

# INSTITUTIONAL AUTONOMY AND ACADEMIC FREEDOM OF UNIVERSITIES: A COMPARATIVE ANALYSIS OF THE WESTERN AND ISLAMIC TRADITIONS' EXPERIENCE

By

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## Evolution of a modern Western University

Universities as understood today are institutions of higher education usually comprising liberal arts and sciences, colleges and graduate and professional schools having the authority to confer degrees in various fields of study.<sup>1</sup>

The earliest Western institution to be called a University was a famous medical school that arose at Salerno, Italy in the 9th century. It however, remained a mere medical school. The first true University was founded at Bologna late in the 11th century. It became a widely respected school of canon and civil law. The first University to arise in Northern Europe was the University of Paris founded between 1150 and 1170 CE and it became noted for its teaching of theology and it served as a model for other Universities in Northern Europe such as the University of Oxford in England which was well established by the end of the 12<sup>th</sup> century. These early Universities were corporations of students and masters and they received their charters from popes, emperors and kings and were free

to govern themselves, provided they taught neither atheism nor heresy. Independence of the early Universities cost them the obligation to finance themselves and so they had to charge fees/tuition from students whom they had to please if they were to ensure the constant flow of fees.

Until the 18th century, most Universities offered a core curriculum based on seven liberal arts namely Grammar, Logic, Rhetoric, Geometry, Arithmetic, Astronomy and Music. Students would specialize in professional faculties of law, medicine and theology. By the 17<sup>th</sup> century, both Protestant and Catholic Universities had become overly devoted to defending correct religious doctrines and hence remained resistant to the new interest in science that began to sweep through Europe. The first modern University was that of Halle, founded by Lutherans in 1694.

The progressive minded Lutherans were the first to renounce religious orthodoxy of any kind in favour of rational and objective intellectual inquiry.

<sup>1</sup> This brief history has been extracted from the Encyclopedia Britanica, electronic edition, 2002. - See "University".

## Academic Freedom at the Western University

Within the Western tradition, academic freedom is understood to be freedom of teachers and students to teach, study and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations or public pressure. One of its basic elements is the freedom of teachers to inquire into any subject that evokes their intellectual concern to present their findings to their students. We need to come to terms with the evolution of the institution in the midst of other experiences that the general western society has gone through in the historical process.<sup>2</sup> As pointed out in the brief history above, Universities in the Western

meant minimization of pain and maximization of pleasure<sup>6</sup> in terms of the here and now. A new paradigm/ which challenged old truths and theories, was inevitably ushered in and this was the secularization of knowledge.<sup>8</sup> It is perhaps in this paradigm of Western Universities whose culture and tradition Africans and other peoples of the world have hitherto adopted since the dawn of independence<sup>9</sup> that today we talk of institutional autonomy and academic freedom.

The phrase institutional autonomy presupposes an antagonist environment within which institutions deliberately or tacitly seem to struggle to free themselves from some kind of authority that disallows or hinders their activities. One would anticipate that in a situation where governments or state authority contributes to the sustenance of Universities, then the latter activities should be carried out to the tune of state desires which would entail censorship of some sort of what activities Universities should indulge in.

Given the background of modern western based University, such an agency as the National Council for Higher Education in Uganda falls suspect of obstructing institutional autonomy and freedom. This suspicion

is likely to be more prevalent in private Universities than in public ones for obvious reasons such as variation in the objectives for which private Universities are established from those of state. But to my mind this suspicion may be allayed if the agencies such as National Council for Higher Education set their goals to be other than patrons of Higher Education. When they come in to play the role of ensuring that Universities stick to what they set out to do and not to direct them on how to do it, then they become partners and not masters. For instance the Council need to set standards of what facilities an institution called a University should put in place, what principles of governance should be practiced, what space should be available for students and staff to go about their duties, and for curricula that is known to cut across Universities minimum standards need be set. Playing such a role does not erode institutional autonomy; instead it helps the institutions to conduct business responsibly.

### Evolution of university in the Islamic tradition

The Islamic civilization or tradition is largely characterized by scholarship and learning. At a time when Europe and the Western World was languishing in ignorance characterized by the killing of scientists and burning of witches

I See for instance Jeremy Bentham, "The Principle of Utility" in Isaac Kammick, *The Enlightenment Reader*

<sup>7</sup> For a good treatment of Paradigm shifts see Thomas Kuhn, *The Structure of Scientific Revolutions*, Chicago and London: The University of Chicago Press 1996) Chapter 1.

<sup>8</sup> See "University" *op. cit.*; see also Syed Muhammad Naquib al-Attas, *Islam and Secularism*, (Kuala Lumpur: ISTAC 1993), 125

<sup>9</sup> *Ibid.*

during the Dark Ages, the Muslims were basking in academic indulgence and intellectual abundance. The history of Education and learning in the Muslim World tells us that far from being a privilege of chosen few elites as was the case in medieval Europe, the Muslim learners both children and adults were commonly exposed to the struggle against ignorance, as well as illiteracy. Both male and female Muslim and non-Muslims were equally exposed to education with the Islamic tradition.

The Madrassa schools that were widely spread in the Muslim world were not in any way limited to particular classes of people, nor were they shut to the girl child, just as at an advanced level, they were also accessible to non-Muslims. Although the Qur'an and fiqh (Islamic jurisprudence) formed the basis of Islamic learning in the Madrassas at all levels, other disciplines such as grammar, logic, medicine, astronomy, mathematics, history, geography, and even music were also integrated in the Madrassa curriculum. From that background, it is no wonder, therefore, that the Islamic tradition witnessed as early as the 11<sup>th</sup> Century, such great luminaries as Gerbert of Aurillac (930-1003) formally known as Pope Sylvester II (he is credited with having introduced the use of zero and Arabic numerals to Europe) as a graduate of al-Qarawiyyin University<sup>11</sup> Also abundant were Madrassa specifically

meant for the girl child such as those established in Cairo by the daughter of Mamluk Sultan Tahir in Cairo in 1237 CE, while Khatun the daughter of Malik Ashraf built one in Damascus, and Zamurad wife of Nasr al-Din established one in Aleppo.<sup>12</sup> Indeed these madrassas were supplementary to the major ones in which education was freely offered to all children who were reachable by the teachers - the famous Nizamiyya madrassas that were established by Nizam al-Mulk from 1066CE.

While Education was provided to Christian in the Muslim world; to the women in a perceived male dominated society; it was also made available to the blacks in a white/Asian dominated civilization. At Sankore, Timbuktu as early as the 12<sup>th</sup> century, a wealthy mandinka lady financed Sarankore University making it the leading center of education in Black Africa, attaining its most prosperous period during the reign of Mansa Musa 1307 - 1332 and the Askia Dynasty (1493-1591).<sup>13</sup>

### The University in the Islamic tradition

The Islamic theory of knowledge recognizes two sources of knowledge that is; sense perception usually backed up or sourced in reason which can be pursued individually

<sup>11</sup> See Landu Rom (1967) 'Afrique Mauresque' Abbin Micheal Paris, P.97 12

<sup>12</sup> Hossein, S. M. "A plea for a modern University"

<sup>13</sup> Zulkifli Khair (2003) "The World -Class University of Sankore, Timbuktu": [www.MuslimHeritage.Corn](http://www.MuslimHeritage.Corn) (Cited on 28/3/2007)

or collectively and revelation which comes from the Almighty God (Allah). Of these two sources, revelation is superior, but does not make reason superfluous. The purpose of education or scholarship or learning in Islam is to arrive at truth, for according to Islam, truth is knowable and is not subject to change. The ultimate truth (al-Haqq) is Allah, who is also known as al-"Alim" (the knower) or the source of knowledge. "Ilm", which translates as knowledge must therefore ultimately lead to truth, al-Haqq, which in this case is God. Thus true knowledge in Islam is not a function of conjecture or speculation. This should not however mean that men should not use their brain or mind to venture into contemplation or experimental studies. Rather it means that all experimental, discursive or explorational efforts whose results lead to other than affirmation of God's existence or its attributes or both, is not true knowledge. Instead it is information at best since information is subject to change and gives room for conjecture and speculation. That is one of the reasons a typical Muslim education curriculum was based on the Qur'an and Sunnah and then other subjects of arts or sciences would follow.

Given the nature of the Islamic epistemology and curriculum, universities in the Muslim world emerged from mosques or places of worship. This was by no means an accident. When Allah revealed the first message to Muhammad (P.B.U.H) he commanded him to: "Read! In

the name of thy Lord, Who, created man out of a mere clot of blood, Read and your Lord is most exalted, Who taught man by the pen, taught man that which he knew not", Qur'an Surat al-'Alaq (96): 1 - 5.

By this command it meant and it has come to pass, that the search for knowledge should first and foremost be made in the name of Allah and, as noted above, should lead to the affirmation of His existence and attributes. Thus the classical Islamic Universities emerged from mosques which are primary places for the impartation of Islamic knowledge. This as a matter of fact had significant implications on the accessibility of University education that is, unlike in the West, where the first University at Salerno Italy in 9th Century was a specialized medical school meaning it was specialized and in a way discriminative, in the Muslim world, University education was accessible to all those interested, since it began with the study of religious practice.

### Institutional Autonomy

The phrase institutional autonomy, presupposes an antagonistic environment within which institutions deliberately or tacitly seem to struggle to free themselves from some kind of authority that disallows or hinders their activities. One would anticipate that in a situation where governments or state authority in whatever form, contributes to the sustenance of Universities, then the latter's activities should be carried out to the tune of

state desires which would entail  
censorship of some

authority in what the dons wished to teach. This is negative freedom and that is what was most crucial in the Muslim world. Positive freedom as implied in being free to advance whatever form of ideas anybody wished, including those that challenged the authority of religion or the existence and continuous interventions of the divine will in worldly affairs, was not apparent in the Muslim tradition. The reason being that in the history of Islamic scholarship, Muslims have never significantly cast doubt on religious teachings ostensibly because Islam has been pro-science and pro-intellectual achievements. Islam and scientific discovery have never been fundamentally adversaries, instead they have been complementary. The Qura'an indeed challenges mankind to reflect on nature, to venture into the world and discover the bounties of God, to take example of their own physiology all of which are symbols that point to the affirmation of God. Thus the Muslims holy book is so much in conformity with scientific inquiry that it has never been thought of as a hindrance for man to seek being freed from its teachings.

The Muslims' experience in the historical process therefore has not necessitated a reformation nor has it sponsored secularization as a means of running away from oppressive dogma. . Thus the academic freedom Muslims anticipated did not venture into such areas as atheism as they had no grudges with theism. To this day beneficial knowledge in the

Islamic tradition either conforms to religious teachings or is neutral to it. Knowledge can be non-beneficial to the well being of humanity and that is not true knowledge. For instance scientific discoveries that seek to destroy life in a great measure such as the atomic and biological weapons are not results of true knowledge; they are instead a manifestation of man's recklessness when left alone to act without divine guidance.

Thus academic freedom at the university in the Muslim world was only that which was exercised within the limits of what men ought to do or say not what they wished to do or say. Within the confines of this understanding, Muslim scholars exercised freedom of thought. They commonly disagreed on almost all points of principle, theory and even practice. This freedom is best demonstrated by the development of legal schools of thought whose ideas were debated, adopted or rejected in various parts of the Muslim world.

Academic freedom was also manifested in the subjects that were taught at the Universities. Besides the Query' an and related religious sciences, pure academic disciplines such as Philosophy natural sciences, mathematics, astronomy, music, logic, grammar, poetry, etc. were taught. Unlike the 17<sup>th</sup> century Protestant and Catholic Universities which had overtly become devoted to defending correct religious doctrines and hence remained resistant to the new interest

in Science that had began to sweep through Europe,<sup>18</sup> in the Muslim world, Universities were free to debate the principles of religious schools as well as venturing into purely scientific fields. This excellent culture however, could not reach full blossom as a general decline in Islamic Scholarship set in especially after the Mongol invasion of Baghdad in 1258 and the crusades from the West.<sup>19</sup>

## Conclusion

Institutional autonomy and academic freedom are fundamental rights of

individuals in Universities. But this autonomy and freedom are not a licence for academics and students to act or say what they wish with total disregard for conditions that promote the common good and interest of humanity from the intellectual point of view. This therefore justifies the role of regulatory bodies such as the National Council for Higher Education especially in as far as ensuring that the universities deliver what they set out to deliver.

<sup>18</sup> See "University: in *Encyclopedia Britannica*, Electronic version 2002.

<sup>19</sup> For a full treatment of this subject see, Umar Kasule, "The Scientific Revolution: Why it occurred in Europe of the Muslim world" in *Journal Usuluddin*, vol. 14 (December 2001), 123-136