The Office Of The Principal and Vice Chancellor

THE 2008 DCS OOSTHUIZEN MEMORIAL LECTURE

RHODES UNIVERSITY, GRAHAMSTOWN

On Academic Freedom[1]

Antjie Krog's memoires of the TRC, *Country of My Skull* is a title that is as raw and evocative as its layered exposition of the TRC hearings; the moral, philosophical and political underpinnings of Apartheid; and the personal "dark night of the soul" journey of self-discovery. It is a title that has always fascinated me – *Country of my Skull;* so much more than the rather mundane film title, *"My Country."* Somehow, *Country of my Skull* is peculiarly African. It engenders in us a visceral response to the insidious and destructive system of Apartheid even as it articulates with such clarity the thrall in which this country of our birth holds us. Africa is not only in our blood, it is also in our skulls; or our skulls are evocative of, or a representation of Africa, our consciousness, our identity. We are constantly engaged with it; wrestling for clarity, trying to reconcile the irreconcilable paradoxes that inform its past and present, to distil from that the true meaning of freedom on a multiplicity of levels.

What Krog's work also highlights, are the various frames of reference that inform our respective points of departure as we struggle with our demons and journey towards a new, more unified expression of what it means to be South African. Each of us has our own story, filled with people and experiences that to a greater or lesser extent, shape us, inform our

[1] The DCS Oosthuizen Academic Freedom Memorial Lecture by N Barney Pityana, Principal & Vice Chancellor, University of South Africa, delivered at Rhodes University, Grahamstown on 18 September 2008.

views and viewpoints, and contribute not only to who we become, but also the mark that we leave on our world. I count myself as being so shaped.

Antjie Krog is the famed Afrikaans writer and poet. The book, written in English speaks to the subconscious levels that our psyche believed had been lost in the consciousness of forgetting. There is something uncannily similar about the late Professor Daantjie Oosthuizen and Krog: cultured in Afrikaans, yet transcending the narrow confines of Afrikaans identity, and yet never able to be other than Afrikaans; philosophical in intellect and intuition and yet with a common touch in the readiness with which they embraced the ordinariness of life, observant and challenging of the unstated fears and reservations that often mark the behaviour of fear and uncertainty. If Daantjie Oosthuizen was prophetic in the 1960s, then Krog was a social activist and public intellectual of the post apartheid South Africa.

The Eastern Cape was my frame of reference in my formative years. It was that region where I received my schooling and the beginnings of my tertiary education, where my love for learning was born and firmly established, and where my passion for freedom, including intellectual and academic freedom was borne. Traditionally, higher education has formed the vanguard of ideological persuasion and even indoctrination, in support of political and social change. We should not be surprised then, that the converse also applies. Where an existing order is threatened, those intellectuals who do not toe the line are often vilified, marginalised and even worse. Many of the great revolutions have commenced with a thorough purging of intellectuals. History will testify to that. Furthermore, where the State funds higher education institutions, then notions of academic freedom will always be tempered by the expectation of some sort of reciprocal loyalty. Higgins alludes to this when he says

> Precisely because of this ... one of the tasks of the critical intellectual was to keep on thinking about academic freedom: challenging its status as a received idea by thinking about it critically, historically and theoretically, the better to make a constructive contribution to current debate and policy. [2]

[2] Higgins, J. Academic Freedom in the New South Africa. (2000)
http://muse.jhu.edu/journals/boundary/v027/27.1higgins.html

II

Rhodes University will always be part of that frame of reference for me. It was at Rhodes that the 1967 NUSAS Conference was held and where for the first time racially segregated accommodation for delegates was strictly enforced. It was following his failed intervention at the NUSAS Conference at Rhodes that Steve Biko and I, in Port Elizabeth, reflected long and hard on the options available to radical black students, and where we came to the conclusion that as long as black people allowed pseudo-liberals to dictate the terms of our struggle we would never as black people take charge of our fortunes and engage the oppressed people into the liberation project. The result as we all know was the formation of SASO a year later. Ten years later Steve was caught in a security police check-point near Grahamstown. He was arrested, detained without trial, tortured and died a criminal death in the hands of the security police. Today Rhodes University is honouring one who refused to be bowed down by the power of an oppressive racist oligarchy.

I remember also as a student at Fort Hare how the UCM seemed to represent something refreshingly radical: the Sunday evening "Happenings", the new theology, worship of a different kind. Basil Moore, Jim Polley, James Moulder, Randy Falkenberg, Charles Villa-Vicencio – all Methodist theologians, were promising the new intellect the radical vision and a courage that was sadly lacking in NUSAS. And so we spent much time at Rhodes in 1968. Indeed, Prof Daantjie Oosthuizen was among those who addressed UCM conferences, and who was held in high regard by our radical Christian friends who often were at loggerheads with their own church establishment. In a strange way Oosthuizen represented to the Christian left at Rhodes something perhaps that Johan Degenaar at Stellenbosch would have represented - radical scholarship within claustrophobic Stellenbosch - to Rick Turner, a master rhetorician, an interlocutor; one who gave permission to explore new ideas, even to the point of difference.

As one may understand some of us were very cynical of these protestations about academic freedom. For years the Academic Freedom Committee held annual lectures at the so-called 'open' universities that were never quite open. We were sceptical about the claims that were being made about the aspirations to academic freedom in the face of so much collusion with the oppressive state. Of course we were aware that these institutions diligently enforced government policy on their campuses. They continued to restrict entry for black students, or they required ministerial approval; they segregated residences and black students typically

had to find private accommodation and hardly participated in student life. Many who lived through such times would speak of the culture of veiled tolerance and racism they were subjected to on the part of staff and students.

What evidently was being protected therefore was not so much academic freedom but its application from the vantage point of a small racial oligarchy and class elite who sought to preserve what they regarded as values and cultures in the academe, which they had lost in the ballot box. Academic freedom therefore became freedom from political interference at the hands of a supposedly hostile Afrikaner regime. This was the Anglo-Boer War by other means. With refreshing perspicacity Oosthuizen saw through all that. And yet such introverted, self-referential posturing could not be engaged because it could not be refuted rationally, its truth claims could not be tested and it failed to pass Oosthuizen's test for a non-ideological and radical Christian critical discourse, as Andre du Toit puts in his essay, *The Legacy of Daantjie Oosthuizen: Revisiting the Liberal Defence of Academic Freedom.*[3] This closed self-serving debate which could neither be verified nor falsified contrasted with Oosthuizen's idea of critical debate as an "open conversation" in a manner that was truly engaging. Years later Ian Bunting did many of us a great service by putting together and publishing his papers in THE ETHICS OF ILLEGAL ACTION AND OTHER ESSAYS by Spro-Cas/Ravan Press in 1973. For years that was my companion for radical reflection on the concerns that preoccupied me.

III

1968 was the momentous year of the student revolts across the world. In the Sorbonne in Paris and at the LSE in London students protested and challenged the institutional establishment and sought to subvert the traditional values of society. In South Africa the Mafeje Affairs gripped university campuses in a cry for academic freedom, protesting the universities' complicity with the National Party Afrikaner regime in appropriating university spaces for their racist ideology. At Fort Hare I was among the student activists who engaged in a sit-down protest in front of the administration building for five days, protesting, not for the first time, the Afrikanerisation and Bantustanisation of the university. We also protested with students at UCT, Wits and elsewhere about the barring of Archie Mafeje from a teaching position at UCT. We protested with students in France and all over Europe, against the

[3] African Sociological Review 9,1,2005, pp41ff

perception of universities as irrelevant and disengaged, and thus rendering universities an innocuous convenience for the power elites.

I am proud to say that I belong to a generation of students who rejoiced when Hendrik Verwoerd was assassinated in 1966 and who were angered by the assassination of Martin Luther King in 1968. We protested his murder and we sang, "We shall overcome!" We yearned to experience the true idea of a university. We did not accept that the university could be an abstraction from the world in which students and their families lived; that it could be an entity cocooned and separate from society. We could not be absolved from the challenges of life that our families experienced daily, and we took responsibility for becoming part of a movement for liberation.

Elsewhere in East Africa, 1968 was the year of the Great Nairobi Debate. What began inauspiciously in the English Department as an effort to translate and interrogate English Literature and its application in an African environment, was challenged by three African scholars who argued that as a matter of fact English Studies as such were no longer relevant to African development. "Why can't African literature be at the centre so that we can view other cultures in relationship to it?" they asked. As Ngugi wa Thiong'o puts it, "All hell broke loose". This led to a fierce debate about relevance and appropriateness, about the duty of Africans to take charge of their own advancement and learning, and calls for the recognition of African intellectual sources. What was under scrutiny was the assumption that English and other foreign cultures assumed primacy over anything African. The scholars asserted that they wished to establish the centrality of Africa and her cultures and languages in the knowledge domain, so that it could become a lever for the interrogation of all other systems of knowledge, "With Africa at the centre of things, not existing as an appendix or a satellite of other countries and literatures", they argued. "Things must be seen from an African perspective", Owuor Anyumba, Taban Lo Liyong and Ngugi wa Thiong'o insisted. It will be noted that this was the seminal challenge to a neo-colonial mindset that had become the "taken-for-granted" of higher education in post-colonial Africa.

IV

40 years on, I can state that that tidal wave of student activism that began from the premise that we can and we must change the world, is one which has shaped me and which informs much of my thinking today. What this suggests to me though, is that the yearning for freedom

and intellectual engagement must remain the very foundation of any free society. Universities, says Karin van Marle, the legal philosopher, must remain public spaces for heterogeneous thought and action:

> The strong divide between facts and value, between morality and the law, between what is and what ought to be, must be challenged. This can be done by action and by the display of human plurality and multiplicity. A huge part of this challenge must come from the voice of the other opposing the male modern rationality that has reigned in universities and suppressed difference.

Of course, Prof van Marle, writing from a feminist perspective here, challenges all notions of universalisation and uniformity that stultify original and indigenous thought and action. She addresses both the predilection to polarities and to uniformities. What is important is original thought and action, and the freedom to be. She invokes Hannah Arendt who argued that

> It is through action in the public realm that humans can display their plurality, spontaneity and unpredictability.

The decline of the public space is a loss of humanity, says Hannah Arendt. Yes, our universities should thrive from a culture of heterogeneity and radical difference; avoid the tendency to over-simplify that which is naturally complex.

Amartya Sen, the celebrated Nobel Prize Laureate for Economics published his book of essays in 2005, *The Argumentative Indian*[4]. In these essays Sen explores the philosophical, religious, linguistic, cultural and intellectual foundations of Indian society, and places them in the context of a changing world environment. He challenges many of his nation's claims and traditions, and the means by which some justifications are sought for political and economic policies, and for exclusive social mores including the maintenance of some taboos. At the end of it, he arrives at what one may call the idea of an *argumentative democracy*, the notion that an essential identity of the psyche of being Indian is readiness to engage, to challenge, to argue every idea, each practice, to debate history, and as such nothing is ever settled but that India is an evolving specimen. He calls this "democracy as public reasoning". Early on in the book Sen asserts that the role of the intellectual tradition in India has always been to give

[4] *The Argumentative Indian: Writings on Indian Culture, History and Identity*; Penguin Books, 2005.

voice to the marginalized and to serve as a tool in "resisting social inequalities and in removing poverty and deprivation." He goes on to say that

> The critical voice is the traditional ally of the aggrieved, and participation in arguments is a general opportunity, not a particularly specialised skill (like composing the sonnets, or performing trapeze acts).

To illustrate his point, Sen tells of his encounter with an elderly villager in his native Bengal who tellingly confronts his prejudices about the poor and the illiterate when he says: "It is not very hard to silence us, but it is not because we cannot speak." The role of the intellectual is to give voice to the silent.

The Kampala Declaration on Intellectual Freedom and Social Responsibility (1990) states the following:

> Members of the intellectual community have a responsibility to promote the spirit of tolerance towards different views and positions and enhance democratic debate and discussion (Article 20), and
>
> The intellectual community is obliged to encourage and contribute to affirmative actions to redress historical and contemporary inequalities based on gender, nationality or any other social advantage." (Article 25). [5]

Clearly there is broad acknowledgement of the role which the intellectual community can and must play, not only in participating in teaching, research and publishing, but also in promoting intellectual exchange; both nationally and internationally, and in contributing to social advancement. What I guess this is about, is not just independence of thought and the generation of ideas, but also intellectual integrity – as an accurate reading of the signs of the times, and true reflection of one's observations and the avoidance, therefore, of mere representations of reality without a critical assessment, or disingenuous argument that presents a partial statement of the truth, or that is blind to other sides of the argument, or that simply presents a narrow point that justifies decisions arrived at *a priori*. It also means the courage to speak out in truth without calculating the risks and to avoid the lure of uncritical palace intellectuals – always ready with the pseudo intellectual justifications of political

[5] http://www1.umn.edu/humanrts/africa/KAMDOK.htm

judgements, or the refusal to acknowledge what is reasonable and meaningful by reason that it does not match one's ideological presuppositions. There is too much of that in our country's current politically charged climate.

V

Sadly, with the onset of our new democracy, and with the elevation of science and technology as a normative intellectual pursuit, the social sciences and the arts are often undervalued. They are to be found among the army of unemployed graduates. What then does that do to the "reach of reason" that Amartya Sen talks about? We are all the poorer as a nation, and this nation will reap the bitter fruits of such neglect in the not too distant future.

Today, the burden falls on the new elites to build Africa, revitalise her economy and systems of life, and to renew her shattered institutions and humanity. That aspiration can never be realised unless we are ready to begin at the beginning. It must begin with education – with our academics and intellectuals. And yet our nation seems to have a dearth of intellectuals who are brave enough to engage publicly and transparently in robust and self-critical intellectual exchange and debate on any number of issues; who are prepared to face that element of danger and revolution, dissatisfaction and discontent that du Bois speaks of. How does this tie in with academic freedom?

In a recent essay, Homi K Bhabha stated the following:

> All advances in knowledge, if they are truly transformative, bring with them a shadow of uncertainty and incalculability. 'New ways of knowing' as Hans Weiler has appositely pointed out, 'bring with them, a profound doubt about established conventions in the production of knowledge and an exhilarating sense of a new beginning.[6]

This is where our intellectuals have such a fundamental role to play in reintroducing and re-asserting their independence and the ethos and practice of critical reflection and engagement; in engaging with that profound doubt, but through a kind of critical engagement that requires honesty, integrity and

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[6] Homi K Bhabha: Global Pathways to Knowledge: Narration and Translation; UNESCO Forum Colloquium on Research and Higher Education Policy; 1-3 December 2004 Pg 5.(in draft) quoting Hans N Weiler: Challenging the orthodoxies of Knowledge: Epistemological, Structural, and Political Implications of Higher Education; UNESCO Forum Colloquium on Research and Higher Education Policy, 1-3 December 2004.

courage. Independent and innovative thought must be prepared to abide by its conscience, and take the consequences of its convictions.

A cultured and civilised society is not simply the goal of universities but the collective endeavour of societies. It ought to be the aspiration of every parent in the upbringing of the family, of the school in the development of a culture of teaching and learning, in higher education in the development of a quest for knowledge and the acquisition of desirable intellectual competencies and practical knowledge, in society as a whole in valuing and moulding moral character. I hate to generalise about this, but I do want to suggest that in the silence of our intellectual community we let slip a responsibility we have in the building of a society we can be proud of.

Higher education can never function in isolation from the challenges society faces. Higher education must be sustained by the goodwill of the society it seeks to serve. That society must express confidence in its capacity to produce public good, and to dream its future. Government has a vital role to play in creating that environment, by its public investment in higher education, by seeking and drawing together partners from the private sector, and by generating the confidence of the society.

Perhaps what is required from higher education, and concomitantly, from our intellectuals and our academics, is best summarised by that African American scholar and pioneer of the Pan African Movement, WEB du Bois, in his inimitable words:

> The function of a university is not simply to teach breadwinning, or to furnish teachers for the public schools, or to be a centre of polite society; it is, above all, *to be the organ of that fine adjustment between real life and the growing knowledge of life, an adjustment which forms the secret of civilisation* [7]

This is the kind of journey that Krog reflects on in *Country of My Skull.* It is a journey that asks for an honest appraisal and analysis of our past, to ensure the best interests of our future. It is a journey that asks of us to invest in real life in order to ensure the sustainability of future life, and it a journey that asks for voices to be heard so as to ensure the ongoing regeneration of our

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[7] WEB du Bois: THE SOULS OF BLACK FOLK; Dover Publications Inc, New York; 1994. Pg 52

civilisation. It is a journey ladies and gentlemen, that exhorts and affirms academic and intellectual freedoms.

VI

The Constitution of the Republic of South Africa is more than merely aspirational. The Constitution has a justiciable Bill of Rights which it refers to as the "cornerstone of democracy". It goes on to state that the Bill of Rights "affirms the democratic values of human dignity, equality and freedom". It is important to note that not only is the state bestowed with responsibility to respect, protect, promote and fulfil" the rights in the Bill of Rights but that all must honour these rights. Often, however, human rights are best observed where a "rights" culture prevails; one of awareness and mutual respect for the rights and dignity of another. Besides the entrenchment of freedoms that are collateral to academic freedom, e.g. freedom of expression, and freedom of belief or opinion, academic freedom is stated as a class of freedom of expression as "academic freedom and of scientific research" (s.16(1)(d)). Rassie Malherbe, the University of Johannesburg (then known as RAU), Professor of Public Law prepared a discussion document for SAUVCA in 2003[8]. In the paper Prof Malherbe seeks to give content to the right to academic freedom drawing particularly from the decided cases in the US Supreme Court given that to date South African constitutional jurisprudence has not ruled on academic freedom. He concludes that academic freedom is a judicially enforceable constitutional right.

Higher education exists and survives at its best where freedom of expression, of religion, belief and opinion are guaranteed and where human dignity is the norm. But this should always happen within a discipline of respect for the other and in the freedom for mutual association. We are fortunate then that in our country we live and work within a democratic ethos and environment. The sense and reality of freedom is therefore vital for the academic enterprise. This arises because modern society depends on higher education to mould young or fresh minds, to challenge the prevailing shibboleths, to apply a critical value to societal standards, and to assert new and developing moral norms that advance the understanding of the world and human development from where it had been. Freedom is more than a negative value. It is also about the power to become and to follow the dictates of one's conscience.

[8] "The Relationship between the State and Higher Education: Issues of Centralisation, Academic Freedom, University Autonomy and Accountability, 18 June 2003 (unpublished).

Where higher education neglects to fulfil that responsibility, societies stagnate and fall into decay, paving the way for the kind of rule that can only function in terms of the crudest power relations and contestations, rendering ordinary citizens vulnerable and exposed to the whims and egos of tyrants.

Because universities are about the "common good" nowadays, they are often critical partners with the state and with politics. The state has a vested interest in the university because of its human and knowledge advancement, in pursuit of which the state has a duty to contribute from the wealth of the nation. Universities for their part enjoy the freedom to engage in scholarship, in teaching and learning, and the advancement of knowledge, obligated in return to provide defensible accountability for the public purse, its products, other partners in the private sphere, the accomplishment of its graduates, and its research outputs. Paul Tiyambe Zeleza and Adebayo Olukoshi in their study of *African Universities in the 21st Century* refer to the social contract between the state, the university and society, in terms of which higher education was to be valued as a public and intellectual good, which moreover, dovetailed into visions of nation-building and national development.

The contextualisation in legislation of our academic freedoms within the realm of *public accountability and the national need for advanced skills and scientific knowledge* substantiates this, but simultaneously it suggests that these freedoms are not absolute; that in the absence of a clear definition, concepts such as "*public accountability*" and "*national need*" are open to interpretation and manipulation. Furthermore, the specific reference to *advanced skills* and *scientific knowledge* implies a dedicated focus or steering on the part of the state, towards specific disciplines, which immediately comes into tension with institutions' freedom of choice in regard to their PQMs and their student intake. There is a clear danger then, in cases like these, that higher education institutions could be subsumed in the service of the state where critical thinkers and intellectuals remain silent. If universities are the guardians of academic freedom and autonomy, who will be their voice when those freedoms are compromised? More to the point, how do we strike the balance in our current circumstances, between the growth and development of critical thinkers, and the production of graduates who will be equipped with the kinds of qualifications and the levels of skills that will support and even drive socio-economic development?

Some of the debates about the role of universities in national development or in intellectual creativity, or allegations of state interference in higher education are very stale and backward. I accept that higher education has a role in society and may be preoccupied by societal concerns. While it remains true that education has to be open-ended to the extent that exploration of ideas must be continuous if knowledge is to be developed, this is no mere instrumentalist notion of education but one that builds character. Whether we like it or not higher education builds on expectations from all quarters, its reputation rests on the extent to which those expectations are fulfilled or not. Higher education is thus contracted in our country no less than elsewhere in the world.

In a free, democratic state, however, higher education should never approach the state with the attitude of a supplicant but with that of a rights-bearer, as a champion of freedom. In this regard the relationship with the democratic state is qualitatively different: it is assertive, it is critical, it is independent. I believe in an "argumentative democracy" *a la* Amartya Sen, the Nobel laureate for economics, creator of the Human Development Index. In this, Sen states that the role of intellectuals in society is to give voice to the silent. Debate and argument therefore constitute the very sinew of democracy and of a university. The power of the state or of the dominant political party must never be used to stultify free debate, nor should argument be suppressed by threats of violence or intimidation. It is as if WEB du Bois was writing about South Africa today when he referred to universities that had lost their mission or sense of value. He said

> Since the war they have fought a failing fight for life in the tainted air of social unrest and commercial selfishness, *stunted by the death of criticism, and starving for lack of broadly cultured men.*

VII

We have a duty to ensure that such must never be said of the South Africa post 1994, let alone that is should be the legacy of Polokwane. And yet it is rarely the writer or scholar who receives respect; anyone who aspires to be an intellectual is often viewed with contempt. It is definitely not the most attractive thing to become a career academic in such circumstances. Polokwane appears to have given freedom to some to treat intellectuals in our midst with contempt. So, just as people of the calibre of Daantjie Oosthuizen engaged with the philosophical, ideological and moral underpinnings of *apartheid*, so today's academics and intellectuals must similarly engage without fear of persecution or ridicule, the moral fibre of

society. Likewise scholars must never be reduced to mere palace philosophers, ready to present pseudo-intellectual refutations of their masters at every point of criticism.

Moral society has much to do with one's conduct, self-esteem and sense of identity – even one's sense of patriotism. It is affective in that we are engaged with our whole selves, mental and emotional, in our relationships and in our actions and conduct. There was a time when students, certainly of my generation, valued the sacrifices that their parents made, for example, to keep them at school or university; almost always against all odds. That instilled a sense of discipline and a desire to achieve, if anything for the sake of one's poor parents. It meant that we acquired a sense of responsibility for ourselves and others around us. This country cannot afford to sustain the current levels of student drop out from our universities, or the unenviable failure rate. This nation cannot afford the extent of deaths and crippling of the young through HIV and AIDS, or the resulting relationships of distrust. While universities cannot be absolved from the challenges society faces, they can, and should be, producing men and women whom society can look up to. Academic freedom will ultimately be judged by the calibre of those who stand up in society having been through the portals of our institutions: informed, educated, men and women of civility, free thinkers, critical, tolerant, listeners, empiricists, and, of course, argumentative in that they refuse to accept or abide by any final answer; the truth being that all thought is evolving and provisional. At its best, however, all action must be informed by thoughtful processes!

VIII

The democratic dispensation in South Africa, one would have expected, would have produced an unleashing of this nation's creative talent. To some degree much of that has happened. In a recent study on the value of higher education SAUVCA has demonstrated that higher education has contributed to this nation's intellectual capital in increased research output in some critical areas of scholarship. Higher education is, however, conscious of failings in graduate output and is aware of some misguided criticisms from industry and from politicians about the extent to which our graduates fail to perform in the workplace. In some respects that is not the primary purpose of higher education.

In an era which could have been characterised by renewal and vibrancy in new scholarship, however, higher education has fallen short of expectations. Institutional autonomy was allowed to be circumscribed by notions of "conditional autonomy" which the CHE promoted

in its 2002 Report, rather than to allow the available constitutional limitations; both the internal limitation of s.16, that academic freedom "does not extend to the right to propagate war, incitement of imminent violence or advocacy of hatred...", or the Limitations Clause that a limitation of a right is "reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom..." (s.36). There have been concerns about academic freedom being proscribed in some of our academic institutions at the level of the individual academic. It is in my view, at the institutional level that concerns are justified.

Institutional autonomy has become subordinated to the whims of the Minister of Education who can interfere in just about every aspect of life in higher education institutions. The Minister of Education may send in an assessor or administrator, remove the Council of a university at will, give instructions about the expenditure of the government subsidy, and merge, abolish or incorporate institutions by proclamation. The Minister of Education, goaded by SASCO, has now announced an intention to limit the fees universities may charge students, and astoundingly, limit what third stream income universities may source! One Minister at least even tried to instruct the Council on who it should appoint as Vice Chancellor. Fortunately, the Council of the University of South Africa rejected such interference. Through a number of intervening factors, the Minister dissolved Council, purported to establish a new university, was challenged in court and was forced to withdraw his proclamation. That, in spite of the provisions of our Constitution.

Current practice on the funding mechanism of higher education makes too many universities subservient to the whims of the Minister who retains power to distribute funds without accountability and in a manner that is not transparent. That, in spite of the administrative justice laws. The drift is towards a form of "democratic centralism" whereby seemingly, the democratic hegemony of the ANC allows ministers and the party to centralise and exercise control. All of this continues unabated and unchallenged. Universities in this environment are vulnerable; choices and preferences are made without any fear of accountability. Through all of this we continue to ideologise about academic freedom just as institutional autonomy is shrinking under the onslaught of centralised power in the Minister of Education. There is a raging debate in the media in England about the controls introduced by government in relation to fees and who may be admitted into universities. The perceptive piece by Simon Jenkins in the Sunday Times (London) is relevant in our situation as well:

> Universities have spent the last quarter-century cosying up to government in the hope of being rewarded for their servitude. This Faustian pact has been a betrayal of the academic enterprise, expressed in Cardinal Newman's words as "self-governing communities of disinterested scholars"

Jenkins ends his article with a flourish: universities "cannot accept the chains of the state and then complain when it hurts". The situation in South Africa is no different. We are committed to the democratic ideals and constitutional values we share with the state; we understand the duty of government to govern in a representative and an accountable manner, but we need to set the limitations on the extent of governmental power on national independent institutions, including universities. The extent of these limitations needs to be more clearly defined. We do not yet have jurisprudence in this regard in our country.

In addition, the research funds made available for teaching and scholarship need to be allocated via a process in which universities participate and which is transparent and responsible. We appreciate that the government is now making resources available for infrastructure funding following years of neglect and dilapidation. If our national aspiration is to become a society of advancement and innovation in science and technology, and if universities are to engage meaningfully in human security and advancement, then the programme of improvement of facilities and the extension of access to higher education has to become a national imperative. Universities must be there to provide opportunity to that army of young people who are out of work and lack fulfilment, and who so often end up resorting to crime and violence, including acts of xenophobia, because they lack self-confidence or they have no skills for the open labour market.

I therefore welcome the recent announcements by the ANC on fresh moves for the renewal of higher education. I notice that the ANC promises some structural changes to higher education including undoing some of the mergers. The most critical issues in higher education however, are begging for urgent attention. That is restructuring that may see a dedicated ministry for higher education, perhaps incorporating the Ministry of Science and Technology. More importantly, an independent funding council for higher education is urgently required if higher education institutions are to be unchained from the coat-tails of government control. I am aware that there is a big debate currently, about the extent of justifiable independence and accountability of various state institutions. That debate must continue. The euphemism of

institutional control through the policy of a "steering mechanism" must be abandoned and a system which is constitutionally justifiable adopted that affirms institutional autonomy within the constraints of constitutional limitations.

IX

I believe that the ANC, if it continues to present itself as a party of government (there are signs that this may be doubtful) must lead the way in designing and promoting ours as a tolerant society, in pursuit of which, it must commit to honouring in word and deed the Constitution of this land, our aspirations towards a free and democratic dispensation, and our traditions of fearless critical thought. South Africa as a nation must set high aspirations for its young people, and we must advance, within an environment of accountability, the academic project of higher education. We are never going to achieve that through the rantings of the under-educated Julius Malema, who is hardly representative of the aspirations of the young people our country, or by the psychology of power through fear reminiscent of Stalinism that the YCL is introducing in our campuses. The future of our country can only be built through solid intellectual engagement, academic achievement and scholarly excellence. Mediocrity has never won any prizes. There are no short cuts.

Writing about black youth behind *the Veil* in the South of the USA, WEB du Bois has this to say about the "vision of life" that must be set before the aspirant black society:

> Is there an air of higher resolve or more unfettered striving; the determination to realise for men, both black and white, the broadest possibilities of life, to seek the better and the best, to spread with their own hands the Gospel of Sacrifice – all this is the burden of their talk and dream.

I believe that that is what young people, in larger numbers, ought to be aspiring towards. Universities should instil that sense of aspiration, without which no dreams can be realised.

Grahamstown, 17 September 2008.