact that the threat of a jail sentence prevented researchers from publishing any research results that criticised the government and its policies, many researchers refrained from "entering such [politically controversial] avenues of study and prompted them to pursue less significant inquiries" (The Academic Freedom Committees 19974:30). Others left the country and took up posts in foreign universities (Africa Watch 1991:79; Christie 1985:232; The Academic Freedom Committees 1974:30).

Another way in which the apartheid policy impacted negatively on university research was in the state's funding. Funding of research facilities and research programmes was racially determined. (The Academic Freedom Committees 1974:25-26; Voya et al. 1990:140.) State funding of White universities was at least three times more than those of non-White universities (Africa Watch 1991:76). Understandably, therefore, most research in South Africa was done in White universities. The non-White researchers did not lack ability. What they lacked was adequate research funding and facilities (Foner 1995:173). Many non-White researchers and academics, such as Professor Z.K. Matthews [a former academic at Fort Hare - see section 5.3.1.3 (b)], left the country and took up posts at foreign universities and research institutions (Africa Watch 1991:76; The Academic Freedom Committees 1974:30).

The continual unrests in Black education, together with the academic boycott by foreign academics and the economic sanctions, forced the National Party government into political reform. Since the late 1980s, under the leadership of the then president, F.W. De Klerk, South Africa experienced dramatic political transformation. Most apartheid laws, including laws that regulated and censored research and publications, like the Internal Security Act, were repealed. Through multi-party negotiations, the stage was then set for the birth of a democratic South Africa. Finally, in 1994 the era of apartheid came to an end. A new era of egalitarianism was ushered in.

The era of egalitarianism in South Africa, however, posed its own problems to

universities, namely different interpretations of the nature of the university and, therefore, of the scope of academic freedom. There are currently three main, and very different, interpretations of academic freedom, and each is based on certain conceptions of the nature and function of the university (Miller 1991(a):33; Benatar 1991:4). The three interpretations are:

- * the Ivory Tower model;
- * the Supermarket model; and
- * the People's University model.

The three models and the subsequent interpretations of the nature of the university as well as academic freedom in post-apartheid South Africa will be discussed in the next section.

5.4 INTERPRETATIONS OF THE NATURE OF THE UNIVERSITY AND OF ACADEMIC FREEDOM IN POST-APARTHEID SOUTH AFRICA

5.4.1 The Ivory Tower model

In the Ivory Tower model the university is regarded as an elite institution, only for the most intellectually able (Miller 1991a:33). Furthermore, the university is viewed as a unique institution with a special function, namely as a centre of knowledge acquisition

through rational inquiry (Hofstadter & Smith 1961:866-867; Miller 1991a:33; O'Hear 1988:6; Searle 1975:87).

The academics who subscribe to this model believe that the main function of the university is the development and dissemination of knowledge, and, in order for the university to fulfil this task, academics should have the due freedom.

Academic freedom is, therefore, regarded as a right that is fundamental only to academics in the service of the pursuit of knowledge (Miller 1991a:33). In the search for knowledge there should be no interference from the State or any other organisation outside the university (Miller 1991a:33). This interpretation of the university's function and academic freedom is internationally accepted, and concurs with the Germans's *Lehrfreiheit* ideal (see section 3.2.3.1), the special theory of academic freedom (see section 3.5) and the AAUP's interpretation of academic freedom (see section 4.3.2.2), where academic freedom is regarded as a special right of academics to conduct research, to publish and to teach without undue interference from outside, non-academic parties. According to the Ivory Tower model, the pursuit of knowledge is "an intrinsically valuable activity, which ought to be undertaken for its own sake and quite independent of the day to day concerns of the outside society" (Miller 1991a:33).

The Ivory Tower model is seen by the Black majority in South Africa as being part and parcel of the apartheid era (Africa Watch 1991:75; Khosa 1990:2-3; Miller 1991a:33).

They regard the Ivory Tower model as one which disregards the fundamental cultural and social needs of the majority of South Africans. They believe that the university's existence should ultimately be justified in terms of its pragmatic usability for the majority (Africa Watch 1991:75; Khosa (1990: 2-3); Miller 1991a:33). In reality, the Ivory Tower model is not intrinsically linked to apartheid. As indicated earlier in this section, the Ivory Tower model's interpretation of the role of the university and academic freedom was, and is still, held by many scholars in countries like Germany (see sections 3.2.3.1 and 3.4) and the United States of America (see section 4.3.2.2). The Nationalist Party, unfortunately, abused this model by equating political and social truth with the ideology of apartheid. The Ivory Tower model is, consequently, regarded by most Blacks as part of apartheid.

Before discussing the view which the Black masses in South Africa hold of the university, the so-called Supermarket model will also be discussed, as it forms a bridge between the Ivory Tower model and the People's University model.

5.4.2 The Supermarket model

The Supermarket model of the university emphasises the role of the university as a supply centre for the economic sector. Universities are, according to this view, not primarily centres of rational inquiry into truth and of knowledge acquirement and dissemination. Universities should, instead, concentrate on the job-oriented training of students (Miller

1991a:34). Academic freedom is, therefore, regarded as the freedom that will enable academics to go about what is held to be their main business, namely the training of students to serve the economy (Miller 1991a:33).

The Supermarket model, therefore, emphasises pragmatic job training. A good university is, according to the proponents of this model, one in which there is a supply of courses for which students and employers have a demand, and in this way employers have a supply of skilled labour and students have a remunerative or career path, towards the overall development of the country (Miller 1991a:33-34).

The Supermarket model could also be linked up with the changes implemented by American universities in the aftermath of the 1960s and 1970s student unrests (see section 4.3.3.3). As indicated in section 4.3.3.1(e), one of the sources of student discontent was that the content of the courses offered by American universities was not career orientated and was irrelevant to the solution of real life problems (Glass & Conrad 1970:250; Glazer 1985:2-5); McKenna 1971:55-56). In an attempt to address the issue, American universities then initiated the job training approach (see section 4.3.3.3). The move was actually in line with the approach that had already been taken in countries like Imperial Germany where the search for knowledge and truth occurred within the “framework of a viable social integration and a sound professional training” (Nohl 1963:917) and of technology advancement (see section 3.2.1).

The Supermarket model is increasingly replacing the Ivory Tower model throughout the world. This view of the university's function is actually in line with a worldwide trend towards pragmatism and job training which are replacing the traditional, and typically Western, broad liberal education which is historically linked to the Ivory Tower model (Glass & Conrad 1970:250; McKenna 1971:55-56; Passow 1990:20).

Miller (1991a:34; 1991b:12) criticises the Supermarket model as being restrictive since it overemphasises one aspect of the university's function, that is, the provision of skilled labour, and disregards the acquirement and dissemination of knowledge. According to Miller (1991b:12), the university should not only function and focus on the production of workers. He and others believe that the university should remain the centre of rational inquiry, and its main and important task should always be acquirement and advancement of knowledge and truth (Behr 1982:4; Benatar 1991:5; Hofstadter & Smith 1961:864-865; Miller 1991b:13; O'Hear 1988:6; Searle 1975:87; Tight 1987:10-11).

The Supermarket model's emphasis on pragmatism and job training is also part of view which most Black South Africans have of the university, namely the so-called the People's University model.

5.4.3 The People's University model

The People's University model is politically motivated. As part and parcel of the struggle

against the racism and elitism of apartheid, it rejects all elements of elitism and hierarchical authority and/or organisational university structures (Africa Watch 1991:75; Khosa 1990:2; Miller 1991a:33-34). According to this model, universities must be open and accessible to the broad masses, and should be “Africanised” to serve the cultural and social heritage of the Black masses (Africa Watch 1991:75; Miller 1991a:33-34).

The term Africanisation is a broad and sometimes confusing concept. It entails a “more embracing quest which lays upon the African university the task of assembling the entire gamut of African heritage and ensuring its continuity by analysis and pedagogy which gives it a contemporary relevance to the needs and aspirations of the modern African nation-state” (Benatar 1991:6).

The process of Africanization is proselytised as entailing the:

- * indigenization or Africanisation of the academic staff, that is, increasing the number of African academic staff and administrators at universities (Benatar 1991:6; Heron 1964:40);
- * adaptation of curricula to suit the African cultural and social contexts, “crystallising the ethos of African cultural and social heritage ...” (Benatar 1991:6);
- * restructuring of universities and research programmes to make them relevant and beneficial to the broad masses (Benatar 1991:6); and

- * restructuring of universities so that they contribute to “the removal of material and social deprivation, political and economic inequality” (Miller 1991a:33).

The concept “university transformation” is often used in South Africa to denote the Africanization process.

In the People’s University model academic freedom is regarded as the freedom to acquire knowledge which is for the good of the broad Black community (Miller 1991a:33). This freedom is regarded as the right of students (and/or teachers) to demand and to violently enforce their demands for the transformation of universities in accordance with their views (Africa Watch 1991:75; Khosa 1990:2-3; Miller 1991a:33). South African universities must, according to this model, be democratised, and such democratisation refers to adaptation to the aspirations, culture and social heritage of the Black majority. The universities’ administration and academic hierarchies should also be dominated by Blacks.(Africa Watch 1991:75; Khosa 1990:2-3; Miller 1991a:33.)

The proponents of the People’s University model reject the traditional (that is, the Ivory Tower) model of the university as a place of rational enquiry, and regard such a view as being part and parcel of apartheid. South African universities have, according to them, been operating in isolation to the larger society and its needs. In other words, the universities only served the needs of the White minority while neglecting the needs and interests of the Black majority (Miller 1991a:33). For this reason, university institutions

need to be transformed or Africanised, that is, become relevant to the aspirations of the broad Black masses.

As with the Supermarket model, the Peoples' University model puts the emphasis on pragmatic job training. A job-oriented approach is actually implied by emphasis on Africanisation or transformation towards increasing the number of African academic staff and administrators at universities (Benatar 1991:6; Heron 1964:40). Such a transformation programme can only succeed if those Blacks that take up university posts have been properly schooled and trained in all aspects pertaining to the particular post.

Especially for Black students, the People's University model carries with it the demand for revolutionary transformation in universities. This demand has led to violent unrests where academic freedom is misunderstood and abused by students.

5.4.4 Abuse of academic freedom in post-apartheid South Africa

5.4.4.1 Students' revolt against university administrators

The revolutionary potential of the People's University model stems from its propounders' desire to wrest control of the university away from the administrators and academics and place it in the hands of the people, that is the student masses (Africa Watch 1991:75; Khosa 1990:2). The demand is for "disbandment of the University Councils", which are

claimed to “have been constituted in terms of the previous [apartheid] Government’s policies” (Khosa 1990:2). The university councils are to be replaced with so-called democratically elected councils, that is councils which have been elected by the student masses (Khosa 1990:2).

The People’s University model also implies:

the scrapping of exclusive rules, which do not take into account the imbalances between White and Black [students] in terms of educational background, drastic changes in the curriculum and course content which were meant to create classes and which do not encourage creativity ..., [and] making university resources available for the broader community (Khosa 1990:2-3).

Such a transformation process is, according to Foner (1995:172),

an echo of the United States’s struggles of the 1960s (see section 4.3.3.3) and contemporary debates over affirmative action [where] black students are demanding the full “Africanization” of the universities, especially that the student body and faculty reflect the proportion of blacks in the overall population (over 80 per cent).

The demands of students [led by the South African Students' Congress (SASCO) and Pan Africanist Student Organisation (PASO)] for a people's university and university transformation has, in the past four to five years, led to deplorable actions of lawlessness and social irresponsibility at the Universities of Witwatersrand, Pretoria, Orange Free State, Rand Afrikaanse University, Vista University and the main, Pretoria campus of the University of South Africa. Such actions included vandalism of university property, dumping of rubbish material around administration buildings and offices, taking administrators hostage, class boycotts, sit-ins, picketing and mass demonstrations. Clashes at universities, firstly, occurred between students and the security personnel who were called in to quell the violence (Financial Mail 27/08/1993:27; SABC TV News, 26/08/1993; The Star, 27/08/1993:1), and, secondly, between students who did not support the demands and those who did (Mecoamere in Sowetan, 10/02/1998:2; SABC TV News, 26/08/1993; The Citizen, 09/10/1991:1-2). Such clashes resulted in a number of students sustaining serious injuries (The Star, 27/08/1993:1).

Representative of the demands made by the radical students was the list of demands presented to the Witwatersrand University's management in April 1993 by SASCO. SASCO demanded, inter alia, the following:

- * that the Witwatersrand University Council should disband. SASCO claimed that the Council was illegitimate;
- * no financial exclusions, no subsidy cuts and a moratorium on fee increases;

- * that the University of the Witwatersrand should commit itself to a quota of at least 60% Black African students for 1994; and
- * the right of students “to conduct struggle in any manner determined by the oppressed without any interference from forces with dubious political agendas (the Wits administration) including threats of disciplinary action” (Financial Mail, 27/08/1993:27).

The Council and administration of the Witwatersrand University refused to accede to SASCO's demands. SASCO-led students then embarked on violent unrests - which included the occupation of administration offices, destruction of administration records and application forms, erection of burning barricades and assault on two members of the academic staff, professor Duncan Reekie (Commerce) and professor John Dugard (Law) (Financial Mail, 27/08/1993:27). The University administration still refused to accede to SASCO, and successfully applied for a court interdict “prohibiting [SASCO] from causing or inciting injuries, damage to property and disruption of university activities” (Financial Mail, 27/08/1993:27).

The wilful violence of SASCO is comparable to that of the 1960s and 1970s student uprisings in the USA (see section 4.3.3.3). Like the American New Left (see section 4.3.3), SASCO preached freedom yet paradoxically tried to enforce, through violent dictatorial means, their own ideas on others. Alienated from authoritative structures by the apartheid experience, SASCO wanted freedom, yet the members of SASCO collapsed

into anarchy and dictatorship. Their violent, dictatorial actions inhibited the academic freedom of students and teachers (Benatar 1991:6). Such behaviour is the destruction of the very life and future not only of the academy, but of civilised behaviour, and can never be condoned.

The interpretation of academic freedom as an absolute freedom which gives students the right to demand and violently enforce their demands has also led to, inter alia, student interference in the appointment of university staff and the demand for free university education. These issues, which have come to the fore since mid-1994, are sketched in the following sections.

5.4.4.2 Students' interference in the appointment of university staff

Students' interference in the appointment of university staff has been prominent especially in the appointment of senior university administrators (such as rectors). Their opposition is usually racially motivated (The Citizen, 12/10/1996:4). The violent protest by Black Pretoria University students against the appointment of professor Johan van Zyl in 1996, labelling him a "conservative racist" (The Citizen, 12/10/1996:4) and "an obstacle on the way to transformation" (Kotlolo in Sowetan, 10/10/1996:1), is one such example of students' radical interference in the appointment of university staff. The protest, which lasted more than a week, was described as "the most disgraceful student [protest] scenes we have yet witnessed on television" (The Citizen 10/10/1996).

Consequently, the University Council was “forced [to agree] to the post being re-advertised, and a new short-list of candidates was drawn up” (SAPA & De Lange in *The Citizen*, 9/10/1996). Despite the protests, professor Johan van Zyl was appointed as rector of Pretoria University.

Students also demand the resignation of academic and/or administrative staff members who are unpopular among students. To enforce the demanded resignation, the person is either held hostage, assaulted or barricaded and refused entry into university premises (Mamaila & SAPA in *Sowetan*, 20/02/1998:2). Class boycotts are also resorted to. For example, for the larger part of May 1998, students at the universities of Turfloop and Venda boycotted classes, demanding, inter alia, the resignation of the rectors (professor Ndebele and professor Nkondo respectively) and other staff members who were labelled as “incompetent” (SABC TV News, 20/05/1998). Some White academic staff were labelled as racists. During the protest actions, radical students assaulted private security personnel and journalists, barricaded entrances and burned lecture halls and offices destroying university records and other valuable documents (SABC TV News, 29/05/1998). At the University of Venda a curfew, restricting students movement at night, had to be imposed to protect university property. Students who wanted to attend classes and write tests were escorted by police.

The actions and behaviour of students described above are not only disgraceful, but also undermine the autonomy and integrity of universities as institutions of higher learning as

well as the academic freedom of teachers to teach and the majority of students who want to learn (Benatar 1991:6).

5.4.4.3 The demand for free education.

Black students' demand for free education since 1994 has resulted in financial crises in most universities. Universities have incurred huge debts due to non-payment of tuition fees. At the time of writing this dissertation students owe some R500 million at universities (and technikons) countrywide (Moreosele in Sowetan, 10/02/1998:1). Consequently, in 1998 the Universities of Turfloop, Fort Hare, Free State, Venda, Transkei and Durban-Westville refused to admit students who had not paid their outstanding tuition fees.

The students' reaction [led by SASCO, Azanian Students Convention (AZASCO) and PASO)] was to demand that students who were still in debt should be admitted. At a news conference held in Johannesburg on the 9th February 1998, SASCO said that "it stood behind the students [who owed tuition fees] because of the arrogance displayed by management of many tertiary institutions" (Moreosele in Sowetan, 10/2/1998:1). SASCO also threatened to go to court against all universities who excluded students who could not pay their fees (Moreosele in Sowetan 10/2/1998:1). SASCO also asked the Ministry of National Education as well as President Mandela to intervene and prevent the exclusion of students in debt. The Minister of Education, professor Bengu, ruled,

however, that students should pay their tuition fees (SABC TV News 12/2/1998). The subsequent behaviour of radical students at three universities, namely Fort Hare, Venda and Transkei, will be briefly sketched.

On February 19, 1998, the University of Fort Hare was forced to close due to its mounting financial difficulties. The students' debt amounted to at least R2 200 000 (SABC TV News 19/02/1998). Only 1 600 of some 5 000 students on campus registered with the required amount paid. The students, led by the university's student representative council, marched through the campus demanding the registration of all students, and also defying the order to leave the campus. The university management had to apply for a court interdict to evict the students who, after some serious clashes with the police, were forced to leave (SABC TV News 20/02/1998).

Commenting on the situation, the Vice-Chancellor of Fort Hare University, professor M. Mzamana, indicated that the situation was intolerable and that it was impossible to differentiate between legitimate, registered students and defaulters on the campus. The result was "unfortunate in that many bonafide students had to be left stranded and frustrated because of the whole saga" (SABC TV News 20/02/1998). The Vice-Chancellor's comment summarises the unacceptable nature of the behaviour of radical students that denies other students the freedom to learn.

On the same days (19 and 20 February 1998), students at the University of Venda

blocked the university entrance refusing staff and administration personnel access onto the campus (Mamaila & SAPA in Sowetan, 23/02/1998:2). The students demonstrated on campus demanding, inter alia, that:

- * the results of students who owed money to the university should be released and such students should be allowed to register; and
- * the Vice-Chancellor, professor G. Nkondo, should resign as he was, according to the radical students, failing to address (in fact to accede to) students' demands, and therefore, failing to govern the institution (SABC Radio News, 20/02/1998; Mamaila & SAPA in Sowetan, 20/02/1998:2).

Consequently, on February 20, 1998, after violent clashes with the police, during which at least six students were arrested, the University of Venda had to be closed (Mamaila in Sowetan, 24/02/1998:4). It was reopened after seven days with only registered, that is paid-up, students allowed on campus. The AZASCO-dominated SRC was suspended indefinitely and all student organisations were prohibited from holding meetings on the campus (Mamaila in Sowetan 03/03/1998:4).

Concurrently, classes were also disrupted at the University of Transkei. Legal and other measures were, however, immediately employed by the university management against the minority of radical, protesting students to protect the overwhelming majority of

students who wanted to continue with their studies (Sowetan, 27/02/1998:2). Lectures at the university were, thus, resumed.

The behaviour of radical students and the state of affairs sketched above reflect the present state of affairs at other universities (with very few exceptions) in South Africa. In other words, no solution has as yet been found to student unrest in South Africa. The intensity of violence and the nature of student protests, however, vary with different institutions.

5.5 CONCLUSION

In South African universities academic freedom has clearly been linked to the political history of the country. The blatant restrictions on academic freedom of the apartheid era are now a thing of the past. Sadly, however, it is now the victims of apartheid that are misinterpreting and/or abusing academic freedom.

South African university education and academic freedom are at a crossroads. The next, and final, chapter will focus on possible ways in which true academic freedom can be established and protected in South African universities for the good of all - students, teachers and the broader community.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

6.1 INTRODUCTION

The historical review in the preceding chapters revealed that academic freedom has been a highly problematic concept over the ages. There were different views and interpretations of the meaning and implications of academic freedom. The concept of academic freedom has, as a result, been both misunderstood and misused.

In this chapter the concepts, which have throughout history been confused with academic freedom, will be clarified. Recommendations/guidelines which will hopefully promote the realisation of academic freedom at higher institutions of learning, in particular South African institutions, will also be given.

6.2 CONCEPTS OFTEN MISINTERPRETED AS ACADEMIC FREEDOM

The historical review showed that there are two concepts which have, throughout history, been confused with academic freedom, namely general civil liberty and individual licence. These concepts and their subsequent misinterpretations in relation to academic

freedom are worth re-stating and clarifying, before suggesting any measures towards the promotion and realisation of academic freedom.

6.2.1 Academic freedom as opposed to civil liberty

The Medieval students (and teachers) at Paris University viewed academic freedom in the same light as civil liberty (see section 2.3.2.2). Early twentieth century American scholars, like Robert Searle, likewise viewed academic freedom as a “general freedom”, that academics should enjoy as members/citizens of a free society (see section 4.3.2.2). Academic freedom in American universities was, as a result, neither restricted to the walls of the university institution nor to the academics’ field of expertise. The new Constitution of the Republic of South Africa also groups academic freedom with other freedoms under the general “freedom of expression”. The new Constitution states that “[e]veryone has the right to freedom of expression which includes - academic freedom and freedom of scientific research” [South Africa 1996, art. 16(1)(d)]. Thus today, as in the past, academic freedom is equated with civil liberty. ✓

Civil liberty entails, among others, the freedom of speech and of expression that are enjoyed by all members (individuals, groups and the media) of a free society (see section 4.3.2.2). As a result, there is no form of freedom which is exclusively granted to promote the academic functions of the university. ✓

Scholars in Imperial Germany clearly distinguished between academic freedom and civil liberty (see section 3.2.3.1). The argument of the Imperial German scholars was that academic freedom is an academic issue. It implied the freedom of the academics to inquire, publish and disseminate knowledge in their respective fields of expertise without any interference (see section 3.2.3.1). Academic freedom was restricted to the intellectual quest for truth and the advancement and dissemination of the knowledge attained in this quest. Therefore, it was regarded as a distinctive prerogative of the academic profession and the essential condition for the promotion of instruction and research in university institutions.

Such a distinction between academic freedom and civil liberty should be upheld because the university's academic function is unique. If academic freedom is viewed as part of civil and individual liberties, the idea of academic freedom would be irrelevant because civil and individual liberties are protected by law - incorporated in the country's Constitution and/or the Bill of Human Rights. Thus if academic freedom was merely a sub-category of general civil liberties, the idea of academic freedom would become increasingly meaningless. Academic freedom is, and should remain a specific privilege, extended exclusively to academics for academic purposes (see section 3.2.3.1).

Academic freedom is specifically the freedom that is "conceptually linked to the idea of the search for truth" (Morrow 1990:92). It is, as Hook (1986:6) puts it, "a right that must be earned" by one's involvement in academic responsibilities. Such freedom is clearly

different from general civil liberties, which are enjoyed (and not earned) by every member of a democratic and free society.

6.2.2 Academic freedom as opposed to individual licence

The historical review indicated that during the Medieval era, students and/or teachers abused their positions, and used academic freedom as a licence towards lawlessness and/or social irresponsibility (see section 2.3.2.2). This was also the case during the 1960s and 1970s American student uprisings (see section 4.3.3.2) as well as in most instances of student struggles throughout the history of South Africa [see sections 5.3.1.3 (b), 5.4.4.1 and 5.4.4.2]. In the name of academic freedom, students engaged in deplorable actions like riots, violence, vandalism as well as harassment and hostage taking of teachers and students who wanted to teach or learn.

Incidents like these and their academic reprisals show that academic freedom should never imply individual licence. Teachers and/or students should not involve themselves in non-academic activities which disrupt the academic programme and then simultaneously claim that their academic freedom gives them the right to engage in such activities. University activities engaged in by lecturers and students should promote, and not impede, the academic functions of the university.

✓ Academic freedom carries with it definite duties, responsibilities and obligations. Such

duties, responsibilities and obligations concomitant with academic freedom were reflected in the Imperial German's *Lehrfreiheit* and *Lernfreiheit* ideals (see sections 3.2.3.1 and 3.2.3.2). The AAUP (1961:871) also endorsed these duties as follows:

Since there are no rights without corresponding duties, the considerations heretofore set down with respect to the freedom of the academic teacher entails certain correlative obligations. The claim to freedom of [research and] teaching is made in the interest of the integrity and of the progress of scientific inquiry; it is, therefore, only those who carry on their work in the temper of the scientific inquirer who may justly assert this claim.

Academic freedom does not mean or imply absolute freedom. It does not imply liberty or "a license to practice or to advocate ... any order of immoral behaviour" (Flew 1990:9-10). Socially irresponsible and/or criminal behaviour, such as riots, violence, vandalism as well as harassment and hostage taking [see sections 2.3.2.2, 4.3.3.2, 5.3.1.3 (b) and 5.4.4] deny others their freedom and right to teach and learn.

In the next section, the recommendations in respect of the realisation of academic freedom in universities (and any other higher institutions of learning) will be given.

6.3 RECOMMENDATIONS

Academic freedom is the freedom to search for and disseminate truth. It is an ideal and can, in the light of human fallibility, never be perfectly achieved. The following recommendations/guidelines are presented as ideas that will hopefully promote the realisation, albeit imperfectly, of academic freedom at higher institutions of learning, in particular in South African institutions.

6.3.1 The granting of institutional autonomy

Academic autonomy or institutional autonomy implies the power of the institution to govern its own affairs (Berdahl 1990:170). It refers to the university's freedom to determine, inter alia, the curricula, appointment and promotion of teachers, research programmes, fund allocations as well as policies pertaining to examinations and student admissions, without the interference of the state and/or the larger society (Bartos 1990:24; Benatar 1991:5; Behr 1982:1; Louw 1992:25-26; Miller 1991:35; Tight 1987:12).

The historical review revealed that most incidents of discontent and/or unrests in universities were linked to the issue of institutional autonomy. Such incidents occurred at the Medieval Bologna and Paris Universities (see sections 2.3.1.2 and 2.3.2.3), early twentieth century American universities (see section 4.3.1) as well as South African

universities, especially during the apartheid era (see sections 5.3.1.2, 5.3.2, 5.3.3 and 5.3.4).

The incidents in the above mentioned sections as well as the success of the Imperial Germany universities, which were autonomous institutions (see section 3.2.2), in implementing *Lehrfreiheit* and *Lernfreiheit* ideals (see sections 3.2.3.1 and 3.2.3.2) lead one to the conclusion that institutional autonomy and academic freedom are interrelated and that the latter is meaningless without the former. An institution which enjoys academic autonomy is in a better position to promote, protect and realise academic freedom as well as the university's overall academic task. Without outside interference and restrictions, academics can conduct free inquiries and the search for knowledge and truth can, therefore, flourish. The apartheid era in South Africa revealed that no such free inquiry is possible if the state (or any other social sector) directs, according to its interests, such programmes and imposes restrictions on the areas or fields to be researched (see sections 5.3.1.2, 5.3.1.3, 5.3.2, 5.3.3 and 5.3.4). The granting of academic or institutional autonomy is, therefore, a pre-condition for the promotion and realisation of academic freedom.

It is, therefore, recommended that every university institution be granted institutional autonomy, and that:

* The requirements for appointment and promotion of staff should be a solely

academic issue and the university institution should have the freedom to determine such requirements, select its own staff and recommend their promotions.

- * The university should be responsible for determining the requirements for the selection and admission of its students and such requirements should solely be based on academic grounds.
- * The university should be responsible for the formulation of the curricula and the learning content for each degree and diploma, and for the setting of academic standards.
- * Each university should have the final decision as to the research programmes carried out within its walls. In determining these programmes, the university should, however, be sensitive to the needs of the society it serves (see section 5.4.3).
- * The university should be responsible for its budget, that is for the allocation of the available financial resources among its various activities (that is, manage its internal financial affairs). Controls, such as auditing, will, however, be necessary to combat possible corruption.

Such institutional autonomy could protect the university from any interference in

academic matters by the state and/or the public. Furthermore it could pave the way and promote the free pursuit, development and advancement of knowledge - through research, study, discussion, teaching and writing by members of the academic community, individually or collectively.

Institutional autonomy is also a form of protection for individual or collective members of the academic community against the state and/or individuals including university presidents and ambitious politicians - who might become hostile towards the academics and their thinking in their fields of research (DeBardeleben 1969:82; MacIver 1967:115-116; Trachtenberg 1996(a):23; also see section 5.3.4). As revealed during the apartheid era in South Africa, this is especially true for research done on unpopular politically sensitive topics and/or topics which challenge the government of the day (see section 5.3.4). Institutional autonomy will enable academics to research and publish ideas that might challenge the authority, principles and the management of the state and/or the university. The state and/or politicians (and the broader society) should, therefore, be tolerant of the academics' intellectual thought processes in their respective field of study. Academics should be allowed to say and publish that which the state and/or politicians (and/or the society) may not want to hear - without any fear of being marginalised or persecuted (as was the case during the apartheid era in South Africa - see section 5.3.4). This includes questioning and criticising state policies and/or individual politician's views.

6.3.2 Promotion of a sound relationship between the academy and the state

The historical review revealed that the state has often been the source of interference in the university's institutional autonomy and academic freedom. This was evident in the Medieval universities (see sections 2.3.1.2 and 2.3.2.3), early twentieth century American universities (see section 4.3.1) as well as in South African universities, especially during the apartheid era (see sections 5.3.1.2, 5.3.2, 5.3.3 and 5.3.4). In these instances the state interfered in the following academic matters:

- * the examination and certification of teachers;
- * student admissions;
- * staff appointments;
- * determination of curriculum and learning material; and
- * research and publication.

In reality, the university institution exists in interrelation with the state because the state is the main financing sector of the university. Nevertheless, the state should respect the university's intellectual autonomy. Such respect forms the basis of a sound relationship between the university and the state.

The clashes between the state and teachers and/or students during the Medieval era (see sections 2.3.1.2 and 2.3.2.3) as well as during the apartheid era in South Africa (see

sections 5.3.1.2, 5.3.1.3, 5.3.1.4, 5.3.2, 5.3.3 and 5.3.4) indicate that mutual trust and support (and not hostility, coercion and confrontation) between the university and the state are essential for the success of the academic function the university.

To promote a sound relationship between the academy and the state both role players should adhere to certain obligations:

On the part of the university/ the academy the following is recommended:

- * Members of the intellectual community should execute their academic activities with competence, integrity and to the best of their abilities.
- * Academics should perform their duties in accordance with the high ethical and scientific standards expected from them.
- * Academics and students should always act accountably, showing a high sense of social responsibility. There should, however, be room for criticism of and, if necessary, non-violent civil disobedience towards wrong social systems such as apartheid.

On the part of the state, the following is recommended:

- * The state should acknowledge the academic freedom of the academy and refrain from interfering in the academic affairs of the university. Universities should be granted the autonomy to determine their academic programmes and other related activities, as well as the freedom to achieve the academic goals without any interference (see section 6.3.1). Even if the academics' fields of study are unpopular, politically sensitive topics which challenge and criticize the policies of the government of the day (see section 5.3.4), academics should be free to pursue their goals within the limits of decent and responsible civil behaviour.

- * The state should also entrench academic freedom into a National Education Bill to acknowledge and protect academic freedom. The present South Africa's Constitution acknowledges academic freedom in the following clause: "Everyone has the right of to freedom of expression, which includes - academic freedom and freedom of scientific research" [South Africa 1996, art.16(1)(D); also see section 6.2.1]. In order to ensure that this clause is translated into practice, academic freedom should be legally protected. The formulation of academic freedom clauses (in the National Educational Bill) should be made in consultation with the relevant educational structures, organisations or bodies, like the academic freedom committees (see sections 5.3.1.3(a), 6.3.4 and 6.3.5), teachers professional bodies, student bodies and community organizations. Such wide consultation and involvement will hopefully lead to the respect and upholding of academic freedom in South African universities.

- * The state should also, through its judicial system, support universities and take appropriate action against all who engage in activities that curtail the academic freedom of lecturers and/or students and derail the proper functioning of the university. Actions like vandalising university property, blocking entrances and holding of teachers and/or administrative staff as hostages [see sections 4.3.3.2, 5.3.1.3 (b) and 5.4.4] should be punishable by law.

6.3.3 Promotion of sound relations and communication within the university institution

The historical review revealed that academic freedom is not only threatened by the State alone (see section 6.3.1), but also from within the university itself. University administrators, academic staff as well as students, individually or collectively, do sometimes threaten the right to academic freedom of other academics and/or students. This was evident during student unrests at the Medieval Paris University (see section 2.3.2.2), American universities in the 1960s and 1970s (see section 4.3.3.2) and in South African universities [see sections 5.3.1.3(b) and 5.4.4]. The encroachment of and the intervention into academic matters by administrators of the early twentieth century American universities (see section 4.3.1) are further examples of restrictions on academic freedom within the university itself.

Unrests and discontent can possibly be avoided by open communication channels within

the university institution. The AAUP's emphasis on sound relations and negotiations with university administrators, rather than confrontations, in its methods of promoting and protecting academic freedom in American universities (see section 4.3.2.3) highlights the importance of sound and healthy working relations and communications within the academy.

To promote sound relations and communication within the university the following ideas are suggested:

6.3.3.1 Consultation in decision making between university administrators, academic staff and students

It is undesirable that University Councils and managements make decisions and/or policies that are merely imposed on entire university communities [as was the case in the early twentieth century American universities (see section 4.3.1) and South African universities during the apartheid era (see sections 5.3.1.2, 5.3.2, 5.3.3 and 5.3.4)]. The current era of democracy and transparency in South Africa calls for consultation in decision making between all role players who constitute the very being of the university institution.

It is, therefore, recommended that University Councils and managements should fully consult with the academics and/or students when making decisions that affect them.

These decisions on policies and issues could range from those which directly affect academics, like policies on research, publication and dissemination/teaching of findings, to student admissions and the allocation of student bursaries and loans.

All structures involved in the consultation and decision making process of the university should, however, be realistic and differentiate between issues which need to be dealt with by all role players and issues that are peculiar to the University Council and/or management. For example, the University Council and/or university management could take decisions on budget allocations and staff appointments without extensive consultation with academics and/or students.

Although the introduction of student involvement/participation in American universities after the 1960s-1970s student unrests was not successful (see section 4.3.3.3), student involvement and participation in university structures in post-apartheid South Africa is recommended for the following reasons:

Firstly, during the apartheid era students, especially Black students, felt that they were excluded from decisions that affected their lives and their education (see section 5.3.1.2). As a result, Black students still resent any form of top-down decision making as is seen in the People's University model (see section 5.4.3). They are, therefore, demanding involvement in university decision making (see sections 5.4.3 and 5.4.4). Such involvement in university structures could possibly minimise the frequent confrontations

that still arise in universities between students and university administrators and/or managements.

Secondly, the involvement of students in university committees, such as the finance committee, could also provide the students with direct information about, for example, the financial constraints on the university budget. This could provide a basis for addressing unrealistic students' demands, such as the demand for free education (see section 5.4.4.2).

Student involvement in university structures should, as indicated earlier in this section, however, be realistic. Students cannot, for example, expect or demand to be involved in structures which determine the curricula. A student cannot advise a professor (that is, a subject expert) on subject content. Even at the Medieval Bologna University, where the mature students were mainly responsible for the running and control of the academic activities (and teachers were the employees of the students), teachers chose the actual material that made up the disciplines (see section 2.3.1.1). In other words, teachers determined from their expertise the curricula and the learning content.

Whether student involvement in university structures in South Africa will fail, as in America (see section 4.3.3.3), remains to be seen. However, at the moment it appears that such involvement is needed in South Africa.

6.3.3.2 Open communication channels among academic staff members

Open communication among academics within a particular university institution (and other institutions) promotes the exchange of information and knowledge. It also assists in the building of appreciation and tolerance for one another's activities and views (Louw 1992:26). Any problems and misunderstandings can also be openly shared and discussed - ultimately promoting mutual trust and goodwill. Sound relationships between academics also unite them against academic onslaughts. This was demonstrated by the opposition to racial restrictions by the "open" universities [see section 5.3.1.3 (a)]. It is, therefore, recommended that academics should encourage open and respectful communication among themselves.

6.3.3.3 Open communication channels between academic staff and students

The success of the university also relies on the continued healthy relationship between academics and students. Examples of such cooperation are the Medieval Bologna and Paris Universities. Although Bologna University was a guild of students and teachers were their employees (see section 2.3.1.1), a sound working relationship between them resulted in good partnership. Likewise, teachers at the Medieval Paris University (which was a guild of teachers - see section 2.3.2.1) intervened and supported students' requests for protection by the city state (see section 2.3.2.2).

Such good relationships between teachers and students (and university administrators) depends to a large extent on open communication channels between academic staff and students. Students should be free to discuss any matters (including problems), academic or administrative, with the academics and/or administrators. Joint management-SRC meetings can also be held when necessary to discuss issues of mutual concern.

6.3.3.4 Respect for the integrity of the academy by academics and students

The deplorable actions of students during the 1960s-1970s in America (see section 4.3.3.2) as well as in South Africa [see sections 5.3.1.3(b) and 5.4.4] undermine the integrity of the university. If the university is to achieve its mission, academics and students should protect the integrity of the academy and its function. They should show responsibility, accountability and commitment to the ideals of the university which are the discovery and dissemination of knowledge and truth. Unnecessary disruptions to the university programme, through boycotts, mass demonstrations, vandalism and damage of university property and others, which are often used (by students) as a way of pressurising university administrators to address educational issues in South Africa, should be rejected. All educational concerns, including issues around academic freedom, should be addressed through committed discussions and negotiations by all role players, without disrupting the academic programmes.

6.3.4 The establishment of structures which protect academic freedom

Academic freedom agencies, such as the American Association of University Professors (AAUP) and the Academic Freedom Committees of the University of the Witwatersrand and the University of Cape Town, played a significant role in the understanding of and the promotion and protection of academic freedom. The achievements of these agencies (see sections 4.3.2 and 5.3.1) indicate the need for the establishment of such structures which will promote and protect academic freedom in today's universities. Such structures should address issues relating to academic freedom within the university. These issues include the violation and/or infringements of the academic freedom of others by any individual or group within the institution. Such structures can also organise academic freedom campaigns and awareness, workshops, seminars and conferences within the academic community of lecturers and students.

6.4 FINAL ASSESSMENT

This study on academic freedom revealed that academic freedom should be granted to protect university teachers in their research, publication of the results and dissemination of knowledge, and to allow students to study and learn. The promotion and upholding of academic freedom in universities is important. From the various historical interpretations of academic freedom one realises that the upholding of academic freedom is not an easy task. "For if history teaches us anything, it is that freedom [including

academic freedom] is not achieved in a day, nor, once achieved, does it necessarily last forever. The price of maintaining it ... is eternal vigilance” (Foner 1995:176).

BIBLIOGRAPHY

ABRAHAMSE, L. 1987. Downright diplomacy. *Leadership South Africa*, 6(6):8-12.

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS. 1915. The general report of the Committee on academic freedom and tenure. *Bulletin of the American Association of University Professors*, 1(1):1-43.

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS. 1961. General declaration of principles, 1915, in *American higher education: a documentary history*. Volume II, editors R.Hofstadter and W. Smith. Chicago: The University of Chicago Press:860-878.

AFRICA WATCH. 1991. *Academic freedom and human rights abuses in Africa: an Africa watch report*. New York: Human rights watch.

ALBATCH, P.G. (ed.). 1977. *Comparative perspective on the academic profession*. New York: Praeger publishers.

AMBROSE, C.M. 1990. Academic freedom in American public colleges and universities. *The review of higher education*, 14(1):5-32.

- ARLBLASTER, R. 1974. *Academic freedom*. London: Penguin.
- ARONOWITZ, S. 1985. Academic freedom: a structural approach. *Educational theory*, 35:1-13.
- BACKMAN, E.L. & FINLAY, D.J. 1973. Student protest - cross national study. *Youth & Society*, 5(1):3-42.
- BADENHORST, D.C.(ed). 1987. *School management: the task and role of the teacher*. Pretoria: HAUM.
- BARTOS, M. 1990. The Academic freedom charter experience. *Australian university review*, 33 (1&2):23-24.
- BAYER, A.E. & AUSTIN, A.W. 1971. Campus unrest, 1970-71: was it real all that quiet. *Educational record*, 52(4):301-313.
- BEARD, C.A. 1961. Beard's resignation from Columbia, 1917, in *American higher education: a documentary*. Volume II, editors R. Hofstadter and W. Smith. Chicago: University of Chicago Press:883-892.

- BEHR, A.L. 1980. *New perspectives in South African education*. Durban: Butterworth.
- BEHR, 1982. University today: a world perspective. *Bulletin for academic staff - a journal devoted to university education*, 3(2):1-8.
- BEHR, A.L. 1984. *New perspectives in South African education*. 2nd. edition. Durban: Butterworths.
- BEHR, A.L. 1987. South African universities today: perspective for a changing society. *South African journal of higher education*, 1:3-9.
- BEHR, A.L. 1988. *Education in South Africa: origins, issues and trends (1652-1988)*. Pretoria: Academica.
- BENATAR, S.R. 1991. Freedom of speech, academic freedom and challenge to universities in South Africa. *South African journal of science*, 87(1):4-8.
- BERDAHL, R. 1990. Academic freedom, autonomy and accountability in British Universities. *Studies in higher education*, 15:169-180.
- BEST, J.W. 1977. *Research in education*. Englewood Cliffs: Prentice Hall.

- BOBERG, P.Q.R. 1988. University of Cape Town and another versus the Minister of education and culture and others-from the law reports. *Businessman's law*, 17(8):249.
- BOSMAJIAN, H.A. 1989. *Academic freedom*. New York: Neal-Schuman Publishers, Inc.
- BOWEN, J. 1975. *A history of Western education*. Vol. II. London: Methuen & Co. Ltd.
- BOZZOLI, G.R. 1969. *Academic freedom in the universities (a lecture delivered at the University of Natal, on 20th August, 1969)*. Durban: University of Natal.
- BIRLEY, R. 1972. *The real meaning of academic freedom (An address delivered at the tenth annual Council of World University Service in the United Kingdom, held at the University of Glasgow, 3rd to 5th January 1972)*. London: World University Service.
- BUCHWALD, A. 1969. From their point of view, in Special feature on campus unrest. *Today's education*, 58(8):25-33.
- BURGER, MARLENE. 1992. *Verwysingstegnieke*. Agste hersiening. Pretoria: Universiteit Van Suid Afrika.

- BUTLER, W.R. 1969. Dealing with campus unrest, in Special feature on campus unrest. *Today's education*, 58(8):25-33.
- CADWALLANDER, M.L. 1983. Reflections on academic freedom and tenure. *Liberal education*, 60(1):1-17.
- CANGENI, J.P. 1977. Negative faculty cause student unrest. *College student journal*, 11(3):291-292.
- CARTWRIGHT, C.A. 1995. Inquire, learn, reflect - the evolution of student activism. *Educational record*, 76(1):26-31.
- CASEY, T.J. 1969. Student unrest: roots and solutions. *Liberal education*, 55(2):244-255.
- CENTLIVRES, A.V. & FETCHAM, R. (eds.). 1957. *The open universities in South Africa*. Johannesburg: Witwatersrand University Press.
- CHIPMAN, A. 1976. Freedom in the classroom and beyond. *Independent school*, 36:47-49.
- CHRISTIE, P. 1986. *The right to learn: the struggle for education in South Africa*. Braamfontein: Ravan Press (Pty) Ltd.

- COLLIERS ENCYCLOPAEDIA. 1968. S.v. "Academic Freedom". Canada: Crowell-Collier Educational Corporation.
- CONRAD, R. 1993. *Academic freedom*. London: Routledge.
- COWEN, D.V. 1968. *Academic freedom in our time (The third E.G. Malherbe academic freedom lecture delivered at the university of Natal on the 14th August 1968)*. Durban: University of Natal.
- DEBARDELEBEN, A. 1969. *The University's external constituency, in Dimensions of academic freedom, vide Metzger 1969, 69-91.*
- DE LANGE, F. 1996. Blacks, Whites clash at Tuks, *The Citizen*, 9 October:1-2.
- DEMPSTER, C. 1986. Dilemma at heart of South African campus crisis. *The times higher education supplement*, 719(1):8.
- DEWEY, J. 1984. The social significance of academic freedom. *The education digest*, 50(1):37-39.
- DONAVAN, E.F. 1963. Serleno university, in *Encyclopaedia Americana*. New York: American Corporation.

- EISENBERG, L. 1970. Student unrest: sources and consequences. *Science*, 169(3926):1688-1692.
- ELLIS, G. 1995. Out in the cold: academic boycott and the isolation of South Africa. *South African journal on human rights*, 11(3):539-544.
- EUSTANCE, R. 1989. Freedoms of academics. *Higher education quarterly*, 43(3):216-228.
- FARRANT, J.S. 1980. *Principles and practice of education*. Harlow: Academica.
- FENGLINF, C., YANJUN, D. & MA, Y. 1991. Academic freedom in the People's Republic of China and the United States of America. *Fall*, 112(1):29-33.
- FERNANDO, L., HARTLEY, N., NOWAK, M. & SWINEHART, T. 1990. *Academic freedom in the 1990: a human rights report*. London: Zed Books Ltd.
- FINANCIAL MAIL. 1993. 27 August:27-28.
- FLEW, A. 1990. Academic freedom and academic purposes. *Education today*, 40(4):6-11.

- FONER, E. 1995. We must forget the past: history in the new South Africa. *South African historical journal (history workshop held at the University of the Witwatersrand, Johannesburg on the 13-15 July 1994)*, 163-176.
- FOURIE, M.E. 1994. Constant and changing emphasis on values in South African higher education. *Tydskrif vir christelike wetenskap*, 30:18-31.
- FRANKEL, C. 1969. Dangerous babbling, in Special feature on campus unrest. *Today's education*, 58(8):25-33.
- GARDUQUE, L. 1986. Controlling costs at the expense of academic freedom. *Educational research*, 15(1):24-26.
- GLASS, J. & CONRAD, J.R. 1970. Campus unrest: some causes and recommendations. *North central association quarterly*, 45(2):248-252.
- GLAZER, N. 1985. The aftermath of the student revolt. *American education*, 21(3):2-5.
- GOOD, C.V. 1963. *Introduction to research*. New York: Meredith Publishing Company.
- GOODMAN, P. 1969. Why student unrest, in Special feature on campus unrest. *Today's education*, 58(8):25-33.

GRAVES, S.M. 1969. A description of student unrest. *NASSP bulletin*, 53(337):191-197.

GREATHOUSE, BETTY. 1991. Academic freedom: a matter of interpretation. *Fall*, 112(1):10-14.

HATCHEN, W.A. & GIFFARD, C.A. 1984. *Total onslaught: the South African press under attack*. Braamfontein: Macmillan South Africa (Pty) Ltd.

HALSEY, A.H. 1976. *Academic freedom and the idea of a university (The seventh T.B. Davie Memorial lecture delivered at the University of Cape Town on the 8th June, 1976)*. Cape Town: University of Cape Town.

HENRY, B. 1969. First student, in Special feature on campus unrest. *Today's education*, 58(8):25-33.

HERON, D.B. 1964. Some reflections on academic freedom. *Makerere journal*, 9(1):33-43.

HETHERINGTON, H. 1965. Comments by members of the Administrative Board, International Association of Universities, in *Papers of the International Association of Universities no.7: university autonomy - its meaning today*. Paris: International Association of Universities:1-38.

- HIRSH, S.A. & KEMERER, F.R. 1982. Academic freedom in the classroom. *Educational leadership*, 39(1):375-377.
- HODGES, L. 1991. Student activism sweeps campuses. *The times higher education supplement*, 953:1.
- HOFSTADTER, R. & METZGER, W.P. 1955. *The development of academic freedom in the United States*. New York: Columbia University Press.
- HOFSTADTER, R. & SMITH, W.(eds.). 1961. *American higher education: a documentary history*. Volume II. Chicago: University of Chicago Press.
- HOOK, S. 1969. The real trojan horse in higher education, in Special features on campus unrest. *Today's education*, 58(8):25-33.
- HOOK, S. 1973. Student revolt could destroy academic freedom, in *The Human encounter: Reading in education*. 2nd edition, editors S.P. Stoff and H.Schwartzberg. New York: Harper & Row Publishers:36-47.
- HOOK, S. 1986. The Principles and problems of academic freedom. *Contemporary education*, 58(1):6-12.

HORN, L.H. 1983. *A metapedagogical survey of subversive factors retarding educational progress with special reference to the role played by Herbert Marcuse*. Unpublished Med dissertation, University of South Africa, Pretoria.

HORN, P. 1978. *Academic freedom within the university (The eleventh E.G. Malherbe academic freedom lecture delivered at the University of Natal on the 2nd August, 1978)*. Durban: University of Natal.

HOROWITZ, H.L. 1986. The 1960s and the transformation of campus cultures. *History of education*, 26(1):1-38.

HUMAN SCIENCE RESEARCH COUNCIL INVESTIGATION INTO THE PROVISION OF EDUCATION IN THE RSA. 1981a. *Report of the main committee*. Pretoria: HSRC.

INTERNATIONAL ASSOCIATION OF UNIVERSITIES. 1965. *University autonomy - its meaning today*. Paris: International Association of Universities.

JAMES, F.C. 1965. University autonomy its meaning today - an introduction, in *Papers of the International Association of University Papers: University autonomy - its meaning today*. Paris: International Association of Universities:vii-xi.

JOUGHIN, L.(ed.) 1969. *Academic freedom and tenure: a handbook of the American Association of American Professors*. London: Wisconsin Press Ltd.

KADISH, S.H. 1969. The strike and the professoriat, in *Dimensions of academic freedom*, vide Metzger 1969, 34-68.

KAPLAN, C. & SHRECKER, E.(eds.). 1983. *Regulating the intellectuals - perspective on academic freedom in the 1960s*. New York: Praeger.

KENISTON, K. 1970. What's bugging the students? *Educational record*, 51(2):116-129.

KHOSA, S.E. 1990. *The student representative council presidential report*. Pietersburg: University of the North.

KIRK, R. 1955. *Academic freedom: an essay in definition*. Westport: Greenwood Press Publishers.

KNOCK, G.H. 1978. Looking backward and forward at college student unrest. *College student journal*, 12(2):144-149.

KOTLOLO, M. 1996. Students defy cops, *Sowetan*, 10 October:1

KRUGER, ELSA. G. (ed.). 1986. *Education: past, present and future*. Pretoria: Euro Publishers.

LACHMAN, L.M. 1972. Academic freedom. *New Nation*, 5(12):I-ii.

LACHMAN, L.M. 1972. Academic freedom - discussion. *New Nation*, 6(3):21.

LEEW, T., LANSINK, A & SEEPE, S. 1998. Universities crumble in chaos, *Sowetan*, 26 February:13.

LESLIE, D.W. 1986. Academic freedom for universities. *The review of higher education*, 9(2):135-157.

LEVERATT, M. 1992. The real threats of academic freedom. *SEARCH*, 23(5):150-151.

LEWIS, G.F. 1971. The slow road to student liberation. *AAUP bulletin*, 57(4):495-499.

LIPSCHUTZ, S.S. 1985. Academic freedom: the faculty's special responsibility. *Liberal education*, 71(1):283-287.

LOUW, H.A. 1992. Academic freedom: ideal or reality. *Vista teaching and learning*, 7(1):19-29.

- LOWELL, L. 1961. Academic freedom in War Time, 1917, in *American Higher Education: A Documentary*. Volume II, editors R. Hofstadter and W Smith. Chicago: University of Chicago Press:878-882.
- MACGREGOR, K. 1994. South African freedom threat. *The times higher supplement*, 1105(1):1.
- MAMAILA, K. 1997. Turfloop owed R54-m: some students have not paid a cent in five years, *Sowetan*, 20 February:1.
- McKENNA, B. 1971. Student unrest: some causes and cures. *NASSP bulletin*, 55(352):54-60.
- MACIVER, R.M. 1967. *Academic freedom in our time: a study prepared for the American Academic Project at Columbia University*. New York: Gordian Press.
- MAHLANGU, D.M.D. 1987. *Educational research methodology*. Pretoria: HAUM publishers.
- MAMAILA, K. 1998. 9 Univenda students arrested - Azapo leader calls action shocking. *Sowetan*, 24 February:4.

- MAMAILA, R & SAPA. 1998. Students bar rector from university. *Sowetan*, 23 February:2.
- MANALE, B. 1998. Azasco destabilising Univenda, *Sowetan*, 25 February:12.
- MANION, L. & COHEN, L. 1980. *Research methods in education*. London: Groom Helm.
- MEAD, M. 1969. The generation gap, in Special feature on campus unrest. *Today's education*, 58(8):25-33.
- MECOAMERE, V. 1998. Five hurt in black and white clashes - RAU students allege they were beaten up after being told their music was too loud. *Sowetan*, 10 February:2.
- MENAND, L. 1993. The future of academic freedom. *Academe*, 79(1):11-17.
- METZGER, W.P. 1961. *Academic freedom in the age of the university*. New York: Columbia University Press.
- METZGER, W.P. 1969. Academic freedom in delocalized academic institutions, in *Dimensions of academic freedom*, vide Metzger 1969, 1-33.

- METZGER, W.P., KADISH, S.H., DEBARDELEBEN, A. & BLOUSTEIN, E.J. 1969.
Dimensions of academic freedom. Chicago: University of Illinois Press.
- MILLAR, F. 1991. Scholarship, research and teaching in the context of academic freedom. *Studies in higher education*, 16(1):3-28.
- MILLER, S. 1991a. Academic freedom in South Africa. *The Australian review*, 34(2):33-35.
- MILLER, S. 1991b. Academic freedom in South Africa. *Word and action*, 31:12-13.
- MKANDAWIRE, T. 1995. Three generations of African academics: a note. *Transformation*:75-83.
- MOREOSELE, N. 1998. Sasco warns over varsity exclusions. *Sowetan*, 10 February:1.
- MUIRHEAD, P.P. 1969. What students want, in Special feature on campus unrest. *Today's education*, 58(8):25-33.

NEAVE, G. 1988. On being economical with university autonomy: being an account of the retrospective joys of a written constitution, in *Academic freedom and responsibility*, editor M. Tight. Stony Stratford: The Society for research into higher education-open university press:31-48.

NOHL, H. 1963. German education , in *Encyclopaedia Americana*. New York: American Corporation:617.

NOLAN, A. 1986. *Academic freedom: a service to the people (The twenty-eighth T.B. Davie Memorial lecture delivered in the Jameson Hall, University of Cape Town, on July 31, 1986)*. Cape Town: University of Cape Town.

NORRIS, W. 1985. US allegations of curbs on academic freedom. *The times higher education supplement*, 638(1):1.

O'HEAR, A. 1988. Academic freedom and the university, in *Academic freedom and responsibility*, editor M. Tight. Stony Stratford: The Society for Research into Higher Education-Open University Press:6-16.

O'NEIL R.M. 1986. Liberty and learning in the schools: higher education's concerns. *Academe*, 72(1):22a-33a.

OLLMAN, B. 1983. *Academic freedom in America today - a Marxist view, in regulating the Intellectuals: perspective on academic freedom in the 1980s*. New York: Praeger Publishers:45-59.

PACHOLSKI, S.L. 1992. *The different academic freedom makes*. University of Chicago Review, 59(3):1317-1336.

PASSOW, A.H. 1990. Academic freedom, in *The World Book Encyclopaedia*. Chicago: World Book, Inc.:19-20.

PINCOFFS, E.L.(ed.) 1975. *The concept of academic freedom* Austin: University of Texas Press.

POWICKE, F.M. & EMDEN, A.B.(eds.). 1936. *The university of Europe in the Middle ages*. Volume I. London: Oxford University Press.

PEYRE, H. 1968. Paris University, in *Collier's Encyclopaedia*. Canada: Crowell-Collier Educational Corporation.

QUANN, C.J. 1969. Student unrest - a double image. *College and university*, 44(3):256-262.

- RAICHLE, D.R. 1968. Academic Freedom, in *Collier's Encyclopaedia*. Canada: Crowell-Collier Educational Corporation:55-56.
- RAIT, R.S. 1969. *Life in the Medieval university*. New York: Kraus Reprint Co.
- RASHDALL, H. 1936. The university of Europe in the Middle Ages, in *The university of Europe in the Middle ages*. Volume I, editors F.M. Powicke and A.B. Emden. London: Oxford University Press.
- RENDEL, M. 1988. Human rights and academic freedom, in *Academic freedom and responsibility*, editor M.Tight. Stony Stratford: The Society for Research into Higher Education-Open University Press:74-87.
- REUTTER, E.E. 1996. Academic freedom rights of students: some recent cases. *West's education law*, 108(1):1-16.
- ROSEN, S.J. 1971. A summary and analysis of the reports of the Scraton Commission on campus unrest. *AAUP bulletin*, 57(4):506-510.
- ROSTEN, L. 1969. Letter to a student activist, in Special feature on campus unrest. *Today's education*, 58(8):25-33.

RUSSEL, C. 1993. *Academic freedom*. New York: Routledge.

SABC TV NEWS. 1993. 26 August - main news.

SABC TV NEWS. 1998. 9 February - main news.

SABC TV NEWS. 1998. 12 February - main news.

SABC NEWS TV. 1998. 19 February - main news.

SABC TV NEWS. 1998. 20 February - main news.

SOUTH AFRICA. 1996. *The constitution of the Republic of South Africa, Act 108 of 1996*. Pretoria: State printers

SOUTH AFRICAN PRESS ASSOCIATION. 1996. Tuks demos 'sign of deep racial tension', *The Citizen*, 12 October:4.

SOUTH AFRICAN PRESS ASSOCIATION. 1997. Students barred from registering, *Sowetan*, 17 February:4.

SOUTH AFRICAN PRESS ASSOCIATION. 1998. Unitra clashes back to normal, *Sowetan*, 27 February:2.

SEARLE, J.R. 1972. *Campus war*. Harmondsworth: Penguin books Ltd.

SEARLE, J.R. 1975. The two concepts of academic freedom, in *The concept of academic freedom*, editor E.L. Pincoffs. Austin: University of Texas Press:86-96.

SHERMAN, M. 1972. The nature of student unrest. *College student journal*, 6(1):3-5.

SHIVJI, I.G. 1991. Academic freedom. *Journal of African law*, 35:128-141.

SHIRLEY, R.C. 1984. Institutional autonomy and governmental control. *The educational forum*, 48(1):217-222.

SHRECKER, ELLEN. 1983. Academic freedom: the historical review, in *Regulating the intellectuals - perspective on academic freedom in the 1980s*, editors C. Kaplan and Ellen Schrecker. New York: Praeger Publishers:25-44.

SIMPLE, P.W. 1973. Another look at student freedom. *Intellect*, 102(1):29-31.

- SLAUGHTER, S. 1988. Academic freedom and the state: reflections on the uses of knowledge. *Journal of higher education*, 59(3):241-262.
- SMALL, A. 1976. *Academic freedom, white power and black power (The ninth E.G. Malherbe academic freedom lecture delivered at the University of Natal, Durban on the 12th August, 1976)*. Durban: University of Natal.
- SMITH, G.P. 1980. Student rights of passage: a full or limited partnership in university governance. *Journal of law and education*, 9(1):65-79.
- SMITH, N. 1995. Constitutional academic freedom. *South African Law journal*, 112(1):678-690.
- SOUTHWICK, T.P. 1970. Campus unrest: which tack for president's commission. *Science*, 169(3950):1061-1063.
- STOFF, S.P. & SCHWARTZBERG, H. (eds.). 1975. *The human encounter: reading in education*. 2nd ed. New York: Harper & Row Publishers.
- TALJAARD, J.A.L. 1969. Akademiese vryheid. *Koers*, 36(1):425-444.

THE ACADEMIC FREEDOM COMMITTEES OF THE UNIVERSITY OF CAPE TOWN AND THE UNIVERSITY OF THE WITWATERSRAND. 1974. *The open universities in South Africa and academic freedom 1957-1974*. Cape Town: Juta & Co. LTD.

THE CITIZEN. 1996. 10 October:1-2.

THE INTERNATIONAL ENCYCLOPAEDIA OF EDUCATION: RESEARCH AND STUDIES. 1985. S.v. "*Academic freedom*". Oxford: Pergamon Press.

THE NATAL MERCURY. 1980. The Cillie Report on national uprising in South African education, 1 March:1-5.

THE NEW ENCYCLOPAEDIA BRITANNICA. 1992. S.v. "*Academic freedom*". Chicago: the University of Chicago Press.

THE STAR. 1993. 27 August:1.

THE WORLD BOOK ENCYCLOPAEDIA. 1990. S.v. "*Academic freedom*". Chicago: World Book, Inc.

THWING, C.F. 1928. *The American and German university: one hundred years of history*. New York: The Macmillan company.

TIGHT, M. 1987. Academic freedom re-examined. *Higher education review*:7-21.

TIGHT, M.(ed.). 1988. *Academic freedom and responsibility*. Stony Stratford: Society for Research into higher Education-Open University Press.

TIGHT, M. 1988. So what is academic freedom, in *Academic freedom and responsibility*, editor M. Tight. Stony Stratford: The Society for Research into Higher Education-Open University Press:114-132.

TRACHTENBERG, S. 1996. What strategy should we now adopt to protect academic freedom? *Academe*, 82(1):23-25.

TRACHTENBERG, S. 1996. Can we protect academic freedom without tenure? *The education digest*, 62(1):53-56.

TURNER, J. 1988. The price for freedom, in *Academic freedom and responsibility*, editor M. Tight. Stony Stratford: The Society for Research into Higher Education-The Open University Press:104-113.

VAN DALEN, D.B. 1979. *Understanding educational research: an introduction*. New York: McGraw Hill.

VAN DER STOEP, F. & LOUW, W.J. 1984. *Didactics*. Pretoria: Academica.

VAN NIEKERK, S.L.H. 1993. Akademiese vryheid, in *Die professor as mentor*, redakteur Prof. P.C. van Wyk. Pretoria: University of South Africa:156-171.

VAN NIEKERK, S.L.H. 1994. Die aard en wese van akademiese vryheid vanuit 'n historiese perspektief. *Progressio*, 16(1):18-34.

VAN WIJK, T. 1980b. *Academic freedom and responsibility: the principal speaks (speech delivered at the 1973 graduation ceremony at Unisa, Pretoria)*. Pretoria: University of South Africa.

VAN WYK, J.G. 1986. *The law of education for the teacher*. 2nd revised ed. Pretoria: Academica.

VAN WYK, P.C. (ed.). 1993. *Die Professor as Mentor (Voordragte gelewer tydens die Professoreberaad van die Fakulteit Opvoedkunde van Unisa gehou op 11 en 12 Junie 1992 by die TO-gebou, Garsfontein, Pretoria)*. Universiteitsonderriggrens 52. Pretoria: University of South Africa.

- VENTER, I.S.J. 1979. *History of education: origin, fundamental structures, nature and being*. Durban: Butterworths and company.
- VENTER, I.S.J. 1986. History of education: demarcation of field of study, in *Education - past, present and future*, editor Elsa Kruger. Pretoria: Euro publications:1-17.
- VENTER, I.S.J. & VAN HEERDEN, S.M. 1989. *The grounding of history of education: an introduction*. Pretoria: Euro publications.
- VENTER, I.S.J. & VERSTER, T.L. 1976. *Educational themes in time perspective*. Pretoria: University of South Africa.
- WASSERMAN, H.P. 1987. Akademiese vryheid en boikot. *South African medical journal*, 72 (1):3-4.
- WELSH, D. 1987. The O'Brien affair. *Reality*, 19(3):17-19.
- WIERUSZOWSKI, H. 1966. *The Medieval university: masters, students, leaning*. Pricetown: D. van Nostrand Co. Inc.
- WILLIAMSON, E.G. 1970. Student unrest and the curriculum. *Educational technology*, 10(5):18-21.

WOLPE, H., SINGH, R. & REDDY, J. 1995. The governance of universities. *South African journal of higher education research supplement*, 9(1):113-22.

WOOLLBERT, R.G. 1968. Salerno University, in *Collier's Encyclopaedia*. Canada: Crowell-Collier Educational Corporation.

YORK, B. 1984. Source of student dissent: La Trobe University. *VESTES*, 27(1):21-31.