



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).

Perverved 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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