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A SOCIAL CONTRACT
BETWEEN THE PUBLIC HIGHER EDUCATION SECTOR
AND THE PEOPLE OF SOUTH AFRICA

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ABSTRACT

The higher education sector in South Africa is experiencing an existential crisis. For all of its diverse elements and activities and values as a system, its historic mission and the role that it plays in society were defined for it in the previous era - this not withstanding the progressive roles played by some of the . However, it is an existential crisis which stems only partially from its history in our Apartheid past. Its intellectual and organisational shape stems also from its place on the edge of the global academic metropole from which it attempts to draw its academic legitimacy. That metropole itself is currently shaken by large transformatory processes heralded by the burgeoning role of knowledge and information in the production processes of modern societies. This new epoch is characterised by a tremendous distribution of knowledge generation and dissemination activities in society thus undermining the hegemony of the 'modern university' in these enterprises. In this paper, some of the pressures that have helped to shape the existential crisis are examined.

1. INTRODUCTION

The higher education sector in South Africa is experiencing an existential crisis. For all of its diverse elements and activities and values as a system, its historic mission and the role that it plays in society were defined for it in the previous era - this not withstanding the progressive roles played by some of the constituent elements of the sector or the major policy processes that have attempted to shape it since 1994. However, it is an existential crisis which stems only partially from its history in our Apartheid past. Its intellectual and organisational shape stems also from its place on the edge of the global academic metropole from which it attempts to draw

its academic legitimacy. That metropole itself is currently shaken by large transformatory processes heralded by the burgeoning role of knowledge and information in the production processes of modern societies (see for example, Castells 1993, Dudenstadt 1999 and Tierney 1998 and Muller 2000). This new epoch is characterised by a tremendous distribution of knowledge generation and dissemination activities in society thus undermining the hegemony of the 'modern university' in these enterprises (Gibbons, *et al.*, 1994).

In this paper, some of the pressures that have helped to shape the existential crisis are examined. It is observed that while there have been substantial and significant policy processes instituted by the government, which have direct and indirect impact on the sector, that the sector itself has not shaped a common vision for itself, a common set of understandings about its role in society. It is argued that this is fundamentally problematic, since those governmental policy processes are - correctly - shaped in and driven by the immediacy of the concerns of that government. This paper argues further that the higher education sector should engage in a process which leads to the development and adoption of a *social contract* between itself and the people of South Africa as it engages with the local and global challenges that face it. In this paper, all the institutions in the higher education sector are referred to as universities.

2. CAUSES OF THE CRISIS

The history of the higher education sector is shared by many other social institutions and like others it experiences conceptual, financial, managerial and organisational difficulties which damage its excellence, effectiveness and efficiency. This is at a time when the nation most needs a vibrant higher education system to enhance and deepen its democracy, to establish itself as a modern industrialising society and to satisfy the immediate and long-term knowledge and intellectual needs of its people. There are many reasons for this situation, some arising from the failure of universities to transcend the medieval traditional underpinnings of the prototype universities of the last century, and others from political and social factors - some of which are largely out of the control of universities and others which are internally generated and determined. Cloete and Bunting (2000) and Gultig (2000), among others, have surveyed the progress of the sector in the post-1994 policy period and have commented on the elements of this crisis and their impact on the changing nature of the sector.

Central to the condition of the higher education sector is its failure to grapple progressively with its lack of political and social legitimacy - a condition that it shares with higher education in some other developing nations. In South Africa, this lack of legitimacy has multifaceted causes. As has been mentioned previously, the higher education sector was deeply but differentially rooted in our past which has left deep imprints on the intellectual and organisational fabrics of each of the institutions. Perhaps most important, the sector suffers from its inability to speak to the needs of ordinary South Africans for whom it was largely detached. The most recent indication of this slide in legitimacy and confidence in higher education is encapsulated in the comments of the Minister of Education in the report of the Council on Higher Education's size and shape report (CHE 2000). In more concrete terms, this is also demonstrated by the approach taken by the government on the HIV/Aids causality issue - not the fact that the government has chosen to question the orthodox scientific view on this matter but rather that it did not call on the local scientific community to advise it on the matter - either the well-established capacity in the universities or through the National Advisory Council on Innovation.

The burgeoning private higher education sector, even though there are serious questions regarding the quality and the nature of the education it offers, is central to the national goals of the massification of higher education. It is estimated that there are now more students registered in this system than there are in the public sector and, this growth places new challenges at the door of the latter. The private sector offers learning programmes which are

highly lucrative - that is, these are programmes with a low per capita cost and with high enrolments. However, these programmes are just as important for public higher education institutions as a means for them to cross-subsidise the mounting of expensive programmes in areas which attract few students but which are central to the mission of any higher education system. This cross-subsidisation extends to the performance of high-level basic research and community development and to provide for various activities which contribute to holistic student development.

Manuel Castells has described, in his *The Rise of the Network Society* (Castells, 1996)*,* the fundamental and far-reaching changes in society that have been spawned by the rapid and explosive developments in the technologies of communication, information processing and information storage and retrieval. On the basis of the technological revolution, one of the drivers of this social transformation has been the heightened commodification of knowledge and the rapidity of its infusion into the innovation of new products. This, together with the heightened diffusion of knowledge activities into the private sector, has enormous implications for the role of higher education. In this new milieu our universities are expected to perform the traditional functions of the 'medieval' institutions of higher learning by building the intellectual and cultural scaffolding of societies through the generation of scholars of the arts and sciences and the provision of broad educational experiences for its students; the functions of modern universities through the production of professionals of various kinds and the rigorous generation of new knowledge through the processes of the scientific method; and finally to engage in what may best be termed entrepreneurial activities - activities which are designed for more instrumentalist objectives.

South African universities have the additional challenge to face up to the competition of international institutions. On the one hand it is the challenge to be able to compete for student registrations - both South African and international - since a host of international institutions are now operating here. On the other hand it is the ability to compete for the performance of research and development projects which are more and more globalized. These are both threats and opportunities.

Our history has produced a system of grossly undifferentiated institutions which makes the system more expensive and inefficient than it has to be. Each of our institutions sees itself as a research university - and this has been exacerbated by the outcomes of the policy process since 1994. Each one is expected to - and sees itself - as having to engage in intensive education development activities to provide the best opportunity for the success of students who are academically under prepared having been severely failed by the school system. And in more recent times each one of our institutions attempts to act as the innovation powerhouse of our technological transformation and hence our global competitiveness as a nation. Even the largest economies in the world cannot sustain such a lack of differentiation.

The financial crisis of the sector has been much in the headlines over the last five years, being represented in the media mainly in the form of student demonstrations or through the reports of high level investigations of alleged gross mismanagement. The impact of the financial constraints on most institutions in the sector has resulted in large, controversial outsourcing exercises, the deliberate and planned downsizing of certain academic and support divisions either through forced or voluntary retrenchments or through voluntary early retirements, and other cost-saving activities. The crisis is due only partly to the failure of the sector to attract greater public and private funding. Government funding of higher education, through the student subsidy system, has been documented (see Cloete and Bunting 2000). While the student subsidy levels have remained steady over the last four or five years - taking into account inflation - this component forms, on average, about 50% of the income of universities. Hence the challenge for these institutions is to ensure that their income from student fees and other

sources is properly secured. Some of the crisis is due to structural problems within the sector. Much of the crisis is due to mismanagement of institutions.

The inability of the sector to replace and replenish its teaching and research equipment stock (NRF 2000) and library holdings will have a serious negative impact on the effectiveness and competitiveness of the sector. The liberal arts and sciences are under the constant threat of downsizing and cuts and this will intensify as institutions are forced to operate along more business lines. This will have significant, and as yet un-intellectualised, consequences for the university as an institutional form. The actions adopted by the managements of universities and technikons to bring the institutional budgets under control, which have often been regarded as high-handed and anti-academic, has resulted in poor staff and student morale. Some institutions have retained their shape and size through this difficult period. Others have not.

A further, and predictable, result of the difficult financial constraints being faced by the universities and technikons is the increased competition between the institutions in the sector. This unleashes an unsatisfactory dynamic for the development of partnerships and mergers combinations between them. The level of co-operation between and among South African institutions are at unacceptably low levels, despite large amounts of money being spent on co-operation projects of various kinds. The deeply-divided leadership cohort of these institutions and its inability to overcome its divided condition exacerbates the situation.

3. POLICY PROCESSES AND THEIR INFLUENCE

These crisis-generating issues were known in 1994 and the new government pro-actively instituted a set of policy processes that were to provide the engine for the transformation of the sector. There were three influential areas of policy development undertaken by various government departments. The first of these is the work of the National Commission on Higher Education (NCHE) which unleashed a very substantial and detailed discussion about the role of higher education in society. The report that emerged identified a large set of priorities for the sector: the development of a properly articulated unified system, the establishment of a programmatic approach to the learning activities of the sector, the massification of higher learning, the meeting of redress and equity targets, the alignment of the activities of the sector with the broad development agendas of the government, the need for effectiveness and efficiency measures, the democratisation of the governance structures of the constituent institutions, *etc*. (The NCHE Report, 1996). These principles were translated into a white paper (Department of Education, 1997) and this has been followed by other policy documents and the CHE project on the size and shape of the system. This report (CHE 2000) has been submitted to the Minister and the process now rests with the Department of Education and Training.

Secondly, a policy initiative led by the Department of Labour resulted in the legislation of the extremely influential National Qualifications Framework. This piece of legislation provides a common framework for the registration and organisation of qualifications offered in all the sectors of the education system in South Africa, both formal and informal. It has already been deeply influential and has produced a set of outcomes which, for the higher education sector, has been highly controversial (See for example Jansen, 1998).

The third policy development process that has influenced the debates and discussions in the internal strategic processes is that undertaken by the Department of Arts, Culture, Science and Technology which led to the development of the green and white papers on science and technology. (DACST, 1995, 1996). Parts of these papers have been enacted and resulted in the establishment of the National System of Innovation, the National Research Foundation and a host of other outcomes which have a direct bearing on the teaching and research activities of the sector. For the higher education research system the important outcome is that it is

recognised to be fully located within the National System of Innovation. This is a shaping constraint.

As may be expected, the response of the institutions to these policy processes was to engage in internal strategic planning initiatives. However, these internal exercises have been distorted by the deep and widespread uncertainty that has resulted from the lack of a coherent national implementation framework. Further, as may be expected, institutions looked at these policies with tinted glasses, acting vigorously on those aspects of the new policies which suited them and largely ignoring others which they regarded as threatening. And where national implementation frameworks have been instituted, these have been poorly conceptualised. As Cloete and Bunting (2000) indicate, the internal responses have indeed been varied. Some have been inward-looking, aimed at developing internal academic and intellectual coherence. Others have been outward-looking and assessing the opportunities and threats of the current and the future contexts and then developing structures and programmes (both research and learning) to meet these challenges. And some have done both concurrently. And some have done nothing.

Other public organisations that operate in the knowledge terrain, either as funding agencies such as the National Research Foundation and the Water Research Commission, or as performing knowledge organisations, such as the Council for Scientific and Industrial Research and the Human Sciences Research Council, have very actively engaged in similar restructuring activities. As in the case of the universities the primary objective of these exercises has been to assess the 'place' of these organisations in the new context in which they find themselves - both in terms of the national dynamics and the pressures of the global challenges. A similar set of activities have been carried out by private sector knowledge organisations such as the Sugar Millers' Research Institute and the Institute for Commercial Forestry Research, both of which have a relationship with the University of Natal but are fully funded by their parent industries.

Although university personnel - either in their capacity as experts or as representatives of the sector - were involved in each of these processes, the higher education sector itself has not produced any coherent plan which details what it sees as its role in our developing context. It has neither defended nor argued for its autonomy or for academic freedom, which are nominally entrenched in the Act (Department of Education, 1997). It has not concentrated any serious effort to understand what it has to offer the people of South Africa. This is not a simple matter. Scott (1984) argues that these modern universities can no longer speak a common academic 'language' because of the disciplinary balkanisation of these institutions and as we have pointed out, in the South African context this is overlaid and complicated by deep-seated institutional fragmentation and numerous crises that damage the coherence of individual institutions.

The role of the state in such a process is, without question, very important. The state has to ensure that the high level of public expenditure on higher education is to the benefit of the nation, that it is being spent in the most effective way, that the interests of all sectors of the population are taken into account. This does not mean that the state has to define the role of the higher education sector as indeed Education White Paper 3 does (Department of Education, 1997).

4. A SOCIAL CONTRACT

In view of all of the above it is not surprising that the higher education sector in South Africa is in a state of existential crisis, this notwithstanding the national and international recognition of a few of our institutions. The aforementioned lack of political and social legitimacy has forced a defensive mode within the layer of university-based intellectuals. It has failed to have an independent voice in the unfolding of this young democracy. It has been fairly marginal (and

marginalised) in the public debates on the national development strategies. It has promoted a placid acceptance of the rapid deployment of bureaucratic management systems - a trend embodied no where more clearly than in the rolling-out of a very mechanistic South African Qualifications Authority. Generally this defensiveness has made the sector reactive to the numerous difficult and potentially damaging pressures being brought to bear on it. It is in this context that an argument is made for the public higher education sector - as a whole - to develop a contract between itself and the nation, in all of its social forms and formations. It is an approach which may lead to a form of *social contract* between the sector and its social, political and economic interfaces. There are several reasons for this argument.

Firstly, as has already been indicated, higher education is in a state of flux internationally. Even the most established systems revisiting their *raison d'etre*. This is a process that will be led and shaped and managed by the higher education systems themselves since there are issues of such import that they have the potential to reshape the dominant paradigm of the modern university. The establishment of the modern university as a paradigm which occurred in the first quarter of the 20th century followed on a different set of forces that shaped the social and economic milieu of that time (Scott, 1994). The dominant characteristics of the modern university and some of the underpinning ideas of the earlier forms of higher education have persisted and they will no doubt feed into shaping the university of the 21st century. The South African system must, of course, be a part of this international process and it will have to overlay this with the challenges of our own development. These local and global poles will have to be treated coherently.

Secondly, none of the recommendations that has emerged through the various policy development exercises are owned by the higher education sector - even though the sector might have participated in their formulation and shaping. This ownership is crucial since it provides a beacon for the sector to unite around in its attempts to serve the nation. In addition, it will enhance the sector's capacity to participate as full partners in the global debates.

Thirdly, the sector itself is deeply fragmented and fractious. It seriously requires a platform from which to draw common-nesses, a platform which is raised above the fractiousness. Perhaps this will be facilitated by an adoption of a view to the *Clock of the Long Now* (Brand, 1999) on the one hand and the profound urgencies of the South African condition on the other. It will (or should) have much to say about its role in the development of a national intellectual culture and how this happens not only in the proverbial ivory towers but also in the townships, on the factory floors and deep rural areas of this country. Such a process must also reflect on, argue for - and win mass support for - the autonomy of the sector and of the principle of academic freedom so as to be able to engage in unencumbered dynamic knowledge generation, which may allow it to produce new solutions to outstanding questions and new knowledge for solutions of problems which do not exist yet.

Fourthly, such an approach must stand alongside the policy development processes that have already been engaged in and which have produced much in the way of valuable and far-reaching ideas. It will augment the outcome of those processes and help to raise issues of discord and dissonance which would have to be intellectualised and worked through. What would the basic elements of such a social contract be?

4.1 Building the Intellectual Foundations of our Society

Undergraduate education has the vital role of building the foundation for the development of a broad-based indigenous intellectual culture, steeped in a critical democratic ethos. It is a function which, with the state, the higher education sector must maximally and actively widen

access to and massify. It must therefore ensure that it is delivered in the most cost effective ways.

However, undergraduate education - both in the liberal arts and sciences and in professional studies - also provides this developing nation with the core of its high-level human resources and increasingly so, as we head inexorably into the globalized knowledge society. There are four aspects to this. The first is the extent of participation in higher education of the 18-24 year age cohort. The report of the recent CHE size and shape exercise (CHE, 2000) indicates that the participation rate of the 20-24 year age group should reach 20% over the next 10 to 15 years. The social contract could, for example, contain a statement to the effect that the sector will gear itself to educate the 20-24 year age group to this minimum extent - irrespective of the performance of the primary and secondary schooling systems. This will require the state's commitment to provide the required student subsidy and financial aid for this participation rate.

The second issue to address is the enormous race imbalance in the student participation cohorts. And the contract may deal with this issue. For instance, it might say that every student who qualifies in the matriculation examination in the top 20% of her/his school's participating group will be admitted into the sector. The challenge facing the sector with regard to gender imbalances in the student intake, which exhibit themselves in terms of career choices, has also to be built into such a contract.

The partner-statement in the contract to this last one must be on education development, a statement which lays out the provision by the sector of holistic support systems for students who are under-prepared by the school system for participation in higher education.

With the state, the higher education sector must determine what the high level human resource needs of the nation are. Much analysis still needs to be done on this matter. For instance, there isn't yet a clear understanding of how many medical places there should be for South African nationals in our system. And should we double the number of engineering places over the next five years, say. The social contract would commit the higher education sector to working with the relevant government departments and industry in determining the shape of the system.

The contract would have to carry a statement which sets out what the purposes of undergraduate education are and how the quality, effectiveness and efficiency of the delivery will be developed, measured and assured.

4.2 Graduate Education

Graduate education is inextricably linked to the performance of research which is the heart of the modern university. It is here that the sector reproduces itself and is measured against other national systems of higher education. It is through this core activity that universities most influence the generation of new ideas and their infusion into society. Very often the intellectual and technical skills that are required for the transfer of knowledge and technology into 'real life' situations require the long drawn out learning that occurs in graduate education. This is an international phenomenon and it is at this level of activity that most synergistic relationships are built between institutions in our country and other international ones.

The contract would have to spell out the conditions under which the education of graduate students might flourish and again indicate the way in which this activity will be measured and its quality developed and assured.

As in the case of undergraduate studies, it will be necessary for the higher education sector to understand with the relevant governmental and civil society roleplayers which areas of academic endeavour are most needed for our national development priorities.

4.3 Research

As was mentioned earlier, the distinctive feature of the modern university is the fact that it is characterised by its core mission, the generation of new knowledge. The cause of undergraduate education was not diminished in this shift but rather it became to be seen as one of the core activities of the university rather than as the main one. Both, the science and technology policy process led by the Department of Arts, Culture, Science and Technology and the National Commission on Higher Education, led to an extremely intense and fruitful debate on the nature of South Africa's research system - comprising the higher education system, the science councils, private sector laboratories and government laboratories - and how it should be constituted in the post-1994 period. The key issues to come to grips with have to do with improving the national capacity to innovate - both in terms of our industrial competitiveness and our ability to solve our reconstruction challenges - and to build a system which can sustain itself in the long-term.

What are the key statements that the social contract might contain with regard to research? There could be an overarching statement about the value of research to society and the special role of the higher education sector in the research system. In particular, it could stipulate the role of South Africa's universities in ensuring our nation's connectedness with international research systems and developments in those systems.

There would have to be a statement which explores and defines the importance of the different parts of the research spectrum and their shape and size. In particular, it would have to explore need for our nation's ability to maintain and build its capacity to perform basic research. And to explore the responsibility of the universities in maintaining and building that capacity.

And once again it would stipulate the means by which society will measure the effectiveness and efficiency of the research activities of the sector.

4.4 Development activities

The social contract may include a statement on the commitment of the sector, as a whole, and of each of its constituent institutions to work with local and nonlocal communities in development projects, probably in partnership with other social or political institutions. However, this statement would also make clear the mutual needs and objectives of each of the partners in these development projects - so that at the very outset, there is no confusion about the purposes of the various roleplayers in these activities. The contract would also define, in unambiguous terms, the ethical principles which guide these interactions.

4.5 Industrial Partnerships

The universities, under the guidance of the new science and technology policies and responding to the challenges of being part of an integrated National System of Innovation, have begun increasingly to participate in various kinds of research and development partnerships. Some of these activities are wholly generated within the institutions while others are initiated by the industry partners and may be pre-competitive or competitive in nature.

The social contract will carry statements which commit the higher education sector to integrate itself maximally within the National System of Innovation and to examine the shape and size of

this activity and how it may be distributed through the sector. However, the contract should also help to regularise this kind of activity - for two primary reasons. The first is that this activity is highly subsidised by public funds and a national regulatory framework should make explicit the financial mechanisms to facilitate this relatively new phenomenon. At the present time such a framework does not exist and the costing of the projects is dealt with largely on a case-by-case basis. The second reason for some level of regulation is that the overall science system may well be severely damaged if this kind of activity becomes the norm rather than an important element of research activities of the higher education sector.

4.6 Governance

The Education White Paper 3 (Department of Education, 1997), has defined in significant detail new governance structures for institutions in the higher education sector. These structures have been democratised. However, there may well be a need, in the contract, for the sector to indicate that institutions are fully committed to implement these policies so as to ensure that the broadest possible input into the teaching, research and development activities are encouraged.

4.7 Effectiveness and Efficiency

The contract would have to indicate a commitment of the part of the sector to meet the challenges of higher education in South Africa in the most effective and efficient manner and this may mean a major restructuring of the sector, both internal to institutions and more widely as an educational sector.

5. CONCLUSIONS

There cannot have been a time when the role of the higher education sector in the overall development of nations was more important than it is now. Hence it is crucially important that there is a broad and common understanding of this role and of the prerequisite conditions for this to be achieved. In this article the social contract approach has been adopted, partly to provide a socio-political framework for such a discussion. And partly to ensure that the higher education system is provided with an opportunity to engage with its own internal challenges, none more important than a serious intellectualisation of the concept of the university in the knowledge era. It is also likely that, at a time when there are contending models of economic development, there will be contending views in society of the role of the university. Jean Jacques Rousseau wrote when he published The Social Contract in 1762 that 'laws are always useful to those with possessions and harmful to those who have nothing' and this is certainly pertinent for the South African condition.

This proposal is likely to be contentious since there will be a view that the policy processes that have been instituted and managed by various government departments indicate the way in which this activity will be measured and its quality developed and assured.

As in the case of undergraduate studies, it will be necessary for the higher education sector to understand with the relevant governmental and civil society roleplayers which areas of academic endeavour are most needed for our national development priorities.

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