

# ACADEMIC FREEDOM AND INSTITUTIONAL AUTONOMY IN HIGHER EDUCATION IN SOUTH AFRICA: WHERE TO AFTER DECADES OF DISCOURSE AND RHETORIC?

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## ABSTRACT

Academic freedom (AF) and institutional autonomy (IA) are critical factors for higher education institutions (HEIs) to be able to carry out their core functions effectively, and make the desired societal impact. However, they are also highly contested notions that, since time immemorial, have been the subjects of critical discourses worldwide. This article presents a synthesis of the key issues that stand out from decades of discourse and rhetoric on AF and IA in South Africa. It also illuminates on the roles played by the Council on Higher Education (CHE) in facilitating the discourse, and in providing platforms for deepening the discourse. Furthermore, it poses the question about where to go with issues pertaining to AF and IA after decades of discourse and rhetoric. In exploring the answer to this question, the article posits that the more reasonable route to take after decades of discourse and rhetoric is that of conducting research to acquire empirical insights into the issues raised, and subsequently work towards finding ways and means of addressing them in order to advance, entrench and safeguard AF and IA for the benefit of the sector and all its constituencies. The CHE has decided to take the latter route and, therefore, it has conceptualised and developed a research programme for this purpose. Two research projects that are part of the programme are already underway, with more to follow in the years to come.

**Keywords:** academic freedom, discourse, higher education, institutional autonomy, university, rhetoric

## INTRODUCTION

This special issue of the South African Journal of Higher Education contains articles that were developed from a selection of presentations at a conference that was organised by the Council on Higher Education (CHE) early 2024. The theme of the conference was “Deepening the

Discourse on Academic Freedom, Institutional Autonomy and Public Accountability in South African Higher Education”. This article seeks to set the scene for the subsequent articles in this special issue, in order to assist readers to place in context the observations and arguments presented in the articles. It unpacks the notions of “university”, “academic freedom” (hereinafter simply referred to as AF) and “institutional autonomy” (hereinafter simply referred to as IA) which are recurring in the articles. It also presents a synthesis of the key issues in the discourse on AF and IA in South Africa since the 1950s. It subsequently focuses on the initiatives undertaken by the CHE, as a statutory body whose mandate includes monitoring developments in higher education (hereinafter simply referred to as HE), publishing data and information on key developments in HE, and providing national platforms for critical discourses. Finally, it argues that after many decades of the discourse on AF and IA, it is high time the discourse is settled, to avoid it going into circles with no bearing on the future of HE in the country. It posits that the CHE intends to settle the discourse by having a research programme that seeks to investigate key thematic areas that have emerged as having been the focal points of the discourse during the period following the dawn of democracy.

## **THE NOTIONS OF UNIVERSITY, AF AND IA IN CONTEXT**

Globally, the term “higher education” is often used synonymously with “university education”, because the “university” is recognised as the iconic higher education institution (Assie-Lumumba 2005). Therefore, the history of HE is inextricably linked to the history of the “university” as an institution (Alemu 2018). At its inception, the university was envisioned as an institution whose core function was the unrelenting pursuit of universal truth. This, required members of the university community to undertake their academic work freely without being constrained by internal and external factors that could have the potential of compromising their perception, thinking and acting (Jaspers 1965; Alemu 2018). It was such free will to act in unconstrained manner that came to be known as AF.

AF became a *sine qua non* condition for members of the university community to develop new ideas, to test and refine existing ideas, to teach, and to learn. AF also encouraged members of the university community to critique and contest the truth developed, taught and/or learnt by peers within the community. In this manner, AF facilitated continuous pushing of the boundaries or frontiers of knowledge, resulting in the continuous building and refining of the body of knowledge and truth (Lyer, Saliba, and Spannagel 2023; Perkin 2007). In the contemporary world, the basic understanding of AF is that it is the freedom to teach, learn and engage in discussions and debates; freedom to undertake research on any matter or phenomenon, and to

disseminate the results or findings thereof without censorship; freedom to express opinions about an institution or system in which researchers and academics work; and freedom to be actively involved in the activities of professional associations (UNESCO 1997).

As a result of their devotion to the pursuit and transmission of truth, the early universities were always considered special institutions by the feudal, secular or ecclesiastical authorities of the territories within which they were situated (Altbach 2007). Their responsibility of seeking and propagating the truth was perceived to have been ordered by God, and this made it a sacred responsibility (Crabtree 2002). For that reason, the universities used to be granted autonomy to govern themselves in a manner that would promote, entrench and guarantee AF without posing threats to the feudal, secular or ecclesiastical authorities, their belief systems, and their societal norms and traditions (Vokhobzhonovna 2023). This became the genesis of the principle of IA which has endured to this day.

A popular definition of IA was developed by the World University Service in 1988. According to this definition, IA is the independence of universities to make decisions about their internal governance and operations; and to develop and implement teaching and learning, research, and extension programmes (World University Service 1988). Such autonomy is essential in order for the institutions to guarantee their members AF (Altbach 2007). It is for this reason that AF is inextricably linked to IA.

AF and IA are effectively corollary notions to the primary notion of a university because of the universal understanding and/or belief that a university can function effectively in discharging its responsibilities of pursuing universal truth, and pushing the frontiers of knowledge, only if it is granted IA with which it can then promote, entrench and guarantee AF. The converse is also understood to be true, that is that a university cannot function effectively in discharging its responsibilities of pursuing universal truth, and pushing the frontiers of knowledge if it is not granted IA with which it can then promote, entrench and guarantee AF (Bergan, Gallagher, and Harkavy 2020). This means, as Alemu (2018) averred, that even universities in Africa, and by extension in South Africa, can function effectively in discharging their noble responsibilities only if they are granted IA, with which they can then promote, advance, entrench and guarantee AF for their academics and students.

It is also globally acknowledged that the notion and nature of a university have not remained static since the first university on earth. For example, the medieval university was a place dedicated for teaching and learning of advanced knowledge (Alemu 2018). On the other hand, the Humboldtian university was a place for advanced scholarly learning, research and scholarship; and the contemporary university is mostly considered a place for teaching and learning, research and innovation, intellectual entrepreneurship which include engaged

scholarship, and the provision of service to society (Lyer et al. 2023). Similarly, time and contexts have resulted in the meanings of AF and IA being adapted, and being more nuanced. This evolution of the meanings of these notions is a reflection of the dynamics in society, and changes in societal values (Vokhobzhonovna 2023). It is therefore not uncommon to find AF and IA being defined variably and/or emphasising different aspects in different parts of the worlds. This is true even for Africa (Alemu 2018) and South Africa.

Another important dimension to note is that, although AF and IA are critical for universities to effectively discharge their core responsibilities, they are not absolutes (Altbach 2007). Once again, contexts determine the legitimate limits of AF and IA. In the medieval universities, for example, both state and church exercised some control over what could be taught. Academics whose teachings contradicted the doctrines of the church used to be sanctioned. In essence, rather than being absolutes, AF and IA are often negotiated between the universities, and the state and other key stakeholder bodies. Such has been the norm even in countries or regions that are now considered as the bastions of AF and IA, including Canada (Hogan and Trotter 2013), the European Union (Karran 2007) and other developed countries (Matei and Iwinska 2018). It was also the norm and continues to be the norm in developing countries, including those in Africa (Divala 2008).

One other globally observable feature about AF and IA in HE is that, by and large, higher education institutions (hereinafter simply referred to as HEIs) in the contemporary world have relatively lower levels of IA, and they guarantee lower levels of AF on their academics and students, compared to HEIs of the past. This has been confirmed by empirical studies undertaken by scholars such as Lyer et al. (2023). The explanation of this state of affairs is that the contemporary world is more complex, and has more competing belief, economic, cultural and political systems, which make it risky to grant HEIs and academics much autonomy and AF, because much autonomy and AF can easily be abused for nefarious ends (Aberbach and Christensen 2018; Shore and Taitz 2019).

Studies have also found that, generally, there is a positive correlation between levels of democratisation within nations, on the one hand, and the levels of AF and IA enjoyed by academics and universities, on the other (Olsen 2009). By and large, countries that have vibrant internal democracy, demonstrated by a culture of strong democratic institutions, tend to have universities that enjoy higher levels of AF and IA than countries that are autocratic, and lack internal democratic institutions. In the latter countries, academics and researchers often face pressure, censorship, and persecution for their ideas and beliefs (Vokhobzhonovna 2023).

## DECADES OF DISCOURSE AND RHETORIC IN SOUTH AFRICA

The discourse on AF and IA in South Africa started in earnest in the 1950s when the then apartheid regime embarked on a programme to racialise HEIs. The programme involved establishing racially segregated universities for people of the different races and ethnicity in the country (Dlamini 1996; Krüger 2013). This programme triggered a campaign of resistance from the “open universities”, which were the English medium “liberal universities”. This group of universities intended to continue being open for the enrolment of students of all races and ethnicity. Led by Prof Davies, who was the vice-chancellor at the University of Cape Town at the time, the campaign called for universities to be accorded AF to continue to admit and teach students of different races and ethnicity. AF in this regard was defined as the freedom of a university “to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study at the university” (Centlivres and Feetham 1957). In this sense, dictating that people of some races should not be admitted to the universities was interpreted as infringement on AF.

The campaign of the 1950s did not register much success as the apartheid regime neutralised it by enacting the Extension of University Education Act which legalised a system of racially segregated HEIs. It also enacted other laws that bordered on legitimising censorship and curtailment of freedom of expression (Krüger 2013). The campaign, nevertheless, continued, and in 1974, the definition of AF was expanded to include the “freedom for university teachers to teach and pursue research freely, and freedom for students to debate new and old ideas freely” (Beinart et al 1974). The earlier definition of AF as the freedom of a university “to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study at the university” was more concerned about the state interference on matters of admission of students, appointment of teaching staff, determination of the curriculum, and how the curriculum could be taught. In essence, this definition focused on IA. On the other hand, the 1974 expansion of the definition to include freedom of academics to teach and pursue research freely, and for students to debate new and old ideas freely, brought into sharp focus the AF of the individual academics and students.

The adoption of the new constitution in 1996 ushered in a new era pertaining to AF and IA. The institutionalised race-based differentiation of universities was abolished, and a programme of reforming the HE sector was introduced. Increasing access to HE for people from previously marginalised population groups was one of the cardinal pillars of the transformation programme; and so too was making the staff profiles in universities mirror the

diversity within the population of the country (Soudien 2010). The report of the National Commission on Higher Education (NCHE 1996) and the Education White Paper 3 (DoE 1997) clearly articulated the significance of AF and IA of universities within the context of the realities that the country had to confront the legacy of apartheid. To this effect, the Education White Paper 3 (DoE 1997), for instance, included AF and IA among the sixteen principles that were adopted to steer the HE transformation programme. It defined AF as the “absence of outside interference, censure, or obstacles in pursuit and practice of academic work”, and asserted that AF is a necessary requirement for scientific inquiry and creative thought. Similarly, the Education White Paper 3 (DoE 1997) defined IA as a higher degree of institution’s “self-regulation and administrative independence with respect to student admissions, curriculum, methods of teaching and assessment, research, establishment of academic regulations and the internal management of resources generated from private and public sources”. It also cautioned academics and universities against using the principles of AF and IA to justify resistance to transformation initiatives.

The preamble to the Higher Education Act No. 101 of 1997, the piece of legislation enacted to regulate HE in the post-apartheid era, expressed commitment to AF, and to allowing HEIs to have the space to enjoy freedom and autonomy in their relationship with the state, within the context of public accountability. This meant that HEIs would enjoy freedom and autonomy while being expected to contribute towards national imperatives such as developing advanced skills and scientific knowledge required for the country’s developmental agenda (Republic of South Africa, 1997).

Since AF and IA had been adopted, and since they had become part of the post 1994 HE legislation and policies, the focus of the intellectual discourse during the first two decades of democracy shifted from the need to recognise, respect and safeguard AF and IA, to analysing how these two notions could be appropriately interpreted in the context of dismantling the legacy of apartheid, and of advancing the goals of a developmental state. The discourse during this period is summarised by Hall (2006) as comprising two main perspectives, namely the “classical perspective” and the “contextual perspective”, where the former holds that the definitions of AF and IA developed during the medieval era should be upheld to the present, and the way they had been put into practice during the medieval era should be the way they should be practiced today. In other words, the classical perspective is about keeping the medieval definition of these notions sacrosanct, and putting these notions in practice in pretty much the same ways as they used to be put in practice during the medieval era. On the other hand, the “contextual perspective” holds that the definition and implementation of AF and IA can, and should change in response to changes in time and contexts.

Hall (2006) expressed support for the contextual perspective and contended that each decade is different, and each geographic area has different sets of macro socio-economic, cultural and other factors that influence how AF and IA are understood and put into practice. Accordingly, how AF and IA are perceived and conceived, and how they are enjoyed or put into practice, are contingent on local contextual conditions. He, therefore, concluded that AF and IA are “conditional” to the contextual factors (Hall 2006). However, Waghid (2006) believed that the word “conditional” was misleading. He contended that the issue was that AF and IA should be exercised responsibly taking into consideration local contextual factors. He suggested that a better term to describe this would be “academic freedom and institutional autonomy with responsible action”. However, Divala (2006) believed that both Hall (2006) and Waghid (2006) were idealising AF and IA. Firstly, he argued that the “classic” and “contextual” perspective dichotomy was an attempt to draw a line in the sand, because, in reality, there was not much to distinguish between them since AF and IA are not absolutes. Even during the medieval era, both state and church exercised some form of control over what could be taught in universities. Academics whose teachings contradicted the doctrines of the church could be punished. Rather than being absolutes, AF and IA are often negotiated between the universities, and the state and other key stakeholder bodies (Altbach 2007). This, therefore, makes the distinction between the classic and conditional perspectives less pragmatic. Secondly, Divala (2006) argued that the notion of “academic freedom and institutional autonomy, with responsible action” espoused by Waghid (2006) was vague because he did not define what could be considered as responsible action. Furthermore, Divala (2006) contended that “responsibility” is a value-laden term, and an action that might be considered as responsible by some, could, at the same time, be considered as irresponsible or neutral, by others.

Some of the reforms to HE which the new democratic government introduced during the first two decades were not fully appreciated and welcomed by some groups of academics and scholars who feared that such reforms could erode AF and curtail IA. Scholars such as Baatjes (2005) labelled those reforms as being inspired by neoliberalism. Some of those reforms were the introduction of the national qualifications framework to which all qualifications in the country would have to be referenced; mandatory accreditation of HE learning programmes; and institutional audits. Other introduced reforms included enrolment planning compacts with provisions for punitive consequences when agreed upon enrolment numbers are not reached, or are exceeded; and programme-qualification-mix clearance system requiring public HEIs to apply for clearance from government, through the department responsible for HE, when intending to introduce new learning programmes and/or qualifications. These reforms were viewed as overregulation of HE, and it was feared that they would substantially erode AF and

curtail IA. Scholars including Baatjes (2005); Jansen (2005); Waghid, Berkhout et al (2005); and Habib, Morrow, and Bentley (2005), among others, wrote against these reforms in defence of AF and IA.

The fears that the neoliberal reforms could impact negatively on AF and IA were not unfounded. Global literature is replete with cases that demonstrate that neoliberal reforms in HE led to the decline in the levels of AF and IA in the countries or states concerned. For example, Lynch and Ivancheva (2015) concluded from their studies that, “academic capitalism”, a term that they used to describe neoliberal reforms in HE, often led to the dilution and diminishing of AF and IA. Similarly, Lojdva (2016) observed that neoliberalism-induced reforms in the university sector often led to contradictory outcomes of increasing formalisation of AF and IA, by way of legislation and policy; while at the same time increasing erosion the of AF and curtailment of IA in practice.

### **THE CHE INTERVENTION: THE HEIAAF PROJECT**

The CHE started to operate in 1998, armed with a legislated mandate that includes advising the Minister responsible for HE on matters that include governance of the HE system and of individual HEIs (Republic of South Africa 1997). Predictably, the CHE found itself investing significant amounts of time and other resources in acquiring insights into the AF and IA concepts and their influence on the HE system (CHE 2004). In 2005, the CHE launched the “Higher Education, Institutional Autonomy and Academic Freedom (HEIAAF) Project”. The objectives of the project were to acquire understanding of the common conceptions of AF, IA and public accountability within the South Africa HE sector at the time; assess which of the conceptions of the triad were best suited to the South African HE context of a democratic developmental state in transition; and establish if there were reported instances of infringement on AF and IA, abuse of AF and IA, and lack of public accountability in the years prior to and during the project. The project also intended to examine and assess how the state’s steering of HE, as agreed upon in the context of South Africa’s democratic settlement in the 1990s, had been functioning in the years prior to and during the project; and establish if there was a need to rethink the steering mechanisms or to improve on how they were being applied (CHE 2008).

The HEIAAF project involved academics, leaders of HEIs, policy makers, policy analysts and researchers from South Africa and beyond. The CHE convened regional workshops and national conferences to provide platforms for exchanging notes and ideas on AF, IA and public accountability. HEIs and other interested parties were requested to make direct submissions to the CHE on their perspectives on this triad of concepts, as well as on the positions that they had



adopted on the same. The CHE also contracted independent researchers to investigate different aspects and issues pertaining to AF, IA, and public accountability. A Task Team coordinated by the chief executive officer of the CHE, and comprising of prominent researchers and managers within HE, was also established, and its responsibilities included analysing, triangulating and synthesising the data and information obtained from the workshops, conferences, stakeholder submissions and reports of the independent researchers. The Task Team presented the final product of the three-year project in the form of a report publication titled “*Academic Freedom, Institutional Autonomy and Public Accountability in South African Higher Education*” (CHE 2008).

### **KAGISANO ISSUE NUMBER 8**

*Kagisano* is the research journal of the CHE. The name of the journal is derived from a SeTswana word which means to collaborate or support each other on an activity or initiative. It serves as a platform for disseminating knowledge and information created or generated in collaboration with, or with the support of researchers and scholars across the HE sector. The *Kagisano* research journal is peer-reviewed although it is not, as yet, recognised by the Department of Higher Education and Training for research output subsidy purposes. *Kagisano* issue number 8 was published in 2013, and its focus was on AF and IA. In the main, the articles published in it reflected on the HEIAAF project and its final report which was published five years earlier. While the articles in the issue appreciated the goal and objectives of the HEIAAF project, and the volume of work that the project involved, they painstakingly pointed at some critical questions that the project did not provide answers to; issues that the project could not resolve; and contextual factors that were missed in the analysis undertaken as part of the project.

Tabensky (2013), for example, argued that the broader discourse on AF and IA, beyond just the HEIAAF project, appeared to be based on poor understanding of what constitutes academic work and the conditions that are conducive for academics to perform optimally. In the context of such poor understanding, the discourse became counterintuitive, and it was not surprising that initiatives such as the HEIAAF project could not settle the debate, once and for all. On the other hand, Krüger (2013) argued that not much critical analysis had been undertaken to acquire insights into the rationale and implications of having AF listed among the inalienable human rights protected by the constitution, considering that South Africa was only one of a few countries globally that had enshrined in their constitutions the right to AF, and the right to freedom of artistic creativity and scientific research.

Du Toit (2013) contended that the HEIAAF project report did not live up to the

expectations because it did not achieve its goal and objectives. Instead of it being the authoritative text that should have settled the debates by articulating strong, clear and cogent conceptions of AF and IA uniquely contextualised in and for South Africa, the report appeared to be a litany of compromises on key issues, and of superficial analysis of complex matters. He also expressed the view that the report was devoid of clarity of thought on key principles.

Lange (2013) focused on the changing dynamics within the knowledge generation environment, particularly the emergence of the knowledge economy and the increased demands for accountability between university, the state and society. She argued that these changes required that the notions of AF and IA were constantly revisited and redefined. She viewed the HEIAAF project as such an initiative to revisit and redefine the notions of AF and IA at a time when South Africa was undergoing democratic transformation.

The key take home message from *Kagisano* issue number 8 was that the HEIAAF project was necessary in a country that was transitioning from apartheid to democracy. However, as it is common with time-bound projects, the HEIAAF could not achieve all its objectives; and for that reason, it would be advisable to deepen the discourse focusing on critical issues at the centre of threats to AF and IA. Further the discourse should also pay particular attention to hitherto unanswered questions; and on uniquely South Africa contextual factors that have a bearing on AF and IA.

## **CONFERENCE ON DEEPENING THE DISCOURSE**

It has been indicated above that the overall take home message from *Kagisano* issue number 8 was that there was a need to deepen the discourse on AF and IA. Taking responsibility for this, the CHE organised a national conference that was held from 28 February to 1 March 2024. The theme of the conference was “Deepening the Discourse on Academic Freedom, Institutional Autonomy and Public Accountability in South African Higher Education”. The conference attracted approximately 300 participants some of whom were from other countries such as Eswatini, Ethiopia, Lesotho, Malawi, Namibia, Nigeria, Tanzania, Zambia and Zimbabwe. There were over ninety (90) presentations including keynote addresses and panel discussions. There were also four (4) symposia (CHE 2024).

Analysing and synthesising the material in the conference presentations, panel discussions and symposia led to the identification of six thematic areas of thought which contributed to the deepening of the discourse on AF and IA. The first thematic area is about South Africa being a developmental state in which the role of HE should be to create knowledge that is useful for driving technological, cultural and economic development for the benefit of society (DoE

1997). To play this role effectively, HEIs should be grounded in, and operate within the framework of the realities of the local context. They should not recreate and promote the use of Eurocentric epistemes, and be agents of Eurocentrism. This also includes the interpretation of the notions of AF and IA. HEIs should not use these notions to conduct their businesses in a way that is not sensitive to the needs and aspirations of society, and not sensitive to social injustices, and other societal ills (CHE 2024). This is consistent with the goal of the HEIAAF project, which was to develop conceptions of these notions that are compatible with, and reflect the unique realities of the South African nation under the new democratic dispensation.

It is important to note that expecting HEIs to be grounded in, and operate within the framework of the realities of the local nationalistic agenda is not something that was unique to South Africa. For example, Divala (2008) observed that on the African continent, most governments developed and pursued nationalistic agenda which require that teaching and learning, research and community service programmes of universities should be aligned to, and seek to advance the nationalistic priorities. This often translates into the state being involved in determining what can and should be taught and researched, as well as what cannot and should not be taught and researched at the universities (Divala 2008).

The second thematic area is about the cooperative governance model that was adopted as a suitable workable model of protecting and entrenching AF and IA in HE within a developmental state environment. This model grants institutions a greater degree of autonomy in their core functions and other internal affairs (Lange and Luescher-Mamashela 2016), while entrusting government higher national-level authority to steer the HE sector through mechanisms such as planning, funding and quality assurance. This model, as discussed earlier, was an outcome of negotiations between government and the HE stakeholders (Dlamini 1996; Du Toit 2000). It should be recalled that Altbach (2007) observed that rather than being absolutes, AF and IA are often negotiated between the universities, and the state and other key stakeholder bodies. Such has been the norm even in countries or regions that are now considered as the bastions of AF and IA. Therefore, the negotiated settlement reached in South Africa was not an anomaly.

In South Africa, based on the negotiated settlement, government committed to playing an oversight role over HEIs rather than controlling them and interfering in their internal affairs. It demonstrated this commitment by enacting legislation that created four statutory governance structures to advance and safeguard various aspects and dimensions of AF and IA. The first of the four governance structures are university councils which were and are expected to advance and safeguard the overall institutional interests. The second are senates which were and are expected to develop, promote, advance and safeguard the academic project, including the

matters of AF and freedom of artistic creativity and intellectual inquiry. The third are the institutional forums which were and are expected to advocate the agenda for social inclusion, diversity, equity and transformation at institutional level; and the fourth are the student representative councils which were and are expected to advocate, promote, advance and safeguard the interests of students as key stakeholders. The four statutory governance structures were and are expected to work in harmony towards creating a balance between AF and IA, and upholding of the principles of good governance, making contribution towards the realisation of the goals of a development state, nurturing the nascent democracy, promoting diversity and transformation, and protecting vulnerable stakeholders such as students.

The third thematic area is about the inherent tensions that existed and continue to exist between the cooperative governance model and the neoliberal macro-level policies that the democratic government has been adopting increasingly. As discussed earlier, the new democratic government introduced reforms to HE which were, to all intents and purposes, neoliberal (Baatjes 2005). The neoliberal approach to life starts with the “results” and/or “outcomes” in mind, and all activities are then focused on the envisaged “results” and/or “outcomes”. Therefore, planning, funding and quality assurance, which were the agreed HE steering mechanisms within the cooperative governance model became results- and/or outcomes-orientated. A funding framework that focused not only on input factors but also on results in the forms of student throughput and output of graduates, was introduced (MoE 2004). Similarly, enrolment planning compacts with provisions for punitive consequences when agreed upon enrolment numbers are not reached, or are exceeded, were also introduced. Furthermore, the programme-qualification-mix (PQM) clearance was introduced requiring public HEIs to apply for clearance from government, through the department responsible for HE, when intending to introduce new learning programmes and/or qualifications. These measures were accompanied with elaborate reporting requirements (DHET 2014). This regime of regulatory measures clearly exceeded the limits of innocuous steering, and they were more interventionist in nature.

The interventionist approach did not stop at the introduction of these strict regulatory measures. Rather, the Higher Education Act, the legislation governing all HE affairs in democratic South Africa, was amended several times starting in 1999, barely two years after being enacted. Van Pletzen (2015) observed that, by and large, most of the amendments appeared to be about introducing provisions enabling the Minister responsible for HE to intervene in the running of HEIs through, for example, the appointment of “independent” assessors, dissolution of councils, and appointment of administrators based mainly on untested allegations contained in reports of the “independent” assessors. As observed by one vice-

chancellor, the HE regulatory environment, with the measures discussed above pose serious threats to AF and IA, and they are the root cause of most challenges facing HEIs in the country (Fengu 2023).

It is necessary to note that there is a different perspective on the interventionist approach. This is presented by Hasan and Ahasan (2023) who contend that, in some instances governments are compelled to act in the manner described above simply because the institutions fail to put their houses in order. In other words, there are instances when intervention by governments in the governance and management of public HEIs could be justifiable. This happens when HEIs fail to judiciously govern AF and manage their autonomies, resulting in permanent crises on campuses and partial or complete paralysis of the HE sector in a country. In such situations, responsible governments cannot sit idly because of IA when the paralysis of the HE sector may have far-reaching impacts on the nations concerned. This appears to have been a factor that prompted the government in South Africa to adopt the interventionist approach soon after legislating the cooperative governance model. As Maupane (2019) observed, within the last two decades, a significant proportion of public universities in South Africa have demonstrated to be incapable of discharging their core programmes of teaching and learning, research and community engagement; and also incapable of managing their resources, and their internal affairs, in general. Student protests have almost become part of a culture within public universities in South Africa, with the protests increasingly becoming violent, leading to damage to and/or loss of property, injuries to people and, in some cases, the unfortunate loss of life.

The fourth thematic area is about the observation that neoliberalism did not stop at the gates of the HEIs. It rather went through the gates and became the guiding ideology for governance and management of the affairs of the HEIs. This led to the adoption of a corporate management model with powerful executives being appointed to run the affairs of the HEIs. For example, the traditional “collegial deans” elected by academics were replaced by executive deans with executive powers. Collegialism, which refers to self-organising and self-regulating practices within communities of academics in HEIs (Merrett 2006) gave way to “managerialism”, a term that refers to a management regimen focused on results or outcomes. Managerialism is pedantic about how measurable inputs are processed into measurable outputs, results or outcomes. It emphasises planning, performance agreements, and performance evaluation, among others (Deem and Brehony 2005; Lynch and Ivencha 2015). It offers a worldview fixated on authority of the managers, and the right to exact value for money from employees, including academics. The managers become the dominant class among the role players in a particular institutional setting (Klikauer 2013). It regards academics, researchers

and scholars as “human capital” that should be managed according to the “scientific management theory” espoused by Frederick W. Taylor in a 1911 publication (Taylor 1911). Among other things, this means being part of highly controlled “workflows”; entering into performance agreements with annual targets on results and/or outcomes; following stringent reporting requirements; and accepting orders from the chain of command without questioning, to mention a few characteristics. Needless to say, managerialism is an affront to AF of individual academics.

The fifth thematic area is about councils, senates, institutional forums, and student representative councils, being perceived as ineffective in pursuing their legislated mandates. As the statutory governance structures mandated to advance and safeguard IA, AF, and other stakeholder interests, the councils of universities, senates, institutional forums, and student representative councils appear not to be fulfilling their legislated mandates. Over the last three decades, more than twenty independent assessors have been appointed and their reports, by and large, paint a picture of a sector that is not being properly governed and not being well-managed. These reports are corroborated by the reports of administrators in institutions in which administrators were appointed following reports of the independent assessors. The report on remuneration of vice-chancellors and other university executives, which was commissioned by the former Minister of Higher Education, Science and Innovation, also paints a picture of breakdown in good governance in the institutions, and of university councils that do not take their fiduciary responsibilities seriously (CHE 2022).

Similarly, senates appear to be effectively immobilised and disengaged. They appear to be under the full control of the executive in the institutions, and act willingly to rubberstamp decisions of the executive. Where engagement takes place, it is more on petty institutional politics that have not much to do with the academic project (CHE 2025). The same for institutional forums. On the other hand, student representative councils are more focused on organising for national politics, serving more the interests of national political parties than those of students (Shozi-Nxumalo and Onwuegbuchulam 2024). The consequence of this state of affairs is that while on paper, there are statutory structures mandated to advance and safeguard AF, IA, and other stakeholder interests, in reality these structures appear not to be doing much of what they were mandated. Instead, it is reported that most of them are accomplices in activities that erode AF and curtail IA (CHE 2024).

The sixth thematic area centres around the observation that the discourse appears to have not been holistic in its consideration of the HE community. It appears to have focused on HEIs and academics in the institutions, and to some extent, students. Even the statutory governance structures are mainly meant to serve the interests of institutions (councils), and academics and

students (senates, institutional forums, and student representative councils), only. The set up therefore appears to exclude a small but fast-growing constituency within the HE institutional environment. This constituency comprises members of the university community who are neither academics nor students. They are not support staff either. These are the postdoctoral research fellows, who are on special contracts to teach, supervise students, conduct research and publish under the tutelage of long-serving professors. They contribute significantly to the research outputs generated by the sector (CHE 2024). However, their stipends are, in most cases, lower than the salaries of junior lecturers, and sometimes lower than the living allowances received by students on good bursaries or scholarships (Prozesky and van Schalkwyk 2024). And yet they hold doctoral degrees. They seem to be denied most of the rights accorded to academics and students. The terms and conditions of engagement appear to differ not only between institutions, but also between faculties, schools and/or departments within the same institutions. The same appears to be the case regarding their conditions of work, workloads, and performance targets. In the words of some presenters at the conference, “the postdoctoral research fellows appear to be under a form of academic servitude” (CHE 2024).

The overall conclusion from the conference was that the decades of discourse on AF and IA has been worthwhile because the discourse played an important role in presenting AF and IA as common causes for the sector. Therefore, the discourse galvanised the sector against threats to AF and IA. Few other factors in the sector had been as successful in bringing the sector together, transcending institutional types, institutional history, and institutional missions and visions (CHE 2024). The conference also concluded that the decades of discourse on AF and IA prompted government to respond rhetorically by promulgating policies and enacting legislation that appear to be advocating the advancement and safeguarding of AF and IA, and yet the regulatory practices appear to have the opposite effect. Similarly, HEIs use rhetoric to portray themselves as the defenders of AF and IA, while at the same time they are increasingly adopting corporate and managerial practices that are closing down spaces for AF, and removing perceived barriers to external influences.

## **WHERE TO AFTER DECADES OF DISCOURSE AND RHETORIC?**

It is likely that the participants at the 2024 CHE conference returned from the conference with one question on their minds: where to now after decades of discourse and rhetoric on AF and IA? This question can be answered in several possible ways. One way is to consider continuing with the discourse and rhetoric in a business-as-usual fashion because doing so will help keeping the important matters of AF and IA on the minds and in the thoughts of key role players

in the sector. Another possible way is to consider putting the discourse and the rhetoric to rest because they are becoming repetitive and circular in fashion. In addition, the decades of discourse and rhetoric have not achieved much in terms of advancing, entrenching and safeguarding AF and IA in HE. A third possible way is to consider that it is time for the sector to move from discourse and rhetoric, to a new dispensation of conducting empirical research on issues identified during the decades of discourse with the view towards developing insights that could lead to finding ways and means of addressing the issues to the benefit of HE and its stakeholders.

After due consideration of the three possible ways to answer the question, as presented above, the CHE has adopted the last option to guide its activities on the matters of AF and IA, going forward. To this end, it has developed a research programme to critically examine the issues raised in the discussion of the six thematic areas of the discourse and rhetoric, in the preceding section, above. The aim of the research programme is to acquire empirical insights into the issues raised, and work towards finding ways and means of addressing them in order to advance, entrench and safeguard AF and IA for the benefit of the sector and all its constituencies. The programme is designed to focus on one or two issues or themes at a time.

The first project of the research programme is already underway. It is one on assessing the extent to which the statutory governance structures in public HEIs are fulfilling their legislated mandates. This research project is informed by the key point from the conference that suggests that the statutory governance structures, which are mandated to advance and safeguard AF, IA, and other stakeholder interests, appear not to be fulfilling their legislated mandates. The research seeks to use various tools to establish the state of these governance structures, including the extent to which they are discharging their legislated mandates, which include advancing, entrenching and safeguarding AF and IA. The findings will help to test the correctness or otherwise of the perceptions and anecdotal observations that these structures are disengaged and are not discharging their responsibilities fully. In the event that the findings of the study corroborate the perceptions and anecdotal observations, then the same findings will be used in examining how the situation can be turned around. This will lead to practical recommendations that will be packaged as advice to the Minister and other key role players within the HE sector.

The second research project that is also underway is about the institutional practices regarding recruitment and management of postdoctoral research fellows, including their contractual terms and conditions. This research project is informed by the key point from the conference stating that the discourse on AF has not highlighted issues that have a bearing on the AF of postdoctoral research fellows as a constituent within university communities in South



Africa. Such issues include the ambivalence status of postdoctoral research fellows since they are neither staff nor students; their limited career prospects; their varying terms and conditions of service; their low compensation; and their dispensability and/or lack of job security. The main objective of the study is to acquire an understanding of the factors that inform the way postdoctoral research fellows are treated within the sector, as well the reasons why HEIs are not making good use of the postdoctoral fellows in more structured ways, to enhance their staff capacities in the core HE activities. Once the underlying factors are identified and understood clearly, the study will use that understanding to propose and develop a national framework for promoting institutional practices aimed at leveraging postdoctoral research fellows to enhance academic and research staff capacity in public universities in South Africa. Such a framework will include mechanism of extending full AF and other rights to the postdoctoral research fellows.

## CONCLUSION

Universities as the iconic HEIs have traditionally required IA to govern themselves in a manner that promote, advance and entrench the freedom of their academics and students to pursue knowledge and the truth without being constrained by internal and external factors. Consequently, the notions of AF and IA have evolved as the corollaries of the notion of a university. AF and IA are critical for the effective functioning of universities or HEIs worldwide, including in Africa.

In South Africa, AF and IA have been subjects of discourse and rhetoric for over many decades. In the 1950s, the discourse was prompted by the plan by the apartheid regime at the time, to introduce racially based universities. This triggered a campaign led by the “open universities” demanding IA to determine for themselves the students they wished to admit. Later the demands were extended to include AF for academics to teach and conduct research freely, and for students to debate ideas freely. At the time, the rhetoric of the government was that racially and/or culturally segregated universities made the universities to have the autonomy to focus on educating for the purpose of developing the culture and other traditional values and interests of the specific racial and cultural population groups that they were focused on serving.

Post 1994, the discourse took two main dimensions. One dimension was about unpacking and understanding the notions of AF and IA in the context of a transforming HE sector and a nascent democracy. The other dimension was about the threats to AF and IA posed by the neoliberal policies and practices that were being increasingly adopted and implemented in the country.

The CHE as the newly established body with a legislated mandate that includes advising the Minister responsible for HE on matters that include governance of the HE system and of individual HEIs, made significant contribution to the discourse by conceptualising and running the HEIAAF project, which was launched in 2005.

The CHE published *Kagisano* 8 in 2013 to continue with the process of providing platforms for critical discourse on AF and IA, and in 2024 it convened a conference to deepen the discourse. Meanwhile, the democratic government introduced new rhetoric of cooperative governance model, and of the three steering mechanisms of HE that supposedly were premised on the recognition of the principles of AF and IA. Furthermore, and in a typical rhetorical fashion, AF and the freedom to pursue scientific research were included on the list of inalienable citizen rights constitutionally protected by the state.

The participants at the 2024 CHE conference likely returned from the conference with one question on their minds: whereto now after decades of discourse and rhetoric on AF and IA? The CHE believes that a more constructive answer to this question is that the sector should move from discourse and rhetoric, to a dispensation of conducting empirical research on issues identified during the decades of discourse with the view towards developing insights that could lead to finding ways and means of addressing the issues to the benefit of HE and its stakeholders. This course of action has the potential to assist in settling the debates on AF and IA. In leading by example, the CHE has conceptualised and developed a research programme that seeks to acquire empirical insights into the issues that have emerged from the decades of discourse and rhetoric on AF and IA. Two research projects from the programme are already underway.

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