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# De-idealising the problem of academic freedom and academic autonomy: Exploring alternative readings for scholarship of South African higher education

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## Abstract

Set against difficult and problematic legacies of institutional and academic autonomy, this paper cautions against curtailing the recognition, and the study, of troubled and alternative practices of academic freedom. What is deliberated is the possibility of opening the concepts of *academic freedom* and *academic autonomy* against the limits, and the purposes, to which they have been recounted in many conflict-affected and postcolonial contexts. The paper begins by raising questions about the state of enquiry within post-conflict and postcolonial academia. It discusses observations that silence and silencing of engagement seem to be case in South Africa, where troubled legacies of the concepts' operationalisation have had a chilling effect on scholarship. To wrestle the narrowed, dominant discourses away from imperialist and technocratic interests, in this speculative paper the lens of *ugly academic freedoms* allows for international counter-narratives to be drawn upon to de-idealise and problematise the concepts. This serves to situate recollections of fragments of South Africa's past and present intertextual engagements with the internal and external threats to its higher education institutions and its academics' freedoms.

**Keywords:** academic freedom, academic autonomy, institutional autonomy, South Africa, conflict, colonial

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## Introduction: The state of enquiry

A complex phenomenon (Abdel Latif, 2014) and a value central to the modern academy's identity, *academic freedom* is used as a normative concept in relation to the agency and autonomy of both academic citizens (academics, scholars, students) and organisations (universities, institutes). Attainment of the virtues of freedom continues to be aspirational (Observatory Magna Charta Universitatum, 2018) and are rarely enshrined in policy or law. There has been a lack of sustained, scholarly engagement on academic freedom both on the African continent (Adu & Odame, 2023) and beyond (Matei, 2023) since the end of the Cold War, with the state of enquiry characterised as being in both an empirical and intellectual crisis (Matei, 2023). Renewed attention internationally has emerged because of ineffectual responses to repression by the United States of America (USA) and the European Union as so-called powerful authorities of democracy (Parmar, 2019), and impositions from neoliberal higher education (HE) norms (Landy et al., 2020) to which critical university studies has contributed.

However, this paper focuses its cautions on the erasures, misrecognitions, and hidden curricula that the dominant discourses of these concepts have spawned. To counter these, I propose the language of ugliness for a two-headed purpose: to push "past the idealized practices of freedom to see what forms of damage they legitimate or incorporate" (Anker, 2022b, para. 2), and to explore the emancipatory potential of dismissed or demeaned practices. Constructions of academic freedom, unfreedom, and the complexities between them—as part of the struggles for freedom—are marginal within dominant scholarship on HE. They are also marginal in the scholarship on freedom, perhaps because those referential frames sprang from, and were sustained by, sources exogenous to the colonial academy. This marginality similarly characterises the state of enquiry in post-conflict and post-conflict HE.

In this paper, I speculate that post-conflict academic authors in postcolonial contexts face risk of guilt-by-association with past immorality and irresponsibility if they evoke academic freedom or academic autonomy as referential frames in the present. One of the priorities in contexts with legacies of division is to establish the legitimacy of academics and institutions as authorities (Taylor, 1988). However, the turn away from risky self-critical knowledge production about the academy creates conditions for re-establishing long disputed techno-rational fictions of omniscience, objectivity, and rightness (Peters, 2020). This continues the shrinkage in the scope of judgment in academic freedom, from deep public and philosophical deliberation of trans-disciplinary worldviews to that of an expert or authority, which was particularly noticeable in Western Europe after the First World War (Fuller, 2009). A more recent case that this paper considers is contemporary South Africa. This young democracy is informed by past and present commitments to various notions and discourses of (non-academic) freedom, with extensive change and scholarship focused on the peoples, practices, and governance of transforming HE. Yet, as I discuss in the next section, enquiry on academic freedom and autonomy has been characterised as unhealthily silent. This is despite the significant lessening of surveillance and threat imposed by the apartheid state, the inclusion of such concepts of freedom in the current constitution, and the

continued opportunities created for debate (such as by the Council on Higher Education). It may be that continued suspicion of the concepts of academic freedom and academic autonomy as idea(l)s always already entangled within colonial and apartheid institutional foundations, has produced something of a taboo on their operationalisation as tools of scholarly engagement, deliberation, or dissent by academics practicing within the country—including those in South African higher education studies (SAHES).

In this paper, I suggest that deliberating these concepts askew holds generative potential for studying the ways in which academic freedom is exercised individually, collectively, and institutionally. I hold that this conversation is worthy of dismememberment and re-membering (Ndlovu-Gatsheni, 2021) for transformative postapartheid and postcolonial discourses and praxis as academic formation is renegotiated within and outside the university.

**On prohibitions: Post-conflict HE studies in South Africa**

Contemporary SAHES is distinctive in that its dominant formulation sprang from critical orientations. This has included (a) recognition that educational, social, and knowledge authorisation of the South African universities were (in)formed by colonial and apartheid political interests, (b) belief in the transformative social justice potential for the country's future through mass access to HE learning and democratising institutions, and (c) concerted investment in projects, persons, and centres whose raison d'être is studying and informing academic change. Yet the state of engagement with the concepts has required public bodies to intervene—such as by the Council on Higher Education (CHE) an authoritative body established by the democratic state to analyse the sector, which released a call soon after this paper was accepted, stating that:

> Ongoing developments within the higher education sector serve to confirm that indeed there is a need to deepen the national discourse on academic freedom, institutional autonomy and public accountability . . . [and that the] . . . dialectical juxtaposition of these concepts requires interrogation and critical analysis . . . given the influence they have on the health and functionality of higher education systems. (CHE, 2023, pp. 3–4)

This paper does not take the opportunity to critically analyse the attempts to vilify the practices of academic freedom and autonomy, and the ways in which their lack of protections have enabled unfreedoms, repression, and oppression. Rather, my point of departure is the characterisation of the state of enquiry by those well informed. This includes two volumes produced on the subject by the CHE (2008, 2013) and the systematic review of peer-reviewed African scholarship published between 2004 and 2022 undertaken by Adu and Odame (2023). As I discuss in this section, authors therein have noted both omissions and disengagement with the concepts in South Africa's present. I, too, noticed my own reticence to engage—despite my academic formation as a researcher of South African HE having occurred within the postapartheid period.

Metaphorical and figurative language is evoked in those authors' assertions (as was observed about writing on HE in transition, see Belluigi et al., 2019). Essop's foreword to *Academic Freedom: Kagisano No. 8* (CHE, 2013) utilised the metaphor of noise as indicative of healthy democratic debate about academic freedom and autonomy within universities. In contrast, he

expressed that "worrying, then, is silence around these issues in young democracies such as South Africa, where threats to academic freedom and/or institutional autonomy may be becoming more commonplace?" (Essop, 2013, p. vi). The metaphor of a canary in a mine was offered by Sitze (2017) when evoking the purpose, and the foreign nature, of academic autonomy to contemporary democracies. The bird is not natural to that ecology; however, vigilance about its health serves the important purpose of forewarning. Longer than the short memories (and often short-sightedness) of national political figures in liberal democracies, are the intellectual, intergenerational memories of critical consciousness about universities—even if marginalised within. Included in that CHE (2013) anthology, was the contribution of a SAHES scholar ousted in 2022 from a university loudest in its claims of liberal ideals. Her freedom of expression was initially suppressed during the very colloquium wherein I presented my intention to engage on this topic in this paper. Lange's canary song, according to McKenna, called

> for more rigorous and ongoing engagement with issues of academic freedom by the sector as a whole and at the level of individual academics . . . [without which] . . . academic freedom will fail to protect not just academics but also the democratic project. (2013, p. 3)

What these authors asserted, is that this is a legitimate topic for discussion and that, in contemporary South Africa, the current state of enquiry is perplexing.

State-imposed scrutiny of such scholarly engagement during the apartheid era may have played a role in establishing what seems to have become a hidden curriculum inhibiting SAHES. Political dissenters experienced surveillance and sanction including censorship, bans, and exile in the late apartheid era. This curtailing of engagement extended to criminalising the publication, citation, and teaching of their scholarship. Such overt impositions of state power were removed in the 1990s. However, it is possible that the legacies of this are intergenerational vacuums within schools of thought. Such vacuums grow in conditions of social sanctions, when enquiry on certain topics or concepts is deterred or ostracised. The anxiety that debate is itself legitimisation, underpins the argument for social sanctions. In contemporary university discourses of the concepts in the USA and the UK, such fears underpin moralistic arguments against platforming problematic stances, as if doing so is "too shocking to retain a pure conscience" (Rumney, 2014, p. 184). Arguing against collective academic abstention on contentious topics, Rumney (2014, p. 190) drew on the same metaphor as Essop when stating that "silence does not explain, educate or change minds." Prohibitions that limit dissent hinder "the identification of weak ideas and the debate necessary to develop resilient arguments" (Rumney, 2014, p. 185). Herein lies the paradox on which this paper rests. If "controversy is at the heart of the free academic inquiry" (American Association of University Professors, 1970, p. 3) and if the contemporary South African academy does indeed pride itself on engaging in challenging conversations about its pasts and present for the future, should those researching the university be deterred from scholarly engagement with these troubled concepts?

In the next section, I offer a lens through which the troubled and ossified concepts may be opened and utilised for nuanced explorations of academic practices in the past and present, and for

imagining academic futures.

**Opening to the realities of ugly freedoms**

I have spoken before of the ugly truths of HE (Belluigi, 2020) to acknowledge that academia in search of truths is itself often prepared to maintain falsehoods; and that its truths and its truth-tellers are often neither pure nor omniscient but rather, sometimes disgraceful, flawed, or banal. Similar, is Elizabeth Anker's (2022a) thesis of *Ugly Freedoms*. However, she located an unexpected second type of ugly freedom in practices and situations often dismissed as demeaning, offensive, or ineffectual which, nonetheless, hold emancipatory potential.

Anker's departure point was a reckoning with the difficult legacy of freedom in liberal democracy, and the ways in which modern, Western, individual-oriented liberty has always already been entangled with white supremacy, settler colonialism, climate destruction, economic exploitation, and patriarchy. She posited that, at their very conception, these freedoms were ugly because they legitimated the right to exploit and subjugate others by not extending the rights of autonomy of those shackled and subjugated. Moreover, scholarship that continues to idealise freedom, misses and misrecognises "the ways in which practices of freedom have included enslavement and exploitation as much as independence and emancipation . . . [thereby producing] harm and subjugation as freedom" (Anker, 2022b, para. 2).

Such is the difficult legacy of practices of the ivory tower. Its institutionalisation of academic autonomy legitimated entitlement by the colonial university (and with that, the atrocities of empire) to objectify and discipline the non-academic world and its peoples. Thereby, in the name of civilising freedoms, it justified its execution of control. The classification regimes of the modern university enact themselves in macro and micro ways, not unlike the grand and petty apartheid technologies of geographic to minutia partitions (Crompton, 2007). Critical work is required to complicate our desires of the idealised, and our expectations for the idealised, so as to eschew the power and magnetism of colonial freedoms (Zembylas, 2022).

Engagement only with nostalgic or normative discourses both decreases vigilance of the actual state of play, and invisibilises alternative freedoms already in practice. Thus, de-idealising freedom in scholarship does not translate to discarding it altogether. Not all is ensnared, nor entirely consumed (for resistance practices by the Cornish in England, see Camps, 2020, and in Kenya, see Johnson & Hirt, 2011). This is not fatalistic defeat in the face of "post" realities but rather, as Inayatullah (2018) elegiacally reminds us, a call to think otherwise by drawing from our archives of ethico-political wisdom. Doing so may disrupt the entrapment of uncrushed hopes that have us continually pit (and thus make deficit) present realities against normative ideas (and states) fabricated for and by elite Western ideals, which may never be. The dialectical use and double meaning—that while freedom can be ugly, that ugliness can be a resource for unconventional, world making freedoms—is both counter-narrative and an alternative not necessarily formulated in opposition to the first. Although dismissed, uncelebrated, and undervalued by conventional constructions of freedom's individualistic desire for, and practice of, autonomous control or ownership, more heterogeneous constructions of collective, cooperative modes of freedom and

free action exist.

## Dominant discourses and counter-narratives of academic freedom and academic autonomy

The only way out of this crumbling infrastructure, is to inhabit the space and then rethink it (Lalu 2022). Attempting that here, I position dominant discourses of academic freedom (and the figures, institutions, and states they construct) against counter-narratives of the internal and external threats to academic autonomy and collective freedoms. This situates the later discussion of South Africa's ugly wrangles within a layered, de-idealised international narrative.

When conceptualising a contemporary index for which to measure academic freedom globally, three aspects were delineated by Hoffmann & Kinzelbach (2018).

1. Academic freedom as professional freedom: A state without constriction to doctrine, discussion, opinion about the institution or system, and from censorship (International Labour Organisation, 2008). Included, are substantive elements of the freedom of what and how to teach and research and the supportive elements for academics to safeguard those freedoms, such as through self-governance and tenure.
2. Socially-engaged academic freedom: A state of the enjoyment of freedom extending from, to beyond, the physical and virtual bounds of the campus. This construction of academic citizens as societal actors with responsibility for societal interaction and the social goods was catalysed with the incorporation of democratic ideals into HE values—such as equity, access, civic rights, and accountability. It underpins the Dar es Salaam Declaration on Academic Freedom and Social Responsibility of Academics (1990), and has re-emerged in recent works concerned with social transformation and human emancipation (Appiagyei-Atua et al., 2015).
3. The human rights of academic citizens to "internationally recognized civil, political, social and cultural rights applicable to all citizens" (UNESCO, 1997, Article 26). Violations are infringements on academic freedom, despite not being an absolute right within international human rights treatise law nor strictly about academia.

Such formulations of academic freedom frame the structure of relations and practices as those between the university and its external constituencies. Normative academic citizens are constructed as worthy moral subjects deserving of protection from outside interference, and capable of self-governance and authority. The relationships among the university's own internal constituencies are, for the most part, unmapped in dominant discourses, thereby maintaining intact the figure of the academic as disinterested omniscient. Such formulations marginalise counter-narratives of the politics of academic citizenry and governance, which feature strongly in postcolonial, global feminist, and race conscious scholarship, including much SAHES.

### Delinking academic autonomy from institutional autonomy

Constructions of academic freedom and autonomy are framed, not only through positive freedom,

but also, its negative—unfreedom, repression, and oppression. Most existing indices do not measure the extent of the protection of academic freedom but rather, its infringement. The dominant constructions of institutional autonomy were initially formulated in Western Europe and later the USA to "protect universities from being co-opted for the purpose of political repression" (Hoffmann & Kinzelbach, 2018, p. 2). The discourse of protection was strategically associated with institutional autonomy, as if ignorant of the many problematic interests served by those evoking "security" (Sajjad, 2023). Scholars of the various critical traditions have long problematised educational structures' co-option and collusion with the apparatus of the state, organised religion, and imperialism, wherein social engineering (re)produces (dis)advantage and oppression. Without caution from such scholarship and historical precedents, the dominant formulation offered by the United Nations places the protections for freedom within the autonomy of institutions' governance (International Labour Organisation, 2008, p. 31).

Yet, interpretations of the relation between academic autonomy and institution autonomy have long been in flux. Produced over 50 years ago for US readership, the description in Figure 1 points to the differing constructions, cultures, interests, and investments in institutional autonomy that may coexist within a given context.

**Figure 1**
Aldrich's (1966) note on institutional autonomy as a concept

Institutional autonomy is a relative concept affected both by external constraints and by the attitudes and experience of those within the institution. The identity of an institution is the image established by the dynamics of its constituents and the freedom they exercise in establishing this identity determines its autonomy. In California, external constraints are produced by the interaction of the university system with the development of the Master Plan for Higher Education and the Coordinating Council for Higher Education. Accrediting agencies, professional societies, local, state and federal agencies account for other constraints. Sources of influence within the system are the regents, offices of presidents and vice presidents and university-wide committees. Within the institution, faculty, staff and student views shape the development and maintenance of institutional autonomy. The faculty tends to equate institutional autonomy with personal autonomy and the staff tends to view the university as a public trust requiring accountability to all it ser 'es or is served by. Students, on the other hand, are vitally concerned about ends or results presumably provided by freedom of action. Students, faculty and staff not the administration, are the primary resources for achieving and preserving institutional identity and autonomy. An annotated bibliography is included. (JS)

Because institutional autonomy is meant to protect against the erosion of conditions that enable academic freedom, it requires the consideration of the matter of the erosion of institutional autonomy. The UNESCO (1997) formulation recognises exogenous forces. Economic and political relations with the state bring overt dynamics of interference in addition to more covert relations, co-option, or collusion between HE institutions and national agendas. This is why institutional autonomy, in particular, was drawn upon in historical economic analyses of neoliberal interference in the Western academy's governance habitus by critical university studies scholars (see for instance Williams, 2012). De facto internal threats to academic autonomy are characteristic of global technoscientific rationalism (Khoo, 2022). Relentless assessment regimes

(review, promotion, funding, publications, peer review, mentorship) shape the everyday life of affective effects through their methods and habits of validation (Zembylas, 2022). The yearning for freedom becomes a prolonged submission to processes of exchange, disciplining, and subjectification of the academic and their production as objects of the hidden macro-curriculum of global academic capitalism.

Institutional autonomy is complicated by its relation to the nation-state, and contingent on the health of the state of the nation. While institutional autonomy is "often thought of as absence of interference by public authorities . . . neither academic freedom nor institutional autonomy can be a reality unless public authorities allow this" (Bergan et al., 2016, p. 4). Dominant contemporary constructions conceive of the public good as that which is in the national interest. The state is positioned as the authority and trustee of such goods, with public authorities having responsibility through funding, legislation, and quality assurance frameworks for regulation of such goods (Bergan et al., 2016) and of equality in employment. The state is also positioned as the duty bearer for human rights, including the human right to HE, within international law.

This deck of cards crumbles under the conditions of failed or captured states, repressive regimes, and the geopolitical erosion of the nation-state. Who has authority over how the public good is defined, and who determines whose interests fall within the public, are questions very much contested in most postcolonial contexts. State definitions are not necessarily transformative (Guzmán-Valenzuela, 2016). In some cases, nationalistic political agendas have infused public goods with insularity, undermining the human rights of non-citizens, and reneging on global obligations. Moreover, institutions' responsibilities to provide the conditions of academic autonomy and to fulfil their social mandate may pit them against state authorities. In certain situations, there is a "moral obligation to oppose and seek to influence public authorities and/or the prevailing public opinion" (Bergan et al 2016, p. 4). The concern to reinsert such conceptions of the public good into HE, were an early feature within South African transformation initiatives (see for instance Singh, 2001). To move beyond limited conceptions of the public goods in dominating neoliberal discourses, bodies such as UNESCO (2015) have widened conceptions of the social and civic good to include both local and trans-national goods. The *global common good* reasserts principles of justice in recognition of the non-elitist and non-rivalrous goods of HE, including knowledge, education, and critical consciousness to recentre human rights and development principles.

Repressive actions by state actors include delegitimising academic freedom and eroding institutional autonomy and academic autonomy through "the criminalization of academics, the use of 'foreign agent' or anti-terrorism laws, the securitisation and militarisation of campuses, negative public discourse by governments and (mis)use of national emergency laws" (Lyer & Suba, 2019, p. 12). Recognising state–institutional tensions, attempts have been made to conceptualise and implement measures of academic freedom per nation to raise consciousness and strengthen global communities in support of the conditions for academic freedom. However, the state is only one exogenous influence on the institution's ability to provide conditions of academic

freedom. Armed conflict, limited statehood, and non-state local and international actors may have a significant impact. Conspiracies of third-force interference feature within the discourses of postapartheid South Africa.

As an institutional formulation on which to base critical efforts, academic citizenry has its limits. The politics of belonging excludes the bestowing of rights on those at the margins of institutionalised citizenry. Global academic citizenry is similarly limited, despite extending the bounds beyond individual institutions and nationalistic gains. Those experiencing mobility, migration, displacement, diaspora, exile; job precarity, shortage, loss, and retirement; and purged, sessional, and independent scholars may be only granted the right of freedom of expression. Exposing the limitations of socially engaged academic freedom and lack of protection within formulations of extramural academic freedom, these intellectuals are operating outside of institutional *murus* (literally, outside the university's walls; Zavale & Langa, 2018). Against a backdrop of state repression on the African continent, Zavale and Langa (2018) questioned idealisations of institutional autonomy, asking "do African academics need to be in diaspora to exercise their academic freedom, including freedom of expression and free speech, particularly beyond the walls of the university and its consecrated freedom of teaching and research?" (p. 1).

Such counter-narratives reckon with the positing of idealised public authorities and institutions as protectors and providers of the conditions for academic autonomy. What they reveal is that delinking notions of academic autonomy from institutional autonomy has already been productive for the practices of ugly academic freedom in our times. Knowledge about such practices is our inheritance of crushed hopes.

**Individual versus collective orientations to freedom**

Discourses of academic freedom and autonomy contrast markedly when conceiving of freedom as about individualistic, collective, or common practices and states. As with contemporary discourses that collapse freedoms, academic freedoms are often reduced to individual choice or entitlements. To catalyse consciousness in South African readership, Lange (2013) drew on forewarnings of reductions of academic freedoms in neoliberal England. A continuum is offered in that vision by Marginson (2009): from strong control (at the micro-level of the individual academics' choice of focus), to restriction (through policy, limiting the range, and means by which such choice is exercised), to the severely reduced means of (re)framing choice—thereby weakening the possibility of radical critical breaks and disruption.

Collectivity is conjured for solidarity in defence of adverse conditions. Examples of this are the Kampala Declaration on Intellectual Freedom and Social Responsibility (1990, last line), which called on "African intellectuals to develop solidarity and supportive networks to defend the collective interests of the intellectual community," and exiled Syrian academics' calls for solidarity from those who have weathered and learnt from conflict (Belluigi & Parkinson, 2020). It has been evoked for resistance against threats to disciplines, institutions, and social groups. However, such resistance is undermined by dominant constructions of academic freedom and academic autonomy as only about exogenous relations. Recognition of the university as a

socio-cultural institution is resisted, because it seemingly weakens the surety of its claims to authority and of being peopled by authorities above worldly interests, bias, or desires.

Within the Constitution of the Republic of South Africa (1996), academic freedom is included in rights to freedom of expression extended to everyone. Was this because the struggle for academic freedom was understood as one of the many struggles for citizenship (the powerful metaphor of Sall, 1997)? That would link academic freedom to the long struggles for freedom of the oppressed. The torchbearers of this struggle have been those marginalised and minoritised by the dominant intellectual elite, bearing the brunt of the absence of, and struggle for, rights and powerful participation within broader society (Zeleza, 2003). Unpacking the politics of belonging and the politics of participation exposes the bounds and costs of such citizenry against the norms of those in positions of power.

When it comes to such critical work about the academy in the minority world, various outsiders within the Euro-American academy worked considerably to show the limits of the logics of knowledge production and de/legitimation on autonomy (Foucault & Deleuze, 1980; Said, 1993; Spivak, 2008). Feminists looking at injustices have created compelling counter-discourses about the relation of academic freedom and academic autonomy to gender, with increasing consciousness being raised about intersectional subjectivities and the experience of oppression through the radical work of Black feminists. Considering the impossibilities of solidarities in the techno-rational present of the UK academy, Tate (2022) reasserted Stuart Hall's distinction between intellectual work and academic production, when exposing the dynamics of white feminism's extraction of Black academic work. Responses to such erasure, and that of geopolitical academic racism, include unmasking the locus of enunciation in academic knowledge-making (Diniz De Figueiredo & Martinez, 2021) to contextualise productively and enable critique.

Those situated in, or identified with, the majority world encounter sticky geopolitical webs in global academic citizenry. Authorship is limited by the access to, and the production of, the supposedly global common goods of knowledge. Asserting that a radical break is needed for knowledges in contemporary African universities, Mudimbe (2023, p. 40) articulated this as "a political problem: which master to choose? The imperialist ideology of the West, or service to the future of Africa?" The struggle for control being suggested therein—of ownership, autonomy, governance, sovereignty as part of the intellectual pursuit towards the unshackling of knowledges—enlivens much of the current renewal to decolonise, Afrikanise, or indigenise intellectual world making in our times. This is other than the individualised possibilities of academic choice as freedom (without power or possibility of radical break), which Marginson (2009) sketched about the neoliberal UK academy.

However, the challenges to such collective freedom are many. Geopolitical neocolonial assessment regimes are often reinscribed on a national level. An example is how constraints to both institutional and academic autonomy are imposed by South Africa's research funding oversight body. It imposes the bibliometric coloniality lorded over by the Global North's commercial academic publishing houses (Mzileni & Heleta, 2023) to the direct detriment of

Africa-based growth. Such technologies reassert the colonial trap of techno-rationality over our autonomy as academics (Chiappa, 2022). In the section following, grey and academic literature are interwoven genealogically to expose the complexities of ugly academic freedoms as acts and conceptions troubled and alternate.

## South Africa's wrangles with these concepts in policy and practice

Intertextual referents of the concepts and practices of academic freedom and autonomy in South Africa have been selected for this section, from a critical review of peer-reviewed papers and the influential sources they referenced. They reveal that international discourses have been intertwined with idealised conceptions espoused locally. Additionally, within authoritative texts and processes of the transitioning democracy post-conflict, silences and omissions are identified to build uncertainty and hesitation about that which has been taken for granted (Meskus & Tikka, 2022).

Explicit from the universities' inception have been ugliness and harms, including unrecognising the intellectual freedoms practiced by those indigenous prior to the establishment of formalised missionary institutions and settler universities. Early settler, enslaved, indentured workers, and many migrants' knowledges were also either suppressed or undeveloped. Here, I discuss how the initial idealised Western European Protestant interpretations were almost entirely collapsed into fictionalised concepts of institutional autonomy during the growth of the apartheid regime. Resistances to institutional interference during apartheid were largely ineffectual although acts of academic freedom continued, often for opposing ends. Later, with trust in the stewardship of the African National Congress as leading the government in the early apartheid period, the relation of academic-institutional autonomy was soon recast as adversely associated with the ivory tower.

The settler colonial, and later apartheid, regimes designed their institutions to segregate and impose two linguistic sections of the colonial population (English- and Afrikaans-speaking) in support of their control over the Indigenous populations. Scottish interpretations of the Enlightenment mission of the intellectual pursuit of truth and justice, which ran through many of their missionary and educational institutions (Muller, 2021), were espoused by English-medium establishments. This orientation differed fundamentally to the social order structured around the advancement of the white Afrikaner volk in Afrikaans institutions (Koen, 2003). Trained at the latter were the initial selection committees who appointed academic staff for the African, Coloured, and Indian universities (Gwala, 1988), established from the early period of apartheid onwards. Those had far less institutional autonomy to govern academic aspects of their work than that of the majority white institutions, whose systems had faculty-led senates ("Academic Apartheid," 1960).

However, the threat of state-imposed political interference was such that it led a vice-chancellor of one of the "white" English-speaking institutions to mobilise a public challenge (Conference of Representatives, 1957) to race-based regulations imposed by the Nationalist Party. In that text, constructions of South African academic freedom were set against academic racial segregation

practiced in the USA (Sitze, 2013). The authors criticised the policy of apartheid by showing it to be reducible to the United States constitutional doctrine of "separate but equal," which at that time was the controlling legal precedent for United States HE (*Plessy v. Ferguson, 1895*). Threats to academic freedom were therein constructed as only external (du Toit, 2005). Institutional autonomy became conflated in the argument they made that

> academic autonomy and academic apartheid . . . [were] . . . mutually exclusive: either it will be the case that the open universities will remain able to pursue the ideal of academic nonsegregation or else it will be the case that they will lack any academic autonomy at all. Between Lehrfreiheit and Lehrnfreiheit on the one hand, and apartheid on the other, there can be no coexistence. (Sitze, 2013, pp. 772–773)

Explicitly injected into discourses of freedom at that time, was ethical social responsibility. To construct the notion of the "plain duty" of the institution to oppose academic apartheid "unless they wish to become party to the betrayal of their own ideals and traditions" (Conference of Representatives, 1957, pp.25–26), the authors drew on the precedent of the *studium generale* in England's institutional history:

> It is almost axiomatic that a university should be more diverse in its membership than is the community in which it exists. This diversity itself contributes to the discovery of truth, for truth is hammered out in discussion, in the clash of ideas . . . diversity is essential to our ideal of a university. (Conference of Representatives, 1957, pp.14–15)

Drawing on Lalu's (2007) analysis of universities' collusion with the state, Sitze (2013, pp. 776–777) revealed the ugly truth about the liberal South African HE tradition that this iconic act obscured. This was that "even the open universities that mourned the loss of their academic freedom under apartheid" were, in their practices, staff, and student compositions, and inter-institutional relations "apartheid universities" (Sitze, 2013, p. 777). The legacies of that obfuscated, failed praxis are of interest. While some may accuse the dominant proponents of critical university studies in the minority world for ascribing to dangerous melancholia of academia's past, it may be that a state of mourning has bedevilled South African HE too.

> No one likes mourning the loss of ideals that were never fully realized in the first place. But the academy's best students always have remembered to do just that. (Sitze, 2013, p. 778)

By stating this, Sitze suggested that "unsatisfactoriness" imbued South African HE with critical consciousness—which SAHES has arguably reinvoked again and again (for instance, see Idahosa & Vincent, 2018; Singh, 2001; Tendi, 2008). How then does one engage with this notion of academic responsibility in the aftermath of histories of the practices of ugly academic freedoms?

Idealised forms of academic freedom, academic autonomy, and institutional autonomy were recognised as severely violated during apartheid—globally and then nationally after apartheid ended, informing the insertion within the Constitution. Activism in defence of those ideals, and continual practices of various ugly academic freedoms, occurred throughout the colonial, apartheid, and Cold War periods, both within and outside of institutions. Evidence and public discourse engaged with how academic citizens were displaced, exiled, endured censure,

surveillance, attacks, and torture. Yet neither the perpetration nor experiences of harms by academics or institutions were included in the scope of the Truth and Reconciliation Commission (https://www.justice.gov.za/trc/). However, one of the goals of the postapartheid Department of Education's (1997) influential *White Paper on the Transformation of Higher Education* was to signal change to the adverse conditions that academic citizens had endured, with a goal "to establish an academic climate characterised by free and open debate, critical questioning of prevailing orthodoxies and experimentation with new ideas" (Department of Education [DoE], 1997, p. 9). Specifically, protections against exogenous interference to academic autonomy were articulated as the condition for the principle and constitutional right to be practiced:

> The principle of academic freedom implies the absence of outside interference, censure or obstacles in the pursuit and practice of academic work. It is a precondition for critical, experimental and creative thought and therefore for the advancement of intellectual inquiry and knowledge. Academic freedom and scientific inquiry are fundamental rights protected by the Constitution. (DoE, 1997, p. 8)

Texts such as these contributed to national bodies' interpretation of the Constitutional right as an attempt to institutionalise academic freedom "as a core principle for the governance of higher education" (Academy of Science of South Africa, 2010, para. 2). Discourse adopted within the White Paper brought to the fore state–institutional tensions in governance about the public goods, with idealised commitments, tenets, and conditions to be held in balance "for a vibrant system" (DoE, 1997, p. 27). Explicitly articulated was the concern that institutional autonomy may be at odds with state's "steering mechanism for transformation of the higher education system" (DoE, 1997, p. 8). SAHES scholars have similarly characterised historically white institutions as resistant to transformation (for instance see Booi et al., 2017). Threaded across these discourses are both idealised and moralised virtues, duties, goods, and freedoms:

> There is no moral basis for using the principle of institutional autonomy as a pretext for resisting democratic change or in defence of mismanagement. Institutional autonomy is therefore inextricably linked to the demands of public accountability. (DoE, 1997, p. 8)

Sitze (2013) highlighted how the ethical dyad of no academic freedom without a corresponding academic responsibility was entangled in misinterpretations of the iconic open universities text, within what became the classic formulation of the USA. This dyad was retranslated in the early postapartheid period by returning exiles who assumed assigned leadership of HE. It has become a dogma of individual responsibility and institutional accountability. Tabensky also pointed to virtues, evoking sources "from the Ancient Greeks and Romans, developed long before the Enlightenment era" to focus on the conditions for "our ability to act in accordance with the virtues that define our professions" (2013, p. 87).

While some early postapartheid policy texts explicitly acknowledged the internal "struggles for control, lack of consensus and even conflict over differing interpretations of higher education transformation" (DoE, 1997, p. 26), missed was the opportunity for addressing internal threats by authorising conceptions of academic freedom in relation to academic citizenry. The dangers of this

omission were soon exposed. The sector continued towards corporatisation in its governance arrangements (a trajectory noticed from the 1980s onwards in research, see Desai & Bohmke, 1997), despite the association of transformation discourses with democratic values of participation (one of the central principles of the 2009 White Paper). As managerialism grew, in some cases, institutional autonomy empowered abuse by bureaucrats (just as du Toit, 2005 foretold). Three decades later, rampant capitalism, lucrative payment packages for executive administrators, tenderprenuerial habits and "political squabbles" (Sebola, 2022, p. 10) threaten the health and reputation of public universities. The concerns extend beyond leadership ethics through to corruption, nepotistic hiring and firing practices, and assassinations (Vaughan & Ncayiyana, 2020). The state, meant not to micromanage their co-operative governance with institutions, has at times intervened by initiating forensic investigations, and paternalistically taking nine errant institutions into administration.

The effects of not heeding early cautions (such as those by Habib et al., 2008) about too close an acceptance in the new democratic period of a relation to the state with the university have emerged. Academic agency, voice, and critique became entrusted to those in assigned leadership roles in support of national imperatives in the early postapartheid period. Academic unions' agency in early 1990s' policy formation was eroded and organisationally fractured. In 2008, Habib et al. worried about damage to employment conditions, staff remuneration, weakened free speech, and the deference to internal authority. Over time, the vestiges of the few faculty-led structures once prized as an enactment of academic freedom from the bottom up in the liberal tradition, buckled under the weight of top-down, top-heavy, and often authoritative managerial structures. The latter were supported by compliance pressures from the national audit culture and the increased performance management. The erosion of the professional academic freedoms was such that by 2010 it was no longer controversial to claim that "the right of academics to criticise university administrations has been particularly contentious" (Academy of Science Of South Africa, 2020, para. 6).

Less in the limelight are the ways academic citizenry has morphed. Perverse incentives within employment and equality legislation have allowed for exploitative and exclusionary institutional practices. By 2020, only 38% of academics enjoyed the safety of tenure (CHE, 2022). In/visible to the state's monitoring and reporting, and thus not prevalent in public discourse, is the casualised labour of postdoctoral researchers (Kerr, 2022). Hostile visa policies and nationalistic entitlements have been experienced as harms to African migrant academics, including those in assigned leadership positions within historically Black institutions (Belluigi et al., 2022), without regard to protections called for within the Kampala Declaration on Intellectual Freedom and Social Responsibility (1990).

**Contemplating how this may advance the critical study of the South African university**

Between freedom and unfreedom are many complications and moments worthy of struggle, study, and deliberation, despite problematic histories and disappointed realities. In this paper, I have drawn from and adapted Anker's (2022a) language of ugliness as a lens that recognises that many

enactors of moments of freedom are not ideal subjects, and avoids the pretence that the push for freedom may not be at the expense of others' oppression or harm. Wisdom sees that not all freedom is entitlement, nor is all resistance acts of freedom. Exploring, understanding, and studying the practices of ugly academic freedom—from whence they come and for which purposes—may engender situated knowledge about how such freedom is enacted.

However, global pressures for demonstrating scientific efficiency and production outputs (in the game of technology and its goal of optimal performance) threaten to subordinate conditions that value engagement with complexity, truth, and justice (Peters, 2020) within and through the practices of the university. In the current climate of impatience within South Africa (see the rhetoric played with by Jansen, 2023), the desire for efficacy may limit opening the concepts of academic freedom and academic autonomy—particularly given that these are concepts already eschewed. The effect may be dismissal. Anker (2022a) raised cautions about measuring ugly freedoms against the criteria of efficacy. I too, hold there is value in deliberating and studying the conditions for the possibility of practices of ugly academic freedom.

I utilised this lens to dialectically disrupt dominant international narratives of academic freedom and academic autonomy. In relation to the South African case, I propose that it may offer critical and creative ways in which scholarship critiques, witnesses, recognises, and thereby collectively moves forward into the silence. The South African university, its academic citizens, and SAHES have had a robust tradition of calling out the ugly truth of what occurs within institutions, even when such voice was criminalised. Parallel to this, have been the active and impactful social consciousness of student activism and of academic responsiveness to equity, both within the educational functions of the university and in service to the third mission (articulated as community engagement). These are counter-archives worthy of critical mapping. Exploring the academic functions, traditions, and scholarship askew may enable more just and complex comprehension of the conditions for, and practices of, ugly academic freedoms where they are, before they are dismissed as deviance, immoral, non-institutional, or illegitimate. That in turn, may enable us to probe in what ways these relate to distinctions drawn between the conditions of individual, institutional, and collective freedom and autonomy to be, to do, and to represent. The lack of constitutional clarity about the relationship between academic freedom, public good, and democratic accountability (du Toit, 2013) may thereby be opened to more radical speculation, particularly given that the state linked this responsibility to the common good (DoE, 1997, p. 9)—an under-utilised term in SAHES.

## Conclusion

In this paper, I have suggested that the aversion to academic freedom and academic autonomy by HE researchers may be (in)formed by the recollection of these ideographs' weaponisation and their failure, or because of professional risk within the current milieu. Academic freedoms are ugly in many ways—the form they take, the agents that struggle for them—and the practices themselves may be neither ideal nor beautiful. I have posited that engaging dialectically with academic

freedom and academic autonomy necessitates recognising that the complexities of such ugly freedoms (Anker, 2022a) neither can nor should be expunged. Revealed as threadbare, are the dominant idealised conceptions undergirded by liberal, Enlightenment ideals of progress and the civilising mission of universities, problematically conflating academic autonomy with the institutional, and entrusting protections to idealised notions of the institution and the nation-state. Rather, approaching the subject by recognising it as part of the struggles for freedom, allows for deliberating the problem of academic freedom otherwise.

With this lens and recognition of ugliness, the paper considered intertextual referents, gaps, and omissions in grey and published literature on South African HE. More in-depth and situated exploration of the handling of academic freedom and academic autonomy in different post-conflict and postcolonial contexts would be beneficial, as would analysis of practices. The influence of formal and hidden institutional curricula on the construction and operationalisation of these concepts could be unpacked in relation to policies and assessment regimes, the formations of academic citizenry (including by academic development units), and student and staff unions—areas of enquiry aimed at social change.

Persisting in raising questions about the problem of academic freedom enables us as scholars and, in turn, as agents within academia, to engage in critical dialogue about how we might comprehend, analyse, and reshape un/freedom and all that is betwixt and between relations of dependence, autonomy, interference, and situatedness. Doing so, might enable better consciousness of the limits of the university and its functions to serve global ecologies for the common good—and the conditions for collective possibilities of freedom.

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