

# Working Papers on University Reform

Working Paper 1:

## Setting Universities Free?

- The background to the self-ownership of Danish universities

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# Setting Universities Free? - The background to the self-ownership of Danish universities

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## Introduction

The Danish University Law of 2003 declared Danish universities to be self-owning institutions (“selvejende institutioner”)(Folketinget 2003). From this shift in the legal status of the former state institutions there followed, according to the law’s explanatory memorandum, a large part of the law’s provisions, including a much discussed change of the management structure of the universities(Folketinget 2002: 17). During the debate surrounding the passing of the law, the concept of self-ownership was accused of being both unclear and empty (Copenhagen 2002b). The explanatory memorandum, on the other hand, states that the concept is well established and has been in use for “about 100 years”(Folketinget 2002: 15). A glance at a number of documents produced in the Danish public sector in the last three decades about self-owning institutions, clearly reveals that the concept was not new in 2003 (Finansministeriet 1998, Undervisningsministeriet 1997, Finansministeriet 1996), and also suggests that much work has gone into defining and shaping the concept’s use in the public sector throughout the nineties, and especially from 1995 (Folketinget 1995). This paper presents an introduction to some of the documents related to this work of defining self-ownership, and places the concept in the context of the government’s reform of the public sector leading up to the millennium. The aim is to provide an understanding of the context in which the contemporary use of the concept has been shaped, as well as a better understanding of the implications of its implementation in the university sector.

## The rise of a policy-making Ministry of Finance

The Danish Ministry of Finance celebrated its 150<sup>th</sup> anniversary in 1998. To mark the event the ministry commissioned a historian to write its history. In a summary of the book he produced, the historian, Hans Henrik H. Østergaard (Østergaard 1998), points to the ever escalating state budget and the stability of the bureaucracy in the ministry as the two most important constant conditions for the ministry’s work. The ever increasing state budget (ibid.: 1) reached 400 billion Danish kroner in 1999 compared to 2 billions fifty years earlier. The state budget has thus increased to a size that is difficult to oversee, a fact which has resulted in changed strategies for its management. The yearly drafting of the Budget in the form of a Finance Law (“Finansloven”) and its approval in parliament, used to be the most important tool in controlling the state’s spending, whereas in 1999 most of the state’s expenses were recurrent commitments tied to state laws, and in that way not negotiable in the yearly Budget.<sup>1</sup> The degree of stability the bureaucratic apparatus managing this

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<sup>1</sup> The negotiations over the Budget, the so-called finance law (“Finanslov”), is a recurring autumn drama in Danish politics. The law is often referred to as the household budget of the Danish state. The Danish state has to have all of its expenses set out in law by the parliament. This means the Danish

development has had (ibid.: 2) is amazing. Governments come and go, but the bureaucrats stay put. In the 75 years from 1924 to 1999, Denmark had 25 finance ministers and only six permanent secretaries in the Ministry of Finance (“departementschefer”). As we shall see, the degree to which strategies and reform initiatives overlap between different governments is high. This is reinforced by the Danish tradition of having a minority government relying on opposition parties for the passing of laws.

Whilst the Ministry of Finance found its influence diminishing with the declining importance of the annual budget negotiations, it found a substitute by shifting its focus to policy making and strategies. A major concern for the ministry has been the management and control of the growth of the public sector. This concern was first expressed in the 1971 publication, “Planning with perspective 1970-85” (“Perspektivplanlægning 1970-85”, known as PP-I)<sup>2</sup> which predicted that public expenses would rise from 42 percent of the GNP in 1970 to 55 percent in 1985 (ibid.: 11). PP-I was followed by PP-II in 1973, which included a thorough analysis of management or steering (“styrings”) problems in the public sector (ibid.). Due to rapidly changing governments and a global financial crisis, PP-I and PP-II did not lead to any initiatives to prevent the developments they predicted. However, they were followed in the late 1970s by attempts to coordinate planning and budgeting in new ways, which also included the use of computer simulation (ibid.: 12).

The management of state expenses was increasingly criticised around the beginning of the 1980s, and in 1982 the Social Democratic (S)<sup>3</sup> finance minister, Knud Heinesen, commissioned a close examination of the state’s system for budgeting and fund allocation. His initiative was framed by his earlier statement that Denmark was “heading for the abyss” (ibid.: 12-13), by which he meant that public spending was nearly out of control. He had thereby set the stage for attempts over the following decades to change the course of the country. The government changed later in 1982, but the new finance minister, Henning Christophersen from Denmark’s Liberal Party (V), continued Heinesen’s work. Christophersen was part of a new conservative government that was to stay in power until 1993, and which legitimised discussions of market concepts, privatisation, and liberalisation in relation to the public sector. The Heinesen report came out in 1983 with suggestions to decentralise, create incentives for effectiveness and efficiency, simplify the system of allocating government funding, and gain more local control over spending. It was soon adopted into

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state can only spend money listed in the annual finance law that sets the Budget. However, more and more expenses are tied to other legislation and thus not negotiable in process of drafting the yearly Budget law. Unemployment benefits are for example a right which is set out in a separate law. The expense this right creates is assessed and incorporated in the Budget, but since parliament already has committed itself to the expense in a separate law it is not debated during the drafting of the Budget. When most of the Budget is already committed beforehand the drafting becomes less of a drama. There is simply not that much at stake in the process any more.

<sup>2</sup> I have translated the title of the Danish publications and added the original title in brackets.

<sup>3</sup> In referring to Danish’ political parties I am using the English translations preferred by the parties themselves on their homepages. I also add the abbreviations used in the Danish press in brackets.

Christophersen's report, "The Government's Program for the Modernisation of the Public Sector" ("Regeringens program for moderniseringen af den offentlige sektor") that set the agenda for public sector reforms throughout the 1980s and early 1990s (ibid.: 13).

During the conservative government, the first privatisations of public enterprises were carried out, and the work of the Ministry of Finance changed completely, from large scale planning to the creation of systems for contracting out, the implementation of user payment, and performance payments, called the taximeter system (ibid.: 14).<sup>4</sup> These developments continued with the change in government in early 1993 when the conservative government was replaced by a coalition of the Social Democrats (S), the Danish Social-Liberals (RadV), and the Centre Democrats (CD). The Ministry of Finance continued to change its focus away from the drafting of the state budget and towards policy making. In 1988 Anders Eldrup, budget director at the time and, from 1991, permanent secretary, had formulated an agenda for the Ministry of Finance to be proactive and initiate reforms (ibid.). A shift in organisational structure to support this agenda was implemented in 1994. During the first term of the social democratic finance minister, Mogens Lykketoft, who took office in 1993, the ministry had thus turned itself into the policy formulating institution which drafted the documents investigated below (ibid.). For his part, Mogens Lykketoft set about proving that his party was a solid guarantee for good public finances, and to a large extent he continued and developed the initiatives of the 1980s (ibid.).

## The establishment of the self-ownership model

That the Ministry of Finance was taking a proactive stance, is clear from their memorandum, "Methods for management in the public sector" ("Styringsformer i den offentlige sektor"), which served as a supplement to the influential "Budget memorandum 1996" ("Budgetredegørelse 96") and was a common reference for subsequent policies (Finansministeriet 1996). In the memorandum, the ministry contextualised its current work as the last stage of a thirty year effort at modernising the management of the public sector (ibid.: 4-8). According to the ministry, the problem with the public sector was that it had a very hierarchical decision making structure, which was only fit for a much smaller organisation (ibid.). The work of reform, seen from that position, has, firstly in the 1960s and 1970s, been a process of detaching the politicians from the actual management process and substituting the formulation of the general framework for management. Secondly, in the 1980s, the reform involved detaching the central administration from the practical carrying out of public services, so that they concentrated instead on turning the framework into plans to be implemented among the so called "providers" of public goods. This was to be

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<sup>4</sup> This form of management was especially applied in the state sector (e.g. the police and justice system) and across the educational sector.

done with the help of new incentive systems of sanction or reward meant to increase responsibility at local levels. Thirdly, in the 1990s, the reform aimed to optimise the performance and efficiency of the providers by introducing a market in public goods in which the citizens could choose the service provider they liked best (ibid.). The general aim of the reforms has been to secure a correlation between the goals of the politicians and the behaviour of the providers, and the strategy for achieving that aim has been to exchange a bureaucratic command system to one of self management, with discipline through sanction and reward schemes as well as by competition.

In order to continue this reform, “Methods for management in the public sector” examines a number of steering devices or methods of control. Among them are the creation of publicly owned corporations, the introduction of users panels, taximeter management, and contract management (ibid.: 9). Though all of these to some extent are, or have been, in use in the education sector, what is especially interesting for a discussion of self-ownership is contract management. It was first introduced into the Danish public sector in 1992 when seven state agencies were given the status of “free agencies” (“fristyrelser”) who entered into a contractual agreement with the state (ibid.: 11). The type of contract used for these relationships was not a judicially binding one, but rather a way of formalising and clarifying the difference between the agency that orders something (the purchaser) and the one that gets it done or delivers (the provider) (ibid.). On the provider side the benefit of the contractual relationship is generally considered to be a better ability to plan and a greater freedom to allocate resources (ibid.). Since 1992 this concept of contracts between state agencies has been introduced into the state’s relationship with state institutions. Inspired by Swedish experiences, the Ministry of Finance suggested that this kind of relationship - though the Danish version is closer to private law - would also be useful for managing the state’s relationship with self-owning institutions (ibid.: 17). By looking at foreign experience with contractual management, the ministry recognised that the contract model had some inherent problems, such as difficulties with formulating contractual conditions that can actually be measured. However, inspired by experiences from New Zealand (ibid.: 87), the ministry called it the “most consequent” political steering of the production of public services available. The years following this conclusion gave rise both to public-public contracts in a number of new areas of the public sector, and to a number of new quasi-independent public organisations that are able to enter into these contracts. Among them were self-owning institutions in the education sector (Undervisningsministeriet 1997: 26).

The Danish educational sector has historically consisted of a large variety of institutions with varying relations to the state. Many of the sector’s institutions have been founded by local entrepreneurs as a response to local needs, and have only later entered into a relationship with the state in order to achieve funds and authorisation. The Ministry of Education has, since the late 1980s, aimed at creating a common framework for the institutions’ relationships with government, both to secure the independence of the institutions from the central administration, and in order to ensure that state funds are spent in accordance with the conditions under which they were

provided (Finansministeriet 1998: 94). The model used for defining this relationship has rested on the concept of self-owning institutions, a concept that has been gradually clarified throughout the 1990s. This clarification process intensified in 1996 when a number of higher education institutions (not universities) were made into self-owning institutions (Folketinget 1996). Also in 1996 the scandal of the Tvind boarding schools started rolling. Tvind is a consortium of schools, teaching colleges, and development projects established in 1972. It is famous for its alternative concepts of learning, and infamous for what is often perceived as the sect-like organisation of its employees. One aspect of the Tvind scandal was that the organisation transferred the state funding of Tvind schools to the school's parent organisation, and parliament sought to use a redefinition of the concept of self-ownership to block the further funding of these schools (Højesteret 1999). The rather loosely defined self-ownership concept at this point began to take a more consistent form: a self-owning institution has clear aims written into its statutes;<sup>5</sup> it has an independent governing board (with a majority of external members (Folketinget 1996) working for the achievement of the aims of the institution; it receives state funds, made as a performance payment ("tilskud") based on objective criteria such as the taximeter system as opposed to a grant ("bevilling"); it is audited by an independent auditing agent; it has independent responsibility for all of its assets including buildings; and its independence is set out in law (Undervisningsministeriet 1997: 6-7).

A further standardisation was reached in 1997 when the Ministry of Finance decided to examine the status of the many state provided trusts, and among them included the self-owning institutions (Finansministeriet 1998). The aim of the ministry was to clarify the relationship between the state and the institutions, in order to decide how to exercise influence over them and, possibly, to realize their assets and thereby to make efficient use of the state's property (ibid.: 32-33 and 37-46). A key concept in this work was the defining of the trusts and institutions as special kinds of legal subjects, and figuring out how to influence these subjects without undermining their independence to such a degree that they could no longer be held accountable for their actions (ibid.: 7-14 and 44). The result of the work was a strategy to standardise the constitutions of the different institutions and trusts, and thus to make them independently acting organisations but controlled by the state through the state's scrutiny ("tilsyn") related to its role as financier. Also in 1997 the Ministry of Education published a document describing exactly what was meant by a self-owning institution in the education sector, complete with standardised statutes to use in the different kinds of educational institutions (Undervisningsministeriet 1997). In this document the ministry likened a self-owning institution to a citizen, in that all state influence over it has to be set out in law (ibid.: 23). The self-owning institution is a legal person ("juridisk person") and has the right to hire a lawyer and sue the state. It

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<sup>5</sup> The word statutes is a translation of the Danish "vedtægter" and not "statutter," which was the term used in relation to universities up until 2003. The use of "vedtægter" corresponds to the language used in private corporations. In the proposal for the law that sets out the framework for the self-owning Technical University of Denmark (DTU) the science ministry finds it necessary to correct the language used by administrators at DTU and underline that the word "statutter" is no longer appropriate..

cannot be instructed to act by the state, unless the state has a legal basis (a law) for its instruction. This does not mean however that the ministry's control is necessarily diminished in the self-ownership construct. It is, according to the same publication, a legal responsibility of the ministry to scrutinise the conduct of the institutions to make sure they fulfil the conditions for their financing (ibid.: 24).

## **Self-ownership as a tool for reform of the higher education sector**

In 1998, with a workable model for the constitution of educational institutions in place, the education minister, Ole Vig Jensen, set out to reform the Danish higher education sector (Undervisningsministeriet 1998). On the brink of the millennium he defined the Danish higher education system as the key to Denmark's success in a globalised economy where the future welfare of its citizens depends on the flexibility, quality, and relevance of its educational system (ibid.: 1-2). As his ministry notes, the majority of Denmark's competitors have already acknowledged this, which is why most OECD countries are investing heavily in education (ibid.: 2). Also the general development in society has redefined the role of higher education institutions, from being the provider of education for a limited group of people to becoming the providers of services in a range of areas (ibid.: 2). The institutions need to co-operate with industries, participate in life-long learning programmes, internationalise, and implement IT. Another and very concrete challenge for the institutions is, according to the ministry, the demographical challenge of a growing population of young people, combined with the political ambition of getting 50 percent of all young people to graduate from a higher education institution, at a time when the baby boomers teaching in those institutions are retiring (ibid.: 21-22 and 33). The ministry's solution to this problem is the creation of a number of Centres for Further Education (CVUs) that merge the many different Danish professional colleges (MVUs) into clusters of multiple education programs, held together in a virtual network built on an electronic infrastructure, although physically spread out (ibid.: 23-29). These clusters will be provided with high skilled teaching capacity by the universities, and will be an alternative feeder of students with bachelor degrees into the universities' masters programs. The formation of these clusters, the CVUs, is to take place on the basis of the self-ownership model. The governing boards governing these institutions will consist primarily of representatives from the sectors that make use of their graduates. Each governing board will hire the management and have full responsibility for its institution. The ministry will finance it through taximeter-funds that are conditional on the quality of the CVU's performance. (ibid.)

Before finally seeing how the self ownership concept has been applied to the university context, it is necessary to take yet another detour to the Ministry of Finance. The universities were still forming the kind of complicated networks with the central

administration in the ministry that self-ownership was designed to get rid of. Universities were fighting to keep up their funding while negotiating ever new initiatives streaming out of both the Ministry of Science and the Ministry of Education (Øllgaard 1998, cf. Mejlgaard et al. 2002: 51-54). The Ministry of Finance decided to make it its aim to take the detachment of state agencies from the state itself a step further. In August 2000, Mogens Lykketoft (SD) presented a reform of the state's management of real estate that changed all state institutions into tenants occupying state property (Lykketoft 2000). An independent agency was created that was to rent out property to state institutions on market-like conditions in competition with private companies (Ejendomsstyrelsen 2005). The institution would then be compensated on the basis of - in the case of the universities - the number of square meters related to the number of students passing exams (Undervisningsministeriet 2000, Lykketoft 2000). As the rent was to be set according to the property's value on the private market, some universities were all of a sudden occupying very expensive buildings while others where in cheap rentals. One university that looked to be in great financial trouble as an outcome of the reform was the Technical University of Denmark (DTU), which had very large buildings due to its research facilities, and a relatively low student output. As a solution to this problem, paragraph 12 of the 1999 university law, a paragraph that gave the minister the right to approve exceptions to the law proposed by a university, was used to create DTU as a self-owning institution with ownership over its own buildings. The concept of self-ownership thereby re-entered the university sector.<sup>6</sup> It had last been used in the sector before 1970, when the University of Aarhus was transformed from a self-owning institution into a state institution.

The new DTU was created by law on the 20<sup>th</sup> of December 2000 (Folketinget 2000c). Although DTU was created as an exemption to the university law of 1999 (Folketinget 1999), the university was not freed from all of the university law's other provisions. However, the granting of self-ownership to DTU meant a completely different management structure for the university, as well as a different way of managing assets and buildings. According to the DTU law's explanatory memorandum, DTU or the senate (konsistorium) at DTU had itself requested the new management system in its application to become self-owning (Folketinget 2000a). The ministry had no trouble accepting this since, as it is stated later in the memorandum, the management structure is in accordance with, or even an effect of, the new self-owning structure (ibid.: 11).<sup>7</sup> DTU is to be ruled by a governing board (bestyrelse) which hires and dismisses the rector, who in turn runs the university under the supervision of the governing board.

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<sup>6</sup> DTU was, in truth, not the first Danish university to acquire self-ownership. The Danish University of Education, DPU, was created by law as a self-owning institution in 1999. DPU was, however, not created under the same law as the rest of the Danish universities, and it answered to a different minister. Furthermore, DPU was formed on the basis of the structures for further education of Danish school teachers, which traditionally had been separated from the universities. The establishment of DPU as a self-owning university had for these reasons not wider repercussions within the university sector. With the university law of 2003 DPU came under the same legislation as the rest of the Danish universities.

<sup>7</sup> The point I am making here is that what has hitherto been seen as something that follow from each other, i.e. new management system follows from self-ownership, are beginning to be argued for separately. What is presented as two different parts of the reform of DTU is one and the same thing.

As was the case in the recent foundation of the self-owning Danish University of Education (DPU) under the supervision of the Ministry of Education (Folketinget 2000b), the governing board at DTU has a majority of external members which puts an end to the influence over the leadership of the university formerly held by its employees and students. The freedom over assets and the ownership of its own buildings, which were the original reasons for the creation of the new structure at DTU, are implemented through the law as a mandate to the ministry to sell the buildings to DTU (who buys them with the help of a mortgage on the buildings themselves) and to shift from financing DTU through grants (“bevilling”) to performance payments (“tilskud”) (Folketinget 2000c). The law provides the ministry with ways to make sure that the self-owning legal subject, DTU, is using its state subsidies appropriately and to stipulate how the university is to do its budgeting and accounting (ibid.: 2-3). A similar authority was given to the Ministry of Education by the law, since, at the time of the DTU law, the minister of education was both responsible for, and funded, teaching at universities (ibid.).

## Perceptions of self-ownership in the debate over universities

At other universities DTU’s shift to self-ownership was followed with interest. The excessive use of paragraph 12 of the university law created speculation about the possibilities of following in the footsteps of DTU, or even creating a whole separate model. Self-ownership was on centre stage in this debate, as it was covered by the critical union journal, *Forskerforum*.<sup>8</sup> A search for the word “selveje” (“self-ownership”) in the electronic archive of the journal reveals that the term first entered the debate in the journal in 1998 as an *ad hoc* proposal from two university researchers during a discussion of the increasing state regulation of universities’ research (Øllgaard 1998). A year after, in September 1999, the term begins to be associated with state promoted reform as the creation of self-owning centres for further education, the CVUs, is debated. The engineers educated in the new centres are worried that the change in management structure in their schools will make their education incomparable with its counterpart in the universities (Vang-Lauridsen 1999). Later that same year the self-ownership of the new University of Education (DPU) is first mentioned in the journal (Øllgaard 1999). The consequences of self-ownership are, however, not discussed, since interest seems to focus on the changes to the whole pedagogical training sector, and the newly constructed university’s responsibilities as the sector’s prime research centre. The fact that the rector is appointed by a governing board, and not elected by a council of academics (“akademisk råd”) is noted, but not commented upon (ibid.: 11). The new university, it seems, is not yet considered a part of the group of Danish Universities, as it

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<sup>8</sup> “Researchers’ Forum” ([www.forskerforum.dk](http://www.forskerforum.dk)).

functions under its own law and is supervised by a different ministry from the “old” universities.<sup>9</sup>

In April 2000, discussion about the self ownership of the future DTU first makes it to the columns of *Forskerforum*. The problems emphasised in the journal are not so much the concept of self-ownership, but whether the transformation of DTU is going to be a top-down implementation promoted by a strong rector, or a more inclusive process (Vang-Lauridsen 2000). The future governing board’s power is discussed, but as DTU’s rector, Hans Peter Jensen, states, “it is a conscious decision that until now there has only been a general decision about DTU’s shift to self-ownership” (ibid.: 6). The final “package” is not yet decided upon, and that “opens up a broad debate.” Meanwhile, later in the same issue of the journal, the new rector of DPU, Lars-Henrik Schmidt, criticises the Ministry of Education for making the foundation of DPU a very clumsy and rather undemocratic process (Øllgaard 2000a). On the other hand, he points to the courageousness of the ministry for letting go of their hands-on control of the new university,<sup>10</sup> except, of course, when it comes to finance.<sup>11</sup>

In the May 2000 issue of *Forskerforum*, the consequences of the DTU initiative are debated. Among the members of the rectors’ organization, the Danish Conference of Rectors (“Rektorkollegiet”), there seems to be a widespread scepticism about the DTU rector, who was also chairman of the Danish Conference of Rectors, going it alone (Øllgaard 2000c). Still the idea of self-ownership seems to appeal to the other rectors. The rector of The University of Copenhagen, Kjeld Møllgård, expressed interest in gaining more control over the buildings of his university, but he did not like the consequences for university management that a transferral of the DTU law to Copenhagen would have entailed (Øllgaard 2000d). The rector at Aalborg University Centre, Svend Caspersen, expressed the need for a thorough discussion of the two most important aspects of the DTU law, the ownership over buildings and the management reform, thereby separating two aspects of self ownership that had been unified up until the concept’s entry into the university context (ibid.).

Over the summer the consequences of DTU’s self-ownership begin to materialise, and the academic personnel of the university direct a number of inquiries to the then minister of science, Birthe Weiss (Tanggaard 2000a). She points to the fact that a united DTU had asked for the reform in the first place (ibid.: 4). In the September 2000 issue of *Forskerforum*, what is called Hans Peter’s (DTU-rector) management structure is presented. “His” structure (Tanggaard 2000c) seems to be quite in keeping with the models for self-ownership laid out by the Ministry of Education. In

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<sup>9</sup> What is considered old or traditional in the Danish higher education context is not a constant. Copenhagen University dates its foundation to 1479, the Royal Veterinary and Agricultural University was established in 1858, Århus University in 1928, Roskilde University Centre in 1972, and Aalborg University in 1974. .

<sup>10</sup> What the new freedom of control postulated here consist of is unclear.

<sup>11</sup> For insights into the ways the state monitors the universities’ economy see Ørberg (forthcoming 2006) The Shift to Accrual Budgeting.

September, Hans Peter Jensen lost his position as chairman of the Danish Conference of Rectors, and Henrik Toft from Roskilde University Centre was elected in his place. The new chairman points to the importance of having a representative of the “old” management model as the negotiator, if the status of the universities is to be discussed (Øllgaard 2000b). On 20<sup>th</sup> December 2000 the proposal for self- ownership of DTU becomes law (Folketinget 2000c). The Red-Green Alliance (Enhedslisten.), which had secured the parliamentary majority for the creation of DPU as a self- owning institution, calls the new law “a radical shift in the university law’s idea about democracy.” (Tanggaard 2000d) At the other end of the political spectrum Hanne Severinsen of Denmark’s Liberal Party (V), who voted against the DPU law, welcomes DTU’s shift to self- ownership and admits to aspiring to self- ownership for the rest of the universities as well (Tanggaard 2000b). She also states that it should be the state’s responsibility to formulate contracts with the universities that can secure a better coordination of the government’s aims and its funding (ibid.: 15). Both Copenhagen Business School and Aalborg University Centre are considering adopting the DTU-model at this point, if it would result in more funds being available (Øllgaard 2000e).

Apart from sorting out the details of the passing of the DTU law, the debate over self- ownership seems to diminish in *Forskerforum* throughout the spring of 2001, but it is restarted over the summer by a new Social Democratic (S) statement on university politics that seems to change the emphasis on the different aspects of self- ownership. The party’s paper is in favour of a reform of university management, with a possible shift to self ownership as a voluntary part of it (Tanggaard 2001a). The party suggests, among other things, that the rector should be hired and the university controlled by a governing board. Only one day later, on 17<sup>th</sup> June, the minister of education underlines at a conference about the future of DTU, that self- ownership was not just a concept to secure ownership over buildings, but also an attempt at developing DTU (Tanggaard 2001b). The debate in *Forskerforum* throughout the autumn has its focus on the management aspects of self ownership, and especially on the role of the governing board. Finally, in November 2001, the national election provides a new government, a new and stronger Ministry of Science, a new minister of science, Helge Sander of Denmark’s Liberal Party (V), and a number of proposed changes to the universities for him to carry out (Statsministeriet 2001). Among these was the shift to self- ownership, a shift that was continuously argued for by Denmark’s Liberal Party’s (V) spokesperson on research and higher education, Hanne Severinsen, in the spring of 2002 as a means of strengthening the economy of the universities (Tanggaard 2002). In an overview of the new government’s policy towards universities, *Forskerforum* itself suggests that self- ownership can function as a “reward” for universities willing to reform (Øllgaard 2002f).

In *Forskerforum*’s April 2002 edition, a final shift in the role of self- ownership is predicted. The main story of the issue is the financial troubles of DTU and the university’s lack of benefits from the ownership of its buildings due to its inability to obtain new loans (Øllgaard 2002e). In May, at the request of the minister of science,

the different universities presented their own attitudes towards a reform of university management, and a number of the university rectors came out in favour of opening up the universities to external influence through the establishment of new governing boards. In relation to this, some of the rectors presented their positions in *Forskerforum* as a way of manoeuvring in the contemporary political landscape (Øllgaard 2002c). The chairman of the Danish Conference of Rectors, Henrik Toft Jensen from Roskilde University (RUC), was, on that occasion, the only rector to discuss the reform of university management as consequential on a shift to self-ownership (ibid.). In the following issue of *Forskerforum*, June 2002, the concept of self-ownership seems debatable. The trouble at DTU has changed its positive ring, and the new rector of the University of Copenhagen, Linda Nielsen, warns that self-ownership is prone to create complicated accounting issues and a great need for universities to employ auditors (Øllgaard 2002b). The same issue also includes a longer article about the financial problems at DTU, that are interpreted by Henrik Toft Jensen as a warning that the self-ownership concept needs examination before it is applied to other universities (Øllgaard 2002a). Hanne Severinsen suggests in the issue that self-ownership does not need to include ownership of buildings, which makes the journal suggest that self-ownership is but a pretext for the implementation of new forms of management at the universities (Øllgaard 2002d). Toft Jensen finds it hard to accept that self-ownership would not include buildings, and refers to the characteristic of the self-owning Danish peasants (ibid.)<sup>12</sup>. Attempts by Professor Lennart Lynge Andersen, a law professor, to clarify the notion of self-ownership are also mentioned in the issue (ibid.). His position seems to be that self-ownership should include the same kind of legal protection and independence as a private trust.

The summer 2002 issue of *Forskerforum* (issue 156X) has a secretive minister of science on the cover. According to the issue's editorial, the minister has been forced to desert self-ownership because of DTU's troubles (Søndergaard 2002). Why he still needs to come up with a new law for universities is a mystery to the editor. The suggestion in *Forskerforum* is that the minister has a secret master plan, but people in the university sector are only able to guess at its contents. Strangely, even after the ministry published his plan as "Future university policies" ("Fremtidens universitetspolitik") on August 29 (Ministeriet for Videnskab 2002), and also after the draft of the new university law had been presented, the debate over self-ownership was almost non-existent in *Forskerforum*. This, even though the ministry had in no way abandoned the concept of self-ownership, but rather had re-formulated it without the ownership of buildings.

The shift to self-ownership, as is also apparent from *Forskerforum*, was debated in the universities themselves. All universities had to submit responses to the ministry's proposal for a new university law. At the University of Copenhagen the issue of self-ownership was particularly important, since the university has a great number of

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<sup>12</sup> The self-owning peasants are in many senses important national heroes of Denmark. It is interesting to note this context for the positive connotations the concept of self-ownership tend to have.

buildings with ambiguous ownership and the rent of the buildings is high because of its central location in downtown Copenhagen. It could also be added, that the University of Copenhagen, because of its long history, had a lot more historical “integrity” to defend than the other recently founded universities. The aforementioned rector of the University of Copenhagen, Linda Nielsen, entered office in February 2002 and as we have seen she participated actively in the debate over self-ownership. Prior to her election in the years before 2002, the word selfownership (“selveje”) was only mentioned once in the senate in the University of Copenhagen’s minutes (“Konsistorium”) (Copenhagen 2000). This was in 2000 and can today retrospectively be read as an early notice of the events of 2002. Under the discussion point *news*, the dean of the faculty of science, Henrik Jeppesen, informed the senate that the Ministry of Research had supported the creation of a new collective natural history museum (ibid.: 2). The only condition was that it was not named the State’s Natural History Museum but, in order to prepare for possible later self-ownership at the University of Copenhagen, it should be called Denmark’s Natural History Museum. Later at the same meeting, the governing board discussed whether it was democratically problematic for the Niels Bohr Institute to admit external representatives from industry onto its governing board (ibid.). Later in December 2002, the University of Copenhagen came out with a press release (Copenhagen 2002c) and a number of comments on the proposed university law, which strongly opposed the shift to self-ownership (Copenhagen 2002a). In the comments, signed by Nielsen, self-ownership is described as an undefined concept with connotations opposite to the realities of the proposed law (ibid.: 8). She explained that, after the law was passed, the state would continue to be the real owner of the universities, since the state would continue to both finance and monitor their activities. It is also pointed out that most of the regulations concerning state institutions would continue to apply to universities, on top of a whole new string of obligations connected to the new status of self-ownership, such as increased auditing. In the press release accompanying these comments, Linda Nielsen calls the concept of self-ownership “completely hollow” and “totally undefined”(Copenhagen 2002b). She argues that the shift to self-ownership is an attack on the self-governance of the university, and that the university is a natural part of the state, and should not be separated from it. If it was the intention of the draft law to set the universities free, at least in the University of Copenhagen it is not perceived in that way.

## **Self-ownership’s disappearance**

The intention of the Ministry of Science in redefining self-ownership in the context of universities can be gleaned from communications between the ministry and the political parties in the period leading up to the drafting of the new law. This pile of documents begins with the circulation of 18 questions, dated 4<sup>th</sup> June 2002, to the spokespersons on science in the different political parties in parliament (Sander 2002). One of these questions is whether the universities should be self-owning, with or

without buildings. The day before, in parliament on 3<sup>rd</sup> June, the minister of science, Helge Sander, had clarified the two different ways of understanding self-ownership. This was at the request of a former minister of education, Margrethe Vestager of the Danish Social-Liberals (RadV), who had been voted back into parliament in the 2001 election (Ministeriet for Videnskab 2002b). The minister's clarification was mostly focused on the ownership of buildings. He refers to DPU and DTU regarding self-ownership with buildings, and refers to private companies in rented offices as a model for self-ownership without buildings. He seems to be recommending the last model in that he argues that self-ownership with buildings will have very varied results across the university sector. Regardless of the types of self-ownership, the minister continues to insist on the change in management structure by creating governing boards with an external majority. In the note "Aims of the four parts of the reform" ("Målsætninger for de fire delreformer") from the ministry dated 17<sup>th</sup> June, the proposed university reform is broken down into four sections (Ministeriet for Videnskab 2002c). One concerns institutional reforms and mentions self-ownership without ownership of buildings as a way of creating a better and more efficient management of university accommodation. Self-ownership with the ownership of buildings is not mentioned. In the same document the change in management structure has its own section. Also dated the 17<sup>th</sup> June, is an overview of the universities' own attitudes towards reform (Ministeriet for Videnskab 2002a). Most of them refuse to comment on self-ownership since they find the concept to be in need of clarification.<sup>13</sup>

In the note "Expanded note on forms of self-ownership" ("Uddybende notat om selvejeformer") of 28<sup>th</sup> June 2002, it is recommended that self-ownership without buildings, "institutional self-ownership" ("institutionelt selvstyre"), becomes the model for the universities (Ministeriet for Videnskab 2002f). It is also pointed out that the institutional reform is part of the wider rationale of the law to provide "freedom with responsibilities" to the universities. There are, according to the note, four sides of this freedom: management reform, educational reform, control ("styring") reform, and institutional reform. This division is interesting since self-ownership in that framework becomes an independent end in itself. It is presented as independent of the reforms that it later, in the law's explanatory memorandum, is argued to be the background for. This division is upheld in the final note on the future of universities that precedes the actual draft of the law. This note is published

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<sup>13</sup> In an attempt at clarifying the concept of self-ownership itself, the ministry on 28<sup>th</sup> June 2002 produces a note on law professor Lennart Lyng Andersen's book "From institution to trust" ("Fra stiftelse til fond"), which argues that there is no difference between the self-owning institutions of the education sector and a regular state institution of the type the universities already belonged to (Ministeriet for Videnskab 2002d). Interestingly another note dated 28<sup>th</sup> June consistently refers to the future universities as "institutions" without the standard "self-owning" prefix (Ministeriet for Videnskab 2002e). The professor's book may also be what starts the debate over constructing the universities as trusts that took place over the summer 2002. The idea was that the government should equip each university with a considerable lump sum to establish a trust, which in turn could generate profit to fund the university. This construction was thought to provide universities with the kind of autonomy that Lyng Andersen suggested was not provided in the self-ownership construct proposed by the government.

on the 29<sup>th</sup> August and is 13 pages long (Ministeriet for Videnskab 2002l). Self-ownership is discussed in 9 lines on page 12 and only in relation to the hoped for higher efficiency in the use of square meters at the universities (ibid.: 12). In the Ministry's comments to the first round of reactions to the proposal, it clarifies the intention behind self-ownership as: 1) security against detailed control from the minister since the universities become like independent "companies",<sup>14</sup> 2) cost-effectiveness that can free funds for other purposes, and 3) flexibility regarding buildings and less work on administering buildings, which will free energy to be used within the universities' core areas of activity (Ministeriet for Videnskab 2002g).

The ministry's comments on the second round of reactions to the draft law does not mention self-ownership (Ministeriet for Videnskab 2002h). In a later note from the ministry "Argument for an external majority on the governing boards and hired managers" ("Begrundelse for eksternt bestyrelsesflertal og ansatte ledere") it is interesting to see how the governing board and its external majority are argued for completely without reference to the self-owning concept, which initially had been the pretext for these management changes (this argument holds true for almost all subsequent documents) (Ministeriet for Videnskab 2002i). Instead the argument focuses on the need for increased accountability as a precondition for increased independence. That self-ownership does have consequences, though, is pointed out in the note "Powers of the minister under the present law and a possible new law" ("Ministerens beføjelser I medfør af gældende og evt. ny universitetslov") concerning the necessary provisions in the economic section of the draft law that follow from the concept (Ministeriet for Videnskab 2002j). In the note "Complementary explanations regarding the note of 29<sup>th</sup> August 2002" ("Supplerende redegørelse I forhold til notat af 29. august 2002") (Ministeriet for Videnskab 2002k), a supplement to the ministry's comments on the reactions to its proposal, it is pointed out that the shift to self-owning institutions will transfer most of the legal responsibility, which lay with the minister under the old law, to the universities without making them into institutions under private law. The universities are given a large number of legal responsibilities. Whether they are given corresponding legal rights is questionable.

## Conclusion

When the 2003 university law established universities as self-owning institutions, it included the universities in a long tradition of having independent institutions in the educational sector funded by the Danish state. But the concept of self-ownership had attained some rather new implications, before it was applied in the university sector. It was by then part of the project of successive governments to reform or modernise the whole of the Danish public sector.

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<sup>14</sup> What the security consist in is not specified. However, as we have seen above, a consequence of self-ownership is that the state has a legal basis for interference.

The self-ownership model has, as we have seen, been developed throughout the 1990s into a model for managing the subcontracting of public services. Its implementation in the university sector recreates universities as independent partners of the state with whom the state can then enter into contractual relationships. Universities are becoming part of what Wright has described as the rise of governance (Wright forthcoming): a transformation of public and semi-public agencies into independent suppliers and contractors, driven by the government's wish for a means to outsource responsibility and accountability for service provision, whilst demonstrating government's spending efficiency and a more effective delivery of policies. Universities are thus created as partners motivated by "degrees" of independence from the state and by competition with other providers of the public good. Meanwhile, the self-ownership model secures tight state control over the universities' finances as well as over their key strategic decisions.

While the self-ownership concept was first perceived in the university sector as a model for setting universities free, the above account of the evolution of this concept in the finance ministry's policies for public sector management suggest it to be yet another way for the state to exercise its influence. To fully comprehend the current transformation of the Danish higher education sector, I suggest that it is seen in relation to general reforms applied across the Danish public sector. Apart from the establishment of hitherto state institutions as 'self-owning', these reforms also include the establishment of a purchaser-provider split, the growth of contractual relations between the purchasing state and the providers of public services, as well as between layers of leaders within organisations, the establishment of funding systems to encourage performance and efficiency, including the state's reform of its accommodation management, and the very significant contemporary shift to accrual budgeting (Ørberg 2006 forthcoming). As I have shown above, the Danish finance ministry is the self-perceived engine for this ongoing process, but it is a process very much inspired by international trends mediated by organisations such as the OECD (ibid.).

Our research project is attempting to understand what universities are becoming at the moment, and what kind of identities or subject positions are distributed within the universities for leaders, scientific personnel and students to occupy. To do this, I am arguing, there is a need to study general changes in the way states see themselves, emerging understandings of concepts like "public good" and "citizens", and perhaps a whole new formulation of the purpose of society. As these various transformations are translated into local settings, the relations they have with each other are often cut. The implementation of self-ownership into the university sector has mainly been addressed by those in the sector itself through a focus on its separate consequences, divorced from its relation to other aspects of the university reform and from its central role in the overall reform of the public sector. The aim of this paper has been to take seriously the statement that the new university law's provisions follow from the shift to self-ownership, and to provide a framework for addressing the meaning of this shift in its entirety.

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