



The Office Of The Principal and Vice - Chancellor

ROUNDTABLE ON ACADEMIC FREEDOM

RHODES UNIVERSITY, GRAHAMSTOWN

17 – 19 February 2010¹

The University Vice-Chancellor and Academic Freedom

“ I do not know how to teach philosophy without becoming a disturber of the peace.” Spinoza, B.

SETTING THE CONTEXT

One is struck by several developments in our academic spaces:

- There has been a furore in some universities about the role of Vice Chancellors (or management) in suppressing legitimate aspirations to academic freedom by academics. There have been episodes where Management gets challenged about the dilemmas of “managerialism” in the governance of academic institutions;
- In 2008 a racist incident was reported at the University of the Free State. The then Minister of Education responded by setting up an investigative task team on transformation in higher education institutions chaired by Prof Crain Soudien. The Vice Chancellors were not consulted about this initiative, and its terms of reference were never discussed with Vice Chancellors. The task team visited universities and published a report. That report appears to be driving an overarching trajectory of higher education policy, judging by the fact that a National Conference on Transformation in Higher Education is now scheduled for April;
- Last year in the run-up to the Elections, one of the contesting political parties convened a meeting with Vice Chancellors presumably to brief them about the Manifesto of that party and

¹ Paper delivered by Prof N Barney Pitso. Principal and Vice Chancellor of the University of South Africa on the occasion of the Roundtable on Academic Freedom held at Rhodes University from 17 – 19 February 2010.

how that might affect higher education. Although there was a debate among Vice Chancellors about the appropriateness of such an invitation, many Vice Chancellors attended. It must be noted that this was not an invitation from the government but from a political party;

- An unprecedented campaign was mounted by groups aligned to the ANC to force the resignation of the Vice Chancellor of Unisa because he had expressed political views which they believed were sympathetic to another political party. The point was made that the Vice Chancellor was expected to express himself in a neutral and uncontroversial manner;
- The Vice Chancellor of Free State University announced at his inauguration that former students who had been accused of racist conduct would be allowed back into the university as a gesture of goodwill and reconciliation. That was received by a barrage of attacks and visits to the university, among them the ANC Youth League, COSATU, and demands for reports by the Ministry of Higher Education and Training.

One would have expected that for these and many other reasons, institutional autonomy and academic freedom would become a serious matter of debate within and among higher education institutions, and the subject for academic discourse in the country. One would have expected that in a rights-based constitutional democracy, especially in an environment where higher education is beset by many problems, and whose efficacy is constantly in doubt in the public mind, there would have been a sharper engagement on these issues. After all, the Constitution states that

“Everyone has the right to freedom of expression, which includes-

...

(b) freedom to receive and impart information or ideas

(c) freedom of artistic creativity; and

(d) academic freedom and freedom of scientific research...”

It is for all these reasons that I wish to approach the question from the vantage point of institutional management: in its relationship to especially academic staff, on the one hand, and government, on the other.

IN THE BEGINNING ...

Academic freedom and institutional autonomy represent the *great social concordat* between the state and the academe. It represents a relationship of mutual benefit that arises from an understanding of the spheres of benefit for each that are not merely expressive of power relations but of the common good. The recent UNESCO World Conference on Higher Education 2009 reaffirmed these principles in its Final Communiqué when it says:

At no time in history has it been more important to invest in higher education as a major force in building an inclusive and diverse knowledge society and to advance research, innovation and creativity...

It went on to say that all this had to be carried out “in the context of institutional autonomy and academic freedom”. Autonomy, it was further stated, was “a necessary requirement for fulfilling institutional missions.” In a climate of contested rights and diminishing values it has to be asserted continuously that higher education institutions thrive best where more spaces are provided to be self-governing than otherwise, where scholars enjoy freedom for scientific research and free enquiry. These freedoms are known to be the *sine qua non* “to empower universities to advance knowledge, to transmit it effectively to their students and the public at large, and to be the catalyst for new *and to be the catalyst for new and constructive ideas*” (Mohaya Zaytoun:2008;222). In 2006 the Council of Europe, for example, promoted the idea that support for institutional autonomy and academic freedom can strengthen the core missions of the university... since it is fundamental to society” (Anne Corbett:2008;246).

With the restructuring of higher education and this country’s re-entry into the global arena, came notions of new and more democratic forms of higher education governance that ultimately saw South Africa adopting the *state supervision model*, with its ideals of co-operative governance. Moja, Muller and Cloete (1996) explain this model as follows:

This model is founded on less centrist forms of control in higher education and sees the locus of power shifting from ‘centralised control’ to ‘steering’. In this model, governments provide the broad regulatory framework within which the administrations of higher education institutions are expected to produce the results which governments desire. It is a ‘leaner’ state because fewer civil servants are required in the central state apparatuses. It is also ‘smarter’ because state action is less focused on actual administration and concentrates more on defining the parameters of ‘steering’.

Under such a model, higher education institutions enter into a *concordat* with the state in terms of which each has roles and responsibilities that purportedly work together for the common good. Higher education institutions are independent and autonomous and are able to express their academic and institutional freedoms, particularly in regard to their access policies, disciplines and fields of research. At the same time they also have a solemn accountability and responsibility towards the state, to ensure sound corporate governance (especially the appropriate management of the public funds which they receive from government for that purpose) and more importantly, the production of properly skilled and qualified graduates who will go on to become the productive and “critical citizenry” defined in the Higher Education Act, 1997 (Act no.101 of 1997). The state on the other hand, is responsible for ensuring that through its management of the higher education system and its guidance and steering of higher education institutions via a number of instruments, it ensures the financial resourcing of public universities, and advances socio-economic development.

However, it could be argued that the entire notion of co-operative governance is fundamentally flawed because its success relies on egalitarian assumptions of power, negotiation and policy buy-in, which quite frankly, are illusory. Somehow “egalitarian” and “buy-in” seem always to be diametrically opposed. In a politically volatile environment such as that which marked the advent of democracy in South Africa (and that has seemed to have dogged it ever since) it was perhaps naïve to believe that such a radical transformation of our higher education landscape could be implemented without

resorting to some means of increased state intervention. And so it was perhaps with the wisdom of hindsight and the perspicacity of foresight that in 1996, the National Council on Higher Education stated:

A shift in the overall direction of society requires leadership by the government, the only actor with powers of political co-ordination in society. *This means there is always a possible tension between central government trying to assert authority directly to implement change, and the more indirect regulation and steering that is the trademark of co-operative governance.* (NCHE, 1996:57-60)

Perhaps the most compelling word in this statement is *leadership*, which should not be confused with *direct authority* as seems currently to be the case. For it is in the notion and exercising of leadership by the state, in relation to the Act and the Constitution, that the character of higher education institutions is moulded and defined, and with it their rights and responsibilities. And it is the understanding and expression of the state's leadership role in society that informs policy and guides higher education institutions. That leadership can best function where it eschews leadership not as control, but diffused leadership that influences and facilitates: diffused, in that it is leadership that does not occupy just one locus but can be found in government and outside the corridors of government, and is informed by reason and honour. Where that understanding becomes alienated from the ideals of the Constitution and from the overarching vision of the country, then higher education institutions run the risk of being subsumed into the state apparatus as organs and tools of a partisan political agenda. One grants that intellectual freedom is not the sole preserve of academics, so when the voices of intellectuals become mute, the voice of the people becomes mute and democracy with its attendant rights and responsibilities, withers and dies. Institutional autonomy becomes vital when higher education institutions do not approach the state as supplicants but as partners and citizens with rights and responsibilities.

THE POLITICISATION OF ACADEMIC SPACES

To lay the blame for this state of affairs at any one person's or party's door would be disingenuous. We are all accountable – as individuals and as a collective. Neither is our situation unique. The vulnerability of academic freedom, institutional autonomy, and the social responsibility of the academe is implicitly acknowledged in various declarations on the same: for example, Sienna (1982); Lima (1998); Bologna (1988); Dar es Salaam (1990); Kampala (1990); Sinaia (1992) and Erfurt (1996), UNESCO WCHE 2009. Furthermore, in 1997 the Unesco World Conference on Higher Education deemed it timely to reaffirm the principles of academic freedom, institutional autonomy and social responsibility, and to redefine their implications within the framework of a new Social Contract which sets out mutual responsibilities, and rights and obligations between University and Society so that they may meet the challenges of the new Millennium.² Included in the preamble of the Social Contract is a reiteration of the three "indissociable" principles for which every university should stand, namely:

- the right to pursue knowledge for its own sake and to follow wherever the search for truth may lead;

² International Association of Universities. IAU Policy statements. Academic Freedom, University Autonomy and Social responsibility. http://Unesco.org/iau/p_statements'af_statement.html. Pg 1.

- The tolerance of divergent opinion and freedom from political interference; and
- the obligation as social institutions to promote, through teaching and research, the principles of freedom and justice, of human dignity and solidarity, and to develop mutually material and moral aid on an international level.³

These are time-honoured and lofty ideals that resonate strongly with our spirit of intellectualism and with that inherent rebelliousness that fetes controversy and endures ridicule in pursuit of “the truth.” It was Erich Fromm, the psychotherapist who said:

Human history begins with man's act of disobedience which is at the very same time the beginning of his freedom and development of his reason.

In fact, any genuine seeker of the truth; any genuine proponent of liberty; any true intellectual – academic or otherwise - must surely be inspired by these “indissociable” principles, which incidentally, have facilitated and driven every worthwhile human advancement since the beginning of time. Equally we must surely be aware of the awful cost and consequences of relinquishing the principles and their attendant rights. Not for nothing the so-called “Dark ages”.

It is where governments have been brave enough to open up spaces for their intellectuals (both male and female) to research, question and explore without hindrance and without necessarily adhering to convention, that humankind has derived the greatest benefit. And it is where governments have been brave enough to buck the trend and to support those whose vision and intellect have drawn them into uncharted and sometimes highly contested territory, that the most signal achievements have been recorded. Why then do we remain silent - both in terms of our responsibility as intellectuals and our responsibility as educators of future generations, when so much is at stake? Is it not (our) *obligation as social institutions to promote, through teaching and research, the principles of freedom and justice, of human dignity and solidarity, and to develop mutually material and moral aid on an international level?* How much does our own policy deviate from these internationally accepted norms, or more pertinently, how does current practice deviate from the norms?

It is entirely possible that when we speak of academic freedom in South Africa, it is in the sense that it has become a received idea - a *fait accompli*. The very notion that it is an accepted principle and ostensibly entrenched in South African higher education tends to render its interrogation, critique and criticism a little redundant and perhaps, even a little “unpatriotic”. But, as our colleague John Higgins says: “Received ideas are important because they signal the end of thinking.”⁴ The danger implicit in this assertion is that the uncritical acceptance of the *status quo* results in intellectual apathy and laziness and creates space for the gradual erosion of our freedoms. And where the state or a particular political agenda begins to fill that space and continues to erode our freedoms, we struggle to break out of our complacency and reassert our voices when the realization of our loss of freedom finally dawns. It is extremely difficult to reassert ownership of academic freedom, when it has become a received idea and

³ Ibid. pg1.

⁴ Higgins, J. Academic Freedom in the New South Africa.
<http://muse.jhu.edu/journals/boundary/v027/27.1higgins.html>

has gradually morphed into a political agenda, because each of the parties will claim precedence under the principles of co-operative governance.

What we do know as academics, intellectuals and university heads, is that inexorably and undisputedly, “*the right to pursue knowledge for its own sake and to follow wherever the search for truth may lead*”, is being overtaken by the demand to produce the human capital needed to fuel our knowledge-driven economy. The once noble pursuits of higher education, that is, the generation of new knowledge and the production of independent and critical thinkers, are being replaced by teaching and training that is aimed at producing “person power for the labour market.”⁵

But academic freedom implies so much more than the freedoms associated with academic enterprise. It includes the social responsibility of the intellectual to be a critical and independent thinker and it imposes upon the intellectual an obligation to speak out for truth – no matter how unpalatable. And then there is the debate about the bounds and boundaries of intellectuals in speaking their truths. How do our individual freedoms enshrined in our Constitution differ from those that we exercise as intellectuals? Can one in fact separate them and still ensure fidelity to the truth?

Principles 7 and 8 of the Social Contract state the following:

7. For their part, organising powers and stakeholders public or private, stand equally under the obligation to prevent arbitrary interference, to provide and to ensure those conditions necessary, in compliance with internationally recognised standards, for the exercise of Academic Freedom by *individual members* of the academic profession and for University Autonomy to be exercised by the institution.
8. In particular, the organising powers and stakeholders public or private, and the interests they represent, *should recognise that by its very nature the obligation upon the academic profession to advance knowledge is inseparable from the examination, questioning and testing of accepted ideas and of established wisdom. And that the expression of views which follow from scientific insight or scholarly investigation may often be contrary to popular conviction or judged as unacceptable and intolerable.*

I would assert *the tolerance of divergent opinion and freedom from political interference*, whatever that opinion may be and no matter whose voice it is. Those voices have always been at the vanguard of change, progress and development; sometimes supportive and exhortative and sometime scathing and highly critical. It was Albert Einstein (1879 – 1955) who asserted that: “Laws alone cannot secure freedom of expression; in order that every man present his views without penalty there must be spirit of tolerance in the entire population.”

Sadly, it is the case in South Africa that when the voices kow-tow to the prevailing political order and to received ideas, they are lionized and féted, further entrenching an insidious culture of political correctness and received ideas – irrespective of their merit. But when they speak out and contest the

⁵ Ibid, pg 9.

ideas, or worse still, criticise those in positions of power whose influence and actions impact on, and sway public opinions, attitudes and behaviours, then they are often ridiculed, maligned and sometimes, silenced. There is little evidence of the tolerance that is required to entertain divergent opinions, and there is a garbled assertion of the meaning of intellectual debate, with the detractors being as confused and embarrassing as their rationale and rhetoric.

Indeed, methods of attack are seldom of an intellectual nature. Most commonly we find resort to character assassination and personal degradation and humiliation. That is still bearable as long as the freedoms remain, because the underhandedness can always be revealed for what it is. It is where the freedoms themselves come under attack, or are circumscribed, that vigorous defence must surely be mounted.

VICE CHANCELLORS AND THE DEFENCE OF INSTITUTIONAL AUTONOMY AND ACADEMIC FREEDOM

Now more than ever before, it is incumbent upon us, as the leaders of higher education in South Africa, to assert our institutional autonomy, our academic freedoms and our social responsibility as academics and intellectuals. Benjamin Cardozo, the first Hispanic Supreme Court Judge of the United States said: "Freedom of expression is the matrix, the indispensable condition of nearly every other form of freedom."

Academic freedom and institutional autonomy are currently under threat in South Africa, particularly through the increasing politicization of the higher education environment. It is in this environment that the Vice-Chancellors of South African universities must hold their ground and assert their voices – as individuals and intellectuals whose rights and freedoms are enshrined in the Constitution, and as leaders of institutions whose responsibility it is to develop a critical citizenry.