Chapter 18
State Power, Transition and New Modes of Coordination in Higher Education in South Africa

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18.1 Introduction

This chapter focuses on national pressures as they relate to the changing state-institutional relations, education policy and new modes of government coordination in higher education in the context of transition and the consolidation of South African democracy. Although institutional 'agency' is always critical in the ways universities respond to external pressures (e.g. national policy, competition, opportunities and constraints), I argue in this chapter that there is a sense in which a particular form of institutional articulation between higher education institutions and Government is reflected in peculiar forms of institutional responses. These responses have resulted in unintended synchronies and synergies between institutional academic projects and the logic of globalisation and values rooted in the ideology of neoliberalism underpinning the Government's macro-economic strategy: efficiency, performance, competition and individualism. It is not the root cause of the adoption of this logic that I am concerned with in this chapter, but the explicit alignment of the discourse and emerging perspectives.

My argument in this chapter posits the following main claims: (i) in the post-apartheid South Africa, the relations between state and higher education institutions changed from state control to state supervision during the first decade of the new political dispensation, which emphasises steering mechanisms, to an increasing degree of government interference; (ii) while the current meddling of the state in institutional affairs has not significantly altered the degree of autonomy that higher education institutions have enjoyed under the new dispensation, it is certainly posing new threats and uncertainties that have altered their institutional choices and responses; (iii) these reflect the dilemma between their commitments to the preservation of their historical legacies and the need to acknowledge the contradictory

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demands around equity and access, institutional efficiency and competiveness, placed upon them by the state. In other words, they reflect the tension in the Government's macro-economic strategy between the logic of globalisation and neoliberalism emphasising efficiency, performance, competition and individualism, and the logic of transformation which privileges democratic values of access, equity, redress and human rights. How institutions navigate through this tension depends on their own institutional legacies and identities and the ability to access the enabling resources.

In tracing this process, I consider three important policy moments. The first moment entailed breaking with apartheid higher education policy, 1994–1998. This period is characterised by government's *policy symbolism* and a 'hands-off' approach to institutional matters in higher education. Virtually no new policy was implemented in this phase; there was however considerable engagement and consultation with stakeholders over possible policy choices, government and institutional strategies. It culminated in the definition of a general higher education policy framework through a higher education White Paper and an institutionalisation of regulative mechanisms through the Higher Education Act of 1997.

The second moment responded to the increasing institutional crises in higher education manifested by financial crises, questionable public accountability and declining confidence in institutional leadership throughout the late 1990s into the millennium. It resulted in *strong steering* including direct intervention of government to deal with situations of institutional dysfunctionality. Reading from current debates, this moment from 2001 could well be described as 'beyond state steering', 'beyond state supervision', or 'the advent of negotiated autonomy', depending on one's perspective. Successive legislative amendments gave the government considerable muscle to tackle several transformation and policy implementation matters, including the mergers, new funding requirements and formula, and so forth. It has changed prevailing interpretations of institutional autonomy granted in the national Constitution, from the notion of institutional autonomy as a guaranteed entitlement to the conception of institutional autonomy as an achievement or negotiated autonomy as referred to in current debates.

During the third period, from 2006 to the present, government not only has shifted from soft to strong steering, but has also shown signs of considerable interventionism illustrated by the increasing number of universities that have been placed under administration. Through a series of legislative amendments, the Minister of Higher Education and Training has not only reinforced and consolidated the Minister's powers over higher education institutions but also spelt out the mechanisms and scope of state intervention, when this is required. Besides the general battle over resources (public and private funding) and institutional responsiveness (accommodation of the increasing cohorts of school graduates and the nature of service delivery—programmes and courses as well as their alignment to the labour market and the wider society), accountability has become one of the main challenges facing higher education in South Africa today.

18.2   Analytical Framework

There are four important theoretical points of departure in my analysis in this chapter. Firstly, for the analysis of the transitional state and its implications for state policy and practice in higher education, I draw on the conceptual relationship between three important modes of transition in the establishment of democracies in developing countries: (i) through *revolution* (*regime overthrow*), which results in a radical dismantling of the existing state apparatus; (ii) through *regime substitution* (or regime change in current global discourses) when change is focused on the political regime; (iii) through 'transplacement', which is through a negotiated transfer of power from the old regime to the forces of opposition (Jonathan 2006, pp. 6–8). The South African experience is approached in this chapter through the last perspective. I shall return to this point later.

Second, critical debates concerning new directions in government modes of coordination in higher education took place in the context of the work of the National Council on Higher Education (NCHE) between 1995 and 1996. In its methodology, the NCHE started by examining the governance of higher education systems throughout the world with reference to the role of the state in the sector. It distinguished three main types of governance. Very often referred to as 'classic' or 'traditional', predominant in higher education systems in Africa, the first type comprises centralised systems characterised inter alia by bureaucratic decision-making, systematic political and administrative control and limited or no institutional autonomy and academic freedom. Though highly criticised in academic circles, such a model appeared suitable for redress politics and for addressing transformation challenges in higher education. It is typical of contexts where the state lacks hegemony or political legitimacy (e.g. the apartheid higher education system and systems of higher education in dictatorial regimes). The second type comprises decentralised systems made possible by consensus politics, political legitimacy and state hegemony in Gramsci's terms. Its defining features include decentralised decision-making, no systematic political and administrative control by government, more academic freedom and full institutional autonomy. For the commissioners, this type of governance appeared unsuitable to deal with redress politics and to address national needs and interests in the post-apartheid context.

1. The last is shared governance, typical of situations where state hegemony is not well established and the presence of strong stakeholders requires their participation in decision-making. It entails limited political and administrative control and a balance between national and local/institutional concerns, opening more room for academic freedom, institutional autonomy, academic freedom and social responsibility than centralised models of governance. More attractive to the NCHE was shared governance, though it required modifications to suit the peculiar circumstances of higher education in South Africa (systemic racial and ethnic fragmentation, regional and institutional inequality, diverse institutional legacies, cultures and identities). Thirdly, linked to the three modes of governance were three distinctive forms of state coordination of higher education

(state control, state supervision and state interference) central in understanding
the relationships between government and higher education institutions in South
Africa.[1] State control is premised on systematic state control and administra-
tion of higher education executed by a professional bureaucracy located in both
government and higher education institutions (NCHE 1995; see also Johnson
2000). The 'continental' model, typical of Western Europe in the twentieth cen-
tury, is essentially a state control model in which the state directly or indirectly
determined key functions and operational procedures of the institutions such as
student admissions, the validation of courses and diplomas, the size of academic
staff and the formal structures of internal management and governance. A typi-
cal example of strict state control was that of Taiwan before 1987 where even
academic publications by university institutions were assessed and screened by
government (Mok 2000). In such a socio-political context, '…academic freedom
and intellectual autonomy seemed to be a very remote thing to students and aca-
demics' (Mok 2000, p. 641). However, while the state retains control over insti-
tutions essentially foregoing institutional autonomy, academic freedom remains
strong. Ironically, in the instances of the Anglo-Saxon model associated with the
UK and particularly, the USA, while university autonomy has been strong and
more influenced by the market than the state, academic freedom has been less
pervasive.

State supervision is based on less-centralised forms of control. The locus of power
shifts from 'centralised control' to 'steering' in which governments provide the
broad regulatory framework, and through the use of instruments such as planning
and funding, institutions are 'steered' to produce governments' desired outputs.
It is the preferred mode of coordination in many countries, albeit with divergent
mechanisms and levels of steering (Moja et al. 2003). The state assumes the task of
supervising the higher education system to maintain quality and public accountabil-
ity. It becomes 'the arbiter who watches the rules of the game played by relatively
autonomous players and who changes the rules when the game no longer obtains
satisfactory results' (NCHE). State interference refers to the mode of control which
is neither systematic nor through steering but based on arbitrary forms of interven-
tion. This model can be found in many developing countries and in the African con-
text, where in theory, claims that institutional autonomy are made, but in practice,
higher educational institutions are subjected to different forms of state intervention,
which ultimately curtail both institutional autonomy and academic freedom.

Fourthly, important to my analysis is also the periodisation of the policy pro-
cess following the 1994 elections. A leading critic of government policies, Jansen
presents a useful subperiodisation of the changes in the policy process in South
Africa between 1990 and 2001, which add important insights for understanding the
significance of the vision of higher education in South Africa. These are outlined by
Jansen as *positioning*, which refers to the 1990–1994 period of democratic struggle

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[1] The state interference model was defined as the state's direct intervention in higher education
institutions' affairs (NCHE Governance Task Group 1995; Johnson 2000).

and education debate; *frameworks*, which refers to the early policy work of the first ANC-led government from 1994 when the proposals formed by the liberation movement were converted into legislation (e.g. White Paper 3, *A Programme for Higher Education Transformation*—1997 and the Higher Education Act 101 of 1997), and the more recent *implementation* period that began in 1995–1996 and continued to the present (Jansen 2001).

18.3   Higher Education in South Africa: Institutional Landscape

At the time of the first democratic elections in 1994, the South African higher education system comprised 36 public institutions structured along 'racial' and ethnic lines characterised by a binary divide between universities (21) and technikons (15)—similar to polytechnics—under the administration of the different racially defined education departments.[2] These included: (i) four English-medium universities originally reserved for white students, (ii) six Afrikaan-medium universities originally reserved for white students, (iii) eight technikons reserved for white students, (iv) six universities and five technikons located in the 'Bantustans' and self-governing territories and reserved for African students, (v) two urban universities reserved for black students, (vi) one university and one technikon for Coloureds (people of mixed race) and one university and one technikon for Indians and (vii) two distance education institutions (one university and one technikon; see the Table 18.1). Some technikons have since become universities of technology.

The Department of National Education (1988, pp. 22–23) made the technikons concentrate on 'training in and practice of technology including development, and the specific side of the spectrum of vocational preparation, that is, preparation for specific occupations'. The university provided 'training in and practice of science (in the broad sense of the word which includes all scholarly activities), including research, and mainly the general side of the spectrum of vocational preparation'. Thus, the binary distribution of higher education institutions was not just an institutional or technical divide. It reflected a difference in admission requirements, a difference of knowledge types and the way higher education institutions were organised, and a difference of pedagogical approaches and epistemologies. There were differences in access (lower entry requirement in technikons vis-à-vis standard university entrance), in qualifications (vocational certificates, diplomas and degrees vis-à-vis academic diplomas and degrees), in orientation (outwards to practice vis-à-vis inwards to the discipline) and in research (applied and responsive to industry, business and government vis-à-vis basic and responsive to the academic discipline), and in knowledge structure with the universities providing more room to acquire

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[2] There were four different departments in the so called 'white South Africa' and four in each of the Bantustans.

Table 18.1 Higher education landscape in South Africa (1994). (Source: Adapted from CHE 2004)

Authority	Universities	Technikons	Total
House of assembly (for whites)	11	8	19
	English: University of Cape Town, University of Natal, Rhodes University and University of the Witwatersrand	Cape Technikon, Technikon of the Orange Free State, Natal Technikon, Pretoria Technikon, Vaal Traingle Technikon and Technikon Witwatersrand	
	Afrikaans: University of the Orange Free State, University of Port Elizabeth, University of Pretoria, Potchefstroom University, Rand Afrikaans University and University of Stellenbosch		
	Distance: University of South Africa	Distance: Technikon of South Africa	
House of representatives (for coloureds)	1	1	2
	University of the Western Cape	Peninsula Technikon	
House of delegates (for Indians)	1	1	2
	University of Durban-Westville	ML Sultan Technikon	
Department of education and training (for Africans)	4	2	6
	University of the North, University of Zululand, Medical University of South Africa and Vista University	Mangosuthu Technikon and Technikon Northern Transvaal	
Republic of Transkei (Bantustan)	1	1	2
	University of Transkei	Eastern Cape Technikon	
Republic of Bophuthatswana	1	1	2
	University of Bophuthatswana (North-West)	Setlogelo Technikon (Technikon North-West)	
Republic of Venda	1	0	1
	University of Venda		
Republic of Ciskei	1	1	1
	University of Fort Hare	Ciskei Technikon (Border Technikon)	
Total	21	15	36

general knowledge, arts and humanities than technikons, which focused on training and marketable skills.

18.4   Government and Higher Education Relations: The Legacy

South Africa inherited a very complex legacy in terms of state and higher education relationships. Under apartheid, the relationship between individual institutions and the state varied considerably. The four English-medium universities—University of the Witwatersrand (Wits), University of Cape Town (UCT), Rhodes University and the University of Natal—enjoyed a substantial degree of autonomy and were subjected to little state interference. This particular relationship was consolidated when these universities declared themselves 'open universities' and rejected any form of government interference in institutional affairs.[3] They emerged as the 'liberal universities', which posed a serious challenge to apartheid policies. The Afrikaan-medium universities—Stellenbosch University, University of Port Elizabeth (UPE), Rand Afrikaans University (RAU), University of Pretoria (UP) and the University of Potchefstroom (UPotch)—occupied a unique space and enjoyed a special status within the apartheid order, as a part of the official state ideological apparatus. They enjoyed similar freedom. In contrast, the six homeland universities—University of the North, University of Fort Hare, University of Venda, University of Zululand, University of Transkei and University of Bophutatswana—were designed as extensions of the Bantustan Bureaucracies. The Extension of University Education Act, which established these institutions in 1959, gave the state absolute powers and control over them in determining through legislation whom to admit, whom to teach and what to teach. In other words, institutional autonomy and academic freedom were permissible in so far as they were not in conflict with the state policy and ideology.

From 2004 onwards, the higher education system was restructured through a series of mergers 'to rationalise the 36 universities and technikons into 23 institutions only', which resulted in three types of institutions, namely 11 so-called traditional universities, 5 'universities of technology' and 6 'comprehensive universities'. Underpinning this development were the following stated goals: (i) to establish institutions better positioned to address the needs of national skills, (ii) to equalise student access and (iii) to sustain growth in student numbers (Jansen 2003). These changes in public higher education were accompanied by considerable expansion of private education in the late 1990s into the 2000s. Jansen (2004, p. 6) notes that the number of private schools increased from 518 in 1994 to around 1500 in 2001, while more than 100,000 students were registered in 145 private higher education institutions by 2004. The market of private providers is

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[3] The open universities in South Africa and academic freedom, 1957–1974. Witwatersrand University Press, 1957—Education—47 pages.

mostly concentrated on further education and training, and restricted to commercial and business curriculum and do not pose any significant competition to the public sector.

18.5   The Transitional State: A Web of Constraints

In a paper commissioned by the Council on Higher Education, Jonathan makes two important theoretical points concerning the conceptual distinction of 'state' and 'government' in a society in transition from an authoritarian regime to democracy. The first is that, as in any oligarchic or authoritarian regime with a ruling ideology, prior to the 1994 elections, 'state' and 'government' had been indistinguishable (Jonathan 2006, p. 6). The year 1994 marks the building of a democratic state and building such as state is not an event but a lengthy process, which entails all 'organs of state'—e.g. the judiciary, the parliament and the government. In this process, 'civil society, the health and welfare sectors and public education at all levels—as well as those bodies and groupings which make up civil society and cultural life, play their part' (Jonathan 2006, p. 6). It is a particularly complex process in cases like South Africa where the formal establishment of democracy was 'not through revolution (regime overthrow), not through "replacement" (regime substitution) but through "transplacement": the negotiated transfer of power from the old regime to the forces of opposition' (Jonathan 2006). While apartheid state hegemonic power gave way to democracy, the particular formula agreed through negotiations between the apartheid government and the resistance movement, based on compromises on both sides, guaranteed the safeguard of fundamental continuities across the established organs of state and existing social structures that would require systematic transformation later.

The second point is that, while South Africa can claim its uniqueness for having a formal constitution with a democratic project at the centre of its agenda, its provisions are declaratory rather than normative. It sets a framework for a South African democratic state. This meant that the substantive dimensions of this state were to be built through legislation enacted by successive democratically elected governments and through appropriate performance of other organs of state under severe constraints imposed by the legacies and continuities. Paradoxically, in both cases the government tends to play a contradictory role. On the one hand, it is the custodian of the continuities secured by the transitional constitutional arrangements (e.g. maintenance of old government structures, bureaucracy and policies). On the other hand, it is the instrument for breaking up with the legacies through social, economic and political transformation, and for building a new democratic state.

Sehoole (2005), who locates this explanation within the elite pact theory developed by Adler and Webster (1995) has highlighted the main implications of this sort of transition. The National Party—the apartheid ruling party—abandoned its demand for regionalism in favour of a unitary state while the ANC let go of a 'winner takes all' system of majority rule to settle for a Government of National Unity with

proportional representation based on the electoral outcome (Sehoole 2005). The constitutional pact posed serious constraints to the newly appointed government and to its ability to mobilise resources for transformation. Firstly, the new government was forced to operate on the basis of apartheid laws with limited chances to repeal them in line with section 229 of the Interim Constitution. Secondly, apartheid government departments were given continuity, which meant that the Minister of Education had to continue to run the 19 racially and technically defined education departments, without tempering with the old bureaucracy. Thirdly, the constitutional pact secured continued employment of civil servants, a stipulation contained in clause 236 (2) of the Interim Constitution also known as the 'sunset clause'. Fourthly, a provision was made for the continuation of the Public Service Commission, which implied that new appointments were governed by the apartheid Public Service Commission. More specifically concerning higher education, section 247 of the Interim Constitution prevented the national government from altering the rights, powers and functions of the controlling bodies of universities and technikons, unless an agreement was reached with such bodies (Sehoole 2005, pp. 74–79).

18.6 Breaking with the Apartheid Legacy in Higher Education: 1994–2001

As already pointed out, this particular period was characterised by the departmental restructuring in government with the establishment of the higher education branch in the existing Department of Education and Training (DOE) in 1998, and according to the reading of key scholars such as Jansen, a symbolic policy for higher education and a relatively long interregnum during which no significant government intervention at institutional level was felt. In fact all institutions fully enjoyed the institutional autonomy and academic freedom enshrined in the constitution though, given the legacy, some of these could certainly have benefitted from some form of pressure and support from the state. Preliminary signs of government intervention in higher education came with the appointment of the National Commission on Higher Education (NCHE) in 1994, to make policy recommendations in consultation with stakeholders. The Commission was suggested by the African National Congress' (ANC) new draft policy framework on education and training in January 1994, which recommended the establishment of a commission to investigate the entire higher education system as a part of the policy formulation process.[4] The process was acclaimed both nationally and internationally as an important way through which to create space for policy debate, negotiation, consultation, consensus-building (Bundy 2006; CHE 2004; Moya and Hayward 2001). Indeed, its outcomes range from organisational learning, policy awareness and consensus

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[4] Note that the commissioning of research for policy is part of a long tradition in South African history that the newly-elected government embraced with some modifications in the principles and values and the composition of the Commission.

building amongst stakeholders, to the actual policy recommendations submitted to the minister.

18.7 National Vision for Higher Education

Following the report of the NCHE released in September, 1996, and the White Paper on Higher Education (1997), the Higher Education Act (1997) set out the national vision for higher education in South Africa (DOE 1997). Three main features underpin this vision: (i) increased participation, (ii) greater responsiveness and (iii) increased cooperation and partnerships (Cloete 1998).[5] The Higher Education Act also spelt out the key principles for institutional governance and the regulative framework within which institutions should operate. The development of this vision required an internal organisational repositioning and a realignment of the relations between the Department of Education and the relevant stakeholders (from higher education institutions, industry and civil society), which entailed the establishment of the Higher Education Branch in 1998 and the establishment of statutory bodies to facilitate policy formulation and implementation in higher education. The Council on Higher Education (CHE) was also launched in 1998 to advise the Minister of Education and assume responsibility for the quality of higher education through its subcommittee, the Higher Education Quality Committee (HEQC).

18.7.1 Increased Participation, Responsiveness and Cooperation

Increased participation was to be achieved through an expansion of student enrolments, feeder constituencies and programme offerings, guided by the principles of equity and redress as well as alignment with the South African demographic realities and developmental concerns. Responsiveness to societal interests and needs requires engagement with the challenges posed by the South African context: elimination of racial discrimination and oppression, social justice and equal opportunity. Aspects of this context had to be reflected in the content, focus and delivery modes of higher education programmes as well as in the institutional missions and policies. For this purpose, governance structures had to provide for wider stakeholder consultation and participation in decision-making processes. At an epistemological level, concerns with responsiveness were symptomatic of a shift from closed knowledge systems (controlled and driven by canonical norms of traditional disciplines and by collegially recognised authority) to more open knowledge systems with greater mix of programmes and growth in transdisciplinary, transfaculty and transinstitutional programmes (in dynamic interaction with external social interests, 'consumer' or 'client' demand, and other processes of knowledge generation).

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[5] For further details also see M Cross, Campus Diversity Audit (CHET).

Concerns with responsiveness also had implications for the research function of higher education. In this regard, researchers needed to interact not only with their colleagues in universities, but also with knowledge producers in a range of other organisations. Higher education institutions had to display greater accountability towards the taxpayer and the client/consumer regarding the cost-effectiveness, quality and relevance of teaching and research programmes. In essence, heightened responsiveness and accountability provided for greater impact of the market and civil society on higher education and the consequent need for appropriate forms of regulation.

Finally, the inherited tendency towards academic insularity and institutional self-reliance had to make way to the recognition of the interdependence between multiple actors and interests with a stake in higher education through cooperation and partnerships. A single, coordinated system was proposed as it was the only way in which the inequities, ineffectiveness and inefficiencies of the existing system could be eradicated. Cooperation has implications for relations between higher education and the institutions of civil society. The vision called for more linkages and partnerships between higher education institutions and commercial enterprises, parastatals, research bodies and NGOs, nationally and regionally. Cooperation has implications for relations between government and within higher education institutions. 'To do more with less', the vision emphasised new partnerships and cooperative ventures among regional clusters of institutions to optimise the use of human and infrastructural resources. Increased cooperation and partnerships among a broader range of constituencies would require participatory, responsible and accountable structures and procedures. These would depend upon trust and constructive interaction among all constituencies (National Commission on Higher Education (NCHE) 1996).

Increased participation and access, greater responsiveness, inter-institutional coordination and partnerships and efficiency—key aspects in the South African higher education vision—opened immense opportunities and possibilities for universities in terms of systemic and institutional development. These were accompanied by a set of additional strategic goals, including the production knowledge and curriculum relevant to the South African socio-economic environment, promotion of quality assurance and promotion of mechanisms for articulation, mobility and transferability across the education and training system through the incorporation of a National Qualifications Framework (NQF). The achievement of these policy goals has been constrained by the need to address the South African history of a stratified class and racial structure and South Africa's entry into the world economy during a period of intensified international competition (DOE 2001, pp. 31–33).

18.7.2   Shared Governance: A Model of State Supervision for Higher Education in South Africa

After an extensive examination of models of governance in higher education as discussed in the conceptual framework, the NCHE developed and proposed a particular form of coordination, a South African variant of state supervision, based on

the notion of cooperation, which they called *cooperative governance*. One of its key features was the emphasis on institutional autonomy attached to public accountability as stated in the constitution. In broader terms, cooperative governance entails autonomous civil society constituencies working cooperatively with an assertive government; its mechanisms encourage an active role for associations and different agencies and promote interaction and coordination through a range of partnerships at national and institutional levels.

At national level, it involves national stakeholder structures—statutory bodies—to allow for participation of key stakeholders such as staff, students and people with professional expertise in national governance, more specifically policy formulation and implementation. This is to promote cooperation between government and higher education. At the regional level, it entails nonstatutory regional structures with a mix of internal and external stakeholders that could be consulted on the planning needs of the region, mergers, rationalisation, programme distribution, sharing of resources and the development of institutional capacity. At the institutional level, councils, senates, academic boards and student representative councils were to be established or restructured to allow for stakeholder participation, regardless of race, gender or religion.

Cooperative governance was proposed and adopted as the most appropriate mode of higher education governance. Cooperative governance was given expression as policy through the 1997 White Paper with its regulatory provisions outlined in the Higher Education Act of 1997. From its inception, the idea behind state supervision or steering was to create a policy environment and framework in which institutions are able to respond and address national priorities from the vantage point of their institutional contexts through making clear the goals and principles of the higher education system. It was not aimed at delving into the daily, operational activities of institutions whether student admissions or internal resource allocation. In line with this policy, the directive role of the state was reconceived as steering and coordination. To enable the state to steer institutional behaviour, it utilises financial incentives, the leverages of planning evident through for example the enrolment planning process, and funding as opposed to measures of control and top-down prescription. Institutional autonomy was to be exercised within the redefined framework of accountability.

18.7.3   *'Doing-For-Not-Doing-Anything': Considerations on the Initial 'Hands-Off' Approach to Higher Education or Policy Symbolism*

Essentially the post-apartheid state during the first decade adopted a distant 'hands off' approach to the developments in higher education, focusing on organisational issues referred to as *positioning* and development of new policies labelled *frameworks* by Jansen (Sehoole 2001). Within the framework of institutional autonomy granted by the Constitution, institutions responded to the market pressures and pur-

sued their own interests and priorities, not always in line with the emerging government higher education vision. For example, in terms of funding, the implication was that the Apartheid government's South African Post-Secondary Education Information System (SAPSE) subsidy formula for universities of 1984 was applied to all institutions from 1985 until the implementation of the new funding framework in 2004, a decade into the new democratic government. The consequence of this was the continuation of apartheid inequalities between higher education institutions; for example, historically white institutions received more government funding because they had more students in the natural sciences and a higher success rate (Bunting 2004; Macfarlane 2004).

The 'hands off' approach also gave room to a proliferation of private higher education provisioning after 1994, particularly evident in the establishment of a number of private postsecondary education institutions operating in South Africa such as Lyceum College owned by Educor, Damelin Education Group owned by Educor, Institute of Marketing Management independently owned, Midrand Graduate Institution owned by Educor and Boston City College owned by Adcorp Mabizela (2003). Institutions also boosted their profits through distance education provisioning especially in faculties of education, which were mostly negatively affected by patterns of student choice. In some instances, in the context of contact institutions not having sufficiently developed support systems in place for distance education provisioning, the quality of education was compromised. Student choice was marked by a surprising shift in student mobility from historically black to historically white institutions and from universities to technikons in response to the perceived marketability of degrees from these institutions and perceived opportunities. In addition, institutions drastically increased their student enrolments in anticipation that more funds would be available from the National Treasury to support the growth stimulated through increased participation rates in higher education.

Overall, mixed responses are articulated ranging from education policy as pure symbolism, which reflects political pressures of the time vis-à-vis government under preparedness and lack of capacity,[6] the challenges of inclusion and participation in the policy process (Friedman 1995; Sayed and Carrim 1998) reforms initiated in 1994 as fundamentally flawed efforts (Muller 1990),[7] mistaken assumptions about teaching, learning and the curriculum to the borrowing of models developed in western democratic countries without critical evaluation of their consequences (Cross et al. 2002).[8] Cloete et al. (2002) refer to this as the production of symbolic policy evident in other countries such as those in Central and Eastern Europe after, for example, the fall of the Soviet Union in the late 1980s and early 1990s. By their very nature, because these policies are born out of political necessity, they are difficult to implement as they focus on general principles and benchmarks for the

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[6] Some policy initiatives are interpreted as reflecting a very strong need to break symbolically with apartheid very often without an understanding of how one changes symbolic formations at the level of consciousness. See also (Jansen 1998, 2003; Mason 1999).

[7] See [(1990, p. 7). See also Muller (2000).

[8] Cross et al. (2002); De Clerq (1997, pp. 27–146).

system without creating targets for each institution against the backdrop of system benchmarks. For many, the significance of this policy formulation process was that the post-apartheid period required the new democratic government to declare a political break from the past and signalling a new direction through both the policy process and actual policy.

18.8   Steering Change in Higher Education

Two important aspects underpin state supervision in the South African context. Firstly, state supervision may take different forms and content in different institutional contexts and across time. For example, it may lend itself to rather murky relational dynamics at times veering to *strong steering* which may be experienced as state's meddling in institutional affairs or state interference. It may also translate into *weak steering*, which may be interpreted as lack of strength and internal capacity of the state to exercise its muscle. In South African higher education, we have seen a gradual transition from *weak steering* to *strong steering*. Government steering has been translated into two main forms. It is essentially undertaken within a planning framework based on benchmarks for the higher education system and institutional plans, linked to sustainability and a goal-orientated performance-related funding system. In this regard, the planning cycle consists of the assessment of the performance of institutions against their goals and targets set in their institutional plans approved by the Minister of Education (Cloete and Bunting 2004, p. 3). This requires the application of performance indicators for the higher education system and individual institutions. Developing such indicators resulted in an enormous uproar in the system as institutions argued against the competitive drive behind such an approach, its dangers and lack of sensitivity to the legacy of apartheid inequities and fragmentation in the higher education system. Government plays a coordinating role while institutions retain their autonomy but remain accountable for the ways in which they utilise their resources.

Secondly, the particular forms and mechanisms of steering adopted by the South African government cannot be separated from the larger context of government's concerns with fiscal control and austerity expressed through its macro-economic strategy. The vision and goals of the Reconstruction and Development Programme (RDP), which informed the proposals of the NCHE, were to be achieved under GEAR (*Growth, Employment and Redistribution*) macro-economic framework. The RDP emphasised access, expansion and massification of higher education. GEAR demanded greater fiscal discipline to minimise budget expenditure, monetary restraint to reduce inflation, a social contract based on salary restraint to protect and create employment, and limits on public expenditure. Under the circumstances, questions of rationalisation, performance, competitiveness, efficiency, effectiveness and educational performance became more pressing than ever. GEAR created an increasing realisation that, for institutions to meet these challenges successfully, they had to engage in a 'whole new game'—a paradigm shift. This was approached in

different ways, from developing 'a strong and visionary entrepreneurial leadership', 'changing the character of the academic corpus' to injecting 'an business approach' to university work. In practice, institutional responses to GEAR have been twofold.

18.8.1 The Regulatory Framework and Mechanisms: Regulations, Standardisation and Funding

The Higher Education Act of 1997 introduced three major issues. Firstly, it explicitly provided powers for the minister to determine regulatory policy for public and private higher education. Secondly, it established an advisory body—Council for Higher Education (CHE)—and a quality control body—Higher Education Quality Committee (HEQC), two major regulatory bodies in South African higher education. The Council for Higher Education is the statutory body, which advises the minister on public and private higher education. While the minister is not obliged to take its advice, the minister is obliged to publish its advice even if he/she does not accept it. It draws its membership from a whole range of constituency representatives of higher education, industry and civil society. The HEQC is a CHE committee responsible for quality control. Thirdly, the Higher Education Act spells out in detail the key regulatory provisions of the system. Accordingly, all universities came to be considered higher education institutions, which eliminated the legacy of a binary system, and all of them, including private institutions, became juristic persons with legal powers and the powers to award degrees once accredited by the HEQC. The Act also set the framework for institutional governance and the regulatory apparatus in terms of which institutions were expected to operate. Each institution was also given the option of having its own statute or a set of institutional regulations. At the institutional governance level, the Act stipulated that each public higher education institution should have a Vice-Chancellor who is the CEO of a council, a senate, an institutional forum as well as a student governing body—the student representative council. The council was given the power to govern the university and make all appointments, some of which could be delegated. At least 60 % of its composition includes individuals who are not university staff or students. A peculiar South African invention, the institutional forum represents a sort of work place forum where the internal stakeholders come together (see Lolwana, Chap. 13).

There are five important regulative mechanisms, which characterise the governance of higher education in South Africa. The first is the South African Qualifications Authority, which set up a national qualifications framework that provides for a regulatory system for accrediting qualifications. The second is the Programme Qualifications Mix (PQM) provision. In essence, the PQM is the mechanism through which the minister can assign each individual university the authority to offer qualifications in certain subject areas up to defined levels.

The third concerns the accreditation process through which the qualifications get approval. This is a process driven by the HEQC assisted by faceless reviewers recruited from the various universities. The fourth is essentially bureaucratic and

entails registration of accredited qualifications with the National Qualifications Authority. The last (and not to be underestimated) issue is Enrolment Planning and Funding. The Higher Education Act also makes it compulsory for any university council to have a written admissions policy that makes provision for redress.

18.8.2   Standardisation as a Measure of Quality

The drive towards standardisation as a measure of quality in higher education is tied up with the regulatory frameworks emanating from statutory bodies, very often perceived as operating outside government (e.g. the Council on Higher Education—CHE, the National Research Foundation, and other science councils, and the South African Qualifications Authority). For example, through registration of qualifications, SAQA ensures compliance with the provision of the NQF and its outcome-based philosophy in curriculum structuring. Similarly, the CHE sets criteria and standards for program accreditation, which include inter alia: compliance with national policies and regulations regarding higher education qualifications in South Africa; program strategy and coordination; student recruitment, admission and selection; staff; teaching and learning; research; supervision and research dissertation; student assessment; infrastructure and library resources; student retention and throughput rates; and program reviews (CHE 2007). These bodies exert external pressures around compliance with government policy and tend to constrain academic freedom or the ability of faculties to decide on curriculum issues (Quicke 1996, p. 1). In this regard, it is legitimate to argue that this increasing pressure for external control over academic program development, as manifested through the establishment of new national accreditation schemes and renewal and innovation strategies, stands in contrast to the political ambitions concerning institutional autonomy and academic freedom. The dual logic seems to collide. Institutions and academic staff are now required to review their programs and curriculum and align them with the national policy framework. Program accreditations and concerns with standards or standardisation may be interpreted as an invitation for more integration and coherence across the system; they also reflect the complex ways in which the relationship between the state and academia has been redefined and reorganised to the disadvantage of the latter, particularly at the level of curriculum practice.

18.8.3   From Weak to Strong Steering

From the late 1990s and the mid-2000s, the government shifted gear from benign steering from a distant to higher levels of control and interference (Johnson 2005), drawing on new forms of planning, financial and quality assurance regimes, particularly programme review and accreditation, a highly contested aspect by a range of stakeholders who believe that the autonomy of institutions is being eroded (Jansen 2004, p. 296). This has been referred to as a 'highly active state supervi-

sion model' (Johnson 2005; Kraak 2001) and is concerned primarily with transformation through standardisation. After developing a National Plan (2001) for the higher education system, the Department of Education changed its stance from a 'hands off' approach to a far more direct government intervention to steer change in higher education. This period saw the Department of Education implementing enrolment planning, the new funding framework and the mergers, regardless of the heightened contestation of these measures at the institutional level. The National Plan was aimed at: (i) changing the shape of the higher education system through increasing participation rates, shifting enrolments towards engineering, commerce and technology and ensuring that staff and student equity targets are met, (ii) ensuring that program differentiation and institutional mission diversity exist between institutions and (iii) ensuring that the numbers of institutions are reduced without compromising the number of delivery sites. With respect to the National Plan, Sehoole (2001) notes two critical points defining the changed stance of the government. Firstly, with the unveiling of the National Plan, the ministry strongly indicated that the Plan was 'not negotiable'. Secondly, successive amendments of the Higher Education Act conferred more powers to the minister and the Department of Education to enable them to lead the transformation of higher education (Moja et al. 2003; Sehoole 2001). This signalled a gradual transition from *weak* to *strong steering* which, according to Moja et al. (2003), could well be described as beyond steering or 'transition from steering to an increasingly control approach' (see also Muller 2004; Amuwo 1999).[9]

In the early 1990s, severe criticisms were waged by the private sector and market-orientation protagonists at government about the character of the country's universities and the unbalanced trends in the output of 'science' and 'arts and humanities' graduates (Pouris 1991). It was argued that South African universities had the tendency to train more arts and humanities graduates, whereas the numbers of science graduates remained constant, which could compromise the economic development goals of the country. Following these and other criticisms, a new funding mechanism was introduced in 2003, which favours the fields of maths, science and technology (Stumpf 2001). Since then, this has been a general pattern in both public and private student support, including research funding. Underpinning the new funding formula was the division of the courses into two broad categories: natural sciences (comprising health sciences, engineering) and life and physical sciences (comprising agriculture, mathematical and computer sciences and arts and humanities), amalgamating all other disciplines.

The funding framework provides the 'funding lever for the systemic and institutional planning approach set out in the National Plan'. It proposes block grants, earmarks funding and, in so doing, it replaced the South African Post-Secondary

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[9] See Moja et al. (2003). For more details see Muller (2004). The most extreme case of tightened state-institutional relations is evident in Africa and takes on extreme forms of state authoritarianism and repression as discussed in the Nigerian case (Amuwo 1999).

(SAPSE)[10] formula (Stumpf 2001). Block grant funding is allocated to teaching inputs, such as full-time equivalent student enrolments per field and level of study and staff; teaching outputs, namely graduates; research outputs, namely publications and master's and doctoral graduates; institutional costs and foundation programs, such as academic development. Earmarked funding is meant for the National Student Financial Aid Scheme, institutional redress and development, and for developmental priorities (Sehoole 2001, p. 36; Stumpf 2001, pp. 1–2). The latter may evolve over time as more government funding becomes available and government priorities develop or change.

This new subsidy formula differs from the apartheid engineered SAPSE formula in unique ways: (i) it allocates subsidy for teaching outputs for students who have completed a module or a subject regardless of whether they had completed their diploma/degree; (ii) while previously funding was made available for research inputs based upon student numbers, the new formula focuses only upon research outputs, while still taking into account Master's and Doctoral graduates as a teaching input subsidy and a research output subsidy (Stumpf 2001, p. 1). It is essentially a 'goal-orientated performance-related' or output orientated funding framework (Macfarlane 2004, p. 12), with the possible danger of prioritizing quantity outputs and not sufficiently being able to monitor the quality of these outputs. Whether in fact it is necessarily a better funding formula and is able to effectively support the reengineering of the apartheid higher education system remains to be seen. Already, some cracks are visible. It is questionable whether the funding framework enables sufficient funding to be allocated to institutional needs such as the running costs and infrastructure expenses especially aggravated by rising inflation, justified demand for increased financial aid and allocations to teaching and learning approaches that support the increased numbers of students who have been recipients of a substandard schooling system.

Funding allocations to higher education institutions are informed by the planning which is based on the submission of institutional plans initially delivered through a 3-year rolling plan. The Department of Education's analysis of the 3-year rolling plan indicates that the plans are largely visionary and reflective of the ambitions of institutions with most of them projecting themselves often unrealistically as the Oxford of Africa. Very few plans reflect individual institutional identities and positioning. The 2003/2004 Enrolment Planning process replaced the 3-year rolling plan out of the realisation that it was far more accurate as it was based on the current realities of institutions as recorded in the Higher Education Management Information System (HEMIS) developed during the previous period. The challenge for government steering is to ensure that sufficient support is put in place to effectively break institutions out of their historical moulds.

By linking funding to enrolment planning, the formula requires institutions to ensure a shift in graduate profiles towards science, engineering and technology as

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[10] The SAPSE formula was based on rational choice theory, in that it was driven by the idea that students make rational choices about their careers. SAPSE was applied to universities in 1983 and to technikons in 1987 (Stumpf 2001, p. 1).

priority areas. However, it brings to the fore new contradictions: institutions are under pressure both to increase their student numbers in these areas and their graduation rates, which in turn increases financial pressures as more poor students are taken in without sufficient funds to support them in their studies and insufficient academic development to support them in their transition to higher education is available (Stumpf 2001, pp. 4–5). Insufficient financial assistance has triggered student protests for access to funding at the University of the Witwatersrand, North-West University, Tshwane University of Technology (Macfarlane 2004), University of Cape Town, University of Natal and University of Durban-Westville, resulting in the death of a student at UDW during 2000 (Vally 2000). This has remained an on-going area of contention and continued to be so into 2008.

The new funding formula does away with research inputs, as historically these funds were used for other purposes. Of concern is the lack of funding for capacity building initiatives. However, it was indicated in the Ministerial Statement on Funding that in 2007–2008, the Minister of Education appointed two task teams, namely the Teaching Development Task Team and the Research Development Task Team, whose briefs include ways in which the higher education institutions can be supported in building capacity in the areas of teaching and research. Nonetheless, research outputs are likely to be adversely affected in the long term. Note that, in 1999, 70 % of all research came from 6 of the 36 higher education institutions (Stumpf 2001, pp. 5–6). If more institutions improve their research outputs, within the constraints of current available funds, fewer funds will be available. In addition, output orientation or goal orientation in research tends to emphasise applicability and relevance to problem solving with detrimental effects on primary research. Muller (2004) argues that the only way for higher education to save itself is through entering a strategic regime of research that aims at combining basic research with applied research, allowing for the continuation of knowledge production (Muller 2004). The challenge in this regard entails enabling institutions to reconceptualise the nature of the research that is undertaken and for which funding is provided.

Briefly, two major defining features of the state's steering strategy carry the dangers of a double-edged sword. The first is a consistent emphasis on the outputs (measurable outputs) and movement of figures (students completing courses, students graduating, number of publications) at the expense of more complex and sensitive areas of academic and social practice as already indicated. Steering has essentially been *a strategy for growth* and not a catalytic mechanism for transformation. It seems for example, to be more concerned with cost and efficiency issues than with equity and redress concerns (Ntshoe 2002). The contradictions of such a perspective are already beginning to play themselves out on campuses. The second is the reporting overload that is driving institutions to a degree of administrative exhaustion and political fatigue. In addition to the existing reporting system, in 2012 the minister announced that higher education institutions would be held accountable to the auditor general. With a degree of disillusionment, Stumpf (2001) notes that the shift towards implementation has come fast and furious with overwhelming consequences for institutions:

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> Institutions are totally overstretched in their efforts to respond with vigour and decisive-
> ness to the many issues raised by the National Plan, the new funding framework, the new
> planning regime for institutions, the Higher Education Quality Committee and the South
> African Qualifications Authority. South African higher education is in severe danger of suf-
> fering from alarming levels of system overload. Most institutions would simply not have
> the capacity at the moment to develop sustainable institution wide research development
> programmes in addition to all the other pressures generated by the above mentioned policy
> initiatives (Stumpf 2001, p. 6).

18.9   Institutional Crises, Public Outcry and State Interventionism

The National Constitution (1996) granted institutional autonomy to all higher edu-
cation institutions, which left the government with steering as the sole mechanism
for influencing change in higher education. Nonetheless, the state's role in driving
higher education change through policy has been more significant than initially
anticipated (Adam 2009, p. 73). The notion of relative autonomy, which the new
government bestowed upon institutions, soon came under scrutiny by the govern-
ment and other stakeholders. In the 2000s, a number of imperatives prompted a
slight shift in the government positioning on the matter of autonomy. Government
argued that after 10 years of transition to democracy, institutions were not fully
transformed and many continued to reflect old apartheid historical divisions. This
claim was further justified by high failure rates and inefficiencies. Government
maintained that institutions needed to be made more accountable. It introduced a
range of mechanisms to steer institutions towards effectiveness and efficiency. In a
speech in 2004, the Minister of Education, Naledi Pandor, put it this way: 'We can-
not stand by and watch institutions collapse'. A series of amendments of the Higher
Education Act of 1997 which gave the Minister of Education the following powers:
(i) the power to appoint Administrators to a higher education institution where there
is financial or other maladministration of serious nature, (ii) the power to determine
the scope and range of operations of an institution (for example the amendment
stipulated that an institution may not, without the approval of council and, under
certain circumstances, without the concurrence of the minister, enter into a loan or
overdraft agreement, or develop infrastructure) and (iii) the power for indefinite
appointment of administrators and the repeal of private Acts.[11] In this regard, the
minister can appoint an independent assessor to investigate the problems within the
institution concerned, and if necessary appoint an administrator to resolve issues
preventing the normal functioning of an institution.

Generally, the administrator takes over the authority of the council or manage-
ment of the institution and implements the assessor's recommendations endorsed
by the minister. Depending on the case, these may include dissolving the university

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[11] For details see the Higher Education Amendments Act 55 of 1999, the Higher Education Amend-
ments Act 54 of 2000 and the Higher Education Act 23 of 2001.

council, rewriting the university's statute to sort out governance problems, conducting a forensic audit into procurement and management in connection with financial accountability problems, resolving the relationship between top university administrators and sorting out financial management. The situation concerning state intervention at institutional level is currently assuming alarming proportions. In 2011, three universities were placed under administration, namely, the Walter Sisulu University in the Eastern Cape in October; the Tshwane University of Technology in August; the University of Zululand in April. In June 2012, the Central University of Technology in the Free State was placed under administration. In July 2012, the Vaal University of Technology in the Vaal Triangle was handed over to an administrator for at least 6 months, following an investigation by an independent assessor.

18.10 Conclusion

The National Constitution made provision for institutional autonomy of all higher education institutions, a provision that has determined or conditioned all governance structures and practices at both national and institutional levels. Against this background, beyond the adoption of a model of shared governance, the mode of state coordination of the higher education system has been through evolution and very often tension between different forms of steering (weak or strong) and increasing interference or state interventionism from the initial 'hands-off' approach characterised in the South African debate and policy frameworks.

Open to debate is whether a total withdrawal or a 'hands-off' strategy adopted by government against a legacy of state control could be interpreted as a form of government steering in the sense of 'doing something-for-not-doing-anything' or policy symbolism in the sense that the intention was to demarcate the new dispensation from the past by focusing on symbolic policy frameworks. It certainly produced serious unintended consequences. The difficulty is to interpret which consequences were part of the government's intentions. However, beyond this polemic domain, government's steering mechanisms were explicit. For a differentiated and coordinated system within the national policy framework warranted different targets and benchmarks, and required an adequate up to date information system to assess institutional performance. These were achieved through a comprehensive regulatory strategy and mechanisms, the mergers, the new funding framework, and at institutional level, the reconstitution of governance structures, including an interactive planning process tied up to state funding and performance, and the development of the necessary skills in statistical modelling and analysis.

The change in the method of steering has also warranted perceptions about a shift from the initial interactive steering advocated by cooperative governance to an approach close to the centralised state control. An example in this regard is the new funding model, the 'top-down' manner in which the merger concept recommended by the National Plan for Higher Education (1998) was implemented. The interpretations given to these interventions are varied among critics and protagonists. There

are those who regard them either as instances of *strong steering* as outlined above or as manifestations of occasional state interference. There are those who have blamed government for reinstating the legacy of centralised state control and infringing the right of individual institutions to determine their primary goals enshrined in the Constitution. From a different perspective, some argue that there can be no legitimate state interference in academic freedom (as distinct from institutional autonomy):

> The crucial question must be whether the state's 'legitimate interest' can justify, not just 'state steering' but actual 'state interference' in the internal affairs of the university. In terms of my own approach, the answer must be that while institutional autonomy cannot be an absolute value, academic freedom itself may not be compromised. In other words, while there can be legitimate state interference in the internal affairs of universities, provided that this does *not* compromise academic freedom, there cannot be any notion of legitimate state interference with academic freedom itself (Du Toit 2006, pp. XX).

Protagonists of these forms of state intervention have either justified them with reference to state moral or political responsibility in situations of crisis or by resorting to the notion of conditional autonomy tied to the principle of public accountability.

Some institutions responded through massive recruitment and diversification of their forms of programme delivery or from a narrow technicist view through alignment of their programmes to the marketplace. In some instances, the transformation focus shifted to efficiency due to a change overload, particularly, the reporting requirements of the Department of Education (3 year rolling plans) and the South African Qualifications Authority (programme registration) and more recently, the HEQC programme reaccreditation initiative. Concerning institutional choices in the post-apartheid South Africa, the following typology can be identified: (i) the strategic managerialists trying to reconcile academic excellence with market pressures, (ii) the unwavering entrepreneurs concerned with selling of goods and services of higher education institutions at a competitive price, (iii) the reformed collegialists that recognise the centrality of the intellectual agenda while striving for the institution to respond to the changing context and (iv) the transformative managerialists striving to transform the institution from authoritarianism to democracy from the centre (Cloete and Kulati 2003).

Kulati (2000) argues that institutions that have adopted an outright entrepreneurial approach are white Afrikaans universities, which historically had the least state control. English speaking institutions such as Wits, UCT and Rhodes have been caught between retaining their cultural legacies (e.g. perceived collegial traditions, academic elitism and commitment to knowledge advancement) and responding to global pressures for international competitiveness (Kulati 2000). Left out of the mergers, they still enjoy the considerable autonomy they enjoyed in the past, though have they have been under greater external pressure to alter their institutional make-up. Most of them have been successful in balancing their student enrolment in terms of gender and race, though most of the new students (labelled 'non-traditional' students) are dependent on financial aid under a declining government subsidy. Most of these students also enter the university with higher degrees of under-preparedness, a problem that cannot be effectively addressed without a comprehensive academic support strategy.

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