

## **Towards new forms of regulation in higher education: the case of South Africa**

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**Abstract.** The paper reflects on the prospects for higher education reform in a country – South Africa – lodged within a sub-continent not noted for successful reform. The argument is that much of the policy debate is conducted in a way that dichotomises the issues: control versus autonomy; freedom versus regulation; state versus civil society. This dichotomous construal is unable to deal adequately with recent work on the changing forms of the state and changing state-higher education relations. The paper develops a distinction between administrative and political forms of control; and broadens the state control–state supervision distinction from one based solely on models to one based on the specific quality of inter-organisational coordination, connectivity and regulation. The paper concludes by spelling out what such a connective conception of organisation and regulation could mean for South African higher education.

### **Introduction**

Higher education in post-independence South Africa faces a series of policy challenges. The way these challenges are currently framed in contending points of view bears a certain resemblance to the way in which these debates have been framed elsewhere in Africa. As the history of these debates will show, the terms are starkly polarised between two seemingly opposed and incompatible alternatives, and the politics of higher education on the sub-continent has described a continual and unproductive oscillation between them. The resultant malaise has been enervating, and the question arises as to whether South Africa can escape the malaise, or whether we are doomed to repeat it.

The first position in the debate is well-expressed by the statement at the end of the Accra workshop in 1972 on ‘Creating the African University’. The Association of African Universities declared that ‘the university in Africa occupies too critical a position of importance to be left alone to determine its own priorities’ and that it should therefore ‘accept the hegemony of government’ (Yesufu 1973: 45). They should be tied into the development path decided upon by the state, for only in this way could universities productively support a fragile economy and society.

Unsurprisingly, the second position vociferously asserts the autonomy of higher education institutions against any form of state 'interference', and is embodied in the recommendations of the Ashby Commission which in the 1960s stated that 'a university has to be insulated from the hot and cold wind of politics' (cited Weiler 1986: 235). In this vision of higher educational governance, states should simply fund the higher education institutions who would then exercise complete discretion in the allocation and spending of these funds, as well as in appointments, decisions on the curriculum, access and promotions. This is recognisably the idealised picture of the traditional British university, borrowing from it too a benign view of the state-university relationship.

The state control model of the Accra workshop was never properly translated from a policy ideal into a workable administrative procedure. Bureaucratic management structures were never put in place to 'steer' universities according to anything like a development plan. Indeed, the weakness of higher education bureaucracies in Africa has played a large role in the inefficiency and, all too often, corruption that has plagued so many of them. The result has been a ministry with clear political intentions but with a bureaucracy ill-equipped to manage them. It was almost inevitable then that the politicians would try to intervene directly in the universities to pursue their political aims, and that the universities would cry foul and resist any and every attempt at what they saw as illegitimate interference in their autonomy.

Current debates on higher education in South Africa have some features in common with the debates conducted elsewhere on the sub-continent as we have said. On the one hand, 'progressive' staff and student groupings have been vocal in demanding greater Africanisation; greater student access to higher education and greater state financial support; and greater representivity on governance structures within the institutions of higher education. Key to these demands, which are generally presented as demands for 'democratisation', is the central role accorded to the state. For example, speaking at the 1994 National Conference, the South African Students Council President called upon the Education Ministry 'to intervene decisively with recalcitrant (university) management' (given their tardiness in advancing 'democratisation'). While some may see in this a certain contradiction, the students see the new post-liberation state as the strong right arm of South Africa's new democracy, not as an external force to be repelled.

On the other hand, taking quite the opposite view, is a grouping of university managements and some academics, mostly from the traditionally liberal 'white' universities who feel quite strongly that university autonomy and freedom are the values which should above all be protected. Objecting to a proposed clause in the Interim Constitution, a joint statement penned by Pro-

fessor Charlton of the University of the Witwatersrand declared: 'this clause is a grave threat to the freedom of universities to teach and learn without state intervention' (Charlton 1993). Of course, these universities had developed their strong stand on freedom and autonomy during the dark days of apartheid education, when the apartheid state indeed threatened the integrity of institutions to teach who and what they chose. And once again, it is only apparently paradoxical that these same universities have on occasion appealed to political authority to help quell political protest and unrest on campus. As we will argue later, this state intervention model is different in several respects from the state control model, the key one being that state control involves systemic state steering in longer term higher education policy and orientation, while state interference involves episodic political tinkering only, even though this can itself be highly disruptive as the experience of several African universities will show.

In this shaping up of the debate, one potentially alarming feature is the fact that many of the proponents of the first view are black students while most though not all of the second are white administrators and academics. It is tempting to speculate that in South Africa we are witnessing the start of what Mamdami (1993), referring to the rest of Africa, described as a destructive conflict between 'expatriates' and 'locals' in which both contributed to the undermining of the universities. According to Mamdami, the 'expatriates' called for freedom and autonomy, standards and centres of excellence, while the 'locals' demanded that the state give the universities a national character, ensure Africanisation and the training of human resources for development. The 'expatriates' 'lost the battle because their notion of rights was so exclusive that it ran counter to any notions of justice for those who had been historically excluded on racial and national grounds. We were right to see that banner of rights as no more than a fig-leaf defending racial privilege, at best an expression of crass professionalism' (Mamdami 1993: 4). He charges too that the 'locals' were short-sighted in confusing the long-term interests of the university with the interests of the immediate occupants, not seeing that rights are also a vehicle for defending majority interests.

One interesting question for South Africa is whether race will divide the higher education community in the same way as it did in the rest of Africa. Is the emerging debate to be another version of the sub-continent's arid standoff between our version of expatriates and locals? The vociferousness and inflexibility of some of the positions taken may seem to indicate that this might be the case, and it certainly can't be ruled out. However, there are two special features of the South African case that provide grounds for hoping otherwise. The first, pointed out by Sawyerr (1995), argues that South Africa started a policy debate on higher education well in advance of political

liberation, and that the state of discussion on the eve of transformation is relatively sophisticated, quite unlike that in other countries in the sub-region. The second is that, unlike colonial struggles elsewhere in Africa, one central ethos of the mainstream of the liberation movement has been non-racialism. This does not mean that racial dynamics are absent. They are not, and could not be, given the history of apartheid. But the racial divide, at least as depicted in political terms, is by no means as stark as it has been in more orthodox post-colonial settings elsewhere.

The position we will develop in this paper is that neither the discourse of autonomy nor the discourse of state hegemony captures the complexity of the issue at all adequately. We will suggest that part of the problem is produced by a framework of thinking that polarises and dichotomises control and autonomy; freedom and regulation; state and civil society. The arguments that follow are driven by a search for conceptual resources that will help us break with the dichotomy and its unfortunate consequences, and that will help us re-conceive the terms that govern the relations between the key actors in higher education, the state, and society at large.

### **Academic freedom, autonomy and accountability**

The history of university autonomy dates back many centuries and is part of the struggle around modernity. During the Reformation and the Enlightenment, secular intellectuals struggled for independence from both the tutelage of religion and from influence by bourgeois society (Habermas 1989). With the rise of the modern nation state, and its displacement of the church as the pre-eminent social authority, intellectuals outside the state have come to transfer their principled resistance from the church to the state and its apparatuses. In countries where the church still has a strong influence, as in certain districts in the USA where conservative religious groups have a strong presence on university boards (or councils), the freedom to lecture is still contested according to religious principles, but is seldom cast as a contest between church and academia. Today, the struggle about academic freedom is cast as one between governmental influence and intellectual autonomy.

A succinct summary of the contemporary argument for autonomy is put forward by Jeffrey Alexander (1986). His article, appropriately enough, was written as part of the debate about how American universities should respond to apartheid in South Africa. The argument runs that the scientific specialisation of the university has resulted in a cognitive rationality with rules about verification and falsification and standards of what constitutes legitimate explanations and interpretations. Cognitive rationality is not only the formal but also the practical norm of the university and it can only be main-

tained by collegial, self-governing structures of faculty control. 'The special integrative and allocative processes of academic life must be protected from other standards more representative of community, student body or state. If these group interests intervene – no matter in how well meaning a way – the delicate mechanism for sustaining cognitive rationality can easily break down' (ibid: 466).

Alexander goes on to say that in its 'strong form the autonomy defense fails because, ironically, it is too easy to make' (ibid: 475). He concludes by suggesting that a middle course must be steered between long- and short-term considerations, between conviction and practicality, and between advocacy and explanation. 'For Weber the middle ground was called responsibility. Only by revising the liberal position on university autonomy can a truly responsible position be maintained' (ibid: 475).

The debate about autonomy is an important item on the agenda of most international conferences on higher education. Autonomy is regarded as being under threat in different countries in relation to the different forms of the state – to repressive governments in Eastern Europe and Africa (Neave and Van Vught 1994); to the 'evaluative state' in Central Europe and the USA (Maasen 1994); or to certain forms of corporatism in Britain and Canada (Newson and Buchbinder 1988; Scott 1984).

South Africa has a peculiarly mixed history with respect to university autonomy. The apartheid state in regulating higher education produced contradictory effects: 'In certain areas some universities acquired a remarkable degree of autonomy and freedom whilst in other areas racist legislation and the use of state security apparatuses turned some of the universities into ideological and physical battlefields ...' (Moja and Cloete 1994: 3). With the inclusion of academic freedom in the new Interim Constitution and the abolition of censorship on literature and academic materials, the issues around autonomy were bound to come to the fore again.

The fear of the traditionally white universities is partially based on their bad experience with the intrusive apartheid government together with the realisation that they are vulnerable to a new majority government which might come to value accountability above autonomy.

Events after the 1993 election in South Africa have elicited rather different attitudes about the possible role of the new Ministry of Education in university affairs. There have been requests from university and technikon councils for the Minister to assist in resolving outstanding problems on campus. On a number of occasions the Minister was moved to remind institutions that he would prefer not to interfere with their autonomy. Student and staff associations have requested the Minister to intervene in dealing with un-cooperative councils and managements. At some institutions, provincial ministries have

also been requested to intervene, even though the constitutional provisions place the responsibility for higher education with the national ministry.

Mindful of the implications that these requests could have on institutional autonomy, and in the absence of any clear policy, the Minister established a Crisis Advisory Committee in 1994 as an interim measure to advise him on crisis areas and on possible ways of dealing with legitimate problems. So far, there has been far greater enthusiasm for intervention from a number of constituencies in the tertiary sector than there has been from the ministry itself.

Academic freedom cannot be discussed without reference to autonomy and accountability, but neither can academic freedom be used as a generic term for all three concepts. The three are webbed together through a variety of mechanisms and agreements that connect individuals, institutions, state and civil society. To some extent, freedom and autonomy could be seen as constituents of accountability. In turn, the way in which societies understand and practise accountability has a direct impact on freedom and autonomy. Whilst acknowledging the practical inter-connectedness of the three concepts, an analytical separation allows for a more nuanced understanding. We will discuss each concept briefly below.

### *Academic freedom*

There are many descriptions of academic freedom, but the common elements are the right of individual teachers and researchers to pursue knowledge, and to choose what they will assert in their choice of subjects for research and teaching without fear of persecution from any political, religious or social orthodoxy (Van Vught 1991; Shils 1991).

During the first four decades of apartheid rule the grossest and most consistent interference in higher education occurred in the area of academic freedom. Vuyisile *et al.* (1990) provide a 'record of violations' during the 1980s. These included the occupation by army units of certain campuses, systematic destruction of student organisations, detention of students and staff, restriction of access to campuses, censorship and restrictions on reading materials, and ultimately the unresolved murders of student and staff activists. Whilst the freedom of all higher education personnel was violated, it was the black students and the black campuses that bore the brunt of the repression.

A major gain of the constitutional negotiations in South Africa has been the inclusion of the provision of Fundamental Rights in Chapter 2 of the Interim Constitution. All three 'generations' of rights are touched on; citizenship, association, equality, religion, expression, political and economic activity, labour relations, property, environment and education. The following is also included: 'Every person shall have the right to freedom of conscience, reli-

gion, thought, belief and opinion, which shall include academic freedom in institutions of higher education'. The Interim Constitution includes provision for a Constitutional Court consisting of ten judges who will have jurisdiction over violations of the rights specified in the constitution. Only time will tell how this very general statement about academic freedom will be practised, protected and contested.

For the first time in the history of South Africa though, individual rights are clearly spelt out in a Bill of Rights and in the Interim Constitution. However, both are silent on collective rights and the implications for institutions. The contestation around autonomy is partially located within this silence.

### *Academic autonomy*

'Autonomy is a concept which is frequently used in the context of higher education, but which is not often defined' (Van Vught 1991: 43). Simply put, it refers to the power to govern without outside controls. Autonomy can be differentiated into 'substantive' and 'procedural' autonomy. Substantive autonomy is the power of an institution to determine its own goals and programmes. Procedural autonomy is the power to determine the means by which goals and programmes will be pursued.

Ashby amongst others has suggested the following as essential ingredients of autonomy:

- the freedom to select and examine students;
- the freedom to select and retain staff;
- the freedom to determine curriculum and standards;
- the freedom to allocate funds within institutions.

A 1991 publication of the national para-statal Foundation for Research Development makes the bold claim 'that in terms of the four principal criteria according to which autonomy is determined ... South African universities possess all four freedoms'. This hardly clarifies matters. Universities, even during the later years of apartheid, exercised considerable discretion over the admission of students (Cloete 1990). Individual universities have complete control over the appointment procedures for staff. Two currently contentious staff issues are affirmative action, or Africanisation, and the inflow of non-South African academics who compete with South Africans for positions in higher education. Whilst government approval is needed for establishing new courses (the Minister is assisted by the Advisory Committee for Universities and Technikons), academics have full control over curricula and examinations.

Autonomy and freedom cannot be disconnected from demonstrated responsibility. The increased autonomy of all the universities over their internal

operations has not been accompanied by a concomitant increase in internal or external accountability.

### *Accountability*

Accountability usually entails the 'requirement to demonstrate responsible actions to one or more external constituencies' (Van Vught 1991: 44). This definition is rather narrow because it only refers to external constituencies and does not deal with accountability to groups inside the institutions nor to the canons of the disciplines.

With regard to the internal allocation of funds, South African universities, whether they choose a centralising Budget Committee approach or a decentralised faculty-based sector budgeting approach, by and large control their own spending. It is a statutory responsibility of the government 'to ensure that the application of those resources which come from public funds is accounted for' (Department of National Education 1982). As far as is publicly known, the apartheid government never acted against corruption or financial mismanagement at universities and technikons. By contrast, students and staff periodically claimed corruption at a number of universities (Transkei, Venda, Turfloop). It is moot whether this form of benign neglect should be labelled 'autonomy' or whether it was just part of the malaise of financial un-accountability that was a trademark of administrative autonomy under Nationalist Party rule.

The history of accountability, particularly in terms of responsibility to constituencies, or communities, is very different for Afrikaans, English liberal and historically black institutions. Moja and Cloete (1994: 12/13) conclude that: 'the common element between all three types of institution is that none has demonstrated relevance and responsibility to a range of constituencies. Demands for greater accountability have taken the form of increased access, change of governance structures and transparency. These demands are remarkably similar to those contested in the larger political arena'. Accountability is thus a political issue, but one around which little consensus exists.

### *A new approach to freedom, autonomy and accountability*

From the above brief overview we want to suggest three premises for a discussion about freedom, autonomy and accountability.

The first premise is that the concepts must be distinguished with greater precision. It could be argued that the reason why 'autonomy' is seldom defined by academics, who are usually very precise in their own disciplines, is that the ambiguity serves a political rather than an academic purpose. But even for a political purpose the use of 'autonomy' as an umbrella term has thus far



resulted only in stand-off positions between those wanting 'more' and those wanting 'less' autonomy. Such conclusions are simply too easy, as Alexander has said, and for the debate to move forward, more careful distinctions must be made.

The second premise is that academic freedom should be used in the way in which the Interim Constitution is using it, that is, in terms of freedom of 'conscience, religion, belief and opinion'. This means 'the right of individual teachers and researchers to pursue knowledge, choose what they will assert in their choice of subjects for research and teaching without fear of persecution from any political, religious or social orthodoxy. It also includes the right of students and staff not to be selected on grounds of race, belief and sexual orientation'. In this sense, academic freedom applies to individuals, and is a constitutional and legal matter. Autonomy and accountability, on the other hand, are institutional-administrative matters, and should be negotiated as part of a new relationship between government and higher education.

The third premise is that a new relationship will have to be negotiated between government and higher education as part of a re-negotiation between the state and civil society. Guidelines for the principles governing such a relationship will be developed in the next three sections which will look at the changing forms of the state; models of the relationship between government and higher education; and planning and policy.

### **The changing forms of the state**

The literature about planning and governance in higher education seldom contextualises it within a systematic discussion of the state. Such an approach may facilitate cross national comparisons but can be misleading and is not helpful for developing a model within a particular state. Higher education reform, the regulation of higher education, and the freedom and autonomy debate, must all be located within the context of an understanding of the relevant state form. Different structural forms of the state result in different forms of relationship between government and higher education. We begin to tackle these issues by examining different accounts of the relation between the state and civil society.

Both the neo-marxist and liberal conceptions of the state assume that in modern differentiated societies the state has acquired a certain degree of autonomy, but that it has also to deal with many fairly autonomous subsystems (Mayntz 1993). The state and organised constituencies in civil society interact in a dynamic and ever changing set of power relations. Nevertheless, the traditional liberal and social-democratic view of the state as a benign force is distinctly in retreat today, and liberal and neo-marxist writers alike are more

than likely to share one or other view of the state as a malignant, reifying, deforming or exploitative entity. Consequently, much of the current literature on civil society portrays 'the state' as an inherently flawed *monstre froid*, and 'civil society' as that which, in the name of 'truth', 'democracy' and 'justice', opposes, indeed must oppose, the state. As we discuss further below, this is a sterile dichotomy, which does less than justice to the increasing interpenetration of state and civil society in late modern society. Nevertheless, it has proved remarkably enduring: South Africa's recent history of apartheid and resistance has given rise to strong liberal and radical traditions of oppositionalism, which, despite exhortations from political leaders to move from 'protest to reconstruction' appear to remain, vigorously, a part of popular commonsense.

The issue is not whether civil society and the state really are two separate forms of association or not. The analytical question rather is to ask which forms of 'governmentality', which ensemble of institutions, procedures, analyses and reflections, organise a society (Foucault 1979). The key writer in this tradition is Foucault, although Laclau and Mouffe, Offe and the French 'regulation school', all writers in the neo-marxist tradition, make a similar point. The question of governmentality raises the issue of which specific technologies of regulation order which parts of the social field. As Nina (1992) points out in reviewing the South African debate on civil society, all the current positions are still trapped in a version of the sterile dichotomy. The policy issue would be to break with the dichotomy and to ask: what technologies of regulation would best work, given the particular political trajectory we have just come through?

If we combine this view with a more historical view about the emergence of increased interdependence in late modernity (see next section), then we dispense with abstract discussions on freedom and autonomy, and we turn directly to emergent forms of regulation which cut across the domains we traditionally called 'state' and 'civil society'. We do not have space here to deal with the familiar objections to this position. Suffice to say, it is not one which dispenses with class, nor is it naive about power. What it seeks to do is to examine the specific circuits of power, the regulative technologies which actually produce a specific system.

This approach does not blur all distinctions by side-stepping the state-civil society dichotomy. In particular, neo-Foucauldians like Hunter (1993/4; 1994) would want to distinguish between specific intellectual roles, like those of the critical intellectual, the administrator, and the citizen (see also Trow 1983). All of these roles are tied to different regulative technologies and to different ethical compartments. The difficulty arises when practitioners of one compartment attempt to disprivilege the authority of those in another com-

portment, as intellectuals ritually try to do when dealing with the question of bureaucracy and administration. This endless assertion of the status-ideal of intellectuals can be seen as recycling not only the civil society–state dichotomy but also as recycling the rather arid special version of it around questions of academic freedom (Muller and Cloete 1993). If we understand these intellectual roles as relevant to some regulative technologies but not necessarily to others, we avoid having to pit these essentially different roles endlessly, and fruitlessly, against each other.

### *The state in late modernity*

In late modernity, along with the collapse of the central planning states, the widespread revival of political pluralism in Africa and elsewhere, the waning influence of pure ‘free-market’ ideology, and the growing internationalisation of the world economy and communications, debates about governability are said to be moving beyond simplistic characterisations such as ‘the death of the state’, ‘bad state–good state’ or ‘bad state–good civil society’. Instead of seeing the state as some type of superstructure imposed on society, society is increasingly regarded as an interactive by-product where the state and civil society are mutually and recursively constituting sources of ideas about each other. In such a conception the ‘dichotomy between self regulation and state intervention, which is often made in the discussion on political order, becomes obsolete’ (Mayntz 1991: 18).

In one version of this approach, governance is seen as goal-directed action that attempts to bring a system from one state to another. This conception assumes that the ‘system’ has a certain autonomous existence capable of independent action. The formal organisation of systems in society is both necessary for governance, and resists it: ‘the very capacity of societal actors to act in an organized way can facilitate, or obstruct, governing and the solution of problems’ (ibid: 20). In fact, modes of governance are necessarily interactive in complex and mixed hierarchical societies; ‘in other words, the outcomes of administrative action are in many areas not the outcomes of authoritative implementation of pre-established rules, but rather the result of a ‘co-production’ of the administration and its clients’ (Offe 1984: 310).

In his conclusion to a recent international workshop on ‘Modern Governance: New Government – Society Interactions’, Kooimans (1993) characterises the current situation as the existence of ‘functional interdependence’ between formally and/or relatively autonomous (non-hierarchically ordered) political and social actors. By ‘interdependence’ is understood that no single actor has the possibility of solving the problem alone. However, interdependence on its own is not enough: the ‘realisation of the opportunities with-

in interdependence is the central assignment of social-political governance' (ibid: 251).

According to Kooimans, new forms of governance require 'a state of mind' of all the actors involved that depends on:

- a certain amount of mutual trust or mutual understanding;
- a certain preparedness to take common responsibility;
- a certain degree of political involvement and social support.

The version of the new interdependence Kooimans puts forward here strays, we would argue, a little too far into a form of voluntarism, where the new governance arrangement depends too much on the goodwill of the participants. It is instructive to reflect on the state of analogous debates in other branches of social science, where the attempts to theorise new forms of coordination, steering and control generally begin by placing the crisis of control in an historical perspective – post or neo-fordism for the economists; theorizing new forms of 'steering' in the face of 'state' or 'regulatory' failure as in the debate amongst German social scientists (see Mayntz 1987/8); or asserting the need for a new understanding of social 'flexibility' in the face of 'euro-sclerosis' for the political economists (see Nielsen 1991).

There are many other forms of the debate. These debates are presently inconclusive, but common to most of them is the presentiment that 'steering' is a systemic property, not one that should be theorized in action terms, at least not initially. Teubner's concept of 'reflexive law' attempts to capture the systemic requirements of a regulatory system in terms that attempt to go beyond 'command-and-control' regulation by building options into a regulatory environment that allows choice and self-regulation. Habermas (1990), in more conventional social scientific terms, tries to tie a systems theory perspective to an action perspective, asking under what conditions social actors will come to exercise enlightened moral choice in a competitive world. Such forms of conscious interdependence can only work in societies where self-binding has been inculcated into citizens as a personal regulative ideal by the formal school system. 'Self-binding' here means that negotiators understand, and are able to suppress, the satisfaction of their immediate interests in the interest of a broader common interest. Systemic negotiations depend upon this ability. Whether this ability is primarily the product of primary socialisation, as in Habermas, or a function of moral sense interacting with legal institutional formats and the nature of the 'game', as in Offe, is still open to theoretical question (Habermas 1990; Offe 1992). Either way, it is moot whether we have that capacity in South Africa at present.

*South Africa after 27 April 1994*

In post-apartheid society the state-civil society opposition is being mediated and modulated by a new vision for a new South Africa. 'Reconstruction and development', as expressed in the ANC's, and government's, Reconstruction and Development Programme (RDP) is, as the name implies, a pragmatic attempt to link the reconstruction of society to a development path. As could be expected, the nature of that development and the interests it is to serve is hotly contested. The Minister responsible for the RDP, has said that the RDP will not be an 'add-on' programme, but that it is intended as a strategy to reorganise public expenditure through re-arranging priorities and increasing efficiency. It is the nature of those priorities, and the means for pursuing them, that will for some time yet still be in question.

The RDP could be read as a radical attempt to reorganise distribution, efficiency and productivity. It could also be read as a strategy to bring about a new interpenetration of state and civil society. In South Africa, where there has been such a sharp divide between civil society constituencies and the government, the RDP could be construed as attempting to refigure new co-operative relationships between constituencies that became disconnected, fragmented and reflexively oppositional during apartheid rule. This does not mean that the RDP is proposing a simplistic collapse into a single, all-embracing homogeneous state, as has been tried elsewhere on our continent. Rather, through reorganising and funding, it is attempting to foster a set of new relationships between constituencies with different tasks, roles and interests.

There can of course be no blueprint for how a new 'functionally interdependent' state with government and civil society actors will enter into partnership, nor about what forms the new relationships will take or how the process will occur.

An influential model that attempts to counter-balance the fragmenting dynamic of modernity in the field of labour relations is corporatism. Broadly speaking, *corporatism*, or *neo-corporatism*, is regarded by the anti-corporatist school as 'working class collaboration with the bourgeoisie' or more pointedly, as part of resurgent neoconservatism (Habermas 1989: 60–61), and by the participationist school as a particular form of relationship between capital, labour and the state (Schreiner 1993). Schmitter (1979) distinguishes between state corporatism and societal corporatism according to the process which produces the structure of the system: state corporatism is imposed from above, as under fascism; or it can emerge through negotiated agreements between the state, business and labour in contexts where there is a more equal power distribution between the different sectors. Corporatism works through a multitude of cooperative mechanisms, some very weak and others much more strongly binding.

One strong form of neo-corporation is *co-determination*, which is a systematic set of accommodations between opposing interest groups who realise that they have both competing and complementary interests. It is premised on the assumption that both capital and organised labour will continue to exist, that participation of both groups in decision-making is essential, and that whilst groups retain their identity and independence, the future of the enterprise requires formalised interdependence.

In industrialised countries where co-determination operates, it is generally regulated either by legally-backed industrial agreements, or by government legislation, or both (Streek 1994). The industrialised countries where unions have fared worst are those where there are no formal co-determined arrangements – Britain and the USA, for example. These are in fact the only advanced industrialised countries where some form of co-determination does not exist. In both Britain and the US, the unions were only strong when they were in opposition. In co-determination a variety of mechanisms are employed to facilitate co-operative arrangements. Co-determination functions through works councils where sharing of information, resolving deadlock procedures and responsibility for implementing agreements are formalised. In strong co-determination agreements, participation extends beyond the rights to listen and respond, to rights about co-decision-making, both at factory floor and board levels. The question is whether ‘corporatism’ or ‘co-determination’ offers a usable model for cooperative governance in higher education.

In South Africa, both the White Papers on Education and on the RDP make frequent reference to the need for new ‘partnerships’. For example, in a section called ‘Joining hands to build the new education and training system’, the Draft White Paper on Education and Training (1994: 10) states that the ‘Ministry invites the goodwill and active participation of parents, students, community leaders, religious bodies, NGOs, academic institutions, workers, business, the media and development agencies in designing a new education and training system ...’. Neither of the White Papers elaborate upon what kind of partnership is intended, but it is clearly the favoured mechanism through which it is hoped a new relationship between government and civil society will be forged.

Internationally, partnerships are in vogue with both progressives and conservatives and they seem set to be a key feature of government policy thinking in South Africa. Why are ‘partnerships’ such a beguiling notion? Partnerships are driven by at least three different theoretical starting points:

- by a conservative notion of the university and its traditional assumption of links with the business community (*the traditional model*);

- by a rhetoric of standards and excellence, which sees the nation 'at risk', and the solution to lie with a linking with the world of business (*the excellence model*);
- by a postfordist notion of the changing skills/knowledge needs of a changing workplace, the need for generic skills, and the 'learning society' (*the postfordist model*) (Jamieson 1994).

Care must be taken when extrapolating a model like 'co-determination' to partnership relations in higher education since the state is, in the latter case, a far more centrally interested party than in the former. There is a broader caveat to be expressed too when the notion of partnerships is applied to higher education. Implicit in the idea of partnerships is the democratic ideal of equality of participation. This would be quite foreign to the Humboldtian 'idea of the university', which presupposes that the university is a social institution embodying science, spirit and truth, in other words, a form of life necessarily prior to the plurality of life forms found in the community and the marketplace. In a Humboldtian world, partnerships entered into on an equal basis with the university would make no sense.

Like Alexander (1986), we do not feel we have to buy into the elitism of Humboldt's 'idea' to take seriously the warning that we should be attentive to the specificity of institutional type that is the modern higher education institution. Above all, forms of regulation that might be perfectly proper in politics and the marketplace might seriously deform the performance of higher educational institutions. The commercialisation of research is a well-documented case in point (see for example Gibbons *et al.* 1994: 88), but the 'democratisation' of institutional governance may well be another.

In the end, partnerships assume a sophisticated level of representation; they assume that participants can understand their interests in terms of broader systemic policy needs; in other words, they assume that participants can 'self-bind'. This has certainly been shown to be the case for business, the government and the labour movement in this country. Since the level of definition of interest groups and their relative organisation in the higher education sphere is so weak, it is not at present clear how far this regulative form could work without some regulative 'gardening' by a central framework that benignly encourages interdependence. The statutory National Economic Development and Labour Council (NEDLAC) is an example of a co-determinative body whose task it will be to 'garden' cooperation in the economics, labour and development field. As Offe (1987/8) has suggested, such co-determinative frameworks can only work where the non-state bodies are strong, organised, representative, and have a policy capacity. This the partners to NEDLAC have, but, as we said above, the possibility of this state of affairs in higher education is less assured.

In summary then, some of the key conditions for a new state–civil society relationship are:

- a government with a certain amount of legitimacy and authority;
- a complex civil society with ‘functional interdependence’ between formally and/or relatively autonomous political and social actors;
- a certain amount of mutual trust between constituencies;
- multiple interdependent relationships that take different forms and with different levels of participation by constituencies;
- formal consultative and/or joint decision-making bodies or councils;
- systematic information collection and sharing in useable forms.

We turn now to consider how writers on higher education have conceptualised these issues.

### **Models of state – higher education relationships**

Van Vught argues that there are two core policy models in the governance of higher education, namely ‘state control’ and ‘state supervision’. Other models are variations or combinations of these two more or less fundamental models (Van Vught 1993). Below is a brief summary of how Van Vught characterises the two models:

#### *State control*

The state control model has traditionally operated in the higher education systems of the European continent. What Burton Clark calls the ‘continental model’ (cited *ibid*: 8) is a relatively ‘pure’ state control model: the system is created by the state, almost completely funded by it, and key aspects are managed by government bureaucrats. Contrary to popular belief, these systems do not only operate in formerly socialist societies such as Russia, Hungary and Poland, but also in western democracies such as France, Sweden and Germany.

According to Van Vught, the power distribution of the continental model is: a strong departmental bureaucracy; weak institutional administration; and a strong professoriate. This model expresses the interests of two groups; state officials and senior professors. Junior faculty and students have little say in the affairs of the institution.

The objective in such a system is not necessarily state control as such, but a standardised system where national qualifications are allocated by the state rather than by individual institutions. This system is justified in terms of a compatible national system, professional personpower needs and the importance of contributing to the economy. Particularly in the French context,



the higher education system also provides the trained bureaucrats for a highly professionalised civil service.

In many developing countries a seemingly similar ethos underpins government-university relations. For example, the Accra Workshop endorsed the following: '... whatever the position in the more developed countries, the university in Africa occupies too critical a position of importance to be left alone to determine its own priorities. The university is generally set up on the initiative, and at the expense of, the government to meet certain objectives. The government ... seems the best placed to determine the priorities for the universities. The African university should, in normal circumstances, therefore accept the hegemony of the government' (cited by Saint 1992).

Neave and Van Vught (1984) criticise the state control model from the perspective of decision-making theory. In principle, they say, direct control should be avoided, since it disempowers the agents and mitigates against innovation.

Neave and Van Vught are here distinguishing between forms of regulation *within* political decision making. Although they acknowledge that every model of governance has a political and an administrative dimension, they do not explore this in any detail. Mindful of the dangers of trying to separate too sharply the political and technical aspects of control, we nevertheless believe that it is important to do so since the dangers of not doing so are arguably even greater. The table below sets out some key differences:

#### *Forms of social authority*

	Political	Administrative
<i>aim</i>	democracy through representation and cooperation	interdependence through partnerships
<i>process</i>	legislative	executive
<i>social technology</i>	governance	regulation
<i>representative actors</i>	stakeholders	professional administrators (and expert consultants)
<i>accountability</i>	to constituencies	to the policy aim and the disciplines of enquiry

Clearly, these will frequently run together. However, they are not the same: and to mistake a political process with stakeholder accountability for an administrative process with professional answerability is to risk conceptual and political confusion. Above all, it serves neither democracy nor interdependence to install a stakeholder steering mechanism where a professional one is required, and vice versa.

This distinction, although only embryonically developed here, will allow us below to distinguish a third control model which becomes visible within this distinction. As importantly, the distinction will help us to make sense of the malaise of the African higher education system discussed in section one.

Some East European countries, formerly socialist, attempted to exert both political and administrative control over higher education. In countries such as France and Sweden, where academic freedom is written into the Constitution, control is largely bureaucratic. In many of the African countries, the government never tried seriously to impose bureaucratic control; the control exerted was political, usually mobilised to contain ideological opposition to the state. And, as we shall see, assertive political steering in the absence of strong administrative capacity is a recipe for disaster.

The continental model, at least in its Central European manifestation, is clearly an administrative not a political control model, where professional bureaucrats, produced by the higher education system itself, manage the system. This model is substantially different in Eastern Europe or Africa, where heavy-handed politicians attempt political control through the security apparatus and through the control of appointments. Here, more efficient management of the system is not the primary objective. A systematic comparison of administratively managed systems, such as the continental and 'Asian tigers' systems, with administratively decentralised systems, like the UK and USA, would, we think, be very illuminating.

In drawing comparisons between different forms, and effects, of the relationship between government and higher education, it seems important that distinctions be made between a 'strong state' and a 'repressive state'. France has a strong, Grande Ecole-trained bureaucracy which administers many aspects of society, but within a context of substantial political freedom. The strong bureaucracy is counterbalanced by strong parliamentary democracy and a strong civil society. A less balanced system can be found in Japan where political freedom is more circumscribed and political parties are weak, though it has probably the most 'coordinated' society with the strongest bureaucracy in the world. A clear distinction exists between professional bureaucrats and professional politicians, and the forms of regulation proper to them.

The French and Japanese systems are fundamentally different from the East European socialist systems where bureaucracy and civil service were

fused in and by the Party, and inefficient bureaucracy was supplemented by political repression. In parts of Africa, the political rule is usually weak though ambitious, the bureaucracy poorly trained, dispirited and corrupt, organised civil society virtually non-existent and the government itself sporadically repressive.

This clarifies Offe's dilemma of 'societal guidance' and regulatory policy-making, by which he means to denote the traditional polarity between central statist planning and control (the monster state), and de-regulation and institutional autonomy. It is only a strong state that can devolve successfully, says Offe. To devolve because the state is weak, to hope to *replace* central authority with local authority, is conceptually confused and politically dangerous. Local actors can only self-run their affairs where the state provides a relatively rigid format for self-governance (see Offe 1987/8: 253–255). Or as Nielsen, in more economic language, puts it: 'flexibility requires a foundation of institutional stability' (1991: 8). Flexibility is not a solution to rigidity: it *depends upon* rigidity which produces the foundation of stability that is the condition of success of flexibility. The policy and regulational goal, in this formulation, is to strike the best balance between flexibility and stability. Seen in this light, then, the African autonomists have got it quite wrong: the African malaise is produced not by too much state, but by too little: but it is the state as custodian of regulatory environments, not the state as political *prima donna*, that is required.

### *State supervision*

In the state supervision model, according to Neave and Van Vught, the state sees it as its task to supervise the higher education system in terms of assuring academic quality and maintaining a certain level of accountability by recruiting the self-regulatory capacities of decentralised decision-making units. The government role is limited to monitoring and influencing the framework of rules that guides the behaviour of the actors.

In the traditional British and US approach to policy, the influence of the state proper is considered to be appropriately weak. According to Van Vught (1993:12), 'government rather respects the autonomy of higher education institutions and it stimulates the self-regulating capabilities of these institutions. The state sees itself as a supervisor, steering from a distance and using broad terms of regulation', a worthy policy aim indeed. Van Vught concedes that in the US, state authority has accrued considerably during the last few decades (as it has, of course, in Britain too). But, he argues, the increased state authority is directed towards adapting 'market control mechanisms' such as outcomes assessment and performance funding. The primary concerns of the state are the organisation of quality assessment and the right to award degrees.

The current focus in the US on quality and accreditation is commensurate with present trends in Europe. Maasen (1994) refers to the increasing state concern with quality in terms of the rise and impact of the evaluative state. He discerns three major trends during the last decade. First, steering is moving towards a reduction in central control, combined with a centralisation of strategic control: governments provide the frameworks within which the administrations of the institutions are expected to produce the outputs that governments want them to produce. Outcomes frameworks are replacing detailed regulations concerning inputs of universities and colleges.

The second trend lies in the nature of quality assessments. According to Maasen countries such as Sweden, Finland, Belgium, Denmark, Spain and Norway are all developing variations of the Dutch approach where external assessors review programmes or institutions. Unlike the British system, performance indicators are not (yet) a central feature.

The third trend is towards replacing detailed higher education laws with incentive frameworks. Neave calls this the 'de-juridification' of higher education (Neave and Van Vught 1994: 19).

### *State intervention*

As suggested above, Neave and van Vught dichotomise higher education governance models into variations on two basic alternatives. We hope to have shown that, by not distinguishing in their state control model between political and administrative control, they tend to miss the distinctive model, or model variant, based neither on central or framework regulation, but on crisis intervention. These interventions are either sporadic, or they become an on-going attempt to control through a fairly narrow and rather crude set of measures aimed at establishing political quiescence. Of course, this state intervention model is, strictly speaking, an extreme case of the general state control model. However, we feel that it is important to foreground the difference here because it is fundamental both to the apparent confusion in the African debate and to the difference between the positions in the South African debate.

The term 'intervention' is used to signify that it is not a systematic control policy model. Rather, intervention occurs when higher education institutions become the sites of opposition to the development path or perceived political direction of the state. Omari (1991) characterises the features of this model as follows:

- an inactive Chancellor who is often also the president of the country;
- a weak Ministry of Education which does not have a mandate to guide and promote institutions of higher education;
- a weak and poorly trained bureaucracy in the higher education division;

- university councils which are largely dormant and only heard of during crises;
- large senates which concentrate on academic matters only;
- Vice-chancellors who have to be both chief executive officers and politicians, often without the necessary preparation or training. These have become the 'least appreciated jobs in Africa ... vice-chancellors are appointed and fired at the pleasure of the heads of state. It has resulted in the worst form of personal humiliation for some of the best brains in the continent' (ibid: 78).

In terms of political control, Omari argues that there is a continuum of authoritarianism, from soft authoritarianism in Tanzania, Zambia and Zimbabwe to hard authoritarianism in Kenya, Malawi and Ethiopia.

The main distinguishing feature between state control and state intervention from our point of view is that in the latter, neither political nor bureaucratic control is a national policy and planning objective. In many developing countries, state intervention occurs despite the fact that autonomy is the official policy. A good example has been Zimbabwe, although higher education policy under apartheid shared some features with this model. Within a policy framework of autonomy, the South African government intervened during the 1980s on specific campuses through the military and security forces. These interventions included the deregistration of 'troublemakers', with support from bureaucrats inside the institution. Trying a more sophisticated approach, the Minister of Education introduced bills in 1987 that were aimed at imposing financial penalties on institutions who did not control their students. After the Supreme Court ruled against the Minister, the government department gradually withdrew from policy intervention, and individuals only were targeted by state security. In the face of mounting opposition, the state started following what Salmi (1994) calls a 'passive risk' approach, where sensitive issues were simply avoided because the government did not want to risk inflaming the opposition further. As Salmi shows, by avoiding short-term conflict, long term negative effects are accumulated.

In Zimbabwe, the Mugabe government had a strong traditionally British policy of autonomy which prevailed until the students used the campus as a site for political mobilisation against corruption in his government. Then followed the typical series of intervention measures – police action, commission of enquiry, resignation of the principal, appointment of a new council and new principal, and legislation to control access (UDUSA News 1992).

It may fairly be asked why the bureaucracies of higher education have been so weak in the continental sub-region. Akilagpa Sawyerr (1988) has suggested that the answer could well be found in the ethos of anti-bureaucracy held to by the intellectuals schooled in the anti-colonial struggle. A contemptuous

attitude to all things bureaucratic is by no means confined to African intellectuals, of course, and Hunter has argued that anti-bureaucracy is in fact a constant theme in the repertoire of the modern critical humanist, an integral part of the 'self-image of the stratum of critical intellectuals' (Hunter 1994: 19).

In Sub-Saharan Africa, Sawyerr suggests, this ethical ideal has had the unfortunate effect of directing after independence the best minds either into politics proper, or into the universities, or into the private sector: very rarely into the public sector. Consequently, most post-independence countries had a rather meagre talent pool to draw on to re-build the civil service in the wake of the all-too-frequent precipitate withdrawal of public expertise back to the home countries after independence. The result almost everywhere was a weak and unprofessionalised bureaucracy perpetually under attack from the articulate intellectuals in and out of government.

As we said above, the result sooner or later would be frustration on the part of the political elites, whether they adhered to a state control model or paid lip service to autonomy, whether they had a worked out development plan or more usually just a few development ideals. The cause of the frustration was the disjuncture between the higher education system and the state, but its trigger more often than not was a student campaign against state repression, or bureaucratic corruption, or both. In either case, it is likely that the officials saw it merely as another manifestation of bureaucrat or state-bashing, and clamped down on the fractious fledgling intellectuals.

The main features of this unfortunate vicious cycle are a government whose hegemony is not established, a weak civil society, a weak bureaucracy, few mediating mechanisms between government and higher education institutions, and no conflict mediating procedures. The dilemma for such a government is clear: having inherited a weak civil society, which makes interdependent partnerships difficult as Offe has shown, and being pressed by IMF loan conditionalities to promote development which in turn partly depends on such partnerships, the last thing government needs is a fractious student population. So, the very strong-arm tactics which the government then resorts to further delays the development of strong civil society institutions which are the only way out of the vicious cycle. Paradoxically then, the major flaw of the intervention model, as we have already suggested, may well be that it has not enough, rather than too much, state participation. It is the kind of conclusion that the bi-polarity of the control-supervision schema tends to preclude. The Asian Tigers, with similarly weak civil societies, went directly for administrative control, and with some success, albeit with political and social costs.

The policy challenge for developing societies then seems to be to find an acceptable alternative to state control under conditions of economic and civic fragility; that is, under circumstances where the social institutions necessary for state supervisory success are not yet adequately developed. In related vein, Neave and Van Vught conclude their discussion on government and higher education across three continents by suggesting that 'our preference for the state supervising model should, however, not blind us to the relevance of the state control model. Suggesting that ... given the specific set of circumstances including especially the actual phase of social and economic development of a nation, the state control model may be an understandable and sensible approach to the regulation of higher education' (1994: 19). But to concede without further ado to a state control model for developing countries while decrying its usefulness in the developed world is also not particularly helpful for a nation like South Africa that finds itself at this particular policy juncture.

### **South Africa at the cross-roads**

All societies in late modernity probably aspire to a strong democratic state, strong in the sense of an assertive government with a professional bureaucracy and a multiplicity of autonomous civil society constituencies who acknowledge their different interests, maintain their separate identities, and acknowledge their functional interdependence for the attainment of common goals.

Governance in modern societies should no longer be conceived solely in terms of extrinsic governmental control of society, nor in terms of an external antagonism between state and civil society, but rather as a co-production of complementary and interdependent collectivities. This is consonant with the approach of Michael Young and his team (1993) who have called for a move away from considering the educational system in terms of a machine or a organism, and to its replacement with the guiding system metaphor of *connectivity*, where the systemic goals and ends are expressed in the *interrelationship* between system parts rather than in the aims or policies of an administrative or political centre. How is this understanding to be brought to bear on higher education policy in South Africa?

One legacy of the years of antagonism between the apartheid regime and the proponents of the liberation struggle has been a sharply polarised image of state and civil society in popular and academic consciousness alike (see Muller and Cloete 1993). Combined with the additional polarising effects of an apartheid higher education policy that created institutions for specific language and racial groups, it is small wonder that the field of policy debate in contemporary South Africa is shot through with unnecessarily polarised alternatives: equity or excellence; equal opportunity or affirmative action;

africanisation or internationalisation; merit or open access; democratisation or elitism; control or autonomy.

A National Commission of Higher Education was set up in February 1995 charged with producing proposals by the end of 1996 for the comprehensive restructuring of the higher education system. The Commission, mid-way through its task at the time of writing, must, at least in its governance proposals, develop a language with sufficient popular legitimacy to transcend the dichotomies, and that will lay the groundwork for a vision of the higher education system that fosters cooperative interdependence.

In the meanwhile, pressures have started to build in the system. One point of pressure has had to do with the financial 'crisis' caused by the non-payment of student fees. This has been partially defused through the proposal for a national student loan and bursary scheme which is to be implemented from January 1996. The other pressure point is around demands for government intervention in the tertiary institutions.

The calls for state intervention have been elicited by three quite different sets of circumstances. The first has to do with press reports about corruption at the University of Venda; the second, with the crisis of management, and the involvement of the National Intelligence Service, at the University of Durban-Westville; and the third, with the 'Makgoba affair' at the University of the Witwatersrand, which we explain further below. The latter is the most interesting because it strikes at the heart of university transformation and the question of autonomy.

Professor William Makgoba, one of the most respected immunologists in the world, was recruited from the University of London to Wits in 1994 as its first black deputy vice-chancellor. During 1995 Makgoba was charged by a group of thirteen Deans and senior management with inflating his CV and with incompetent management. Makgoba, who, in terms of his portfolio, had access to all staff files, counter-charged the thirteen with tax evasion, corruption and academic mediocrity. His central allegation was that they were liberals resisting Africanisation and transformation. The ensuing newspaper and television debate polarised the campus and the public pretty much along racial lines, as Mamdani would have predicted. Whilst white management at Wits, and white reporters, cautioned against government intervention, numerous black academics, journalists, parliamentarians and students called for immediate government action. Nobody specified exactly what was expected from the government intervention, and the government has to date no framework or guidelines for such intervention. The university has established a tribunal to investigate the matter, has appointed a mediator and has set up a Council committee to investigate the promotion of transformation at Wits. For the moment, direct intervention seems to have been averted.



The most worrisome aspect of the Makgoba incident, and the others, is that it threatened to pre-empt the national Commission and set a precedent for ad hoc government intervention before the Commission had had an opportunity to propose a framework for interaction. The numerous demands for transformation at individual institutions have suffered from the same deficit; demanding change without a framework within which individual institutions can locate new missions and policies. Considering the rising pressures in the system, it seems likely that the Commission will have to revise its work schedule for 1996.

One of the gordian knots the Commission will have to deal with is autonomy, which is currently used largely as a defense against such diverse problems as corruption, the collapse of management structures and resistance against change. A central aspect will be to develop proposals about a new cooperative relationship between government and higher education which, by implication, will be part of the transformation of the South African state.

How this is best done must still be decided. Some favour a 'gradualist' approach, where trust and cooperation is cultivated through the experience of participation in a variety of partnership mechanisms. Others will favour a more directive framework for a variety of forms of cooperation that can be negotiated between the main stakeholders, and legislated. Cooperation as a principle was 'encouraged', in different forms, in both Germany and Japan, soon after World War II. Could a case be made that the ravages of apartheid necessitate similar 'encouraged' cooperation?

Whether cooperation emerges from legislation or from a gradualist approach, in practice, trust and cooperation will have to be constructed, through a range of connective arrangements. Whether these are mainly political decision-making structures, or predominantly administrative implementation partnerships, whether they propose detailed or framework regulation, or a combination of both, power, representivity and accountability is what must now be negotiated.

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