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Making Academic Freedom and Institutional Autonomy Real in Boundary Conditions:
Some Issues from African Higher Education

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In this presentation on the occasion of the 20th Anniversary of the Magna Charta Universitatum in Bologna, I will make six points. Some of these are general observations on the Magna Charta and others are issues from African higher education which may help to illuminate our understanding of the value, limits and potential of the Magna Charta. I speak as a critical friend of the Magna Charta.

1. The Magna Charta, at the level of its proclaimed fundamental principles, is a powerful normative declaration. Some of its text betrays very specific regional concerns which have to do with the geo-political ambitions of a Europe that seeks to be more politically, economically and educationally integrated. Yet many universities that are not in Europe are signing up to the Magna Charta. Why is this the case? It is possible that the normative constants that it proclaims are not well observed or valued in some non-European contexts. Nevertheless, its central normative reference points, which revolve around the moral and intellectual independence of research and teaching, openness to dialogue, tolerance, free exchange of ideas and information, internationalism, cosmopolitanism and university service to society, have found a resonance in universities, countries and regions whose political, economic and social conditions are quite different from those in Europe. At a symbolic level, this is one of the strengths and attractions of the Magna Charta in that it constitutes an invitation to seek a connection to the trans-geographical values that it represents. But, paradoxically, another of the attractions of the Magna Charta may lie precisely in its European origins and lineage. To some countries and institutions outside of Europe, signing the Magna Charta represents an affiliation that they hope will make them more Europe-like, since there may be some associated social, political and academic benefits from such an affiliation. So aligning with the normative constants, transcending Eurocentric parameters, and being more Europe-like are all part of the complex, possibly contradictory impulses connected to the Magna Charta.
2. The power of the normative as indicated above lies in its symbolic principles. But a purely normative approach has its limits¹, especially in relation to implementation. One such limit has already been mentioned—the tension between text and context. Does the relevance of the text have the same resonance in different contexts and circumstances? Another equally important limit is at a conceptual level. Does the text mean the same the same thing to different actors even in the same context? The conceptual and contextual challenges to the Magna

¹ See A du Toit (2007:7) in **Autonomy as a Social Compact**, Council on Higher Education, Pretoria.

Charta hinge around the difficulty of devising a consensual, universal and timeless definition that is relevant to different interest groups in different and changing circumstances. We may use the same or similar terminology but the content of the terms that we use may differ in substance and nuance because we are fighting quite different contextual battles around academic freedom and institutional autonomy. What does academic freedom mean-is it a negative right (e.g. freedom from censorship, intimidation, etc.) or a positive one (e.g. freedom to access higher education) or both? Is it a freedom only within the parameters of the university or does it overlap with freedom of expression for the academic as citizen beyond the university? In what sense is academic freedom an individual right and in what sense a collective one? What is the relationship and difference between academic freedom and institutional autonomy, since we sometimes tend to use them as almost overlapping terms? Can the one exist without the other? Analysts² have pointed to historical instances of their separate existence, e.g. academic freedom in von Humboldt's Prussia existed without institutional autonomy. Conversely, greater current levels of institutional autonomy in a managerialist mode are sometimes argued to be a threat to academic freedom. In steering the Magna Charta into the future, holding the balance between the normative constants on the one hand and the conceptual and contextual challenges on the other will continue to be a strategically challenging task.

3. The Magna Charta is one of a family of declarations that focus directly or indirectly on academic freedom and institutional autonomy. Some of these other declarations are also celebrating anniversaries in this year. For example, it is important to remember and honour the 60th anniversary of the Universal Declaration of Human Rights which upholds freedom of thought, conscience and expression. It is also the 20th anniversary of the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education which was adopted at a general assembly of the World University Service eight days before the signing of the Magna Charta. In a globalizing world and in light of the stated global ambitions of the Magna Charta, it is necessary to reflect on whether and how these different Declarations speak to and hopefully reinforce each other in ways that benefit particular struggles around academic freedom and institutional autonomy that are currently underway. I want to speak briefly to one such declaration that comes from the African continent-the Kampala Declaration on Intellectual Freedom and Social Responsibility³ which was adopted in November 1998 in Kampala, Uganda. I will draw on some of the issues from the Kampala Declaration together with current concerns in African higher education in the hope that these may have some resonance for thinking about the Magna Charta going forward. Hopefully, it will also contribute to making more visible the African higher education presence in the Magna Charta discussions which has been limited to date.
4. As the text of the Kampala Declaration makes clear, at the time of its adoption, the context was one of political repression, economic coercion (through structural adjustment programmes) and acute material and educational impoverishment.

² Du Toit, op cit. (2007:13)

³ See University of Minnesota Human Rights Library <http://www1.umn.edu/humanrts/africa>

These are the boundary conditions referred to the title of my presentation-fragile and unstable conditions, often well below the minimum required for the credibility of democracy, for economic development and for higher education functionality. These are conditions which are likely to endanger academic freedom and institutional autonomy as much as other human rights and freedoms. The key messages from the Kampala Declaration are

- Academic freedom and institutional autonomy are not narrowly relevant ‘guild’ rights- they are embedded in wider popular struggles for democracy and human rights.
- Academic freedom and institutional autonomy go hand in hand with the social responsibilities of intellectuals, including their participation in and support for popular struggles as well as professionalism, tolerance and solidarity with those persecuted for their intellectual activities.
- Academic freedom and institutional autonomy incur obligations for the state, for example, refraining from imposing censorship but also providing adequate funding for the effective discharge of core functions of higher education.

In the current debates in African higher education relevant to this topic, there is a view that the political liberalization of the late 1980’s and 1990’s has improved somewhat the conditions for formal democracy, and that economic challenges have become more dominant.⁴ As pointed out, this may be true in qualified respects only and the harassment and intimidation of academics, intellectuals and students continues in many countries. What is clear is that the globalizing pressures that are reshaping higher education systems in many developed countries are also taking their toll on African higher education-the power of the market, the demand for efficiency without the injection of additional resources, and the emphasis on competition are becoming dominant themes. State funding has increased only marginally in some countries and privatization is the order of the day, including within public higher education institutions. Using the discourse of the knowledge economy, multilateral lending institutions and donors still exert enormous pressure on state policy directions through signaling ‘appropriate’ policy options. Economic deprivation and entrepreneurialism are having a harsh impact on all social sectors and are widening existing social justice gaps within and outside of higher education. Such a context cannot provide the enabling conditions for academic freedom and institutional autonomy to function as real rights beyond the formal declarations.

5. What lessons are there from the debates within African higher education in relation to the fate of and prospects for academic freedom and institutional autonomy in Africa and beyond? I would like to put forward four issues for consideration
 - An adequate material base that could support higher education infrastructure, salaries, research and teaching resources, etc. is necessary

⁴ See P. Altbach (2005): ‘Academic Freedom: International Challenges and African Realities’ in JHEA/RESA, Vol.3, Number 1; E.Sall and A.M.B.Mangu(2005): ‘The Quest for Academic Freedom Today’ in JHEA/RESA, Vol.3, Number 2.

for academic independence. Sheer survivalism in dire economic conditions⁵ constrains the freedoms to undertake research and teaching and to choose institutional priorities and strategies in a way that privileges academic principles and professional considerations.

- Academic freedom and institutional autonomy cannot be pursued separately from a wider human and social rights package embedded within a democratic dispensation. Formal political liberalization in Africa is important but requires the development of substantial democratic cultures and traditions, also within higher education institutions. Constitutional and legal frameworks and rules are crucial in order to provide formal protections for academic freedom and institutional autonomy but also need to be buttressed by a culture of traditions, practices and conventions in order to give content to formal rights. This puts on the agenda the importance of identifying and making real the necessary and sufficient conditions for academic freedom and institutional autonomy to be secured and safeguarded.
- There are clear dangers for academic freedom and institutional autonomy from the dominance of economic imperatives in higher education. Competitive individualism, the increasing privatization of aspects of the public domain, managerialism and the corporatization of higher education all weaken the possibilities for academic freedom and institutional autonomy to operate as collective and socially embedded rights which also incur social responsibilities. The relationship of academic freedom and institutional autonomy to the public and private goods of higher education, especially the impact of private goods discourses on social rights issues in higher education, needs serious research and policy attention.
- There is a new instrumentalization of higher education which is endangering academic freedom and institutional autonomy in many countries. In post-independence Africa, political leaders saw universities and universities saw themselves as instruments of social and economic development. This eventually became a more ambivalent notion, not least for the dangers that it posed for academic freedom and institutional autonomy. The current knowledge economy discourse is bringing a new market-steered developmentalism back on the agenda. The contribution of higher education to African social and economic development is absolutely necessary. However, the incorporation of higher education values and priorities into the preferences of governments and markets contains the seeds of new threats to academic freedom and institutional autonomy that have to be actively re-negotiated

6. The above four issues are signals of incipient dangers and challenges to academic freedom and institutional autonomy in African higher education. They are probably similar to challenges in a number of other countries and regions in the developing world. However, the extent to which these constitute

⁵ See A.Mama (2006): 'Towards Academic Freedom for Africa in the 21st Century' in Journal of Higher Education in Africa, Vol. 4, Number 3.

dangers in European higher education may only be a question of degree, both for existing and newer members of the European Union. Further, these issues may be too much in the background in a centre stage of higher education debates dominated by knowledge society, innovation and competitiveness discourses. In giving effect to its global ambitions, addressing some of the issues which I have flagged in my presentation could become part of the agenda of work for the Magna Charta Observatory. This could help to ensure that the Magna Charta retains its power and relevance into the future for an increasingly diverse community of universities within Europe as well for many which are not in Europe. In closing, I offer a quote that for me puts the debate about academic freedom and institutional autonomy into its proper societal perspective, irrespective of context: “Defending academic freedom is but part of a larger effort to make the world a better place to live.”⁶

⁶ B.Doumani (ed.): **Academic Freedom after September 11**, Zone Books, New York, 2006, p.45.