

*A Contentious merger:  
The creation of the University of  
Kwazulu-Natal*  
*by Christopher Merrett*

Why when South Africa's higher education sector was restructured at the turn of the century was there no major amalgamation of universities in Cape Town or Johannesburg? In KwaZulu-Natal, it was determined that the University of Natal (UN)'s four campuses<sup>1</sup> and the University of Durban-Westville (UDW) should become one institution. This was the largest exercise in restructuring of all. The reason for it has never been explained, although the personal preference of Kader Asmal, minister of education, cannot be discounted.<sup>2</sup> Under the Higher Education Act of 1997, he had acquired wide powers to establish, merge or abolish universities; which now effectively became govern-

ment departments. This had two main consequences for the new University of KwaZulu-Natal (UKZN) that emerged in 2004: it brought together two institutions with distinct cultures and very different histories; and it perpetuated a multi-campus university now spread across four main urban areas (Durban, Westville, Pinetown and Pietermaritzburg) and over 80 kilometres.<sup>3</sup> Its headquarters was deemed to be the colonial-sounding Chiltern Hills, the UDW campus, a decision arrived at summarily and for reasons that appeared political rather than educational or operational.<sup>4</sup> At the head of this mix was a particularly controversial vice-chancellor.<sup>5</sup> His earlier appointment at UN had been described as akin to a 'personality parade

cum political crusade'.<sup>6</sup>

Multi-campus universities split between different urban centres pose challenges of allegiance and accountability. In addition, the origins of UN and UDW were very different, although similarly flawed. The first was an archetypal English-medium, liberal institution that had often been conservative in outlook but made a strong contribution to the anti-apartheid movement. The second was a National Party creation set up for the Indian community initially run by apartheid apparatchiks, although it too had acquired anti-apartheid credentials.

Mergers were an easy option for the government. Differentiation – or the size and shape route – that had once attracted considerable support would have required a great deal of political persuasion and lasting acrimony. Mergers were costly but, once decreed, the details could be left to the institutions concerned. In short, they were an expedient solution in more ways than one; adroitly transferring political tensions to the newly created universities. Patrick Fish sums up the history of South African university mergers as 'neither transparent nor carried out for any of the reasons that usually lie behind a merger'; they failed to achieve efficiencies or financial economies of scale and probably cost the taxpayer because no significant element of a partially rotten apartheid system was closed down. '[Government] sought,' Fish writes, 'to transform the sector out of the inequalities of the past and in the process forgot to transform the sector into anything.'<sup>7</sup>

This particular merger, designed to create a transformed institution liberated from its pasts, was launched amid a number of arbitrary decisions that conspicuously lacked transparency.

There was no prospect that individual campuses might work in their own appropriate ways within a common policy structure given budgeting economies and equity. Geography and appropriate business models were of absolutely no account: centralisation would be the norm. It was a mix of obsolete ideas from the business world mixed up with Soviet-era ideas learned by exiles but not abandoned at the collapse of centrally planned economies. Control was the purpose without any interest in any idea of a real university.<sup>8</sup> Independent judgement, imagination and initiative were now anathema. Line managers would filter orders downwards within ring-fenced responsibilities or silos. Supporting this desire for power was myth-making about the past.

From the outset ideology and expediency triumphed over efficiency, answerability and local ownership, and was to emerge as a severe flaw in the new institution. Short-term, hasty and poorly conceived decision-making became the norm in the context of authoritarian centralism. This was imposed in the context of menacing but vacuous sloganeering about the need to 'vacate comfort zones' and 'break down old boy networks'. Executives were to make the grandest of plans, often involving 'gross simplification and generalization of problems',<sup>9</sup> leaving underlings to manage the fallout. Pseudo-revolutionary rhetoric shared platforms with the latest big business jargon about corporate governance and branding; strange, but not unknown, bedfellows. Much of the discourse within the institution began to sound more like that of an ANC branch, with frequent use of terms like mandates and structures, than a university.

## Governance

It was clearly apparent before the merger took place that the central issue in what was to become the UKZN was academic governance and the threat to academic rule that had been strongly defended at UN. Three years into the merger this was acknowledged officially, in contorted bureaucratic language: ‘the most important formative decision made by the merging partners was that the “new” University should not emerge by default as a convenience of compromise but rather by design with an explicit intention to undo the past’.<sup>10</sup> Institutional culture was likely to be a main target. ‘Undo[ing] the past’ seemed a likely definition for the term transformation, which later would be rendered as decolonisation. R.W. Johnson has an intriguing interpretation of transformation, which he describes as ‘almost metaphysical’. He also probes what he terms ‘impossibilist politics’, the posing of outrageous or unrealisable objectives backed by powerful agitators. This keeps an institution in a permanent state of crisis from which opportunists can profit.<sup>11</sup>

The tone for a new culture of governance was set by the ascension of the last vice-chancellor in the history of the University of Natal, Malegapuru Makgoba. This was as much a celebrity event with strong political overtones as an appointment process: there was essentially just one participant. Furthermore, it was brutal in its language and tactics and these coup d’état characteristics were repeated when UKZN was established.

The merger process was largely dominated by the smoke and mirror approach of the world of corporate affairs and public relations embraced by what André du Toit called ‘transformational

managerialism’.<sup>12</sup> Much was made of the need to brand the new institution, so great energy was put into deciding its name, logo and other symbols and accompanying slogans. This completely missed the point that a university rises and falls on its academic reputation and solid factors of assessment.

Authoritarianism has historically thrived where it can identify an imagined enemy, a focus of populist dissatisfaction. Extraordinary coalitions can be easily maintained in this way. Initially, a supposed old boy network variously identified as colonial, white male and liberal (or all three) served the purpose at UKZN, although it had no factual basis in recent history. Serial crises at UKZN were repeatedly blamed on a national network of white liberals from the former open universities.<sup>13</sup>

There was a distinct echo of McCarthyism about the newly merged university. The American senator of the early 1950s had worked to a cynical, but effective, plan. He erected a popular cause and a supposed bogeyman; and then set about fabricating evidence to show that one was going to destroy the other.<sup>14</sup> At UKZN the ideal was transformation, a conveniently elastic, ill-defined concept. The threat was alleged racism practised by ‘old cliques’ (liberals and radicals), ‘misfits’ (upholders of standards), those with ‘conflicting interests’ (members of staff associations and unions), ‘settler intellectuals’ (Indian and white staff), and the ‘compromised’ (those who criticised political and personal agendas). The myth was created that anyone who criticised the policy or practice of UKZN was opposed to African leadership or transformation.<sup>15</sup> The aim was to delegitimise the voice and opinions of selected parts of the university community and, when such name calling

failed to work, accusations of conflict of interest and bias were introduced. Big Man and Grand Plan syndromes worked in close harmony.

UKZN management played a powerful and populist demographic card under the assumption that numbers provide legitimacy.<sup>16</sup> This marked the imposition upon UKZN of an essentially racist discourse and the flowering of a culture of patronage. Far from the declared dream of the merger, a cutting-edge university of African research, UKZN appeared oddly resonant of the era of apartheid with an altered demography. Its governance now amounted to little more than the decisions of its Executive acting as a politburo. One example was the demand for standardisation of courses across campuses, which devalued years of course development, in the sciences put at risk at great deal of investment, and threatened to wipe out centres of excellence.

In the background was an attempt to rewrite and falsify history. George Orwell described a nightmare world in which a leader controls not just present and future, but also the past.<sup>17</sup> This is a scenario that played itself out at UKZN: the changes required by that particular version of transformation based on racial nationalism required a rewriting of the past. Interviewed at the time of her appointment as chancellor on 29 September 2005, Frene Ginwala was quoted as saying that ‘universities in this country face a particular challenge because historically they were used as instruments to brainwash South Africans to fit a limited scope in life’. This was a markedly ahistoric comment.<sup>18</sup> Other extraordinarily reckless suggestions followed: ‘This new university now has a unique opportunity to examine and interrogate every assumption, accepted

practice and purported tradition in the dominant concept of universities, and start afresh drawing its plans for the way forward on a blank sheet.’<sup>19</sup> Historic truth eluded her: she claimed that South African universities had rarely engaged in shaping the future, a preposterous and grossly irresponsible view of the past.<sup>20</sup>

### **Managerial culture**

Managerialism did not arrive with the UKZN. From the 1980s onwards, many self-styled university managers began to see themselves in roles more attuned to the private sector than education. Contracts, lawyers and even litigation became the order of the day and these trends were evident at the universities of Natal and Durban-Westville long before their merger. Members of their executive committees resorted to legal action, or its threat, in order to maintain their authority in a clear break with accepted tradition.

Managerialism provided precisely the tools that social engineers required to re-racialise the institution: authoritarians clothed in the language of Africanism used corporatist methodology to enforce obedience from university serfs. This quickly destroyed the ethos of a true, collegial university to create an ‘industrial university setting’.<sup>21</sup> The predecessor universities had significant flaws and problems, but by and large their staff regarded themselves as custodians and servants of educational institutions of regional and national significance. For this they worked hard and for relatively small material reward. The new elite appeared to believe they owned the university and that it could be used for any purpose – social engineering, political advancement and personal gain included. This was a brutally instrumental view of the academy.

The concept of 'bringing the university into disrepute' by broadcasting fact and opinion that displeased the authorities became the vogue. Construction of myth was used to justify any course of action regardless of its rationality or efficiency. Erasure of the past was a priority. Working systems of proven value were swept aside with cavalier abandon on the grounds that they belonged to a discredited tradition.

A descent into dysfunctionality began. Executive control thrived in the resultant despair and uncertainty. Another prominent tactic was that of permanent, contrived crisis. This enabled various constituencies within the staff and student bodies to open a tap of agitation whenever required. The rape issue of November 2007 at Mabel Palmer Residence in Durban illustrated this well. It was the culmination of years of lawlessness and gender-based violence in residences and caused justifiable outrage. An issue that should have united everyone of goodwill took on sinister connotations and the women who took up the issue were quickly accused of racism.

In the background there was prominent CEO-type leadership, boosted by university publications, that was part of the new corporate image. The Big Man approach had already been announced: 'black people were here to ... take charge'.<sup>22</sup> However, good, self-sustaining universities do not need messiahs with grand agendas. They grow from their own inherent energy and enthusiasm. Their vice-chancellors and other office bearers should be custodians of values that sustain institutions from generation to generation and ensure continuity. Their purpose is to provide an enabling environment for academic creativity and productivity.

This custodial, conservationist approach is essential to the survival of intellectual enquiry and freedom to think. The values for which universities stand do not fare well in uncertain or revolutionary times: academic freedom and rule cannot operate in universities that of their own volition adopt a dominant ideology and divisiveness. By way of complete contrast, Saleem Badat, the vice-chancellor of Rhodes University, had these profound words to say after his appointment in 2006: 'There will be no dramatic changes. There are no imposed vision and strategies. That's not how I believe an institution – especially not a university, and especially not this one – should be run.'<sup>23</sup>

Many aspects of the troubled early history of UKZN defied rational, logical explanation until power was factored into the equation. It accounted for the enormous bureaucracy that grew with the merger and became so oppressive that it disabled many basic functions. It was not just a matter of finance and human resources, two areas of traditional irritation to academics. Academic life itself suffered. Research, new courses and postgraduate registrations were all stifled. Richard Pithouse noted a new mania for measurement and surveillance entirely at odds with 'the intellectual autonomy of the scholar affirmed and defended by the collegial governance of the university'.<sup>24</sup> Extreme forms of control were introduced, including monitoring during the strike of 2006, the probable reading of email, and possibly even more outrageous measures.<sup>25</sup>

In his T.B. Davie Academic Freedom Lecture at UCT in August 2009, Nithaya Chetty linked the increasingly managerial ethos with a more litigious environment:

how else can one force compliance with the quagmire of intellectually offensive rules and regulations that have come to govern our universities? Managers are abdicating their responsibilities to the courtroom, often with devastating consequences, and with a brutal legalistic interpretation of what a university should be. This is giving rise to what Dr Jane Duncan, former director of the Freedom of Expression Institute, has referred to as the ‘disciplinary university’.<sup>26</sup>

Resort to lawyers to protect the fragile egos of university managers was already evident in its predecessor institutions, but UKZN turned this occasional practice into standard procedure. The new managerial culture, in Robert Morrell’s description, spread like gangrene.<sup>27</sup>

### **Academic culture**

Control was also promoted by collective identity and thinking. But the academic world has its own inherent culture that tends to produce sufficient numbers of individuals indisposed to what they regard as illegitimate authority. Many recalled the era of elected, not appointed, deans responsible for conveying the views of their colleagues. Those deans were able to achieve a sophisticated balance between collegial responsibilities and the good governance of the university as a whole. Under the new regime their appointed successors would in effect function as *indunas*.

Natural authority in a university arises from logical, reasonable and intelligent ideas regardless of origin; the very antithesis of managerialism. In this context of managerial and transformational ideology, revival of an ethos of academic rule and good governance became increasingly attractive to some. If John Stuart Mill’s concept of the university as a marketplace of ideas is

accepted, then it follows logically that a well-argued case is more important than status; and structures and standards of administration should reflect this.<sup>28</sup> Academic debate belongs to everyone. It is many-layered and multi-dimensional; involving ethical individualism, the exercise of conscience, and personal responsibility.<sup>29</sup> Higgins puts it admirably, describing the university ‘as a place where scepticism – rather than authority – should flourish’.<sup>30</sup> Dlamini expands on this shrewdly, pointing out that ‘Highly intelligent and imaginative people often resent and resist orders from above’; suggesting that the creativity and climate of free inquiry essential to universities are endangered by recent changes in the ways in which they are managed.<sup>31</sup> Enslin, Pendlebury and Tjiattas take this even further: ‘in many contexts, dissidence is seen as nobler than compliance’.<sup>32</sup> These were the sort of ‘academics whose purpose was not to describe or carry out rituals (including that of earning money), nor to prove their obedience.’<sup>33</sup>

Dissidents turned to obvious mechanisms of resistance: first, the remaining structures of democratic governance within the university itself; second, traditional freedoms of assembly and expression; and third, other democratic institutions outside the academy with shared values, such as the press. The result was an immature reaction from the authorities based on insecurity that soon crossed permissible borders of behaviour into incivility, abuse and ultimately that all too familiar feature of contemporary South African institutional life, disciplinary action. The results were draconian and to an extent farcical. The struggle over Senate was reminiscent of governance in Alice in Wonderland. Irrationality,

authoritarianism, expedient invention of regulations, abuse and abandonment of the rule of law: all were part of the wonderland of UKZN.

Thus, what appeared rock-solid institutional and constitutional rights all proved illusory. University management took the line that only certain channels, or processes, were available for legitimate debate; and then went about stage-managing their conduct and outcomes. Ironically, the establishment readily resorted to hierarchy, a pulling of rank and a truly colonial *modus operandi* that had long since been conquered in UKZN's predecessor institutions. Dissidents were told that they were junior, unproductive and operating outside their permissible zone. Staff were now expected to work in narrow silos, as teaching and research producing machines, that left unhindered the top-down exercise of power.

It was a chilling indication of the extent to which good university governance and academic rule had been subverted. In effect the rule of law had been substituted at UKZN by authoritarianism that sometimes descended into tyranny. Such trends were evident everywhere, but no more so than around what was termed the struggle for Senate. The vice-chancellor likened it to a corporate board of directors over which he held sway, not a parliamentary type body to debate and determine the academic development of the institution. Entitlement and impunity characterised these developments and explain the irrational outrage when university members exercised a constitutional right to talk to the press. A so-called code of ethics was introduced in September 2006, designed to inhibit staff from working with the press and to 'guide institutional behaviour'. The objective was not ethical, but conformist, behaviour. But the

right to communicate was backed by the Kampala Declaration: 'The intellectual community shall have the right to express its opinions freely in the media'.<sup>34</sup>

Under these conditions of oppression and manipulation, debate descended to the lowest common denominator: racial slurs and sloganeering and occasional resort to mob behaviour. These disquieting symptoms of institutional meltdown did not simply upset a dissatisfied and substantial group of staff; they were described in trenchant terms by well-informed outside observers, many of them familiar with higher education in KwaZulu-Natal.

The *South African Journal of Science* took the unusual step of printing an editorial about the realities of transformation.<sup>35</sup> The Freedom of Expression Institute (FXI) again highlighted the congruence of academic freedom and freedom of expression; and the South African National Editors Forum and Congress of South African Trade Unions both voiced serious concern. The notion of civil society urging a university to adhere to academic openness is not commonplace in the free world and was a crushing indictment of UKZN. This was picked up overseas. A scathing letter dated 28 November 2008 was signed by distinguished academics from North America and Europe headed by Jean and John Comaroff and accused the UKZN of ignoring globally recognised standards. John Comaroff had previously written that 'Academic dissent from university authority, and the freedom to express that dissent, is a long-standing tradition in the scholarly world; far from bringing a university into disrepute, it is its very life-blood.'<sup>36</sup>

There was a major spark of resistance; in February 2006 when a university-wide, nine-day strike took place, but it



collapsed in largely unexplained circumstances.<sup>37</sup> There was to be a significant sequel with serious consequences. In June 2006, a group of concerned academics met to formulate, using the Freedom Charter, an alternative vision of the UKZN. This boiled down to acceptance of transformation and racial redress as matters of crucial national importance; but also emphasised administrative and operational efficiency, decision-making processes respectful of academic opinion, and the blending of indigenisation and global values of excellence in higher education. Particular emphasis was placed on a rejection of racialisation of debate. But when there was an attempt to take these ideas to a broader audience, the meeting was banned.

Informal meetings of academics to discuss all manner of matters take place in universities in work hours; but at UKZN these were now permissible only after clearance by the human resources department. Academic discussion had been reduced to the level of a union meeting. The FXI responded unequivocally: 'Academics have a fundamental right of association within the university and should be able to meet freely to discuss any matter of academic interest.'<sup>38</sup> The official approach deified university structures and denied the fact that legitimate debate in a university is multi-dimensional and takes place at many levels. But the situation was to become even more bizarre and contradictory in 2008 when faculty meetings called to discuss matters of university governance were in turn banned.

A general debilitating and disabling quiescence and fear had developed among a body of professional, intelligent and astute people, some of whom had squared up in different but combative ways to the apartheid state. Some

well-established academics were reduced by UKZN to hand-wringing, subservient apologists pretending that each incursion into university freedoms was just a minor concession. In the new South Africa, most academic staff were frightened off by Executive disapproval or a spurious accusation of racism.

Part of the problem was a steady outflow – under a barrage of misgovernance – of the talented and able, especially to the universities of Johannesburg, Pretoria, Cape Town and Rhodes, where the true essence of academia continued to be valued. For instance, one of three reasons for Robert Morrell's decision to leave UKZN at the end of 2009 for UCT was a 'decline of collegiality and the steady exodus of friends and colleagues ... the best qualified, most productive and energetic staff are leaving because they find working conditions intolerable'.<sup>39</sup>

In the opinion of Peter Vale, corporatism and free market economics had 'cowed the local academy. Why has there been such a muted response to the mantra of rationalisation, reporting and reorganization ... why have South African academics been silent? One reason is surely fear.' He relates this to funding, such that 'compliance has mattered more than contestation'; continuing, 'Few moments are more disturbing for academics than to hear themselves infantilised by managers and bureaucrats. The result is plain: most conversations between the government and the universities are conducted by those who regard academics as infants and misfits.' He pointed to the damage done to institutions, some of them older than South Africa itself; and argued that what academics stood for had been systematically devalued by both government and university bureaucrats.<sup>40</sup>



### Demise of collegiality

Statements made in official university publications bore little relation to truth. UKZN became a propaganda machine. Its aim was purportedly to 'ensure effective governance through broad and inclusive participation, democratic representation, accountability, and transparency that serves as an example that contributes to building the democratic ethos of our country', a picture that its staff members found hard to identify. The strategic plan went on to promise a 'climate of organizational citizenship where all staff recognise and understand their role in ensuring the success of the university'.

This suggested a sub-text of authoritarianism that was to be found not far away: 'collegiality includes recognition of responsibility and accountability, including the consequences of non-compliance'. The plan further professed a belief in 'effective and responsive management systems and processes that provide a caring and responsive service to meet internal and external needs in a pragmatic and flexible manner'.<sup>41</sup> Of such qualities, there was scant evidence. Conversely, valued practices such as collegiality, which once attracted much respect, were devalued to the point where it became, literally, a dirty word. One critic on the Executive at UKZN let the cat out of the bag when she slammed the way 'decisions were made by colleagues at meetings, not by managers'.<sup>42</sup>

UNESCO requires for an institution of higher education 'the principles of collegiality ... shared responsibility ... participation of all concerned in internal decision-making structures and practices, and the development of consultative mechanisms'.<sup>43</sup> There is every reason for universities to be efficient and businesslike. But they are

neither businesses nor production lines for graduates and research publications. UNESCO points out that teaching in universities is not simply a profession, but a form of public service in which 'self-governance, collegiality and appropriate academic leadership are essential components'.<sup>44</sup> Collegiality may be seen by modern university managers as a weakness, but their view is facile: it is an indication of the mutual respect that strengthens any institution, but was glaringly absent from UKZN. Higgins lamented the demise of good university administrators in South Africa who knew the right questions to ask and understood the mechanics of the 'horizontal democracy' that characterised a truly collegial institution.<sup>45</sup>

One of the dampening factors was what became notorious as the baboon debate. It arose out of the publication in the *Mail & Guardian* during March 2005 of an article written by Malegapuru Makgoba, which compared contemporary white male behaviour with that of a troop of baboons. White males, Makgoba argued, had an adaptation problem and were obstructing transformation. He also celebrated the 'demise of ... Western values' and spent several paragraphs celebrating a crude Africanist agenda. This concluded in menacing terms: 'let there be no doubt that sooner or later African dominance and the imitation of most that is African shall permeate all spheres of South African society'.<sup>46</sup> The great Palestinian intellectual, Edward Said, had scornfully disposed of such an approach some years before in a University of Cape Town (UCT) academic freedom lecture: 'to make the practice of intellectual discourse dependent upon conformity to a pre-determined political ideology is to nullify intellect altogether'.<sup>47</sup>

A barrage of caustic comment was unleashed in response to Makgoba's opinion piece. Among many issues, it was pointed out that it breached the letter and spirit of the Constitution; it was folly to reject inclusiveness; dominance and imitation had no place in the intellectual sphere; diversity was a civil right; and imitation is at odds with the ability to think, reason and communicate. Much of the article seemed in conflict with the Kampala Declaration: 'members of the intellectual community have a responsibility to promote the spirit of tolerance towards different views and positions and enhance democratic debate and discussion'.<sup>48</sup> Paul Trehwela in his intriguing comparison between Makgoba and the Nazi philosopher Martin Heidegger, juxtaposes their fixation with 'primate heritage' and 'primalness' and charts a pathway to fascism.<sup>49</sup> In such an atmosphere, pursuit and preservation of collegiality as an institutional goal seemed quixotic.

### **When does a university cease to exist?**

In November 2004, Jonathan Jansen, dean of education at the University of Pretoria, delivered the Hoernlé Lecture of the South African Institute of Race Relations in Johannesburg. He entitled it 'When does a university cease to exist?' and it is instructive to compare his views with what emerged during the formation and early years of UKZN. His greatest concern was the danger of dragging down what were world-class universities. He attributed 'the disturbingly poor quality and credibility of higher education leadership after apartheid ... to the demise of the South African university'. He voiced disgust at the salaries of vice-chancellors and the councils that awarded them, highlighting

the poverty of many students. In his 2004 T.B. Davie Memorial Academic Freedom Lecture at the UCT, Jansen had already argued that 'a university ceases to exist when the intellectual project no longer defines its identity, infuses its curriculum, energises its scholars, and inspires its students'. He specified state interference, ethnic chauvinism and the suppression of views as major obstacles to the future of South African universities. A university's existence is fragile, he argued, 'when it represents nothing other than an empty shell of racial representivity at the cost of academic substance and intellectual imagination'.<sup>50</sup>

Had UKZN reached Jansen's point of no return? There were undoubted signs and what was particularly worrying was that it is easy to deconstruct institutions, but extremely hard to rebuild them: 'Universities are rather fragile places. It can take many decades to build a "great" university – in a reputational sense of the word – but only a little while to cause reputational damage to an institution ... [and] ... history shows that it is difficult to change the course of a failing university.'<sup>51</sup>

### **Freedom of speech and expression**

There is no doubt that academic rule had been very quickly and effectively destroyed. Freedom of expression all but disappeared at UKZN with it. People were afraid to speak up at meetings, especially in front of Executive heavyweights and their hatchet men and women. Few academics engaged with the press on any topic including their own speciality any longer, let alone matters of university (mis)governance. And, although the UKZN establishment argued with justification that the traditional components of academic freedom

as guaranteed by the national Constitution were intact, it suffered in a broader sense.<sup>52</sup> Conrad Russell points out that freedom of speech is the ‘essence of the academic process itself’.<sup>53</sup> Significantly, essential university freedoms fall under the heading of freedom of expression in the Bill of Rights (chapter two of the Constitution). Theoretically, the Constitution of 1996 made the concept and practice of academic freedom more secure than at any other time in South Africa’s history. It clearly anticipates the independence of thought and individual conviction that are the hallmarks of true academia.

What the new UKZN was challenging were universal, international principles. UNESCO, for example, is quite clear about the need for academics to have ‘freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship ... Higher-education teaching personnel can effectively do justice to this principle if the environment in which they operate is conducive, which requires a democratic atmosphere’. UNESCO recommendations explicitly promote the right to criticise the functioning of all institutions and elect a majority on academic bodies.<sup>54</sup> Shared responsibility, participation in decision-making and consultation are all listed by UNESCO as essential features of collegiality, without shying away from the fact that such privileges also carry with them obligations and duties. Nor is this a Eurocentric opinion as the Kampala Declaration of November 1990 shows: ‘The autonomy of the institutions of higher education shall be exercised by democratic means of self-government, involving active participation of all members of the respective academic community’ (article 12).<sup>55</sup>

As Richard Pithouse, a former member of staff, pointed out ‘Elite nationalist, corporate and left authoritarianism, operating from within and through the University of KwaZulu-Natal ... made it very difficult to hold a place in the academy and to simultaneously engage with popular politics in a manner that respected the intellectual and political autonomy of that politics’.<sup>56</sup> He went on to describe Frantz Fanon’s account of the expulsion of honest intellectuals from the post-colonial university hijacked by nationalism. This situation was in serious conflict with the Dar es Salaam Declaration of April 1990, in particular in articles 41, 42 and 50 that spelled out an obligation to acquire and share knowledge that is, in some demonstrable way, of value to society as a whole.<sup>57</sup> Civic engagement, broad questioning, public critical voices and the role of intellectuals were all under threat at the UKZN. Social accountability is indeed ‘inherent in academic freedom’.<sup>58</sup>

### **Academic freedom**

In the opinion of Nithaya Chetty

academic freedom appears to be a distraction, a kind of irritation that is barely tolerated by many of our politicians and a growing number of university managers who are driven by their own sets of interests. Increasingly now, even some academics and students are dismissing the importance of academic freedom in the face of other competing priorities.

He went on to argue that it was a sign of utter failure that the UKZN regime had been unable to find collegial and internal ways of resolving conflicts: ‘external lawyers should be kept out of the university disciplinary processes.’ In his UCT Academic Freedom lecture,

Chetty said that

I cannot fathom out the need for charging somebody for what they say . . . “Bringing the university into disrepute” is not a justifiable charge, for what does it mean? Its nebulous nature has meant that it is a catch-all for getting at people who might be considered to be undesirable.<sup>59</sup>

While freedoms broadened for all South Africans in society at large after 1994, the space for academics to exercise their rights within UKZN drastically narrowed. Even more disturbing, there had been a greater degree of academic freedom in the wider sense in an anti-apartheid university operating under draconian laws; and there was now ‘far greater centralized control of the universities than any apartheid government dared to dream’.<sup>60</sup>

Late 2008 saw the conclusion of a notorious disciplinary case brought against two academics, John van den Berg and Nithaya Chetty. They had doggedly pursued, at the request of their dean, placing on the agenda of Senate a discussion document supported by the Faculty of Science and Agriculture about academic freedom. The vice-chancellor had three times illegally removed it and attacked his opponents as racists. In his absence, Senate had itself resolved to discuss the document, but to no avail. There could be no clearer illustration of the end of academic rule. Instead, Van den Berg and Chetty faced a disciplinary hearing around three charges: breaching Senate confidentiality (there was no such rule); denying the vice-chancellor the right to frame Senate’s agenda (he had no such right and was defying a demand of Senate); and bringing the institution into disrepute by engaging with the media (the UKZN had no need of their assistance in attracting a poor

reputation). Heavyweight lawyers were brought into UKZN to chair a hearing and prosecute. Although the defendants had stout support, legal and collegial, it was clear that power would overcome truth and justice. Ultimately, both left UKZN to become part of its growing diaspora.

## Overview

Jonathan Jansen identified one of the contextual problems: ‘the withering away of the public intellectual has meant that those who stand up and speak truth to power are more likely to be seen as oddities or even as eccentrics precisely because there are so few others doing the same’.<sup>61</sup> As he notes so eloquently, ‘it would be easy to be fooled by the symbolic functions and routines of university life, and mistake this for a university’. Among other negatives he records the ‘madness of managerialism [that] has displaced the power of the intellectual community as the distinctive feature of university life’.<sup>62</sup> This goes some way towards describing the situation at UKZN, which suffered the added ingredient of racially inspired authoritarianism.

Such was the fate of a crucial national asset. Perhaps the most destructive outcome of all periods of domination is a privileged, materialist and powerful new elite that finds it convenient to continue to portray itself in terms of victimhood. This is both hypocritical and socially destructive, and it explains in part the post-merger histories of the UDW and UN. The new UKZN suffered from a toxic combination of corporate managerialism and neo-conservatism, and ethnic nationalism and radical rhetoric. Significantly, there was something here for nearly everyone – except those who believed in the traditional values of a university.

Many of those who hijacked UKZN left or were forced to leave, have lost their influence in the changing landscape of higher education, and play basically no intellectual leadership role in South African society today; but not before causing untold damage to the institution. There is no future in politicising the intellectual workplace because in the end all that really matters are the basic principles by which all good universities should be governed.

## NOTES

- 1 Howard College, Medical School, Edgewood and Pietermaritzburg.
- 2 Jonathan Jansen, 'The state of higher education in South Africa: from massification to mergers' *State of the Nation: South Africa* 2003-4, pp. 295-297.
- 3 For an analysis of UKZN's first five years see Nithaya Chetty and Christopher Merrett, *The Struggle for the Soul of a South African University: The University of KwaZulu-Natal: Academic Freedom, Corporatisation and Transformation* (Pretoria and Pietermaritzburg, 2014).
- 4 Edgewood might have been a better choice on the grounds of its location (in Pinetown) and the amount of land available.
- 5 The persona of Vice-Chancellor Makgoba was central to the merger and its immediate aftermath. He has a great deal to say about himself that is relevant and revealing in Malegapuru William Makgoba, *Mokoko: The Makgoba Affair: A Reflection on Transformation* (Florida: Vivlia, 1997). Mokoko is a cockerel and Makgoba clearly intended his book to be a wake-up call.
- 6 Chetty and Merrett, *The Struggle for the Soul of a South African University*, p. 35.
- 7 Patrick Fish, 'As if it never happened' *M&G Higher Learning*, October 2009, p. 11.
- 8 For these insights I am indebted to John Aitchison.
- 9 Evan Mantzaris and E. Cebekhulu, 'Universities: sites of knowledge, research, outreach and contestation' in *Organisational Democracy: An Ongoing Challenge: Reflections from the University of KwaZulu-Natal* edited by Dasrath Chetty (Durban: University of KwaZulu-Natal, 2005), p. 34. Mantzaris was former chair of the Combined Staff Association (COMSA) at UDW.
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- 11 R.W. Johnson, 'Liberal institutions under pressure: the universities' in *Ironic Victory: Liberalism in Post-Liberation South Africa* edited by R.W. Johnson and David Welsh (Cape Town: OUP, 1998), p. 152.
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- 15 Nithaya Chetty, 'Recounting the myths of creation' *Mail & Guardian*, 27 August 2010, p. 5s.
- 16 Hermann Giliomee, 'Liberalism in South Africa and its enemies' in *Opposing Voices: Liberalism and Opposition in South Africa* edited by Milton Shain (Johannesburg: Jonathan Ball, 2006), p. 69.
- 17 Christopher Hitchens, *Orwell's Victory* (London: Penguin, 2003), p. 63.
- 18 Lindsay Barnes, 'University names Ginwala as chancellor' *Witness*, 6 May 2005.
- 19 Frene N. Ginwala, 'Remaking the African university' in *Towards African Scholarship* edited by Dasrath Chetty (Durban: University of KwaZulu-Natal, 2005), p. 6.
- 20 *ibid.*, p. 8.
- 21 Nithaya Chetty, 'The academic voice' *Witness*, 23 December 2008.
- 22 Makgoba, *Mokoko*, p. 228.
- 23 *Grocott's Mail*, 9 June 2006.
- 24 Richard Pithouse, 'Shifting the ground of reason' in *Re-Imagining the Social in South Africa: Critique, Theory and Post-Apartheid Society* edited by Heather Jacklin and Peter Vale (Pietermaritzburg: University of KwaZulu-Natal Press, 2009), p. 155.
- 25 A member of the Executive and the senior colleague of this author would not discuss certain matters in my office. We would go outside and sit on a bench under a tree; pleasurable enough on a sunny day, but hardly appropriate to a university.
- 26 Nithaya Chetty, 'Universities in a time of change' (T.B. Davie Academic Freedom Lecture, Cape Town, 12 August 2009).
- 27 Robert Morrell, email interview, 7 July 2010.

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- 44 *ibid.*, pp. III.6, V.A.21.
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- 62 Jansen, 'When does a university cease to exist?', pp. 3, 8.