Reconceptualizing Academic Freedom in the African Context

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Abstract

The concept of academic freedom appeared and developed in the Euro-American context to mean: the right to research, investigates, express and disseminate findings, whether through instruction, public lectures or publication without interference from political or religious authorities.

This definition is not sufficient in the African context since researchers are not able to conduct research or to disseminate their findings either because of the absence of a conducive environment or because of lack of funding or any other visible or invisible restraints.

Also, academic freedom is part of different sets of freedoms, and it is affected by the socio-economic and political conditions in a given society; therefore, it cannot be conceptualized or practiced apart from realities on the ground.¹

Bearing these in mind, we find that, governments in Africa, in most cases, are intolerant of criticism and free expression. These governments controls over the whole socio-political activities of trade unions and civil society organizations within the country (including students and staff associations) and do practice a great influence over universities through provision of fund or the appointment of the top academics and administrative university officials. In such situation, academic freedom, in its ideal form mentioned above, will be not more than wishful thinking.

Also academic freedom in Africa can be affected by cultural, social, religious, and traditional kinds of believing dominating African societies such as seniority, respects of elders, mainstream religious interpretations and other social taboos.

This paper intended to study the problems facing academic freedom in the African context, and its main assumptions are:

1. African context of academic freedom is different than the Euro-American one. Thus there is a need for new conceptualization and new means.
2. Academic freedom to economically poor academic staff, with poor working conditions is not a priority, and the effort to mobilize those impoverished staff members is difficult, not fruitful and insufficient.
3. Since universities in Africa are week, with lack of independent source of funding, they will remain subject to interference from different powers (from inside or outside), we cannot call for academic freedom without building the capacity of staff and universities so as to enable them to enjoy, defend or even to impose their rights of academic freedom and autonomy.
4. The struggle to reform and improve the general conditions of higher education institutions, is seems to be possible and viable as a path to ideal academic freedom and autonomy.
5. Academic freedom in Africa, in its complete form, can be achieved only as part of general socio-political reform that has to engage all other stakeholders and to affect the socio-political structure and functions of the government.
6. Academic freedom violated from within higher education institutions as much as from outside. So the struggle for academic freedom must starts from inside.
Definition of Academic Freedom

To Worgul Academic freedom is: (The freedom of the teacher or research worker in higher institutions of learning to investigate and discuss the problems of his science and to express his conclusions, whether through publication or in the instruction of students without interference from political or ecclesiastical authority or from the administrative officials of the institution in which he is employed).2

To Verbitskaya: “Academic freedom is the freedom of the system of education and the freedom of research from political, religious, or ideological influence….autonomy applies to the institution as a legal entity… expression “academic freedom” is applicable to professors, scientists and students” 3

Importance of Academic Freedom: The margin of freedom available for academician and scholars impacts on their production of knowledge, teaching, research and role played towards their community. To Assal (the more academic freedom and autonomy scholars enjoy, the more rigorous and useful their end product will be)4.

Academic freedom and the socio-historical context

The right to academic freedom derives from other rights and freedoms such as freedoms of thought, expression, assembly, association; and rights to life, liberty, education and culture. It is therefore, a freedom that cannot be enjoyed in isolation. On that basis, it can be concluded that the struggle for academic freedom is an integral part of the general struggle for human rights.5

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To Munzoul, Academic freedom is part of different sets of freedoms, and is affected by the socio-economic and political conditions in a given society, and therefore, it cannot be conceptualized separately or apart from realities on the ground, since freedoms are hardly divisible.

Environments are of course different in different countries. Academic freedom and university autonomy have specific characteristics in each country since it is inseparable from freedom of expression in Society as a whole. Circumstances and the environments are different (the Euro-American History and environment and the African ones).

**Academic freedom and the Afro-Islamic heritage**

Before negotiating different perspectives of academic freedom or the appropriateness of the Euro-American notion of academic freedom in the African context, Let us first agree that academic freedom is deeply rooted in the African and Islamic heritage; that is because Knowledge in the early history of African and Islamic institutions (Al-Azhar, Timbuktu, Garaween in Fez, Zaitona…) and the whole Islamic History was gained through dialoging and free discussion (Al-Jadal). Learning and knowledge was gained through interactive discussions on philosophical and religious issues; in open forums (Halagah.). People sits in a circle, may be the scholar (sheik) and his followers, and start discussing freely religious or other life issues until they agree on judgements (fatawa). Thus knowledge was generated, and academic freedom was practiced. The scholar has no authority over his students; and the history tells about many who disagree with their scholars and split with those who agree with him constituting another different forum “school in the future”. The whole books inherited as Islamic Jury “Figh” are a result of such process. Islamic Jurists are very sharp and laud in criticizing corrupt political systems. Many has been jailed, tortured or killed.

African traditional authorities relay with people normally selected and agreed upon because of their far-sightedness, broadmindedness wisdom and tolerance. They use to listen to their people and judge their cases accordingly; they have no power or authority other than these: to advice, convince or influence.

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These indicate that academic freedom is deeply rooted in our African history.

During the colonial era, formal education was not meant for the benefit of the Africans themselves but primarily to make Africans more ‘productive’ for the colonial system or ‘subjective’ to them. Necessity for academic freedom appears after the long oppression started under colonialism and continued with the pre-colonial national regimes.

**Conceptualizing academic freedom in the African context**

Although academic freedom as a concept and practice is deeply rooted in the African and Islamic heritage, but the above mentioned conceptualization and definition is not sufficient and not appropriate. The above mentioned definition emphasizes the concept of academic freedom as a freedom “from”, i.e., freedom from interference. Others see academic freedom as being more about a freedom “to”, i.e., a freedom to engage in appropriate academic activities. This represents a shift in the interpretation of academic freedom from being a negative right to a positive right of academics. This goes beyond the simple absence of interference from institutions implied by a “freedom from” interpretation.\(^7\)

This alternative conceptualization is suitable and matching with the Afro-Islamic history and values since academic freedom in Africa and in the Muslim World is considered to be “a duty”; it is an obligation that you must do “the obligation to find and to speak the truth”.

Limiting academic freedom to the notion of “being free from” will make it passive or unattainable goal. The right to conduct research freely is meaningless if the government hides or obscures information or denies accessibility as it is the case in the majority of African countries. In some countries, people are free to speak but not to change. “Right of expression is guaranteed, but methods of change are denied”.

Other prevalent case in Africa is that: you are free to speak, but you cannot speak because you don’t know the circumstances”

It is better for us to focus on academic freedom as the “right to” and not “to be free from” since governments have many ways and means of to make it meaningless.

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Also there are many political, economic and social factors in Africa affecting academic freedom and must be taken in to consideration trying to conceptualize or describe indicators of academic freedom or measures of preservation or enhancement.

1- Academic freedom and the African political environment

Governments in Africa, in most cases, are intolerant of criticism, non-conformity, and free expression of controversial, new, or unconventional ideas, these governments controls over the whole socio-political activities of trade unions and civil society organizations within the country (including students and staff associations) and do practice a great influence over universities through provision of funds, the appointment of the top academics and administrative university officials. As a result:

- Such states cannot provide funds unless they guarantee that these universities will support their policies and programs if not used as mechanisms of implementation.
- Conflict is expected between governments and universities.

Dis-conformity and conflict between governments and universities is a fact since independence, the early African Nationalism Movements conflicts with University:

This is the essence of Kwame Nkrumah’s celebrated attack on the universities: (We do not intend to sit idly by and see these institutions which are supported by millions of pounds produced out of the sweat and toil of common people continue to be centers of anti-government activities.

We want the university college to cease being an alien institution and to take on the character of a Ghanaian University, loyally serving the interest of the nation and the well-being of our people. If reforms do not come from within, we intend to impose them from outside, and no resort to the cry of academic freedom (for academic freedom does not mean irresponsibility) is going to restrain us from seeing that our university is a healthy university devoted to Ghanaian interest.\(^8\)

Even now, if academic freedom, ideally, means to “ensures that academics will be able to teach freely, undertake research of their own interest, and communicate findings and ideas openly and without any fear of persecution”\(^9\) in the African context we find that, in many African countries, lectures are recorded by some

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students affiliated to security organs, taken to the security offices, analyzed and used in classifying staff members. In the Sudan during nineties many staff members has been dismissed according to prepared lists in many universities, the only justification is “the public Interest” in fact because they used to criticize the regime or counter its arguments, in Ethiopia after the late election and others.

Governments even can use unconventional procedures to undermine academic freedom; restriction of data accessibility is one example.

Sudan under the current regime, and since two of the previous military regimes had been thrown out by strikes led by universities, this regime (as a prerequisite to university admittance) tends to send students to camps for one year under the pretext of doing ‘The National Duty’ or ‘national service’ (Khidma watania). This concept, under the wide range of war, has been limited to mean carrying, joining the armed forces and fighting in the Southern Sudan or Darfur defending the regime. Students are to be exposed to a heavy military training and intensive brain washing, the difference between students before the camp and after is the spirit of obedience; blind obedience contrary to what they supposed to learn from the university: the spirit of critical reasoning.

That is not only a case with students, but also the university staff. All university staff has been subjected to this law: the first patch of the university staff has been sent to the "national duty" and a severe shortage in the university staff was appear, complains comes from students and public opinion leading to the postponement of the implementation (not cancellation) of the act.

Until now, if you have not did the “national duty” or "the military service" and passed through the above mentioned process (which is equal to opponent to the regime) you are not allowed to travel outside the country or to attend such conferences, because it is almost conceived as fling the country or trying to join the opposition or military movements in the neighboring countries. (In Chad, Konya, Libya, Eritrea, Ethiopia, Egypt). You cannot go outside unless you get “a travel permit”. Travel permit is obtained neither from the ministry of foreign affairs nor the ministry of interior affairs; it is from the ministry of defense, military high command!! And they
will not give you the “travel permit” unless they know where are you going? What is the purpose?.... and you pay about 45US$.

By the end of these procedures, you can attend conferences and you might be, for sometimes, free “from” any kind of limitations, but for sure you are not free “to” say everything you want to say since you will be back within few days, and you inspire to attend other conferences.

As a result to these arguments, we cannot call for academic freedom for universities as an “isolated islands” at the time that freedom of the whole society is absent. Solution can be possible only as part of general societal reform to the structure and function of the whole political system, that is, until now is outside the agendas of the academic freedom campaign in the Euro-American world.

Right of staff association is not agreed upon; according to the current trade union's law, there is one association for the whole institution i.e. it includes staff, technicians, labors and other employees of the university in one body: agendas and priorities are different ex. The issue of academic freedom is sounding only with staff who are not the majority.

Getting fed of this, staff of the university of Khartoum tried to constitute their own union, they call for general assembly and elected an executive committee. As it is expected, the new union was not recognized neither by the university administration nor by the government, they remain handicapped, with no right of any meetings or activities and the staff remain with no legal body that can bring them together. Not only that, but the government- after discovering that the majority of the newly elected staff union are over 60 years of age- enforced the act of retire, and thus the majority found themselves as no longer staff members.

2- Academic freedom in Africa and the poverty trap

To Bentley and others: (Material conditions in Africa weigh not only on the mass of populations, but also on academics and intellectuals. Perhaps more insidious than direct political oppression because it tends to abort critical comment before it is even born rather than visibly strangling it at birth, economic necessity weighs heavily on
academic and intellectual freedom and by limiting career options tends to put academics at the mercy of political and institutional authority.\textsuperscript{10}

In many African universities, research funding was stopped fifty years ago, overall conditions are very poor, new books are rarely acquired and runs of journals often ceased years ago, crumbling infrastructure…. The result is strong tendencies to intellectual isolation, staff abandoned universities as sights of interaction and knowledge production, academic stagnation and carelessness are apparent.

Decline in academic freedom is a result to marginalization of the whole academic enterprise where issues of free speech and intellectual endeavor are never even posed in the first place.

3- Vulnerability of Academic staff in Africa

African intellectuals trying to prove their academic freedom in such an economically and socially vulnerable position is extremely difficult that their voices were often hardly heard. To Bentley: (In most African countries if you lose your university job, perhaps because of political or social criticism, you are likely to have few employment alternatives.\textsuperscript{11}

So, An academics or a scholar who must engage in extra-curricular activities that are not related to his or her profession to supplement his salary and ensures that his family will not starve, will certainly not think a lot about academic freedom or the advancement of knowledge. Thus, collective action, to boost academic freedom, which is predicated on mobilizing impoverished staff members who are struggling just to make basic needs affordable will certainly not work. (Struggle to improve staff salaries is a struggle for academic freedom).

Inspire of that, we cannot say: let us forget about academic freedom but let us first call for reforms in the higher education system. Let us call for improvement of the general conditions as a first step necessary for academic freedom. It seems sounding since all of us agree in the purpose of the university and its importance: The purpose of the university is to preserve and advance our understanding of life, the world, and the universe. It is to discover truth, it is to transmit as much of human understanding

\textsuperscript{10} Kristina Bentley, Adam Habib and Señh Morrow : Academic Freedom, Institutional Autonomy and the Corporatised University in Contemporary South Africa
Research report prepared for the CHE Task Team on South African Government Involvement in, and Regulation of, Higher Education, Institutional Autonomy and Academic Freedom (HEIAAF)
http://www.che.ac.za

\textsuperscript{11} ibid
As we can from one generation to the next and add as much new knowledge as we can to the existing store of human knowledge.\textsuperscript{12}

Also, we cannot call for academic freedom without building the capacity of universities and staff members so as to enable them to enjoy, defend or even to impose their rights of academic freedom and university autonomy, but since universities are weak without independent source of funding they will find themselves subject to interference from different powers (from inside or outside).

4- Academic freedom in Africa and the social taboos:
It is noticeable in many writings that it is possible to have a completely autonomous institutions of high learning, in fact, it is too difficult to have these institutions completely independence from governments, leave less the society. To Thorsten Nybom: far from the somewhat idealized and free-floating vision of institutional autonomy, the university has always been linked to various systems of societal accountability; ecclesiastical, regal and civic. Thus university autonomy will be understood as a relative dimension in a particular historical and societal set of circumstances\textsuperscript{13}

Even in Europe, to him, while universities are given a wider range of autonomous decision making, society is increasingly trying, through different mechanisms and devices, to impose its particular demands, visions, interests and values on the universities institutional long-term policies and short-term priorities. Sometimes either intermediary strategic bodies have been created and appointed by the government, or the central state has kept the right of direct intervention on matters considered to be of central importance. Autonomy, in this respect, is certainly no synonym for independence; it is rather a case of widened scope of decision making under certain important constraints, with less local power but more local responsibility than ever before)\textsuperscript{14}

Minister of Education in South Africa, Naledi Pandor argues: (institutional autonomy cannot be unfettered and is linked to the demands of public accountability, in

\textsuperscript{12} Lee G.Bolinger:The value and responsibilities of academic freedom: April 8, 2005 point of view: www,.....
\textsuperscript{13} University autonomy: a matter of political rhetoric? Örebro University, SE-701 82, Örebro, Sweden
\textsuperscript{14} Thorsten Nybom: University autonomy: a matter of political rhetoric? Örebro University, SE-701 82, Örebro, Sweden
particular institutions receiving public funds to be answerable for their actions and
decisions not only to their own governing bodies but also to broader society.)
Since these institutions claim the commitment and service of the community, and
since they derive their legitimacy and justification of their acts and even support from
the society, they must not be and cannot be independent. Problems arose when society
develops religious understandings, traditions or customs anti-academic freedom.
Example:

- Traditional conservative societies are almost against unconventional,
ininnovative ideas and of course any daring religious interpretations. Trying
to articulate a moderate Islamic interpretation, Mahmoud Mohammed
Taha of Sudan has been sentenced to death of apostasy and hanged to
death in public. In these communities freedom or liberalization is equal to
immorality, or at least it is too easy for authorities to shadow it like that
and to disrepute it.

- Seniority: not only within the society, but also within universities,
important position used to be filled according to seniority although, in
sometimes, seniority instead of indicating rich experience, it indicates
stagnation, lack of initiation, mal-performance and lack of the spirit of
innovation. Promotion to important decision-making positions is not
linked to qualifications or performance.

- Respect of elders: regardless of the ideas they lay, perfection,
appropriation, justification, critical thinking…etc criticism, rationalism or
perfection will become lack of respect to elders.

5- Academic freedom and institutional Autonomy

To Sawyerr, the principles of university autonomy include all or most of the
following attributes: “the freedom of the institution to determine who can be
admitted to teach or to study in it, and under what conditions; what is to be
taught, by whom, how and under what conditions”.

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The German sociologist Rudolf Stichweh has suggested that the concept of institutional autonomy should include the following properties and dimensions:

- The right and competence to make independent decisions on the limits of institutional commitment.
- The right to endorse specific value systems and define forms of ‘capital’, career systems and incentives.
- The right to independently decide on institutional principles and forms of internal governance.
- The ability to control the criteria of institutional access, at the level of both students and academic staff.
- The right to define strategic tasks and to set institutional aims.
- The possibility to identify and determine the formal and informal relations and links to other sectors of society.
- The duty to assume full responsibility for decisions taken and the possible external effects of these decisions; in short, to be accountable.

To many writers “academic freedom and institutional autonomy are complementary in a way, in that institutional autonomy can create an environment for greater freedom [for] academics not to be constrained by external forces”. Concepts of “academic freedom” and “university autonomy” are mostly used together and at times as synonyms since they are related and mutually affectious: University autonomy necessarily entails academic freedom and the vice versa. Many sometimes inseparable.

It seems to be taken for granted that if institutional autonomy, in some form or other, is granted to the universities then academic freedom will somehow automatically follow. In reality, the tensions between individual and institutional autonomy are obvious. Academic freedom refers to the actual working conditions of the individual faculty member. Institutional autonomy, on the other hand, refers to the self-governance of the institution.

So, it is quite possible to have institutional autonomy without academic freedom. And, as shown in many European historical cases, it is equally possible to have almost total academic freedom without institutional or financial autonomy.

University autonomy may help university to guarantee academic freedom of its staff if it likes, but also it can help it to suppress it if it plans for such, and we will end with
universities autonomous in suppressing their people. Universities uses the degree of autonomy given to them to suppress faculty members; and we will end having universities autonomous in suppressing academic freedom. I.e. autonomous in choosing the suitable way and means of suppressing …not only that but ministry itself is autonomous in violating academic rights… so we have to be careful about this concepts.

Unless we have a political system committed to academic freedom neither the university nor the ministry of higher education will provide academic freedom, we will not have more than autonomy in violating academic freedom.

Higher education institutions: internal discontents

(The issue of social responsibility)

It is true that in most cases there is political interference from the governments in the higher education affairs, suppression and violation to academic freedom comes from the political system, but it seems unjust only to blame political systems since university inter-system and administration for many times against academic freedom and the development of the spirit of participation and accountability. University administration, whether they have been appointed by the political system or not, whether they are loyal to political system or used by the political system to pass its program or not, they are in any case “academic staff”. In the Sudan, for example, minister of higher education all through different political systems, unlike other ministers, used to be one of the higher education personnel; deans faculties, directors of institutes, heads of departments …etc cannot be but members of the academic staff community. In spite of that, academic freedom violated within higher education institution as much as from outside. I.e. it is we who violates academic freedom!! Let us assume that we fail to impose our elected Vice-Chancellor, why don’t we elect dean colleges, institute directors and heads of department?

Violations are not limited to the violation of senior staff to the rights of junior staff, but also violation of all staff members to the student’s rights. Al-Sadig Yahya
numerates a list of staff violations to the student’s rights and the misuse of academic freedom by staff members.\textsuperscript{16}

Concluding notes and findings:

1. Concerning reconceptualization of academic freedom, we find that in Africa individualism and absolute liberalization is not the sounding approach, collectivism, solidarity and communism are the most visible.

2. Referring to the Afro-Islamic history and heritage, the right to free group discussion and the build up of the judgments is the most useful method of practicing academic freedom and building up of facts. This entails recognition to right of difference, unconformity and opposition and this is much closer to the right of the group and not the individual right.

3. The ultimate goal of academic freedom is the search for facts: the idiom: "half of your opinion is with your colleague" interaction and exchange of views is a means of academic freedom without which the right of thought and research is not fruitful.

4. Because of all these, the alternative concept of academic freedom called for here is "freedom to". staff and university cannot be able "to" unless we build their capacity and reform the overall environment.

5. Struggle for academic freedom is better to be through engagement with all stake holders within the country.

6. The struggle is better to be – in this stage- for the general freedom and human right in the broader sense.

7. Struggle for academic freedom must starts from within higher education institutions themselves against internal laws, procedures, mis-management and traditions.

8. Institutional autonomy, sometimes, appear to be against academic freedom.

9. Institutions of high learning are not an isolated islands, struggle for academic freedom within a hegemonic community is only viable within networking for wider human rights preservation and democratization.

10. Academic unions and networking can help in widening the space for academic freedom.

11. Plurality of stakeholders must be represented in the higher education system.

12. Funding and financial dependency constitute a big challenge to both academic freedom and university autonomy. So multiplying universities income streams is important.