

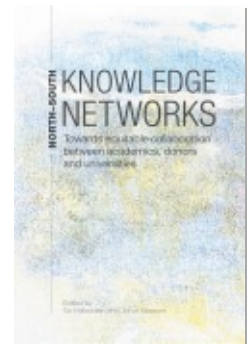


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CHAPTER 8

Death on campus: Is academic freedom possible for students and academics at the University of Malawi?

Joe Mlenga

The *Encyclopaedia Britannica* defines academic freedom as ‘the freedom of teachers and students to teach, study and pursue knowledge and research without unreasonable interference from the law, institutional regulations, or public pressure.’¹ Similarly, *Dictionary.com* says academic freedom is, ‘1. freedom of teachers to discuss or investigate controversial social economic or political problems without interference or penalty from officials, organised groups etc. 2. freedom of a student to explore any field or hold any belief without interference from the teacher.’²

Academic freedom can therefore be defined as the freedom and right to teach, learn and research at institutions of education any facet of human life without exception, be it social, political, economic or any other and without impediment from any individual, organisation, or agents of state. However, Shaffer (2007) argued that the principles of academic freedom apply differently to students because they are ‘novices under the intellectual tutelage of faculty’. In my view, academic freedom is not for professors alone. Students, too, have the right to engage critically with the prescribed course materials and to be involved in extracurricular activities that enhance their experiences of tertiary education. In addition, both students and academics should be able to

contribute to the well-being of a nation by conducting research that has the potential to influence state policy.

The importance of academic freedom cannot be overstated, especially in countries where social, economic and political development is a work-in-progress and where, in many cases, the ruling elite is averse to critique. Malawi is a case in point. Ranked at 173 of 188 on the 2015 Human Development Index, the country is among the poorest in the world (UNDP 2015). Over the years, several of Malawi's political leaders have had wrangles with academics, starting with the founding president Kamuzu Banda who held power from 1961 to 1994 all the way up to the incumbent president, Peter Mutharika. During his term in office, Banda jailed some and forced other academics into exile (see Kerr and Mapanje 2002). In May 2015, Mutharika advised university lecturers to stop commenting on what he called 'trivial issues' and instead do more research. He was reacting to critical comments from some academics on national issues (Nankhonya 2015a, 2015b).³

As Chirwa (2015: 14) argued, ties between academics and politicians in Africa tend to be uneasy:

The history of African universities has been one of a constant tension between the state and higher education institutions, of a relationship of control and dependence that goes back to the very early days of independence ... At the same time, seen as breeding grounds for political dissent, independence governments felt obliged to control the agenda and operations of universities.

However, the need to safeguard academic freedom is of particular significance in African countries, not just because the politicians prefer not to hear criticism of their policies, but also because many academic institutions are dependent on state funding. The University of Malawi, for example, is financed through annual government subventions, which have to be approved by parliament. This complicates relations between the government and academics. Although the authorities have not overtly stated that financial support is conditional, many academics practise self-censorship to avoid biting the hand that feeds them.

Considering that universities are meant to be hubs of research and knowledge generation that can help inform state policies, the lack of academic freedom and the suppression of analyses that are critical of the state, are a recipe for national stagnation. Where critical thinking is discouraged, it is difficult to envisage what active citizenship really means. In addition, when academics, who supposedly speak from the apex of the tower of knowledge, are silenced and prevented from being critical of government, the masses, who generally feel far less empowered, are much more likely to remain silent.⁴

The death of a student

On 24 September 2011, the body of engineering student Robert Chasowa was found lying in a pool of blood at the Polytechnic, a college of the University of Malawi.⁵ Chasowa had been politically active as the leader of a group called Youth for Democracy. The group's mission was to help entrench democracy and fight for youth empowerment, and its rise coincided with a downturn in the rule of law and good governance in Malawi. Earlier in that year, then-president, Bingu wa Mutharika,⁶ had gone on the warpath against his detractors in civil society, the faith community, academics, the diplomatic corps and the opposition parties.

The Roman Catholic bishops issued a pastoral letter expressing concern about issues of governance and the rule of law, including the maltreatment of then-vice-president, Joyce Banda. The leaders of other large Christian and Muslim groups also wrote letters of protest on a range of issues that were negatively affecting Malawi, while civil-society organisations petitioned the president to repeal certain repressive laws, including those that gave government ministers the power to ban media organisations that the state deemed to be working against the public interest.

Around this time, Malawi was also facing tough economic problems, including fuel and foreign-exchange shortages. Motorists would queue for days or simply abandon their vehicles because of the lack of petrol, and many businesses had to scale down production because there was

no fuel and no foreign currency for importing raw materials. Donors, who accounted for 40 per cent of Malawi's budget (Mzale 2015) threatened to freeze aid, raising matters related to human rights, financial prudence and governance. Britain withheld funding, alleging that the Malawian government was squandering money, and citing a US\$22 million presidential jet purchased for Bingu wa Mutharika as an example. Germany and Norway, other key financiers, also withdrew aid based on concerns about human-rights abuses and poor governance.

On 26 April 2011, the president made Malawi's predicament worse by expelling the British High Commissioner Fergus Cochrane-Dyet who, in a leaked cable to London, had highlighted Mutharika's growing dictatorial tendencies. The expulsion was a suicidal move, as Britain was Malawi's key donor and was, among other things, propping up the health sector by supplementing doctors' salaries to try to prevent brain drain. In a tit-for-tat move Britain then withdrew funding from Malawi and expelled Malawi's ambassador to the UK. Normal relations were restored and aid resumed only after Joyce Banda replaced Mutharika as president in 2012.

The next key event in 2011 for Bingu wa Mutharika took place on 20 July when civil-society organisations had called for countrywide protests against his rule and these ended with 20 demonstrators being killed by the police. In addition, properties were looted and burned, including several that were connected to the government and ruling party. The president didn't help matters by insinuating that the victims who died were looters and thieves, and calling his critics, including opposition leaders and heads of donor organisations, 'foolish', 'stupid', 'drunkards', and other unsavoury names.

In this repressive atmosphere, Robert Chasowa and some fellow students published a newsletter criticising the president. Soon afterwards, however, Chasowa and his group changed direction in a shift that seems to have led to Chasowa's murder. Further details have been made public in a report produced by a Commission of Enquiry into Robert Chasowa's death (see Chasowa Commission 2012). According to the report:

At that point the focus of the group shifted to working with the government to stop further demonstrations which they had learnt were scheduled for 17th August, 2011. They became more concerned when they learnt that Government was preparing to confront the demonstrators during those demonstrations which would have meant more violence, loss of life and destruction of property. They feared the country would spiral into anarchy. The group then conceived a plan to work with the Police, a Government department which would be directly involved in handling the demonstrations. (Chasowa Commission 2012: 19)

Chasowa and his group apparently made contact with the leaders of the Malawi Police Service, claiming that they could halt the impending protests by talking to students at the University of Malawi and to leaders of civil-society organisations. The police then gave Chasowa and his followers some money to, among other things, rent offices, hire a car and bribe certain protestors. The group were also apparently promised a further large payment of 10 million kwacha (approximately US\$60 200 at 2011 values) once it was clear that the protests had died down.

The plan seemed to be working. The group met with some of the protesters and the protests planned for 17 August didn't materialise. The police, however, suspected that Chasowa and his group were being dishonest, and terminated the 'contract' without handing over the final payment. Chasowa was apparently infuriated and again began publishing and distributing anti-government literature.

The regional police headquarters are situated just across the road from the Polytechnic, where police officers planned to arrest Chasowa in connection with the publications. On 23 September 2011, aware that the police were looking for him, Chasowa talked to some college officials about his impending arrest and was advised to surrender in the presence of a lawyer. On 24 September 2011, Chasowa's body was found at the Polytechnic lying in a pool of blood.

The national police spokesperson, Willie Mwaluka, soon appeared on national television, alleging that Chasowa had committed suicide by jumping off a building. Mwaluka went on to read a suicide note

purportedly written by Chasowa. However, a post-mortem by Malawi's top pathologist, Dr Charles Dzamalala, showed that Chasowa had been bludgeoned to death. Apparently he was killed elsewhere, and his body was then dumped next to the university building to make it look as if he had jumped to his death.

Eventually, a number of people were arrested in connection with Chasowa's death, including police officers and several of the president's political cronies. By late 2016, however, no one had been convicted. Of the several people arrested, only two have been charged and are facing trial (Kapasule 2016).

For students, the patriarchal or neopatrimonial nature of Malawi society, which operates in various sectors of Malawi society, and especially in political and social settings, prevents them from standing up for academic freedom. Nicknamed the 'bigman syndrome', neo-patrimonialism encourages many officials (especially of political parties) to portray themselves as benefactors and treat ordinary people as lowly beneficiaries of their help. As Lwanda (2006) has argued, neo-patrimonial politics in Malawi has led to young people being dependent on 'bigmen' who offer money and other benefits in exchange for loyalty and to the detriment of democracy in the country.

Indeed, most political violence in Malawi is blamed on youths who, after receiving money and beer, wreak havoc in the lives of anyone their paymasters might see as opponents. Neo-patrimonialism is perhaps an after-effect of the rule of Malawi's first president, Kamuzu Banda, a dictator who ruled Malawi for 30 years. Banda emphasised loyalty, unity, obedience and discipline as the cornerstones of his reign under the Malawi Congress Party.

Chirambo (2004) has argued that Banda spread a type of political hegemony that he called 'Kamuzuism'. That is, Banda presented himself as divinely chosen to rule Malawi for his entire lifetime, and popularised the view that the people of Malawi wanted him to be president so much that anyone who opposed him was against the people. According to Chirambo, social relations and traditions in Malawi reflect the internalisation of 'Kamuzuism' and he cites special songs often performed by women's groups and the Malawi Army's brass band to support his view.⁷

Banda certainly seems to have seen himself as a ‘bigman’ who was indispensable to Malawians. In his speeches the former president spoke a lot about the importance of respect and obedience towards the authorities. Having ruled for three decades with a tight grip, Banda may have left a legacy of deference to authority that still reverberates in the present, even through the corridors of higher learning. At the University of Malawi, for example, a strict formality is maintained between students and lecturers. The staff must at all times be called ‘sir’ or ‘madam’. This seems to indicate a power balance in which students feel that teachers are superior, know everything and are indispensable; it might well lead to students being overly dependant on lecturers instead of being independently creative, critical and investigative. In this context, it is crucial for students to have the right to engage in activities and express their views about the state, whether these take the form of research, active citizenship or even disseminating information about human rights or other pertinent issues via student media platforms.

Factors that inhibit academic freedom in Malawi

The University of Malawi’s governance system is probably the main factor impinging on the freedom of academics. When a national president takes office in Malawi, they automatically also become the chancellor of the university. Although the university council makes recommendations regarding the appointment of the vice-chancellor and chair of the university council (the institution’s highest decision-making body), the president takes the final decision. It is evident then that the institution’s senior management team is appointed by the president. In addition, legislation requires the national education ministry to play a supervisory role over the university.

As Mambo et al. (2016: 130) observed, ‘This therefore creates a delicate balance between the state and universities when it comes to matters of autonomy. What autonomous rights can institutions claim when directions are given by the state, whose head is simultaneously their Chancellor?’ In times of conflict, university management tend to

side with the appointing authority. This has been the case in pay disputes and more publically in a conflict over academic freedom that began in February 2011 and lasted much of that year.

On 12 February 2011, police chief, Peter Mukhito, questioned Blessings Chinsinga, a senior lecturer in the University of Malawi's Department of Political and Administrative Studies, about classroom comments in which Chinsinga seemed to draw parallels between Malawi's acute economic and social problems and the Arab Spring. Lecturers at the Polytechnic and Chancellor College (both part of the university) subsequently withdrew their teaching services in protest at being reported to the police by spies in lecture rooms.

In a saga that rumbled on for eight months, the president (and chancellor) backed the police and castigated university staff. The university council fired Chinsinga and three colleagues whom they saw as 'ring-leaders' in the protests. The courts later reinstated the sacked lecturers, including Chinsinga. It was clear, however, that the university council was doing the bidding of the president, and leaving the teaching staff to rely on court injunctions for protection.

In the end, the president gave some assurances regarding academic freedom. Nevertheless, it remains unusual for academics to openly criticise the president or the ruling elite, which suggests that many prefer to practise self-censorship rather than risk coming into conflict with, or being sanctioned by, the university council. Indeed, since 2011, the assurances made by the president have not been tested in any significant way. Nevertheless, as mentioned, in 2015, he seems to have felt riled enough by academics to remind them to focus on research, rather than comment on 'trivial issues'.

In fact, very little research is conducted on pertinent or controversial issues related to politics or governance at the University of Malawi. This could be because the university's budget is inadequate and no substantial funds are allocated for research. Even attending academic conferences can be a real struggle for teaching staff as college officials say there is no money for such trips.

Staffing levels and working conditions also contribute to low levels of research. The teaching load at the Polytechnic's Department of Journalism and Media Studies, where I teach, is often huge. Some

lecturers teach as many as seven different classes a week, spending up to 21 hours in class. When time for lecture preparation and marking, as well as staff and other meetings are factored in, very little time is left for research or any other activities. Several lecturers work after hours and well into the night to manage their workloads.

The legal status of academic freedom in Malawi might also be a barrier. Malawi's constitution contains no clear-cut section that defines or guarantees academic freedom. Instead, academic freedom is included in section 33 alongside freedom of conscience, religion, thought and belief. The importance of academic freedom is also acknowledged in section 44 where it is included in the list of freedoms that cannot be limited, restricted or derogated. The constitution also recognises freedom of opinion and of free speech in sections 34 and 35.

In all likelihood, these factors all combine to create a social and economic fabric at the University of Malawi, and more broadly in society, that effectively limits academic freedom and freedom of speech.

Comparisons with Nordic institutions of higher learning

Having studied at three Nordic universities, Orebro and Gothenburg in Sweden as well as Tromso in Norway, I have experienced some very different academic environments. My impression is that levels of academic freedom are higher at these institutions in that no overt or covert barriers limit those rights. In addition, order prevailed, university governance was de-linked from state governance, and relations between academic staff and students were less strait-laced.

I saw no implicit or explicit sign that the ruling party or the president interfered with the running of these universities. No Norwegian monarch or Swedish prime minister was the chancellor or rector at any of the institutions. I also studied at Roehampton University in England in 2007, during which time BBC correspondent John Simpson was chancellor. It is doubtful that Simpson would have tried to bring into the university any policies tainted by political partisanship towards the Conservatives or the Labour Party.

The University of Tromsø was like an efficient and well-oiled machine. Chaotic struggles between its 2 500 staff or 12 000 students seem almost unimaginable; no strikes, rioting or sit-ins took place while I was there. The university showed discipline, order and focus on its goals. In addition, students observed no formalities in addressing staff. Students and lecturers certainly showed mutual respect for one another, but students were under no obligation to show deference to staff. In other words, no sense of inequality or hierarchy dominated student-staff relations, and a semblance of equality seemed to prevail.

Repercussions from violations of academic freedom

Perhaps the most obvious consequence arising from the limits placed on academic freedom in Malawi is self-censorship. Academics do not venture to research or analyse areas deemed to be politically sensitive. As already indicated, the president made some statements apparently guaranteeing academic freedom in Malawi in 2012, as long as academics acted ‘with responsibility’. From my own observation and reading, no topic serious enough to make the politicians’ blood boil and test the strength of academic freedom has been tackled since then. The only exception was when Blessings Chinsinga, the lecturer who triggered the academic-freedom saga in 2012, published some research in 2016 indicating that Malawi’s post-democratic era presidents have all been ‘accidental’ and did not fully deserve to be in power (see Chitsulo 2016). Middle-level politicians close to the ruling elite subsequently ridiculed and criticised his findings through the media, while more senior officials including the president remained silent.

This indicates that some quarters are ready to impinge on academic freedom for the sake of political expedience. As noted, the shadow of political interference looms large because of the university’s funding and governance systems. Some academics may well be ‘avoiding controversy’ (and the attentions of party zealots in their lecture rooms) by choosing to turn away from research areas that might be politically volatile.

Given a campus culture that encourages acquiescence to lecturers, the chances of students producing research or knowledge that is critical of, or challenging to, the status quo in Malawi are minimal. Too many students feel they cannot contribute anything new, are overly dependent on lecturers and wrongly imagine that the academic staff are all-knowing.

Researchers, such as Mambo et al. (2016), have shown how research funding in African universities is determined by the agendas of its funders, including, in some cases, the private sector. This further limits academics, who are lured away from doing research into what they see as local or national priority areas, and persuaded to work on projects of interest to the private sector. This means that the relevance of much of the research itself might be questionable, let alone the 'knowledge' generated from it.

Although lecturers' job descriptions invariably indicate that they must teach, do research, run consultancies and participate in outreach programmes, the university provides neither the time nor the funding for research. The institution's low international ranking indicates that there is little respect internationally for the academic work being done by the University of Malawi, and with lecturers so overburdened with teaching, the university risks falling further down the ladder.⁸

What must change?

As Mambo et al (2016: 131) say: 'Undue tension creates an environment uncondusive for public universities to fulfil their mandates, undermining growth and their ability to become strong and responsive institutions.'

The first priority at the University of Malawi is to address the governance and funding system. The depoliticisation of governance and funding would free the University of Malawi to be more autonomous. Perhaps a concrete step towards this would be to break up the current federal system and make the constituent colleges into individual universities. Mambo et al. (2016) argue that such a move would enhance and speed up decision making. It might also encourage more academic

freedom as the president might not be able to act as chancellor to all the delinked colleges, or the colleges could establish rules preventing senior political figures from being appointed to managerial positions.

Financing is also key. If the institution generated more of its own revenue by, for example, increasing fees, and offering more courses, the percentage of funding received from the state would decrease, and academics might feel less obliged to please the authorities. Similarly, collaboration with donors or the private sector in research projects must be undertaken on a more equitable basis so that the funders do not dictate research agendas.

Political will could also help 'free' the University of Malawi. The authorities should take steps to detach themselves from governance of the institution. Realistically, however, the politicians are unlikely to change until steps are taken to review the University of Malawi Act of 2008. If the legislation was re-drafted to ensure a lesser or no role for the president, it would certainly help.

Another matter that causes suspicion and tension is how often top university officials award honorary doctorates to the spouses of presidents.⁹ Many wonder why the wives of presidents and of leaders of political parties deserve this honour, and who really proposes their names. It is speculated that there is arm-twisting behind the scenes to ensure that such degrees are awarded, possibly to impress the less-informed that the recipients have either made significant contributions to national development or are very highly educated.

Lecturers have a role to play by making the learning environment more free and responsive to critical and analytical thinking by students. More effort needs to be made to introduce learner- rather than teacher-centred approaches, both in how teaching occurs and how the university is run.

Steps should be taken to promote specialisation among academics. In some departments, lecturers have enough general expertise to teach any course. This is useful in the event of staff shortages but hardly promotes specialist knowledge in a particular field. In my view, this generalism tends to discourage research, as lecturers know a lot but have little specialist knowledge.

Colleges must also prioritise research in hotly contested areas such as academic freedom and political interference in universities.

Conclusions

Academic freedom is a prerequisite for a vibrant university system that is focused on research, generating new knowledge and solving societal problems. It is important that academic freedom is entrenched not only in theory, but also in practice. The University of Malawi has suffered traumatic events, including the questioning of a lecturer by a police chief and the death of a student activist at the hands of suspected political figures.

Although the Malawian authorities claim to guarantee academic freedom, in practice the concept is not well entrenched. Steps must be taken to depoliticise the running of the University of Malawi so that it enjoys full operational autonomy. A freer environment would help the establishment improve the esteem in which its knowledge and research capacity is held, as reflected in better rankings.

Lecturers and students both have roles to play. Collaborative efforts could help entrench academic freedom in ways that would catalyse and enhance research activities, bearing in mind that it is through research that universities can help address societal problems.

Notes

- 1 See www.britannica.com/topic/academic-freedom
- 2 See www.dictionary.com/browse/academic-freedom
- 3 Mutharika is Malawi's fifth president since the country achieved independence from Britain in 1964. In response to his advice, senior academic and law professor, Edge Kanyongolo, responded on his Facebook page as follows: 'On my part, may I suggest that presidents should focus on governance – for example, dealing with toxic bank "loans", mustering the courage to go to parliament to answer questions from MPs etc. – instead of wasting time commenting on comments.'

- 4 The CIA's *World Fact Book* (2015) estimated that 19 percent of males and 31 percent of females in Malawi were illiterate. Literacy levels tend to be especially low in rural areas.
- 5 The University of Malawi was established in 1965 under a federal system. It has constituent colleges in the southern and central regions of the country. The Polytechnic was originally inclined towards the commerce and engineering sectors; Chancellor College was dominated by the liberal arts. Programmes that do not follow either line of thinking are now run by both of these colleges. Meanwhile, the College of Medicine trains medical doctors, and Kamuzu College of Nursing is for aspiring nurses. Bunda College of Agriculture was delinked from the University of Malawi in 2013 and was merged with other institutions concerned with farming to form the Lilongwe University of Agriculture and Natural Resources.
- 6 The incumbent, Peter Mutharika, is the younger brother of former president Bingu wa Mutharika. The older Mutharika died in office in 2012. Joyce Banda succeeded him. Peter Mutharika won the general elections in 2014, thereby obtaining a mandate to rule Malawi until 2019 as head of the Democratic Progressive Party that was formed by his late sibling.
- 7 The army changed its name to the Malawi Defence Force to reflect a change in direction in the aftermath of multi-party democracy that was established in 1994. The police also changed their name from the Malawi Police Force to the Malawi Police Service at the same time. It is ironic that the military chose to retain the word 'Force' in their name, while the police rejected the word on grounds that it implied harshness or brutality, yet it was the police who were noted for overzealousness in carrying out Kamuzu Banda's wishes during his 30-year tyranny.
- 8 It is interesting to note that, in 2016, the University of Tromsø was ranked 461 in the world. The University of Malawi was ranked at number 3 693 on the same list (see Webometrics 2016).
- 9 In February 2016, Gertrude Mutharika, the wife of the incumbent president, received an honorary doctorate in the Philosophy of Environmental Management, just a year after establishing the Gertrude Mutharika Beautify Malawi Trust. Not surprisingly, several academics and other observers questioned the motives behind the honoris causa.

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