

# Conceptualizing University Autonomy and Academic Freedom: Reflections on state of Autonomy and Academic Freedom in Public Universities in Kenya

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## Abstract

*There has been mixed view on the understanding and implication of the terms university autonomy and academic freedom. Different people have used the terms to imply different things, with academia looking at it as absolute freedom of universities to run their affairs. On the other hand, political leaders have taken these terms as delegated and thus needs to be exercised to enhance society's social economic value. There is a consensus that university autonomy and academic freedom is a fundamental anchor of universities world over. Differences in conceptualization of these terms have resulted in friction between the political leaders and scholars. This paper therefore aimed at crystalizing the common bases of use and application of the terms with a view of creating a common understanding across the divide in order to reduce the tension. The paper also gives reflections on how the university autonomy and academic freedom has been perceived and applied in Kenya public universities. The debate on university autonomy and academic freedom seem to have evolved overtime and appears to have settled on a common conceptualization world over. The paper observes that, the terms university autonomy and academic freedom implies allowing universities adequate latitude to run their affairs in a way that it optimizes stakeholders' value.*

**Keywords:** University autonomy and Academic freedom.

## 1.1 Introduction

The concept of university autonomy and academic freedom has become synonymous with progressive universities and has equally been regarded as indispensable character of universities globally (Altbach, 2001; Habib, Morrow & Bentely, 2008). Adres (2021) however argues that in spite of numerous books and articles written on the subject, there remains considerable confusion regarding the meaning of the terms university autonomy and academic freedom. Taylor and Francis (2009) argued that Academic freedom continuous to be commonly used but it is largely a misunderstood concept. The dual argue that only a minority of academics bother to explain what the concept of academic freedom means to them or even know what the concept really is. This concerns remains valid to date and therefore the need for proper conceptualization. In his reflections

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on the concept of a university and the essence of university autonomy and academic freedom, John Henry Newman in Boulton and Lucas (2011) conceived the idea of a university and university autonomy as:

*“a place ... where students come from every quarter for every kind of knowledge; ... a place for the communication and circulation of thought, by means of personal intercourse. ... a place to which a thousand schools make contributions; in which the intellect may safely range and speculate. A place where inquiry is pushed forward, discoveries verified and perfected, and.. errors exposed by the collision of mind with mind, and knowledge with knowledge. ....”.*

The characterization of a university and university autonomy according to Newman is an institution characterized by freedoms of; thought, academic discourse and internal control. Mazrui (1975) was of the view that a university is a place where scholars have the freedom to determine research priorities, research methods and where to publish and publicize their research. Guruz (2011) argues that, universities world over and without exception, are institutions where personal privilege is accorded to academia to safeguard unfettered pursuit, transmission and dissemination of truth and knowledge without undue interference. Weighing on this debate, Dlamini (1996) was of the view that universities as entities are universally characterized by self-determination in terms of academic pursuits through unfettered internal governance structures and processes and therefore exist in state of institutional autonomy and academic freedom as foundation stones of their systems. The terms university autonomy and academic freedom therefore comes out as critical anchors of a university system. Given this importance, there is irresistible urgency for clarity of their conceptualization (Zezeza, 2003).

Universities world over, are creations of governments as vehicles for social economic transformation and therefore begging the answer whether they can exercise autonomy and academic freedom in absolute terms. According to Adres (2021), the notion of a university in service of the state and at the same time autonomous is hard to reconcile thus the need for proper analysis and conceptualization. While the term university autonomy and academic freedom have been used interchangeably in a number of discussions, scholarly evidence seems to suggest inherent differences between the two terms. This paper therefore discuss the two terms separately for purposes of creating clarity in their conceptualization.

### **1.2 University autonomy**

University autonomy is a limited concept and implies independence of universities from external control in matters relating to academic and effective participation of academic community in formulation and implementation of university policies and programmes (Haastrup, Ekundayo & Adedokum, 2009). According to Dlamini (1996) and Adres (2021) university autonomy entails allowing universities to exercise their critical and proactive role without restrictions and limits imposed by the governments of the day, religious beliefs, markets or particular interests. Sifuna (2012) views university autonomy as constituting self-governance and freedom of university to make its own decisions on a broad complex of issues free from extraneous regulations by external non university agencies. Dlamini (1996) in the depth of the arguments, shift from use of the term university autonomy and instead adopts the term academic autonomy implying different conceptualization but concedes that autonomy emphasizes accountability which is a term associated with institutional governance.

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The common character of a university seem to settle on a common anchor, that is, freedom of internal governance which means free hand to; make decisions on who will teach, what will be taught, who will graduate and what will be researched (Guruz, 2011). According to Haastrup, Ekundayo and Adedokun (2009), it includes; freedom to determine selection of students, appointment and removal of academic staff, determination of content of university education, control of degree content, determination of rates and size of growth, establishment of balance between teaching and research, freedom of publication and allocation of recurrent expenditure. It entails giving universities freedom to appoint key officers, determine the conditions of service of their staff, control their finances and generally regulate themselves as separate legal entities.

The selective use of term “giving universities freedom” suggests that the concept of university autonomy is donated by the giver, insinuating that it should be understood and exercised within certain boundaries. Universities world over are established through legal instruments which provides legal boundaries beyond which the exercise of institutional autonomy would be violated. According to Dlamini (1996), autonomy of universities is not absolute because as a right, no right is absolute. The argument given in this contention is that, university autonomy architecture should be that which unites; the scholars, society and government. University autonomy therefore does not insulate universities from external influence but subsist within that environment in a shared exchange of value. Sifuna (2012) reinforces this view by noting that, too much autonomy might lead to university education being unresponsive to society while too much accountability might destroy the necessary academic ethos. University autonomy thus is the institutional authority to govern and manage their processes while maintaining fiduciary and governance accountability to external authority, usually the government as price for protection, financial support and legitimacy.

### **1.3 Academic freedom**

The concept of academic freedom has been conceptualized differently, with political leaders holding divergent views from the scholars. Kwame Nkrumah, former President of Ghana, while addressing university dinner in 1963 was of the view that:

*“ There is, however, a tendency to use the word academic freedom in a another cause, and assert the claim that a university is more or less an institution of learning having no respect or allegiance to the community in which it exist.... This assertion is unsound in principle and objectionable in practice”.* Mwalimu Julius Nyerere, the former president of Tanzania was also of a similar view and held that:

*“I fully accept that the task of a university is to seek for truth and that its members should speak the truth as they see it regardless of consequences to themselves. But you will notice the word to ‘themselves’. I do not believe that they do this regardless of society.... The students eat the bread and butter of peasants because they have promised a service in the future.....”* (Dlaminini, 2002).

These statements being associated with renowned African statesmen represents a common narrative on how the concept of academic freedom was conceptualized by leaders. Academic freedom was thus expected to be exercised with responsibility to society. The scholars on the other hand looked at it somehow as being absolute and responsibility exercised in pursuit of scholarly profession without restrictions. The phrase; without restrictions, without extraneous control, without government control and unlimited freedom dominated

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scholarly dialogue in discussion of the concept of academic freedom in universities. This was taken to imply that, universities should be allowed free hand to pursue knowledge and to determine its application. This divergence of thought brought some tension between the political leaders and the academia because of differences in conceptualization and application.

Review of literature shows common conceptualization of the term by scholars. According to Haastrup, Ekundayo and Adedokum (2009), academic freedom connotes freedom of expression and action, freedom to disseminate information and freedom to conduct research, distribute knowledge and truth without restriction. It includes complete and unlimited freedom to pursue inquiry and publish its results, professors' independence of thought and discourse within established professional standards (Adres, 2021). Adres (2021) insists that, academic freedom is not an individual right from any constrain but freedom to pursue the scholars' profession according to the established standards. Academic freedom does not necessarily mean freedom of speech but freedom of mind, inquiry and expression necessary for proper performance of scholarly professional conduct and thus forms an essential part of a right to education.

Academic freedom therefore provides the liberty required for advancement of knowledge and practice of scholarly profession. It is a right to education that has individual and collective dimensions and is discharged through complex relationships between students, faculty, institutions, governments and society. According to Sifuna (2012), academic freedom is more directed at the individual level rather than the institution. The institution provides the structures necessary to guarantee academic freedom. Therefore, academic freedom is considered as one aspect of autonomy. Universities thus provides the basic structure necessary for advancement of academic freedom by the faculty through setting up required structures to facilitate pursuit of scholarship. According to Dlamini (1996), the concept of academic freedom is subject to some re-assessment in the right of changing social circumstances because the knowledge generated and transmitted should be to the benefit of society. Conventional academic freedom therefore is a state regulated autonomy in which the freedom of academics in teaching and research is necessary for the discharge of their normal functions but these functions are exercised within boundaries controlled by the government and management (Taylor & Francis, 2009). This means that the conception and practice of academic freedom is not absolute but limited to academia responsibility to society. Academic freedom is therefore granted in the understanding that it enhances the pursuit and application of worthwhile knowledge. This therefore becomes the basis of support by society through funding of academia and universities. In a nut shell, academic freedom is both to individual as a right to education and self-expression and institutional as a right of an institution to determine for them what is going to be taught, who to teach and who is going to be taught. Thus, the role of government shifts from a regulator to an evaluator. Universities as citadels of academic freedom are believed to be self-regulating through collegial process and coordinated through the senates and are conscious of their responsibility to society. Academic freedom therefore must be viewed in the lenses of unrestricted pursuit of knowledge, dissemination and application in consciousness of societal expectations.

#### **1.4 Reflections on the state of academic freedom and institutional autonomy in Public Universities in Kenya**

Development of universities in Kenya is associated with two main epochs; one where universities were established through their own Acts of parliament (1970-2012) and two, where universities were established under one Act of parliament, the universities Act, 2012 (2012-to date). An overview of university education in Kenya between 1970 and 2012 depicts a sector that demonstrated sustained expansion. This growth was an indication of the importance placed on university education in Kenya's social economic transformation agenda from independence.

An overview of the state of university autonomy and academic freedom in public universities in Kenya depicts a picture of universities that experience significant deficit in institutional autonomy and academic freedom despite the outright provision of institutional autonomy and academic freedom in their enabling legal instruments. Review of some leaders' position on university autonomy and academic freedom shows clarity on their appreciation of importance of these two aspects of university education. During the occasion of inauguration of University of Nairobi in 1970, Mzee Jomo Kenyatta, the first president of Kenya was clear on the need for university autonomy and academic freedom and noted that:

*“ any health university must be governed more by freedoms than restrains....., while never ignoring or betraying the most precious function of an academic body, this university must gear itself at once and with constructive zeal to all the needs and realities of the nation building” ( Sifuna, 2012).*

This statement emphasized the consciousness of the government on the importance of university autonomy and academic freedom while at the same time appreciating the responsibility of the university to nation building imperative. The University of Nairobi Act, which established University of Nairobi ensured that the university was granted required institutional autonomy to govern its affairs including development of academic programmes, freedom to determine admission criteria, freedom to determine who should teach and freedom to pursue research. Review of other Acts establishing other universities; Kenyatta university Act, 1987, Moi University Act, 1984 and Jomo Kenyatta University of Agriculture and Technology Act, 1994 equally conferred those universities with institutional autonomy and academic freedom as a common anchor of their mandates.

The basic governance structure across universities comprised of the Chancellor, University Council, University Management Boards, Senates and Students Organizations. The Chancellor, who was also the head of state, was without exception the head of all universities in Kenya. The president therefore had the controlling power on the running of all public universities including appointment of the Vice Chancellors and University Councils. It's apparent at this point that, in spite of the clarity and consciousness on the importance of university autonomy and academic freedom, these ideals were not given adequate space to thrive in Kenyan public universities. In a situation where the president was the head of public universities, it is without doubt that, the university autonomy could only be exercised at the dictates of the president as the Chancellor, meaning that universities in Kenya under this legal regime exercised constrained institutional autonomy and

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academic freedom. Evidently, the government of the day was actually extremely sensitive on the academic discourse in universities.

A number of scholars faced limitations on what to teach, the extent of content, what to research on and what to publish with a number being arrested for reasons associated with their academic activities (Sifuna, 2012). Ngugi wa Thiong'o was for instance arrested and imprisoned without charge in 1977 after the performance of his Gikuyu language socially critical play, 'I will marry when I want' (Habib, Morrow & Bentely, 2008). Later Ngugi wa Thiong'o and other scholars like Ali Mazrui and Michere Mugo left the country for fear of their lives. This period was thus marked by mass exodus of university dons seeking refuge in other countries due to political intolerance associated with their academic philosophical inclinations. University autonomy and academic freedom was therefore and without doubt limited despite being guaranteed by law establishing post independent universities in Kenya up to 2012.

The enactment of the universities Act, 2012 marked a paradigm shift in the governance and management of universities in Kenya. All universities were (re)established under one Act of parliament, the universities Act, 2012, marking a major shift in governance of Public universities in Kenya. Unlike in preceding period, public universities were awarded charters to govern their operations. The award of charter also signified ceding of control by government over the governance of public universities. The enactment of universities Act arose from the need to among other reasons; align the university sector to Kenya constitution 2010. The promulgation of the Kenya Constitution, 2010 marked a major shift in governance of Kenya as a nation by deepening democratic principles in governance and management of state affairs. As a consequence of the new constitutional order, universities enjoyed renewed autonomy and academic freedom atmosphere expressly provided under Article 33(1) of the Kenya Constitution. Anchored on this provision, the universities Act entrenched the university autonomy and academic freedom by allowing universities rights to control their internal affairs and determination of their academic pursuits. Under the Act, the president was no longer the Chancellor; university councils took charge of recruitment and management of staff including the Vice Chancellors. Government significantly reduced control of academic activities in universities other than the oversight through Commission for University Education.

Although the appointment of Vice Chancellors and their Deputies was done by Cabinet Secretary for university Education, University Councils were largely in control of who was to be appointed. This period was therefore marked by significant university autonomy and academic freedom across public universities. In spite of this period being associated with significant university autonomy and academic freedom, universities were accused of perpetuating ethnicity through biased appointment of top management, especially the Vice Chancellors and their Deputies (Sifuna, 2012). This raised eye brows in government quarters leading to subsequent amendment of universities Act in 2016 and 2019. The amendment of universities Act particularly in 2019 affected the manner in which the top management of public universities was to be appointed. The amendment conferred the responsibility to recruit Vice Chancellors and their Deputies to Public Service Commission. The consequence of this shift was that, the control of Council to recruit the top management of universities was severely eroded leading to reduced university autonomy. Although this may not have had direct impact on academic freedom, the control on appointment of Vice Chancellors and their Deputies

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impacted on academic freedom because Vice Chancellors by virtue of their position are academic heads in universities. Thus being direct beneficiaries of a heavily government controlled process; they are likely to be more responsive to the government than to the University Council. Apparently, the university Council members in public universities (as provided in the universities Act) are directly or indirectly government appointees. Circumstantially, this situation is unlikely to allow independent decision making process. It is thus fair to conclude that, the decision making processes in public universities in Kenya are heavy on government control, a state which without prejudice, have undermined university autonomy and academic freedom in public universities.

Furthermore, review of financial position of most public universities depicts a sector in serious financial challenges with a number reporting huge pending bills. Public universities' over reliance on government funding pushes them to tipping point of erosion of their institutional autonomy and academic freedom. Guruz (2021) avers that, for universities to exercise autonomy and academic freedom, it is the responsibility of the government to assure the financial sustainability of universities while keeping a reasonable distance from internal governance of universities. Thus over reliance of public universities on government funding reflects negatively on their autonomy and academic freedom.

The regulatory mandate of Commission for University Education in universities is also likely to impact negatively on academic freedom of universities. The regulation by the Commission puts undue control on what is to be taught, who to teach, who to be taught and the manner of pursuit of knowledge and enquiry. Available literature shows that this responsibility is universally vested with University Senate. Guruz (2011) is of the view that, the responsibility of government and their agencies should change from regulatory to evaluation in order to guarantee academic freedom in universities. Available studies have shown that, over regulation of universities slows down their organizational performance (Davis, 2015; Berube & Ruth, 2015).

### **1.5 Conclusion**

Institutional autonomy and academic freedom is a key anchor of universities world over. There is however no absolute university autonomy and academic freedom because universities are agencies of the society. University autonomy and academic freedom therefore is to be exercised in a manner that is accountable and responsible to societal interests. University autonomy and academic freedom therefore does not necessarily mean absence of government influence but rather a balanced interaction between the government and universities to maximize value to the society. Although there is no empirical evidence on effect of reduced university autonomy and academic freedom on their organizational performance, it is apparently necessary to give universities sufficient latitude to carry out their mandate of pursuit of knowledge and dissemination if their value to society is to be optimized.

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