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Introduction — Academic Freedom in Africa: Between Local Powers and International Donors

Hocine Khelfaoui* & Ibrahim Oanda Ogachi**

This issue re-addresses a recurring but indeed an important theme, that of academic freedom, in Africa. In most African countries, the traditional threats to the exercise of academic freedom, the political authorities who fear the relentless pursuit of truth, inherent in any scientific research activity still remain, even as new local and international ones emerge. Unwittingly or not, scientists can necessarily, with their discoveries, inventions or innovations, challenge dominant socio-political discourses, or even holders of knowledge or obsolescent technology. This is why scientists, as stated by UNESCO, ‘should be able to fulfill their functions without any discrimination whatsoever and without fear of restrictive or repressive measures by the state or any other source’.

But let us first make the following observation: the restrictions and prohibitions exercised on academic freedom are no longer limited to the African continent or the so-called ‘developing’ countries; but even in Western countries, prominent academics are now sanctioned or forced to waive certain scientific discoveries that involve commercial interests. Certainly, the slight difference is that in such countries, attacks on academic freedom mainly affect scientists whose works challenge dominant interests that are not political but rather economic and financial; globalization, that has become an

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instrument of domination, coincides with the privatization of science and knowledge production. Now, scientific truth is highlighted only if it serves the private interests and, under certain conditions, national interests. Increasingly, the globalization of knowledge and the privatization of its practice have brought new international threats to academic freedom within local realities in developing societies.

The emergence of 'new imperialisms', to use Caffentzis's (2004) phrase, in the form of increased neo-liberal advocacy for the privatization of public universities, and consequently the production and consumption of knowledge; and the emerging advocacy for internationalization of higher education accompanied by new GATS regulations, have all been tailored to redefine academic freedom as the freedom to make money from ideas in an international market for intellectual property goods (Caffentzis 2004). The resultant tension in the exercise of academic freedom that academics, especially in Africa, find themselves in revolves around allegiance to the more local and traditional commitment to academic work, which defines academic freedom as commitment to knowledge as a common resource for all, education as a public good, and academic freedom as the enlarging of the capacity of all to access and produce knowledge; and the neoliberal notion of academic freedom which takes knowledge to be a commodity, education as a service to be privatized and academic freedom as the ability to market knowledge and education services without governmental regulation (Caffentzis 2004).

The emergence of new threats has been accompanied by newer forms of censorship. The new censorship of academic freedom has started to manifest itself in this part of the world since the scope of the struggles for economic domination shifted from quantitative reproduction capabilities, based on stability rather than technological renewal,¹ to qualitative production, based instead on innovation and the pace of technology renewal. Economic competitiveness, with its financial repercussions, has extended beyond the boundaries of industrial enterprises to enter the academic world which it has eventually subjected to its logic. This results in a reorientation of the large fields of scientific research that resort to the funding by the state, itself subjected to both economic and financial interests, and the private sector.

What then is the emerging situation in Africa with regard to academic freedom and intellectual production? Far from being aroused by some intense competitiveness or economic competition, attacks on academic freedom in our continent are mainly motivated by political interests. Political power as mundane as that of a military-political regime or a dictatorship

hooking to clan supports is still commonplace in the continent. If, in developed countries, censorship is mainly exercised by powerful private business entities which fund or help fund research, in Africa, it is mainly practiced and assumed by holders of state power for purposes of domination based on ethnic-client relationships rather than on the requirements of economic and intellectual creativity, as evidenced from the 2011 eight months closure of Chancellor College in Malawi.²

Of course, political power may be everywhere driven, to paraphrase Manuel Castells (1996), by political profit maximization rather than economic profit maximization. The fact remains that it is in the socio-political systems, whose base is economic in nature, that science finds conditions for development, creativity and innovation, ceases to be *logos* to become *technê*. This does not prevent resistance to technological change from coming from the most unexpected environments, like some generations of engineers who cannot bear the questioning of a technical-organizational model they conceived and on which their careers are built.

In the West, it is economic power, as noted by Evry Schatzman (1989), which exploited knowledge and accelerated the convergence of economic power with political power. This explains the collusion between different forms of relatively autonomous power centers. Political power economic power, scientific power and, more recently, the power of users, environmentalists ...; and it is this collusion which some theorists of the sociology of science call ‘arrangement that occurs between different actors intervening so that discoveries, inventions or simple ideas are transformed into technological advancement’. It is also necessary to add that this is not a rentier or speculative economy, but a productive and creative economy. However, in most African countries, ‘political profits’ are not based on ‘economic profits’ related to productivity, the powers that have been succeeding one another since independence remain, with rare exceptions, rentier and speculative in nature.

As a result, academics have contended continually with networks whose power does not owe much to scientific creativity and even less to technological innovation. Moreover, they fear any form of innovation, being unable to assume the economic and social conversions it involves, the technological changes resulting necessarily in sociopolitical changes. While the global trend is towards profits from innovation, which is still inextricably linked to freedom of thought, Africa is still at a standstill, if not going backward, abandoning attempts of industrialization and mechanization of agriculture, and has returned to the rentier regime, depending on royalties paid by multinationals,

through which the latter eventually remain as the only ones with the capacity to tap Africa's natural resources. Thus, Africa continues to record declines because under such a management approach, any logic or scientific reasoning can only be subversive and treated as such.

At the same time, the economic 'crisis', in Africa, has weighed heavily on teaching needs, while marginalizing scientific activities in universities. When available, a large percentage of higher education budgets is devoted to meeting teaching needs, often paying little or no attention to research. The freeze of wages and the recruitment of teachers is such that the number of students, though they represent very modest numbers compared to advanced countries, is a crushing burden for teachers and available infrastructure. This situation impoverishes teachers and considerably reduces their scientific performance; funding for research is in most cases maintained by donors who tie such funding to external interests. Donors, who have virtually become the only sources of funding, now exercise considerable influence, sometimes with the support of university administration, not only on the orientation and the choice of research fields, but also on research itself, often reduced to mere collections of information and therefore, beyond the academic freedom, on the very existence of science produced in Africa by Africans.

Indeed, in most developed countries, university administrations also tend to commit themselves in favor of donors, but this is a bias backed by economic interests of international scope, and not by sectarian political interests or power. In Africa, scientists are censored or punished not because they defend the principle of sharing and moral value of knowledge, like in some Western powers, but because their work bothers the conscience of those in power and their control over public property. Moreover, the economic dynamics, like any other form of social dynamics, is inconsistent with the routine and the political *status quo*.

The inadequacy or lack of public funding drives academics, whether they like it or not, to submit to the logic of both local and international interests, which interests usually undermine the objective pursuance of academic freedom. Yet, embracing such logic does not and has not addressed the needs of universities, or the needs of those researchers who have put themselves at their disposal. Donor funding covers only a small part of the research engagement. Most research in universities, whether socially useful or not, is mostly funded by public money that covers regular salaries of researchers and sometimes their subsistence. In Africa, there is no question of criticizing the research formulated in terms of business objectives, whether

it applies to industry, agriculture or health, but also modes of financing that lead to the marginalization of research for the benefit of ‘expertise’ or, worse, simple collection of data whose authors ignore its scientific purpose and how it is to be used.

Three facts seem to converge or complement one another, as reflected in articles published in this issue: the rise of the international donors and the dependence of researchers on them, the hardening of political power against academic freedom, and the shrinking or rather disappearance of public funding for research. In addition, survival salaries are among the factors that threaten academic freedom most. Increasingly, threats to academic freedom are coming, not only from the external, but also from within the universities and the academics themselves. To meet their basic needs, researchers are forced to submit to any financial power interested in their expertise or knowledge in a given sector. The ‘research reports’ generally required by donors are just based on token research; they often tend to move away from scientific analytical works and confine themselves to information about their areas of expertise.

Against this background, many of the researchers commissioned by donors confine themselves to producing simple investigation reports, without increasing research efforts and taking the necessary time for thorough scientific analyses, thereby threatening the advancement of science from within the universities themselves. The dominant trend is to develop ‘expertise’ to the detriment of ‘research’, thus ignoring the difference between the two, without knowing that while the expert works on the mastery of known knowledge, the researcher goes beyond established knowledge to make discoveries or inventions that may result (as time and cost effective as possible) in social or technological innovations. When disinterested donors and the state stop funding research, lack of resources compels researchers to shift their focus from scientific and technological research to specialist work. So, collecting and disseminating data or known knowledge has now outpaced the discovery and invention of new knowledge. The onslaught of neo-liberalism in African universities and the withdrawal of the state have therefore exposed institutions to new pressures that limit academic freedom. Some of the pressures are emanating from the academics themselves and border on a lack of feminist ethics to anchor academic freedom and social responsibility, as articulated by Amina Mama. Academics, on their part, have succumbed to the urge for monetary gain as the measure of academic freedom, as the intellectual project of the institutions and the accompanying social responsibility are abandoned, as Oanda Ogachi argues in his article.

In an attempt to meet the requirements of neoliberal globalization, universities tend to slip away from their social function to abide by conditions set by the international financial systems. Motivated solely by the material conditions of life, the new model is limited to the production and dissemination of information to donors. Already oriented from the outset to specific themes, this data hardly goes through all the thorough steps required by scientific analysis. The subordination of academia to business interests has eventually drawn a boundary between the information gathering and scientific creativity activities. Therefore, research has lost its original purpose, or *raison d'être*, to be reduced to simple functions of expertise, far from its initial goal of achieving innovation and discoveries. Financial challenges add to legal constraints. In Botswana, Taolo Lucas shows how the government leverages its capacity to legislate, i.e. that of producing tailored laws, to muzzle academic freedom. A legal arsenal, such as the 'Media Practitioners and Security and Intelligence Act', defines the restrictions; thus it does not prohibit the principle per se, but any reference to freedom outside the academic realm, which amounts, in fact, to excluding any academic discussion on access to social life.

The use of legal provisions as instruments to stifle academic freedom is also commonplace in Nigeria. As Elijah Adewale Taiwo points out, laws such as the 'National Universities Commission and the Joint Admission and Matriculation Board Act' have ended up, directly or indirectly, centralizing power and eroding the autonomy of universities. Though it is admitted, as Taiwo observes, that these laws can certainly be useful in some cases, the education system, the bureaucratic mode of operation they impose and their implications eventually erode the notions of academic freedom and institutional autonomy. Finally, systematic surveillance, intimidation and partisan appointment of officials tend to turn self-censorship, submission, conformity and consent into rules of survival.

With regard to the peer reviewing process of scientific publications emanating from African universities, Elizabeth Ayalew flags the question of objectivity that the evaluators of articles and academic papers are expected to demonstrate. The author shows that academic freedom is not altered only from outside. Internal interference can also, insofar as they affect the operation of the scientific community, compromise it. She points to the tendency in certain practices of peer review to censor, voluntarily or not, the laws that are outside their dogma; these provisions are discarded either because they convey an unrecognized originality, or because they facilitate

the sharing of information and thus break the preset unfair monopolies of knowledge. By putting restrictions on the production of objective knowledge, the process of peer review could ultimately undermine the objectives it is supposed to achieve.

Proposing to go beyond a homogenizing vision, Abdoulaye Gueye analyzes the university as a place of diverse activities. Reflection on academic freedom leads to a questioning of power within the academia in its diversity and its contradictions. For this author, academic freedom is evaluated at two levels. The first is the exercise of power relations between the actors of academic institution who are heterogeneous and conflicting. The second is the relationships between these actors and the outer world. The novelty of this article relates to its attempt to broaden the scope of academic freedom, which is often reduced to a rather homogenized professional group, to other social forces such as the one posed by students. Far from being a homogeneous milieu, the university, and society as a whole, represents ‘a hierarchical space’ based on differences in identity, academic, ethnic or religious affiliation. This diversity is not without effect on academic freedom, often granted differently and unequally, depending on the capital facilities available, the position occupied within the hierarchy and the power of deterrence.

The article by Goin Bi Zamble Theodore analyzes the effects of a situation of hyper-politicization of both teachers and students on the exercise of academic freedom. The article suggests that even the political commitment of academics can be a barrier to academic freedom. Defenders of the principle of academic freedom, such as teachers unions and groups can become, once in power, the worst rivals of that very principle. Any commitment to academic freedom posits that lecturers are able to devote themselves primarily to the respect of the criteria of objectivity, central to any scientific activity. In the case presented by the author, state power threatens academic freedom less than academics, teachers and students, especially when they are unable to overcome the conflicts of interest facing them. Thus, in this context witnessed in Ivory Coast, ‘the state, which has always seen the university as a centre of protest and destabilization, has drawn huge benefits from the strong disunity among academics’.

With regard to pursuing the mirage of global recognition by universities in Africa, the article by Issac Kamola, based on what he calls the ‘Mamdani affair at the University of Cape Town’, demonstrates the contradictions

between individual academic commitment to intellectual objectivity and institutional bending to external interests that are more economic than academic. In the debate exposed here, the academia is facing the problem, well known in Western countries, of the dominance of economic power, and beyond the state, over the guiding principles of education and scientific research. Through the conflict experienced by Professor Mamdani, the author shows that the struggle waged by scientists in the West, unfortunately rare, against the exploitation of research for commercial purposes is increasingly gaining ground in Africa.

The ideological fiction of drawing a dividing line between 'Applied Research' and 'Fundamental Research' aims to marshal and channel funding dedicated to scientific research towards short-term private interests rather than public interests which can also be sequenced over the long term. Denounced by scientists as detrimental to scientific research, the claim of prioritizing the development of 'applied' research continues to weigh on universities, as if theory and practice, concrete and abstract, could thrive independently. However, subjects which are said to be purely theoretical and abstract, like mathematics, proved the most creative of innovative, practical and marketable goods, especially in the field of new technologies, where the 'fundamental' and 'applied' dimensions are intertwined, though they are abstract.

Taken together, these articles show the diversity of problems facing any researcher concerned with scientific objectivity. In Africa, leaders of universities, appointed by the state, set themselves up more as the representatives of political power than their peer academics. Even when political freedom is respected, financial dependence compels the university to still operate under a 'subtle stroke' of pressure from the government through its funding agencies. Thus, though the government's discourse tends to be supportive of academic freedom, a certain form of control is always exerted on oneself or stimulated by bureaucratic mechanisms. The reason is that the financial grip on science is going global. Even in the US and Europe, many scientists denounce the influence of political and financial powers, accused of looting public resources. An increasing number of multinational companies have taken control of research laboratories, as the case of Novartis at the University of California shows. The reality is different, even in the US, from the appeal launched by UNESCO in 1999, stating that 'It belongs to the state (...) to respect and ensure the autonomy of its institutions and academic freedom'.

Notes

1. Demand being, unlike today, superior to supply.
2. At Chancellor College, a lecturer discussed the political developments that led to the overthrow of dictatorships in Egypt and Tunisia. He was later interrogated by the Chief of Police. Fellow lecturers reacted swiftly, that they would no longer teach unless they were guaranteed academic freedom, which is when President Bingu wa Mutharika weighed in, accusing the lecturers of influencing students to overthrow his government and precipitating the closure of college.

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Introduction — Liberté académique en Afrique : entre pouvoirs locaux et bailleurs de fonds internationaux

Hocine Khelfaoui* & Ibrahim Oanda Ogachi**

Ce numéro revient sur un thème certes récurrent, mais si important, celui des libertés académiques en Afrique. Dans la plupart des pays de ce continent, les libertés académiques sont menacées surtout par des autorités politiques qui redoutent cette quête incessante de vérité, inhérente à toute activité de recherche scientifique. Involontairement ou non, les scientifiques peuvent nécessairement, avec leurs découvertes, inventions ou innovations, mettre en cause des discours sociopolitiques dominants, voire des détenteurs de savoirs ou de technologies entrés en obsolescence. C'est la raison pour laquelle les scientifiques, comme énoncé par l'UNESCO, « devraient pouvoir exercer leurs fonctions sans subir de discrimination d'aucune sorte ni avoir à craindre de mesures restrictives ou répressives de la part de l'État ou de toute autre source ».

Mais commençons par ce constat : les restrictions et interdictions exercées sur les libertés académiques ne sont plus le monopole du continent africain ou des pays dits « en voie de développement » ; même dans les pays occidentaux, d'éminents scientifiques sont désormais sanctionnés ou contraints de renoncer à certaines découvertes scientifiques qui mettent en cause des intérêts commerciaux. Certes, à cette nuance près que dans ces pays, les atteintes à la liberté académique affectent surtout les scientifiques dont les travaux mettent en cause des intérêts non pas politiques mais économiques et financiers dominants ; c'est que la mondialisation, devenue

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instrument de domination, coïncide avec la privatisation de la science et, bien entendu, de ses résultats. Désormais, la vérité scientifique n'est mise en avant que si elle sert les intérêts privés et, dans certaines conditions, nationaux.

De plus, telle qu'elle est imposée, la globalisation va de pair avec la privatisation des savoirs et leur mise au service des puissances dominantes; elle introduit sous sa forme de nouveaux enjeux pour les libertés académiques et les savoirs locaux, notamment dans les sociétés de la périphérie. L'émergence de formes d'« impérialismes nouveaux », pour reprendre Caffentzis (2004), oeuvrant en faveur du néolibéralisme économique et de la privatisation des universités tend à réorienter les conditions de production et d'utilisation des savoirs. La tendance à l'« internationalisation » de l'enseignement supérieur, sous contrôle d'organisme comme l'AGCS ou de normes comme celles du « Processus de Bologne », a été conçue pour retraduire ou réorienter le principe de liberté académique vers des profits financiers soumis au marché international et à la « propriété intellectuelle » (Caffentzis 2004). La tension qui en résulte est liée à la rupture entre, d'une part, cette tendance à la privatisation et, d'autre part, l'attachement des universitaires aux valeurs de libertés académiques perçues comme condition d'éducation et de savoirs d'intérêt commun.

L'émergence de nouvelles menaces a été accompagnée par de nouvelles formes de censure. Cette nouvelle forme de censure exercée sur les libertés académiques a commencé à se manifester dans cette partie du monde depuis que le champ des luttes pour la domination économique est passé des capacités de reproduction quantitative, reposant sur la stabilité plutôt que sur le renouvellement technologique³, à la production qualitative fondée au contraire sur l'innovation et le rythme de renouvellement des technologies. La compétitivité économique, avec ses retombées financières, a débordé les frontières des entreprises industrielles pour pénétrer le monde universitaire qu'elle finit par soumettre à sa logique. Cela donne lieu à une réorientation des grands champs de la recherche scientifique qui ont recours au financement tant de l'État, lui-même soumis aux intérêts économiques et financiers, que du secteur privé.

Qu'en est-il de la situation en Afrique ? Loin d'être suscitées par quelque intense compétitivité ou concurrence économique, les atteintes à la liberté académique restent dans notre continent surtout motivées par des intérêts de pouvoir politique aussi terre à terre que ceux d'un régime militaro-politique ou d'une dictature s'accrochant à des soutiens claniques. Si, dans les pays développés, la censure est exercée surtout par des entreprises puissantes,

ayant financé ou contribué au financement de la recherche, en Afrique, elle est principalement pratiquée et assumée par les détenteurs de pouvoir d'État à des fins de domination fondée sur des relations clans/clients plutôt que sur les exigences de créativité économique et intellectuelle, comme démontré lors de la clôture des 8 mois de 2011 du Chancellor College au Malawi.⁴

Certes, le pouvoir politique peut être partout motivé, pour paraphraser Manuel Castells (1996), par la maximisation des profits politiques davantage que par la maximisation des profits économiques. Il n'en reste pas moins que c'est dans les systèmes sociopolitiques dont l'assise est de nature économique que la science trouve les conditions de développement, de créativité et d'innovation, cesse d'être *logos* pour devenir *technê*. Ce qui n'empêche pas la résistance au changement technologique de venir des milieux les plus inattendus, comme de certaines générations d'ingénieurs qui ne supportent pas d'assister à la remise en cause d'un modèle technico-organisationnel qu'ils ont conçu et sur lequel s'est construite leur carrière.

En Occident, c'est le pouvoir économique, comme le note Evry Schatzman (1989), qui a instrumentalisé le savoir et conduit à sa rencontre avec le politique. C'est ce qui explique la collusion entre différentes formes de pouvoirs relativement autonomes, le pouvoir économique, le pouvoir scientifique, mais aussi, plus récemment, le pouvoir des usagers, des environnementalistes... ; c'est cette collusion que certains théoriciens de la sociologie des sciences qualifient d'« arrangement » qui intervient entre différents acteurs afin que des découvertes, des inventions ou de simples idées soient traduites en technologie. Encore faut-il ajouter qu'il s'agit d'une économie non pas rentière ou spéculative, mais productive et créatrice. Or, dans la plupart des pays africains, les « profits politiques » ne reposent pas sur des « profits économiques » liés à la productivité ; les pouvoirs qui se succèdent depuis les indépendances restent, sauf rare exception, de nature rentière et spéculative.

De ce fait, les universitaires sont continuellement en bute à des réseaux de pouvoirs dont la puissance ne doit pas grand-chose à la créativité scientifique et encore moins à l'innovation technologique. Plus encore, ils redoutent toute forme d'innovation, étant dans l'incapacité d'assumer les conversions économiques et sociales qu'elle implique, les changements technologiques se traduisant nécessairement par des changements sociopolitiques. Alors que la tendance mondiale est aux profits issus de l'innovation, qui reste malgré tout indissociable des libertés de pensée, l'Afrique continue de piétiner, si ce n'est de faire marche arrière ; abandonnant les tentatives d'industrialisation et de mécanisation de

l'agriculture, pour revenir au régime rentier, dépendant de royalties versées par des multinationales, finalement les seules capables d'exploiter les ressources naturelles. Ainsi, l'Afrique ne cesse d'enregistrer des reculs, car sous un tel mode de gestion, toute logique ou tout raisonnement scientifique ne peut être que subversif et traité comme tel.

En même temps, la « crise » économique, dont on peut s'étonner d'ailleurs tant les pays n'étaient pas plus pauvres qu'au lendemain des indépendances, a lourdement pesé sur les charges d'enseignement, tout en marginalisant les activités scientifiques. L'essentiel des budgets, quand ce n'est pas leur totalité, est dès lors consacré à l'enseignement, réduisant parfois à néant l'intérêt accordé aux travaux de recherche. Le gel des salaires et du recrutement de professeurs est tel que les effectifs étudiants, bien qu'ils représentent des taux très modestes par rapport aux pays avancés, constituent une charge écrasante pour les enseignants et pour les infrastructures disponibles. Cette situation appauvrit les enseignants et réduit considérablement leur rendement scientifique ; dès lors, la recherche ne se maintient que grâce aux bailleurs de fonds. Devenus pratiquement les seules sources de financement, les bailleurs de fonds exercent désormais une influence considérable, parfois avec l'appui de l'administration universitaire, non seulement sur l'orientation et le choix des champs de recherche, mais aussi sur la recherche elle-même, souvent réduite à de simples collections d'informations et donc, au-delà des libertés académiques, sur l'existence même d'une science produite en Afrique et par des Africains.

Certes, dans la plupart des pays développés, on observe là aussi une tendance de l'administration universitaire à s'engager en faveur des bailleurs de fonds, mais il s'agit là d'un parti pris soutenu par des intérêts économiques d'ampleur internationale, et non par des intérêts de pouvoir politique ou clanique. En Afrique, les scientifiques ne sont pas censurés ou sanctionnés parce qu'ils défendent le principe de partage et de valeur morale du savoir, comme dans certaines puissances occidentales ; ils le sont parce que leurs travaux gênent la bonne conscience des détenteurs du pouvoir et leur mainmise sur les biens publics. D'ailleurs, la dynamique économique, comme toute autre forme de dynamique sociale, est incompatible avec la routine et le *statu quo* politique.

L'insuffisance ou le manque de financement public pousse les universitaires, qu'ils le veuillent ou non, à se soumettre à la logique des bailleurs de fonds locaux mais surtout internationaux. Mais les bailleurs de fonds couvrent-ils les besoins des universités, à tout le moins ceux des chercheurs qui se sont mis à leur disposition ? Comme ils ne couvrent qu'une

partie infime, les résultats de travaux de recherche qui leur reviennent, qu'ils soient socialement utiles ou non, sont en majorité financés par l'argent public qui couvre les salaires réguliers des chercheurs et parfois même leur logement. En Afrique, il n'est donc pas question de critiquer la recherche formulée en termes d'objectifs commerciaux, qu'elle s'applique à l'industrie, à l'agriculture ou à la santé, mais surtout de modes de financements qui conduisent à la marginalisation de la recherche au profit de « l'expertise » ou, pire encore, à de simples collectes de données dont les auteurs ignorent et la finalité scientifique et les usages qui en sont faits.

Trois faits semblent converger ou se compléter, comme cela ressort dans les articles publiés dans ce numéro : la montée en force des bailleurs des fonds internationaux et la dépendance des chercheurs à leur égard, le durcissement du pouvoir politique à l'égard des libertés académiques, le rétrécissement sinon la disparition du financement public de la recherche. A cela s'ajoutent les salaires de survie qui comptent également dans ce qui menace le plus les libertés académiques. Dès lors, cette menace ne vient pas uniquement de l'extérieur, mais aussi de l'intérieur même des universités. Pour couvrir ses besoins fondamentaux, le chercheur est contraint de se soumettre à toute puissance financière intéressée par l'expertise ou la connaissance dont il dispose d'un secteur donné. Les « rapports de recherche », généralement exigés par les bailleurs de fonds, n'ont de recherche que le nom ; leur tendance consiste le plus souvent à éloigner ou à reporter sans cesse les travaux d'analyse scientifique pour se limiter aux activités d'information ou d'expertise.

Dans ce contexte, une grande partie des chercheurs engagés par les bailleurs de fonds se limitent à la rédaction de simples rapports d'enquêtes, sans poursuivre les efforts de recherche et se donner le temps nécessaire aux analyses scientifiques approfondies, menaçant ainsi de l'intérieur même des universités l'avancement des sciences. La tendance dominante consiste à valoriser « l'expertise » au détriment de la « recherche », faisant abstraction de toute la différence entre les deux professions, ignorant que si l'expert travaille sur la maîtrise des savoirs connus, le chercheur va au-delà des savoirs établis pour parvenir à des découvertes ou à des inventions pouvant se traduire (si possible de la façon la moins coûteuse et la plus rapide) en innovations sociales ou technologiques. Lorsque la recherche cesse d'être financée par l'État ou par des bailleurs de fonds désintéressés, le manque de moyens oblige les chercheurs à s'éloigner de la recherche scientifique et technologique pour se concentrer sur des travaux d'expertise. Ainsi, recueillir et diffuser des données ou des savoirs connus prend le pas sur la découverte

et l'invention de savoirs nécessairement nouveaux. L'arrivée en force du néolibéralisme dans les universités africaines et le retrait de l'État ont donc exposé les institutions à de nouvelles pressions qui limitent la liberté académique. Certaines de ces pressions émanent des universitaires eux-mêmes mais aussi par un manque d'éthique féministe pour ancrer la liberté académique et la responsabilité sociale telle que formulée par Amina Mama. Les universitaires, pour leur part, ont succombé à la tentation de revenu financier puisque la mesure pour la liberté académique, le projet intellectuel des institutions et la responsabilité sociale qui l'accompagne sont abandonnés, comme l'affirme Oanda Ogachi dans son article.

Répondant aux exigences de la globalisation néolibérale, les universités tendent alors à abandonner leur fonction sociale pour se soumettre aux conditions fixées par le système de financement international. Motivé uniquement par les conditions matérielles de vie, le nouveau modèle se limite à la production et à la diffusion d'informations destinées aux bailleurs de fonds; déjà orientées dès l'origine vers des thèmes précis, ces données ne vont guère jusqu'aux étapes exigées par les analyses scientifiques approfondies. La subordination des universitaires aux intérêts commerciaux a fini par introduire une frontière entre les activités de collecte d'informations et celles de la créativité scientifique. Dès lors, la recherche a perdu sa vocation originelle, voire sa raison d'être, pour être réduite à de simples fonctions d'expertise, fermées aux innovations et aux découvertes. Aux contraintes financières viennent s'ajouter des contraintes juridiques. Au Botswana, Taolo Lucas montre comment le gouvernement use de ses capacités de légiférer, donc de produire des lois sur mesure, pour réduire à néant les libertés académiques. Un arsenal de textes de lois, comme *Media Practitioners* et *Security and Intelligence Act*, en définissent les restrictions; ainsi, il en interdit non pas le principe, mais toute référence à la liberté en dehors du champ universitaire, ce qui revient, de fait, à exclure toute réflexion universitaire d'accès à la vie sociale.

Le recours aux textes de lois comme instruments de contrôle des libertés académiques se retrouve également au Nigeria. Dans ce pays, Elijah Adewale Taiwo observe que si, dans un passé récent, les universitaires accordaient une importance particulière aux principes des libertés académiques et de l'autonomie institutionnelle, ces valeurs semblent de nos jours dans le déclin. Des textes comme la *National Universities Commission* et la *Joint Admission and Matriculation Board Act* ont fini directement ou indirectement, notamment avec la centralisation du contrôle, par éroder l'autonomie des universités. S'il est admis, note Elijah Adewale Taiwo, que

ces textes de lois peuvent certes dans certains cas être utiles au système éducatif, le mode bureaucratique de fonctionnement qu'ils imposent et leurs implications ont fini par éroder les notions de liberté académique et d'autonomie des institutions. Au final, surveillance systématique, intimidation, désignations partisans des responsables tendent à ériger l'autocensure, la soumission, le conformisme et l'acquiescement en règles de survie.

Un autre questionnement soulevé par Elizabeth Ayalew concerne l'effort d'objectivité que doivent assumer les évaluateurs d'articles et de travaux académiques. Abordant ce sujet, l'auteure montre que les libertés académiques ne sont pas seulement altérées de l'extérieur. Des interférences internes peuvent également, dans la mesure où elles affectent le fonctionnement de la communauté scientifique, produire des effets sur les libertés académiques. Elle cite en exemple la tendance dans certaines pratiques d'évaluation par les pairs à censurer, volontairement ou non, des textes qui n'entrent pas dans leur dogme ; ces textes sont rejetés tantôt parce qu'ils sont porteurs d'une originalité méconnue, tantôt parce qu'ils conduisent au partage de connaissance, et donc à briser des monopoles de savoirs faussement établis. En exerçant des restrictions sur la production de connaissances objectives, le processus d'évaluation par les pairs pourrait finalement aller à l'encontre des objectifs qu'il est censé représenter.

Proposant d'aller au-delà d'une vision homogénéisante, Abdoulaye Guèye analyse l'institution universitaire comme un lieu de diversité des actions. La réflexion sur la liberté académique mène à un questionnement sur le pouvoir au sein du milieu académique dans sa diversité et ses contradictions. Pour cet auteur, la liberté académique s'évalue à deux niveaux d'exercice des rapports de pouvoir, entre les acteurs de l'institution académique, hétérogènes et en conflit, ensuite dans les relations qu'entretiennent ces acteurs avec le monde extérieur. Ainsi, l'originalité de cet article est d'élargir le champ des libertés académiques, souvent réduit à un groupe professionnel plutôt homogénéisé, à d'autres forces sociales comme celle que représentent les étudiants. Loin d'être un milieu homogène, l'université, comme la société dans son ensemble, est « un espace de hiérarchie » fondée sur des différences identitaires, académiques, ethniques ou d'affiliation religieuse. Cette diversité n'est pas sans effet sur la liberté académique, souvent différemment et inégalement concédée, selon le capital social dont chacun dispose, la position au sein de la hiérarchie et le pouvoir de dissuasion.

Pour sa part, Goin Bi Zamblé Théodore analyse les effets d'une situation d'hyper-politisation tant des enseignants que des étudiants. L'article tend à montrer que même l'implication politique des universitaires peut constituer

un obstacle aux libertés académiques. D'opposants défenseurs du principe de liberté académique, syndicats et groupes d'enseignants peuvent devenir, une fois au pouvoir, parmi ses plus redoutables rivaux. Toute liberté académique présuppose que les enseignants-chercheurs soient aptes à se consacrer avant tout aux critères d'objectivité qu'implique toute activité scientifique. Dans le cas présenté par cet auteur, ce n'est pas tant le pouvoir d'État qui menace la liberté académique que des universitaires, enseignants et des étudiants, incapables de surmonter les conflits d'intérêts qui les secouent. Ainsi, dans ce contexte vécu en Côte d'Ivoire, « l'Etat, qui a toujours vu en l'université un noyau de contestation et de déstabilisation, en a tiré un grand profit dès lors que les universitaires se sont fortement divisés ».

S'agissant du mirage de la mondialisation poursuivi par les universités africaines l'article de Issac Kamola est basé sur l'affaire Mamdani à l'Université de Cape Town ; il révèle les contradictions entre les engagements académiques en faveur de l'objectivité intellectuelle et les contraintes de soumission à des intérêts extérieurs plus économiques que scientifiques. Dans le débat ici exposé, l'universitaire est confronté au problème, bien connu dans les pays occidentaux, de la domination des puissances économiques, et, au-delà, sur l'État et sur les orientations fondamentales de l'enseignement et de la recherche scientifique. À travers le conflit vécu par le Professeur Mamdani, l'auteur montre que la lutte que mènent en Occident des scientifiques, rares malheureusement, contre l'instrumentalisation de la recherche à des fins commerciales est de plus en plus présente en Afrique.

La fiction idéologique d'une séparation entre « recherche appliquée » et « recherche fondamentale » vise à réorienter le financement dédié à la recherche scientifique vers des intérêts privés à court terme plutôt que publics pouvant aussi s'étaler sur le long terme. Dénoncée par les scientifiques comme préjudiciable à la recherche scientifique, la prétention de développer en priorité la recherche « appliquée » continue de peser sur les universités, comme si pratique et théorie, concret et abstrait pouvaient avancer indépendamment l'une de l'autre. Pourtant, des disciplines qui passent pour être purement abstraites et théoriques, comme les mathématiques, se sont avérées parmi les plus créatrices d'objets innovateurs, concrets et commercialisables, notamment dans le domaine des nouvelles technologies, où la dimension « fondamentale » et « appliquée » est inséparable, si elle ne relève de la fiction.

Dans leur ensemble, ces articles montrent la diversité des problèmes qu'affronte tout chercheur soucieux de l'objectivité scientifique. En Afrique, les dirigeants d'universités, nommés par l'État, se sont érigés en représentants

du pouvoir, davantage que de leurs propres collègues universitaires. Même lorsque les libertés sont respectées politiquement, la dépendance financière oblige l'université à fonctionner quand même sous un « voile subtil » de pressions exercées par l'État à travers ses institutions de financement. Ainsi, si le gouvernement soutient dans son discours les libertés académiques, une certaine forme de contrôle est toujours exercée sur soi-même ou stimulée par des mécanismes bureaucratiques. C'est que l'emprise financière sur la science se mondialise. Même aux États-Unis, comme en Europe, de nombreux scientifiques dénoncent l'emprise du monde politico-financier, accusé de pillage des ressources publiques; de plus en plus d'entreprises multinationales s'emparent des travaux de recherche d'un laboratoire entier, comme Novartis à l'Université de Californie. On est donc loin, même aux États-Unis, de cet appel lancé par l'UNESCO en 1999, déclarant : « Il appartient à l'État (...) de respecter et assurer l'autonomie de ses institutions et les libertés académiques ».

Notes

1. La demande étant alors, à l'inverse d'aujourd'hui, supérieure à l'offre.
2. Au Chancellor College, un chargé de cours a parlé des développements politiques qui ont conduit au renversement des dictatures en Egypte et en Tunisie. Il a ensuite été interrogé par le chef de la police. Ses collègues ont réagi rapidement en disant qu'ils n'allaient plus enseigner sans la garantie de la liberté académique, surtout quand le président Bingu wa Mutharika s'en est mêlé, accusant les enseignants d'influencer les étudiants, de renverser son gouvernement et de précipiter la fermeture du collège.

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The Challenges of Feminism: Gender, Ethics and Responsible Academic Freedom in African Universities

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Abstract

Feminist theory and ethics have enormous potentials to transform and energize the discourse on academic freedom and social responsibility. As a theory of knowledge and an intellectual practice, feminism deconstructs the epistemological foundations of patriarchy and contributes to the emancipation of women as subjects and studies on and about women as critical intellectual engagements. Despite this potential, the discourse on academic freedom and intellectual responsibility in African universities has rarely yielded ground for feminist ethics, and feminist intellectuals within the universities have had to struggle for space. This article discusses these struggles to insert feminism as part of the intellectual discourse on academic freedom within Africa's scholarly community between 1990 – the year of the Academic Freedom Conference in Kampala – and 2010. The institutional and intellectual challenges that have been encountered by feminist-inspired academics are highlighted. Finally, the author discusses the imperatives to move the discourse on gender in African scholarly communities beyond the normative policy rhetoric to tackling the gendered configuration of academic institutions.

Résumé

La théorie et l'éthique féministes ont un potentiel énorme pour transformer et animer le débat sur les libertés académiques et la responsabilité sociale. En tant que théorie de la connaissance et pratique intellectuelle, le féminisme déconstruit les fondations épistémologiques de la patriarchie et contribue

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au discours de l'émancipation de la femme tout en étudiant son engagement intellectuel critique. En dépit de cette potentialité, le débat sur les libertés académiques et la responsabilité intellectuelle dans les universités africaines a à peine généré les fondements de l'éthique féministe, et les intellectuels féministes ont dû batailler dur pour trouver leur espace. Cet article discute de ces luttes pour la cause de l'insertion du féminisme dans le discours intellectuel sur les libertés académiques au sein de la communauté intellectuelle africaine entre 1990 – année de la Conférence académique sur les libertés académiques tenue à Kampala – et 2010. L'article met donc en relief les défis que les intellectuels féministes ont eu à affronter. In fine, l'article discute des impératives dictées par la nécessité de placer le débat sur le genre en milieu académique africain au-delà de la rhétorique politique normative pour la matérialisation d'une configuration basée sur le genre dans les institutions académiques.

Introduction

Feminism challenges us at very many levels; and as an intellectual politics, it also faces many challenges. It is a call to freedom, in an era where there is generally 'less freedom in the air' than there seemed to be twenty years ago. Feminism, put simply, refers to the ongoing struggle to free women from centuries of oppression, exploitation and marginalization in all the vast majority of known human societies. It is a call to end patriarchy and to expose, deconstruct and eradicate all the myriad personal, social, economic and political practices, habits and assumptions that sustain gender inequality and injustice around the world. Feminism seeks nothing less than the transformation of our institutions, including our knowledge institutions. The widespread manifestations of feminism in and beyond the global academy has had resonance in the African social science community too, touching the personal, professional and political lives of many, especially those accepting the importance of gender equity to democracy and freedom. Others still choose to ignore gender, or insist on its irrelevance in their scholarly work, despite the limitations this imposes on their basic understanding of almost all social, political and economic phenomena. As a trans-disciplinary intellectual paradigm, feminism was pushed into the consciousness of Africa's mainstream scholarly community 20 years ago, well into the UN Decade for Women, Peace and Development. Needless to say, both feminist movements and gender equity policy discourses were already quite widespread in the region. CODESRIA'S first public engagement with gender was the 1991 workshop on 'Gender Analysis and African Social Science', held in Dakar, just a year after the interventions of several then-young feminist scholars at the Kampala Conference on 'Academic Freedom' (Imam and Mama 1995).

In this article, I will trace the role and contribution of feminism as a liberating paradigm within Africa's scholarly community between 1990 – the year of the academic freedom conference – and 2010. I will highlight some of the institutional and intellectual challenges that have been encountered by feminist-inspired academics who have for years worked for gender equity in the institutional and intellectual cultures of African universities. Today, this struggle is still on but feminists are now concerned to push beyond the already normative policy rhetoric on gender equity, demanding the translation of expressed vision and mission statements into practical changes in the gendered configuration of academic institutions. Through gender and women's studies, feminist scholars have also tackled gendered teaching and research practices that persist in the scholarship and pedagogy. The fact is that twenty years on, gender hierarchies continue to hamper women's full and equal participation in the intellectual life of the continent. So pervasive are these that gender-competent women scholars often find it necessary to locate in gender studies programmes, or leave the academy if they insist on working with gender as a major analytic trope, let alone pursue women's freedom and equality. Meanwhile, gender and women's studies has grown and spread its influence as a scholarly field; but as Pereira (FA 1) observes, it exists in a parallel universe, while the mainstream scholarship continues to display androcentrism and an unwillingness to engage with gender, and indeed many of the other social divisions that organize our societies. The concept of intersectionality is now widely embraced within gender and women's studies, as a means addressing the fact that gender works not as an isolatable variable, but through its pervasive interconnections with class, ethnicity, clan, religious, race, sexuality and nation. In the same way, these other dimensions of social order also work through gender – so that, for example, nationalism is always gendered, class variations affect women and men differently, and so on. Major theoretical developments in the field of gender and women's studies globally as well as in Africa, make it incumbent on us to critically reflect on the state of gender and feminism, and the strategies that have been pursued to advance gender equity and other related aspects of social justice so far.

Twenty years almost to the day, CODESRIA's first major international conference on 'Academic Freedom and the Social Responsibility in Africa', was held in Kampala in November 1990. It was a memorable occasion for all those who attended. For many of us (myself included) at a much early stage in our scholarly careers, it was an exhilarating discovery of the region's most significant social research network – CODESRIA. It was inspiring enough for me to promptly resign my lectureship at the Institute of Social Studies in the Hague, and return home to Nigeria, intent on joining colleagues in the work of building independent intellectual spaces – notably the innocuously-named Cen-

tre for Research and Documentation in Kano, critically analyzing the impact of sustained military rule on Nigerian society and all its institutions. The second such space we were able to open up took the form of the Network for Women's Studies in Nigeria, dedicated to strengthening locally-grounded and relevant teaching and research in gender and women's studies for Nigeria's vast population of students. It is somewhat ironic that both of these – like CODESRIA itself, and several of its affiliates – were set up independently, that is to say outside the university space. There were similar developments elsewhere on the continent. Previously, Claude Ake and his colleagues established the Centre for Advanced Social Research in Port Harcourt, while in Uganda, Mahmood Mamdani and his colleagues set up the Centre for Basic Research, and the Southern African Research body SAPES Trust was already set up in Zimbabwe. In those days, these centres marked a concerted effort to keep independent scholarly research alive in the beleaguered context of universities that were being divested, and subjected to state surveillance and direct intervention. It is perhaps worth reminding ourselves that even before the initiation of independent centres and institutes, feminist research centres had been established, in order to create interdisciplinary spaces for work that was not favourably received within mainstream disciplines and departments. The Women's Research and Documentation Project was established at Dar es Salaam, initially as a study group in 1980, a whole decade before the Kampala conference. The Women's Research and Documentation Centre was also established at University of Ibadan soon after, to be followed with the establishment of many more gender and women's studies units, as discussed elsewhere (Boswell 2003).

As my colleagues have observed, by 1990 the universities were already experiencing crisis and divestment, just two years after the World Bank had outraged us all by asserting – on the erroneous basis of cost-return analysis – that Africa could not afford universities, only basic education. It was also the time at which independent scholarly networks and centres were assuming greater importance, particularly with regard to questions of academic freedom and social responsibility. Many of us have remained committed to ensuring that the basic consensus articulated in the Kampala Declaration would be made a reality in Africa. This was not a liberal Western notion of individual freedom, but a notion that located academics within their social and historic responsibilities for the freedom of the entire continent's people.

The Kampala conference defined the meaning of 'academic freedom' away from old the West's imposed notion of individualism and individual rights, Africanizing it by locating it within the region's broad imperatives for freedom of thought. While the debates were heated, largely because of

concerns over radical movements and the public good, to achieve consensus academic freedom was defined along with social responsibility, to accommodate the strong commitment that Africa's academics express toward being engaged and active in their societies, and not removed or elevated above the people (e.g., Ki Zerbo 1995). Regional experience has us locating 'academic' freedom firmly as just an aspect of the much broader freedom struggle – for broader freedom of all African people – women, men and children. We reminded ourselves that education is not an elite indulgence, but a public good, offering an important route to freedom and progress for Africa's oppressed and marginalized majorities. This public interest drove all the struggles that were waged to establish Africa's post-colonial institutions as inclusive, modern and to hold them responsible – not to any particular regime – but to the public; the women and men of Africa. Indeed, it has been argued that women – because of their historic status and roles as women – have always been particularly invested in African universities.¹

The Kampala conference spent a lot of time on the oppressive role that many governments of the day played in censoring freedom of thought; but it also highlighted the role of civil society, in the form of religious fundamentalist groups, claims made in the name of 'culture' as if culture were not always contested, and by conservative social institutions and other non-state actors. We did not spare ourselves either – the late Claude Ake presented an ascerbic self-criticism of academics, chastising scholars for reneging on our responsibilities. He argued compellingly that our role was one of constantly working to demystify and challenge the complex machinations of a global capitalist system that was not favourable to Africa's interests or the pursuit of democratization. At the Kampala conference, Ayesha Imam and I wished to present a paper on the manner in which gender inequalities curb academic freedom, particularly of women. This was a controversial idea apparently, because it 'did not fit' as a topic of its own, so we negotiated to present a paper that would address gender through the rather awkward but workable trope of 'self-censorship'. To make this work for our subject matter, we therefore focused on the self-censorship exhibited by a male-dominated scholarly community that was reluctant to take gender seriously, regarding this as 'private matter' that had nothing to do with serious academic work. Perhaps because of the focus on the state, there was an aversion to addressing the private sphere, despite the fact that the social contract between civil society and the state, itself relies profoundly on the gender division of labour that constructed women as wives reproducing the labour force day to day and across generations, while men were public citizens.² There was already a mass of evidence that we had ignored the gender dynamics of colonization and underdevelopment at our peril

(Boserup 1980). It was also clear that even our purportedly 'liberal' universities, though these had not excluded women, were nonetheless heavily male-dominated, with formal and informal power residing in old-boys networks that made them very difficult places for women to navigate. We addressed gender injustice in the academy through the trope of self-censorship, in order for it to be included in the conference at all. Today, in the liberalized universities, gender inequalities have persisted even though there are more women entering universities than ever before. The state is still directly oppressive in some countries, but there are many that have transited to civilian rule and less overt forms of suppression. New forces threaten academic freedom, most of these to do with the divestment and commodification of higher education. These have been best documented by Mamdani, in his case study of Makerere University, heralded as the success story of higher education reform. He outlines the impact of neoliberal policies on the main curriculum, and on resources and space for any kind of independent research. With the changed landscape, new forms of self-censorship have also emerged to threaten academic freedom. The most obvious threats are financially-driven, and reflect the continued underdevelopment of African states and economies. In 1990, we discussed the consultancy syndrome as posing a threat to freedom. Today this is an even more pronounced threat, as economic needs and interests lead academics across the age spectrum to choose doing consultancies for various agencies over the unpaid and underfunded struggle to mobilize resources (including equally underpaid colleagues) for independent research. Unless they can draw on other sources of income, academics are under pressure to effectively become self-employed alongside their day-jobs, or to moonlight in the newly established for-profit and faith-based institutions mushrooming around national universities. The situation has become even direr with the reduction and reconfiguration of donor funding. So today, more than ever, the public higher education system itself – still the major provider of higher education all over Africa – must be defended even more ardently, in the name of academic freedom and social responsibility.

This is all the more challenging in the context of major shifts in governance and surveillance that are detailed in contemporary studies of institutions, discourses and practices. If these new lines of social theory are to be taken seriously, it might make better sense to discuss the ways in which individualism has advanced to such a level that we might be more accurate to reconsider academics more as atomized, self-regulating and self-governing subjects, reduced to pursuing self-interest instead of living the professional lives of socially responsible citizens. Building spaces for shared intellectual work and radical scholarship has become an action which the neoliberal university and the majority of its inhabitants do not have any space, resources or time for. What could be a greater constraint on academic freedom?

Twenty years ago, scholars who challenged androcentrism encountered strong collegial and institutional resistance, and many feminist academics paid high social and professional costs for their trouble. Some were subjected to smear campaigns, threats and even outright violent attack for propagating new ideas and concepts, as Ebrima Sall was later to document (Sall 2000). Being identified as a 'feminist' was considered incompatible with being a sound scholar. This led to the pragmatic adoption of the term 'gender analysis' and emphasis the powerful analytic value it adds to social theory. This also made our male colleagues a little less uncomfortable than discussion's about women's studies, feminism or the transformation of gender relations, which most of us actually pursue – as vision, as epistemology, as methodology, and as a trans-disciplinary framework that is integrated throughout all stages of research processes.

In 1990, less attention was paid to the ubiquitous forces of economic neoliberalism that have since radically altered higher education landscapes across Africa (Oanda et al., 2008; Mamdani 2007; Zeleza 2006, etc).³ Although the SAPs were already being imposed all over the region at great human cost, I do not think many of us realized the extent to which market forces were going to ravage our public institutions, marginalizing serious considerations of social justice and virtually eradicating social protection. State collapse, conflicts and the combined monetization and militarization of politics are just three of the outcomes of this reconfiguration of the state, market, society relationships. The widespread effects of corporate-led globalization processes on public spaces for critical reflection within higher education institutions have been dire. Africa's mainstream academies have never been particularly tolerant of dissent, the debates about social responsibility and the imperative of serving our beleaguered communities and a pan African ideal of the public good. Long before Kampala, decolonization processes saw Africa's public demanding more access to higher education, and even military regimes invested in the establishment of several hundred new and public institutions, thus materializing popular aspirations.

Contemporary global processes have had gender-differentiated effects on our societies, and it is this that has been the primary work undertaken under the rubric of gender studies. The fact is that poverty and economic underdevelopment cannot be discussed intelligently without reference to the synergies between local and global gender dynamics, as it is these that have facilitated the feminization of poverty, the proclivity for all-male military rule and armed conflict, and or Africa's particular gendered epidemiology of sexually transmitted HIV-AIDS.⁴ Such realities cannot be seriously addressed without reference to endemic tolerance of gender-based violence, or the exacerbation of

these normalized injustices in times of conflict, as seen in the widespread evidence of misogyny manifest in practices of rape, mutilation against women and girls. The fact that violence against women and girls manifests along ethnicized, classed and factionalized lines, and in peace-time as well as in periods of conflict is obscured by the new global discourse on 'rape as a weapon of war', but never lost in post-colonial African feminist analysis.

Colleagues have challenged us by asking: What has changed in the two decades that have passed since 1990? Clearly a great deal has changed. Our colleagues have all observed the seriousness of a situation in which great swathes of Africa have remained impoverished and deprived of peace, basic needs and human security. In such contexts, it is hard to create the space, never mind the freedom, to think. Yet without intellectual capability no nation or region can protect its interests, or escape being doomed to dependency and underdevelopment. Mkandawire was succinct when he noted, "We cannot develop in ignorance". I reject the "fully belly" thesis on freedom, which suggests that we should postpone addressing matters of gender, ethnicity, religiosity until 'basic needs' have been fulfilled. This thesis is still used to discredit feminism's liberating potential, when in fact it can speak very loudly to the fate of the silenced majority of impoverished, excluded and marginalized women in Africa. The appropriations of gender discourse by international financial institutions (IFIs), military regimes, and bureaucracies should not mystify us, or be used to discredit the independent women's movements whose activism and critical analysis has obliged such structures to engage with the discourse and effectively neutralize its radical potential.

In today's context, the universities – still privileged albeit increasingly precarious spaces for relative freedom to think and reflect on the world – have been severely compromised. In some contexts, the state continues to engage in direct suppression, intimidation and detention of critical thinkers. Both media and academia are further imperiled by the commodification of research and information, and the accompanying withdrawal of donor funding that was enabling us to sustain limited but strategically significant spaces for intellectual freedom, in the form of the small institutes and networks noted above. Meanwhile, many higher education institutions have virtually ceased to support independent research activity, leaving academics to search for grants on individualized basis that offers little leverage with regard to the intellectual agendas that one might wish to pursue. Particularly imperiled is exactly the kind and quality of research needed for effective approaches to development, democratization and social justice – and this includes all the social sciences and humanities, within which most gender studies, development studies and political economy are located. Scientific training and research is heavily dependent on and driven by external agendas and funding. Teaching curricula have also been

affected with the neo-liberal focus on technical and vocational skills training and preparation for the imaginary 'global marketplace'. What this actually means is that the teaching of socio-historical analysis or critical thinking and theory have been marginalized and depleted. Within gender studies this trend manifests in an emphasis on technicist approaches that service the development industry: 'gender planning', 'gender training' and 'gender mainstreaming' displace the feminist intellectual project of rigorous feminist theories and critical perspectives on modernization, development, bureaucracy, social policy, politics, the patriarchal state and economics, and of course feminist strategies for conscientization, mobilization and women's freedom, as a key aspect of democracy. Academic survival practices – the quest for private contracts and other problematic transactions and exchanges (some of them highly gendered and sexual in character) – erode intellectual integrity on many campuses, making it harder and harder to maintain professionalism. Overall, Africa's intellectual capability remains endangered, just at the time when we need it most – in an increasingly high-tech world in which scientific and technological transformations have also given rise to increasingly complex systems of governance, regulation and surveillance that we need to demystify and engage, lest we be further marginalized in the challenging years that lie ahead.

Are academics free-thinking enough to play their historic role and serve as defenders of freedom? What are the conditions under which a freedom ethic can be sustained? More specifically, under what conditions and in what spaces has it been possible to pursue feminist scholarly ethics that seek to make it clear that gender equality is a public right and a good thing? What has the last 20 years of feminist scholarship contributed to academic freedom in general, and for women? I would like to suggest that feminism, while still very much a minority movement in Africa's scholarly arenas has established itself as an intellectual frontier – an experimental laboratory for integrating ethics and social responsibility into scholarship. This has been possible because feminist scholarship originates in a movement that does not accept traditional divisions between scholarship and radical movements, but actively works to bring these together, in the practice of what we can refer to as activist scholarship.

Feminist Ethics, Academic Freedom and Social Responsibility

Ethics are a set of values and principles that serve as a moral compass between what is right and what is wrong, what is good and what is bad. Feminist ethics focus on the realization of equality and justice for women in all spheres of life, ending patriarchy and all its practices, transforming institutions. A feminist ethic is rooted in a vision of the world in which women are no longer oppressed or marginalized or subjected to male violence and

intimidation. I would suggest that such an ethic is integral to the pursuit of freedom, and part and parcel of the ethic of social responsibility that men share with women, as people. There are signs that this is understood, to the extent that university mission statements have tried to align with constitutional and legal commitments to basic rights and gender equality in many African countries; but there is also good evidence that we are still far short of realizing an ethic of gender equality in malestream scholarly arenas.

Feminism in the scholarly arena has tackled gender inequality in two major areas – the institutional and the intellectual. In addressing scholarly institutions – feminists and their allies working within universities and research networks have struggled to eradicate unfair policies and numerical imbalances for many years (Bennett, Pereira, Kasente and others in FA1 2002; Tamale and Oloka-Onyango, Phiri and others in Sall 2000). We have also sought to transform prevailing patriarchal institutional cultures which discriminate against and disempower women and constrain their intellectual freedom through normative ideas and assumptions and discriminatory, oppressive and abusive practices.

Secondly, feminism addresses intellectual transformation by challenging and demystifying androcentrism in scholarship. This has been pursued using the tools of feminist research and gender analysis that demystify the manner in which mainstream teaching and research contribute. Gender analysis shows how these are predisposed to perpetuate patriarchal assumptions ideologies and ideas which sustain gender inequality and the oppression of women through scholarship. Feminist intellectual work thus has import far beyond the academy, as it seeks changes in the core business of the universities: the production and reproduction of an intelligentsia of people imbued with values and ideas – through teaching, and the production of knowledge itself – through research. Feminists in the academy have dedicated much effort towards creating the conditions that will allow women the freedom to pursue scholarly careers on an equal basis with men. In an unequal world in which leaving things alone pertinently has never seen inequality ‘wither away’ as liberals have suggested it would, it is activists who pioneer positive action to address the imbalances that hold women back and bring about change.

A feminist ethic in the academy seeks to transform knowledge production. It speaks to the social responsibility of universities as public institutions, delivering public goods, being tasked with producing the next generation:

...if the universities remain difficult and unequal places for women, what kinds of male and female citizens are they turning out? (FA8 2007:6)

Twenty years ago the world of African scholarship was a different place. Within gender relations in scholarly institutions, as I shall discuss below, it has often been the case of *plus ça change, plus ça la meme chose*.

The context is one in which feminism has wrought significant changes in our social and political landscapes. The last two decades have seen feminist movements continue to grow and spread across the public arenas of the world, responding to the negative effects of globalization, religious fundamentalism, economic neo-liberalism and militarism. This has been most visible in global governance and international development arenas, but African women have also mobilized in local and national public spheres. The case of Rwanda becoming the first nation on earth to have more than 50 per cent women elected to the Parliament raises new challenges, as does that of Liberia electing of the continent's first woman president.⁵ Women's movements and the internationalization of feminism may have played a role in these changes, but clearly the systemic challenges do not end with these gains, which are in any case far from typical across the continent. Several of the nations that have transited to some kind of electoral democracy have actually seen decreases in the representation of women (e.g., Ghana) while others have seen minimal change, as women in politics still face much resistance and many personal risks.

The African women's movement, with its historical focus on the state, has made dramatic inroads in the political and public policy arenas. It is unfortunate that the global context has been such that many of the gains have been undermined by the broader erosion of the public sector, but that should not detract from the advances that women have made. In any case, beyond this, women remain very active in civil society and nonprofit work, as well as in unprotected places where the public sector has ceased to exist. We see this in war zones, and in the many places where there is social unrest and violent conflict. Women play critical roles in sustaining and rebuilding shattered communities, tackling the challenges of peace-building and redefining security to include security of livelihoods and an end to sexual violence and abuse in peacetime. Today, even the remotest rural communities and the most devastated post-conflict zones display diverse mobilizations of women articulating demands for their rights in political, social and economic spheres. As corporate and militarized modes of globalization have gained ascendance, women have formed myriad transnational and trans-regional networks that struggle against the economic, social, cultural and political manifestations of gender injustice and inequality in the context of globalization and continuing underdevelopment.

Women entering and pursuing careers in African universities draw on the experience of transnational feminist movements, for strategies, research methodologies and pedagogies. As noted above, since the early 1980s activist scholars

have been creating and defending independent spaces for feminist-inspired, collaborative intellectual work, no matter how small.⁶ While many of these are under-resourced and poorly staffed and rely on high levels of voluntarism from women faculty and students, they do foster a sense of intellectual freedom and social responsibility to women beyond the academy. They work to sustain and reanimate feminist teaching and research on Africa's campuses, offering a more visionary antidote to the narrow market demand for technicist training, and they offer a safe and supportive environment to scholars (men as well as women) who wish to pursue feminist theoretical and methodological advances in their scholarship, or address subject matter too controversial for mainstream disciplinary departments.

What conditions have generated these mobilizations for intellectual freedom for women in the academy? The research that has been carried out as part of this intellectual mobilization finds that universities – for all their liberal pretensions – sustain and reproduce gender inequalities. In recent times, they have proved to be unremarkably resistant to any kind of change that does not offer short-term monetary profit.

Gender in the Institutional Culture of Africa's Universities – Towards an Organizational Ethic of Gender Responsibility⁷

Observers have pointed out that African universities have never formally excluded women (e.g., Ajayi et al., 1996). This being so, what are the conditions that have sustained gender inequality within them?

Twenty years ago, it was still common to deny that universities were gendered institutions that favoured men and marginalized women. Largely male administrators could insist that the universities were 'gender neutral' places, and that 'gender inequality' was something imported from outside – located in homes, schools and culture (Ajayi et al., 1996). This perspective served to justify inaction and resist affirmative action (Mama 2003). Regrettably, there are still many who deny any responsibility for gender inequality within universities themselves. However, this denial can no longer be sustained, in the face of the evidence that universities *do* play a role in maintaining, and not challenging, gender inequality (Mama 2000; FA 8 and FA 9 2007).

In 1999, the male dominance in universities in Africa was still pronounced – more than 90 per cent of their staff and 80 per cent of teachers were men (Otunga and Ojwang 2003, cited in Barnes 2007), a situation that did not radically change in decade that followed (FA 8 and 9; Tefera and Altbach 2006). To date, fewer than 8 per cent of vice-chancellors in Africa's universities are women. A similar imbalance characterizes the professoriate. Nonetheless, there have been some incremental gains in the representation of women

among faculty and student populations, although this is unevenly distributed, remaining concentrated at the lowest levels of the hierarchy and in less prestigious areas, even within particular fields of scholarship. In other words, the broad pattern of both horizontal and vertical stratification has persisted (Mama 2003). This is not surprising, given the evidence that inequalities are sustained by the fact that clearly gendered institutional cultures and practices favour men and disadvantage women, and men are still resistant to change.

The AGI study on gender in Africa's universities documents patriarchal, even misogynistic institutional and intellectual cultures replete with practices that subject women scholars to various forms of intimidation, harassment and coercion (*Feminist Africa*, 8 & 9), thus confirming and extending previous work (Sall 2000; FA 8, FA 9; Pereira 2001; Kwesiga 2006; Pereira 2007; Magubane et al., 2004; Pillay 2007). In addition, several yet-to-be-published doctoral theses have been written on gender and higher education.

The research that the GICAU team carried out on six campuses further details a plethora of patriarchal social practices, male-biased institutional procedures, academic promotional inequities and gendered (at times sexualized) gate-keeping practices. It also reveals some of the everyday normative assumptions that are made about women in academic life, and how these operate to systematically sustain men's domination, and at times work against efforts to develop policies that might favour the emergence of more equitable institutional cultures and systems. These gender dynamics operate to make it much harder for women – especially young women, rural women and women from ethnically marginalized communities – to succeed. Barnes sums it up:

..these institutions have been places “of the new-men for the new-men.”
...African universities should not be seen as static, gender-neutral spaces to which women have been benignly and invisibly added. Rather, these spaces and places are intricately marked with codes for man-as-thinker, man-as-aggressive-debater, man-as-athlete, boys-becoming-men, etc. The addition of women to this men's club is thus not only a statistical, but also an extremely meaningful social and symbolic exercise – which is by its very nature, dynamic, challenging, and likely conflicted (Barnes 2007:12).

Faculty

The GICAU researchers point to:

...the persisting perception that real academics are male, the practice of giving more challenging and higher profile jobs to men, the continuing expectation that women would play domestic and ceremonial roles at work, and the subjection of those who did not conform to these norms to ridicule and disapproval.... Female faculty are routinely called “Auntie” and “Mama” while their male counterparts are addressed by titles signifying their academic achievements...reinforced the maternal and wifely roles expected

of women...The most difficult aspect of the institutional culture was the denial of the existence of gender discrimination (Tsikata 2007:36).

Faculty who carry out gender research are not exempt from gender oppression, as over the years we have seen many occasions on which student groups, the media and other religious and social groups in the wider society threatened women faculty who have published or said things that challenge sexual discrimination and harassment.⁸⁸ Penda Mbow experienced this at the hands of civil society in Senegal; Isabel Phiri also at the University of Malawi (both reported in Sall 2000). More recently, Sylvia Tamale, Dean of Law at Makerere and a well known feminist scholar, has repeatedly been subjected to media hate campaigns for defending the rights of marginalized women, and for speaking out against moves to further criminalize gays and lesbians in Uganda by the Ministry of Ethics and Integrity and the US-inspired evangelical Member of Parliament, David Bahati.

Students

Women students often face physical insecurity, intimidation, verbal abuse and harassment in dormitories, dining rooms, libraries, lecture halls, and within student associations. This needs to be clearly distinguished from mutually enjoyable flirtations, and relationships, as part of the problem that these are often blurred in masculine/heteronormative discourses and perceptions of women and women's sexuality.

The team investigating the University of Addis describes the methodological challenges of even gathering information in a climate of fear, and the systematic silencing of women students pushed to sit at the back of lecture halls and remain silent, and to enter the cafeteria for meals only after male students have finished eating.

My friends went early and stood in front of the line in the cafeteria. They were severely harassed. The implicit rule is that female students are supposed to line up around 1pm when most of the male students have already eaten. There were other implicit rules which barred female students from going to the student café and the student lounge. One day we went to call someone at the student café and we had to turn back when all the male students stared at us. Sometimes refusal by female students to go out ends in disastrous situations. For instance a girl by the name of Sosina Berhe was killed by a male classmate when she refused to go out with him (Tadesse in AGI, Unpublished 2007:10).

Women have to be exceptional to make it through to graduation, and for them to prove that they are exceptions to the rule of gender inequality, and also the negative prospect of their achievements being dismissed as having been rigged by the provision of sexual favours to lecturers. Women students

who refuse sexual advances are failed or threatened with failure; and when appeals for redress are made to faculty, they either fall on deaf ears or are ridiculed.

Overcrowding and under-resourcing have intensified the situation. Resurgent religiosity has worked against women's academic freedom, as brotherhoods of various creeds dictate the dress styles and demand passivity, silence and servitude from women students, and ensure they are not allowed into leadership positions (Odejide 2007; Diaw 2007).

Twenty years after the authors of the Kampala Declaration resisted the suggestion that gender discrimination needed to be specifically mentioned, it is clear that women's intellectual freedom both inside and beyond the academic arenas demands specific interventions, as denying the problem has only frustrated efforts to address it. Today, even the most recalcitrant leaders of these institutions cannot claim not to know that gender is a persisting feature of academic life. A persistent and growing pool of scholars and activists has ensured that they continue to feel the pressure to acknowledge the problem, even if they are slow to follow through on action to redress the problem.

Other Institutional Responses

Since Kampala, there have been many other initiatives that have tried to address the overwhelming male domination of Africa's scholarly institutions. As noted above, CODESRIA in 1991 hosted the first major conference on 'Gender and the African Social Sciences' attended by more women than any other previous conference. Follow-up to this has included the hosting of a regular gender institute and several recent workshops on gender held in Cairo over the last few years. A small gender task force was set up to try and institutionalize expressed commitments to greater inclusion of women in CODESRIA projects. And it is clear that CODESRIA, OSSREA and other mainstream bodies no longer ignore the need to both include more critically-minded women in their programmes and activities, and encourage more men to carry out critical gender studies, as several of our colleagues have already taken up the challenge with good results. Important moments include 1991, when at the end of the first gender conference the then Executive Secretary of CODESRIA acknowledged the existence of "a corpus of gender studies, methodologies and research in Africa". Not long after, SAPES published the first continental book on Gender Research Methods (Meena 1992, ed). These examples owe something to the fact that donors have made resources available to these networks for gender research, but it does also speak to the growth of the field of gender studies within the region. It

is to be hoped that the upcoming generation will take this a great deal further both in research and activism to bring about change within our institutions.

Intellectual Challenges: Feminist Ethics in Research and Teaching

Over the last decade and a half, the African Gender Institute (established in 1996) has played a particular role in efforts to strengthen feminist research, and in contrast to the mainstream networks, it has not shied away from supporting women-only initiatives. The central feature of the feminist research ethic that has been developed by the AGI and the associated network of feminist scholars has been the insistence on developing socially transformative approaches to research, notably by maintaining the link between scholarship and activism. Beginning with a regional agenda-setting workshop in 2000, the AGI has convened a series of specialized gender studies curriculum-strengthening and methodology workshops, and initiated ongoing feminist research and publication and dissemination initiatives. The communication and dissemination challenges facing feminist scholars in the African region have been responded to with the establishment of a continental resource website (www.gwsafrica.com) and an accredited scholarly journal of gender studies, *Feminist Africa*, initiated in 2000, and now in its 14th issue (www.feministafrica.org).

Perhaps the AGI's most significant strategy has involved intellectual networking aimed at overcoming the atomization and isolation of researchers that has stymied the emergence of coherent bodies of work. The intention has been to build an intellectually coherent community dedicated to developing feminist methodologies suited to the particular challenges of gender in diverse African contexts. The ultimate goal has been to strengthen collective capacity to a level that might generate paradigm shifts. The various projects and initiatives that have ensued have facilitated mutual support and strengthening of the existing and emerging feminist scholars and GWS centres by bringing them into a collegial network. The network is supported by a membership-based list-serve, and all members receive hard copy of the journal *FA* and are encouraged to become users of and contributors to it. Indeed, it is through participation in the various activities that relationships of solidarity, support and mutual learning have been formed and consolidated to a level that did not exist previously.

The idea of activist scholarship being a form of collective action – or activist scholarship being central to contemporary feminist scholarship in the region – may well be its most distinguishing feature. A key example of this work has been the extensive action research and capacity-building work

undertaken to address sexual harassment and abuse of women in southern African tertiary institutions, identified earlier on as a major constraint to women's academic freedom. This has included the establishment of a dedicated network, the production of a training manual and resource book (Bennett et al.) and workshoping of the experiences of policy implementation across campuses (Bennett et al., 2000). The Network for Women's Studies in Nigeria has subsequently initiated a similar research project on Nigeria's university campuses. Other key projects have included the Gender and Institutional Cultures Project (cited above), curriculum and research initiative designed to develop locally-rooted feminist theorizations and analyses of sexuality in teaching and research. This initiative stimulated other new studies in the field of sexuality, including the establishment of the law and sexuality research project in the Faculty of Law at Makerere, and transnational collaborative work on the teaching curriculum.

Activist Research

The editorial to an issue of *FA* dedicated to question of methodology was aptly titled 'Research for Life: Paradigms and Power'. Jane Bennett succinctly laid out the challenges facing us:

A key challenge for African feminists remains the need to create knowledges which both emerge from the diverse and complex contexts in which we live and work and speak to such contexts with sufficient resonance to sustain innovative and transformative action. Designing research methodologies capable of addressing the questions which compel us constitutes a politics in its own right, demanding a re-evaluation of received approaches and sophisticated reflection on the intersections of theory and practice as researchers... (Bennett 2008:1).

The notion of activist research is not new to Africa by any means, nor is it unique to feminists in Africa (see Sudbury and Okazawa-Rey 2009). Social and political movements have always had to engage with the power-knowledge relation by taking knowledge and knowledge production of all kinds seriously. However, it is clear that the level of social engagement that is being advocated by feminist researchers goes very much farther in its definition of social responsibilities than conventional scholarly paradigms and methods have ever done.

Existing feminist research practice in various African contexts can be characterized in three broad tropes:

research *on* activism – studies of social movements, women's movements and all forms of activism;

research *for* activism – services activist agendas; works to inform and support the lobbying, advocacy, training and development interventions of feminist organizations and movements (policy analysis action research);

research *as* activism that in and of itself generates/inspires/stimulates and is direct action – participatory action research methods that share at various stages of the research process – from conceptualization to dissemination to the activation of the research.

Each of these has been pursued using a variety of tools, many drawn from conventional training in research methods. However, these are invariably improvised, and many research methods that we actually used have been generated in the course of conducting research in African contexts. This is because the conventional understanding of research – and the methods developed to carry out research presume conditions that are not only largely imaginary, but rooted in Western assumptions about the nature of the state and society, and indeed gender relations, that simply do not apply here. At the very least, they assume a level of stability and systemic coherence that does not characterize many postcolonial African contexts. The conditions under which research is carried out include political instability and authoritarianism, resource scarcity, situations of extreme poverty and economic insecurity, costs and difficulties of communication and transportation, poor infrastructure, vast distances of all kinds, and even conditions of conflict and insecurity. These prevailing conditions are unstable rather than stable, and have made many research methods irrelevant or impossible to use in any textbook fashion. Where particular methods (e.g., large-scale surveys, interviews or oral histories) have been used, these have had to be improvised, at times quite drastically, and feminists are not alone in having developed a huge pool of experience in the area of methodology.

Quite apart from the conditions (cultural as well as political and economic), the paucity of funding has also meant that large-scale quantitative studies have become a rarity, as doing these effectively is prohibitively expensive, and now almost exclusively the realm of governments and international agencies.

Finally, the need for in-depth multi-disciplinary analysis of social dynamics, and for holistic theories that can help us comprehend the world better and more deeply, has led to the adoption of qualitative in-depth methods, carried out with greater intimacy and more collaborative relations with the researched communities, than traditional social science methods. In short, feminist research ethics are based on the principles of egalitarianism, mutuality and reciprocity, and are fundamentally about honouring an ethic of social responsibility and engaging positively with social change processes.

Conclusion: It is Ethically Indefensible to Neglect Gender

The contemporary global configurations of power and knowledge are more invidious and complicated than ever. What are the implications for academic freedom and social responsibility? This is a complicated and difficult question to answer.

I have focused on feminism as a major aspect of the struggle for intellectual freedom and social responsibility. I have assumed academic freedom to be inextricably bound up with broader notions of intellectual freedom, and with the liberation of our societies from centuries of marginalization and orchestrated underdevelopment, while specifically attending to the freedom struggle waged by women inspired by international and local feminisms to contribute to scholarship and knowledge production.

I conclude by observing that the still-evident malestream tendency to ignore both the persistence of gender inequity in our institutions, and the transformative potential of feminist methodologies, is ethically indefensible. It flies in the face of the accumulated evidence that gender bias and androcentrism in scholarship are 'bad science', not to mention politically anti-democratic, and socially divisive. There is ample evidence that our failure to demystify the dynamics of patriarchy has facilitated authoritarianism, and hindered the realization of democracy in Africa. Instrumentalizing, normalizing or excusing the oppression of a majority group is unhealthy for any society. It is in this context that feminist thought and methodologies offer powerful, socially and intellectually transformative tools that illuminate the ways in which this normalization of subjugation more generally occurs every day and at all levels of social reality – personal, familial, institutional, national and international.

Africa's women, Africa's poor, ethnically, religiously and variously marginalized and oppressed majorities have borne many of the costs of Eurocentric capitalist modernization paradigms and their failures. Economic growth as measured reductionistically by increases in Gross Domestic product have done little to redress inequalities, but often been accompanied by increasing the gap between rich and poor, and undermined the generation of real or sustainable development. We therefore still have a social responsibility to draw on previous social movements and bodies of radical thought and analysis to take up Claude Ake's call: to demystify the processes that have produced this situation, to challenge the powers that sustain it, and thus to radically transform all relations of inequality and injustice.

Notes

1. As noted elsewhere, one of Africa's earliest universities, the Islamic university of Al-Karaouine in the Moroccan city of Fez, was established by a woman – a wealthy philanthropist by the name of Fatima El Fihria in the year 859.
2. See Carol Pateman, 'The Sexual Contract', 1988.
3. The current situation in the University of California is a gentle iteration of the much more draconian measures imposed on Africa's still-young universities during the 1980's.
4. In African contexts HIV-AIDS is very much a heterosexual disease, with the highest infection rates among married women, and in conflict zones.
5. There have been several other women heads of state prior to the election of Sirleaf Johnson as President of Liberia, including Ruth Perry of Liberia.
6. There is a much longer history of feminist intellectualism that can be traced back to the early 20th century, but that is beyond the scope of this paper.
7. This section discusses the action research work carried out by a team of researchers that was led by myself and Teresa Barnes, under the auspices of the African Gender Institute (AGI) with support from the Association of African Universities (AAU) and VCs. Case studies were carried out by Aminata Diaw from the University of Cheikh Anta Diop, Rudo Gaidzanwa at the University of Zimbabwe, Abiola Odejide at University of Ibadan, Zenebworke Tadesse at University of Addis Ababa, and Dzodzi Tsikata at the University of Ghana. It is perhaps worth noting that a) the host institution, the University of Cape Town (UCT) itself refused permission to include a case study of gender; b) the activist aspect of this project –the dissemination of the findings and development of faculty training and other interventions that would activate and respond to the findings of each case study was curtailed by the non-continuation of AAU funding once the research had been carried out. The AGI was able to publish only summaries of the final reports in *Feminist Africa* before the project was discontinued (*Feminist Africa*, Issues 8 and 9).
8. Penda Mbow experienced this at the hands of civil society in Senegal; Isabel Phiri's case at the University of Malawi (both reported in Sall 2000). More recently, Sylvia Tamale, Dean of Law at Makerere and a well known feminist scholar, has repeatedly been subjected to media hate campaigns for defending the rights of marginalized women, and for speaking out against moves to further criminalize gays and lesbians in Uganda by the Ministry of Ethics and Integrity and the US-inspired evangelical Member of Parliament, David Bahati.

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Neo-liberalism and the Subversion of Academic Freedom from Within: Money, Corporate Cultures and ‘Captured’ Intellectuals in African Public Universities

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Abstract

In the last two decades, neo-liberal thinking and practices, as outcomes of globalization, have shaped social, economic, and educational policies. Within higher education institutions, the application of neo-liberal practices has increasingly reshaped the institutions into competitive markets and brought about the privatization of various aspects of institutional culture. In Africa, public universities were forced to adopt neo-liberal practices as part of the reform packages to address the financial crisis that the institutions faced in the 1980s. The deepening of neo-liberal cultures in the institutions has transformed traditional notions of the university as sites of knowledge generation, service to society and liberal education, into neo-liberal objectives articulated in entrepreneurial terms with knowledge as a commodity to be invested in, bought and sold, and academics as entrepreneurs, who are evaluated based on the income they generate. This article analyses and reflects on what ‘entrepreneurialism’ in public universities in Africa means for the exercise of academic freedom and social responsibility.

Résumé

Au cours des deux dernières décennies, théories et pratiques néolibérales, en tant que résultats de la mondialisation, ont façonné les politiques sociales, économiques et éducatives en Afrique. L’application des pratiques néolibérales a remodelé les institutions d’enseignement supérieur au sein des marchés concurrentiels et privatisé divers aspects de la culture institutionnelle. Les universités publiques ont été contraintes d’adopter des pratiques néolibérales en guise de réformes engagées pour résoudre la crise financière dont souffrent les institutions depuis les années 1980. L’invasion des établissements de pratiques néolibérales a transformé les fonctions

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traditionnelles de l'université comme lieu de production de savoirs en une finalité néolibérale, traduite en entreprise marchande dont la mission est d'investir, d'acheter et de vendre. Traités en tant que valeurs marchandes, les universitaires sont évalués sur la base du revenu qu'ils génèrent. Cet article analyse ce que cet « entrepreneurialisme » envahissant dans les universités publiques signifie pour l'exercice de la liberté académique et de la responsabilité sociale.

Introduction

The adoption of neo-liberal practices by public universities in Africa has changed the conceptualization of academic freedom from the vision of the Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics and the Kampala Declaration on Intellectual Freedom and Social Responsibility in 1990. Before the 1990s, the threats to academic freedom were characterized by state censorship of teaching and learning processes in the institutions, the collapse of infrastructures, inadequate teaching personnel and poor staff development and motivation. The Dar es Salaam and Kampala Declarations spoke to these external forces. The political establishment, then, financed the operations of public universities and in return, controlled and directed universities as national projects. The cohabitation of the intellectuals with the political class was analyzed in terms of the material conditions of the academics that the political class controlled and manipulated in order to seek compliance from the academic community.

The onset of neo-liberal practices in the institutions, from the 1990s, altered the above situation. Hinged on transforming public universities to entrepreneurial institutions as an income generation strategy, neo-liberal practices have switched the source of threats to academic freedom from the external political establishment to internal, the faculty and emerging corporate governance structures. The state as a threat to academic freedom and institutional autonomy in Africa has been replaced by the market. Three forces, both internal and external, have accelerated these trends and led to a redefinition of what academic freedom and intellectual responsibility entail. These are the increasing internationalization of higher education leading to new players in Africa, the withdrawal of government's direct involvement in the governance of the institutions that has led to some degree of institutional autonomy including the registration of academic staff unions, and the entrenchment of corporate and commercial cultures in the institutions which has led to a redefinition of the social contract between higher education and communities. The internal struggles between management and faculty

members especially regarding generating revenues and sharing profits, and what such struggles mean to the exercise of academic freedom and social responsibility by academics are interrogated here. Academics have embraced and used the new emerging forms of academic freedom differently. This article traces these developments, showing how instead of expanding academic freedom, the neo-liberal era has constricted the space for the exercise of such, and captured academics in the institutions from a focus on producing socially responsive intellectual discourse to generating money.

Neo-liberalism, Academic Freedom and University Autonomy in Africa

Neo-liberalism has been used in the literature to refer to a set of economic and political policies based on a strong faith in the beneficent effects of free markets (Harvey 2005, McClennen 2008/09, Kotz 2002). As a political and economic practice, neo-liberalism argues that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade; the state's role being limited to preserving an institutional framework appropriate to such practices (Harvey 2005:2). In this respect, neo-liberalism is intertwined with and promotes the interests of globalization. The practices that mark out tendencies towards neo-liberalism are privatization, market competition, the retreat from social engineering, and the proliferation of markets even in social sectors such as health and education (McClennen 2008/09; Giroux 2004, and Zeleza 2003). In the field of higher education, institutions that have embraced neo-liberalism have responded by commercializing most aspects of their engagement through raising tuition, in effect passing the burden of costs to the students who now become consumers, entering into research partnerships with industry and thus, turning the pursuit of knowledge into the pursuit of profits and hiring a larger number of adjunct academic staff who are in no position to challenge the university's practices or agitate for an academy more committed to the realization of democratic rather than monetary goals (McClennen 2008-09; Giroux 2008-09; Zeleza 2003). How do these practices impact on the exercise of academic freedom and social responsibility in the neo-liberal era?

The concept of academic freedom and responsibility are as old as the idea of the university itself (Jensen 2004), and requires of academics to fulfil the university's mission of educating students and advancing knowledge as social goods. Hence commitment to academic freedom by academics is a commitment to defending the existence and integrity of a university as an 'idea' by fulfilling certain obligations of the academic ethic (Hersch et al.,

1983:97). As Hersch et al., (1983:104) observe, the 'idea' of the university is lost if management sees the institutions as vocational training schools, or academics are often self-seeking, some eager to exercise power to confer patronage, pay off personal debts or advance the interests of friends with little consideration to intellectual merit. This observation implies that the exercise of academic freedom and social responsibility has to be led by an intellectual vision and should include the intellectual obligations that academics have for educational programmes, establishing goals for student learning, for designing and implementing programmes of general education that cultivate the intended learning, and for assessing students' achievement. Academic freedom is necessary not just for academic members to conduct individual research and teach, but also to enable students to acquire the learning they need to contribute to society. Hence the justification for academic freedom lies not in the comfort or convenience of lecturers and students but in the benefits to society, for the long-term interests of a society are expected to be best served when its educational process leads to advancement of knowledge, and knowledge is best advanced when its pursuit is free from restraints by the state, other institutions, or special interest groups (Radhakrishnan 2008).

A discussion of how neo-liberal practices have changed the articulation of academic freedom and social responsibility in African public universities has to take cognisance of changes in governance and funding of the institutions in the 19980s and 1990s. These changes occasioned by the financial crisis of the state in Africa and the changing perspectives on African higher education articulated within the international development arena that led to the imposition of financial conditionalities and changed conditions under which academic work is undertaken (Mama 2006; Zeleza 2003).

The genesis of the complicated nature of state-university relationships in Africa and the curtailment of intellectual freedom goes back to the establishment of public universities. Set up as national projects at the end of colonial rule in the 1960s and 1970s, universities remained so well into the 1990s, and their role was externally defined by the state in terms of 'development' of the new nations through the training of personnel to manage the process (Mamdani 1993). In this arrangement, heads of state in Africa remained as the chancellors of the public universities; a position that gave them unfettered leeway in terms of setting up and influencing administrative and governance structures that served political rather than intellectual ends. This situation however started to change dramatically from the 1980s, due to the economic crisis of the state in Africa, the imposition of structural

adjustment programmes (SAPS) and reduction of central government funding to higher education institutions. In place of central government funding, higher education institutions were forced to embrace various neo-liberal market reforms to generate revenues and replace the financial gap left by the state. Overall, this led to deterioration in the quality of higher education institutions to the extent that they were not able to undertake their intellectual mandate (Mkandawire and Soludo 1999).

Beginning from 1990, most African countries embraced competitive politics, often giving voice to opposition groups. Between January 1990 and December 1993, twenty five African countries held competitive presidential elections. By the end of that decade, most African countries had embraced competitive elections and multiparty governments, though one will have issues regarding the democratic quality of the transitions. The elections were accompanied by attempts to rewrite the post-independence constitutions to embrace constitutionalism, democratic governance and respect for individual rights. These transitions were however not internally generated transformative processes. They were triggered by the economic crisis of the state and the coming of age of the effects of SAPs. The negative social, political and economic effects of SAPs in Africa have been well documented (Gibbon, Bangura and Ofstad 1992; Mkandawire and Olukoshi 1995). In the field of higher education, SAPs advocated governance and funding reforms that removed direct government intervention in the management of the universities and the introduction of student fees (World Bank 1988), and increased reallocation of resources to funding basic education as opposed to higher education (Assié-Lumumba 2004). The arguments advanced by proponents of neo-liberal practices in universities were that universities in Africa produce higher individual than social returns, and therefore should be offered more as a private good through corporate management regimes to generate revenues instead of depending on central government financing. Government responses to the changed circumstances in regard to higher education differed from country to country depending on the implications of economic globalisation for national economies and the different patterns of government involvement in the market, the different government policies on human capital, and the different relationships between government and higher education.

With respect to state-university relations and the enhancement of academic freedom in the institutions, the transition to multi-party politics provided hope to intellectuals who had hitherto been exiled or prevented from teaching in the institutions. In countries like Kenya, intellectuals were the vanguard of

the opposition parties, and some went ahead to win parliamentary seats, giving hope to colleagues that remained in the institutions that they had a voice within the political apparatus of the state to articulate their positions regarding the need for academic freedom and the creation of suitable spaces in the universities for the academics to discharge their social responsibilities. Other intellectuals joined the emergent civil society that now operated more freely and from where, it was hoped, they would continue the quest for a socially responsive intellectual engagement and the autonomy of Universities. More remarkably, the apartheid era in South Africa came to an end in 1994, and this created conditions for higher education institutions to engage more with others in the continent and redefine institutional autonomy and intellectual freedom in a manner relevant to African societies (Jensen 2004).

The Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics in Africa, and the Kampala conference on academic freedom in Africa and Declaration on 'Intellectual Freedom and Social Responsibility of Intellectuals in Africa' took place within the context of these political and institutional transitions. Important to the Kampala Declaration was the recognition that the imposition of unpopular structural adjustment programmes had been accompanied by increased political repression, widespread poverty and intense human suffering. The struggle for academic freedom by the intellectual community was tied to the struggle for human rights and democracy in Africa. In a sense, there was a convergence in terms of the precipitating conditions for the declaration of academic freedom and institutional autonomy in Africa in 1990 and what is happening two decades later. Before 1990, it is the state that was undergoing economic restructuring imposed by donors, while two decades later it is the university that is undergoing restructuring due to neo-liberal globalization of higher education. Before 1990, governments in Africa used their funding relationships with the institutions to limit the degree of freedom and institutional autonomy. However, from the 1990s, the struggle for academic freedom moved to individual institutions, with emerging corporate governance structures and institutions generating own financial resources outside central government oversight.

In theory, governments have left the public universities 'free', in the knowledge that the institutions will not put pressure for funding on the governments and that the institutions have the 'autonomy' to operate, narrowly implying that the universities can design their own means of generating money – with a blurred line of accountability – in the sense that government is not involved in monitoring if the resources generated are

used to advance the missions of the universities in a socially responsible manner. However, adoption of neo-liberal reforms in the institutions has not expanded the space for academic freedom, nor institutional autonomy. Rather, it has created a culture for both the academics and institutions to focus on income generation. This has sabotaged the capacity of the academics to execute their social responsibilities. Within the context of the reforms, public universities in Africa have come to be viewed by many as no more a purely public service, but as a semi-public service, with an associated cost, a social and a personal return (Guruz 2003). Like it has happened elsewhere, public resources going to public universities started to decline from the 1990s and the liberalization of higher education increased the number of private universities all over the continent. These developments have had implications in the manner the concept of academic freedom and institutional autonomy began to be conceptualized from the 1990s. Declining resources from the government meant limitations in the amount of funds available for institutions to fund processes of academic reproduction such as research, post-graduate training and public service while the increasing burgeoning of private universities has been accompanied by the growth of a teaching force in the universities hesitant to embrace the traditional conceptualization of intellectual responsibility due to the different governance structures and diversity of the institutions. Increasingly, trends towards privatization of public universities have intensified and the growth of a private university sector has been embraced as a 'good thing' for Africa (Bjarnason et al., 2009; Varghese 2004). Unaccounted for in this push for neo-liberal practices in African universities is the 'historical legacy' of the university conceived 'as a crucial public sphere' which has given way to a university 'that now narrates itself in terms that are more instrumental, commercial and practical' (Giroux 2008-09).

The response of the universities and the intellectuals to the changed circumstances has been almost similar throughout the continent. The responses have entailed raising tuition, in effect passing the burden of costs to the students, thus creating a higher education exclusion zone only open to those who can pay. To generate more financial resources, the number and growth of students to the institutions continue to increase and far outpace teaching resources (infrastructure and qualified academic staff), while a two-semester academic year has in most institutions been changed to a three-semester academic calendar to accelerate completion time and give way to more incoming students. Besides, an increasing number of academics engage in consultancy work that promotes interests whose public worth is

contestable. These trends, related to adoption of neo-liberal practices in the universities in Africa are not isolated observations. Rather, they are in tune with global transformations in higher education institutions to conform to the neo-liberal order that emphasizes liberalization and privatization of social services. The adoption of these practices without thinking about their implications to academic freedom and university autonomy was justified as a response to unavoidable forces of globalization (AAU 2004; Altbach 2004; Sawyer 2004; World Bank 2002). This literature presents globalization as a phenomenon that higher education in Africa has to contend with, and struggle to fit into. Accordingly, the transformations taking place in African higher education are seen as efforts by these institutions to try and catch up with the unavoidable, on terms already established.

The adoption of neo-liberal practices has been accompanied by a restructuring of university management from the previous collegial to corporate governance structures. Three related developments have marked the trends towards greater privatization and commercialization of academic programmes and other university activities. First have been reorganization of university academic activities and the redefinition of their missions and visions to reflect corporate identities. In East Africa, the University of Dar es Salaam spearheaded these governance restructuring through the development of a Corporate Strategic Plan, first formulated in 1992-4 (UDSM 1994), and later reviewed in 2003. The university's five-year strategic plans are aimed at facilitating the UDSM to operate in the twenty-first century with a clear vision of its present and future role in a fast changing world. Part of the focus of the corporate plan has been to address the issue of ownership, autonomy and legal status of the university. Makerere University followed in 1996, with its first strategic plan (1996-2000) focusing on ways to promote the culture of enterprise and adjust its administrative design to enhance the innovative process. The admission of private students, which started in a tentative way, was followed by initiatives such as the introduction of the semester system and an updated curriculum to make courses more marketable. Kenyan public universities embraced corporate strategic planning and internal reorganization of governance structures from the year 2000. Common to the strategic plans of all these institutions is a focus on building an entrepreneurial and commercial culture as a strategy to raise income, and the admission of 'private' students as a singular source of raising such revenues through the payment of 'market rate' tuition fees.

Attempts have been made in some institutions to revise the university statutes that established the public institutions as national universities, to

new ones that reflect their corporate identities. Part of the revisions entails the appointment of chancellors who are not state presidents and the competitive hiring of vice-chancellors. For example, at Makerere University, Uganda, the revised 2001 Universities and Other Tertiary Institutions Act gives universities the freedom to determine internal structure, manage enrolment and course contents (curriculum), hire and fire academic staff, set tuition fees, borrow and spend funds (Liang 2004). The 2001 Act also removes the president of the country from the chancellorship of public universities. Instead, the Universities and Other Tertiary Institutions Act details the governance structure for public universities which comprised the university council (executive body), the university senate (academic authority), and other academic bodies. Supposedly, these changes were meant to reconcile the issues of autonomy and accountability, as the concern with efficiency and academic audits conflicted with the traditional perceptions of autonomy and university management that was hitherto dominated by too much governmental interference, rampant student activism and indifference by government appointees whose interests were anything but educational (Patel 1998:55).

These developments in the governance of the institutions have been accompanied by a gradual accommodation of staff and student unions that were either not allowed or banned in most public universities in Africa during the 1980s. In the case of Dar es Salaam and Makerere, UDASA and MUSA always existed through the period of university crisis and transformation. The unions however have had to seek more accommodation and representation in university governance structures. In the case of Kenya, it took a new government coming to power in 2002 and another staff strike for the university's academic staff union (UASU) to be registered in 2003. Even then, accommodation of the union in the university's management has not been smooth, with most disputes between union and management settled in court.

The emergence of trade unions in universities has had far reaching implications in the management of public universities and in the manner that institutional autonomy and academic freedom are exercised. A notable case in this regard is the silent redefinition of institutional autonomy and academic freedom, taking place in most public universities. This has centred more on freedom to generate and share revenues between management and lecturers, even when such practices undermine the quality of services provided to students. In this scenario, old problems in public universities that the adoption of neo-liberal practices was supposed to solve have again emerged, only

that this time, the faculty members, in exercising their new found 'freedom', have become active accomplices (see details at Makerere University as provided by Mamdani 2007). Management inefficiencies, such as duplicative programs for purposes of earning higher bonuses by lecturers, low student-staff ratios, high dropout and repetition rates, and allocation of a large share of the budget to non-educational expenditures have again become commonplace in the institutions, draining scarce resources away from the fundamental objectives of increasing access, quality and relevance (Fatunde 2008). In other instances, the singular focus by the institutions and lecturers to generate more and more money through increases in unplanned enrolments has brought new problems into the quality of higher education and its social relevance. In Kenya, a trend has emerged where universities are admitting students for courses they have not registered with the regulator, deepening a simmering higher education quality crisis and exposing the graduates to the risk of rejection in the labour market. This dilution of the quality of Kenyan degrees is blamed on uncontrolled expansion in the last ten years that has seen public universities open campuses in some of the remotest locations in the country, putting in doubt the quality of teaching in the units (*Business Daily*, <http://www.businessdailyafrica.com/Company>). This expansion has seen the number of qualified lecturers lagging far behind the student enrolment rate, forcing many universities to hire unqualified staff for academic positions. In fact, it is increasingly common to find university departments staffed by non-PhD holders.

The cheapening of the role of professor by the universities for entrepreneurial expediency over the years is one major factor responsible for the academic decline of the university and the lack of capacity for the institutions to address their social responsibilities. The increasing number of departments within the universities without PhD holders leaves junior lecturers to grope in the dark as to what research they ought to be doing. This is because there is no coordinated way of directing research at the universities through the departmental structure. Because research output has drastically declined and because, in the university, without research no meaningful teaching can take place, the quality of teaching has tremendously suffered in the universities. One other way, besides teaching through which academic responsibility of the intellectuals is exercised is through conducting research that responds to the needs of the communities. This aspect does not seem to be addressed adequately either by the autonomous universities or the academic unions. Even when there have been attempts at undertaking research, the intellectual agenda is increasingly being defined by bodies

outside the university who are able to fund such undertakings, with universities devoting less than five per cent of the resources they generate to research (Oanda, Ishumi and Kaahwa [forthcoming]).

Two observations can be made about the drive to neo-liberal reforms in African universities. The first is that the nature of the reforms and how they were implemented were defined and prescribed by external forces. The World Bank pioneered this, commissioning various studies that tended to make a strong case for reforms, or praising universities that had taken the lead to implement such reforms as case studies of governance and management reforms that were working to revitalize Higher Education in Africa. Such commissioned studies included David Court's (1999) 'Financing Higher Education in Africa: Makerere University, The Quiet Revolution', and numerous other case studies commissioned by the 'Partnerships for the Development of Higher Education in Africa' in several African universities. The second observation is that the reforms, though initially celebrated, had obvious contradictions in their outcomes that potentially eroded the capacity of the academics to execute their social mandates in terms of the nature of teaching and research. Hence, though the adoption of neo-liberal practices seemed to suggest an era of increased institutional autonomy, the outcomes have been contradictory. Public universities have adopted entrepreneurial norms and are generating higher revenues than they had when they depended on financing from the exchequer. In theory, this will mean availability of funds for academics to engage in projects that foster the institutions' social responsibility. Most academics who were victims of political persecution in the 1980s and 1990s, due to their agitation for academic freedom, are now in government or in the expanding civil society associations. One will expect that, with such networks, academic freedom and institutional autonomy will be easily realized in the institutions. The accommodation of staff unions, one can argue, should lead to a higher degree of professional engagement from the academic community and a more responsive attitude to the communities that universities and academics serve. These issues are important to contemplate because of the feeling creeping in that, since the institutions are increasingly relying on private funds, they are limited in the degree of their accountability to the public for their autonomy. It also brings into question the kind of academic cultures developing in the institutions, with tension building up between those forces that argue for a greater public interest in the institutions and those leaning towards privatization and individualism as the new face of the exercise of academic freedom.

From the Authoritarian State to Authoritarian ‘Market’ and University Governance Organs

The concept of governance, with respect to universities, refers to the legislative authority vested in management organs of the university to make decisions about fundamental policies and practices in several critical areas related to the university’s mission and mandate. These will entail decisions that promote university autonomy and academic freedom, as these are seen as key to the academic and research functions of universities. University governance structures also regulate issues such as access policies, university development and expansion policies, and access of the public to other auxiliary services on offer, among others. How are the universities using their new autonomy to evolve more accommodative university governance organs that enhance academic freedom?

Despite the positive accomplishments, academic staff in the public universities in East Africa with whom the author has collaborated, consider that university management and the general governance culture in the institutions have become more autocratic than they were during the era of government intervention. A key development that has emerged from the adoption of corporate planning in the institutions is the division between management (the vice-chancellor and deputies), and the rest of the academic fraternity, which have been used to determine staff remuneration and undermine collegiality. In Kenya, for example, the recommended salary scales of vice-chancellors of public universities are higher than those of professors and this has generated a simmering disquiet among staff, since the prevailing salary ratios between the vice-chancellor and other staff have become severely distorted, and have undermined the professoriate. At Makerere University, it could seem that management (vice-chancellor and deputies) classify themselves as administration for purposes of government remuneration, and as academic when it comes to negotiating for compensation from internally generated revenues, a situation that has often caused tension between academic staff, management and support staff. A memorandum from the administrative and support staff union captures this situation thus:

The Universities and Tertiary institutions Act 2001 spells out three categories of staff in a Public University to be Academic, Administrative and Support staff. In light of this, MUASA needs to clearly interpret the University and Tertiary Institutions Act 2001. Top Officers of the University are not part of Administrative Staff by categorization. MUASA knows that the University Top Executive (Vice Chancellor and the Deputy Vice Chancellors) is the Top Executive of the University Senate and above all elected by the academic body (Senate) not administrative staff nor Support staff. Therefore,

referring to them as Administrative staff by MUASA is unfair to us, avoiding seeing the truth (Memorandum from Makerere University administrative staff association to University council regarding staff remuneration, 10th April 2008).

The other point of contention has to do with how far government has withdrawn from the day to day running of the institutions. Academic staff unions feel that there is still too much government patronage in the manner the governance institutions are constituted, and that even within the institutions, university councils and vice-chancellors are building their networks of patronage in a way that is an abuse to university autonomy and the execution of a socially responsive academic work. For example, while all public universities in East Africa do not have heads of state as chancellor, appointment of university chancellors, and to some extent vice-chancellors, is still a presidential responsibility. Tying the chancellorship to the president directly or indirectly through nomination generates bureaucratic processes. In terms of the composition of the university council, it would seem that ultimately a high number are political appointments or have some affiliation to the political system, thus deepening political patronage in the manner university affairs are transacted. For example in Dar es Salaam, the revised Act specifies that constitution of university council should be composed of members both from outside (not more than 80%) and from within the university (not more than 20%). In total, at least one third of the members must be female. The Council thus incorporates greater participation from within the university in decision-making and greater female participation than used to be the case (University of Dar es Salaam Act 2005). In the case of Makerere, the amended 2006 Universities and Other Tertiary Institutions Act gives more powers to the National Council for Higher Education (NCHE), to regulate institutions, though NCHE is under-funded and its capacity to initiate an alternative governance structure for public universities, including Makerere, is limited. The Act still places the Higher Education Department within the Ministry of Education and Sports, thereby still giving the Minister of Higher Education enormous powers in directing governance issues at the university (Liang 2004). And university management seem to be rushing back to politics to influence settlement of disputes, like in the case of Makerere University and Makerere Business School, presidential intervention had to be sought to settle the dispute between the two with regard to the autonomous existence of Makerere University Business School (Mamdani 2007:209-210). Since the early 1990s, Makerere University, like other public universities in East Africa, has been admitting fee-paying students to study alongside state-

sponsored students. The result for Makerere has been a public university mostly funded by private money but controlled by the state, which still has the last word on such issues as staff pay and tuition fees (<http://www.guardian.co.uk/global>). In other words, the government vigorously defends its statutory right to shape public universities but frets about responsibility to fund the institutions. For years the university, starved of public funds, tried to increase revenue by raising fees to reflect the actual cost of education, only to be blocked by the government.

Consequently, what institutions have as councils are fairly bloated bureaucracies, representing different interests: universities, government, new university financiers that even control the academic direction of universities, thus eroding the very essence of university autonomy. The university ACTS specify government representation from certain ministries. In a sense therefore, the government never left the institutions, but acts through proxies. The presence of the government is too heavy on the Council and its committees. Much value however is not added in this, as in the case of ministerial representation, it is not the Permanent Secretary who attends but representatives who will need to consult before taking a position. This weighty presence of the government erodes the statutory autonomy of the university and tends to make the university appear as if it is still an appendage of the government. Besides, since the identification of prospective members to the various governing bodies of public universities is currently done through ministries of education, such a process encourages political patronage, favouritism, lobbying and thus compromise their transparency and accountability.

Another area of concern has been in the constitution of university senates. Institutions operate different systems that try to strike a balance between representatives of the university administration (management), representatives of academic staff and of student councils. Privatization of public universities all over the continent and commercialization of their activities has resulted in a situation where university senates have become fairly large, negating the principle of corporate governance that advocates a lean management team, and dominance by appointees of the vice-chancellors. Three developments have contributed to this trend. First has been the imperative to create so many academic programmes focused on generating money, some of which overlap. Money has therefore come to define the character of disciplines in the institutions, where they are housed and who has to teach which course. It is commonplace to find a lecturer employed to teach, for example, Sociology at university A, teaching a bachelor of commerce course at university B. In

Table 1: Composition of University Governing Councils in Four Universities

Represented Group	Nairobi	Kenyatta	Dar es Salaam	Makerere
Chancellor/Presidential Appointments	3	3	13	1
University Administration	9	4	1	6
Government Representatives	10	10	3	10
Senate	5	4	3	6
Academic Staff Union	1	1	1	1
Non-Academic Staff [i.e. Administrative/Technical staff]		1	2	1
Students Union	2	2	5	1
Alumni/Convocation	2	2	1	1
Co-opted Members	2	2	1	2
Total	35	29	30	29

Source: Oanda, Ishumi and Kaahwa (on-going).

the final analysis, the process of creating new academic disciplines and courses based on their capacity to generate money for individual academics and institutions has created disciplinary anarchy and limited the engagement of academics and students in developing sound theoretical bases for the study of the new disciplines being created.

University autonomy was fought for in the past as a prerequisite to improving governance and the quality of academic programmes. Institutions that have a higher degree of autonomy are free to determine their goals and programmes and decide how best to achieve the academic objectives of the institutions. This autonomy is however not absolute and institutions are supposed to account to the public so that the manner in which they operate fosters greater public good. Despite the various interpretations of what may constitute the public good within neo-liberal thinking, there seem to be some general convergence, and as Samuelson (1954) argued, public goods are those that are non-rivalrous and/or non-excludable. Implied here is that university autonomy should be directed to the production of such goods. According to Samuelson, goods are non-rivalrous when they can be consumed by any number of people without being depleted, for example knowledge of a mathematical theorem. They are non-excludable when the benefits cannot be confined to individual buyers, such as research findings distributed in the public domain. The fact that scholarship and research are themselves largely public goods does not prevent them from being appropriated by private economic interests. The problem with the institutions now is that

they are using the 'new autonomy' and the 'market' without defining how good to the public their operations are. For example, universities have justified their expansion as a response to public pressure to increase access to higher education. But it is clear that the basic motivation of the universities is to generate money, and the increasing number of students let in are those that are able to pay. This of course creates a public higher education system that is only open to a few, and that eventually creates social inequalities, and lowers the quality of graduates from the institutions, given the imbalance between the number of students being admitted based on efficiency considerations and the effectiveness of available teaching staff.

University expansion has also taken place in a context where the quality of academic processes or research undertaken is increasingly under question. Within the public universities of East Africa, only the University of Dar es Salaam has made itself open to external scrutiny by carrying out periodic academic audits, labour market surveys and internal self-assessments (Oanda, Ishumi and Kaahwa, forthcoming). Makerere University utilizes government visitation committees that are limited in the degree they can ask the university to account for the quality of its academic processes. In Kenya, the universities operate under old Acts, and a new legal framework to reflect current trends is not in place yet. Any amendments to the Acts in order to provide for new provisions in delivery systems and developments in higher education require parliamentary approvals which are time consuming. Because of their self-accreditation status, public universities usually respond to market demands, leading to the establishment of new academic programmes without appropriate quality assurance provisions such as qualified staff and equipment.

In their work on 'Liberalization and Oppression; the Politics of Structural Adjustment', Mkandawire and Olukoshi (1995) aver that contrary to the assertion that neo-liberal adjustment policies in Africa would encourage democratization, the experience of most countries in Africa was that more authoritarian rule, not democracy, flourished. This is because some of the adjustment reforms entailed socially disruptive outcomes that, for their enforcement, governments needed to be more authoritarian. This fact may have been lost on university academics who from the 1990s celebrated the receding of the state and the registration of staff unions as the end of non-participatory and authoritarian governance structures in the institutions. True, the embracement of neo-liberal market reforms required a re-organization of university management where governments would not directly participate in the governance of the institutions, and where university management can generate and spend money without total government oversight. The legislation

of staff unions would be a token gesture, limiting their activities to negotiating remuneration packages for their members, but not going far enough to ensure conditions for academics to engage organically in research and community service. In all the public universities of East Africa, staff unions have been engaged in negotiating staff allowances for their members and extra payments from 'privately sponsored students' (Oanda, Ishumi and Kaahwa, forthcoming). But at the same time, university management has changed academics' terms of service, increased workload with a singular focus on teaching, not research, redefined academic research undertaking to mean research that brings money to the institutions not knowledge, and reduced budgets meant to improve academic working conditions. Increasingly, and to paraphrase Giroux, the academic staff unions once legalized have been accomplices in the liberal takeover of public higher education in the interest of the market (Apple 1993).

Perverted Notion of Academic Freedom and the Nature of Intellectual Engagements

Are the public universities and academics in public universities in Africa using the increased autonomy and academic freedom to benefit the intellectual project of the institutions? Academic freedom benefits society in two fundamental ways: directly, through the impacts and benefits of applied knowledge and the training of skilled professionals, which also transmits university values onto society; and, indirectly, over long periods of time, through the creation, preservation and transmission of knowledge and understanding for its own intrinsic value (Akker 2009:2). These goals can only be met depending on how academics interpret and use academic freedom and institutional autonomy in a socially responsible manner, persuaded by the idea that academic work has to promote the intellectual vision of the institutions, especially in relation to the quality of education, which in turn reinforces the sector's claim to being agents of positive development in the society.

As has been indicated, in most of Africa, the withdrawal of the state from financing universities gave leeway for the management of the institutions to generate their own income by engaging in business-like endeavours. The singular source of this income has however been increase in enrolments in a manner that has compromised the quality of the academic processes. Hence, unsustainable expansion with the sole purpose of generating profits from paying students has compromised the credibility of university education in most parts of Africa. Commercial practices have led to an increase in

student numbers with minimal teaching staff, as university management have discontinued any investment in staff development.

However, it is not only university management that has been complaisant in contributing to the crisis of quality. Academic members of staff have used the new staff unions to engage with management in protracted wars over the sharing of revenues from student tuition. The unsustainable enrolments are in most cases encouraged by the lecturers through their unions, since the increasing numbers provides them with extra earnings to complement their salaries. Faculty members teach ridiculously high loads, upwards to 800 undergraduate students in a single class (to cite the situation in Kenyan public universities). This leaves them with little time or resources to conduct research and produce new knowledge. Instead, universities are increasingly measuring their success not by the amount of new knowledge produced but by recruitment and graduation rates.

How ready are the academics available to engage and contribute to the governance of the institutions? How have academics defined their autonomy with regard to their roles as intellectuals and researchers in the institutions? One way of examining this is in the manner academics have taken up their roles in governance structures, their academic engagements, and how responsive they are to the needs of their students. In Kenya, after decades of struggling for the right to form and belong to an academic union, only 65 per cent of the academics nationally have signed up as members (personal communication with UASU, Deputy Secretary General). Full membership has grudgingly been attained through new labour regulations that tie union membership to the enjoyment of salary increments negotiated by the union. In some union chapters, academics refuse to identify with the activities of the staff union when this seem to conflict with their allegiance to university management.

Importantly, the manner and quality of participation by academics in electoral processes in the institutions where procedures require representation through elections remain wanting. At Dar es Salaam and Makerere Universities, studies have shown that academic members of staff tend to group around partisan interests and vote in candidates who are least qualified academically for these positions, and increasingly made choices based on ethnic and monetary considerations (Kiganda 2009). Hence, the feelings at universities are that such governance autonomy has been abused, and the academic community has once more lost an opportunity to demonstrate their commitment to the tenets of academic freedom and social responsibility. To correct this, there are demands from the academic community for a return

to the system of appointing various levels of university administrators as opposed to democratic elections (Makerere University, report by the government Visitation Committee to the University; Government White Paper on the Visitation Committee Report 2008). Complaints about ethnicity in public universities in Kenya are commonplace, with the academics accused of promoting tribal interests in public universities (Ogot: *Daily Nation*, 20 December 2008). There is testimony that increased autonomy in the governance of the university is sometimes subverted by the very intellectual community that is supposed to safeguard it. The challenge here is the mixing of the autonomy of the institution to generate money with the traditional autonomy of the academic community to engage in teaching and research, while funding is generated elsewhere.

How are the academics utilizing the new spaces to promote the intellectual mission of the institutions and the academic development of their students? Studies have documented the emergence of various dichotomies of academics in the corporatizing universities (Oanda, Fatuma and Wesonga 2008). There are those who have specialized in teaching and more teaching as a strategy of making money from the private and part-time students, to the exclusion of other core mandates like research and community service. Others have built strong ties with university administrators and are constantly engaged in administrative work, in total exclusion of teaching and research. A few engage in some teaching, research and consultancy, while others moved out of the institutions for full time consultancy, and their work is not organically linked in any way with academic responsibility. Within these dichotomies is emerging evidence of unprofessional conduct by the academics. At Makerere, the 2008 government visitation committee raised issues regarding the quality of teaching and the conduct of examinations. The committee noted with concern the delays in processing academic transcripts and certificates and the low completion rates at postgraduate level in some faculties. Similar accusations have been made against academics in Kenyan public universities (Kenya, 'Report of the Public Universities Inspection Board', 2006). The Report also documents cases of unprofessional behaviour and work patterns among lecturers. These include the rising incidence of cheating in university examinations by students in collusion with lecturers, and uncontrolled expansion in Uganda, Kenya, Tanzania, Rwanda and Burundi, which is diluting content (Kimani, <http://www.theeastafrican.co.ke/news/East+Africa+varsities+battling+a+crisis/>.) Cases of lost and unmarked examination scripts are on the increase, thereby compromising examination credibility, sexual harassment of students, lateness and absence from duty.

In other instances, academics have contributed to the proliferation of vocational and duplicated academic programmes in the institutions either to increase their earnings or justify being a director of a programme, a development that has academics engaged more in building academic kingdoms as opposed to academic disciplines.

These trends are worrisome, and can be attributed to the proliferation of neo-liberal practices in the institutions, and force academics to pursue short-term goals without any connection to the public interest in their teaching. In the realm of public choice theorizing, 'capture' or 'regulatory capture', refers to a situation when a state agency created to act in the public interest acts in favour of the commercial or special interests that dominate in the industry or sector it is charged with regulating. Regulatory capture is a form of government failure, as it can act as an encouragement for large firms to produce negative externalities. The agencies are thus referred to as 'Captured Agencies'. In the case of public universities and academics, they have been captured by the 'market' within the neo-liberal logic and neither is standing for the public good through which the existence of the institutions and academic freedom are justified. As public agents, they have been captured by the parochial interests to generate money in ways that compromise the quality of higher education processes.

Conclusion

The quest for academic freedom and the space for academics to exercise social responsibility may largely be stuck where it was in the 1990s. Both the new governance structures in the institutions and the academics themselves are engaged in practices that increase the amount of income they earn, thus contributing to the emergence of a new 'crisis of quality' engineered from within the institutions. From the perspective of university management, institutional autonomy has been redefined to mean space to generate money and operate the institutions like business corporations without social accountability. To the academics, the end – earning more money from teaching – justifies their existence in the institutions and the means that they use to get the money, even when such means negate the intellectual vision of the profession. In this scenario, neither university management nor the academics is socially accountable to the public good within the meaning of the '1990 Declaration of Academic Freedom and the Social Responsibility of the Intellectual' documents.

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Academic Freedom and the Constriction of Democratic Space in Botswana: Reflections from an Academic-cum-Politician

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Abstract

Academic freedom in Botswana is not institutionalized by law. It is only assumed in practice. In recent years however, the government of Botswana has shown a willingness and eagerness to use and exploit existing laws to stifle criticism and free speech. The enactment of such legislation as the Media Practitioners and the Intelligence and Security Act in their current form and the refusal to pass an open democracy law are clear indicators of a government that is hostile to a free flow of information. The timidity of both staff and students and their failure to engage both management and government over the erosion of their freedom serves as a fertile ground for more repression on students and staff in institutions of higher learning in the future. It is the argument of this article that as the legal environment, administrative processes, and attitudes of the rulers point to a constriction of the democratic space in Botswana, academic freedom will be curtailed. There is thus an urgent need for students and academics to advocate the institutionalization of academic freedom and the opening up of democratic space. It is only when accountable, transparent and responsive governance structures are in place that academic freedom can flourish.

Résumé

Au Botswana, la liberté académique n'est pas institutionnalisée par la loi ; elle est seulement supposée être pratiquée. Toutefois, ces dernières années, le gouvernement a manifesté sa volonté d'exploiter des lois existantes pour étouffer toute critique ou liberté d'expression. La promulgation de lois telles que Media Practitioners et Security and Intelligence act et le refus d'adopter une loi sur la démocratie sont des indicateurs clairs d'un gouvernement hostile à une libre circulation des informations. La timidité des professeurs et des étudiants et leur échec à s'engager contre l'érosion de leur liberté sert de terrain fertile fait accroître la répression. Cet article montre que tant que

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l'environnement juridique, la démarche administrative et les attitudes des gouvernants restreignent l'espace démocratique, la liberté académique en sera limitée. Il y a donc nécessité de plaider en faveur d'une institutionnalisation de la liberté académique et de l'ouverture de l'espace démocratique. Ce n'est que lorsque les structures de gouvernance seront responsables, transparentes et réactives que la liberté académique pourrait s'exercer.

Introduction

Throughout history, much progress has occurred through growth in understanding of ourselves, our institutions, and the environment in which we live. But experience teaches us that major discoveries and advances in knowledge are often highly unsettling and distasteful to the existing order. Only rarely do individuals have the intelligence and imagination to conceive such ideas and the courage to express them openly. If we wish to stimulate progress, we cannot afford to inhibit such persons by imposing orthodoxies, censorship, and other artificial barriers to creative thought (Derek Bok 1982).

Academic freedom, defined differently by various authors, is a contested terrain. While academic intellectuals give it a broader meaning to include human rights, in particular freedom of thought and expression, governments normally prefer a limited definition that encompasses the right to teach and research with minimal interference from both government and university administration. In Botswana, debate on academic freedom has been muted since independence. Intellectuals, academics and students at universities have generally charted some course that has had elements of academic freedom. The real debate on the concept gained some currency when the then President of Botswana declared a political science professor in the University of Botswana, Professor Kenneth Good, a prohibited immigrant. These developments caused some concern albeit only briefly in the university community. It emerged at a time that academics are very prone and vulnerable to persecution by the state. It also emerged, to many for the first time, that freedom of expression in Botswana is subject to conditions and formalities that are enshrined in the constitution.

A cursory assessment of the current legal and political climate with the introduction of such laws as the Media Practitioners Act of 2008, Intelligence and Security Services Act of 2008, the University of Botswana Act of 2008, reveals that all efforts are being marshalled by the state to limit basic freedoms, particularly freedom of expression. The Botswana government is willing to use both the new laws and the old ones to constrict democratic space and limit academic freedom. The appointments to university

structures, selection of leadership and policies introduced are those that are geared towards control and imposition of restrictions to the free flow of information. The inclination by both government and university administration is to create a climate where freedom of expression is restricted rather than expanded. This article attempts to show how academic freedom in Botswana is curtailed through legal and administrative processes. Self-censorship, subservience, submission, conformism and acquiescence are cultivated through a systematic process of intimidating surveillance, patronage inspired appointments and restrictive policies.

Academic Freedom, the Kampala Declaration and the Future

Mkandawire (2005) makes reference to the search for autonomous intellectual spaces by African intellectuals since independence. The repressive regimes that have been a part of Africa's political landscape made it difficult to locate such spaces. The quest by some African intellectuals to contribute to the development agenda of their fledgling nations caused them to uncritically adopt national development frameworks (Diouf and Mamdani 1994). The Kampala Declaration (1990) was a response by African intellectuals to break away from both the repressive regimes and the bondage of sentimental nationalistic politics that did not offer any respite to the suffering of the masses of the African peoples. It manifested a realization that academics and academic institutions in Africa have a special role to play, not only in terms of teaching, training and research but also in terms of social responsibilities to their communities. The autonomy of intellectuals, their institutions and students is also highlighted by the Declaration. The Declaration recognizes fully the imperative of academics for participation in the choice of their representatives. The Kampala Declaration also sets very clear obligations for the governments to respect the rights and freedoms of academics and to ensure that persecution and harassment are not meted out against academics, academic institutions and students.

The Declaration spells out clear social and political responsibilities for the intellectuals in Africa. They have a 'responsibility to struggle for and participate in the struggle of the popular forces for their rights and emancipation' (Article 22). The Declaration further states that the 'intellectual community is obliged to encourage and contribute to affirmative action to redress historical and contemporary inequalities based on gender, nationality or any other social disadvantage' (article 25). To achieve the milestones contained in the Declaration, African scholars and intellectuals need to change their mind-set and view academic freedom as a democratic right to be fought

for rather than a birthright bestowed by schooling. They should see academic freedom as what Daniel et al., (1993) call a human right anchored in both civil and political rights, and economic, social and cultural rights. Academics in Africa seem not to have internalized this reality.

Generalization regarding the situation of Africa and the role of intellectuals is difficult, as it may conceal the true picture in individual countries. However, certain conditions are common in most African countries. Conditions of social and economic deprivation, poverty, unemployment, inequities, corruption, diseases, violation of human rights, intolerance, conflicts and violence are common. Successive United Nations Human Development Reports which measure the performance of countries in the combined areas of educational attainment, life expectancy and GDP per capita reveal that most African countries fall in the low human development category (UNDP 2010). African intellectuals research and publish on the problems of the continent but it is not clear how such interventions influence policy and the development agenda. There is also very little evidence of African scholars and intellectuals aligning or acting in solidarity with victims of injustice, oppression and disadvantage. Most intellectuals seem to acquiesce in their own oppression and that of the downtrodden. With only a few exceptions, African academic fell to the lure of lucrative consultancy packages and co-opted into government and non-governmental structures. Others simply migrated to wealthier nations.

The future for academic freedom, and for academics, looks bleak. The global recession and the fight against terrorism have provided a convenient platform for the state to further corrode human rights and in particular academic freedom. The recession will be used to justify cutbacks in the education sector, resulting in dwindling admissions and the retrenchment of academic staff members. Research funds will also be cut. The fight against terrorism will be used to justify draconian pieces of legislation that will violate basic human rights. The academia should be ready to deal with these challenges.

Botswana: Exploring the Freedom of Expression Terrain

Botswana's coveted status as a model of democracy in Africa has been seriously exposed in recent times. The constitution of the country, in tone and content, is undemocratic. In addition to awarding the president excessive powers, it offers a rich and convenient repository for autocratic rule (Good 1996). The constitution can easily be exploited to advance totalitarian agendas. The President, for instance, is under no obligation to take advice

from anyone in the exercise of his power (section 47 (2)). He is also immune to prosecution while in office for any offence (section 41). Many of the sections of the constitution are couched in language that guarantees rights on the one hand and takes away the same rights on the other by providing a plethora of exceptions under which the same rights may not be enjoyed. Sections 12 and 13 of the constitution, for instance, guarantee the freedom of expression and association respectively but the exercise of these powers is subject to a litany of conditions and formalities. Section 12 (2) allows for the contravention of freedom of expression in the interest of defence, public safety, public order, public morality and public health. The section further allows interference with this freedom where it is necessary to protect the reputations, rights and freedoms of other persons, preventing the disclosure of confidential information, maintaining the authority and independence of the courts, regulating educational institutions and technical administration as well as for the purposes of imposing restrictions upon public officers, employees of local government bodies or teachers.

Freedom of expression is thus seriously watered down in the context of Botswana. The situation is further exacerbated by an absence of subordinate legislation to facilitate the exercise of rights and freedoms contained in the constitution. There is no Freedom of Information law to give practical expression to the freedom of expression. Legislation that exists is that restricts or severely limits the exercise of rights and freedom of expression contained in the constitution. Good (1996) and Dingake, K. (2000) identify laws such as the law of sedition, defamation and contempt as inimical to the free flow of information. The laws such as the National Security Act (1986), Printed Publications Act (1968) and Cinematograph Act (1971) have also been cited as inhibiting free flow of information.. In recent times, the Media Practitioners Act (2008) and the Intelligence and Security Service Act (2008) have been enacted. These two pieces of legislation further entrench secrecy and stifle free thought and expression. In particular, the extra-judicial killings and the police brutality that have been reported since the establishment of the Directorate of Intelligence and Security services made many people fearful of expressing their views. There are also growing fears that the Directorate of intelligence Services tracks people's telephone and other electronic communication. The recent requirement by the Botswana Telecommunications Authority to register all mobile phones has only served to heighten the fear.

Freedom of expression in Botswana is constrained and restricted. The impact of this is that self-censorship has become the norm rather than the

exception. There is general caution as to what people say or write lest they offend the many laws that restrict freedom of expression. Academics and intellectuals as a part of the socio-economic milieu are invariably constrained in discharging their mandate freely and openly, as they are aware that the general expectation of those who hold power is that of conformism as opposed to critical engagement.

Academic Freedom and the Deportation of Professor Good (and Others)

Section 7 of the old Immigration Act and Section 41(3) of the amended act confer on the President of Botswana the powers to declare any visitor or foreigner in Botswana a prohibited immigrant. This power has been invoked on numerous occasions by the four presidents that have ruled Botswana in the last 45 years. In 2005, President Mogae used the same clause to expel Kenneth Good, a political science professor in the University of Botswana. The professor mounted an unsuccessful bid to overturn the deportation order, but save for some brief reprieve delivered by Justice Moatlhodi Marumo, Good's stay in Botswana was terminated.

The President did not, and is not, required by law to tender an explanation for his actions in this regard. For all that is known, Professor Good was one of the sharpest critics of Botswana's democracy. Professor Good is critical and he accepts criticism. He is widely read and highly knowledgeable. Professor Good's lectures which I attended as a candidate for the Master of Public Administration programme were highly challenging and entertaining as well. His incisive appreciation of democratic and ethical governance is refreshing. He is uncompromising in his pursuit of the truth. His works on 'Authoritarian Liberalism: A Defining Feature of Botswana's Democracy', 'Autocratic Elites and Enfeebled Masses in Africa', and 'At the Ends of the Ladder: Radical Inequalities in Botswana', and others are seminal intellectual collections that shatter the 'shining example' mediocrity that hitherto adorned literature on Botswana. These articles and many others that showed the weaknesses of Botswana's democracy must have irked the authorities in Gaborone. They did not pronounce their irritation at what Good wrote, but instead, the authorities claimed that the 72-year old Good was a 'security threat to Botswana although the government never deigned to produce evidence to that effect' (Taylor 2005:106). There are other vague reference to Good working with Survival International, an NGO that waged a campaign against Botswana's diamond industry. All explanations rendered, whether implied or direct, clearly showed that Good's freedom of expres-

sion was being encroached upon. But Good lost his appeals because, according to Botswana law, the president's action cannot be questioned (Taylor 2005).

The law of deportation of foreign nationals still stands and it now rests on a powerful precedent as it won the day at the highest court of the land – the Court of Appeal. The powers enshrined in the piece of legislation are held in reserve to be enforced on any visitor or foreigner, who in the estimation, however flawed or arbitrary, of the President or his informers is a nuisance to Botswana. In actual fact, in recent times, President Ian Khama has deported a handful of people in his short period in office, including Caesar Zvayi, a Zimbabwe academic who was working for the University of Botswana Media Studies Department. Other victims of the deportation law under President Khama include pastors, crime suspects and at least three others who were accused of insulting the president (Keorapetse, *Botswana Gazette* 2009).

This law is a potent and effective weapon in deterring non-citizens critics from pronouncing their opinions openly and freely. Non-citizen academics and intellectuals are thus very vulnerable to expulsion from Botswana if they hold views that are critical, either to Botswana or the President himself. Under the circumstances, many academics will submit to the expectations of those in authority so that they can keep their employment. Academic freedom thus becomes a casualty. Those who seek to challenge the action of this state are often disarmed by the state reference to the emotive and sensitive issue of national security, as happened with Professor Good. The stringent immigration and work permit protocols for expatriate lecturers in the University of Botswana further curtail their freedom of expression, as many such lecturers fear suffering the fate of the likes of Professor Good.

Functions of the University and Academic Freedom

The system and structure of University of Botswana governance is established under the University Act of 2008. In addition to customary functions of providing higher education and training, teaching and doing research, the University Act prescribes the function of the University of Botswana as 'supporting and contributing to the realization of the economic and social development of the nation'. The Act does not specify how such contribution should be made and this gives ample space for academics to venture into various activities that concern socio-economic development. Politics of a partisan nature is not explicitly mentioned as a possible dimension through

which academics can contribute to social development. Through the years however, the University of Botswana has allowed its employees to participate in electoral politics not only through professional engagement in the election management and administration but also as candidates and activists of political parties. As this author has witnessed, the process of granting such permission has always been characterised by relative unease on the side of the university administration. The cause of such cannot be immediately determined but it would be reasonable to conclude that it arises mainly due to the fact that a majority of those who have been applying for such permission are from the opposition ranks. It could also be that the negative commentary by ruling party officials on political activities is unsettling to the university administration. The absence of a clear reference to political participation and democratic development in the functions of the university as laid out in the University of Botswana Act creates a level of ambiguity that could be exploited by those who are keen on limiting academic freedom and expression.

University Governance and the Potential Threat to Academic Freedom

The University Act section (6) through to section 26 defines the university governance structures. It spells out their manner of appointment and the power they hold. The manner of appointment of the structures and principal officers of the university, one must point out, is phrased more in favour of the state and it is designed to give the government leverage to have greater influence in the management and administration of the university. The Chancellor whose functions are mainly ceremonial is appointed by the President of the Republic of Botswana (sec 7.1). The Vice Chancellor is appointed by the Minister in consultation with the University Council and Senate (section 8.1) The Minister who appoints the Vice Chancellor is the appointee of the President. The Chairman of the ultimate governing body of the university which is the University Council is appointed by the Minister (section 10.1). During the parliamentary debate on the Act, members of the opposition, namely Hon Akanyang Magama and Hon Dumelang Saleshando, argued painstakingly against the appointments emphasizing instead the need for consultation with relevant bodies. Witness what Hon. Magama said:

Now, with respect to the appointment of the Chancellor of the University by the President my concern is that there is no clearly defined procedure and process for making such an appointment and this may lead to conflict in the event that the President appoints someone who is not acceptable to the University community. I think it is has to be a consultative process. There-

fore, I have suggested an amendment to that statute which I circulated and I will motivate at the Committee stage.

Hon Saleshando had this to say too in relation to the appointments:

The appointment of the Chancellors as stated by the Bill, I have a difficulty with a Chancellor who is appointed without necessarily consulting any person or even coming up with the basic standards that the person should meet besides saying that they must be an eminent person.

He further observed somewhat rhetorically that:

Mr Speaker, let me conclude by stating that I am totally opposed to those amendments that seek to do away with consultative processes that informed the appointment of the University officers and allow instead for unilateral decision making. I want to plead with Members of Parliament that we should allow for some compromise that will compel for consultation. It does not matter how good willed the person holding office at that particular time may be, it is very important that critical decision making must always be informed by consultation, otherwise you will have people being appointed unilaterally by Minister to hold positions and the following day they are busy making donations for primary elections for that Minister who appointed them.

The general thrust of opposition Members of Parliament was for consultation and lesser powers for the Minister in university affairs. The ruling party MPs were however adamant that the president should act alone in the appointment of the chancellor and the minister should have greater powers in appointments of both the Vice Chancellor and Chairman of Council.

The composition of the University Council is one contentious issue. The University Council has 32 members, 12 of whom are appointed by the Minister, five directly and seven on the recommendation of Council (section 9.1a). Seven more people are civil society members appointed by the Chancellor on the recommendation of Council. Academic staff is entitled to one position and students another position out of the 32-strong member Council.

The over-representation of government appointees in the university governance structure and the under-representation of academics and students is the first line of threat against academic freedom. Government appointees will mainly represent the interest of those who appointed them. Even if they wish to be independent, the limitation is that they may not fully appreciate the full dimensions of the concept of academic freedom as it relates to the institution, academic staff and students.

Composition of Senate and Selection of Deans and Heads of Departments

The Senate of the University of Botswana has overall responsibility over academic policies and plans, academic development strategy, and research and community service functions of the university. Its members include the Vice Chancellor, Deputy Vice Chancellors, representatives from faculties, Dean of Faculties, students, Director of library Services, Director of Research and Development, Deputy Director of Affiliated Institutions, Director of Academic Services and Director of Continuing Education. The composition of Senate becomes particularly important as it is the body that determines the quality and content of programmes. To the extent that it has representatives of both staff and students, the University of Botswana caters for a critical segment of the university population. It is however worrying that the representation of staff unions is limited. The Heads of Department absence in Senate may also compromise the quality of programmes, as it is the heads who have better insight into academic needs of their respective departments.

An equally important issue is that which concerns the selection of Deans and Heads of Departments. Whilst in the past, Heads of Departments and Deans were selected through popular support of members of both the departments and faculties; under the current system, Deans are appointed by application, nomination or invitation, and Heads of Departments are appointed by the Vice Chancellor after receiving a non-binding recommendation from the Dean and members of the particular department. The selection of Deans and Heads of Departments through popular vote was appropriate in that it ensured that those who were selected served the best interest of the constituency that elected them. Under the current system, Deans and Heads of Department pay no allegiance to the constituencies they lead and it is highly possible that they can serve only the interest of senior management. In this case, the basic freedoms of academics can be curtailed.

Policy on Partisan Political Activities on the University Campus

For many years since its inception, the University of Botswana has allowed partisan political activity on its campuses. However in 2007, the university initiated a discussion on the need to regulate political activity. The policy was ultimately approved by the University Council in March 2009. The preamble to the policy makes the most clear and explicit commitment ever by the University regarding freedom of expression. It states that 'as an institution of higher education, the University of Botswana (herein called "the

University”) is committed to free and open discussion and the exchange of ideas and opinions on topical issues that affect the wider community, including the expression of political views within its campuses’. The preamble further emphasized the healthiness of political debate. In so far as the policy acknowledges and endorses the freedom of staff and students to engage in partisan political activity, it is welcomed and appreciated.

The policy however has a restrictive tone around it, particularly in respect to students. Section 2.3 states that students shall not be entitled to invite or allow representatives of political parties to become involved in student politics. Specifically, ‘political party representatives shall not be allowed to interfere with or become involved in student politics’. Section 2.5 further directs that ‘members of political parties shall not participate in student political activities in any manner whatsoever’. The policy does not allow the use of political party property on campus.

Without any shadow of doubt, the policy imposes a limitation on students’ freedom of association. It curtails students’ interaction with their political parties on campus which renders sterile the claim that the university is committed to open and free discussion. It is also not clear how the interaction of students and the political parties on campus can compromise the non-partisan nature of the university, which is the major motivation for coming up with this policy. Studying the document closely, one sees a university that is extremely suspicious of political parties. The university would seem to believe that student activism is a product of political party involvement and if such relationship is severed, students would ‘behave properly’.

A noteworthy issue is that whilst there is a policy to regulate political activities on campuses of the university, there is no policy on academic freedom. In the case of the University of Botswana, the issue of academic freedom is hardly ever on the agenda. A plethora of policies have been formulated on a variety of issues but none has been targeted at advancing the academic freedom of both the institution and individuals working for the university. In actual fact, the mission, vision and value statement of the University of Botswana does not explicitly mention academic freedom. It is only implied.

Conclusion

Academic Freedom in Botswana has never been a subject of active debate and engagement. Its existence is thus at the behest and benevolence of the state and its appointees at the university campus. The boundaries and parameters of the concept and the freedom continue to shift in favour of the

state. The state has tightened the national legal framework to curtail the free flow of information and that will make the curtailment of academic freedom easier and swifter. As decision making powers firmly resides in the appointees of the state, very soon the university will bear a huge resemblance to the civil service, both in its operations and expected code of conduct. The reversal of this trend will be difficult. It will require students and intellectuals to collectively engage the state and the university administration on the issue of academic freedom. They must impose it on the national and campus agenda. Academics and students should also be at the front of expanding democratic space and democratizing institutions of higher learning.

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Regulatory Bodies, Academic Freedom and Institutional Autonomy in Africa: Issues and Challenges – The Nigerian Example

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Abstract

Academic freedom is often described as a four-fold right of a university to determine for itself on academic grounds, who may teach, what may be taught, how it shall be taught, and who may be admitted to study. It also entails the freedom of a university to select its own staff and to determine its own standards, as well as the freedom of both staff and students to free expression in their teaching, studying, publishing and research. Institutional autonomy, on the other hand, is the freedom an educational institution enjoys in managing its internal affairs without undue interference from outside bodies or persons, especially from the government or its agencies. An effective enjoyment of academic freedom, however, requires institutional autonomy. In recent times, Nigerian universities have witnessed many issues challenging their academic freedom and institutional autonomy such as summary dismissal of university teachers for being critical of government educational policies and other related issues. Against this background, this article argues that the establishment of regulatory bodies such as the Nigerian Universities Commission, the Joint Admission and Matriculation Board and the like has eroded the previous autonomy and freedom enjoyed by the universities in the four cardinal ways mentioned above. The article advocates a system which adequately guarantees academic freedom. It also commends to Nigeria and other African countries the South African position which guarantees the right to academic freedom and scientific research in its Constitution.

Résumé

La liberté académique est souvent présentée comme le droit d'une université à déterminer pour elle-même, *qui* peut enseigner, *comment* enseigner, *quoi* enseigner, *qui* est admis dans l'enseignement. Elle implique aussi la liberté d'une université de sélectionner son propre personnel enseignant et de

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déterminer ses propres normes, ainsi que la liberté d'expression des uns et des autres dans l'enseignement, la publication et la recherche. D'un autre côté, l'autonomie institutionnelle signifie la liberté d'une université de gérer ses affaires internes sans ingérence extérieure, en particulier du gouvernement et de ses agents. Or, les universités nigérianes subissent ces dernières années de nombreuses contraintes affectant liberté académique et autonomie institutionnelle. Dans ce contexte, cet article soutient que la création de certains organismes réglementaires, telles que la Commission des Universités nigérianes et la Commission Conjointe d'Immatriculation, a érodé l'autonomie et la liberté existant jusque-là dans les universités. Il plaide pour un système qui garantit la liberté académique, prenant en exemple la situation sud-africaine qui garantit le droit à la liberté académique et la recherche scientifique.

Introduction

Since the Second World War, there has been a global emphasis on human rights, which led to the passing of the Universal Declaration of Human Rights and the signing of the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. These have been reflected in regional human rights treaties and human rights guarantees contained in national constitutions.¹ The Universal Declaration of Human Rights (UDHR) 1948, the International Covenant on Civil and Political Rights (ICCPR) 1966 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, constitute the International Bill of Rights, and collectively, they provide for the right to education at global level.²

The right to education is given wide recognition in a number of important international and regional human rights instruments.³ The UDHR, for instance, states that the right to education is for all people and states further that elementary education shall be free and compulsory while higher education shall be accessible to all on the basis of merit.⁴ In the same vein, in its articles 13 and 14, the ICESCR also guarantees the right of everyone to education. Although the issue of academic freedom is not explicitly mentioned in article 13 of the ICESCR, the Committee on Economic, Social and Cultural Rights (CESCR) deems it appropriate and necessary to make some observations about the issue because in its experience, staff and students in higher education are especially vulnerable to political and other pressures which undermine academic freedom.⁵

According to the Committee, the right to education can only be enjoyed if accompanied by the academic freedom of staff and students.⁶ The enjoyment of academic freedom requires the autonomy of institutions of higher

education.⁷ The twin concepts of ‘academic freedom’ and ‘institutional autonomy’ are among the most important issues concerning the existence, mission and role of the university throughout the world.⁸ Thus, universities have always considered the two concepts to be indispensable values and have, therefore, defended them as such.⁹ Ajayi, Goma and Johnson posit that the two concepts relate to the protection of the university from day to day direction by government officials, specifically on the selection of students; the appointment and removal of academic staff; the determination of the content of university education and the control of degree standards; the determination of size and rate of the growth; the establishment of the balance between teaching, research and advanced study, the selection of research projects, and freedom of publication; and the allocation of recurrent income among the various categories of expenditure.¹⁰ No one familiar with the operations of the university in the discharge of its mission and role in society can doubt the value of academic freedom and institutional autonomy.¹¹

In this article, an attempt is made to examine the meanings, content and challenges of academic freedom and institutional autonomy in Africa, using Nigeria as an example. The article contends that academic freedom and institutional autonomy, if properly practised, can better guarantee or strengthen the right to education. The article is divided into five parts. Following this introduction is the second part which examines the meanings of the terms, ‘academic freedom’ and ‘university autonomy’. The part also discusses institutional accountability. In part three, the article examines academic freedom, institutional autonomy as well as the issues challenging academic freedom in Nigerian universities. Academic freedom and its interdependency with other human rights are discussed in part four while the conclusion forms the last part.

Meanings of Academic Freedom and Institutional Autonomy

Academic Freedom

‘Academic freedom’ as a concept defies absolute definition.¹² It is observed that the word ‘academic freedom’ has often caused confusion because it comes from a medieval intellectual tradition which pre-dates most of the current meanings of the word ‘freedom’.¹³ In this regard, Kaplan and Schrecker note as follows: ‘there is little consensus regarding the meaning of academic freedom although there is agreement that it is something worth protecting. The concept has been invoked in support of many contrary cause

and positions. It, for example, was used to justify student activism and to repress it, to defend radical faculty and to defend their suppression, to support inquiry into admissions or promotion or tenure decisions and to deny such inquiry. It is, at best, a slippery notion, but clearly a notion worth analysis'.¹⁴ Notwithstanding the lack of consensus on what it means, various writers and scholars have, however, attempted given working definitions of academic freedom.

According to Smith, academic freedom has been described as a fourfold right of a university: 'to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study'.¹⁵ It also entails the freedom of a university to select its own staff and to determine its own standards, and the freedom of both staff and students to free expression in their teaching, studying, publishing and research.¹⁶ Nicol submits that academic freedom means the freedom of the university to select its teachers and students, to set the contents and standards of its curriculum and research and to provide a favourable atmosphere where professors and students are free to be involved in creative processes leading to discovery of new truths and the confirmation of old ones.¹⁷ In the same vein, Tight posits that 'academic freedom refers to the freedom of individual academics to study, teach, research and publish without being subject to or causing undue interference...'.¹⁸

Ajayi et al., also define academic freedom as 'the freedom of members of the academic community, individually and/or collectively, in the pursuit, development, and transmission of knowledge'.¹⁹ It is opined that in the pursuit of knowledge, academics may not be hindered from following the approach which they think is most fruitful with regard to scientific or scholarly discovery. It guarantees the right of academics to freely teach according to their conscience and convictions.²⁰ In this regard, Russell states that academic freedom is 'the freedom for academics within the law, to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy...'.²¹ Academics have to teach and do research, in the course of this, they have to express certain views which may not be popular but which may nevertheless be valid. This freedom requires that they should pursue the truth without any fear of reprisals.²² It is a freedom to follow a line of research where it leads, regardless of the consequences.²³ On this point, O'Hear submits that 'academic freedom amounts to no more than a right supposedly given to academics to say and teach what they believe to be true'.²⁴

Similarly, students have to learn and in the process they may ask questions or express certain views. Academic freedom, therefore, entails that they should not be punished for asking those questions or expressing those views.²⁵ The purpose of academic freedom is to enable both academics and students to do their job effectively.²⁶ Goodlad postulates four aspects of academic freedom namely: (i) the freedom of students to study: an issue concerning access; (ii) the freedom of students in what they learn and how they learn it: an issue concerning curriculum and pedagogy; (iii) the freedom of faculty (members of the lecturing staff) to decide what to teach and how: issues concerning course approval, validation, and accreditation; and (iv) the freedom of faculty to carry out research: an issue concerning choices to be made both by faculty themselves and by those who fund their researches on the relative intellectual, practical, financial and other merits of the claims of different programmes and projects for time and attention.²⁷

Institutional Autonomy

Like the term ‘academic freedom’, ‘institutional autonomy’ is also susceptible to the problem of precise definition. According to Ojo, ‘university autonomy may be defined as that freedom granted each university to manage its internal affairs without undue interference from outside bodies, persons, or, most especially, from the government that in most parts of Africa, sustains it financially’.²⁸ Institutional autonomy implies: (a) the freedom of universities to select their students and staff by criteria chosen by the universities themselves; (b) autonomy to shape their curriculum and syllabus, and (c) the freedom to decide how to allocate, among their various activities, such funds as are made available to them.²⁹

The CESCR states that ‘[a]utonomy is that degree of self-governance necessary for effective decision-making by institution of higher education in relation to their academic work, standards, management and related activities’.³⁰ University autonomy relates to the corporate freedom of an institution while academic freedom is concerned with both the autonomy of the university and the freedom of teacher and student in learning and in research.³¹ In this context, Ajayi submits that university autonomy does not mean the right of the individual professional but the rights of the institution to govern itself.³² University autonomy is further defined ‘as the freedom and independence of a university, as an institution, to make its own internal decisions, whatever its decision-making processes are, with regard to academic affairs, faculty and student affairs, business affairs, and external relations’.³³ It means self-government by a university.³⁴ For a university to play a mean-

ingful role and discharge its responsibilities effectively, it must enjoy a high degree of institutional autonomy, in addition to academic freedom of its academic staff.³⁵ As part of its autonomy, it must have the freedom to run its own affairs, without external interference; it must have the right to organize its internal affairs, to make decisions, and to establish its own academic programmes.³⁶

The content of institutional autonomy may be summed up thus: 'the principle of institutional autonomy refers to a high degree of self-regulation and administrative independence with respect to student admissions, curriculum, methods of teaching and assessment, research, establishment of academic regulations and the internal management of resources generated from private and public sources. Such autonomy is a condition of effective self-government'.³⁷ In this respect, Rendel submits:

Academic freedom for an institution usually includes autonomy or self-government according to the terms of its constitution, with power to determine academic policies, the balance between teaching and research, staffing ratios, the appointment, promotion and discipline of staff at all levels, the admission and discipline of students, curricula, standards, examinations and the conferring of degrees and diplomas; and with control over the material resources needed to undertake these activities.³⁸

It should be noted, however, that academic freedom in its broadest sense includes university autonomy, but the two terms are not necessarily synonymous.³⁹ While university autonomy relates to the corporate freedom of an institution in society, academic freedom on the other hand is concerned with both the autonomy of the university and the freedom of teacher and student in learning and in research.⁴⁰ In principle, it can be argued that academic freedom and university autonomy cannot be separated. The close relationship between the two concepts cannot be denied since the two go hand in hand.⁴¹ Tight explains that the view that the two concepts are mutually supporting and that it is desirable to encourage both if each is to flourish, remains the best summary of the symbiotic relationship between the two.⁴²

It is submitted that the two concepts, though closely related are, however, not the same for the following reasons: first, the actual content of academic freedom and university autonomy differ in the sense that the former refers to the rights of the individual academic, whereas the latter refers to those aspects of the right to be pursued by the institution. Secondly, although autonomy over academic-related matters includes matters of primary importance to the individual lecturer, academic freedom applies to everybody involved in the practice of science and not only to lecturers. Thirdly, for the

fact that an autonomous university may restrict the academic freedom of its lecturers, autonomy, therefore, is no guarantee of academic freedom; it is, however, a question whether academic freedom can flourish in the absence of autonomy.⁴³

Institutional and individual academic freedoms are both essential for a conception of academic freedom which implies that all decisions concerning the production of knowledge within institutions of learning must, ultimately, be taken by academics. Smith declares that decisions about the hiring of academic staff and the admission of students are as integral to this process as the decisions that individual lecturers take about the truth of various theories they wish to propound.⁴⁴ Therefore, the university's right to decide who will teach involves not only the hiring and firing of lecturers but also the right to make decisions about their conditions of service, their status in the institution and their access to its resources.⁴⁵ Russell points out that interference with the university's right to determine its own academic standards by, for example, choosing how many students to accept and deciding the standard of its degree leaves it without real academic freedom.⁴⁶ Corroborating this position, Smith asserts that without the institutional right to decide who may be admitted to study and who may teach, the research priorities and capacities of individual academics will inevitably be significantly restricted.⁴⁷

Working from the various definitions propounded by scholars as stated above, one can, therefore, conveniently conclude that academic freedom in its broadest sense encompasses university autonomy. The two concepts go hand in hand and each is essential for the effective enjoyment of the other.

Institutional Accountability

An important component of institutional autonomy is institutional accountability. The CESCRR states that issue of institutional autonomy must be consistent with systems of public accountability. According to the committee, '[s]elf-governance or institutional autonomy must be consistent with systems of public accountability, especially in respect of funding provided by the state. Given the substantial public investments made in higher education, an appropriate balance has to be struck between institutional autonomy and accountability. Where there is no single model, institutional arrangements should be fair, just and equitable, and as transparent and participatory as possible'.⁴⁸ It is submitted that the proportion of public income that goes into university budgets requires universities to be accountable. It is essential for governments to know how the money is spent, what the results of teaching are, whether or not the students are really well-educated when they gradu-

ate, and the result of research, whether or not they can be put to good use by society and whether or not their quality stands up to international comparison and standard.⁴⁹

However, the major problem is how to reconcile the autonomy of the university with government control of finance. The state is answerable for public funds and, therefore, has a specific duty and responsibility to allot public funds in a manner which assures the efficiency of the educational system and an economical use of available resources.⁵⁰ Since government provides funds to universities, it is logical that it should know how the money is spent.⁵¹ Ajayi et al., submit, paradoxically, that teaching and research seem to suffer both when universities are entirely autonomous and when they are rigidly supervised.⁵² It is admitted that academics as decision-makers need a partner to whom they should be accountable. This partner may be a state bureaucracy, or their own university administration, or a foundation or any authority to which they must periodically demonstrate the scientific and social relevance of their activities and which in turn grants them the necessary autonomy and resources while mediating social demands.⁵³

The experiences across Africa, however, show that the issue of institutional accountability poses dangers to institutional autonomy in the sense that government finance officers, who may at times be ill-equipped to make educational decisions often, take crucial decisions which have lasting adverse effect on educational institutions.⁵⁴ In reality, most African governments use financial control to influence and sometimes to direct their universities on the rate of growth both in terms of capital development and student intake, the staffing of universities and the remuneration payable to academic staff.⁵⁵ It is, therefore, submitted that a degree of financial autonomy is essential for the effective operation of the universities.⁵⁶

Academic Freedom in Nigerian Tertiary Institutions

There is no specific constitutional provision regarding academic freedom in Nigeria. This is unlike the position in South Africa where the constitution expressly guarantees the right to academic freedom. The Constitution of the Republic of South Africa, 1996 provides: '[e]veryone has the right to freedom of expression, which includes ... academic freedom and freedom of scientific research'.⁵⁷ In the Nigerian situation, the concept of academic freedom can be inferred from the provision of section 39(1) of the Constitution of the Federal Republic of Nigeria, 1999 which provides for the freedom of expression and the press. The section states: '[e]very person shall be entitled to freedom of expression, including freedom to hold opinions and

to receive and impart ideas and information without interference'.⁵⁸ Courts have given expansive interpretation to section 39 of the constitution which guarantees the freedom of expression as including the right to establish private schools. Thus, in *Anthony Olubunmi Okogie v Attorney-General of Lagos State*,⁵⁹ it was held that the word 'medium' as used in the constitution is not limited only to the orthodox mass communication media but could reasonably include schools. The court held, accordingly, that any statutory abolition of private primary schools would constitute a violation of the right of proprietors of those schools to freedom of expression. A similar position was taken in *Adewole v Alhaji Jakande & Others*.⁶⁰

Further, Nigeria is a signatory to various international human rights instruments which bear on the right to academic freedom.⁶¹ Article 19 of the ICCPR, 1966 for instance, provides for freedom of expression and to hold opinions from which the concept of academic freedom can also be inferred. The article states:

- '1. Everyone shall have the right to hold opinions without interference.'
- '2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in form of art, or through any other media of his choice'.⁶²

Article 15(3) of the ICESCR also obliges the states parties to respect the freedom indispensable for scientific research and creative activity. It is submitted that the combined provisions of section 39 of the 1999 Nigerian Constitution, articles 19 and 26 of the UDHR, article 15 of the ICESCR and article 19 of the ICCPR collectively guarantee academic freedom in Nigeria.⁶³ However, unwarranted government interference and abuses of academic freedom have eroded the autonomy and quality of higher learning institutions in the country. For example, the summary expulsion of university professors and lecturers for being critical of government educational policies and other national issues epitomizes a gross violation of academic freedom.⁶⁴ In such a hostile environment, the academic community is often careful not to overtly offend those in power. This contributes to the perpetuation of a culture of self-censorship.⁶⁵

Similarly, the establishment of many regulatory bodies in the Nigerian tertiary education sector has compromised the ideal concept of academic freedom and institutional autonomy in the country. The Nigeria University Commission (NUC), for instance, is charged with the responsibility of advising the federal and state governments on all aspects of university educa-

tion and general development of universities in Nigeria.⁶⁶ In addition, this body is vested with the power to disburse money to universities in the country.⁶⁷ The functions of the NUC are elaborate and are expressly stated in section 4(1) of the NUC Act. The duties include advising the government and making inquiry into the financial needs, both recurrent and capital, of university education in Nigeria; receiving block grants from the federal government and allocate them to federal universities; taking into account, in advising the federal and state governments on university finances, such grants as may be made to the universities by state governments and by persons and institutions in and outside Nigeria; undertaking periodic reviews of the terms and conditions of service of personnel engaged in the universities; and making recommendations thereon to the federal government, where appropriate, etc.⁶⁸

In the process of performing these functions, the institutional autonomy of Nigerian universities has been compromised. Also, undue rigidity which is capable of hampering the smooth operation of the universities has been introduced. With this arrangement, an unnecessary barrier is placed between the ministry in charge of education and the universities. The commission is to perform its functions of advising the president and governors of the states through the Minister of Education.⁶⁹ In the process of enforcing the formulated policies, some institutions have been starved financially and this is contrary to the ideal of academic freedom and institutional autonomy.

Also, the Joint Admission and Matriculation Board (JAMB) was established for the purpose of conducting examinations for entrance into the Nigerian universities and other higher educational institutions throughout the country. The institutional autonomy to decide who to admit and on what criteria has invariably been transferred from the institutions to this regulatory body. In terms of the JAMB Act, the body has the sole responsibility to set the admission standard and to determine whom and when to admit.⁷⁰ Many factors such as a quota system, educational disadvantaged states policy and federal character have been introduced into admission process, thereby putting merit in second position in some cases. While JAMB determines the number of students each university is to admit, the NUC determines those courses that are to be offered, who will teach them and the qualifications of those to teach those subjects.⁷¹

It is submitted that this arrangement not only profoundly affects various elements of academic freedom and university autonomy; in many respects it completely erodes their exercise. Now in Nigeria, universities may not themselves decide which courses to offer, who will teach them, what re-

search will be conducted, and to whom they will award their qualifications. The state (through NUC) approves or disapproves a university's applications for all these matters and, by approving or rejecting programmes, it decides in effect the direction which a university will be specializing.⁷² A bureaucrat, rather than the university, decides whether a particular lecturer is fit to teach. Also, the state (through JAMB) prescribes admission requirements (and eventually selects and allocates students), assessment methods and criteria and, in effect, decides to whom qualifications should be awarded.⁷³ It is submitted that this constitutes a gross violation of the ideal concept of academic freedom and institutional autonomy which calls for redress.

It is accepted that the grant of tenure to teachers and researchers who have successfully completed a period of probation is a vital aspect of academic freedom.⁷⁴ Tenure is a status which the teacher could take to a new post and retain on promotion until retirement. However, the experience of Nigerian academics is not compatible in this regard. The dismissal of 49 lecturers and professors of the University of Ilorin⁷⁵ in May 2001 during the Obasanjo regime for participating in strike action called by the national body of the Academic Staff Union of Universities (ASUU) is a good illustration in recent times. However, following a prolonged legal battle, the Nigerian Supreme Court declared their dismissal a nullity and ordered their reinstatement.⁷⁶ This was not the first time that the Nigerian government dismissed academic staff on issues relating to academic freedom. Going down memory lane, in 1973, members of the National Association of University Teachers (NAUT) which was the forerunner of the present Academic Staff Union of Universities (ASUU), embarked on a nation-wide indefinite strike to press home their demand for a review of their poor conditions of service. The Gowon-led military government, instead of addressing the issue, responded by sacking the lecturers, giving them 24 hours within which to vacate their official residence.⁷⁷

Also, between 1988 and 1990, ASUU was officially banned by the Federal Military Government of Nigeria. Not daunted, academics continued to organize and networked at both local and national levels under a new name: the Association of University Teachers (AUT). They were able to coordinate their struggle against the World Bank University Sector Loan Facilities and the federal government's commitment to rationalize and retrench staff in the universities. The Obafemi Awolowo University Chapter of the Association on 20 April 1990 hosted a national conference on the World Bank Loan issue. At the conference, academics from various universities agreed

to collectively resist the World Bank loan, and they also decided to openly assert their rights to freedom of association.⁷⁸

The morning after the conference, the military coup attempt of Major Gideon Orka occurred. Two key members of the organizing committee of the conference, Professor Omotoye Olorode and Dr Idowu Awopetu, were framed by government and were immediately arrested and detained as alleged coup suspects.⁷⁹ This was seen by everyone as an open attempt to cow the union in its campaign against unpopular government policies and decisions. Earlier in March 1988, a radical sociology lecturer and anti-apartheid activist from Ahmadu Bello University Zaria, Dr Patrick F. Wilmot along with Ms Firinne N. C. Adelugba of Bayero University, Kano, were abducted and deported from Nigeria on 8 March, 1988 for being critical of government policies.⁸⁰

Academics and universities staff suffered greatly under both the military and civilian regimes in Nigeria. In 1992, ASUU embarked on strike to press home their demands for better condition of service, separate salary structure (Universities Academic Staff Salary Structure) and general improvement on the state of the universities in the country. Reacting to this, the government announced the dismissal of all striking lecturers through a newly enacted decree which categorized university education as essential services and retrospectively prohibited universities teachers from embarking on strike action.⁸¹ The salaries of universities teachers were stopped and dismissal letters were issued to all the lecturers who refused to return to work. All this was done in defiance of a court injunction restraining the government from arbitrarily terminating the appointments of the university lecturers.⁸² This impasse was not resolved until the end of Babangida's regime when Professor Abrahams Imogie was appointed the Secretary for Education to replace Professor Nwabueze who was the then Minister for Education. Imogie directed all the vice-chancellors of Nigerian universities to formally write to each academic staff, withdrawing the earlier letters served on them.⁸³

It is observed, however, that there is hardly any country in the world whose government does not retain some forms of control over its universities. Eso posits that this accords with common sense, as the universities are not separate governments per se but exist for the service and good of the country.⁸⁴ In the same vein, Ajayi et al., submit that pragmatism dictates certain limitations which academics and their universities must accept and put up with in practice.⁸⁵ In Nigeria, the need for efficient management, accountability and periodic evaluation are forcing their way to centre stage,

especially in the face of strangulating stringency and declining resources. A major issue then is the extent to which these pose threats to academic freedom and university autonomy.⁸⁶ It is also observed that academic freedom and institutional autonomy have their own limitations as there is no meaningful freedom without a limitation. It should be pointed out, however, that there should be only limited control of universities by government agencies.

The unsavoury experiences violating academic freedom are not peculiar to Nigeria; violation of academic freedom is in fact a common feature of most African countries. For example, summary expulsion of over forty university professors and lecturers from Addis Ababa University, Ethiopia, in the mid-1990s epitomizes a gross violation of academic freedom and illustrates the intolerance of academic freedom that governments in many African countries have.⁸⁷ Examples may also be taken from South Africa, especially during the apartheid era. While it lasted, apartheid educational policy impacted adversely on the academic freedom and institutional autonomy in South Africa.

In 1957, when the National Party Government made clear its intention of applying the principle of racial separation in university education, the University of Cape Town and the University of the Witwatersrand unequivocally declared their opposition in a booklet titled *The Open Universities in South Africa*.⁸⁸ The publication emphasized four essential freedoms of a university, namely, the right of the university 'to determine for itself, on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study'.⁸⁹ As a result of the moves by government to close the doors of these universities to African, Asian and Coloured students, during the 1957, the fourth aspect of the four freedoms, to wit, 'freedom to determine who may be admitted to study' was given much emphasis.⁹⁰ The apartheid education system has been criticized as criminal, oppressive and a violation of academic freedom.⁹¹ In this regard, Polanyi contends that '[t]o exclude black students from a university is an insult to their human dignity, it is inhuman. To force them into native reserves under the supervision of white authorities is oppressive. To pretend that this is done in order to preserve their native culture is intellectually dishonest. To demand the participation of universities in a programme of inhumanity, oppression and intellectual dishonesty is a violation of academic freedom'.⁹²

During the apartheid era, academics were subjected to trial in violation of their freedom of expression and academic opinions. Trial and prosecutions for expressing one's academic views is capable of limiting individual's academic freedom. The case of *S v Van Niekerk*,⁹³ in which Dr van Niekerk

of the Law School of the University of the Witwatersrand was tried for contempt of court, is a classical example. The contempt arose from the article he published in the *South African Law Journal*⁹⁴ in which he discussed the racial factor in the imposition of death penalty in South Africa. Although, he was acquitted on the grounds that he had not intended to be contemptuous of the court, the judgment was a warning or restraint against pursuing research of this kind by any scholar. The judgment has been criticized by the council of the Society of University Teachers of Law of South Africa as an attempt on the part of the authorities to discourage academic examination of the judicial process.⁹⁵

The inhibitions on freedom of speech (academic freedom) resulting from the possibility of contempt of court charges were further emphasized in a sister case of *S v Van Niekerk*.⁹⁶ In that case, the appellant, a professor of law at the University of Natal, was charged before Fannin J in the Durban and Coast Local Division with the two crimes of contempt of court and attempting to defeat or obstruct the course of justice. The proceedings arose out of a speech he delivered at a public meeting held in Durban City Hall on 9 November 1971. This meeting was directed against certain aspects of the Terrorist Act, 83 of 1967 (more especially, detention for interrogation without trial and solitary confinement) and to the circumstances in which various people had died while detained under that Act. The meeting had in attendance between three and five thousand people.

He spoke from a typewritten speech, a copy of which he handed to the press. In it, he supported a 'demand for an open judicial enquiry into possible abuses under the Terrorist Act', strongly condemning certain provisions of the Act, equating the obtaining of information from detainees with the procuring of evidence by torture. Secondly, he criticized what he considered to be a reprehensible inaction on the part of lawyers regarding those provisions, specifically including the judiciary. Thirdly, he advanced a 'solution' which he had exhorted the judiciary to adopt, including an exhortation to all judges that they should, in effect, ignore the testimony of all witnesses who had previously been detained under the Act. The whole tenor of his speech was criticism of the inaction of lawyers (including judges), and a call for protest and action against those provisions which he regarded as otiose. He criticised the judges for not raising their voices in protest.

The 10 November, 1971 issue of the *Daily News* (a newspaper circulating in Durban and elsewhere) carried a fairly comprehensive report of the City Hall Meeting and of the resolutions passed thereat. Reference to a petition supporting this request, and which, inter alia, made mention of 'the

Pietermaritzburg Terrorist Trial', was also included in the newspaper report. This latter, under the banner heading 'Appeal to the Judiciary', incorporated a brief summary of appellant's speech.⁹⁷ He was convicted on a contempt charge and on a charge of attempting to defeat or obstruct the course of justice for inviting judges to reject the evidence of witnesses held for lengthy periods under the Terrorism Act 83 of 1967. He was sentenced to pay a fine of 100 Rand with an alternative of one month's imprisonment.⁹⁸ Confirming the judgment on appeal, the court, Botha, JA held: 'for all the foregoing reasons, I accordingly come to the conclusion that the appellant was rightly convicted of contempt of court'.⁹⁹

Security law also impacted greatly on academic freedom in South Africa during apartheid days. The Publications and Entertainments Act 26 of 1963 and the Suppression of Communism Act 44 of 1950 were the two foremost statutes proscribing literature in South Africa during apartheid. In terms of the Publications and Entertainments Act, the Publications Control Board was empowered to declare any literary work 'undesirable'. During this period, it was reported that over 26,000 works, many of which were books of accepted literary quality, were banned in South Africa.¹⁰⁰ Similarly, under the Suppression of Communism Act, the writings of any person listed or prohibited from attending any gathering, or who was formerly resident in South Africa and who the Minister of Justice was satisfied was directly or indirectly furthering any object of communism, might not lawfully be used either as references for teaching purposes or as sources for scholarly writings.¹⁰¹

The consequence of this Act was that unless with the permission of the Minister of Justice, many works of well-known South African scholars could not be distributed, discussed in the lecture rooms or used as source of academic research work.¹⁰² Restrictions as mentioned above limited the scope of open debate in a number of disciplines in the universities, and inhibited the free flow of ideas and scholarly inquiry.¹⁰³ The limitations on freedom of research under the above circumstances are obvious. In some case, several academics restricted under the Suppression of Communism Act were excluded from both teaching and research in terms of their restriction orders. Others who were given an exemption to teach were prohibited from publishing without ministerial consent.¹⁰⁴ These limitations deterred some scholars from entering certain fields of study (especially contemporary South African Literature and social sciences) or prompted them to pursue less significant inquiries.¹⁰⁵

It is submitted, however, that with the provisions of section 16 of the South African Constitution, academic freedom and freedom of scientific research has become a constitutionally guaranteed right which is binding on the state. It is a right which the state must respect, protect, promote and fulfil.¹⁰⁶ Both staff and students are entitled to this right which the state or institutions may not derogate from except to the extent which the bill of rights is constitutionally limited.¹⁰⁷ For any limitation to this right to be acceptable, it has to be reasonable and justifiable in an open and democratic society.¹⁰⁸ Having a provision such as this in the Nigerian constitution as well as in the constitutions of other African countries will further strengthen the enjoyment of academic freedom in the continent. It is submitted that the autonomy of the university requires that it should have absolute power to determine who may be admitted to study. Power to conduct examinations to determine who should be admitted to study should be left with the universities or other institutions. In South Africa for example, there is no central body conducting examinations for all the universities in the country. With this, the universities determine the criteria for admission and they admit credible candidates.

In Nigeria, data show that larger percentage of candidates who obtain very high scores in JAMB entrance examinations fail to perform well in the universities and are eventually withdrawn from the universities. This accounts for the recent post-JAMB examinations introduced by some universities in Nigeria. Also, most high scorers in JAMB examinations fail to pass the individual university conducted post-JAMB exams. It is therefore recommended that JAMB be scrapped and its duties be transferred to various universities as was the situation before 1978 when JAMB was established. As to the National Universities Commission, it now determines who is to teach in addition to determining the courses to be taught through accreditation of those courses. For instance, the NUC recently ordered that all lecturers in Nigerian universities must as from the year 2010 possess a doctoral qualification; otherwise, they would no longer be allowed to teach in the universities.

This directive has put undue pressure on professional faculties such as Law, Medicine, Engineering and many more which traditionally based their promotion on professional competence and publications. In enforcing this directive by the NUC, all Nigerian universities have implemented the policy of not allowing academic staff promotion beyond the grade of Lecturer I, and in some others, Senior Lecturer level unless they possess doctoral degree. The disastrous effect of this policy, apart from violating academic

freedom, is that many of the affected academics would either resign or transfer their services to other sectors of economy thereby leading to a brain-drain in those professional faculties.

The Core of Academic Freedom and its Interdependency with Other Rights

At the core of the right to academic freedom is the right of the individual to do research, to publish and to disseminate learning through teaching, without government interference.¹⁰⁹ It is submitted that the right to academic freedom implies a positive duty of the state to promote research and teaching by providing support to functional academic and scientific institutions, or at least the financial and organizational back-up needed to exercise the right to academic freedom and scientific research.¹¹⁰ It is submitted that one of the reasons for establishing universities is to realise academic freedom.¹¹¹ If the state could prescribe to universities that no research critical of the government may be funded by the university or that no researcher critical of the government may be appointed, academic freedom would be left stranded.¹¹² To achieve academic freedom, a right to a degree of institutional autonomy is essential.

The contents of academic freedom in any country may be summarised as follows: freedom to teach without outside interference. It includes the content, process and methods of teaching, as well as the evaluation (assessment) of those taught. Admission requirements, standards and criteria for awarding qualifications are logical corollaries of this right;¹¹³ as is freedom to do research without outside interference. Research has been described as a serious and systematic attempt in terms of contents and forms to find the truth, and includes all research related activities, including preparatory, management and supporting actions, and dissemination of results through publication;¹¹⁴ freedom to decide who shall teach and conduct research. This implies peer evaluation according to academic criteria and compliance with professional and ethical norms,¹¹⁵ and the right to tenure, which means that when an academic complies with reasonable criteria, he or she is entitled to a permanent position.¹¹⁶

It is submitted that all human rights are fundamental to the realisation of academic freedom, thus academic freedom and all other human rights/freedom are indivisible. Thus, academic freedom cannot exist in a society which is not free because violations of general liberty will almost always affect the freedoms of the university.¹¹⁷ Freedom of person, freedom of movement, freedom of speech and freedom of assembly are all fundamental to the

university in the pursuit of the truth.¹¹⁸ Asserting the interdependency of academic freedom with other rights, Malherbe posits:

[I]t means that academic freedom forms part of the key freedom rights such as privacy, belief, opinion and conscience, expression, freedom and security of person, and freedom of assembly, association and movement, all of which protect individual freedom, the cornerstone and founding value of any civilized and democratic state. As sure as freedom of movement allows the individual physically to move about freely, academic or intellectual freedom, together with the freedom of thought, conscience, opinion and expression, ensures that we may follow wherever the explorations of the mind may lead us.¹¹⁹

Although it is not the business of the university to engage in politics, it is submitted, however, that the correct philosophy is that the university autonomy and academic freedom does not mean a university's seclusion from the rest of the world.¹²⁰ A university should be permitted to experiment with unorthodox views and ideas and to assemble peacefully to protest where necessary.¹²¹ Academic freedom includes the right of both staff and students to express their views, either publicly or within the confines of the university, not solely on matters affecting the university but also on matters of general public interest.¹²²

Conclusion

The Nigerian Constitution does not specifically provide for academic freedom as a constitutional right as obtainable in South Africa, but provisions supporting the concept may be drawn from other rights provided for in the constitution as well as from the various international human rights instruments that Nigeria has adopted. There is the need for the right to be better guaranteed. In the past, Nigerian academics were used to organising conferences with a particular emphasis on academic freedom and institutional autonomy. This has declined lately and it is therefore suggested that for adequate guarantees of academic freedom, the concept should be a subject of discussions from time to time among academics and within institutional setting.

The centralisation of the control of the universities in Nigeria has eroded the autonomy which universities normally enjoyed worldwide. The National Universities Commission Act and the Joint Admission and Matriculation Board Act for example, in their functions have directly or indirectly eroded the autonomy of Nigerian universities in the context examined in this article. It is conceded that some of the functions performed by these bodies are beneficial to the Nigerian educational system. However, for the fact that these

functions traditionally belong to the universities world-wide, transferring these functions to the regulatory bodies has eroded the concept of academic freedom and institutional autonomy, thereby opening tertiary educational institutions to various dangers and compromising their autonomy. The arrangement as obtainable now in Nigeria violates the four essential features of academic freedom namely, the right of the university to determine for itself on academic grounds who may teach, what may be taught how it shall be taught, and who may be admitted to study. This calls for a redress.

Although academic freedom is not a right without limitations, to make educational institutions functional, there should be a limited control of universities by government agencies. To make academic freedom meaningful and relevant, universities and other educational institutions should, on their own initiative, engage in periodic evaluation of their programmes, performance of their institutions and of their teaching and research staff. In tune with the principle of accountability, there should also be a periodic evaluation and appraisal of university programmes so as to ensure their relevance and responsiveness to development. Periodic evaluation will save educational institutions from decadence and make them more relevant to the society in this age of globalisation.

Notes

1. Govindjee, A., 'Lessons for South African Social Assistance Law from India: Part 1—The Ties that Bind: The Indian Constitution and Reasons for Comparing South Africa with India', (2005) 26(3) *Obiter* 575-576.
2. See art 26, UDHR; arts 13 & 14, ICESCR, and art 19(2), ICCPR which though not expressly providing for the right to education, but the provision of the article is wide enough to encompass the right to education.
3. See art 10 of the Convention on the Elimination of Discrimination Against Women (CEDAW) 1979; arts 23, 24 and 29 of the Convention on the Rights of the Child (CRC) 1989; art 17 of the African Charter on Human and Peoples' Rights (ACHPR) 1981; African Charter on the Rights and Welfare of the Child 1990; the UNESCO Convention Against Discrimination in Education 1960; the World Declaration on Education for All Meeting Basic Learning Needs, adopted by the World Conference on Education for All on 9 March 1990; European Convention 1953; American Declaration of the Rights and Duties of Man 1948 among others. Apart from the human rights law, other laws such as refugee law and humanitarian law, migration law and trade law equally regulate education.
4. Art 26 of the UDHR 1948.
5. Committee on Economic, Social and Cultural Rights (CESCR) General Comment No 13: the Right to Education (E/C.12/1999/10 of 8 December 1999), para 38.
6. General Comment No.13, para 38.

7. General Comment No.13, para 40.
8. See Ajayi, J.F.A., Goma, L.K.H. & Johnson, G.A., 'The African Experience with Higher Education', The Association of African Universities, Ghana, 1996:167.
9. Ibid.
10. Ibid., pp. 167-168.
11. Ibid., pp. 168.
12. See *The Open Universities in South Africa and Academic Freedom 1957-1974 – A Review* by the Academic Freedom Committees of the University of Cape Town and the University of Witwatersrand, Juta & Co, 1974:4.
13. See Russell, C., *Academic Freedom*, London & New York, Routledge, 1993:1.
14. Kaplan, C. & Schrecker, E., eds., *Regulating the Intellectuals: Perspectives on Academic Freedom in the 1980s* (Praeger, New York, 1983:6).
15. Smith, N., 'Constitutional Academic Freedom' (1995) 112(4) *South African Law Journal* 678-690 at 680; see also, Albert van de Sandt Centlivres et al., ed., Committee, *The Open Universities in South Africa*, 1957:11-12.
16. See Birley, Richard, Freethan Memorial Lecture (1970:4), citing with approval the features of academic freedom that are contained in a resolution of the Council of the University of Rhodesia of 10 December 1965; see also, *The Open Universities in South Africa and Academic Freedom 1957-1974*, op. cit., p. 3.
17. Nicol, 'Academic Freedom and Social Responsibility', in Kertesz, S.D., ed., *The Task of Universities in a Changing World*, Notre Dame University Press, Notre Dame, 1972:406.
18. Tight, M., 'So What is Academic Freedom?', in Tight, M., ed., *Academic Freedom and Responsibility*, Society for Research into Higher Education & Open University Press, Milton Keynes, 1988:132.
19. See Ajayi et al., op. cit., at 242.
20. Ibid.
21. See Russell, op. cit., at 18; see also, Horn, P., 'Academic Freedom within the University', The Eleventh E.G. Malherbe Academic Freedom Lecture delivered at the University of Natal (2 August, 1978) 4; Turner, 'The Price of Freedom', in Tight, ed., op. cit., at 106.
22. Proposing the Amendment to the Education Bill of 1988 (England), Lord Jenkins of Hillhead (as Chancellor of Oxford University) claimed for academics: 'the freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions'. See Russell, op. cit., at 1-2.
23. Ibid, at 18.
24. See O'Hear, 'Academic Freedom and the University', in Tight, ed., op. cit., at 6.
25. Dlamini, C.R.M., 'University Autonomy and Academic Freedom in Transition: The British Experience', (2001) 16 SAPR/PL, 343-361 at 356.
26. See the CESCR which asserts as follows: 'Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or

writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. The enjoyment of academic freedom carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds'. See CESCR General Comment 13 para 39.

27. Goodlad, 'Four Forms of Heresy in Higher Education: Aspects of Academic Freedom in Education for the Professions', in Tight, ed., op. cit., at 49.
28. See Ojo, J. D., *Law and University Administration in Nigeria*, Malthouse Press Ltd, Lagos, 1990:67.
29. See University of Sokoto (now Uthman Dan Fodio University, Sokoto) Memorandum submitted by Senate to the Presidential Commission on Salary and Conditions of Service of University Staff, February, 1981:20.
30. General Comment No. 13 para 40.
31. See *The Open Universities in South Africa and Academic Freedom*, op. cit., p.2.
32. See Ajayi, J. F. A., 'Academic Freedom and University Autonomy in Nigeria Today: A Historical Survey and A Search for New Strategies', A Lecture delivered at the Academic Staff Union of Universities Conference in Kano, Nigeria (1980).
33. See Ajayi et al., op. cit., p. 243.
34. Ibid.
35. Ibid., p. 169.
36. Ibid.
37. See the South Africa Department of Education, *Education White Paper 3*, 1997:7.
38. Rendel, 'Human Rights and Academic Freedom', in Tight, ed., op. cit., pp. 74-75.
39. See *The Open Universities in South Africa and Academic Freedom*, op. cit., pp. 2.
40. Ibid.
41. Malherbe, R., 'A Paper Prepared for Higher Education South Africa', 18 June 2003:12.
42. Tight, 'So what is academic freedom?', in Tight, ed., op. cit. pp. 123.
43. Malherbe, Higher Education South Africa, op. cit., at 12; Malherbe, R., 'A Fresh Start II: Issues and Challenges of Education Law in South Africa', (2000) 4, *European Journal for Education Law and Policy*, pp. 57-68 at 61; Rendel, 'Human Rights and Academic Freedom', in Tight, ed., op. cit., pp. 80.
44. See Smith, op. cit., pp. 680.
45. Ibid, pp. 685.
46. See Russell, op. cit., pp. 107.
47. See Smith, op. cit., pp. 680.
48. General Comment 13 para 40.
49. See Ajayi et al., op. cit., pp. 170.

50. Ibid.
51. Ibid, pp. 171.
52. Ibid, pp. 172.
53. Ibid.
54. Ibid, pp. 171.
55. Ibid.
56. For example, universities should be allowed a fair measure of autonomy in deciding on the allocation of general university subventions among the departments and institutes.
57. See section 16(d) of the Constitution of the Republic of South Africa, 1996. It is observed that the first part of section 16 is intended to grant everyone a generous measure of expression protection, including freedom of the press and other media, freedom to receive or impart information or ideas, freedom of artistic creativity, academic freedom and freedom of scientific research. As a result the concept of 'expression' should encompass, amongst other things, the display of paraphernalia, the publication of photographs, dancing, dress, the propagation of controversial academic and other opinions. See Govindjee, A., 'Freedom of Expression', in Govindjee, A. & Vrancken, P., eds., *Introduction to Human Rights Law*, LexisNexis, Durban/Johannesburg/Cape Town, 2009:119 - 120.
58. This is in contrast with the position in South Africa where section 16(d) of the 1996 South African Constitution expressly provides for the right to freedom of expression which includes inter alia, academic freedom and freedom of scientific research.
59. (1981) 1 NCLR 105.
60. (1981) 1 NCLR 262.
61. Both Covenants ratified on 29 October 1993.
62. See also, article 19 of the UDHR 1948 which also provides that 'Everyone has the rights to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'.
63. Although, section 12(1) of the Constitution of the Federal Republic of Nigeria 1999 provides that no treaty between the Federation and any other country shall have the force of law except if the treaty has been incorporated into domestic law by the National Assembly. See also, *General Sani Abacha v Chief Gani Fawehinmi* (2001) 1 CHR 20. It is submitted that having ratified the ICCPR and ICESCR, the provision of these treaties which guaranteed academic freedom, are applicable in Nigeria by virtue of its obligations under international human rights law and rules of customary international law. See Dixon, M. & McCorquodale, R., *Cases and Materials on International Law*, New York, Oxford, 2003:28.
64. See Teferra, D. & Altbach, P. G., eds., *African Higher Education*, Indiana University Press, Bloomington & Indianapolis, 2003:11.
65. Those who courageously speak their mind and express their views often find themselves facing dictators capable of using terror, kidnapping, imprisonment, expulsion, torture, and even death to silence dissident voices. See Teferra & Altbach, eds., op. cit., p. 11.
66. See Preamble to the NUC Act, Cap N81 Laws of the Federation of Nigeria (LFN) 2004.

67. See section 4 of the National University Act Cap N81, LFN 2004.
68. See section 4(1)(a)-(l) of the NUC Act.
69. See section 4(1)(a) of the NUC Act.
70. See section 5 of the JAMB Act Cap J1, LFN 2004.
71. See section 4(1)(b) of the NUC Act.
72. For example, in 1985 the government enacted Decree 16 of 1985, establishing the National Minimum standards and conditions for the accreditation of the universities courses and programmes. The Decree sought, in the first instance, to harmonize all programmes and courses across the universities and in the second instance, empowered accreditation panels to inspect courses, facilities and staffing to determine compliance with minimum standards. The report of the panels were then to serve as the basis for the selection of departments, programmes and facilities to be closed down in order to ensure standards and remove 'duplication'. The staff of closed departments, faculties and programmes were then to be retrenched as part of the rationalization exercise. See Ya'u, Y.Z., 'Academic Staff Union of Universities under Attairu Jega: A Leadership Profile', Centre for Social Science Research & Development, Lagos, 2004:19.
73. The JAMB Act provides for the functions of the Board and provides that it shall be responsible for the general control of the conduct of matriculation examinations for the admissions into all Universities, Polytechnics and Colleges of Education in Nigeria; appointment of examiners, moderators and invigilators, members of subject panels and committee and other persons with respect to matriculation examinations and any other matter incidental thereto; placement of suitably qualified candidates in collaboration with the tertiary institutions, collection and dissemination of information on all matters relating to admissions into tertiary institutions. See Section 5(1) & (2) of the Act.
74. See Tight, ed., *Academic Freedom and Responsibility*, op cit., at 75; see also Malherbe, (2000), op. cit., pp . 60.
75. University of Ilorin is one of the federal universities in Nigeria.
76. See *Oloruntoba-Oju & Others v Abdul-Raheem & Others* [2009] 13 NWLR (pt 1157) 83.
77. See Ya'u, op. cit., p. 5.
78. Ibid, p. 23.
79. Ibid, pp. 23-24.
80. Government alleged that Dr Wilmot was a South African spy, a charge nobody even within the government circles was ready to believe given the antecedents of Wilmot as an anti-apartheid activist. See Ya'u, op. cit., pp. 18-19.
81. See Essential Services (Teaching) etc Decree 1992.
82. Ya'u, op. cit., p. 30.
83. Ibid, pp. 30-31.
84. Eso, K., *Thoughts on Human Rights and Education*, St Paul's Publishers, Ibadan, 2008:59-60.
85. See Ajayi et al., op. cit., pp. 245.
86. Ibid, p. 167.

87. See Teferra & Altbach, eds., op. cit., p. 11.
88. During this period, the two universities were 'open universities' in the sense that they admitted students on academic grounds, without regard to race, colour or creed. See *The Open Universities in South Africa and Academic Freedom*, op. cit., p. vii.
89. Ibid, p. 1.
90. The right of the university to select its own teachers, freedom of expression, and many more were advocated. See *The Open Universities in South Africa and Academic Freedom*, op. cit., p. 1.
91. See Ajayi et al., op. cit., p. 73.
92. See Polayi, M. et al., 'Apartheid and the World's Universities: Report on a Meeting held in London, November 1957', Committee on Science and Freedom, Congress for Cultural Freedom, Manchester, 1958, p. 11.
93. 1970 (3) SA 655 (T).
94. 'Hanged by the Neck until you are dead', (1969) 86 *South African Law Journal* 457; and (1970) 87 *South African Law Journal* 60.
95. For the text of the statement of 9 September 1970, see (1970) 87 *South African Law Journal* 467-468.
96. 1972 (3) SA 711 (AD).
97. Pages 714-717.
98. See *S v Van Niekerk* 1972 (3) SA 711 (AD). The judgment has however been criticized as limiting academic freedom and freedom of expression. See Dugard, J., 'Judges, Academics and Unjust Laws', 1972:89, *South African Law Journal*, 271.
99. With Holmes, JA concurring, p. 725.
100. Blanket exemptions from these prohibitions were granted by the Publications Control Board to university libraries, provided the works were not of a 'communistic' nature and provided the books were kept under lock and key in the reference section and were used only for bona fide study and research purposes. See *The Open Universities in South Africa and Academic Freedom*, op. cit., p. 28.
101. Ibid.
102. In this category were the works of Professors Edward Roux, H. J. Simons, M. A. Millner, R. Hoffenberg and B. A. Hepple.
103. See *The Open Universities in South Africa and Academic Freedom*, op. cit., p. 29.
104. Ibid, pp. 29-30.
105. A classic example of the effects of those restrictive statutes was given in respect of the publication of the second volume of a book titled *The Oxford History of South Africa*, published in 1971 by the Clarendon Press of the University of Oxford. After receiving legal opinion, the publishers and editors felt obliged to omit from the South African edition a chapter by Leo Kuper entitled 'African Nationalism in South Africa, 1910-1964'. The chapter contained many quotations from banned persons and organizations, and their publication in South Africa could have laid the local editor and the branch of the publishing house open to prosecution. In view of the legal problem, the editors and publishers decided to produce a separate South African edition in which pages 424-427, in which Professor Kuper's chapter appeared, were completely blank.

A postscript to be added is that subsequent to this publication, the authorities later permitted the international edition, containing Prof Kuper's chapter, to be distributed in South Africa. See *The Open Universities in South Africa and Academic Freedom*, op. cit., pp. 30-31.

106. See ss 7(2) & 8 of the Constitution.
107. S 7(3) of the Constitution.
108. See s 36 of the Constitution.
109. Currie, I. & de Waal, J., *The Bill of Rights Handbook*, 5th ed., Juta & Co., Lansdowne, 2005: 370.
110. See de Groof, 'The Freedom of Teachers. Some Notes', in de Groof & Malherbe, eds., *Human Rights in South African Education* (1997) 295; Currie & de Waal, op. cit., p. 371.
111. See Currie & de Waal, op. cit., p. 370.
112. Ibid, p. 371.
113. Malherbe (2000), op. cit., p. 60.
114. Ibid.
115. Ibid.
116. See generally, Malherbe, R., 'A Constitutional Perspective on Higher Education', (1999) (10) Stell LR 328 at 346; Malherbe, *Higher Education South Africa*, op. cit., pp. 9-10.
117. See *The Open Universities in South Africa and Academic Freedom*, op. cit., p. 4.
118. Freedom of academic expression, in the sense of freedom for university teachers to teach and to pursue research freely, and freedom for students to debate old and new ideas freely, is simply a special manifestation of the freedoms of speech, assembly and association. See *The Open Universities in South Africa and Academic Freedom*, op. cit., pp. 5-25.
119. See Malherbe, *Higher Education South Africa*, op. cit., p. 8.
120. Birley eloquently expressed this contention as follows: 'It is certainly not the business of a university to become a kind of unofficial political opposition. But this does not mean that it should ignore what happens in the world outside it. The fate of the German universities in the 1930s should be a warning to us. They believed that, as long as they preserved the right of free research and free teaching within their own walls, they did not need to concern themselves about what else was happening in their country. As a result, they did nothing to oppose the rise to power of a political party which made it quite clear that it intended to destroy the academic freedom which the universities enjoyed. I should say that a university today should be deeply concerned about the denial of justice beyond its own walls'. See Birley, *The Universities and Utopia*, 1965:16.
121. See *The Open Universities in South Africa and Academic Freedom*, op. cit., p. 5.
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Peer Review Mechanisms: The Bottleneck of Academic Freedom

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Abstract

Academic freedom in higher education institutions (HEIs) entails not only the protection of the rights of faculty to teach and of students to learn, but also the freedom to create and disseminate knowledge. The literature, especially in Africa, mainly portrays the violation of academic freedom due to external interference into universities' autonomous functioning. This article, by focusing on academic publications and the peer review process, however, suggests that the internal governance of HEIs also has equally serious implications on academic freedom. By analyzing data collected from editors, reviewers and authors of three research institutions that publish journals at Addis Ababa University, Ethiopia, this article reveals that peer review mechanisms in academic institutions constrain the production of knowledge and hence undermine academic freedom.

Résumé

La liberté académique implique non seulement le droit des universitaires d'enseigner et des étudiants d'apprendre, mais aussi la liberté de créer et de diffuser des connaissances. En Afrique, la littérature dépeint les violations de liberté académique, en particulier en tant qu'interférences externes dans le fonctionnement des universités autonomes. En se concentrant sur les publications académiques et le processus d'examen par les pairs, cet article suggère cependant que la gouvernance interne des établissements d'enseignement supérieur a également de graves répercussions sur la liberté académique. En analysant les données recueillies auprès des éditeurs, des évaluateurs et des auteurs de trois institutions de recherche qui publient des revues à l'Université d'Addis-Ababa, cet article révèle que les mécanismes d'examen par les pairs dans les institutions académiques exercent des contraintes sur la production de connaissances et portent donc atteinte à la liberté académique.

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Introduction

Higher education institutions (HEIs) have the duty of producing and disseminating academic publications in order to advance the frontiers of knowledge and address societal problems. HEIs academic personnel are expected to relentlessly pursue truth, ask 'Why?', look beyond conventional wisdom, and question received knowledge within their fields of study. Perhaps, there is no other institution in a society which is granted such a special role of seeking and sharing new knowledge and truth.

Academic freedom, as pointed out in the literature (NEAR 2003, UNESCO 1997, Zeleza 2003), is an essential condition for the development of a vibrant intellectual culture and its value is closely linked to the fundamental purposes and missions of modern universities – teaching and research. It is intended to protect the right of professors, in their teaching and research, to follow their ideas wherever they lead them (NEAR 2003, Altbach 2005). Nonetheless, in many parts of the world, HEIs' personnel are often exposed to the risk of being denied their freedom of employing their individual acumen of searching for and sharing knowledge and truth. The role of HEIs to generate and publicize knowledge and the need for concomitant academic freedom, have earned worldwide recognition and are clearly stipulated in the policy document that the General Conference of the UNESCO adopted in 1997 concerning the status of higher education teaching personnel. In Africa, academics themselves have been largely involved in defining and interpreting the societal roles of HEIs and the concept of academic freedom through the adoption of declarations such as those of Dar es Salaam (1990), and Kampala (1990).

This article argues that the practice of peer review at Addis Ababa University has adversely affected the condition of academic freedom enjoyed by the faculty. To show this, an attempt is made to understand the practice of the peer-review mechanisms, from what is available in the extant literature. However, this is done with due consideration that the literature on this specific issue is drawn from the experience and scientific reflections of academics from the north, and not particularly from Africa, as it has been difficult to obtain research works on peer-review practices in the African context. The second section of the article examines the concept of academic freedom and its multi-faceted nature. The relation between these two cardinal concepts, and how the practice of peer-review enhances or erodes faculty's enjoyment of academic freedom, is also discussed in this part. Following this, the methodology section provides details of the sample cases considered for the study and major indicator variables and methods of

analysis the study employed. It specifically analyzes efficiency, accountability and transparency in peer review through narrative inquiry from sample respondents to the study. The third section provides discussions on the findings; and finally, the last section draws a conclusion by highlighting the possible implications and recommendations of the study. In general, the study intends to be able to promote a reflective and inward looking attitude towards protecting the freedom that the scholarly community cherishes.

The Peer-review Mechanisms

The American Federation of Teachers (AFT), Advisory Commission on HE Statement (2001:3) defines peer evaluation as ‘the process by which academic peers at an institution and within the scholarly disciplines continually review and evaluate academic standards, content and procedures, as well as individual performance’. This definition broadly shows that faculty peer-evaluation in HEIs is a self-regulating process that is employed, not only in publishing but also in many other administrative functions.

The competitive nature of the academia, coupled with the prestige and promotion that academic publications bring, grants the academic publications review process a special position in the scholarly enterprise. Corroborating this fact, Dougherty (2005:191) compares the publications peer review process to ‘what the economists gracefully refer to as a “third-part compliance mechanism” which allows a work to be recognized for its merit, validated from different perspectives’. Bigis (1990:150-151) also describes the multifaceted relationship between the author, editor and the reviewer as follows:

Referees protect authors from editors – from their whims, biases, and ignorance – and protect readers from both... Ideally, the peer review process sifts out what would become the trivial, useless, and misleading components of ‘information overload’ – a phenomenon which, in our time of proliferating publication, forms a peculiarly insidious constraint on intellectual freedom.

Under the peer review mechanism, there are two essential steps: the initial assessment of the editor or editorial board and the thorough evaluation of the anonymous reviewer. The initial assessment the editor/the editorial board makes of the paper is always at the mercy of the fair and balanced judgement the editor/s make of both the author and the work. At the second stage, the board’s selection of the reviewers, to a certain extent, depends on the personal attitude and trust of the knowledge, integrity and professionalism of the reviewers.

Hence, these two essential steps in the review process grant a special status to both the editor and the reviewers as ‘gatekeepers who monitor and construct the type and quality of new knowledge entering the field and, perhaps, advancing the work of allies while preventing their competitors from getting published’, in the words of Rojewski and Domenico (2004:7). In short, the researcher’s academic freedom to push the boundaries of sciences is limited by his/her ability to convince peer juries that the work done is technically sound and theoretically meaningful.

By and large, the literature (Rojewski and Domenico 2004; Baez 2002; Biggs 1991) discusses both the constructive as well as the destructive aspects of the peer review mechanism. Authors claim that peer review improves the quality of public editorial decisions, ensures privacy, protects candidates from embarrassment, promotes the practice of shared governance and maintains the standards of the journal as well as the discipline. However, it is at the same time believed to give way to systematic discrimination of some, allow subtle or not so subtle favouritism, decrease accountability and deny faculty the freedom of presenting unpopular views. Baez (2002) describes this situation as a paradox by saying:

Is there a paradox here? That is, does confidentiality – the withholding of a ‘procedural’ kind of knowledge, i.e., how decisions associated with the products of knowledge are made – further the search for a ‘substantive’ kind of knowledge?

The review process, a double-edged sword, although essential to reinforce the objective evaluation of the work, has a subjective element too. As much as the peer review mechanism is believed to signify collegiality, it is at the same time corruptible by lack of confidence and envy. In some cases, authors are not guaranteed any protection from reviewers’ subtle predispositions and their poor and unethical judgements. Moreover, anonymity in peer review does not guarantee that the process follows the requisite quality; neither does it ensure that the reviewer is fully answerable to the decision s/he has passed to the editor, which may or may not be communicated to the author.

Based on the above conceptualization, in the following section, the article examines the extent to which peer review as practised at Addis Ababa University facilitates or undermines the production and dissemination of knowledge, thus helping the realization of academic freedom or otherwise.

Conceptualizing Academic Freedom

Altbach (2001:20) characterizes the concept of academic freedom as ‘elusive’ and says that ‘while it seems a simple concept, and in essence is, academic freedom is difficult to define’. Explaining the concept further, he claims that a ‘universally accepted understanding’ for academic freedom is hard to find. Botsford (1998), on the other hand, believes that a comprehensive conception of academic freedom started in universities of ancient Greece. According to Crabtree (Crabtree 2000 in Bentley et al., 2006:14), the concept included the principle of freedom of enquiry within a rational intellectual system; and it referred not only to the ‘right to be free from interference’, but rather to the ‘duty to seek and speak the truth’.

The focus on academic freedom differs between countries (Altbach 2005). In the United States, for instance, academic freedom mainly concerns the protection of the tenure system and assures faculty’s meaningful role in the governance of colleges, while at the same time ensuring that they adhere to a body of high scholarly standards. On the other hand, in African contexts, academic freedom is focused on guarding academic professionals against unpleasant forms of self-regulation and censorship and covers wide range of issues related to the challenges of institutional autonomy, ideological controls, internal governance and intellectual freedom (Zezeza 2003).

Even in Africa, the focus of conceptualization of the term varies amongst countries. A number of prominent South African scholars have engaged in attempts to clarify and sharpen the contemporary meaning of academic freedom (Zezeza 2003); however, such attempts, as useful as they are to portray the various facets to the concept, were limited by context. They emphasized the realities of apartheid, where state encroachment into the area of university education was ever-increasing.

In most other African countries, in the aftermath of independence, universities were established with the belief that they would bring about national development through the production of high-level manpower (Sall et al., 2005). These institutions relied heavily on state funding, and on foreign funding mediated by the new states, which called for the latter to involve themselves in academic affairs. Subsequently, in many African countries, the state has been seen extending its influence and occupying grounds that the then newly trained intellectuals might consider their own. Given the lack of challenge from independent forces of civil society and the increasing state of poverty of these countries, the 1980s and 1990s saw academic freedom becoming a subject of debate.

Although the content and conception of academic freedom depends on the context of each country, the Council on Higher Education (CHE) identified four focal areas of challenge to academic freedom in African universities (Bentley et al., 2006). These are challenges of institutional autonomy, ideological controls, internal governance, and intellectual authority. Furthermore, under internal governance, the council used Symonide's wide-ranging list of rights to conceptualize academic freedom. Amongst the six rights the document considers, two appear to specifically relate to the theme of this study, and these are:

- (a) The right to determine the subject and methods of research on the part of the academic community;
- (b) The right to seek, receive, obtain and impart information and ideas... (Bentley et al., 2006:15).

When relating academic freedom to the knowledge production process in HEIs, it is noted that one defining characteristic of a scientific contribution is that it must be communicated to other scientists. The publication of research and scholarly papers in scientific journals is a major means of communicating, thereby expanding the frontiers of knowledge. Otherwise, a theory or research results cannot inform the work of others or be subjected to rigorous scrutiny and possible disproof. Therefore, scientific publications remain the major means of communication as much as the editorial and peer review mechanisms have remained crucial to scientific publishing.

This analysis is explained by Yimam (in Assefa 2008), who showed the 'logical connection between the right to education and the context in which it is provided', and identifies three elements of academic freedom important in relation to knowledge production and dissemination in academically autonomous institutions. These are the rights to freely:

- (a) hold and express opinions;
- (b) associate with others; and
- (c) move and share opinions with associates (Yimam in Assefa 2008:20).

The process of peer review is justified because of the specialized nature of academic inquiry, which calls for peer researchers, who are active in the field and with similar expertise, to evaluate the originality, methodology and contributions of the work. Since peer review is believed to improve the quality of a research work, the scientific enterprise has sustained itself using this mechanism; however, it has also been argued that peer review has the potential to breed individual bias and result in breaches of ethical behaviour (Biggs 1991), thus constraining academic freedom.

Therefore, at the core of the right to academic freedom is the right of the individual to do research, to publish and to disseminate learning through publications. However, knowledge dissemination among scientists is dependent on the appropriate conduct of the peer-review process (Rojewski and Domenico 2004). Consequently, the specific individual rights of faculty that CHE has identified as cornerstones of academic freedom – ‘the rights to determine the subject and methods of research and the right to seek, receive, obtain and impart information and research ideas’ – are likely to be constrained in situations where peer review fails to remain as objective as it was intended to be.

This expensive price that science and the academia pay to maintain scholarship, because of adherence to the practice of peer-review, has critical impacts both on the development of scientific disciplines as well as the freedom of scientists to generate and share knowledge as has been exquisitely described by Biggs as follows:

For thoughts that cannot be voiced will less often be thought; subjects that cannot be published will virtually cease to be explored; and research approaches scorned will be abandoned. Self-censorship is necessary for the scholar wishing to succeed in academe. That this is so can largely be laid to the account of the peer review system (Biggs 1991:162).

Among the various issues of academic freedom in the context of Africa, this article focuses on one aspect of internal governance related to the knowledge creation and dissemination process where a faculty’s academic publications pass through the peer-review mechanisms before they are released to the public. In situations where peer-review is performed with integrity, the scientific community enjoys the privilege of sharing one another’s knowledge and expertise. But in situations where peer-review is constrained, the academic right of the individual scientist-author – ‘to seek, receive, obtain and impart knowledge’ – is violated.

Methodology

This study used both primary and secondary sources of data. The primary data were collected using structured interview questions for three groups of interviewees.

The first group comprised of the chief or in some cases the managing editors of the top three reputable journals at AAU social science faculty. These journals are: *The Journal of Ethiopian Studies* (JES); *The Ethiopian Journal of Education* (EJE); and the *Ethiopian Journal of Development Research* (EJDR). Out of the seven journals that the university

publishes in the different disciplines of social science, the three top publications for this study are selected by the long years of service they have rendered to the university community and the continuity of publication history they have registered. These publications are affiliated with three prominent research institutions at AAU, as can be seen in the table below (Table 1), which have pioneered the scientific publication tradition and demonstrated prominence in establishing expertise in academic publication system where the peer-review mechanisms hold a central role. Particularly, the Institute of Ethiopian Studies (IES), which was established in 1963, has gained international popularity due to the extended scholarly achievements it has made and the link it has established with recognized institutions in the North.

IES was established at a time when the reconstruction of Ethiopian history, culture and linguistic heritage was institutionalized and began to draw the attention of many scholars from the international circle, who valued the historiographical importance of the country (Pankhurst and Beyene 1990). At the same time, many African countries were gaining independence from colonialism and Ethiopia was designated to be the political capital of the continent. It was at this historical juncture that the institute, led by a number of expatriate scholars, mainly from Europe and the USA, started publishing the first scientific journal. It is documented that the first editorial board mainly comprised of expatriate academicians. Most of the authors whose names appeared in the first issues were also expatriate professors, individuals like Professor Harold Marcus and Professor Hammers Chmidt, although there were few young Ethiopian scholars too beginning their academic careers (Chojnacki 1990 in Pankhurst and Beyene 1990).

Thus, it can be argued that the culture of scientific publishing in the Ethiopian academic setting was introduced by expatriate personnel who were involved in establishing the institution itself. As a result, the criteria of editorial policies, and particularly the peer-review practices, were adopted from the countries from where the expatriates came. Although a detailed account of only one institute is given here, by way of revealing the historical background, it can be seen that the launching of other publications at AAU, and in fact at the regional universities also, is a replication of the policies and practices of IES.

Table 1: Selected Sample Publications at AAU

Journal	Affiliate Institution	Established since
Journal of Ethiopian Studies (JES)	Institute of Ethiopian Studies (IES)	1963
Ethiopian Journal of Development Research (EJDR)	Institute of Development Research (IDR)	1974
Ethiopian Journal of Education (EJE)	Institute of Educational Research (IER)	1989

The second group of respondents comprised of AAU faculty who have served as reviewers for manuscripts. Three respondents were selected, based on the recommendations of editors from each journal. Given their experience and their close working relationship with reviewers, each editor identified two individual reviewers whom s/he considered would be appropriate in terms of their knowledge and experience in relation to the publishing tradition of these institutions. Finally, the researcher selected one out of the two recommended reviewers, based on convenience or availability.

The third group of respondents were six authors who had submitted manuscripts to these journals. The selection of these authors involved purposive identification of departments whose members frequently published in these journals. Accordingly, the Department of Psychology, the Institute of Language Studies, Departments of History, Sociology, Curriculum and Instructional Studies and the Institute of Development Studies were selected. Finally, based on their availability and consent, one author from each department was selected to be a sample respondent. The selection of these authors also tried to consider their years of experience as faculty members, their academic rank, degree of authorship in scientific publications and their level of qualification so that the group could consist of a balanced composition of respondents. Finally, a discussion was held with the Director of Research and Publications at the Vice President's Office in AAU.

Table 2: Description of Sample Respondents

No.	Respondents' Role Identity	Journal affiliation	Academic rank
1.	Author 1	Ethiopian Journal of Education (EJE)	Professor
2.	Author 2	Ethiopian Journal of Education (EJE)	Assistant Professor
3.	Reviewer	Ethiopian Journal of Education (EJE)	Associate Professor
4.	Editor	Ethiopian Journal of Education (EJE)	Assistant Professor
5.	Author 1	Journal of Ethiopian Studies (JES)	Lecturer
6.	Author 2	Journal of Ethiopian Studies (JES)	Assistant Professor
7.	Reviewer	Journal of Ethiopian Studies (JES)	Associate Professor
8.	Editor	Journal of Ethiopian Studies (JES)	Professor
9.	Author 1	Ethiopian Journal of Development Research (EJDR)	Lecturer
10.	Author 2	Ethiopian Journal of Development Research (EJDR)	Associate Professor
11.	Reviewer	Ethiopian Journal of Development Research (EJDR)	Assistant Professor
12.	Editor	Ethiopian Journal of Development Research (EJDR)	Assistant Professor
13.	Director of Research and Publications		Professor

The interview questions generally focused on capturing details of the major issues pertaining to institutional governance in research and publication functions of these institutions. These were:

- Accountability in terms of time management/efficiency, professionalism, integrity and institutional autonomy with regard to the appointment of editors;
- Transparency in terms of provision of essential information for the journal authors as well as reviewers, role/responsibility identification, selection of reviewers and the communication between authors, reviewers and editors;
- Implications for intellectual as well as academic freedom of faculty.

The interview questions for the chief/managing editors focused on formal and institutional practices while the questions for the researchers/authors focused on their own perception and experience of the peer review mechanisms as well as the research publication process.

The secondary data were collected from the policy/guideline or criteria documents that the institutes have made available, both for authors and reviewers as well as for their own internal working system. The specific literature on the peer review mechanisms, both from local as well as international sources, was consulted.

Findings and Discussion

This section deals with the data collected from the discussions held with researchers/reviewers and editors of the sample institutions as well as the policy documents of the research institutes under consideration. Although the data collection was based on three categories of respondents (editors, reviewers and authors), the analysis below merged reviewers and authors into one group for the simple reason that it was technically difficult for both groups to clearly demarcate the role between the two while reflecting on the practice. An author, at one time, can be a reviewer at another or vice versa.

Discussions with Journal Editors

All the three editors agreed that, on the average, 10-12 manuscripts are submitted for the bi-annual journals they publish. Nonetheless, the three journals have different acceptance rates: while 80 per cent of papers submitted to EJDR are accepted for publication, JES and EJI accept up to 60 per cent and 50 per cent of the submissions respectively. There is also a difference in the time and actors involved in the publication process. Technically, it takes around six months in the case of JES, up to one year in the case of EJER, and in some cases up to two years or more in the case of EJE. The publication process involves a preliminary assessment made upon submission by the managing editor, for EJDR, and the chief editor along with Board members for JES and the EJE.

When a manuscript is submitted for consideration for publication, it enters a series of decision-making processes that are particularly invisible to the author. In the main, the issue of viewing reviewers as exclusively accountable to the review mechanisms is difficult as most of the responsibility executed is highly dependent on the goodwill, trust and dedication that the members of the board are entrusted with to accomplish the job.

In the publication process, accountability mainly lies in the hands of the institute that publishes the journal, since it is responsible for the execution of routine activities of the process. However, reviewers, who often take long time to evaluate the manuscript, and authors, who should expedite the proc-

ess by promptly responding to the comments given, are responsible for time lapses, although the blame for a lack of efficiency often lies with the editors. One of the editor-respondents explains the problem as follows: 'Authors rush to blame editors for any delay in publication – it takes a clean conscience to consider how long a time they need to revise their own manuscripts once they are given comments...' Whoever takes the blame, it would not be a surprise that an article can be published after three or four years of the actual data collection stage, which makes the study obsolete.

According to the explanation of the Director of Research and Publications and also the reported experience of the editors, the official mechanisms that check editors' accountability to the system are often lenient, although they submit regular financial reports to the Research and Publications Office of the university as it assists their publications financially. In fact, it does happen that they rarely give copies of the published journals to the members of the advisory board, let alone report on the performance of the editorial board. It is with the approval of the president that the Research and Publications Office appoints editors-in-chief among candidates who have been nominated by the editorial board or in some cases by the institute's board. It is also true that such nominations, in a few cases, have been totally rejected by the university administration. However, all the editors maintain that there has not been any external (out of the university) interference in their duties.

It has also been learnt that, in all cases, there exists an *ex-officio* status and in two of the institutions, IER and IDR, the chief editor is *de facto* the director of the institution that publishes the journal. Associate editors, with a recognized history of publication, are selected from faculties/colleges that are in one way or another affiliated with the research institute. In general, it can be said that these scholars who assume these posts carry out their responsibilities out of sheer devotion to the promotion of scholarly publications; otherwise, the return in terms of recognition for their scholarly contribution is negligible.

Generally, papers published in peer-reviewed journals are held in high esteem by the academic community. Thus the editors, in order to make an informed public decision, depend heavily on the work that reviewers do in evaluating a manuscript, even when they know that the latter are busy persons, buried under their own loads of teaching, research and publishing; and have all the malice as well as optimism of humankind. Interviewed editors complain that solid and up-to-standard articles are very difficult to receive by the year, particularly from amongst faculty, as much as reviewers with solid publishing history are hard to find.

The JES claimed to have a wider pool of reviewers from prominent ‘Ethiopianist’ institutions in the international community, while the other two declared that they never used their existing international collaboration for review purposes, except for the rare cases of the academic Ethiopian Diaspora who have maintained their contacts with the university at home, for one reason or another.

Moreover, it has been noticed that all the three editors have reservations on the lack of sense of responsiveness and impartiality of most local reviewers. A significant number of local reviewers, who are trusted to be as competent as the author, are reported to show a conflict of interest between advocating individual interest, either the author’s or their own, and maintaining the confidence which the editor, who represents the institution, has entrusted them with. One editor particularly reported that ‘casual analyses of reviewers’ written comments, which lack clarity and a logical flow of concepts, revealed disguised intentions’ that could ultimately affect the decision the editor would make regarding the status of the manuscript. This could be especially true if the negative feedback is given in an emotional manner. In actual practice, when deciding on the final disposition of a manuscript, the chief editor may work alone or in consultation with other editors of the board (associate editors). In general, all editors attributed the editorial policy they follow and the exposure of the chief editor to multi-disciplinary subjects as well as his/her editorial competence to be the major factors that determine the fate of manuscripts.

In conclusion, it has been learnt that except for differences in rate of acceptance/rejection, appointment of editors, efficiency of process management and the specificities of the manuals they provide to their authors and reviewers, editors concur in many of the issues raised during the interview discussion.

Discussions with Authors-cum-Reviewers

In this section, the opinions of authors and reviewers regarding the review mechanisms are presented together. It has been found natural for these interviewees not to compartmentalize their experiences as they narrate them; and hence, reports from these respondents are presented in a mixed mode, in the manner they were articulated, in the expectation that it helps to maintain the original sense of the discussion.

Authors of manuscripts, who also serve as reviewers, generally have the understanding that publishing an article in one of these journals is a process that usually takes between one year and two. It is a common complaint to

hear that manuscripts spend from six months to a year at the editor's office before they are sent to reviewers. Rarely do articles get published four or six months after submission – and this happens only when there is no backlog of publishable papers, (in one case, such inside information was deliberately leaked to the author who managed to get his/her paper published soon after submission), or the reviewer happened to be very prompt and positive.

Four of the authors generally maintain that there were a number of instances, particularly at EJE and EJDR, where manuscripts submitted for review could not be traced after years of silence – in one case, there was a seven years gap in communication between the author and the editor. In a few other cases, it was difficult to identify the final status of the manuscript regarding the decision of the editorial board after a series of back and forth communications between the editor and the author. There was also a reported incidence where the author was requested to re-submit the manuscript a year after the first submission, as it was impossible to trace the reviewer assigned for review. In one other case, a manuscript was rejected without being reviewed though it had passed the preliminary evaluation of the editorial board.

In fact, an internal summary report which shows the status of submitted papers to one of the institutions revealed that there were 32 papers awaiting editorial decisions, all submitted between 2002 and 2009. Most of these manuscripts were in the hands of reviewers or could have also been returned to their authors for revision and never come back to the editor or have been lost in between. By and large, all the authors do not witness a feedback system that employs a regular, formally written communication regarding the status of their paper after submission. The absence of feedback from editors augments the authors' sense of insecurity regarding the mechanisms employed and perhaps triggers their sense of curiosity to know who the reviewer could be and what actually could happen to the paper in the course of the process. One of the respondents illustrated the peer-review process as follows:

It is like staying in a dark room – once you submit your paper, you have no clue whatever happens to it – until one day you learn that the choices are only two – it is either accepted on condition that you incorporate reviewers' comments or it is rejected. And you don't even know how long it takes to get this verdict...

Three of the authors have expressed their reservation and lack of trust in the existing system and have shown preference for international reviewers.

They justify this by claiming that if a paper is sent to an international reviewer, the chance that it is reviewed free of bias is very high. They believe that there is a better sense of professionalism and academic competence in the international domain than the local setting, although they at the same time admit that penetrating the international circle and getting one's paper accepted for publication is quite a daunting task. In fact, two out of the six author-interviewees, who have now managed to develop popular and credible readership amongst the academic community, admitted that their earlier works, in some cases, have been rejected for publication in local journals, but have been accepted for an international publication. In fact, one particular author narrated how his exposure to an academic circle in another country opened up an opportunity for him to publish in an international journal and to build his career, having hitherto had his manuscripts repeatedly rejected in one of these local journals. He described his experience by alluding to the biblical saying: 'One is never a messiah in his own homeland'.

Although authors have no influence, or comments to make, on the choice of reviewers, unlike the practice in some institutions in the North, they admitted that there is a guideline for article submission which generally focuses on format-related issues. All of them also reported that there was no detailed information on the contribution they have made or the added value the manuscript has brought to the world of contemporary knowledge when their papers were accepted for publication.

In fact, when rejected, authors usually do not receive a copy of the reviewer's comment. Hence, the chance that an author confronts or challenges the assessment made on his/her manuscript depends much on his/her personality, and not on the system. As reviewers, all of them also reported that they receive guidelines for article assessment although the monitoring system to keep the time-line is lenient. It has also been mentioned that reviewers could be requested to review manuscripts that are too distant from their area of specialization or research interest, supposedly for lack of referees. In one instance, a potential reviewer, a development and public policy specialist, reported that he was requested to review a paper on educational psychology: 'I was certain that the paper reached my table by mistake, but I couldn't trust my ears when I was later on told that the editor could find no better person than myself at the time and that I was expected to go through it somehow'.

On similar lines, one reviewer described the criticism, serious harassment and potential pestering he experienced from a number of authors who

apparently learnt or assumed that he reviewed their papers. It could be the general tone and specific contents of reviewers' comments that often lead authors to take an antagonistic stance toward reviewers. The general understanding is that although there is double-blinding (the names of both the author and the reviewer are unknown) to keep anonymity, the reviewer is likely to guess who the author is, particularly among faculty or local reviewers, given the familiarity with individual's specialty and research interest, style of writing and other subtle indications one may use. Coupled with the previously mentioned inquisitiveness of the author, it was generally agreed by most of the author-reviewers that anonymity in peer-review promotes a sense of intimidation, tacit rivalry and animosity, especially when both are basically striving for similar goals and recognition. Consequently, reviewers tend to develop a rather critical approach instead of being collaborative and constructive in their assessment. An entirely different scenario described by one of the reviewers is that the reviewer could be too sympathetic towards the author for various reasons, and the review process may end up being an instrument for preferential treatment and favouritism or at best, a less rigorous scrutiny of the manuscript. After all this, reviewers generally are heard complaining of not receiving any rewarding recognition for the service they render. While one of the editor-respondent believes that an 'honorarium erodes the norms of intellectual culture', the other reviewer-respondent said:

For me every time I am requested to review, I develop an approach-avoidance conflict. On the one hand, I deeply feel that it is my academic and professional obligation; but at the same time, I feel the time I spend reviewing a paper is worth spending on something more rewarding – not only in monetary terms, but also in the sense of avoiding the emotional burden that reviewing brings with it.

Reviewers are often selected according to information gathered through every plausible means, from personal knowledge to informally-generated institutional information that enables the profiling and the building of a formal referee database. However, they may not necessarily be first-rate and well-read academics who have state-of-the-art knowledge and the tolerance to accommodate differences. Consequently, researchers assume that, among many other factors, differences in opinion, school of thought or paradigm biases and field of study biases are factors that affect the chance that a manuscript gets published or not.

Four of the authors concur on the opinion that editors use the weakness of the system to 'favour some and to carefully avoid others from the showground' (Biggs 1991:153). In fact, in one of the editorial board's experience, there has been a time where the board decided to penalize the man-

aging editor, by denying him the right of publishing his articles in the journal he was editing, since on account of accusations of corruption associated with favouritism along ethnic lines and/or close friendship ties. However, this decision was not actually implemented for reasons that were not clear and convincing at the time.

As a concluding remark, it would be worth quoting one of the authors who gave a rather balanced view about what the practice of peer-review should be:

Clearly, the peer-review process has attained remarkable symbolic value. It is, after all, what separates an academician's writings from ordinary products, but it should only be considered as a collective approval of one's work by colleagues in the same field. What the reviewers produce should be seen as consensus and not truth; and like any consensus, it becomes in part a matter of who the players are in reaching the consensus, and what forces are at work.

Conclusions and Implications

In this section, the findings will be discussed to analyse the practice of peer review at the institutes mentioned, and thereby derive conclusions on the freedom for research and publications in the cases studied. The following table gives a summary of findings and the section below the table describes important findings:

Table 3: Summary and Findings

Journal	Acceptance rate	Average time of formal announcement for acceptance of manuscripts	Reviewer selection	Editors' appointment	Guidelines for authors & reviewers	Accountability to AAU Management
Journal of Ethiopian Studies (JES)	60%	6 months – 1 year (editors' claim) 1-2 years (authors' claim)	Editorial boards' reference to local researchers	Appointment of nominated candidates	Available	Yearly financial report only
Ethiopian Journal of Development Research (EJDR)	80%	Usually within a year (editors' claim) 1-2 years (authors' claim)	Editorial boards' reference to local & international researchers	Appointment of nominated candidates. Thee director of the institute is not the editor of the journal.	Available	Yearly financial report only
Ethiopian Journal of Education (EJE)	50%	1-2 years (editors' claim) Up to three years (authors' claim)	Editorial boards' reference to local researchers	Appointment of nominated candidates	Available	Yearly financial report only

As can be seen in the summary table above, most of the visible differences among the three publications lie in the routine reviewing procedures and not as such in the general organizational features of the institutes that conduct peer review. Therefore, the challenges of publishing in these journals as well as the implication of the same to academic freedom would not be markedly distinct, one from the other. Hence, the following conclusions were drawn:

- (a) Confidentiality in peer review is accepted as given and is assumed to serve neutrality in the knowledge production process. However, it has been revealed that the review process itself is biased since it is highly dependent on people's judgement (editors and reviewers) of what the existing knowledge should constitute, who and, in some cases, which field of study should contribute to its development and how knowledge construction should be designed. Thus, the added value that peer-review mechanisms should bring to the system are questionable. As has been described by one of the respondents, the process is 'tainted with an inter-mixed feeling of lack of confidence and uncertainty that compromises quality of output at the expense of conformity among associates'. This respondent believes that 'for the peer-review mechanisms to work as desired, we need to replace our proletariat culture with a sound intellectual one'. The challenges of the peer-review mechanism discussed above confirms what has been stated in the literature regarding the impact of referees' bias to intellectual freedom (Biggs 1991) and the paradox of confidentiality (Baez 2002).
- (b) The peer review mechanisms in particular and the function of research institutions in general suffer from a lack of the virtues of a meritocratic system. It is possible, and has also been reported in the history of these institutes, that directors of research institutes, editors and associate editors were at times appointed to such positions for reasons that are less than academic. Hence, such individuals are expected to shoulder responsibilities that could be beyond their reach, as they themselves may not know the pain and anxiety of generating research outcomes. As a result, it may not be any wonder if their evaluation of research products tends to be less academic and more geared towards other less relevant criteria. Therefore, in contexts where decisions on the fate of manuscripts are swayed by factors other than academic, the freedom of academicians 'to seek, receive, obtain and impart

knowledge’ is bound to be compromised. The above challenge of peer-review mechanisms also confirms Zeleza’s (2003:170) argument on the general deterioration of academic freedom in many African universities:

As resources once meant for teaching and research were frittered away in the conspicuous consumption of the university administrative elite, with their chauffeur-driven cars and special allowances, or filtered through a maze of patron-client networks that rewarded sycophants and marginalized independent-minded scholars, buildings decayed, libraries and laboratory facilities deteriorated, and the culture of learning and knowledge production degenerated.

- (c) In a typical African university environment, which suffers severely from a lack of appropriate academic governance (Zelza 2003), the peer-review mechanism causes additional delay and frustration in publishing research outputs which further inhibit individuals’ as well as institutions’ motivation for knowledge production. They also limit not only progress, but also hope of progress and place faculty at a disadvantage relative to colleague-competitors in their fields and in other parts of the world.
- (d) Except for the *Journal of Ethiopian Studies* whose history as well as diversity of associated disciplines caters for an audience from different backgrounds, the other two journals do not invite international collaborators as reviewers. There are many opportunities that such partnerships provide, one of which is the neutralization of the negative impacts of the peer-review mechanisms, which at the same time facilitate the transfer of knowledge and skills from most innovative and experienced institutions to less experienced ones. Thus, internationalization of research and scholarly collaboration, except for only one of these journals, is not promoted in the publication practice of these sample institutes.
- (e) Institutes’ lack of accountability and transparency limits and determines the type of knowledge to be produced, as has been corroborated by Biggs (1991). Such traditional mechanisms are prone to penalize non-conformity and novelty, which restrain intellectual freedom and retard the research environment as well as the teaching-learning process.

Thus, while recognizing the importance of peer-review in the publication process, this study concludes that its practice requires a thorough examina-

tion since it breeds a sense of insecurity and antagonism among the staff, as has been seen in the discussions held with sample study respondents. As a result of lack of fair and balanced system of governance of scientific publications, academics call for a constructive overhaul of the practice – one that allows them to cherish the freedom they would like to exercise.

Some of the implications and recommendations derived from the above discussion are the following:

- (a) The peer review mechanisms may deny writers the opportunity to publish in journals. As a result, compounded with other limiting cultural and economic conditions of the system, the academic environment is less likely to develop an intellectual culture that encourages and cherishes differences of opinion. Instead, the peer-review process could be made to defeat the purpose it stands for as it has been reported to breed underground politics amongst the staff. The most obvious incongruity of such an exercise is the fact that it is self-imposed. In fact, to use the words of one of the respondents, peer-review is characterized as a 'self-inflicted destruction', given the current trend. However, one way of curbing such a trend would be the introduction of an open peer-review mechanism through the use of technology, thereby encouraging open debate among colleagues and researchers. Apart from neutralizing bias, such a practice would enhance the exchange of research ideas.
- (b) Furthermore, since publication facilitates validation of one's productivity, the academia considers publication as a key factor in its recognition of scholars. However, recognition usually implies credibility and increased access to resources, which facilitate research. In effect, the product of such practice would be bitter to writers in developing fields and younger scholars who have not yet developed strong institutional ties and the trust of the academia. Thus, it would be appropriate for publishing institutions to organize more frequent sessions of knowledge sharing where senior researchers share their experience with juniors and where collaborative research undertakings could be undertaken jointly among the staff. Besides, to inculcate more collegial values, these institutions need to draft a detailed and comprehensive manual on how to review a manuscript. Such a document may help reviewers revisit their values and provide useful, kind, responsible and constructive reviews to enhance the knowledge creation and dissemination process.

- (c) With the rapid changes and advancement of the knowledge age, universities are expected to value the importance of internationalization in their research and scholarly activities. Such institutions can exploit opportunities of international collaboration to develop an open system that encourages self-appraisal, exchange of ideas and accommodation of differences in opinion. And university organizations need, within their daily tasks and supported by efficient information systems, to promote the creation of institutional cooperation networks to stimulate research and teaching within the current global world.

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Liberté académique en question : contribution à la problématisation d'une notion à partir du cas étudiantin au Sénégal

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Résumé

La question de la liberté académique traverse l'histoire de l'institution universitaire. Elle se pose même encore aujourd'hui dans des pays de tradition universitaire pluriséculaire, suscitant ainsi la production d'une littérature non négligeable. La caractéristique principale de cette production réside dans ce que j'appelle son « approche externaliste et politique ». Par cela, j'entends l'idée que, pour la majorité des chercheurs, poser la question de la liberté académique, c'est signifier une confrontation entre un groupe, la communauté des chercheurs et enseignants [*academics*], d'une part, et un autre extérieur à l'espace universitaire, et souvent défini par une identité politique : les autorités politiques nationales ou régionales. Ainsi les emprisonnements et les assassinats d'universitaires par des dirigeants nationaux ou des groupements politiques d'opposition (e.g. le FIS et le GIA en Algérie) sont suffisamment documentés. Cette approche est cependant un peu réductrice, bien qu'elle se justifie par la caractéristique autoritariste des régimes gouvernementaux qui voient le jour en Afrique. Telle quelle, cette approche offre une vision homogène de l'institution académique. Or, comme tout champ, l'institution universitaire se caractérise par une forte diversité, tant par les caractéristiques des acteurs qu'elle englobe que par les enjeux qui la traversent. Je voudrais dans cet article analyser la liberté académique du point de vue et à partir de l'expérience des étudiants.

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Abstract

Academic freedom at issue: contribution to problematizing a notion from the Senegalese experience of students. Throughout its development, the academic institution is faced with the issue of liberty. Countries with a long tradition of higher education are still experiencing this problem today. A relevant literature is devoted to this issue. However, it is mostly characterized by what I would call the “externalist and political approach”. For researchers to ask the question of academic liberty is to account for the confrontation between two groups: the community of scholars (i.e. academics, students and students) and the non-academic world defined by its political actors (the national and regional political leaders, etc.). Thus, imprisonments and assassinations of academics by political leaders or oppositional factions (e.g. the FIS and the GIA in Algeria) are sufficiently documented. This approach is somewhat reductionist, although the authoritarian characteristic of many African (government) regimes could explain that. As such, it offers a homogenous view of the academic institution. Yet, like any field, this institution is characterized by high diversity both in the status of the actors it hosts and the stakes that pervades it. The purpose of this article is to analyze the issue of academic freedom from the perspective and the experience of students.

Introduction

La question de la liberté académique traverse l’histoire de l’institution universitaire. Elle constitue même un enjeu dans des pays de tradition universitaire pluriséculaire. À preuve, la montée en puissance du créationnisme, tant en Angleterre qu’aux États-Unis, deux puissances universitaires, comme en atteste le classement mondial des universités par l’Université de Shanghaï, en 2010, dans lequel les dix premières places sont allées à des universités anglaises et américaines. Dans ces deux pays, une puissante entreprise lobbyiste des milieux fondamentalistes religieux s’est récemment enclenchée pour imposer l’enseignement de la « théorie créationniste » dans le programme d’études au même titre que celui de l’évolutionnisme, sans parler du lobbying intense qu’ils effectuent auprès de parents d’élèves et d’étudiants pour les mettre en garde contre les effets de l’enseignement des évolutionnistes (Darwiniens) sur les attitudes, voire sur la vie future de leurs enfants.

L’invocation de la question de la liberté académique aux États-Unis et en Angleterre n’est pas pour minorer celle-ci dans le strict contexte africain où elle se pose avec acuité. Elle est à considérer comme un *détour* – terme à entendre dans son acception méthodologique telle qu’utilisée dans les travaux de deux géants de l’anthropologie française, Bourdieu et Balandier. Ce détour, comme outil méthodologique de comparaison, aide à mieux identifier les

formes propres à l'Afrique sous lesquelles apparaissent les obstacles à la liberté académique, et aussi à bien juger dans quelle mesure le continent africain manifeste, à ce chapitre, une certaine singularité dans laquelle on a tendance à l'enfermer sur bien des questions.

Le CODESRIA a suscité la production d'une littérature non négligeable qui traite, dans des perspectives politiques et sociologiques notamment, de la question de la liberté académique. La caractéristique principale de cette production réside dans ce que j'appelle son « approche externaliste et politique » de la question de la liberté académique. Par cela, j'entends souligner que, pour la majorité des chercheurs, poser la question de la liberté académique, c'est signifier une confrontation entre un groupe, la communauté des chercheurs et enseignants [*academics*], d'une part, et une autre extérieure à l'espace universitaire, et souvent définie par une identité notamment politique : les autorités gouvernementales. Ainsi les emprisonnements et les assassinats d'universitaires par des gouvernements de l'Afrique subsaharienne, de même que les meurtres, au cours des années 1990, de professeurs et autres intellectuels par des dirigeants politiques ou par des groupes politiques islamistes au nadir de leur puissance, en Afrique du Nord, sont suffisamment documentés.

Cette approche est cependant un peu réductrice, bien qu'elle se justifie par la caractéristique autoritariste des régimes politiques qui ont prévalu en Afrique jusqu'à très récemment. Telle quelle, elle offre une vision homogène de l'institution académique. Or, comme tout champ, l'institution universitaire se caractérise par une forte diversité, tant par les caractéristiques des acteurs qu'elle englobe que par les ressources dont ces derniers sont dépositaires, les positions qu'ils occupent, les enjeux qui traversent cet espace, etc. Je voudrais avancer dans cet article la thèse suivante : la réflexion sur la liberté académique est à la fois un questionnement sur le pouvoir des acteurs du milieu académique d'agir et de s'exprimer dans cet espace – par les voies qui leur semblent les plus conformes à leur bonheur – et une interrogation publique sur ce même pouvoir en qualité de membre attitré de la communauté universitaire. La vertu heuristique de cette thèse est de montrer que la liberté académique est une question qui s'évalue à deux niveaux au moins : a) d'une part, à travers les relations de pouvoir entre les occupants de l'institution académique eux-mêmes, lesquels, sur la base de la plus-value que leur confèrent leurs rangs, leurs statuts, leurs genres, leurs appartenances confessionnelles, politiques, voire ethniques peuvent réciproquement enfreindre les uns la liberté d'expression et d'action des autres ; b) d'autre part, à travers les interactions entre le monde universitaire et les groupes ou individus qui n'y appartiennent pas formellement.

Le premier intérêt de cette thèse est de souligner que la restriction de la liberté académique ne se pose pas seulement pour le corps professoral, elle touche aussi d'autres acteurs de l'institution universitaire tels que les étudiants. Aussi, ne se réduit-elle pas à la défense, ni à la revendication du droit d'exprimer un point de vue susceptible de contre-dire le discours officiel ou dominant comme il apparaît dans nombre d'études sur cette question. Son deuxième intérêt est de montrer que la simple présence dans l'enceinte universitaire, même doublée de la déclamation d'un discours de vérité, ne garantit pas automatiquement le droit à la liberté académique. La jouissance de la liberté académique est en fait soumise à l'attestation d'une appartenance de fait à la communauté universitaire par le statut et la fonction. L'espace universitaire étant un lieu libre d'accès dans la plupart des pays, la prise en compte de l'identité des acteurs devient nécessaire pour établir les frontières démographiques dans lesquelles l'usage de cette notion est pertinent et l'attribution de ce droit justifiée. Négliger cette identité reviendrait à juger sur le même plan l'évacuation forcée par les autorités universitaires d'un groupe de parlementaires membres de l'opposition qui aurait investi brusquement le campus pour distribuer des tracts critiquant le parti au pouvoir et l'évacuation d'étudiants qui s'adonneraient à la même activité.

Adhérant à cette thèse, on serait amené à mieux circonscrire les causes du faible épanouissement des femmes universitaires par comparaison aux hommes de statut égal, les raisons de la visibilité des activités culturelles d'universitaires issus des minorités religieuses par comparaison à celles des membres de la communauté universitaire appartenant à la majorité dans quelques campus africains, les écueils à la manifestation d'une opinion collective des enseignants vacataires comparativement aux enseignants titulaires, etc.

Dans cet article, je choisis cependant de m'atteler spécifiquement à la question de la liberté académique relativement à la population estudiantine. Je me soucie en particulier d'analyser les modes et facteurs de restriction de la liberté académique de ce groupe qui émanent particulièrement des acteurs entièrement intégrés à l'espace universitaire : les enseignants, d'une part, et les enseignés eux-mêmes, d'autre part. Ce choix est certes arbitraire pour partie, dans la mesure où il ne manque pas de raisons pouvant justifier que je m'intéresse aussi à d'autres catégories de l'espace universitaire telles que les femmes en tant que groupe autonome - ce à quoi Ebrima Sall (2000) et ses collègues se sont déjà attelés. Mais il s'explique, pour autre partie, par le fait que la catégorie étudiante participe tant par l'importance de son effectif que par les enjeux attachés à son activité au sein de cette communauté universitaire.

Or si les chercheurs en sciences sociales ont certes bien rendu compte du dynamisme de ce groupe, rarement, pour ne pas dire jamais, leurs attentes vis-à-vis d'eux-mêmes et de leurs enseignants en termes de liberté académique ont retenu leur attention. Dans mon argumentation, je procéderai essentiellement par synecdoque. En effet, si j'ai en vue de rendre compte de la situation des étudiants sur l'ensemble des universités du continent africain, celle des étudiants sénégalais, et particulièrement de l'Université Cheikh Anta Diop, me servira de référence. Mes arguments et mes analyses s'appuieront essentiellement sur des faits observés sur le campus de l'Université Cheikh Anta Diop, des propos entendus dans le même site et des informations relatives à l'organisation et aux conflits au sein de cette institution.

Repenser un concept

Traiter de la liberté académique, c'est emprunter d'abord et avant tout à la définition de la notion de liberté de manière générale. De sorte que la liberté académique, quoique spécifique, apparaît dans une certaine mesure comme une variante de la liberté exercée exclusivement par des acteurs à part entière de l'espace académique. Cette conception de la liberté académique exige donc que l'on établisse au préalable les contours sémantiques de la liberté *lato sensu*. Dans ses définitions les plus courantes et les plus générales qui sont consignées dans des dictionnaires de langue tels que *Le Robert*, la liberté désigne le « pouvoir ou la possibilité [de l'individu] d'agir et de s'exprimer sans contrainte au sein d'une société organisée, selon sa propre détermination ». Bref, l'individu investi d'une liberté, suivant la définition du *Robert*, est celui qui jouit du pouvoir de manifester ou d'exprimer sa pensée ou d'agir conformément à ses valeurs, bien sûr pour autant que ses actions et discours ne menacent pas la liberté d'autres individus.

Cet entendement de la liberté emprunte en partie à la conception de cette notion qui se dégage de travaux rigoureux et spécialisés que l'on doit notamment à des œuvres philosophiques. Dans son ouvrage canonique, le philosophe anglais, John Stuart Mill, suggérait que la liberté est un principe pour assurer la souveraineté individuelle. Ce qui revient, au fond, à assumer que l'individu libre est celui qui est dépositaire du pouvoir d'agir et de parler de manière autoréférentielle, c'est-à-dire en partant de son propre jugement. Ce jugement autoréférentiel, Kant en fait presque la quintessence de la liberté au point d'écrire que celle-ci consiste surtout à « faire un usage public de sa *raison* dans tous les domaines ». Peu de penseurs contemporains ont aussi bien résumé l'importance de l'auto-référentialité dans la manifes-

tation de la liberté que le philosophe canadien Charles Taylor. Celui-ci argumente magnifiquement qu'il ne peut exister de liberté là où l'individu est privé du choix d'être en phase avec lui-même ("*being true to oneself*"), donc d'être conséquent avec ses valeurs, ses principes, son identité, etc., dans ses paroles et ses actes.

La notion de liberté *lato sensu* a informé en partie la définition de la liberté académique par le rapport qu'elle établit avec l'idée d'auto-référentialité ou de souveraineté du jugement. Il est clair en effet, à la lecture des écrits de théoriciens de ce qui sera désigné par liberté académique, qu'il n'y a d'exercice efficient de la fonction ou du statut de membre de la communauté universitaire sans cette souveraineté. Kant, qui figure parmi les premiers à discriminer les catégories sociales sur la base de la liberté lorsqu'il écrit que « la liberté *va de soi* dans le cas du savant » – ce qui laisse supposer qu'il n'en est pas ainsi dans le cas du « profane » –, insiste longuement sur la nécessité de laisser celui-ci « penser par soi-même », puisque c'est la voie par excellence pour l'accès à la vérité. Dans la tradition philosophique allemande ayant nourri Kant et où a été conceptualisée pour la première fois la notion de liberté académique à travers les termes *lehrfreiheit* et *lernfreiheit*, le premier désignant spécifiquement l'absence de contraintes pour l'enseignant et le second l'absence de contraintes pour l'enseigné, la souveraineté de jugement reste toujours une condition et un impératif, étant donné que la quête de la vérité définit par essence l'activité universitaire. Ainsi une autre figure canonique de la pensée allemande, J. G. Fichte, de défier la démarche du gouvernement prussien qui, à son époque, entendait autoriser les universitaires à exprimer librement leurs pensées dans l'enceinte de l'université, mais de le leur refuser lorsqu'ils se prononçaient hors de cette sphère.

Il me semble que la proposition majeure que l'on puisse avancer de l'analyse des textes consacrés des penseurs allemands à la question de la liberté académique est que cette liberté n'est pas simplement un principe abstrait, c'est aussi un droit dont l'exercice a lieu dans les divers espaces d'existence de l'universitaire consacré ou ambitionnant de l'être et est fonction (de la nature) des outils, des moyens et des conditions qui leur sont offerts. Ce n'est pas défendre la liberté académique, de la part d'un recteur par exemple, que de se contenter d'assurer à des étudiants qu'ils peuvent lire tous les ouvrages qu'ils désirent, sans restriction, lorsque la possibilité d'emprunter un livre à la bibliothèque leur est refusée. L'étude de la liberté académique, comme je compte argumenter tout au long de ce texte, n'est pas autant l'analyse d'un principe que celle des modalités et des conditions

permettant la mise en application de ce principe. En somme, ma question n'est pas de savoir si les étudiants de l'Université Cheikh Anta Diop sont libres de penser de façon autonome et de se prononcer tant sur ce qui leur est donné à lire et à étudier que sur la manière dont les raisons pour et les conditions dans lesquelles ces savoirs leur sont soumis. Elle consiste donc plutôt à identifier et à comprendre les différents éléments qui leur permettent ou les empêchent de faire cet exercice.

Des obstacles à la liberté académique des étudiants

Il convient de rappeler au préalable que l'université, par sa constitution, ou du moins son organisation, n'est qu'un champ, au sens de Bourdieu, c'est-à-dire un microcosme, qui reflète à une échelle évidemment bien réduite le macrocosme social, avec des agents sociaux inscrits dans des enjeux de pouvoir - par conséquent dans des relations de domination - dotés de capitaux à valeur inégale, et répartis selon des positions tout aussi inégales. Bref, l'université africaine comme la société africaine contemporaine dans son ensemble est un espace de hiérarchie fondée sur des différences identitaires qui peuvent être tant le statut académique que le rang professoral, tant le genre que l'ethnicité, tant la nationalité que l'affiliation religieuse.

Le degré ou la possibilité de jouir de la liberté académique, comme les risques de la fragiliser auxquels les membres de la communauté universitaire peuvent être exposés sont susceptibles d'être déterminés en partie par le statut, le rang, le genre ou la religion dont ils se réclament dans un continent où la lutte pour le renforcement des libertés individuelles, dans quelque sphère que ce soit, est encore d'actualité. Plus prosaïquement, la liberté académique est parfois concédée inégalement selon que celui qui est autorisé à en jouir est un professeur titulaire ou un enseignant à temps partiel, un étudiant ou un directeur d'unité, une femme ou un homme, un membre de la minorité confessionnelle ou un représentant de la majorité religieuse, etc.

Ces mêmes acteurs n'étant pas dotés du même capital, ni du même pouvoir de dissuasion face à leurs interlocuteurs, ni de la même position au sein de la hiérarchie, il convient donc de prendre en considération aussi bien la pluralité des identités au sein de l'espace universitaire et l'organisation hiérarchique de cette sphère que les enjeux de pouvoir qui s'y manifestent - sans pour autant nier la réalité d'une identité universitaire, c'est-à-dire, entre autres, d'un ensemble d'enjeux et d'intérêts spécifiquement et universellement académiques - pour offrir une analyse plus objective et plus raffinée de la question de la liberté académique en Afrique. Prendre acte de la pluralité et de ces inégalités, c'est justement prendre le parti d'un pragmatisme

méthodologique. C'est en l'occurrence légitimer la question de savoir si la liberté académique se pose dans les mêmes termes au sujet de la composante majoritaire de l'espace académique que constitue la population estudiantine qu'elle se pose aux autres acteurs de cette sphère.

Les étudiants sont certes partie intégrante de l'espace universitaire au point que presque tout problème qui affecte l'exercice des libertés au sein de ce milieu les touche aussi. L'imbrication des intérêts des professeurs et des étudiants, qui sont unis notamment par le droit d'accès et de production de savoirs qui soient autant que possible épurés des apories du dogme et des contre-vérités, est telle que, dans une certaine mesure, la violation de la liberté académique des premiers constitue directement une atteinte à celle des seconds. Bien plus, un rapport d'inégalité, ou plus clairement une dépendance, lie les étudiants aux professeurs dans leur exercice de ce droit. Le cheminement de l'étudiant en direction du savoir scientifique se fait par le biais d'un détour, en la personne du professeur dont l'une des fonctions est de lui servir à la fois de guide dans l'identification des œuvres canoniques ou canonisées par la communauté des savants et aussi de traducteurs de ces œuvres pour l'accès desquelles des clés sont nécessaires. Or ces clés sont essentiellement en la possession des professeurs, lesquels par une fréquentation directe, assidue et sur une longue période de ces œuvres, et d'une plongée profonde en elles, sont censés en acquérir une connaissance éclairée et éclairante.

Il faut se garder cependant de conclure de la démonstration qui précède que la liberté académique des étudiants est inextricablement subordonnée à celle des professeurs, ou que les décisions et choix qui enfreignent la liberté académique des seconds sont exactement les mêmes qui mettent en péril la liberté académique des premiers. Ce serait, le cas échéant, nier à la population estudiantine une identité propre, une divergence ou différence d'intérêts, d'objectifs, d'enjeux par rapport à la communauté des professeurs. Il est tout aussi nécessaire de ne pas tomber dans l'idéologie que la restriction de la liberté académique des étudiants advient systématiquement d'acteurs extérieurs à l'université.

Les entraves à la liberté académique des étudiants sont aussi le fait d'acteurs intégrés à la communauté universitaire. Il y a en particulier deux groupes d'acteurs, très rarement identifiés par les analystes, dont les choix et les décisions nuisent au droit des étudiants de bénéficier d'une solide formation universitaire : il s'agit des professeurs, d'une part, et des étudiants, de l'autre. Je voudrais tenter d'identifier et d'expliquer les obstacles à la

réflexion sur cette question avant de montrer sous quelles formes ou dans quelles mesures la responsabilité des professeurs est engagée.

Si la responsabilité à la restriction de la liberté académique des étudiants a rarement préoccupé les chercheurs, c'est en raison de trois biais d'analyse principalement. Le premier biais est que la liberté académique a été pensée ou comprise au départ comme la prérogative d'une entité sociale spécifique, les enseignants, parce que, croit-on, la pensée susceptible de déclencher des exactions est une pensée dont les enseignants sont auteurs et les étudiants de simples récepteurs. Le deuxième biais, qui n'est pas sans contribuer à la formation du premier, réside dans l'association excessive entre la violation de la liberté académique et l'autoritarisme politique en Afrique. En effet, dans ce continent plus particulièrement, l'autorité étatique a essentiellement été perçue comme l'ennemi par excellence de la liberté académique, de sorte que, à l'instar des travaux publiés par le CODESRIA sur cette question, la réflexion sur la liberté académique apparaît largement comme une pensée sur les affrontements et les conflits entre les forces gouvernementales et le corps professoral. Ce biais, faut-il le reconnaître, s'est imposé aux chercheurs à juste titre puisque, en effet, les plus fortes atteintes à la liberté académique en Afrique, de manière générale, sont bien souvent les faits des autorités politiques.

Le dernier biais consiste dans l'excès de proximité avec l'objet de recherche ; un excès dont des figures majeures des sciences sociales, allant des classiques à Bourdieu en passant par Elias, ont tôt fait de prévenir des effets négatifs, bien qu'ils n'aient pas manqué de relever les avantages que le chercheur peut en tirer. De la lecture d'*Homo academicus* de Bourdieu on tire en effet la leçon que les universitaires sont peu prompts à rendre compte de l'univers dont ils sont directement partie prenante, ou à objectiver les pratiques constitutives de leur propre univers. Si les raisons ne sont pas entièrement explicitées, il est cependant clair que l'absence d'une prise de conscience de ces pratiques ou le niveau des conséquences attachées au dévoilement de celles-ci sur l'organisation du groupe constituent dans bien des cas des raisons de garder le silence. Sous cet angle, on peut bien comprendre que, dans les rares cas où cet effort de dévoilement a été réalisé, ce soit bien souvent des outsiders, c'est-à-dire des acteurs n'ayant pas d'intérêt particulier à ce que se maintienne le *statu quo* qui s'y sont employés.

Ces explications apportées, je voudrais essayer à présent de m'atteler à l'identification d'éléments de la culture « pédagogique » professorale qui, tout en demeurant conséquents avec une conception peut-être obsolète aujourd'hui de la liberté académique du corps enseignant, entravent parfois

l'épanouissement scientifique des étudiants. Pour ce faire, je partirai d'observations personnelles et de comptes rendus d'un débat qui semble diviser l'exécutif et la majorité des professeurs de l'Université Cheikh Anta Diop.

Les observations ont trait à des discussions informelles entre collègues de l'université dans lesquelles sont mis à jour des conflits, et surtout des incompréhensions, voire une absence de communication entre enseignants et enseignés sur des questions souvent vitales pour les étudiants soucieux de sortir diplômés de l'université. Je citerai quelques exemples tels que cette anecdote racontée à ses collègues par un professeur qui disait avoir été ébahi de voir un groupe d'étudiants de première année venir lui exposer leur grief d'avoir inscrit dans l'épreuve de l'examen partiel une question ayant porté sur un thème qui n'avait pas été traité lors des séances ayant précédé la tenue de l'examen, question à laquelle l'écrasante majorité des candidats avaient échoué, mais que le professeur considérait comme un thème tombant dans le registre de la culture générale qu'un étudiant doit posséder. Et aux étudiants qui l'invitaient à invalider cette question comme ils n'étaient pas informés que ce thème aurait pu constituer le sujet d'un test, il avait répondu, intransigeant, qu'ils n'avaient pas besoin d'être informés, car un étudiant doit se préparer à traiter toute sorte de thème du moment qu'il tombe dans leur discipline. Un autre exemple a trait à la plainte d'étudiants qui s'offusquent que les notes données par les professeurs ne sont jamais motivées, et que l'absence de commentaires sur leurs travaux ne leur permet nullement d'identifier leurs faiblesses pour en venir à bout.

Je n'ai pas souci d'établir la représentativité des faits mentionnés, quoiqu'ils me semblent refléter objectivement des problèmes qui traversent l'espace universitaire sénégalais. Mon propos est de déterminer en quoi ces faits informent de la responsabilité des professeurs dans l'exercice par les étudiants de leur droit à une formation scientifique rigoureuse.

Le rapport évaluateurs-évalués

En tant que transmetteurs de savoirs et récepteurs de ces savoirs respectivement, professeurs et étudiants sont dans une relation contractuelle. Cette relation doit être régie, d'autant qu'elle est scellée au sein d'un espace théoriquement gouverné par la rationalité et se réclamant essentiellement de celle-ci, par un principe organisationnel vital : la prédictibilité. La prédictibilité, que Talcott Parsons considérait comme une condition vitale au bon fonctionnement des relations en société, suppose que les deux parties

soient clairement et mutuellement informées des attentes des unes et des autres ainsi que des règles présidant à leur coopération. La prédictibilité dans le milieu universitaire moderne est un principe auquel les enseignants cherchent à se conformer à travers notamment l'élaboration et la diffusion d'un syllabus à l'intention des étudiants.

Le syllabus – ou plan de cours – est par définition un document élaboré par le professeur dans lequel il consigne, de la manière la plus claire et détaillée possible, les exigences, les objectifs, les critères de sanction auxquels les étudiants inscrits à son cours sont appelés à se plier. Document informatif d'une importance attestée, il formalise les droits et devoirs de l'enseignant comme ceux de l'enseigné, réglemente la forme et le contenu des échanges entre les deux sans remettre en question, par ailleurs, la nature hiérarchique de leur relation. Si la diffusion d'un syllabus est si importante, c'est parce que la jouissance de la liberté, dans quelque domaine que ce soit, se matérialise d'autant mieux que les acteurs en relation prennent acte de leur marge de manœuvre. Bien plus, elle constitue une attente des étudiants, comme le montrent les deux exemples de conflit et d'incompréhension entre enseignants et enseignés mentionnés plus haut. Priver les étudiants d'un syllabus, c'est, de la part des enseignants, réduire le pouvoir des premiers de gérer de manière efficiente et optimale l'organisation de leurs efforts d'instruction et d'accroître leur contrôle sur les aléas et le processus de l'accès au savoir. Il importe, à cet égard, de noter que les étudiants évoluent dans un système caractérisé par une massification significative de l'effectif d'enseignés.

Une conséquence de cette caractéristique est l'accroissement de la distance entre professeurs et étudiants qui réduit les possibilités d'échanges entre les deux sujets. Dans les salles d'enseignement de l'Université Cheikh Anta Diop, les étudiants sont souvent inconfortablement installés, obligés de se serrer à six sur un banc conçu pour trois, lorsqu'ils ne se tiennent pas debout sur une jambe, carrément hors des limites physiques du lieu d'enseignement, cependant qu'ils doivent noter les propos du professeur. Ils évoluent dans un cadre d'apprentissage où la discussion et la soumission de leurs questions et de leurs préoccupations pédagogiques directement au professeur sont devenues quasiment impossibles, par le fait de leur surnombre et des difficultés même à entendre le professeur dont l'écho de la voix parvient rarement à ceux qui sont installés dans les dernières rangées. Il n'est pas meilleure illustration de cette réalité que ce témoignage d'un journaliste du *New York Times* (20 mai 2007) après immersion dans le quotidien des étudiants de l'Université Cheikh Anta Diop :

Thiany Dior se lève habituellement avant l'aube, se déplaçant précautionneusement sur la pointe des pieds entre les fins matelas en éponge

qui jonchent le plancher pour quitter le dortoir exigü qu'elle partage avec une demi-douzaine de femmes. Il était conçu pour deux. Dans le vaste auditorium de la faculté de droit de l'Université Cheikh Anta Diop, elle se procure un siège à deux rangées de l'avant de la salle, deux heures avant le début du cours. Si elle s'asseyait trop loin, elle n'entendrait pas le cours du professeur au-dessus des deux petits haut-parleurs, et serait vraisemblablement amenée à rejoindre les 70 pour cent qui échouent à leurs examens de première ou deuxième année. Ceux qui arrivent plus tard sont perchés, dans le couloir, sur des objets récupérés, ou s'épuisent pour entendre le professeur de la galerie au-dessus. Au moment où le cours commence, 2000 corps jeunes s'entassent dans la pièce, dans le vacarme assourdissant des pages qu'on tourne, des gorges qu'on éclaire et des bousculades.¹

Il est clair, à travers cette description de l'univers d'instruction des étudiants sénégalais, que la seule fréquentation des salles de cours ne suffit plus à garantir l'accès aux idées et recommandations du professeur, puisque les propos de ce dernier ne sont pas toujours audibles à l'ensemble de son auditoire. Ce contexte rend nécessaire la préférence pour la communication écrite au détriment de l'orale. Une communication écrite dont le syllabus constitue une forme pour autant qu'il tient lieu de répertoire des sources bibliographiques utilisées par le professeur, de ses suggestions de lectures pertinentes pour l'acquisition des savoirs nécessaires à la réussite dans le cadre de son cours, de ses critères de notation, de ses thèmes d'enseignement, etc.

Juges de la performance académique de leurs étudiants, les professeurs sont aussi tenus de leur offrir les clés de compréhension du jugement porté sur leur performance. L'exemple relevé plus haut relatif à la plainte des étudiants de ne jamais pouvoir déterminer leurs faiblesses spécifiques et leurs forces sur la base de la note attribuée par le professeur montre que les étudiants n'ont pas toujours accès à ces clés.

Le refus de l'évaluation

La non diffusion d'un syllabus par les professeurs africains s'accompagne d'autres pratiques courantes tout aussi nuisibles à l'exercice par les étudiants de leur liberté dans le cadre de l'espace universitaire. Dans un débat dont la presse sénégalaise s'était fait l'écho, qui divise encore la communauté universitaire, l'ancien recteur de l'Université Cheikh Anta Diop, M. Abdoul Salam Sall, avouait, impuissant : « Ils [les professeurs] ne veulent pas être évalués ; c'est un problème et il faut la présence des étudiants », puis de souligner que les étudiants en font eux-mêmes la demande.

Il ne suffit pas de souligner la quasi-universalité de la pratique de l'évaluation des professeurs dans les meilleures universités du monde pour

établir l'utilité de cette pratique dans une logique de promotion et de défense de la liberté académique. La signification de l'évaluation relativement à la question de la liberté académique des étudiants est à saisir par rapport à deux éléments principalement. Le premier a trait à la dimension instructive de l'évaluation, et le deuxième à la fonction et à l'identité mêmes de l'université.

a) En effet, le cadre de l'évaluation est à la fois celui de la mise en évidence des limites du produit sous jugement, en même temps qu'il constitue le lieu d'exprimer ses incompréhensions ainsi que ses propres idées. De sorte que par ce droit qui lui est reconnu, l'évaluateur poursuit sa quête du savoir, démarche qui est constitutive de l'identité estudiantine et de sa liberté académique. Par l'exercice de ce droit, les étudiants jouiraient de la liberté d'exprimer leurs pensées et de contribuer aussi à l'amélioration de la législation de l'espace dont ils sont partie intégrante. En s'opposant à l'instauration de cette pratique dans leur propre université, les professeurs de l'Université Cheikh Anta Diop se constitueraient en adversaires de la liberté académique des étudiants, puisqu'ils se mettent en travers de leurs efforts d'accéder à plus de savoir, donc les obligent à se satisfaire simplement de ce qui est mis à leur disposition, sans faire usage de leur raison, sans examen libre du savoir acquis en classe. Nul mieux que Kant n'aide à donner la mesure de la responsabilité du professeur, lorsqu'il parle du souverain qui, à certains égards, est un équivalent de celui-ci : « En obligeant un peuple à renoncer au savoir, le souverain violerait les droits de l'humanité ». L'évaluation étant en partie une interrogation sur les origines, la nature, et la valeur du savoir du professeur, elle est donc, par le simple fait d'être interrogation, un savoir, puisque dans la tradition platonicienne le questionnement est au fondement de l'élaboration de connaissances.

b) L'université est un espace régi par la démocratie et le principe de la civilité, un espace où le souci de la production et de la transmission de savoirs épurés autant que possible des dogmes et des contre-vérités, sans mentionner la nécessité de pourvoir une formation rigoureuse qui découle de ce souci, ni la croyance à l'inertie de la vérité, commande théoriquement la promotion d'échanges soutenus et constructifs entre enseignants d'une part, et entre professeurs et étudiants, d'autre part. Bien que l'université soit aussi un espace de hiérarchie, avec des positions et des statuts bien différenciés, les performances académiques des uns n'y sont pas censés être exemptes de jugement par les autres et vice-versa. Puisqu'une telle logique la préside, l'université est donc tenue d'inventer des outils et des moyens par lesquels ce jugement réciproque peut avoir cours. Les professeurs bénéficient de

ces moyens et outils leur permettant d'émettre un jugement sur la pratique des enseignés, car il leur est présenté deux fois au moins durant l'année les copies d'examen des étudiants. Ils l'exercent aussi sur leurs propres collègues puisque la promotion à un rang supérieur est censée advenir de l'examen du curriculum vitae de chaque candidat à la promotion par ses collègues. Seuls aux étudiants font défaut des outils et moyens formels de penser par eux-mêmes, comme le dirait Kant, la qualité des réalisations de leurs professeurs. La période effective d'enseignement pourrait permettre l'exercice de ce droit si les étudiants étaient en mesure de soumettre directement leurs questions et leurs soucis pédagogiques au professeur. Mais le nombre surélevé d'étudiants qui participent à ces cours s'oppose à cette forme d'échange oral. Sans mentionner que la condition de l'anonymat ne pourrait être garantie dans un tel cadre.

Des étudiants contre eux-mêmes

Les choix et pratiques en vigueur au sein de l'espace universitaire qui enfrennent la liberté académique des étudiants ne sont pas exclusivement les faits du corps professoral. En effet, la violation de la liberté académique des étudiants advient aussi dans bien des cas de comportements et de pratiques des étudiants eux-mêmes.

L'évolution des universités africaines au cours des deux dernières décennies atteste de leur dysfonctionnement chronique dont l'un des signes symptomatiques est la succession et l'allongement de la durée des mouvements de grève d'étudiants. L'Université Cheikh Anta Diop, plus spécifiquement, n'a pas compté, depuis 1988, une seule année où le déroulement normal des enseignements n'y a été perturbé par un mouvement de grève. Il n'est pas besoin de rappeler que la grève est un droit garanti par la législation et constitue un moyen légal pour un groupe donné de faire avancer ses propres revendications en vue de l'amélioration de ses conditions matérielles d'existence ou de pratique professionnelle. Il n'est, non plus, nul besoin de s'interroger sur la légitimité de ces mouvements de grève au regard des conditions matérielles des étudiants, lesquelles sont suffisamment documentées dans la littérature scientifique et les enquêtes journalistiques. L'article du *New York Times* déjà cité n'a pas fait que confirmer, si besoin était, des constats établis plusieurs années plus tôt par des observateurs réguliers du champ universitaire sénégalais sur la détérioration des conditions d'instruction des enseignés. Je me contenterai donc ici de juste faire la démonstration de la part de responsabilité des

mouvements de grève étudiants sur la violation de la liberté académique des enseignants.

Les grèves sont, à bien des occasions, des actes de négation de la liberté académique, non pas par leur nature même, mais par leurs formes d'expression. Si la grève est un droit à la disposition de chaque étudiant, le refus de la grève en est de même pour celui-ci. Car la liberté, fût-elle académique, comme le souligne John Stuart Mill, consiste à n'exercer aucun pouvoir de coercition sur un individu doté de toutes ses facultés mentales et en âge légal de décider pour lui, même à supposer que cette coercition soit totalement dans son intérêt personnel. Pourtant, il appert que l'une des conséquences tangibles des mouvements de grève est la négation de la liberté d'instruction d'une proportion majoritaire, sinon significative, des enseignants. Les grèves d'étudiants sont régulièrement émaillées de confrontations entre, d'une part, les syndicats étudiants se prenant (légitimement ?) pour les dépositaires de la volonté, ou du moins du suffrage de l'ensemble de la communauté étudiante et, d'autre part, une fraction d'étudiants réfractaires au mouvement par souci (individualiste ?) de préserver leur chance de réussite sociale ou par défiance à une protestation dont ils n'adhèrent ni aux méthodes ni aux objectifs. Presque chaque grève finit par se transformer en théâtre d'affrontements entre des étudiants opposés à la grève et des grévistes qui viennent les déloger de force des salles de cours.

Il n'a presque jamais été fait cas des questions de l'usage des espaces et des biens dévolus à la communauté étudiante dans la littérature sur la liberté académique en Afrique. Une des raisons en est certainement que les travaux sur la liberté académique en Afrique, déjà fort rares encore, ne se sont qu'exceptionnellement arrêtés sur le cas spécifique des étudiants. Or, il se dégage des observations et des propos des étudiants comme de ceux du reste de la communauté universitaire que dans les modes d'usage de ces biens et espaces se manifestent les restrictions parmi les plus drastiques à la liberté académique des étudiants. Il naît de la fonction d'étudiant, en tant qu'acteur impliqué dans le processus de production et de transmission de connaissances, des besoins ou des conditions qui facilitent l'effort de compréhension, d'analyse et d'élaboration de savoirs. Un de ses besoins est sans conteste le repli dans un espace isolé de tout bruit susceptible d'engendrer la distraction. Les propos de Firmin Manga, cet étudiant en troisième année d'anglais, rapporté dans l'article déjà cité du *New York Times*, suffisent à illustrer l'importance de l'isolement dans l'activité d'instruction : « Je me lève vers l'aube, au moment où tout le monde dort. C'est le seul moment où je peux travailler sans être dérangé ».

Or jouir de l'isolement et du silence que commande souvent l'activité scientifique est devenu un vœu difficilement accessible, sinon pieux à l'Université Cheikh Anta Diop. L'université est devenue, en raison de plusieurs facteurs incluant sa surpopulation et l'incurie de la gestion dont elle fait l'objet, un espace traversé de part en part et en permanence par le bruit. Bruit distrayant de diverses sources qui assaillent les étudiants aussi bien dans les espaces strictes d'enseignement que dans leurs chambres.

Le pouvoir d'imposer le silence dont peuvent se prévaloir des étudiants en cours est un pouvoir qui est défié à longueur de journée et souvent par des étudiants eux-mêmes, à travers des attitudes de négation des règles de conduite collectives. Une défiance qui éprouve la règle de la démarcation, au sein de l'université, de l'espace de sociabilité et de l'espace spécifiquement dévolu à l'instruction scientifique. Démarcation rendue caduque, sinon impossible à maintenir tant par des conditions climatiques, par une insuffisance d'inventivité architecturale que par une mauvaise gestion de l'espace. L'enseignement à l'Université de Dakar ressemble, à bien des moments, à un enseignement en plein air lorsque la chaleur humide et étouffante ou le surnombre d'inscrits dans les cours obligent de garder ouvertes portes et fenêtres des salles de cours. Ces facteurs dont une bonne partie des habitués du campus, en particulier les étudiants, ont conscience n'induisent pas nécessairement de leur part des comportements susceptible, de minimiser les préjudices pouvant en découler.

Au cours de quelques journées d'observation effectuée à l'université en mai 2007, j'ai pu témoigner d'un échange qui indique la mesure dans laquelle la responsabilité des étudiants par rapport à la dégradation de leurs conditions d'instruction est patente. Installée à la dernière rangée d'une salle de cours d'où elle ne pouvait entendre les propos du professeur que couvraient les conversations et rires d'un groupe d'étudiants agglutinés hors de la salle, juste devant la porte ouverte, une étudiante invitait ceux-ci à s'éloigner du lieu pour lui permettre d'entendre le professeur. En réponse, ses camarades lui signifièrent qu'ils ne peuvent se déplacer au risque de perdre les places favorables dont ils pourront bénéficier dans moins d'une heure lorsque la salle aura été cédée au professeur qu'ils attendent. Se prévalant ainsi d'une liberté conforme à ses intérêts, ce groupe d'étudiants bafoue cependant celle que cette camarade est en droit de réclamer de lui en ce contexte spécifique : écouter le professeur et réfléchir à l'abri de toute distraction.

Incapable de jouir de l'isolement de leur salle de cours par rapport au bruit extérieur, les étudiants ne sont pas plus en mesure d'accéder à cette condition dans d'autres espaces qui leur servent de cadre d'études. Il en est

ainsi de leurs chambres. Davantage que bien d'autres catégories sociales, on sait depuis les travaux de Bourdieu et Passeron (1964) que les étudiants entretiennent un rapport assez particulier avec leurs chambres. Celles-ci leur apparaissent naturellement, ou par contrainte, comme une extension des salles de cours et de lecture, d'autant qu'ils évoluent dans un environnement caractérisé par la rareté des espaces entièrement et spécifiquement dévolus à l'activité scientifique, et aux heures d'ouverture relativement courtes de ces lieux, leurs chambres constituent leur dernière retraite pour autant qu'ils souhaitent consacrer des heures supplémentaires exclusivement à l'activité de lecture et d'écriture. Or les chambres se prêtent de moins en moins à cette fonction en l'état actuel de l'Université Cheikh Anta Diop. Il y a trois raisons particulières à cela.

La première a trait à la fréquence des soirées dédiées à la récitation de chants spirituels, sous l'effet de la concurrence que se livrent les différentes associations religieuses estudiantines qui ont essaimé dans le campus au cours des quinze dernières années. Cette activité religieuse a vidé les chambres d'étudiants de leur fonction d'isolat intellectuel, contrairement à ce qu'elles furent vraisemblablement durant les toutes premières années de l'Université Cheikh Anta Diop, d'après les témoignages de diplômés tels que l'ancien juge Camara cité dans l'article du *New York Times*. La liberté de penser ne s'exerçant presque plus dans les chambres, ou du moins difficilement, du fait de la négation du droit au silence à certaines heures et en certains lieux. La deuxième consiste en la diffusion quasi permanente d'une musique charriée par des haut-parleurs de forte puissance, qui pénètrent les chambres des étudiants en provenance tantôt d'un club de loisir situé dans le campus, tantôt d'un dortoir voisin. La dernière a trait à la transformation effective des chambres en espaces de sociabilité. Par leur surpeuplement dont la responsabilité revient tout autant au système de solidarité étudiante qu'au laxisme des autorités universitaires, les chambres sont devenues des lieux où une fraction d'étudiants se trouve contre leur gré interdite de lecture et d'écriture par leurs colocataires, pour avoir été transformées en une sorte de permanence de palabres, d'activités politiques, voire d'activités commerciales parfois en marge de la légalité. Nombre d'étudiants expriment leur frustration et leur impuissance à obtenir que leurs chambres cessent d'être des lieux de sociabilité permanente du fait de la volonté de colocataires vraisemblablement peu soucieux du respect des conditions de l'instruction universitaire.

Conclusion

La littérature sur la liberté académique en Afrique s'est fortement enrichie de nouvelles contributions instructives depuis la publication de l'ouvrage fondateur de Mamadou Diouf et Mahmood Mamdani (1994). Il se trouve cependant que, à l'exception notable du livre édité par Ebrima Sall (2000), la réflexion reste généraliste, d'une part, et se soucie presque exclusivement de rendre compte de cette question à partir de la stricte expérience des professeurs, d'autre part. Bien plus, une autre démarche que partage quasiment l'ensemble des chercheurs s'étant intéressés à cette question consiste en l'approche externaliste et politique de la liberté académique. Essentiellement, les pratiques et actions des autorités gouvernementales contre les universitaires leur ont semblé plus dignes d'intérêt que celles d'autres acteurs. Cet article s'est évertué à explorer une nouvelle piste en faisant des étudiants et non des professeurs la population d'étude. Elle se distingue, en outre, des autres travaux par son approche internaliste qui consiste à rendre raison des effets des attitudes, des choix et des pratiques propres aux membres de la communauté universitaire eux-mêmes sur l'exercice par les étudiants de leur liberté académique. Cette approche a permis de démontrer que cette liberté académique souffre aussi bien des exactions des autorités politiques dans le campus que d'un certain conservatisme « pédagogique » des professeurs et d'une importation par les étudiants eux-mêmes d'une culture et de pratiques en conflit avec la posture intellectuelle au sein de l'institution académique.

Note

1. Thianyi Dior usually rises before dawn, tiptoeing carefully among thin foam mats laid out on the floor as she leaves the cramped dormitory room she shares with half a dozen other women. It was built for two. In the vast auditorium at the law school at Cheikh Anta Diop University, she secures a seat two rows from the front, two hours before class. If she sat too far back, she would not hear the professor's lecture over the two tinny speakers, and would be more likely to join the 70 percent who fail their first- or second-year exams at the university. By the time class starts, 2,000 young bodies crowd the room in a muffled din of shuffling paper, throat clearing, and jostling (Lydia Polgreen, African universities overcrowded, falling apart, *New York Times*, May, 20, 2007).

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Libertés académiques, syndicalisme et politique en Côte d'Ivoire

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Résumé

L'année 1990 marque le retour au multipartisme en Côte d'Ivoire. Depuis lors, l'université est devenue une institution hautement politisée. Cette époque voit naître la FESCI qui s'avéra être un maillon essentiel dans les revendications politiques des partis d'opposition, ce qui a eu pour conséquence l'intervention des forces de l'ordre sur les campus universitaires ivoiriens. Cependant, avec le coup d'Etat de 1999 et les élections de 2000, l'opposition d'alors prend les rênes du pouvoir. La FESCI devient le tout-puissant syndicat estudiantin, dicte sa loi sur les campus, et les libertés académiques n'existent pratiquement plus ; les étudiants et enseignants sont très souvent molestés, séquestrés par les membres de la FESCI dans une totale impunité. Les universitaires sont confrontés à la violation des libertés académiques, mais sont incapables d'agir en raison de leurs intérêts et parti pris politiques. Dès lors, le défi des universitaires ivoiriens est de dépasser leur clivage politique pour ensemble militer en faveur du respect de leurs libertés académiques.

Abstract

The year 1990 marks the return to multiparty politics in Côte d'Ivoire, since the university has become a highly politicized institution. Indeed, this period saw the birth of FESCI prove to be an essential link in the political demands of opposition parties. This has resulted in numerous interventions by the police on university campuses Ivorian. However, with the coup of 1999 and 2000 elections, the opposition then took over the filling. FESCI becomes the all-powerful student union, which lays down the law on university campuses Ivorian. Academic freedom no longer exists, and students and teachers are often beaten, in total impunity. Côte d'Ivoire academics are faced with the violation of academic freedom by students FESCI members, but they cannot because of their political interests to take responsibility for

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finding appropriate measures to respect academic freedom. The current challenge is to academics than their Ivorian political divide together to advocate for the respect of their academic freedom.

Introduction

Les années 1990 furent pour le monde entier une période de changements. La guerre froide prit fin, l'URSS et le bloc communiste se disloquèrent, l'Allemagne se réunifia. Ces transformations eurent leur prolongement sur le continent africain. Les partis uniques présents depuis les indépendances furent obligés, sous la pression populaire, d'instaurer ou de réinstaurer le multipartisme comme nouveau mode d'animation politique et de gestion sociétale.

En Côte d'Ivoire, la fin du parti unique, ou plus précisément de la pensée unique, engendra la création d'un nombre important de partis politiques, de syndicats, d'organes de presse, etc. Ces mutations sociales vont transformer la société ivoirienne dans son ensemble et à tous les niveaux. En réponse à la dégradation de leur condition de vie et d'étude, les étudiants vont eux aussi créer des associations à caractère syndical (communément appelées syndicats), dans le but de porter à la connaissance des gouvernants leurs préoccupations. On assiste alors à l'avènement de la Fédération estudiantine et scolaire de la Côte d'Ivoire (FESCI), mouvement de gauche radicalement opposé à l'ancien parti unique [(Parti démocratique de Côte d'Ivoire (PDCI)]. Le Mouvement des élèves et étudiants de Côte d'Ivoire (MEECI), jadis proche du PDCI, n'a plus droit de cité et disparaît de l'univers scolaire et universitaire ivoirien.

Dans ce contexte, la FESCI devient le syndicat le plus puissant et la principale référence en matière de défense des droits des élèves et des étudiants. Une solidarité active unit d'emblée la FESCI au Syndicat national de la recherche et de l'enseignement supérieur (SYNARES). En effet, dans sa lutte contre le pouvoir en place, la FESCI bénéficie du soutien du SYNARES. Le SYNARES ayant aidé à la création de la FESCI, il croyait au combat des étudiants. Il pensait que ce combat était noble et que les étudiants de la FESCI soutenaient aussi les idéaux du SYNARES (Zinsou 2009). De son côté, en s'affiliant au SYNARES, la FESCI se retrouve l'alliée naturelle des parties d'opposition, d'autant que sur les quarante partis reconnus, une bonne partie est dirigée par des enseignants.¹

Dès lors, avec cette alliance la FESCI obtient un solide allié qui est prêt à la défendre en toute circonstance face au parti au pouvoir. Très souvent victimes de violence de la part des pouvoirs publics, les étudiants de la FESCI avaient toujours le soutien de SYNARES.² La jeune association estudiantine s'impose comme la première force organisée à même de faire descendre dans la rue des dizaines de milliers de jeunes (Konaté 2003). Par conséquent, l'espace universitaire et scolaire devient un enjeu politique majeur, dont le contrôle passe par la maîtrise de la FESCI. Compte tenu de son influence, la FESCI va être l'objet de tentative de récupération de la part de bon nombre de partis politiques se trouvant dans l'opposition (Kesy 2001).

La récupération politique de ce syndicat aura pour conséquence un schisme en son sein. Lors de son congrès de 1998, deux groupes se forment. D'un côté, les partisans du Front populaire ivoirien (FPI) et, de l'autre, ceux du Rassemblement des républicains (RDR). Cette forte intrusion de la politique en milieu étudiant engendre une nouvelle forme de violence. Des batailles rangées entre les différents groupes rivaux éclatent : c'est la naissance du phénomène de « machettage ». Les campus universitaires deviennent alors le théâtre de combat à la machette. De nombreux étudiants sont gravement blessés ou mutilés ; certains y perdent la vie.

Avec le coup d'Etat de décembre 1999 et l'élection, en 2000, d'un nouveau président issu de l'opposition, le paysage politique national change radicalement. Ces changements auront une forte répercussion au sein du milieu universitaire. La FESCI s'impose dans l'espace universitaire et utilise la violence comme moyen de se faire obéir et de se faire justice. C'est elle qui dicte les règles de vie et de conduite à tous les acteurs du système universitaire. Des représailles sont donc organisées à l'endroit de tous les contrevenants, la violence prend des nouvelles formes, notamment à l'encontre des étudiants et du personnel enseignant, à l'encontre du personnel administratif, sans oublier les luttes de leadership à l'intérieur même du syndicat.

Dans ce contexte de violences, les libertés académiques sont fortement bafouées par les étudiants membres de la FESCI. Le plus surprenant est que ce syndicat agit en toute impunité ; même les enseignants-chercheurs, qui sont aussi victimes que les étudiants des agissements « fecistes »,³ ne font rien de significatif pour mettre fin à ces violations flagrantes des libertés académiques.

A partir de la sociogenèse de la FESCI et de son évolution dans le temps, cette étude vise à comprendre les raisons du mutisme des enseignants-chercheurs ivoiriens face à la mise en péril des libertés académiques par la

FESCI. Le matériel empirique utilisé pour l'analyse se structure autour d'observations directes, de dépouillements de la presse et d'un *focus group* avec les syndicats d'enseignants du supérieur. Cet article s'inscrit dans une analyse essentiellement qualitative, avec une démarche sociocritique. Il est composé de quatre parties, à savoir :

- la crise de l'université ivoirienne et l'évolution de la FESCI ;
- les agissements de la FESCI ;
- le statut social de l'enseignant-chercheur en Côte d'Ivoire ;
- le paradoxe liberté académique versus promotion personnelle chez les enseignants-chercheurs ivoiriens.

Crise de l'université ivoirienne et évolution de la FESCI

L'université ivoirienne a été créée sous le régime de la loi cadre Gaston Defferre du 23 juin 1956 qui accorda l'autonomie aux anciens territoires français de l'Afrique occidentale. En effet, cette loi permit au centre d'enseignement supérieur d'Abidjan, créé le 31 juillet 1959, de devenir l'embryon de l'Université d'Abidjan. Les enseignements dispensés en Côte d'Ivoire se faisaient sous la tutelle de l'Université de Dakar. Pendant les deux premières décennies qui ont suivi son indépendance, la Côte d'Ivoire s'est distinguée par des performances économiques remarquables. Cette performance économique a permis d'assurer un bon fonctionnement de l'université qui tournait à cette époque à plein régime ; elle était en plein essor, mais n'empêchait pas des grèves menées quelquefois par des enseignants, sous l'égide du SYNARES, ou des étudiants qui revendiquaient de façon tout à fait autonome (Zinsou 2009).

La vie scolaire et associative était dirigée par le Mouvement des étudiants et élèves de Côte d'Ivoire (MEECI), inféodé au parti unique qui était alors au pouvoir. L'affiliation au parti au pouvoir de la seule organisation syndicale d'élèves et d'étudiants a permis la mainmise du politique sur le monde scolaire et universitaire jusqu'en 1990 (Vanga 2009). L'université était régie par une discipline et un respect de la hiérarchie universitaire, les cours se déroulaient dans le temps sans grandes perturbations et l'étudiant, au sein de la société, dégageait une image forte et positive (Zinsou 2009).

Avec la chute des cours des matières premières à partir des années 1980, les Etats africains entrent en crise économique. Sous l'impulsion des organismes internationaux, ils mettent en place les programmes d'ajustements structurels (PAS). L'enseignement supérieur est alors marginalisé au profit

de la formation de base. Les financements sont par conséquent orientés principalement vers ce degré de formation.

Jusqu'à la fin de l'année 1992, la Côte d'Ivoire ne disposait que d'une seule université et d'un seul campus. Conçue au départ pour 6000 à 7000 étudiants, cette université comptait en 1992 environ 25 000 étudiants, ce qui ne pouvait qu'engendrer et amplifier des problèmes de tous ordres : effectifs pléthoriques, classes et amphithéâtres insuffisants, équipements didactiques insuffisants et/ou inadaptés, voire inexistantes, ratios professeurs/étudiants défavorables, structures d'accueil et hébergement des étudiants insuffisantes ou peu opérationnelles, etc. A l'occasion de la crise économique, les revendications conjuguées des étudiants et des enseignants ont obligé le gouvernement à décider de la création de deux autres campus universitaires. Avec le décret n° 92 540 du 2 septembre 1992, l'Université nationale de Côte d'Ivoire comporte dorénavant trois campus (Cocody, Abobo Adjamé et Bouaké). En 1996, ces campus ont été érigés en trois universités publiques et sont devenus l'Université de Cocody, l'Université d'Abobo Adjamé et l'Université de Bouaké.

Cependant, ces trois universités ne sont pas parvenues à régler les problèmes à l'origine de leur création ; en proie à une crise multiforme, elles ne se caractérisent que par des effectifs pléthoriques. L'Université de Cocody a plus de 50 000 étudiants. Ces effectifs contrastent avec la stagnation relative du nombre d'enseignants, ce qui induit un faible taux d'encadrement.

Tableau 1 : Répartition des enseignants et des étudiants dans les universités publiques

	Professeurs et Maîtres de Conférences	Etudiants	Ratio		
Ratio Généraux	Ratio Cours magistraux				
Univ d'Abobo Adjamé	158	21	6682	1/43	1/38
Université de Bouaké	282	36	10340	1/42	1/305
Université de Cocody	1388	331	51411	1/37	1/156
Total	1828	388	68433	1/38	1/178

Source : Ministère de l'Enseignement supérieur, 2007

L'on observe qu'aucune des universités publiques en Côte d'Ivoire ne respecte les normes de l'UNESCO qui fixe un maximum de 25 étudiants par enseignant. La moyenne nationale se situe à un enseignant pour 38 étudiants. Au niveau du ratio pour les enseignants de rang A, on note que le taux d'encadrement est encore plus faible. La moyenne nationale est de 178 étudiants pour un enseignant de rang magistral.

Le manque d'infrastructure, est un trait caractéristique des universités publiques ivoiriennes. Les effectifs augmentent régulièrement alors que dans le même temps, rien n'est fait pour supporter le flux d'étudiants dans les différentes universités. La surcharge des amphithéâtres et autres salles de travaux pratiques et travaux dirigés a pour conséquences : les mauvaises conditions de travail pour les étudiants et aussi pour les enseignants, la détérioration rapide des infrastructures existantes et la surexploitation de ces infrastructures qui cause à moyen terme leur dégradation.

L'enseignement supérieur en Côte d'Ivoire manque cruellement d'infrastructures d'accueil, c'est-à-dire d'amphithéâtres, de salles de travaux pratiques et dirigés, de salles spécialisées et de bibliothèques, sans oublier les infirmeries. Les infrastructures existantes sont sous-équipées et surexploitées. Les salles de cours manquent de chaises, de bureaux et souvent d'électricité. On continue d'enseigner sur des tableaux noirs avec de la craie et un chiffon. Certains cours sont dispensés sur la pelouse et dans les bureaux (Focus group avec les syndicats des enseignants du supérieur).

Ces difficiles conditions de vie et d'études sont à l'origine de perturbations, de troubles, de violences, de grèves répétées (d'enseignants et d'étudiants), d'années blanches ou invalidées, des années académiques à longueurs variables et imprécises très souvent à cheval sur deux ou trois années civiles. A cette situation difficile vient s'ajouter un accroissement de la violence au sein de l'institution universitaire perpétrée par les étudiants membres de la FESCI.

Agissements de la FESCI et libertés académiques

Galy (2004) observe que la lutte des classes d'âge semble un facteur explicatif très fort dans la violence en Afrique de l'Ouest. À l'origine cantonnée dans le milieu rural, on assiste toutefois, à partir des années 1990, à une inversion de tendances. La violence devient un phénomène urbain. Avec la progression de la criminalité et de la délinquance, des auteurs de « grands banditismes » connaissent une extraordinaire popularité dans la jeunesse, y compris estudiantine, à l'instar des footballeurs ou des chanteurs.

Cette violence urbaine va se muer en violence politique. En effet pour Vidal (2003), la brutalisation des rapports de force politique a commencé, ou plus exactement recommencé, au début des années 1990, les transgressions de ce qui semblait inacceptable se multipliant, le pire est advenu : des fractions de la population ont fini par tolérer que des actes de guerre civile soient commis par des groupes armés censés défendre leurs intérêts. Elles ont également accepté que les rapports de forces politiques entraînent l'élimination physique d'individus appartenant à des catégories sociales considérées comme adversaires.

C'est dans ce contexte qu'est née la FESCI, pour revendiquer de meilleures conditions de vie et de travail des étudiants, et elle se signale par de multiples grèves qui sont très souvent suivies de casses et de mort d'hommes. Cette organisation sera combattue par le pouvoir d'alors. Ces membres seront par conséquent brimés, emprisonnés par les forces de l'ordre sur instruction des pouvoirs en place. En réponse à ces brimades, la FESCI s'organise. Sa stratégie consistera alors à défier les forces de l'Etat et du parti au pouvoir. Elle se détourne de son arme de combat initiale (grève et négociation) pour épouser la violence comme arme ultime de revendication et de combat. L'organisation *Human Rights Watch* (2008) indique elle-même que la FESCI s'est détournée de sa mission initiale.

Plutôt que par des grèves en faveur de causes étudiantes, la FESCI est souvent évoquée aujourd'hui pour sa violence à caractère tant politique que criminel. Prises dans leur ensemble, les actions que la FESCI mène tant sur les campus qu'à l'extérieur ont un effet réfrigérant sur la liberté d'expression et d'association des autres étudiants et des professeurs. Progressivement mais fermement, la FESCI s'adjuge la gestion de l'ordre et du pouvoir à l'université (Konaté 2003). Elle terrorise tout le monde : enseignants, vigiles, étudiants et personnels administratifs. Elle rackette également tous les commerçants installés sur les campus universitaires. Les blessés et les morts qu'elle occasionne par sa violence ne se comptent plus.

C'est fort de cela que Zinsou (2009) affirme que la FESCI est persuadée qu'elle est intouchable et au-dessus des lois. La FESCI se comporte en maître absolu des campus universitaires en y imposant ses lois. Elle a les pleins pouvoirs en matière d'attribution des chambres dans les cités universitaires. Ainsi, elle a plusieurs dizaines de chambres dans toutes les cités universitaires qu'elle met à la disposition de ses membres ou qu'elle loue à des non étudiants. Ce mouvement s'arroge le droit de décider des périodes de cours et d'examen dans les universités.

Depuis le coup d'Etat de 1999 et la crise politique de septembre 2002 qui perdure dans le pays, les étudiants sont devenus les principaux acteurs de la violence à l'école. Chez la jeunesse membre de la FESCI, la violence apparaît aujourd'hui comme un moyen de lutte pour la reconnaissance sociale (Vanga 2009). Très politisés, les membres de la FESCI croient à la vertu des révolutions comme processus de transformation sociale. L'avenir de l'université les préoccupe peu en vérité. Ils cherchent à se positionner politiquement et socialement. En effet, les trajectoires politiques et sociales des anciens dirigeants de la FESCI sont une illustration.

Une tolérance incompréhensible émane de la part des autorités politiques, judiciaires et académiques quand il s'agit de violence dans les universités ivoiriennes. Ce laisser-aller légitime et féconde la violence. Les universités sont donc devenues des espaces de non-droit et de totale impunité. La justice sociale n'y existe pas, les étudiants, les enseignants et le personnel administratif sont dans cette enceinte à la merci de la FESCI. Ce qui est paradoxal, c'est que cela soit à l'université que de tels agissements ont lieu. Plutôt que de constituer un milieu d'accès libre et paisible à la culture et au savoir, les universités ivoiriennes sont devenues au contraire des lieux de violence par excellence. Au lieu de mettre aux prises les idées, les théories et autres utopies génératrices de nouveautés intellectuelles qui caractérisent une vie universitaire, elles offrent plutôt de tristes spectacles de combats au couteau, à la machette, voire à l'arme à feu. Ces actions contredisent les fonctions naturelles d'une université d'être dans son essence un milieu de libres expressions et de libres opinions.

Le rôle de l'université ne se focalise pas seulement sur l'acquisition des savoirs et de savoir-faire, mais aussi sur le savoir-être. L'instruction ne doit pas prendre le pas sur l'éducation. C'est en ce sens que dans son texte *Vers un agenda 21 sur l'enseignement supérieur*, l'UNESCO stipule que

Dans cette perspective sa mission est double : a) participer activement à la solution des grands problèmes de portée planétaire, régionale et locale, tels que la pauvreté; la faim; l'analphabétisme; l'exclusion sociale; l'aggravation des inégalités au niveau international et au sein des nations; l'accentuation de l'écart entre pays industrialisés et pays en développement; la protection de l'environnement; et b) œuvrer avec persévérance, notamment en élaborant des propositions et des recommandations alternatives, pour promouvoir le développement humain durable ; le partage des connaissances; le respect universel des droits de l'homme ; l'égalité des droits des femmes et des hommes; la justice et la mise en pratique en son sein et dans la société des principes de démocratie ; la compréhension entre nations, entre groupes ethniques, religieux, culturels et autres ; une culture de la paix et de la non-violence ; « la solidarité intellectuelle et morale » (UNESCO 1998).

De cette déclaration, il ressort que l'université devrait être le lieu où l'on cultive la tolérance et les valeurs sociales d'égalité, d'équité, de justice et de démocratie. Alors qu'elle est prônée à qui veut l'entendre comme le mode de gestion de notre société, l'espace universitaire ivoirien démontre que la démocratie ne se chante pas ; elle se pratique dans l'application de principes tels que le fait de rendre la justice aux personnes opprimées et victimes d'atteinte à la liberté.

Libertés académiques et autonomie universitaire apparaissent comme des conditions préalables sans lesquelles l'université ne saurait s'acquitter au mieux des responsabilités diverses que la société lui a confiées (Neave 1998). La liberté académique est souhaitable parce que sa négation tend à inhiber la créativité, à protéger les orthodoxies en place du défi susceptible d'être posé par les idées nouvelles, et à réduire les chances de mettre à nu et de corriger les erreurs au grand préjudice de la société (Ake 1994). Etant donné les enjeux que représentent les libertés académiques tant au plan de la gestion que de l'épanouissement scientifique, l'attitude des enseignants-chercheurs ivoiriens au regard des agissements de la FESCI semble à cet égard bien impuissante.

Enseignants-chercheurs et libertés académiques en Côte d'Ivoire

Les enseignants du supérieur ont le sentiment de subir un véritable phénomène de déclassement. Ils estiment être mal rémunérés au vu de leur qualification et des traitements réservés à d'autres fonctionnaires. En effet, les rémunérations octroyées par l'Etat sont en deçà de ce que perçoivent leurs homologues de certains pays de la sous-région dont le pouvoir économique est largement en dessous de celui de la Côte d'Ivoire, ce qui traduit la dévalorisation et la sous-rémunération des enseignants du supérieur en Côte d'Ivoire.

Concernant la démotivation, nous avons eu en 1991 l'avènement des salaires à double vitesse pour les enseignants, avec le raccrochage, l'enseignant n'a plus de valeur face à un simple comptable du trésor ou à un guichetier dans une banque qui a un salaire supérieur à celui d'un enseignant d'université (Focus group avec les syndicats des enseignants du supérieur).

Cette situation est à l'origine d'un vaste mouvement de grève et de contestation conduit par la Coordination nationale des enseignants-chercheurs (CNEC) depuis l'année 2006. La plupart des revendications, lors des grèves, sont d'ordre social. La précarité de leurs conditions de vie induit leur démotivation dans les universités publiques.

La dévalorisation du statut social de l'enseignant universitaire est très perceptible dans l'environnement sociétal ivoirien. En réponse à un mouvement de grève observé par les enseignants du supérieur, le chef de l'Etat a déclaré ceci : « Doctorat, c'est quoi ? Ce n'est pas la mer à boire. Je ne peux payer un enseignant 2 millions, sinon combien je vais payer les douaniers, ceux qui font entrer de l'argent au pays et les policiers qui assurent la sécurité... ».⁴ Cette déclaration révèle la manière dont les pouvoirs publics se comportent à l'égard des enseignants du supérieur, qu'ils n'hésitent pas à tourner en dérision.

En plus des pouvoirs publics, le manque de considération est également perceptible chez les étudiants. Le respect ancestral dévolu au « Maître » n'est plus à l'ordre du jour. Les relations enseignants-enseignés sont parfois tendues, et il n'est plus surprenant d'entendre des railleries, voire des injures, envers les enseignants en plein déroulement de cours. Certains sont même victimes de violences verbales ou physiques de la part des étudiants. Tout le prestige dû à sa qualité d'enseignant est vilipendé par des étudiants qui n'accordent plus d'importance à leur stature.

Cette dévalorisation du statut social des enseignants universitaires engendre leur démotivation et leur désintérêt à l'égard de la profession enseignante. Aussi nombre d'entre eux quittent-ils chaque année l'université pour aller dans des institutions qui offrent de meilleures conditions de vie et de travail. Ce n'est plus un secret pour personne de voir les enseignants du supérieur s'adonner à plusieurs autres activités en dehors de l'université pour faire face à la précarité de leur traitement salarial. Nombreux sont les professeurs d'universités publiques qui dispensent chaque semaine plusieurs heures de cours dans les universités et grandes écoles privées, ou encore se battent pour avoir davantage d'heures complémentaires. Dans la plupart des organismes internationaux, des ONG et des cabinets, les consultants, formateurs et autres experts sont des enseignants d'universités publiques.

Les enseignants eux-mêmes n'ont pas de motivation. Ils se préoccupent plus des heures à faire dans le privé que de se consacrer à leur travail ici dans les universités publiques (Syndicat des enseignants du supérieur, focus group).

En Côte d'Ivoire, si ce ne sont pas les gombos⁵ qui arrondissent les fins du mois, c'est l'affairisme politique. L'université se présente pour de nombreux enseignants comme un lieu de transit vers la politique, vers un poste de Directeur général (DG) dans les sociétés d'Etat, même de ministre ou de directeur de cabinet ministériel lors d'un remaniement ministériel. Le poids

des opportunités offertes par les postes politiques empêche de créer un environnement favorable à la culture scientifique.

Très souvent, il arrive que les enseignants abandonnent amphithéâtres et laboratoires pour s'engager activement, et ce, pendant plusieurs semaines, dans des campagnes de mobilisation électorale. Le discours politique prédomine sur le discours scientifique dans les universités ivoiriennes. La plupart des critiques ou des observations se font sous le couvert d'un parti politique. Les enseignants membres du FPI se donnent pour mission de défendre vaille que vaille les idées de leur leader, et il en est de même pour ceux du PDCI, du RDR, du PIT... L'université devient un champ d'intenses activités politiques où s'affrontent les militants et sympathisants du parti au pouvoir avec ceux des partis d'opposition. Les débats ne sont plus d'ordre académique et scientifique, mais purement politique.

Dès lors, la question des libertés académiques passe pour être secondaire, comparée à celle de la promotion personnelle. Force est alors de constater que la promotion sociale des universitaires ne se fait plus selon les résultats des travaux de recherche, mais par la nomination à un poste ministériel ou à une haute fonction dans l'administration. On note par conséquent qu'avec l'arrivée du FPI au pouvoir, beaucoup d'enseignants-chercheurs ont été nommés ministres, directeurs de cabinet, au moment où d'autres sont devenus députés (comme le président de l'Assemblée nationale), maires ou présidents de Conseil général. Avec leurs nouvelles fonctions politiques, ces enseignants politiciens ont radicalement changé de mode de vie sociale ; ils sont devenus des « bourgeois » et participent directement à la prise de décision au niveau national.

Au regard de son positionnement politique aujourd'hui, personne ne conteste que la FESCI est le bras séculier du pouvoir. Alors, les enseignants en quête de promotion sociale (politique) sont contraints de pactiser avec la FESCI, ce qui revient à cautionner ses agissements. Car, en les présentant dans des rapports favorables, leur nomination peut être entendue dans les hautes sphères politiques. Ainsi, jadis très respecté par l'ensemble de la communauté universitaire, le syndicat SYNARES n'est aujourd'hui qu'une pâle copie de l'époque du multipartisme. Ce syndicat se trouve enchaîné par son alliance avec la FESCI. Cette attitude partisane des enseignants-chercheurs met encore en avant la promotion politique au détriment des libertés académiques.

Le Syndicat des enseignants du supérieur estime que l'amélioration des conditions de travail des enseignants-chercheurs est nécessaire pour accroître l'efficacité interne et externe des universités. Il soutient que cela passe

nécessairement par l'octroi d'une rémunération adéquate qui puisse mettre l'enseignant-chercheur à l'abri des soucis matériels. C'est lorsque, affirme-t-il, les universitaires sont moralement et intellectuellement indépendants de toute autorité politique et de tout pouvoir économique qu'ils sont plus aptes à répondre aux besoins et aux exigences des sociétés contemporaines en pleines mutations. Les libertés académiques, bien que nécessaires pour le respect et la pleine émulation des universitaires, sont reléguées au second plan lorsque les conditions existentielles et matérielles ne sont pas réunies, ce qui amène à penser que les libertés académiques dépendent des conditions de vie et de travail décentes.

Conclusion

Le cas ivoirien montre que l'implication politique des universitaires peut constituer dans certaines conditions un obstacle aux libertés académiques. Il fait voir que toute liberté académique présuppose, dans le cas étudié, que les universitaires soient aptes à se démarquer de toute activité partisane lorsqu'il s'agit d'exercer la profession scientifique. C'est là une responsabilité qui leur incombe, car aucune autre catégorie sociale n'est plus apte à mener ce combat. Aujourd'hui plus que jamais, il importe que les universitaires abordent le problème des libertés académiques et des valeurs qu'elles impliquent au sens de l'objectivité que requiert toute activité scientifique. Comme préalable se posent la réhabilitation des valeurs qui définissent l'université, d'une part, et celles de son rapport à la société qu'elle concourt à promouvoir, d'autre part (Hagan 1994). C'est ainsi que la violence comme celle qu'exerce la FESCI peut être rendue superflue et par là même inadmissible.

Le rôle social de l'université va au-delà des simples ambitions personnelles. Les attentes placées dans les universités sont nombreuses au regard de l'état de déliquescence dans lequel la société ivoirienne a été poussée. En fait, les universitaires n'ont pu surmonter les conflits d'intérêts qui secouent les différentes catégories sociales ivoiriennes. Au lieu d'influer sur son environnement social et de le libérer des contraintes politiques, le champ universitaire s'est laissé au contraire envahir par cet environnement. Il s'est soumis aux tensions exacerbées qui le traversent. Les mutations politiques et les violences qui s'ensuivirent trouvèrent des résonnances désastreuses dans les universités. L'Etat, qui a toujours vu en l'université un noyau de contestations et de déstabilisation, en a tiré un grand profit dès lors que les universitaires se sont fortement divisés.

Notes

1. Le Front populaire ivoirien (FPI) de Gbagbo Laurent, chercheur ; Le Parti ivoirien des travailleurs (PIT), professeur de droit et ancien secrétaire général du Synares ; l'Union des socio-démocrates (USD) de Bernard Zadi, poète et professeur de stylistique, le Parti socialiste ivoirien (PSI) de Moriféré Bamba, ancien doyen de la faculté de pharmacie.
2. Le 25 septembre 1990, à la suite des manifestations à l'université d'Abidjan Cocody qui conduisirent à la radiation définitive de soixante étudiants, le SYNARES exigea l'annulation de cette décision et le retrait des forces de l'ordre du campus (Vanga, *op.cit.*). En juin 1991, des étudiants qui auraient appartenu à la FESCI assassinèrent à coups de gourdin un autre étudiant soupçonné d'être un indicateur du gouvernement PDCI sur le campus, Thierry Zébié. Huit étudiants furent arrêtés et le Premier ministre d'alors, dans un discours diffusé dans le pays, annonça la dissolution immédiate de la FESCI. Laurent Gbagbo, alors dirigeant du FPI, professeur d'université et membre du SYNARES, aurait déclaré que la FESCI n'avait pas commis de crime et que le discours du Premier ministre était «une grave erreur » (Human Right Watch 2008).
3. Nom donné aux étudiants membres de la FESCI.
4. Extrait du discours prononcé par Laurent Gbagbo le 1^{er} mai 2007.
5. Activités menées en dehors de l'université pour arrondir les fins de mois.

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Pursuing Excellence in a ‘World-Class African University’: The Mamdani Affair and the Politics of Global Higher Education

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Abstract

Four years after the end of apartheid, the administrators of the University of Cape Town (UCT) suspended Mahmood Mamdani, then chair of the Centre of African Studies, from his teaching obligations because they deemed his course – ‘Problematizing Africa’ – too theoretically difficult for incoming students. The ensuing showdown between Mamdani and the university administration culminated in a spirited public debate over how to best ‘transform’ the historically segregated university to achieve racial integration. Less commented upon, however, is the fact that this debate coincided with UCT’s efforts to brand itself as a ‘World Class African University,’ attract greater funding from foreign institutions, privatise its campus services, and adopt National Qualifications Framework (NQF) standards. In other words, UCT – like many post-apartheid universities – was busy remaking itself into a ‘global’ university. Taken in this context, Mamdani’s argument for the importance of ‘teaching Africa in an African university’ takes on a new resonance. This article re-reads the 1998 curriculum debates as also a struggle for academic autonomy within a neoliberal university. Doing so offers the opportunity to think about the political strategies of pedagogy, while providing students and faculty a compelling model for how they might resist the neo-liberalisation of higher education within their own institutions.

Résumé

Quatre ans après la fin de l’apartheid, l’administration de l’Université de Cape Town (UCT) suspend temporairement le Professeur Mahmood Mamdani, de sa charge de cours intitulée ‘*Problematizing Africa*’, jugée théoriquement trop ardue pour des étudiants de première année. Une confrontation entre Mamdani et l’administration universitaire s’ensuivit et culmina par un débat public animé. Ce conflit a souvent été interprété comme un

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désaccord sur la meilleure manière de réhabiliter une université anciennement ségrégée. Toutefois, ce qui est passé sous silence est le fait que ce débat allait de pair avec la volonté de l'UCT de se proclamer « Université africaine de premier rang », de recevoir des subventions des institutions privées, de privatiser les services de son campus et d'adopter les normes du *National Qualification Framework*. Autrement dit, comme d'autres universités de la période post-apartheid, l'UCT était soucieuse de se métamorphoser en université « globale ». Dans ce contexte, l'argument de Mamdani concernant l'importance d'« enseigner l'Afrique dans une université africaine » prend une autre tournure. Cet article propose une relecture des débats de 1998 sur le contenu des cours sous un nouvel angle et de les comprendre, entre autres, comme une lutte pour l'autonomie académique au sein d'une université néo-libérale. Ceci offre l'opportunité de réfléchir sur les stratégies politiques, en donnant aux étudiants ainsi qu'aux universitaires un exemple de résistance face au néo-libéralisme au sein des institutions universitaires.

Today, most universities around the world are consciously remaking themselves into 'global' institutions. Downplaying their particular histories, they emphasise their 'global' qualities and position themselves for global leadership in research, teaching and active engagement in global issues.¹ These changes take many forms, including a greater focus on global studies departments and programmes, increasing study abroad opportunities, developing classes on global diversity, and changing school branding campaigns to reflect an interest in globalisation. Administrators emphasise a school's 'global presence' and organisations like the *Times Higher Education Supplement* (THES) and Shanghai Jiao Tong University publish annual rankings of the world's top universities. Some universities even open overseas campuses to help forge their 'global' credentials, while receiving financial incentives from foreign governments and gaining access to larger pools of tuition-paying students (Ross 2008). The Rwandan government, for instance, recently promised a \$95 million package over 10 years to Pittsburgh-based Carnegie Mellon University to open a campus in Kigali (Wilhelm 2011). While the expanding international reach of universities was once tied to the colonial project, higher education has now become a wholesale export commodity. For example, since receiving protection from the World Trade Organisation, higher education has become the United States fifth largest exportable service (Ross 2008). In Australia, the money brought in by the massive influx of foreign students constitutes the country's third largest export (Wildavsky 2010:24).

This new 'global academic order' (Wildavsky 2010:3), however, is rife with inequality. The scramble to 'globalise' higher education strongly fa-

vours universities from the United States, Europe, and other English-speaking advanced industrial countries. The degree of inequality is made most visible in various attempts to rank 'global' universities. The THES ranking of the world's top universities in 2010, for example, identified 81 North American universities in the top 200 (and 16 in the top 20) but only two African universities – University of Cape Town (107th) and Alexandria University (147th).² On the one hand, such extreme asymmetries demarcate a profound inequality between the academic 'core' and a vast number of 'peripheral institutions,' many of them found in the previously colonised world (Altbach 2007). These historical and material asymmetries are further compounded by the fact that much of higher education around the world is conducted in English, academic migration flows, primarily from south to north, graduate training and academic publishing are centralised in 'core' universities, and curricular and research priorities are often shaped by universities within the historically industrialised nations (Altbach 2007).

This article examines the structural transformation, and resistances, of the post-apartheid South African academy in order to find models for how students, activists and scholars might confront existing regimes for valuing higher education. In particular, I focus on the controversial 1998 curriculum debate between Mahmood Mamdani and the mostly white faculty at the University of Cape Town (UCT). On the surface, this debate concerned questions of course content and suitable pedagogy in a post-apartheid university, and centred around Mamdani's argument that even UCT – an institution claiming to have undergone a successful transformation – continued to reproduce apartheid distinctions at the level of knowledge production. This article, however, re-reads this exchange as also a political argument about what it means to teach and study Africa in a university that is simultaneously trying to situate itself as a 'world class university,' defined by standards of excellence established by institutions outside South Africa. In short, Mamdani's 1998 public demand that a post-apartheid university define excellence in terms of how well it encourages students to critically engage South Africa's apartheid history directly conflicted with UCT's stated aspirations of presenting itself as a 'world-class' university; one that trains skilled workers in a 'global knowledge economy.' Mamdani's intervention offers an impassioned argument for why 'excellence' should be conceptualized within the immediate politics of the postcolonial university, and shaped by its constituency, rather than simply imported from external sources. Furthermore, Mamdani's 'strategic decisions', including forcing a public debate on this issue, offers a compelling strategy for how scholars might politically

intervene within their own particular institutions to advance alternative conceptions of higher education.

This article first gives an overview of the 'transformation' of South African higher education, looking specifically at changes taking place at UCT. It then examines the Mamdani debate, situating it within UCT's publically stated aspiration of becoming a 'world-class African university'. It concludes by showing how the Mamdani affair articulates a politics for redefining 'excellence' within a changing political economy of higher education.

Situating the Mamdani Affair within a Transformation of Higher Education

The 1998 UCT curriculum debate occurred during a volatile moment in South African history, as universities and other social institutions struggled to navigate competing political and economic demands. On the one hand, the election of the African National Congress (ANC) to power in 1994 required that the country's political, economic, social and cultural institutions – including universities – transform themselves into institutions capable of serving the long disenfranchised majority black population. On the other hand, the end of apartheid also meant that South Africa suddenly found itself thrust onto the world stage and, as a consequence of various economic changes, increasingly immersed within a neoliberal market economy (Bond 2005). At many points, the political demands for social redistribution conflicted with those of greater market efficiency. These political and economic contradictions played themselves out in many different venues, including the transformation of higher education, and UCT in particular.

Dating back to 1829, UCT is one of the oldest and most prestigious universities on the continent. Then, Cecil John Rhodes ceded portions of his Groote Schuur estate to the school in order to establish 'national, teaching university' where 'English and Dutch-speakers could mingle during their student years, thus laying a foundation for future co-operation' (Phillips 1993:2). While UCT and other English-speaking white universities generally prided themselves on being open to all students of merit, in reality few black students or faculty gained access to these 'liberal' enclaves. The 1959 Extension of University Education Act formalised this segregation by preventing historically white universities from admitting black students or hiring black faculty. The law also established racially and ethnically segregated universities for the education of the 'Bantu',³ coloured and Indian populations. The apartheid regime also determined that only white universities could offer postgraduate education as well as degrees in engineering, medicine, phar-

macy and dentistry – in other words, degrees necessary for the cultivation of a 'middle and high-level white personnel for the economy, civil service and other sectors' (Wolpe 1995:280). Black universities, graduating the vast majority of undergraduates (74% of total diplomas in 1990), offered undergraduate degrees in the humanities, liberal arts, law and education – subjects which did not 'undermine the existing racial division of labour' and helped fulfil 'the administrative and bureaucratic requirements' of the 'Bantustan project' (Wolpe 1995:282-279).

During this period, the four English-speaking white universities – Cape Town, Rhodes, Natal and Witwatersrand – forcefully argued against apartheid segregation, declaring themselves 'open universities' dedicated to academic freedom and 'liberal values' (Davies 1996:323). While not directly agitating against the government's ban on black students and faculty (Jansen 1991:25), the English-speaking South African academy harnessed its intellectual critique of apartheid to imagine itself as an extension of European civilisation and distance itself from the Afrikaner dominated Apartheid regime. The argument went that like England, with its towering institutions like Oxford and Cambridge, South Africa also possessed elite institutions of higher education dedicated to liberal values and free inquiry, but they all while remaining almost exclusively white. For example, during the 1980s, Professor Saunders, the vice-chancellor of UCT was quoted as saying that the university explored the possibility of 'Africanising' the institution – that is, embracing the 'entire gamut of African heritage' through 'analysis and pedagogy' (Goosen and Hall 1989:1). This inquiry, however, concluded that the non-Africanisation of UTC was in fact a positive development, since imposing Africanisation from above would have threatened departmental autonomy and violate academic freedom (Goosen and Hall 1989:85).

With the end of apartheid in 1994, academics, administrators, and policy makers launched an intense debate about how to change South Africa's higher education system to meet the needs of the black majority. 'Transformation' became the operational word for this goal and permeated the discursive terrain, thus equipping the university to confront the political, social, economic, and epistemic legacies of apartheid.⁴ Early articles and policy documents discussed transformation in terms of democratisation, social redistribution, and epistemic inclusion. For example, the ANC's first major policy statement on higher education, *A Policy Framework for Education and Training* (1995), clearly reflected the economic and political agenda embodied in the Freedom Charter.⁵ However, subsequent policies such as

A Framework for Transformation (1996) diverged from these ideals and, instead, prioritised the integration of South Africa into a 'global' economy. By the time the government passed the *National Plan for Higher Education* (the 2001 definitive overhaul of higher education), the 'transformation' of higher education was conceived less in terms of democratisation and social redistribution and more clearly in terms of adapting to 'a knowledge-driven world' defined in terms of 'the phenomenon of globalisation' (Ministry of Education 2001:5).

Thus, in the years since the end of apartheid, the University of Cape Town has committed itself to 'transformation' (Nuttall 1999:4). And, as earlier indicated, that term originally referred to the task of pluralising the demographic composition of the student body and academic faculty (File 1993:1994). However, by 1997 the term had come to mean any initiative taken by the administration towards addressing issues of campus life, budgetary concerns or institutional image. In a document that reads much like strategic positioning documents written in American universities, UCT's 1997 *Strategic Planning Framework* opens with the declaration that the 'UCT's vision is to be a world-class African university' and its primary goal is to 'be responsive to South African society' by becoming 'globally' competitive. These changes 'are due to the globalisation of many significant aspects of life; in part they are related to the change from an industrial to a knowledge-based economy' (UCT 1997:1).

The UCT Curriculum Debate

Not surprisingly, a black student who witnessed the public debate...understood the symbolism of the moment, the first time she saw 'a black person kicking arse at UCT.'

— Jonathan Jansen (1998)

Jonathan Jansen argues that the real stakes of transforming South African higher education cannot be found in the official documents which are 'at best political symbols' but rather in the 'critical incidents;' that is, those moments of institutional crises when 'someone throws the proverbial 'spanner in the works'' (Jansen 1998:106). The first of many institutional crises was the notorious 'Makgoba affair' at the prestigious, historically white University of Witwatersrand. An internationally renowned South African medical scholar recruited from the UK to serve as deputy vice-chancellor, William Makgoba started challenging what he saw as an 'institution...riddled with

signs of white mediocrity' (Taylor and Taylor 2010:903). Decades of insulation and white rule had enabled the promotion of scholars lacking doctoral degrees, nepotism, administrative incompetence and a lack of any real commitment to Africanisation (Taylor and Taylor 2010:903). Angered by these accusations, a group of thirteen senior academics – all but one white – began campaigning for Makgoba's dismissal, including compiling a lengthy dossier questioning his academic credentials (Makgoba 1997). After a bitter political and legal dispute, Makgoba eventually left Wits, accepting a position at the South African Medical Research Council.

The most surprising 'proverbial spanner', however, was the 1998 'Mamdani affair' at University of Cape Town (UCT). This heated debate about first-year curriculum was particularly noteworthy because it occurred at an institution that 'displayed all the cosmetics of change', of transformation, including the appointment of a black, woman vice-chancellor, 'an over-used liberal claim' to having opposed apartheid admission policies, the recruitment of an internationally renowned scholar to head the Centre for African Studies, and a widespread advertising campaign presenting the school as a 'world-class African university' (Jansen 1998:107). Over the past decade and a half, the Mamdani affair remains the paradigmatic example of the 'systemic white racism' within South African higher education (Taylor and Taylor 2010), the precarious state of academic freedom (du Toit 2000), an entrenched apartheid 'knowledge/power regime' (Jansen 1998), and the institutional difficulties of changing apartheid curriculum (Ensor 1998). I argue that the Mamdani affair also serves as the paradigmatic example of what happens when aspirations of becoming a 'world class' or 'global' university crowd out the particular political demands – and political complexities – of an institution's more immediate constituency. Mamdani voiced an argument that provides a model for why conceptions of educational 'excellence' should primarily concern the political demands of a university's local constituency, rather than some generic aspiration of becoming a 'global' or 'world-class' university.

Background

In September 1996, Mahmood Mamdani was appointed to the A.C. Jordan Professorship of African Studies at the University of Cape Town.⁶ This prestigious hire signalled UCT's commitment to reinvigorating the Centre for African Studies and to diversify its faculty. In October 1997, Assistant Dean Charles Wanamaker asked Mamdani if we would design and teach a new course on Africa that would serve as the newly conceived Foundation

Seminar for students entering the social sciences. Because Mamdani wanted the course to rethink South Africa's historical relationship to the African continent, he accepted this assignment under the condition that he could hire Dr. Ibrahim Abdullah from the University of the Western Cape (UWC) as his assistant. It was necessary to hire a UWC professor because the history department at UCT 'had only one person [a specialist in Sudan] whose research focus was outside of southern Africa' (Mamdani 1998:2). The lack of faculty studying Africa north of the Limpopo River (South Africa's northern border) was an inheritance of UCT's longstanding intellectual tradition of distinguishing South, or 'White,' Africa from Black, or 'Bantu,' Africa. For example, while South African authors were taught in traditional disciplines like English and History along with their European counterparts, the study of Black, or sub-Saharan, Africa was relegated to the small and relatively marginalised Centre for African Studies.

Mamdani designed the course – 'Problematising Africa' – around major debates within the field of African Studies, including the role of ancient history in understanding contemporary politics, the existence of an African culture prior to contact with Europeans, debates about what constitutes 'Africa,' and an examination of the slave trade, as well as by more contemporary topics, including colonialism, economic dependence, and national liberation. On 14 November, the chair of the Working Group overseeing the class released the results of a faculty poll showing that most of Mamdani's colleagues considered the first four course areas of 'very little importance.' Based on these results, the Working Group asked Mamdani to revise the course. On 4 December – before he could present his updated syllabus – the deputy dean suspended Mamdani from teaching and offered him instead a year sabbatical. Another course was hastily designed by UCT faculty and eventually taught to a first-year class. For three months, Mamdani was unable to receive an audience to air his protest and decided to engage in a 'one-person strike.' He wrote the Board of African Studies saying: 'Faced with a complacent institutional response, and a disabling institutional environment...I have no choice but to suspend all institutional involvement until the subject of my protest has been effectively addressed' (Mamdani 1998:3).

This declaration led to a meeting between Wanamaker and Mamdani where Wanamaker explained that the aim of the course was primarily to 'teach students learning skills' necessary for college-level instruction and, in fact, 'the choice of Africa as subject matter' was 'purely arbitrary' (Mamdani 1998:3). A few days later, Mamdani circulated a written statement request-

ing apologies for infringing upon his sensibilities and academic freedom as well as an official apology to the students required to take the alternative course which, Mamdani contended, constituted a 'poisonous introduction for students entering a post-apartheid university,' a class which would damage a student body still 'wrestling with the legacy of racism' (Mamdani 1998:14-15).

Mamdani received two letters of apology from the dean and deputy dean and was reinstated into his teaching role. However, the alternative version of Mamdani's course was already being co-taught by a group of white faculty from archaeology, anthropology, and history. Though invited, Mamdani refused to join the group arguing that he 'could not with intellectual integrity join and share responsibility for a course I had argued was seriously flawed intellectually and morally' (Mamdani 1998:4). The Working Group asked if Mamdani could write his critique 'for full consideration.' Mamdani agreed under the condition that the presentation of the paper was taken 'out of the administrative domain and into the academic domain' (Mamdani 1998:4).

The Debate

Mamdani's position paper ('Teaching Africa at the Post-Apartheid University of Cape Town'), responses by Professor Martin Hall (who helped design and co-teach the alternative course), Johann Graaff (an original Working Group member), and Nadia Hartman (Academic Development Programme coordinator for Arts, Social Sciences and Humanities), as well as Mamdani's response were presented to a packed lecture hall at UCT on 22 April 1998. One observer noted that the seminar 'had the tension of a dramatic performance and the raunchiness of a rock concert' (Pillay 1998). Later, these five essays and various primary documents were published, first in UCT's Centre for African Studies' journal *Social Dynamics* and later as an edited volume entitled *Teaching Africa at the Post-Apartheid University of Cape Town*.

Mamdani's position paper focused on UCT's approach to the study of Africa as well as the institution's attitude towards its increasingly black student body. At the level of course design and content, Mamdani argued that the course eventually taught by UCT faculty presented a racialised periodisation of African-European interaction that implied 'disintegration' would occur if Europeans left the continent.⁷ In addition, when the class examined colonialism and post-colonialism, it focused exclusively on 'equatorial and Bantu Africa', thereby presenting South Africa as a non-colonised country (Mamdani 1998:6-7). Mamdani's fiercest criticism focused on the

decision to teach Martin Phyllis and Patrick O'Meara's *Africa*; a book written by 'North American students in 1976,' that reinforced the claim that Africa is 'equatorial Africa' and African studies is 'Bantu Studies' (Mamdani 1998:8). This book examined South Africa only 'in an add-on chapter' and only through the framework of 'debates in the North American academy' (Mamdani 1998:8). The choice of textbook exemplified the course's failure to engage with the 'key debates that took place in the equatorial African academy in the same period.'

The final concern Mamdani raised targeted the course's pedagogical approach. He criticised the Core Design Team and the Programme Implementation Committee for claiming that he was 'over-estimating the skills of the average South African first year student' who, it was claimed, was 'not prepared for the type of course I wished to design and teach'. He argued that, from his own experience, teaching African students also coming from sub-standard primary education, 'the worst one could do was to talk down to students' and 'to presume that there could be any situation where the learner is so 'disadvantaged' that pedagogical concerns should override those of content' (Mamdani 1998:9).

Mamdani's detractors argued that the creators of the alternative course had designed a programme that taught the skills necessary for students entering higher education. They also emphasised the need to design a course that promoted collaborative and interdisciplinary teaching, rather than simply reproducing traditional notions of professors as autonomous experts. Archaeology Professor Martin Hall, for example, argued that because 'many students entering South African universities...carry the burden of a secondary education of pitiful quality' professors should be realistic about what the course can accomplish (Hall 1998:28). Citing positive evaluations from students in his course, he refuted Mamdani's claim that the course was of dubious quality (Hall 1998:29). Furthermore, he criticised Mamdani's refusal to accept the Working Group's input – drawn from twenty scholars from 'across divisions of race, gender, and academic discipline' (Hall 1998:33) – as a testament to his 'intellectual hegemony and academic authority' and a failure to recognise that 'transformation of the curriculum' also requires rethinking the 'connection between the content of courses and the way in which they are taught' (Hall 1998:34-41). These concerns were echoed by Hartman who argued that Mamdani emphasised content at the expense of pedagogy and, in doing so, failed to recognise that, for the new demography of students at UCT, it was necessary to 'create space for mediating fundamental skill development' (Hartman 1998:50). She also points out that

Mamdani's refusal to work with the 'collaborative team design' violates South Africa's Academic Planning Framework standards for what constitutes a 'strong' academic programme (Hartman 1998:50).⁸

Mamdani responded to these arguments by pointing out that his appointment to the Centre of African Studies stemmed from UCT's lack of expertise in African Studies (a fact highlighted by his need to recruit a research assistant from UWC). As such, the arguments concerning the collaborative aspirations of the Working Group largely failed to account for the fact that the UCT faculty, as individuals and as a collective body, lacked the expertise needed to teach a Foundations Seminar on Africa, especially one that drew upon scholars and scholarly debates from across the continent. Scholars at UCT, 'for understandable historical reasons', treated African scholars as 'native informants' rather than as intellectuals whose arguments have to be taken seriously (Mamdani 1998:46). In his critique of Hall's claim that Cheikh Anta Diop was taught as a 'primary source,' Mamdani writes: 'The idea that natives can only be informants, and not intellectuals, is part of an old imperial tradition' that found fertile ground in apartheid South Africa with its project of Bantu education': 'But why should it flourish unchecked in a post-apartheid academy whose ambition it is to be a world-class African university?' (Mamdani 1998:44).

At the root of this debate, therefore, was a fundamental disagreement about whether, within a historically white university undergoing transformation, teaching Africa constituted an 'arbitrary' topic around which professors could develop pedagogy for skills training or, in contrast, whether teaching Africa amounted to a politically necessary opportunity to submit post-apartheid South Africa to academic interrogation. This disagreement took place within the context of UCT admitting larger numbers of black students, many educated in apartheid's sub-standard primary schools. Mamdani not only staked out an argument that teaching Africa was important in its own right, but argued that doing so was necessary for incoming, black students to begin the process of reconceptualising themselves as living on the African continent, itself a world with its own intellectuals, academic debates, and worthwhile contributions. He argued that, especially within a post-apartheid context, this vital intellectual project cannot be reduced to an opportunity to teach reading, writing and comprehension skills.

Thinking 'Excellence' From an African University

By the final salvos of the debate, both Mamdani and members of the Working Group were basing their positions on claims to 'conventional principles

of disciplinary expertise' (du Toit 2000:124-28; Ensor 1998). For example, Mamdani concluded his presentation by acknowledging that, while 'race is not absent from this issue,' the main issue was who has the 'right to decide what students will be taught, not just how they will be taught' (Mamdani 1998:46). This emphasis on individual academic freedom might lead some to read the Mamdani affair as merely a personal and pedagogical dispute between egotistical academics. The debate's public reception, however, attests to a deep-seated frustration over the post-apartheid transformation of higher education in South Africa, and at UCT in particular. At the centre of this debate is a disagreement about 'what a university should be'. Those who hoped that a post-apartheid university would become a site for political redistribution saw in Mamdani's intervention a vision of higher education as much more than training students – and future employees – for integration into a 'global' economy.

The Mamdani debate took place at a time when UCT was unveiling its self-marketing as a 'World Class African University'. The slogan not only captures a faith that UCT had already succeeded in Africanisation (and was therefore already an 'African University'), but also states an aspiration to successfully embed itself within a 'global' economy. This branding campaign corresponded with a shifting public discourse about higher education more generally. During the late 1990s, South African scholars and politicians gradually abandoned the language of higher education as a site of social redistribution and gravitated, instead, toward the language of the university as necessary for integrating the country into the 'global knowledge economy'.

One important marker of this shift was the way in which the Gibbons Thesis rapidly pervaded academic and policy circles, becoming the major metric for thinking about South African higher education (Ravjee 2002). Michael Gibbons argues that the changing relationship between the university and society, in particular the de-privileging of the university as the dominant source of research, means that universities should promote trans-disciplinary, socially relevant, reflexive and collaborative – 'Mode 2' – knowledge as opposed to traditional, hierarchical, homogenous, peer-reviewed and disciplinary forms ('Mode 1') (Gibbons et al., 1994). This theory of knowledge production became central to the World Bank's thinking about higher education in the mid-1990s. It arrived in South Africa via Johan Muller and Andre Kraak who each submitted papers on 'Mode 2' knowledge production to the newly formed National Commission on Higher Education (NCHE) in 1995 (Kraak 2000:iii). These papers introduced a number of the NCHE members to the Gibbons thesis, which soon 'pervaded the entirety of the

Commission's dialogue in 1995 and 1996' (Kraak 2000:iii). Its effects were clearly evident in the *Education White Paper 3* (1997) and the *Higher Education Act* (1997), both of which envisioned the university as primarily a site for training a workforce within a 'global knowledge economy.' These documents focused 'unequivocally on globalisation in articulating the challenges, vision and principles of higher education' (Subotzky 1997:108-9).

By the mid-1990s, many South African universities – including UCT – were redefining their missions in terms of training students for a 'global knowledge economy'. In 1998, South African universities adopted the National Qualifications Framework (NQF), a programme developed in New Zealand and promoted by the World Bank (WB 2002), to create a system of nationally and internationally recognised academic standards. The NQF standards measured how well South African universities trained students for a 'global' workforce.⁹ UCT prided itself on being at the forefront of these curricular reforms and closely adhered to the NQF's focus on 'inter-/trans-disciplinarity, the emphasis on foundations and core courses, and the vocabulary of generic skills and generic competencies' (Muller 1998:v). Mamdani's foundational first-year course was intended as part of UCT's compliance with these guidelines.

The embrace of international standards of academic 'excellence', however, did not affect institutions equally. Many South African institutions – most notably the historically black universities – found themselves 'at the whipping end' of efforts like NQF (Jansen 1998:112).¹⁰ In contrast, UCT's apartheid history meant it had sufficient infrastructure, prestige, and faculty to successfully brand itself as a 'world-class university'. The reasons for embracing international standards of excellence corresponded with an institutional embrace of the rhetoric of globalisation. For example, a few years later, UCT's planning document *Vision 2001 and Beyond* established ten 'strategic drives', the first being '[g]rowing a global profile', including 'benchmarking UCT against best practices at comparable universities internationally; providing a high-level, educational experience with an orientation towards problem solving in Africa; honing global competencies in a global environment; and, at the same time, maintaining local leadership in the higher education sector' (Ndebele 2001:2). The document concludes with a recognition that UCT's response to its apartheid legacy should become part of its brand: 'these [ten strategic] developments will require special attention to effective mechanisms for marketing... It will be necessary to continue... to evaluate UCT's brand' and to 'build on [UCT's] identity as an intellectually

vibrant, innovative and responsive institution that has come to terms with its history while embracing new visions of the future' (Ndebele 2001:7).

Some have pointed out that UCT's policies of transformation, and in particular its stated aspiration of becoming a 'world-class African university,' constitute little more than 'corporate branding' that draws upon 'marketing strategies' developed in 'top U.S. business schools' and serves primarily to obfuscate the lasting legacies of apartheid still present in the institution (Bertelsen 1998:142). This new commitment to international standards of excellence, therefore, enables institutions like UCT to hide the 'complicated existential questions' of how to address apartheid by 'recast[ing them] as problems of utility and marketability' still in a 'sublimated sense of lofty endeavour' (Bertelsen 1998:142-43). By envisioning itself as a 'world-class African university,' UCT effectively 'short-circuit[ed] debates' concerning the tension between 'the preservation of the highest international standards of scholarship' and the 'Africanisation of knowledge and institutions,' choosing instead to resolve the tension 'at a symbolic level' (Bertelsen 1998:143).

Mamdani effectively intervened at this symbolic level, demanding that UCT ground its claim to excellence on being an African – rather than 'world class' – institution. Stating that UCT's claims to excellence should stem from how well the school creates the conditions for thinking South Africa as African, and therefore aid in post-apartheid reconciliation, serves as a rejection that standards of academic 'excellence' originate from external sources. Rather, excellence needs to be determined through an engagement with the university itself as a historical, political and material apparatus. The university's long history of excluding black faculty and students shapes all aspects of the institution, including the academic practices, habits, desires and imaginaries. An excellent post-apartheid university – and post-colonial African university – would address these historic wrongs that continue to live on within the institutions themselves. Mamdani concludes his seminar paper with the provocative charge:

This paper is not simply a claim for representation. It is an attempt to persuade you that your innocence of the equatorial African academy is at the expense of what should be a cherished pursuit of any university: *the pursuit of excellence*. It is time to question an intellectual culture which encourages the inmates of this institution [i.e. students] to flourish as potted plants in green houses, expecting to be well-watered at regular intervals, and yet anxious, lest they be exposed to the open air and its elements by the winds of political change (Mamdani 1998:10; emphasis added).

In other words, 'the pursuit of excellence' within 'any university' is not only the ability to claim a racially diversified faculty and student body (although

this is important), or for that matter to point out UCT's 'global' ranking, but rather to foster an environment in which one's world can be swayed by the 'winds of political change.' In the case of UCT, Mamdani thinks excellence should be measured in terms of how well the school helps students embrace the radical political and intellectual potential of post-apartheid South Africa.

Aspiring to these standards of excellence depends upon continuing engagement with the sedimented layers of apartheid within the university itself, and rejecting the claim that simply changing the student and faculty populations will be enough to right this historic wrong. Jansen points out that Mamdani's interlocutors did not 'misunderstand' him but, rather, were 'unable to provide an intellectually honest response...because the issues he raises challenge at its very roots a knowledge/power regime' (Jansen 1998:107-8). This knowledge/power regime is defined in part by the institution's apartheid history, but also by its stated future aspirations to 'world class' standards of academic excellence. Mamdani had previously argued that African academics should be sceptical of outsourced definitions defining what constitutes 'world class' education. In 1994, he presented a paper at the 'Future Role of Universities in the South African Tertiary Education System' conference, drawing on examples from across equatorial Africa to argue that South African scholars should avoid adopting universal standards of academic excellence. Based on the experience of many post-independence African universities, he warned that adopting universal standards simply facilitates the transformation of education into a 'consumer good': 'In the name of maintaining standards, knowledge was transformed from something that a university produces to something whose consumption it facilitates' (Mamdani 1995:23). The adoption of standards 'stifled creativity and undermined independence of thought' as 'education was reduced to a training process' in the name of 'defending a universally-defined standard' (Mamdani 1995:23). He also argued that universities in Africa, including universities in South Africa, should recognise that 'there is no single universal definition of quality' and that they should instead value higher education based on how well it meets the particular needs of a post-colonial society (Mamdani 1995:27).

In this way, the Mamdani affair can be understood as a political insistence that excellence cannot be summed up in a brand or a motto or stated aspiration. Rather, academics and institutions should establish, and struggle over, their own particular standards of what constitutes academic excellence. While this means navigating away from academic standards and institutional forms established during decades of colonial and apartheid rule, it

also means avoiding a blind embrace of ‘global’ standards of what higher education should be. Just as many historically black universities provided the anti-apartheid struggle with emancipatory visions of the world,¹¹ Mamdani’s political engagement at UCT speaks to a continued faith that the post-apartheid university can continue to serve as a site of social and political revival, resistance and redistribution. Those who would reduce academic knowledge to skills training effectively treat the university as a greenhouse of ‘potted plants,’ all waiting for harvest and export on the global market.

Conclusion

The University of Cape Town – like universities around the world – is riddled with contradictions owing to the conflictual historical, social, cultural and economic factors that led to its present form. These contradictions cannot be ameliorated by appealing to an image of being a ‘world class’ or ‘global’ institution, or by adopting universal standards of excellence far removed from the difficult politics of their own existence. In the years since the Mamdani affair, South African universities continue down the bumpy road of institutional crises, many of which stem from a failure to live up to the South African people’s expectations of what the university ‘should be’. In 2001, Rhodes University, a prestigious historically white institution was gripped by ‘the Schell affair.’ Robert Schell, an American academic from Princeton and Director of the Population Research Unit at Rhodes, submitted a 400-page report detailing the ‘non-transformative management style at the East London campus’ of Rhodes. He accused the administration of engaging in politically motivated course closures, nepotistic hiring practices, seemingly race-based decisions concerning lay-offs, and generally a culture of ‘inbred white privilege, maladministration and mediocrity’ (Taylor and Taylor 2010:907). In response to these accusations, Schell was dismissed and a counter-report published attacking his legal standing to criticise the university. In 2000, students at University of Durban-Westville (now University of KwaZulu-Natal) protesting over raising fees and the retrenchment of workers were shot at by police, resulting in the death of student Michael Makhabane (Naidoo 2006; Khan 2006). In March 2010, students demanding lower tuition blocked the entrance to the University of Johannesburg and were eventually dispersed with water cannons (‘Police Use Force against Protesting S. Africa Students’ 2010). The same month students at Durban University of Technology rioted against expensive and poor-quality food and accommodations on campus (‘Student Hurt in DUT Protest’ 2010). These instances of institutional crisis continue to illustrate the

huge gulf between the political demand that 'the doors of learning and culture' be opened to all and the economic reality that South African universities, like many universities around the world, remain fairly elite, exclusive, and inaccessible to many.

Today, South African universities are emerging as important hubs in a worldwide flow of academic knowledge, resources and personnel. Mamdani's intervention, however, reminds us that universities should be more than nodes in a circulation of academic capital. As such, academics in South Africa and around the world can look to the Mamdani affair as a compelling argument that academic knowledge – including what is taught, by whom, to whom, and for what purpose – remains an important site of political contestation. However, when the answers to these questions are outsourced to external conceptions of academic excellence, the true political potential of higher education in South Africa and elsewhere is foreclosed.

The Mamdani affair is also instructive in offering an example of what an engaged politics of knowledge production looks like. Rather than disaggregating his academic writing from questions of administration, Mamdani insisted that conversations concerning what the university should teach, and how it measures 'excellence', are intellectual questions that should be aired in a public, intellectual debate. Bringing his disagreement into the public, however, would not have happened without a willingness to apply political force by engaging in his 'one-person strike'. Scholars around the world can learn from Mamdani's provocation. His engagement reminds us that the production of academic knowledge has serious political stakes, themselves structured by the political and material institutions of the university. This argument becomes increasingly important as, around the world, spaces of academic teaching and research become ever more subsumed within a highly asymmetrical 'global market place'. As such, it becomes even more necessary to 'force open' alternative forums, practices and standards of 'excellence' by publicly promoting a vision of the university as a site engaged in pursuing the values, desires, imaginations and demands of greater social redistribution.

In 2011, UCT's Centre for African Studies was once again in the news, this time because of the administration's plans to 'close' – or, in preferred parlance, 'disestablish' or 'merge' – the centre with the African Gender Institute and Departments of Linguistics and Anthropology, to form a 'new school for critical inquiry in Africa' (Macfarlane 2011). Some argue that the planning for this merger has silenced the 'students, stakeholders and indeed citizens of UCT' and, in an institution that retains a faculty of 70 per cent

white men, risks undermining the one place on campus that centralises ‘African voices – the voices of our intellectuals, politicians, artists and activists’ in a way that prepares students ‘for the hard work that the new South Africa requires’ (O’Connell and Himmelman 2011). Others point out that while UCT has thirty-six faculty members working on European, Middle Eastern and Asian languages and literature, it still only has three working on African languages and literature (Plessis 2011). As such, the discourse around this merger constitutes ‘the worst sort of jargon and bureaucratic bunk’ (Plessis 2011). Others responded by pointing out that the negotiations have been open, democratic and widely agreed upon, and that UCT has made great strides in its transformation process, and hence it is dishonest to portray the school as ‘all demonic’ and African Studies as ‘all victimised’ (Price 2011; London 2011; Bennett 2011).

Wherever one falls on this debate, it is important to remember that Mamdani’s argument was not limited to a particular Centre, a particular university, or even limited to South African higher education. Rather, Mamdani’s argument and example can serve as a model in different sites of academic knowledge production. As universities around the world struggle to navigate what ‘world-class’ means, what it means to ‘globalise’, what these changes constitute, and who they benefit, Mamdani’s particular argument serves as a template for engaging various aspects of this changing politics of higher education.

Notes

1. For my critique of how the world has come to be ‘imaged as global’, see (Kamola 2012).
2. See Times Higher Education Supplement’s ‘World University Rankings’ at: <http://www.timeshighereducation.co.uk/world-university-rankings/2010-2011/top-200.html> [accessed September 2011].
3. These institutions were themselves divided into different ethnic populations. The University College of the North was established for Sotho, Venda, and Tsonga-speaking Africans, University College of Zululand for Zulu speakers, and University of Fort Hare – once an international destination for students from across the continent – was limited to exclusively Xhosa students.
4. Transformation’ offered a useful compromise since both its alternatives – ‘reform’ and ‘revolution’ – failed to capture the post-1994 period reality. On the one hand, the apartheid regime had passed many so-called ‘reforms’ prior to 1994 making the term ‘distasteful’ while, on the other hand, the settled agreement did not have the potential for the same sweeping change as a revolution. (Jansen 2009, 283 fn. 27)
5. The Freedom Charter called for ‘open[ing] the doors of learning and culture to all’ such that the youth shall learn to ‘love their people and their culture, to honour human

brotherhood, liberty and peace'. To achieve these objectives the Charter declared that education shall be 'free, compulsory, universal and equal for all children; Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit'.

6. A.C. Jordan was a faculty member in Bantu languages and African studies at UCT until 1961 when he was released following the adoption of the 1959 Extension of University Education Act. The firing of A.C. Jordan offers a clear example of the political limits of UCT's 'liberal' tradition; under apartheid it defended academic freedom but failed to rebuff state law requiring it to fire black faculty.
7. For example, colonialism was taught as starting with the Atlantic slave trade meaning that the periodisation is actually about the arrival of the White Man: 'part I is not pre-colonial, but Africa pre the arrival of the White Man...part II is not colonial Africa, but the era of white control beginning with slavery and continuing to colonialism. The moral of this simple story seems to be part III: disintegration following the departure of the White Man. The periodisation is racialised', Mamdani 1998:4.
8. Graaff similarly criticised Mamdani for his emphasis on content over pedagogy (Graff 1998). Prior to the debate UCT's Vice-Chancellor Ramphela publically criticised Mamdani's "very hierarchical, archaic and patriarchal image of what a professor should be," insisting instead that UCT faculty are "people who are struggling with transformation as a general rule and are not as ignorant of Africa as he thinks", Duffy 1998.
9. The Ministry of Education's 2001 *National Plan for Higher Education*, for example, states that NQF is an effort to ensure that South African universities are "in line with best practice internationally"; that is, they foster the "skills that all graduates will require in the 21st century have been aptly summarised by Michael Gibbons as computer literacy, knowledge reconfiguration skills, information management, problem-solving in the context of application, team building, networking, negotiation/mediation competencies and social sensitivity", Ministry of Education 2001.
10. Institutions like the University of Durban Westville witnessed an increased "bureaucratization of higher education policy" brought about by "coercive instruments for implementation," such as linking "state funding to particular kinds of curriculum formatting i.e., the type which is programme-based, unit standardised, outcomes oriented (forget the process), economical relevant (read: 'science and technology' and financially feasible (exclude the Humanities)", Jansen 1998:112.
11. During the anti-apartheid struggle universities often served as sites for developing and circulating anti-nationalist, anti-capitalist, and anti-apartheid ideas and offered hubs of political mobilisation. During the period following the Sharpeville Massacre (1960), much of the radical political momentum shifted to university campuses, spearheaded by the primarily white National Union of South African Students (NUSAS) and later by the more radical South African Student Organisation (SASO) led by Steve Biko. Large black universities such as University of the Western Cape (UWC), Fort Hare, and University of the North became centers of Black Consciousness radicalism. Student mobilisation at University of the Western Cape, for example, was so successful that the school appointed South Africa's first colored rector, Richard E. van der Ross, in 1975. In 1982 UWC changed its mission statement to reject the institution's apartheid mandate, declaring that "the admission of students and the appointment of lecturers and researchers to universities should in no way be restricted on the grounds of race, color, or ethnicity"

(quoted in: Anderson 2002). During this period, the school adopted an open admissions policy accepting all students who fit the “basic minimum, legally required qualifications” – a policy based on the radical belief that “the universities owed a duty to the excluded black majority to redress racial inequality in access by dramatically expanding intakes” (Wolpe 1995:284). In 1987 Rector Jakes Gerwel declared that UWC the “intellectual home of the left”.

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