

## IS ACADEMIC FREEDOM STILL AN ISSUE IN THE NEW SOUTH AFRICA?

### INTRODUCTION:

1. The last time I gave an academic freedom lecture was in August 1975 at Rhodes University in honour of Daantjie Oosthuizen, the Philosopher, who had died a few years before. He had a seminal influence on my own intellectual development and I honour him again at this occasion. From him I learnt that intellectual life is about the non-stop subversion of orthodoxy and dogmatism, whether in politics, academia and civil life. Popper, put it a little differently by saying that the beginning of wisdom is the confession of ignorance, knowledge progresses through conjecture and refutation and this process condemns us to irreverence about prevailing orthodoxy. On the other extreme, is of course intellectual solipsism, where one may have many mistakes but being wrong is not one of them, and only you know why. This is essentially what Gellner said of the 2<sup>nd</sup> Wittgenstein, when remarked that, "poor old Ludwig has condemned himself to a language of cosmic exile where his truths are now only accessible to himself."
2. I wrote my academic freedom lecture 28 years ago. I read through it carefully again in preparing for this one. Two things struck me immediately: I have not changed my mind on academic freedom and whether it is worth pursuing, and secondly, our country has gone through enormous changes over the last 28 years. First a few words about the changes.

3. In 1974, I left Academia after 10 years. I was a full-blown Professor and academic housekeeper. I am sure it is completely different now, but I left because I had no money for research, could not properly pursue my own intellectual interests, constantly was involved in planning courses and finding people to teach them, and served on endless Senate and Faculty sub-committees chasing resources and policy concessions, that continually eluded me. So I stumbled into politics through a misunderstanding. I was assured I would not win, that I was just helping out. Twelve years later I stumbled out of Parliament. In those twelve years, I developed a reasonably adequate understanding about the use, abuse and seduction of power. One can say I had a grandstand seat from where I could observe the administration of repression and patronage.
4. Parliament was literally a machine that thrived on the political grease of patronage. It was its own world, totally removed from the daily struggle going on in the rest of society, or even beyond its borders. Those in the governing establishment would lie, steel, wheel and deal to curry favour with the leadership. And those in leadership would behave as if this was all part of a benign natural order in which they were simply receiving their just rewards. That, of course, was a long time ago.
5. I left Parliament abruptly in February 1986. By then South Africa had become hopelessly polarised and brutalized and Parliament had increasingly distinguished itself by its irrelevance in resolving the conflict. The deepening spiral of repression and revolt was playing itself out outside. I had, I thought, a reasonable understanding of the mechanics of repression. I felt I know would like to get to know the structures and organization, and above all, the probability of revolt. I phoned the ANC leadership in exile in Lusaka and asked whether I could possibly get in touch with the underground.

They told me, do not bother; they will get in touch with you. And so they did. I met some wonderful and courageous people. Some of them were murdered, others died. There were some serious weirdoes too.

6. But it was through IDASA, an NGO, Alex Boraine and I formed in 1987 that we made serious attempts to engage with the ANC leadership in exile. We held a series of discussions in Dakar (Senegal), Accra (Ghana), Waggadougou (Borkino Fasso), Lusaka, Harare, Victoria Falls, Leverkusen, Paris, London, etc. In these discussions I was particularly keen to understand the theory of change underpinning revolt, the resources available to achieve it, and the ideological ends that were to be achieved by success. The more I listened the more depressed I became. The rhetoric of revolt was simply the flipside of the rhetoric of repression. Each defined success as the total elimination of the other – only then could the ideological goals be achieved. I could only see endless attrition at enormous cost to the country and its people.

7. A few rhetorical examples from the side of revolt:

(a) An intense Trade-Unionist in September 1989 in Paris: "When we take over, there will be no private property, everything will be nationalised for the people, and the State will be the exclusive instrument of economic development". He is now our <sup>ex cabinet</sup> Minister of Trade and Industries. *defending free trade & the market system.*

*in the 70s.*  
(b) A learned article from a struggle lawyer: "A Bill of Rights in the new South Africa would be an obscenity, as it will simply legalise existing inequalities" He is now on the Constitutional Court defending a Bill of Rights.

*1980*  
(c) "Once we are in power all those Homeland leaders who took independence will face the firing squad". This gentleman was one of the prominent dignitaries paying tribute at Matanzima's funeral.

8. Of course what happened was the Berlin Wall fell in 1989, De Klerk made his speech on 2<sup>nd</sup> February 1990, Mandela was released, the exiles returned and April next year we celebrate 10 years of liberation. I made this cursory reference to repression, revolt and liberation to make a simple point: during each of them, universities and the principle of academic freedom experienced different pressures and demands. During repression our annual rituals of commitment to the principle of academic freedom made absolute sense. That is why I chose as a theme for this talk, the question :**Is Academic Freedom still an issue in the new South Africa?** I believe it is, so let me explain why!

### **ACADEMIC FREEDOM:**

1. Academic Freedom is of course a generic term for a cluster of values. I wish to focus on three of them. **The first** is the conventional one which is usually implied when the term is used, i.e. the freedom that a university enjoys to appoint teachers and students to its own community and teach what they feel should be taught. Academic freedom lectures became annual events where protests were made about the violation of this principle through the Extension of University Education Act of 1959, (often referred to as the "Extermination of Universities Act). This Act essentially discriminated against teachers and students on the basis of race and was

also one of the prime movers in the creation of so called "Bush Colleges". The second Interim Report of the Van Wyk de Vries Commission justified this racism by arguing that the then, political dispensation in South Africa is based on "the natural existing social order". Of course that "social order" is now a thing of the past and if one is to look at possible threats to this value today, it would not be as simple and straightforward as it was then.

2. The second value in this cluster that falls under the generic term, "academic freedom" is the principle of university autonomy, i.e. the degree of discretionary freedom that a university as an institution enjoys, in relation to other institutions such as the State, Government, commerce and industry. The relation between university and State/Government, is not necessarily an adversarial one. It is not uncommon for a university to curry favour with those who govern in order to extract concessions. Being politically correct can be very rewarding. I give you a quote that I used in this regard in 1975. It comes from research conducted in 1962 by two social scientists Ben-David and Zloczowver. After discussing the reasons for the intellectual dominance of German universities in the 18<sup>th</sup> and 19<sup>th</sup> Centuries, they came to the conclusion that :-"The status and 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 the elite position, which ensured their freedom". Of course, that was a long time ago. However, it would be short-sighted in the extreme, not to recognise

the power that the State and Government have over universities, also here in South Africa. The State can restructure universities, cut down on subsidies, and determine language policy, etc with little regard for university autonomy. On the other hand, a university can voluntarily sacrifice its own autonomy to become more "user-friendly" for the designs of those who govern and also for commerce and industry. Faculties, departments and administrative structures, can be re-organised to streamline the relationship between the universities and the external environment. KUN paper,

3. It is the internal sacrifice of autonomy that brings me to the **third value** of the cluster, and the one, I still feel most strongly about after 28 years. It is **institutional neutrality** and refers to the situation 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 or political in nature. This is a difficult one, because there may be causes, (particularly so during the Apartheid era), that can be so morally compelling, that it is difficult to think of somebody not agreeing with you. Yet, I believe it is the lifeblood of intellectual inquiry to say to someone, "you have the right to disagree with me". Of course, this is not an unfettered right. As Isaiah Berlin so eloquently argued, every ethical principle carries the seed of its own destruction. Freedom of inquiry can be used to destroy freedom of inquiry. Democracy can be used to destroy democracy. There is a common misconception that democracy is about three wolves and a sheep voting what is up for breakfast. In our democracy the sheep has rights. The right to live, the right to freedom of speech, religion association, etc. Similarly freedom of inquiry cannot contravene the constitution by promoting hate speech, racial intolerance, ethnic dogmatism etc.

But even so, a university should be free to question the boundaries of its own limitations. A university, as a community, can urge its members to adopt a collective view but it must never compel them to do so, by discriminating against those who do not comply, (obviously, I am not condoning criminal and unlawful behaviour). Again, referring to my talk in 1975, let me give you some examples:

- (a) In 1339 the Faculty of Arts at the University of Paris prohibited the reading of the works of Occam. This was evidently in protest against Occam's demand that logic be recognized as a branch of philosophy distinct and separate from theology.
- (b) Only a few years 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 recantation before the assembled university.
- (c) In 1604 King James I, under the Act of Uniformity, required all professors to take an oath of loyalty to the Episcopalian Church.
- (d) The philosophy of Descartes was deeply disturbing to theologians in many universities. In 1653 the University of Marburg banned Cartesian philosophy; in 1663 the theologians of the University of Paris had his work put on the 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.

(e) 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 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 Russell 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. Russell's own account of his lecture tours to American universities also makes interesting reading in the context of academic freedom. And what about the German universities 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 uniformed 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. The records of the meetings of the faculties are not published, but if the American critics had done conscientious research they would have found that the German Faculties and been neither silent nor neutral."



Of course, this was all a long time ago. Or was it? Most of my teaching and academic life, I had to oppose an ideology that treated "the Afrikaner" as some kind of ahistorical organismic whole with a collective "mind and soul" that had to be liberated from repression and persecution. History was invented to justify entitlement and retribution. Suffering became an excuse for intellectual and political tyranny. And yet, most of "the Afrikaners" who were so eloquent about all of this, lived comfortable middle class lives and never experienced any of the hardships they became so angry about, and pretended ignorance of the hardships they were imposing on others. But that was a long time ago.

However, when I hear the President of Harvard University saying that any criticism of Israel in its struggle with the P.L.O. is an act of anti-Semitism, I know that the principle of institutional neutrality is under siege. Similarly, when I heard important people say, any criticism of Robert Mugabe is simply a manifestation of White racial prejudice, I quietly pray and say: "Let us not recreate the political, moral and academic climate from which we have escaped after so much sacrifice and lost opportunities". Let us never forget that fascism does not discriminate in the logic of its creed between race, gender or nationality. *Kuhn vs. Popper:*

### **IS ACADEMIC FREEDOM STILL AN ISSUE?**

1. I hope I have persuaded some of you that this is simply a rhetorical question: Academic freedom is a never-ending quest. There was a time when it was fashionable to dismiss it as a liberal pretension. That it was a luxury that could not be afforded in countries grappling with vast socio-economic inequalities and a history of exploitation and repression. But such a position presupposes answers to the very questions free intellectual inquiry must examine. To dismiss academic freedom, is to succumb to dogmatism and orthodoxy that emanates

from somewhere in society, more often than not from those who control power. The dismal consequences are there for everyone to observe.

2. However, it is easy to treat academic freedom as a problem of a university in its relation to the external environment. Government and State are easy and obvious targets to attack. I believe, eventually, universities are judged by how it sacrificed the principle of academic freedom, internally, i.e. what a university does to itself rather than what is done to it. I have been privileged to chair a panel to analyse campus culture at the University of Stellenbosch, my own Alma Mater. This is a prime example of a university in fundamental transformation. Its external environment has changed dramatically. Previously it was a simple cultural extension of the ruling establishment. Now its external environment has a Constitution which proclaims that sanctity of human rights. How does it transform internally, without succumbing to dogmatism and political correctness?
  
3. Let me conclude by saying that I am extraordinarily privileged human being. I live in one of the most exciting and challenging countries in the world. We are infinitely better off than I ever dreamt we would be. We are caught up in a major process of institution building. Our universities are fundamentally important in this building process. They can never be complacent. A commitment to academic freedom, in all the variations I have tried to sketch, will play a crucial role in our transformation.

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