

A thousand cuts, and then death

In a nutshell: There's no money and our universities are going to flounder

JONATHAN JANSEN

AN EDUCATED GUESS



IN THE movie *Next* Nicolas Cage plays a Los Angeles magician, Cris Johnson, who can see the future; in one scene he faces a bad guy who threatens to fight and warns him: "I've seen every possible ending. None of them are good for you."

Following the historic victory of students driving the #FeesMustFall movement, the after-party headache is this — how will we pay for all of this?

Education is never free. Somebody always pays. The poorest student with a full scholarship covering everything still pays, even if only in deferred income over three or four years of a first degree.

So far there are few imaginative proposals on the table, such as adding education funding to BEE requirements. The immediate resort of those who do not have to pay is usually "tax them", as if ordinary citizens are not already taxed quite heavily well beyond income tax.

We already have a progressive tax system, and rightly so, and at some point overtaxing makes the small percentage of super-rich move themselves or their money elsewhere. Then there is the other nastiness — education is a recurring cost; in other words, covering the shortfall among universities for the 2016 fee increment is the least of your problems. How do you do this year after year with the massive loss of revenue that goes hand in hand with this historic decision?

Government funding to universities has declined every year in real terms, which means that as demands on higher education institutions to "do more" increased they received less funding for what they were doing in the first place.

Yes, the government can draw on the skills levy or the SETAs for a year or two, and then what? Where is the money going to come from to sustain the no fee increase into the future?

What we have here is a political demand (the unstoppable force) in direct confrontation with an economic reality (the immovable object) and the clash is going to be ugly.

The instruction from some quarters that institutions should use their reserves is short-sighted. Most institutions do not have reserves — those dissipated years ago when similar demands were being made, and those institutions now have difficulty meeting their payroll.

And those universities that have battled to build up some reserves do so to enable them to weather

unexpected storms, such as the decline in state subsidy, the collapse of a local power station or the sudden growth in the number of poor students requiring assistance.

When you whittle away that slim layer of reserves you expose the last of the financially stable universities to crisis.

Propaganda does not help in this financial crisis, like saying, "Oh, they can simply divert money from military spending to education spending". First of all, in the real world, governments do not simply shift money from one component of the budget to the other the way you do with your personal accounts. Every sector has its critical imperatives, social demands and vested interests, so forget about such simplistic trade-offs; it's not going to happen.

So, the government does not have the money and students do not wish to pay. The big losers are the universities, caught in the pincer grip of too little money from the government and just demands from students.

There will be less money to pay staff or keep libraries open or upgrade computers or attract world-class academics.

Most universities have already cut their core business to a minimum; ask any head of department and they will tell you how central funds have declined in recent times for some of the most basic academic operations.

Slowly but surely, I predict that eventually all of our universities will become ugly skeletal

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structures, with drooping muscles, drained of their intellectual lifeblood and struggling to keep the old bones together.

And what do governments do when demands cannot be met? They threaten institutional autonomy. In other words, if the government itself ran universities — in the same way it runs Eskom and SAA — and regulated their policies and plans, the problems would miraculously disappear. Right.

In the meantime, the costs of goods and services continue to increase, even as revenue streams into universities are further curtailed. As a university economist aptly expressed the problem this week, "inflation does not take a sabbatical".

None of the possible endings look good.



ROCKING THE BOAT: Black advocates asked for permission to address the court regarding remarks made by a member of one of the legal teams in the silicosis class action suit. About 150 black advocates, most of them women, were in court in support of those objecting to the remarks
Picture: SECTION27/TWITTER

Law a white boys' club

Privilege and race still underpin a fraternity that is in need of transformation, writes **Rémy Ngamije**

IN MY first year of law at the University of Cape Town, in 2009, I sat in the Wilfred and Jules Kramer lecture theatre 1, on Middle Campus, where law students are welcomed.

That lecture theatre is where students spend most of their time during their three- or four-year journey through UCT's law programme, studying towards their LLB degree. It is where they have orientation, where most lectures are presented, and where they write big exams.

The first day of a black student's LLB degree is also the last time they will be in a diverse group of students. By the time they graduate (if they graduate) they will be one of a few black faces in a sea of whiteness.

Before I started I had been part of a diverse cohort of students in the faculty of humanities. The greater part of the law class was white, but I was not really surprised by the demographics: the majority of students in South Africa are white, and since university fees are only affordable for a handful of parents, the classrooms are desaturated further.

For the majority of us, the black students, we were the first in our families not only to attend university but also to study law.

We would be the first lawyers in our families: a prestigious title to hold.

But the road to being a black law graduate at UCT is perilous. Slowly, from my first year, black faces started vanishing from classes, picked from the herd by expensive university fees, academic exclusion, or gradual loss of interest in the subject.

Those who made it through each successive year had to face

not only these factors but also the pressure of competing with their white counterparts, whose familial roots run deep within the South African legal dispensation.

Some students' parents were judges, some had parents who were partners in the country's top law firms. It was commonplace for someone's advocate father or uncle to be name-dropped in classes.

Black students could not claim such affinity. Our surnames did not appear on case notes or in jurisprudence. We would be "those black guys", who fomented arguments if a point of African customary law was unnecessarily attacked by an ignorant remark, or the ones who held up a class if we did not understand a particularly

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complex concept.

But that was when we participated in class. For the greater part of my legal education the majority of black students were cowed into silence by our ignorance of the law.

We remained silent in debates because we lacked the confidence it takes to challenge controversial points of law.

This is because law in South Africa is predominantly white. The non-transformative classrooms in which law is

taught, in which debates about race, politics and the impact of law on the country's past, present, and future should occur, are deprived when the melanin-deficient majority holds sway.

These classrooms become the legal community, which remains blind to the need for transformation. More disturbingly, it remains a fraternity. A boys' club. A white boys' club.

Black advocates and attorneys, many of whom have been protesting against the slow transformation of the legal profession in the past few weeks, are in the minority. Women are even rarer.

In 2011 for example, UCT's law faculty contributed nine black law graduates to legal practice: 29 had enrolled in 2007 in a class of 67 students. Eight were excluded on academic grounds, six dropped out, despite being in good academic standing, and another six were busy with their undergraduate studies.

The black graduation rate, therefore, was 31%. For whites it was 50%.

The majority of graduates who would go on to fill the ranks of candidate attorneys and junior counsel around the country were predominantly white.

If the legal community wants a diverse body of practitioners, it has to come to terms with the fact that white roots do not produce black flowers.

● *Ngamije is an English and law graduate from the University of Cape Town, working as a writer, photographer and designer in Windhoek. More of his writing can be found on his website: www.remythequill.com*