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BY

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Students' Representative Council
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**USE THE FREEDOM YOU HAVE
TO WORK FOR THE FREEDOM YOU WANT**

DR. F. VAN ZYL SLABBERT M.P.

Introduction

Those who have spoken before me on this occasion convincingly emphasise the honour you bestow on me by inviting me to do so this time. I am grateful and also apprehensive, for having read a number of papers delivered at 'Academic Freedom' lectures at South African Universities, I am not quite sure whether there is anything new I can say. Perhaps it may help if I try to say old things in a new way.

Before I attempt to do so, I think it is necessary to make a few remarks about the societal context in which universities find themselves in South Africa at present. This is just to remind myself that if I want to take academic freedom seriously it has to have relevance for a particular situation otherwise one tends to drift into a general discussion that can be very stimulating intellectually but socially irrelevant.

On the university/state relationship in South Africa much has been written and said. In fact, the very idea of 'Academic Freedom' lectures at English-speaking universities originated as a result of a change in this relationship. I refer, of course, to The Extension of University Education Act of 1959. This Act, more than anything else, was felt to threaten the academic freedom of universities in South Africa. There are other statutory and legal provisions as well which I do not wish to dwell on now and that are presented and argued very adequately in the booklet 'The Open Universities in South Africa and Academic Freedom 1957 - 1974' produced by the Academic Freedom Committees of the Universities of Cape Town and Witwatersrand. These provisions affect traditional civil liberties such as freedom of speech, the rule of law, freedom of association, etc., not only at universities but in our society in general.

Again, in the university/state context, we have recently had reports tabled by Commissions of Enquiry appointed by Parliament. I refer here, of course, to the Schlebusch/Le

Grange Commission report on NUSAS and the Second Interim Report on Universities by the Van Wyk de Vries Commission. As academic statements they destroy themselves by means of the tortuous logic and arguments they employ but because they enjoy the sanction of power and their recommendations can be made effective they become sinister and are seen as a threat to the freedom of universities.

I would argue that so far all these dramatic or sensational instances of university/state relationships in South Africa have enjoyed the almost exclusive attention of those who are concerned with academic freedom. It is almost as if these instances have shocked people into an awareness of what they feel should be the degree of freedom that a university should enjoy in its relation to the State. Perhaps a more fundamental question at such a time is to ask : 'In the absence of these measures, what freedom does a university have in any case in its relation to the state?' Prof. M. Wiechers, in a paper on 'University Autonomy and the Law'(1) 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'. (2)

In addition to this every white university in South Africa obtains at least 75 per cent 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 per cent during the two previous years. (S.14).

It would appear that financially and legally the State has very wide powers indeed over the University and that it is only when it exercises these powers in a particular way, such as the more dramatic instances I mentioned above, that some universities feel their academic freedom threatened. Up to then, the freedom they enjoyed was more a function of the repressive tolerance of those who manned the instruments of state than de facto independence and freedom. This point was made rather forcibly in a number of ways by the Second Interim Report of the Van Wyk de Vries Commission and as a factual statement, I have no argument with it. The Report also tries to make a more fundamental and related point, namely about what the 'correct' relationship between university freedom and the state control should be, and, because this kind of statement is not a factual but a normative one, I find myself in total disagreement with the Report. Disagreeing, however, is one thing - providing an alternative to the same question is another. I hope to do so to some extent later on but suffice to say that in the university/state context in South Africa, the degree of freedom that a university enjoys is dependent on the ideological tolerance of those who control the machinery of state. On a whole range of issues the Government can become extremely intolerant as the abovementioned statutory and legal provisions point out, and when it does become so, it simply underscores the unfreedom of the university.

However, to limit the relevance of academic freedom only to the university/state context would be a gross over-simplification - a fault we tend to make too often, I think. (Perhaps it is because the Government is such a convenient and sometimes deserving symbol of aggression). One can think of the economy and communities from which universities recruit students as two examples of rather self-

evident contexts which are relevant to academic freedom. 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 or industry, they might end up teaching no-one at all. It is perhaps crude and 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 unrelated to the content, scope and quality of the knowledge processed in various departments preparing students for their careers.

In fact, my erstwhile colleagues and I shared many an anxious moment at the start of the academic year when, as teachers in the 'soft' or 'human sciences' - prospective students confronted us 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 in the hard sciences or applied disciplines as to where someone can conveniently find an occupational niche in the economic system.

Similarly, if one looks at the communities from which white universities 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 R1 000,00 per annum for tuition and residence at a university and those who are thus fortunate very often come with definite demands and expectations to the university. 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 in South Africa, medical schools should simply 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 from the lean and hungry, I think

this situation says more about our society than our medical schools and the latter, in any case, in terms of academic freedom, should be free to teach what they please, to whom they please.

I have mentioned two other factors in our society other than the state which helps one to place our universities in a societal context, for it is in this context that we have to find clarity about what we really mean and feel about academic freedom. I tried to show that the university/state relationship is the more overt and dramatic instance where academic freedom becomes an issue but that there are other areas where the institutional inter-dependence of the university effects the nature and extent of the commitment to the principle of academic freedom. All the points I have made refer to the external dimension of the university, i.e. its relationship to factors outside the university. Generally, arguments in this area have a 'freedom-from something' nature, for example, freedom from state interference, from industrial/commercial pressure and lobbying, etc.

It is when one looks at the internal dimension of a university that, for me, an equally, if not more important, aspect of academic freedom presents itself. Here one generally has 'freedom-for-something' kind of arguments, i.e. presuming that a university has some freedom, and all white universities have an extraordinary amount of freedom on the internal dimension, how does a university exercise such freedom and for what purposes? The way in which it does is revealed in the relationship between the component parts of a university : the relationship between administration teaching; faculty - departments; lecturers - students; council - senate. For example, should a university be free to be undemocratic when it wishes to; authoritarian in its allocation of funds; prejudiced in its appointment of personnel? If one says 'No' then what mechanisms exist within the university to prevent this? I wish to mention two examples which I have experienced at South African universities which are for me intimately related to academic freedom. The first concerns a problem becoming increasingly common to South African universities , namely the bureaucratization that results from expansion and diversification at universities. The Senate

has traditionally been regarded as the academic watchdog over university administration. However increasingly it has had to act as a rubber stamp to pre-processed decisions of numerous sub-committees in the university administration. There are few things more alienating than working through a Senate agenda in a four hour session during which learned people take a great number of decisions affecting the daily running of the university without having had the time or information to know if they are doing so intelligently or wisely. I say alienating because for me nothing raises the question more forcibly of 'who is the university?', than such a situation. It is also a situation which is conducive to rumour mongering, conspiracy theories, the development of private lobbies and bureaucracies and a sense of irrelevance and powerlessness against the academic community. Of course, a university can use its academic freedom to maintain such a situation but one cannot escape the feeling of : 'What is the point?'

The second example relates to the time when students and lecturers for that matter, first become convinced of the therapeutic effects of participatory democracy and the devolution of power in the university. A number of my own students confronted me one day demanding that I teach a certain course. When I pointed out that I was not competent nor inclined to do so they accused me of being authoritarian. It did not help much to point out that this was not the case and that I was simply using my academic freedom to protect them from my ignorance. Thus I realised very clearly that there are situations in a university where equally laudable values such as academic freedom and participatory democracy can be in conflict with one another and that one is then especially under an obligation to take a decision one way or the other.

These introductory statements on the societal context of South African universities were made to illustrate a central point : that the principle of academic freedom refers to both the external and internal dimensions of universities and that different kinds of problems present themselves in these areas. I hope to turn in greater detail to some of these problems presently. A last observation on the external relations of the university : The fact

that universities in South Africa form part of the elite or privileged classes in our society and that the degree of academic freedom they have is a sign of the repressive 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 Eighteenth and Nineteenth 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 the elite position, which ensured their freedom'. (3).

This is indeed a sobering thought. So much so that one might in a fit of despondency question the relevance of getting excited about academic freedom at all. If in the unequal power relation between university and government, the latter in any case determines the degree of freedom of the former, why bother about it? I know a traditional response to this has been that academic freedom is a pre-condition for the pursuit of knowledge and that governments ignore this at their own peril. Much as I admire Karl Popper (4) who, amongst others, espoused this view, I have to agree with someone like Norman Kaplan (5) who convincingly provides evidence to show that there appears to be no hard and fast relation between a particular economic, political or social system, and, the growth of knowledge and science. So called 'pure research' can be done successfully in the most repressive and exploitive circumstances and the resultant knowledge applied for a variety of ends.

So, if there appears to be no inalienable right that a university can appropriate to itself without it being contaminated by the exercise of political power, is it worthwhile or important to concern oneself with academic freedom at all. I believe it is, but only if one has reasonable clarity as to what it implies and the conditions under which it becomes a controversial issue in society. It is in these two contexts in which I am going to try, without too much presumption, to say old things in a new way.

Academic Freedom : A Conceptual Chameleon

If one reads 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, it is a collective term which more often than not involves two other related values, namely : university autonomy and institutional neutrality. These values are seldom kept distinct in discussions on academic freedom or rather, on the contrary, they are implicitly used as synonyms. I think this is one of the reasons the often heated debates on academic freedom in our own society, can be so confusing. Obviously, these are cognate values but the differences between them is one of selective emphasis that if separately emphasised, can lead to remarkably dissimilar kinds of debates. Rather than give an exhaustive definition of each, I will try to point out the distinguishing features between them: 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 feel 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 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.

Now, it seems 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, a university tends to emphasize one more often than the other, or even ignore or contradict one two of these values in favour of the other. For example, a but I think more often than not, 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 state but insists that a university as a corporate entity takes a 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 state's or business and industry's encroachment on its autonomy in other, perhaps more subtle, ways.

The nexus of values : academic freedom, university autonomy and institutional neutrality are of course related to a number of secondary values or norms operative in the internal dimension of the university. For example, in the lecturer/student situation, values such as objectivity or involvement, commitment or disengagement, pure or 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 irreconcilable, conflicts between edminstration 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 about 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 in an institution which derives its justification from the patterning of enquiry and the challenging of claims to knowledge would indeed be extraordinary.

And, yet, we know from experience in our own society that any one 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 it 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 is one where we profess our commitment to 'academic freedom' is such an instance in the life of a university. At such a time, two questions present themselves to me very clearly. One is, 'who is the university at such a time?' and the other is, 'under what circumstances does this happen to a university?'

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 deliberation, the corporate identity of a university can be represented by different groups within it or 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 a worthwhile preserving for posterity.

When does Academic Freedom become an Issue?

When one reads historical analysis about the growth of universities and the development of a concern with academic freedom some surprising and even paradoxical conclusions can be made if judged against the situation in which universities find themselves in South Africa at present. A Machlup points out academic freedom and non-involvement were for centuries not an integral part of European Universities, (are they today?) :

‘From its very beginnings until early in the twentieth 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 independence 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’. (6)

Machlup provides 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‘ banning the reading of Occam’s works was evidently in protest against Occam’s demand that logic be recognised 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 a 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.

3. In 1604 King James I, under the Act of Uniformity, required all professors to take an oath of loyalty to the Episcopal Church.
- 4.. The spread of Descartes's philosophy was deeply disturbing to the theologians in many universities. In 1653 the University of Marburg banned Cartesian philosophy: in 1663 the theologians of the University of Paris had Descartes's 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.
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 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 make 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 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. 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 had been neither silent nor neutral'. (7)

Viewed against the background of these events it would seem that academic freedom becomes an issue for a university whenever through either external or internal pressure it is forced to take a partisan role in society. It is a defensive reaction in which the university as a corporate entity attempts to maintain neutrality on an issue that dominates political, economic, social or religious life at a particular moment. In a sense, insistence on academic freedom is a university's stand for not taking a stand. Why would this be so? If one can draw some conclusions from the examples I have cited there appears to be two reasons, one academic and the other political.

In the first case, if a university had to take an official stand on a controversial issue, it would preclude debate and enquiry on that issue and be responsible for 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 enquiry 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 this about.

The second reason is a political one in the sense that if the stand of a university was the result of a head count of its members, one cannot be quite confident that it would go the 'right' way. In this respect, Machlup says :

'Those who condemn collective academic silence or neutrality on vitally important issues are naively 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'. (8)

Whenever academic freedom becomes an issue for a university it attempts 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. It is a reaction against dogmatic confidence and ideological intolerance and together with such values as freedom of the press, rule of law and democratic government, has been seen as one of the symbols of an open society. I deliberately said a symbol, because the existence of academic freedom is the consequence and not the cause of the socio-political context of a society. A university cannot change a society overnight, but the way in which it exists says something very definite about the changes that have taken place or are possible in that society. And, let us not have a natural optimism about change either. It can get worse before, or if ever, it gets any better.

Conclusion

Therefore, when a university, like this one feels the need to commit itself publicly to the principle of academic freedom, it is in a very real sense delivering comment on its own society. It is saying that something is wrong in society when a university has to publicly commit itself to academic freedom. But, it is also saying that it prefers the kind of society where this is not necessary. By giving this kind of comment the university

suddenly finds itself involved whether it likes it or not. This is, for example, a possibility that an interesting scholar such as Machlup does not consider at all in the paper I have referred to. It sounds paradoxical but it is nevertheless true that a university's demand for neutrality becomes the cause of its own involvement. In Machlup's case the argument revolves more on the internal dimension of the university and he is responding to the increasing pressure from academics and students in the universities of American and Western Europe that universities should take official positions on a whole range of issues. The reaction to universities who plead academic freedom in such circumstances was that, depending on the ideological convictions of those who attacked them, the university is seen as a liberal 'copout', part of the military-industrial conspiracy or simply one of the instruments of facism and oppression. However heated the debate became and still is, it is generally regarded as an internal university affair.

But what does a university do when on the external dimension, for example, vis-a-vis the Government it finds out that its plea for academic freedom involves it in the political context of society? On the external dimension it can simply reaffirm its commitment to the principle in the unequal power relationship in which it stands to the state. But is this all? Is the commitment to academic freedom nothing more than an annual ritual of affirmation on the external dimension of university life?

I believe not. At least it should not be if one takes it seriously. I am convinced that the university's greatest of its commitment to academic freedom lies on the internal dimension. 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 external relation between university and state, examples of which I gave earlier on. And, yet internally there was a climate and a community which despite all the struggles and paradoxes, produced Descartes, Kant, Russell, etc., etc. These intellectual

giants, and there are 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 for society as a whole. For them it appears that a demand for institutional neutrality would never be an excuse for individual compromise.

The message seems to be a simple one. That is, that on the internal dimension a university has the obligation to encourage its members to use what freedom they enjoy to help towards a society where the university can enjoy the institutional freedom it demands on the external dimension. Faculties, departments or even individual academics and students may do so in their own respective ways and they may make mistakes or experience hardships, but, if this is not done, then the chances improve of losing even the limited freedom that is enjoyed. For one thing is clear to me and that is that a university's demand for academic freedom can never be an excuse for its members to do nothing. Nothing in the circumstances where the forces of prejudice, intolerance, fear, poverty and exploitation move about unchecked.

For these forces or their absence in society determines the socio-political context under which a university can enjoy academic freedom or not.

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 necessity rather than a vice and to exploit prejudice for the purpose of 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 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 the society, and,
- (d) the formation of the political awareness of its students, (9)

then we also agree that a university in our society is as much part of it as any institution it wishes to oppose or criticise. And, when it demands academic freedom for itself that society caught up in its historical struggles will not allow the university to escape the question : 'For what?' The answer would seem to be, if one looks at history : 'For the sake of society itself', but then it is also the obligation of a university to prove it.

- 1) Wiechers, M. "University Autonomy and the Law" UNISA 1970 pp 19-21
- 2) Ibid p 20
- 3) Ben-David, J. Zloczower, A. "University and Academic Systems in Modern Society" in European Journal Sociology III (1962) pp 45-54
- 4) Popper, K. "The Poverty Historism", Rontledge, Kegan & Paul, 1966
- 5) Kaplan, N. "Science & Society", Rond, McNally & Co. 1965 p 5.
- 6) Machlup, S. "European Universities as Partisans". The Carnegie Foundation for the Advancement of Teaching. Bulletin No 34 1971 p 7.
- 7) Ibid p 24
- 8) Op cit
- 9) Habermas, J. "Toward a Rational Society". Heineman, London, 1971 pp 1-3

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