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D.C.S. OOSTHUIZEN MEMORIAL LECTURE

by

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D.C.S. Oosthuizen was Professor and Head of the Department of Philosophy of Rhodes University from January 1958 until his untimely death at the age of 43 in April 1969. Professor Oosthuizen received his first philosophical and ideological training at the University of Stellenbosch. He then studied in Holland, first at the Free University where he read theology, and then at the City (Stedelike) University of Amsterdam. In 1955 he passed his doctoral examinations (cum laude) and in the same year he returned to South Africa to take a post of Lecturer in Philosophy at the University of the Orange Free State. He was appointed to the Chair of Philosophy at Rhodes University in August 1957. He also studied at Oxford University and at Brown University in the United States.

He fought for truth and justice.

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Dr Frederick van Zyl Slabbert obtained his M.A. D.PHIL. at Stellenbosch, wherupon he lectured Sociology at Stellenbosch from 1964 - 1968. In 1969 he took up a lecturing appointment at Rhodes University. He returned to Stellenbosch in 1970 and after two years took up an appointment at U.C.T. where he remained for a year before accepting the Chair of Sociology at Wits.

In 1974 Dr van Zyl Slabbert gave up lecturing and stood successfully as Progressive Party Parliamentary candidate for Rondebosch. Since then he has at various stages been his party'sspokesman on Defence, Education and Community Development and Coloured Affairs.

Dr van Zyl Slabbert retained his seat in the 1977 General Election and is presently leading the P.F.P. investigation into possible constitutional alternatives.

Some Reflections on Academic Freedom [1]

F. van Zyl Slabbert

Rhodes University, Grahamstown, 28 September 1978

Introduction

Those who have spoken before me on occasions such as these, convincingly emphasize the honour you bestow on me by inviting me to do so this time. The purpose of this meeting is as I see it, twofold: a reaffirmation of a commitment and a protest. We once again declare our commitment to the principle of academic freedom and we protest that a very important aspect of this freedom has been infringed upon in the University's relationships with the Government.

The nature of this infringement is enshrined in the Extension of University Education Act of 1959. Since then other statutory and legal provisions were introduced which affected traditional civil liberties such as the freedom of speech, the rule of law, freedom of association etc. which apply not only to Universities but to our society in general. How these provisions affect the academic freedom of Universities is argued very adequately in the booklet "The Open Universities and Academic Freedom in S. A. 1957-1974" produced by the Academic Freedom Committees of the Universities of Cape Town and Witwatersrand. I am not going to use this occasion to repeat those arguments. All of them make the same central point namely: that it is not the function of the Government to prescribe who should be admitted as students to a University, who shall be appointed to teach and what shall be taught. At the outset then I want to make it clear that I subscribe to this principle and as long as the Government persists with infringing it I believe it is worthy of our objection and protest. For almost twenty years now this protest has been made annually at some of our so-called "open" Universities.

At such times the protests have taken various forms: deploring specific actions of the Government; critically analyzing the state of education in our society, etc. I have no objections to this but I do not intend doing so

at this occasion. There is a danger that in annually protesting in this way it could become almost a Pavlovian response; an unreflective ritual of affirmation in which one goes away feeling good for saying how bad things are. At occasions such as these I think it is also appropriate that a university becomes self-critical; takes an inward look upon itself as a corporate entity and asks some searching questions. Questions such as: What is really meant with academic freedom and what is done with that freedom? Who is the university? What is the societal context in which the university operates? When a university takes issue with these questions I think it is better able to give a justifiable account of its concern with the principle of academic freedom. I am being presumptious enough to offer you some of my own reflections on these questions, in the hope that they will contribute to clarity rather than confusion on these matters.

The Principle of Academic Freedom

When one reads some of the numerous papers on academic freedom, it soon becomes evident that the term is a conceptual blanket which comforts a variety of emotions and values. Generally speaking, I find academic freedom is used as a collective term which more often than not involves two other related values, namely: university autonomy and institutional neutrality. These three, academic freedom, university autonomy and institutional neutrality are seldom kept distinct in discussions on academic freedom, or rather on the contrary, they are implicitly used as synonyms. Obviously these are cognate values but the differences between them are significant enough so that if one is emphasized under the name of the other a great deal of confusion can arise.

Academic Freedom refers to the freedom that a university has to appoint and admit teachers and students to its own community and teach what they believe should be taught.

University Autonomy refers to the degree of discretionary and functional freedom that a university as an institution enjoys in relation to other institutions such as the state, government, or commerce and industry.

Institutional Neutrality refers to where a university as a corporate entity does not allow its members to be coerced into taking a collective stand

on controversial societal issues - usually ideological and political in nature.

Now it may be quite possible that a university can be committed to all three values at the same time and that they are in perfect harmony with one another, but I think, more often than not, depending on the circumstances, a university tends to emphasize one more often than the other, or even ignore or contradict one or two of these values in favour of the other. For example a university that demands complete autonomy from the Government but insists that as a corporate entity it takes an official stand on poverty, racism, Marxism etc. prefers to ignore the values of institutional neutrality and academic freedom. Similarly a university can insist on academic freedom but be rather neglectful of the Government's or business and industry's encroachment on its autonomy in other, perhaps more subtle ways.

This nexus of values: academic freedom, university autonomy and institutional neutrality are not only significant on the external dimension of university life, i.e. the university vis-a-vis Government, Corporate business or other interest groups, but have direct bearing on a whole range of secondary values operative in the internal dimension of the university. For example in the lecture/student situation, values such as objectivity vs involvement, pure vs applied knowledge are not entirely unrelated to the intensity of one's convictions about academic freedom, autonomy and neutrality. Similarly, in the administrative and financial structures of the university values such as bureaucratic efficiency, rationality, economy and effectiveness generally enjoy primacy and anyone who has been involved in university life knows how exhausting, tedious and sometimes irreconciliable conflicts between administration and teaching, or administration and students can be.

It would, of course, be a very foolish person who would insist that a university, during the normal course of its operations, has an "official" position on all these values that I have just mentioned. This would imply that all the different sections of the university: council, senate, faculty, departments, students and administration, adhere to a common interpretation of the complex of values related to academic freedom. In fact, precisely the opposite is usually the case. Usually there is an ongoing

debate between the different sections of the university as to which of these particular values should enjoy primacy at any particular point in time. The absence of such a debate would indeed be extraordinary.

And yet, we know from experience in our own society that anyone of these values can be subsumed under the general one of "academic freedom" when a university finds itself constrained to react to what it feels is a threat to, attack on or subversion of its own integrity. For the time being it appears to shed its own internal ambiguity on all the other related values I have mentioned and to rally "officially" behind one interpretation of academic freedom. Privately the different sections within the university would acknowledge that this interpretation is not all that is involved but for the time being this is all that matters. An occasion such as this one, where we profess our commitment to "academic freedom" is such an instance in the life of a university, and let us be quite clear that for this purpose we declare that we are prepared to sacrifice the institutional neutrality of the university. At least this seems to me to be the case and in this respect four questions come to my mind. Is it not dangerous to sacrifice institutional neutrality? Who is the University? In what kind of societal context does it act? Finally, why is it important to protest against the infringement of academic freedom? Let us consider them in turn.

The Danger of Relinquishing Institutional Neutrality

When one reads historical analyses on the growth of universities and the development of a concern with institutional neutrality some disturbing conclusions can be drawn. As Machlup points out non-involvement or neutrality was for centuries not an integral part of European universities:

> "From its very beginnings until early in the 20th Century, the history of the university is largely an account of a running battle between domination of the university by papal, episcopal, imperial, royal, ducal, municipal or corporate authorities, and its independance from such outside powers. But no matter whether the university was under outside domination or free from it, it was almost never impartial. Whenever public conflict and controversies become politically important, the university became partisan; and the historical record speaks loudly and clearly of the dismal consequences." 2)

He proceeds to give some fascinating illustrations of the non-partisanship of universities either because of external or voluntary internal pressure:

1. In 1339 the faculty of Arts at the University of Paris prohibited the reading of the Works of Occam. The action of the Faculty of Arts was in protest against Occam's demand that logic be recognized as a branch of philosophy distinct and separate from theology.

2. Only a few years later after the ban on Occam's works, the University of Paris progressed to book burning. In 1346, on papal demand, the University deprived Nicholas of Aubrecourt of his mastership of Arts and, after burning his books on the grounds of the Faculty of Arts, compelled him to retract his philosophical errors in a solemn recantration before the assembled university.

3. In 1604 King James I, under the Act of Uniformity, required all professors to take an oath of loyalty to the Episcopalian Church.

4. The spread of Descartes's philosophy was deeply disturbing to the theologians in many universities. In 1653 the University of Marsburg banned Cartesian philosophy. In 1663 the theologians of the University of Paris had Decarte's work put on Index and in 1676 the University of Leiden expelled professors espousing Cartesianism. The University of Jena was a little bit more lenient when in 1696 it declared that only with the unanimous consent of all professors might a teacher point out mistakes in Aristotle's writings.

5. From Prussia we have the contribution of King Frederick William I who, in 1723, expelled Christian von Wolf, philosopher and mathematician, - threatening to hang him if he stayed -, because von Wolf's deterministic philosophy supposedly encouraged desertions from the army.

It would be comforting to argue that these examples belong to an era of growth and development which can now be judged from a more peaceful and mature vantage point. But it was only as recently as 1916 that

Bertrand Russel was removed from his post at Trinity College, Cambridge after he had been convicted under the Defence of the Realm Act, for his pacifist convictions. And what about the German universities just before and during World War II? Again I refer to Machlup who says:

> "Many 'liberal' professors in the United States are wont to deplore the alleged fact that the faculties at the German universities - they do not include Russian universities in this criticism - did not take a stand, did not speak out on the issues of repression. These critics are uninformed of the actual facts. At many German universities the academic senates, or various bodies of the faculties did speak out, take official positions, make solemn pronouncements - in support of the Führer and his policies, endorsing measures to attain Aryan purity by means of academic purges." 3)

From these examples it seems there are two important reasons why it is dangerous for a university to sacrifice its institutional neutrality. The first reason is that if a university takes an official stand on a controversial issue, it precludes debate and enquiry on that issue and becomes responsible for the intellectual and moral coercion on some of its members. If, for example, a university agreed with the main theme of the Second Interim Report of the Van Wyk De Vries Commission; namely that the present political dispensation in South Africa is based on the natural existing social order, a whole range of intellectual inquiry would be compromised. The same argument applies to any internal pressure group within a university that insists, for example, that the only solution to South Africa's problems is a socialist revolution and that the university should play an active role in bringing it about. The second reason why it is dangerous to sacrifice institutional neutrality is a political one, in the sense that if the stand of a university was to be the result of a head count of its members, one cannot be quite confident that it would go the "right way". A final reference to Machlup in this context when he says:

> "Those who condemn collective academic silence or neutrality on vitally important issues are naievely optimistic in expecting that academic bodies, especially those composed entirely of professors, would always be on the side of the angels and would, by overwhelming majority if not unanimously, give their learned endorsement to resolutions in favour of the True,

> the Good and the Beautiful. As long as we academics keep collectively a dignified silence - collectively not individually - we may keep it a secret that the majority of us are just as rash, as timid, and as eager to jump on the bandwagon as laymen; and remaining collectively silent, we would not bring our universities into disrespect." 4)

A commitment to institutional neutrality on the part of a university is the university's attempt to provide institutional protection for all its members against a power or interest group that insists on the dominance of its own convictions whether such insistence comes from the left or right, inside or outside the university. Almost paradoxically, it attempts to provide protection also for those within its ranks who insist on the dominance of their own convictions. Fundamentally it is a reaction against dogmatic confidence and ideological intolerance. And yet, at an occasion such as this one, apparently aware of the dangers involved, this university by implication, is prepared to shed its institutional neutrality. It surely must therefore be a very serious occasion and for me at least makes my second question immediately relevant.

Who is the University?

Imagine when reading the newspaper tomorrow one comes across a headline beginning with the words: "Rhodes University decides on . . ." From experience one knows that the lead-in paragraph to the headline could begin by referring to anyone of the following persons or bodies: the Vice-Chancellor, the Senate, Council, S. R. C., the student body or even Miss Grimtouch, Warden of House Nojoy.

The question "who is the university" is,of course, one that, if taken too seriously, can lead one into the quagmire of holist vs individualist arguments that philosophers of science delight in. But it is quite apparent that without such lofty deliberations, the corporate identity of a university can be represented by different groups within it on different issues at different points of time. Sometimes the principal or vice-chancellor speaks on behalf of "the university", at other times, irrespective of his own intentions, the students, senate or council enjoy this role. Historians or political commentators have their own mysterious ways of deciding how "the university" reacted to a particular situation which they regard as

wothwhile preserving for posterity. It would appear that whenever they do so all those associated with the university are implicated in the event in question. I would suggest to you that this kind of occasion would qualify as such an event and I also think that my third question: In what kind of societal context does "the university" act in this way?, is not entirely irrelevant in this regard.

The Societal Context of the University

In this context the value that is primarily an issue is of course that of university autonomy which was defined as referring to the degree of discretionary and functional freedom that a university as an institution enjoys in relation to other institutions such as the State, Government or commerce, industry etc. Let us examine some of these relationships.

So far the more dramatic instances of university/state relationships have enjoyed the attention of those concerned with academic freedom and university autonomy. I have already mentioned the 1959 Extension of University Education Act and the numerous other statutory measures affecting civil liberties. It is almost as if these instances have shocked people at some universities into an awareness of what they feel should be the degree of freedom that a university should enjoy in its relation to the state. But perhaps it is equally appropriate to put the question at such a time: "In the absence of these measures what other limitations on autonomy are there in the universities' relationship to the State?" Professor M. Wiechers, in a paper on "University Autonomy and the Law" [5] demonstrates that "constitutionally, Parliament does have the power to prescribe to universities how and what to teach". He goes on to say that : "Although Parliament also has the power to invalidate university or joint Statutes (S. 17. 3. 4 and 18. 2 of Act 61 of 1955) this is a power of censure seldom, if ever exercised."[6]

In addition to this every university where the students are predominantly white obtain at least 75% of its revenue from State subsidy and the Minister of National Education's power in this regard, is that he may grant subsidies to universities in respect of capital and normal recurrent expenditure for such purposes and subject to such conditions as he may decide (S. 25 of Act 66 of 1955) and that he may grant loans to a University

Council (S. 20 and following of the same Act). The Minister has direct powers of control if a university does not comply with the conditions under which a subsidy has been granted (S. 27) or if the recurrent expenditure of the university exceeded its income by more than 5% during the two previous years (S. 14). From this it should be clear that financially and legally the State has very wide powers over the university and that the limited autonomy that a university enjoys is to a large extent dependent on the tolerance of the State. This point was made rather forcibly in a number of ways by the Second Interim Report of the Van Wyk de Vries Commission on Universities. On a whole range of issues the State through the actions of the Government can become extremely intolerant as the abovementioned statutory and legal provisions indicate, and when it does become so, it simply underscores the fragile autonomy of the university.

However, to limit the relevance of university autonomy to the university/state context would be a gross over-simplification. One can think of the economy and the communities from which universities recruit students as two examples of rather self-evident contexts which are relevant to university autonomy.

It is a sobering thought that we live in an economy where by 1970 it was established that 17% of the population earned 70% of measured income.[7] Against this background a Business School, Law Faculty or Engineering Department can insist on the right to appoint whom they wish, to teach to whom they please what they want to, but, if it is not done in such a way that the product is somehow employable in the professions, commerce and industry, they might end up teaching no one at all. It is perhaps one-sided but nevertheless relevant to say that also, or perhaps especially in South Africa, universities act as distribution centres for skilled labour and the demand and nature of the occupational structure is not entirely enrelated to the content, scope and quality of the knowledge processed in various departments preparing students for their careers. Who has not taught in the "soft" or "human sciences" at universities that has not experienced a few anxious moments at the start of the academic year when new students confronted one with the inevitable question: "Yes, but what can I do with it?", and it is still not possible to provide the same

neat and snappy answers as those hard or applied sciences, as to where someone can conveniently find an occupational niche in the economic system.

Similarly, if one looks at the communities from which universities with predominantly white students recruit their students, it is clear that they come from the very privileged strata of our society to receive very privileged instruction. It is only a fortunate minority that can afford to pay approximately a minimum of R1 000,00 p. a. for tuition and residence at a university and those who are thus fortunate come with definite demands and expectations. The vast majority of them expect to be able to at least maintain, if not improve, their position of privilege in society once they leave university. It has for example been argued that given the extent of poverty and malnutrition particularly in the rural areas of South Africa, medical schools should focus on producing doctors who are primarily competent to combat these diseases as social phenomena, i. e. community medicine. But as a matter of fact, the vast majority of prospective doctors will end up, and expect to do so, earning their income from those who suffer from "privileged" diseases rather than from the poor and hungry. In 1977 out of a registered 17 374 doctors in South Africa only 482 or 2,8% worked in the Bantustans. Expressed differently, 81% of all doctors live in urban areas where only slightly more than a third of the population live.[8] Remember that I said that 17% of the population earn 70% of the measured income in South Africa. The overwhelming majority of that 17% happen to live in urban areas as well. What has this to do with university autonomy and academic freedom? I am suggesting that the way a university exercises its autonomy and freedom is not independent of the demands and needs of the communities that it serves.

A final, perhaps, depressing note on the societal context of universities. The fact that universities form part of the elite or privileged classes in our society and that the degree of freedom and autonomy that they have is indicative of the tolerance they enjoy from those who govern the status quo, is not a unique phenomenon. Very much the same point is made by Ben-David and Zloczower in a brilliant analysis of "Universities and Academic Systems in Modern Societies." After discussing the reasons for the intellectual dominance of German universities in the 18th and 19th

Centuries they come to the conclusion that:

> "The status and the privileges of the universities were granted to them by the military aristocratic ruling class, and were not achieved as part of the growth of free human enterprise. It was, therefore, a precarious status based on a compromise whereby the rulers regarded the universities and their personnel as means for the training of certain types of professionals, but allowed them to do this in their own way and use their position for the pursuit of pure scholarship and science (which the rulers did not understand but were willing to respect). The universities had to be, therefore, constantly on the defensive, lest by becoming suspected of subversion, they lose their elite position, which ensured their freedom." 9)

From this brief outline of the societal context one thing emerges clearly. There is no inalienable right that a university can appropriate for itself without that right becoming contaminated by the status quo to which the university is related and within which it functions. If this is so, is it still worthwhile or important that a university concern itself with the principle of academic freedom and infringements of it? I think it is and why I think so brings me to my final question.

Why is it Important to Protest against the Infringement of Academic Freedom?

I have already pointed out the dangers involved when a university sheds its own institutional neutrality. But what does a university do when its demand for non-involvement in sectarian political issues becomes the cause of its involvement in the policies of the Government? What in other words does a university do when the rulers of the day have no respect for the limited autonomy, institutional neutrality and academic freedom of a university? This is a very serious predicament indeed in the life of a university and it has one of two options to exercise when confronted with it. Either it accepts the situation as such, whereby it is in no position to claim any neutrality, freedom or autonomy whatsoever and simply becomes an extention of the institutions serving the interests of Government, or else in protest, it voluntarily sheds its own neutrality for the sake of that neutrality, in order to demand the freedom and autonomy which enables it to be worthy of the name of a university. And even if the freedom to protest against its own unfreedom is taken away from a university, I believe it will find ways and means of asserting that freedom. Think about any

number of great discoveries and insights over the last four centuries in universities in Europe and elsewhere, and also think of the relation between university and government, (examples of which I gave earlier on). And yet somehow, within those universities there existed a climate and a community which despite all the repression, struggles and paradoxes, produced Descartes, Kaut, Russel etc. etc. They and many, many others are the testimony to the fact that, irrespective of the degree of freedom which the university as an institution provided them, they used the limited freedom they had to work towards a freedom that they believed was necessary for man, for universities and the societies in which they lived.

But then it seems to me that if members of a university demand corporate neutrality this cannot be used as an excuse for individual compromise of their academic integrity; when they demand academic freedom that freedom cannot be used to do nothing. Nothing in the circumstances where the forces of prejudice, intolerance, fear, poverty and exploitation move about unchecked in society. For these forces or their absence in society determines the socio-political context in which a university can enjoy academic freedom or not. And when they demand autonomy it is not to withdraw into splendid irrelevance but to use that autonomy in order to better contribute to the quality of life in society. It is within the power of a university to produce a generation of young people whose general attitude towards life and their own society is to react to intolerance with despair; to see cynicism as a neccesity rather than a vice and to exploit prejudice for expedient gain. And when such a generation does emerge it also reflects the life of the institution from whence it came. If we agree with Jurgen Habermas that the functions of a university is four fold, namely:-

(a) the transmission and development of technically exploitable knowledge;

(b) the professional socialization of students;

(c) the transmission, development and interpretation of the cultural tradition of society; and

(d) the formation of the political awareness of its students,

then we also agree that a university in our society is as much part of it as any institution it wishes to oppose or criticize. And when a university demands autonomy for itself, that society, caught up in its historical struggles will find numerous ways for asking the question: "For what do you demand

autonomy?" The answer would seem to be, if one looks at history: "For the sake of Society itself", but history also seems to indicate that a university seldom escapes the obligation to prove this.

Therefore when we protest the infringement of the academic freedom of our university we are simply saying that we take the problem of freedom seriously, not only for our university but for our country as well. We are delivering comment on this country. We are saying something is wrong in this land when a university has to shed its neutrality in order to publicly commit itself to academic freedom. We are saying that we prefer a society where this is not necessary. We do not say that the freedom of our university is a pre-condition for freedom in the rest of society, but we do say that the degree of freedom we enjoy is symptomatic of the freedom possible in the rest of our country. We do not claim that our university can change society overnight but we do say that the way in which our university is allowed to contribute to change says something about what kind of change can take place or is possible in our society. We say finally, the less freedom we enjoy as a university the greater is the lack of freedom in the rest of our country.

That is why I believe it is important to protest against the infringement of academic freedom, and if you agree, I am grateful to share this moment with you.

Footnotes

1. This is a revised paper of a previous address: The Eighth E. G. Malherbe Academic Freedom Lecture, 7th August 1975, University of Natal, Durban.

2. Machlup, S.: "European Universities as Partesans". The Carnegie Foundation for the Advancement of Teaching: Bulletin No. 34, 1971, p. 7.

3. Ibid., p. 24.

4. Op. cit.

5. Wiechers, M.: "University Autonomy and the Law". U.N.I.S.A., 1970, pp. 19-21.

6. Ibid., p. 20.

7. Archer, S.: "Redistribution Issues and Policies in the South African Economy", paper delivered at Workshop on Socio-Economic and Constitutional Change, Rhodes University, 24-28 August 1978.

8. Savage, M.: "What Does Removal of Race Discrimination Effectively Mean in the South African Context", paper delivered at Workshop on Socio-Economic and Constitutional Change, Rhodes University, 24-28 August 1978.

9. Ben-David, J. and Zloezower, A.: "Universities and Academic Systems in Modern Societies", in European Journal of Sociology, III, 1962, pp. 45-54.