

Working Papers on University Reform

Working Paper 4:

An Insight into Ideas Surrounding the 2003 University Law

- Development contracts and management reforms

By Peter Brink Andersen

Danish University of Education

November 2006

Working Papers on University Reform
Series Editor: Susan Wright

This working paper series is published by the research unit "Transformations of universities and organizations" at the Department of Educational Anthropology at the Danish University of Education. The series brings together work in progress in Denmark and among an international network of scholars involved in research on universities and higher education.

"Transformations of universities and organizations" aims to establish the study of universities as a field of research in Denmark. The field has three components: International and national policies to revise the role of universities in the knowledge economy; the transformation of universities as organizations; and changes in teaching and learning in higher education. The research unit aims to understand each of these components in the context of the others and explore the links between them. The central questions are: How are different national and international visions of learning societies, knowledge economies, and new world orders spurring reforms to the role and purpose of universities and to the policies and practices of higher education? How do university reforms introduce new rationalities of governance, systems of management and priorities for research and teaching? How do managers, researchers, and students negotiate with new discourses, subject positions and forms of power arising from university reforms? What kinds of changes are students, academics and university managers themselves initiating, and how do these interact with reforms coming from governments and international organizations? This interaction is central to the work of the research unit.

The unit draws together ideas and approaches from a range of academic fields and collaborates internationally with other higher education research environments. Currently the unit's main activity is a research project, 'New management, new identities? Danish university reform in an international perspective' funded by the Danish Research Council (2004-2007). The unit holds seminars and there is a mailing list of academics and students working in this field in Denmark and internationally.

Members of the unit include professor Susan Wright, Danish University of Education, associate professor John Krejsler, Danish University of Education, assistant professor Jakob Krause-Jensen, Danish University of Education, Ph.D. student Gritt Bykærholm Nielsen, Danish University of Education, and research assistant Jakob Williams Ørberg, Danish University of Education.

Further information on the research unit and other working papers in the series are at <http://www.dpu.dk/site.asp?p=5899>. To join the mailing list, hold a seminar or have material included in the working paper series please contact professor Susan Wright at suwr@dpu.dk or at the Danish University of Education, Department of Educational Anthropology, Tuborgvej 164, 2400 Copenhagen NV, Denmark.

An Insight into Ideas Surrounding the 2003 University Law

- Development contracts and management reforms

PETER BRINK ANDERSEN

Email: peterbrink@hotmail.com

Copyright: Peter Brink Andersen

Contents

<i>Introduction</i> _____	<i>1</i>
<i>Reform of University Governance through Development Contracts</i> _____	<i>3</i>
<i>The Danish Council for Research Policy's Proposals to Change University Governance and Management</i> _____	<i>7</i>
<i>Debates and Alliances over Governance Reform</i> _____	<i>12</i>
<i>The 2002 proposal for management reform and the 2003 university law</i> _____	<i>18</i>
<i>Universities, society, quality and freedom</i> _____	<i>24</i>
<i>Conclusion</i> _____	<i>28</i>
<i>Bibliography</i> _____	<i>30</i>

Introduction

In June 2003 the law which regulates Danish universities was reformed. The history of this reform, and some of the ideas that surrounded it, are the subject of this working paper. I discuss how a number of different actors and communities of interest sought to influence university reform. These participants in the debate made a number of claims concerning the management and government of Danish universities. While it became established in political rhetoric that university governance and management posed a problem that could only be solved by reform, very few of those proposing such reform gave any substantiated evidence of what the problems actually were. I wish to demonstrate that the history of the new law and the ideas that surrounded it, as a process of policy making, were characterised by considerable obscurity and ambiguity.

This working paper begins by briefly describing the background from which I am writing about the history of the 2003 university law, and by outlining a few central elements in my theoretical approach.

I first became involved in research into the history of the 2003 University Act when, as student of ethnography and anthropology at the University of Aarhus, I took an offer to conduct fieldwork in a project carried out at The Danish Institute for Studies in Research and Research Policy.¹ Working as a project assistant at this Institute I was very much given a free hand to formulate and carry out my own research project, within the overall research area of 'Management within a research policy context'.² From September 2001 to October 2003, I conducted the research project 'Research management in a research policy context – Development contracts and management reforms at Danish universities'.³

In that research project I focused on the so-called development contracts between the Ministry of Research and the Ministry of Education on the one hand, and Danish universities on the other, as well as on the 2002 proposal for the reform of university management, which anticipated the 2003 university law. In relation to this project I conducted a textual analysis of a large number of political documents and articles in the public press, and 18 qualitative interviews with selected senior managers (rectors, deans, heads of departments and a number of research managers) at the Faculties of

¹ The Danish Institute for Studies in Research and Research Policy was a government research institute under the Danish Ministry of Science, Technology and Innovation. From 1 January 2004, this institute became a research centre at Aarhus University and changed its name to 'The Danish Center for Studies in Research and Research Policy'.

² This project was part of the so-called REMAP project (Research Management under Rapid Change <http://www.remap.dk/>), and it was co-financed by the Danish Social Science Research Council under the Danish Research Agency. The person responsible for the project was Dr.scient.pol., mag.scient.soc. Karen Siune, Director of the Danish Institute for Studies in Research and Research Policy.

³ 'Forskningsledelse i en forskningspolitisk kontekst – udviklingskontrakter og ledelsesreformer på danske universiteter'. See: Andersen 2002, 2003a, 2003b.

Natural Science and Social Science at Copenhagen and Aarhus Universities. This working paper builds on my former research and on work I have done as a research assistant (March 2004-May 2005) on the research project 'New Management, New Identities? Danish University Reform in an International Perspective' at the Danish University of Education.

The theoretical approach I took towards the study of the creation of the development contracts and have also used in this research drew on a perspective from the 'anthropology of policy', as formulated by Chris Shore and Susan Wright (1997). Without entering into any detailed discussion, here I would like to introduce one of the concepts, 'keywords', that is central to the theory outlined in the *Anthropology of Policy*, and which I find helpful in relation to understanding the process of policy making that anticipated the 2003 university law (Shore & Wright 1997).

A focus on keywords is a way of studying the processes whereby concepts migrate between contexts and are used in new ways by positioned actors or communities of interest. When keywords enter into new contexts, old meanings are often pushed to the background, or existing meanings are expanded in new and often unpredictable directions. When keywords migrate to new contexts, their relation to other keywords is also changed, and new clusters of meanings are formed. This approach treats 'political communities' as not just a rhetorical, but a contested political space, in which a focus on keywords can function as a prism, through which to identify the positions of the different actors and communities of interest that take part in the policy processes. From the prism of different perspectives on any particular policy issue, the questions asked are, 'Whose voices prevail?' and 'How are their discourses made authoritative?' (Wright 1995: 79).

In this working paper, I wish primarily to focus on two elements that have had a very central position in the debates leading to the 2002 proposals to reform university management, which were later to be found in the 2003 university law. The first of these concerns proposals to establish university governing boards, with a majority of external members as well as an external chairman. The second is a transition from a situation in which university managers were democratically elected by the university's scientific and administrative staff and students, to one where university managers are appointed by the newly established governing boards and employed on a limited tenure. I focus on these two elements of the new law, as a main thread that runs through the history of the law and the debates surrounding it.

In this working paper I will also provide information about the historical context, into which the two above proposals were introduced. I will do this in order briefly to discuss the establishment of development contracts between the ministry and each university. This was an important political initiative, which was still in the process of being created when the two proposals to appoint university governing boards and to appoint managers were put forward for the first time. I will discuss the relationship

between the two political initiatives to establish development contracts and to introduce the 2003 University Law in the concluding section.

The proposals to establish university governing boards and to appoint managers were first put forward for public debate in 'Leadership in Danish Universities' (my translation), published by the Danish Council for Research Policy on 12 February 1999. I will provide a reading of this document and discuss reactions towards these two proposals from political parties in parliament and from individuals and groups representing the interests of industry and the universities. I have to limit myself to a few examples of articles and political documents that intend to serve as illustrations of the more general problems and tendencies I am describing.

I will then show how this document to a large degree shaped the debate about a new law and the scope of its provisions. I will give a chronological reading of this political debate as well as of a number of articles from the public press in order to discuss the positions of those actors and communities of interest who were involved in the debate and the standpoints they took towards the ideas that surrounded the 2003 university law. I will do this by focusing on how they mobilized certain keywords and helped to form semantic clusters of keywords in the process of policy making.

Reform of University Governance through Development Contracts

The debate concerning governance and management of universities was, if not initiated, then at least fuelled by the Danish Academy of Technical Sciences (ATV),⁴ and The Danish Confederation of Professional Associations (AC),⁵ which in the autumn of 1998, proposed that the management of Danish universities should be strengthened.

⁴ 'Akademiet for de Tekniske Videnskaber'. The Danish Academy of Technical Sciences, according to their homepage <http://www.atv.dk/atveng/andet/body.html>, is a private, independent institution, whose object is to promote technological and scientific research and ensure the application of research results to further the creation of value and welfare in Danish society. Its website says that ATV's activities are based on a technological and societal commitment, and they are organised to ensure independence from special political and financial interests. ATV's strength lies in its members, who are elected by virtue of their personal qualifications. Together they represent Denmark's most outstanding expertise in technology and related fields, according to the website. Members comprise chief executives and specialists from the private and the public sectors. ATV explains that the unique expertise of its members enables the Academy to promote the development of new technologies and focus on the conversion of technological research and development into practical application in society. Drawing on the fund of knowledge provided by its members, the Academy advises decision-makers in business and central government on technological issues.

⁵ 'Akademikernes Centralorganisation'. AC, according to their homepage: <http://www.ac.dk/695>, is an umbrella organisation for 22 Danish unions for professionals with degrees from institutions of higher education.

In August 1998, ATV published a paper concerning Danish policy for research, technology, and innovation, with the title: *'Better Conditions for Knowledge Based Industries'* (ATV 1998. My translation). This document argued that the university law should be changed so that proper research management could be established at the universities. Senior managers should be held responsible for hiring university staff and for what ATV called knowledge co-operation.⁶ Behind ATV's proposals is the argument that these changes would help ease interaction between Danish universities and industry. ATV wished to make universities responsible for ensuring that their research projects are used in industry.

Approximately three months after the publication of ATV's proposals to strengthen university management, in November 1998 the Danish Confederation of Professional Associations (AC) also argued that there was an acute need for initiatives to strengthen university management at departmental level. In addition, AC argued that there was a need for an overarching body in charge of strategic decision making in universities. According to AC, lack of management resulted in a massive decrease in the quality of education and research at Danish universities. For this reason, AC proposed that universities' elected senior managers, in dialogue with researchers, should be given powers to set goals for each individual's research and teaching. According to AC, common objectives should be established for specific departments, faculties and the university as a whole, and society should also be involved in formulating these objectives and thereby have more influence over universities (*MandagMorgen* 1998).

Just one day after AC published its proposals, the Minister of Research,⁷ Jan Trøjborg (S),⁸ announced that he agreed with AC's criticisms of university management. He therefore planned to convince the Danish parliament to require universities to commit themselves to clear objectives. He hoped that universities would collaborate, and set up their own objectives voluntarily (Olsen 1998). This is the immediate background for the attempt by the Minister of Research, Jan Trøjborg, to strengthen the management of Danish universities by establishing so-called development contracts. He officially initiated these development contracts when he introduced the Ministry of Research's 'Political review of universities and research' in December 1998, with the title: 'New Flexible Forms of Management' (Forskningsministeriet 1998).

In this publication, the Ministry of Research offered universities a voluntary agreement. If universities chose to take part, they would be given more freedom in relation to their development, prioritization of their activities and co-operation with external partners. They would also be allowed more flexible forms of government, building on a principle of self-government in which universities set their own levels of ambition. As a result of this offer (which later turned out not to be that voluntary after

⁶ 'Videnssamarbejdet'.

⁷ Forskningsministeren.

⁸ (S) refers to the Social Democrats.

all)⁹ the Ministry of Research expected Danish universities to aim higher as well as raise the productivity of so-called core areas of research. The Ministry of Research wanted development contracts to be established in order to help universities realise a number of objectives, of which the following were central to the issues discussed in this working paper:

- The entire university – Systematic comparison with other universities and institutions of higher education – Systematic and documented quality assurance that should be able to be evaluated.
- Research – Creation of specific plans for areas of research that are at an internationally leading level – Formulation of co-operation between universities and research institutions – formulation of strategic plans and objectives.
- Relations to the surrounding world – Objectives for the establishment of agreements regarding co-operation with private and public research institutions and industry (Forskningsministeriet 1998. My translation).

According to their 1998 publication, the Ministry of Research wanted to establish development contracts for Danish universities so that ‘strongly rising investments in research release expectations about visibility and results’. This, according to the ministry, will ‘give rise to an increase in the political focus on the sector, and give research a considerable responsibility to do its best and to contribute to the needs of society’. The motives behind the plans to set up development contracts for Danish universities should also be seen in relation to the Ministry of Research’s views about the purpose of research policy: ‘Research policy is about organising the entire research sector with the purpose of advancing the exploitation and the effectiveness of the effort’ (Ibid.: 9. My translation).

The different actors and communities of interest that participated in the public debate concerning the governance and management of Danish universities varied in their responses to the Ministry of Research’s plans to set up university development contracts. The reaction among university researchers and senior managers was generally critical. In November 1998, even before the Ministry of Research published its paper, a number of leading researchers initiated a petition against the Minister of Research, Jan Trøjborg, who, they argued constituted a threat to the free university and to free research. Professor Ib Bondebjerg from the University of Copenhagen, who was a former chairman of the Research Council for the Humanities,¹⁰ made clear

⁹ ‘The Ministry of Science has threatened to cut down grants for Copenhagen University if the university does not agree to establish a development contract. This emerged from a meeting in the senate on Wednesday 20th January. Thus under pressure, the university management chooses to enter positively into the work to gain influence’ Altenburg, T. (1999) ‘Udvikling eller frivillig tvang?’, Information 26 January 1999 (My translation).

¹⁰ ‘Det Humanistiske Forskningsråd’ which has now been incorporated into the Danish Research Council for the Humanities (Forskningsrådet for Kultur og Kommunikation (FKK)), a subdivision of

that the researchers who were protesting against the plans to set up development contracts for Danish universities were not against change in itself, but they were opposed to leaning too much towards private industry's forms of management (Mulvad 1998). The critique put forward in public debate concerning proposals to establish development contracts increased in the period following the publication of the Ministry of Research's paper in December 1998. By the turn of 1998-1999, more than 200 researchers, including prominent researchers and Nobel Prize Winner Jens Christian Skou, signed the petition against the Minister of Research, Jan Trøjborg (Jyllands-Posten 1998).

Besides being criticized by a number of university researchers, the Minister's plans to set up university development contracts were also criticized by Søren Koldstrup from the Red-Green Alliance (Enhedslisten), one of the opposition political parties. He criticized the government for running errands for industrial interests and for wanting to establish a form of management that to a high degree was concerned with the commercial utility value of the research, at the expense of free basic research (Kolstrup 1998).

Whereas the reaction among university researchers, senior managers and parts of the political opposition towards the plans to set up development contracts was generally critical, a majority of the political parties in the Danish parliament and most actors and communities of interest representing industry welcomed the proposals. For example, Peter Frank, a consultant and member of the employers' organization 'The Confederation of Danish Industries'¹¹ is quoted in a national newspaper in January 1999 as saying, 'There should be absolutely more focus on the quality of education, and it is necessary to have a stronger form of management of universities, so that it becomes easier to take measures where quality is lacking' (Olsen 1999. My translation).

The proposals to strengthen university management and establish objectives for researchers and teachers, which the Minister of Research, Jan Trøjborg, took up and promoted through his plan to establish development contracts, became central themes in the ensuing debates about university management. Different actors and communities of interest addressed these proposals as primarily questions about universities' relationships with the surrounding world and about 'quality' and 'freedom'.

the Danish Council for Independent Research (Det Frie Forskningsråd). See: www.forsk.dk (6/11-2005).

¹¹ Dansk Industri.

The Danish Council for Research Policy's Proposals to Change University Governance and Management

Whereas the proposals to establish development contracts were aimed at reform of the universities' existing management structure, the more radical proposals put forward by the Danish Council for Research Policy¹² aimed to change the management structure itself and the social organisation of Danish universities. This meant that the debate about university management took a new turn.

The Danish Council for Research Policy's proposals of February 1999 were twofold: first to establish university governing boards, with a majority of external members and an external chairman; second to shift from electing senior managers to their appointment by the new governing boards on a limited tenure. The Danish Council for Research Policy set out its argument as follows:

The Danish Council for Research Policy believes that the universities should be given greater freedom of action and better possibilities to plan long term in order to meet the challenges of the future. The universities will only have this freedom if they enjoy the confidence of society at large. Such confidence is inextricably bound up with the governance and leadership of the universities. The Council for Research Policy thinks that three fundamental changes are required to provide the universities with the necessary framework for their future development.

Firstly, re-thinking is required concerning the governance structure of the universities. The governance structure should be based on the following new principles:

- External members shall make up the majority of the Senate and the Faculty Councils.
- The chief executive positions at the university (Vice Chancellor and Pro Vice Chancellor) shall be appointed by the Senate on application, rather than by representative elections. Similarly, the Deans shall be

¹² Danmarks Forskningsråd. Members of the Danish Council for Research Policy involved in the 1999 publication were: Chairman Søren Isaksen (Director of NKT Holding A/S), Gert Almind (Practicing doctor), Lars Andersen (Director of the Economic Council of the Labour Movement/Arbejderbevægelsens Erhvervsråd), Ellen Margrethe Basse (Professor at the School of Law, Aarhus University), Gunnar Mørgensen (Scientific Advisor, GM Consult), Katherine Richardson (Professor at the Institute of Biological Sciences, Department of Marine Ecology, Aarhus University), Ellinor Hansen (Senior Consultant, MSc., Danish National Centre for IT Research), Jens Oddershede (Professor, Odense University), Annelise Mark Pejtersen (Head of Department, Risø National Laboratory).

appointed by the Vice Chancellor, following recommendations from the Faculty Councils.

- The universities may organise their own governance at the Department level, within not too restrictive guidelines.

Secondly, a new governance structure should be seen as a prerequisite for the increased degree of freedom to be granted to the universities to make them fit for the challenges mentioned above. This would also imply increased budget stability for periods of two or more years.

Thirdly, there must be incentives at all levels to make it attractive to assume leadership responsibility at the universities.
(The Danish Council for Research Policy 1999: 1).

The Danish Council for Research Policy argued that the existing structure of university management and governance was not suited to face the certain challenges of the future. The ‘international knowledge society’, according to the Danish Council for Research Policy, accelerates the creation of new knowledge, ‘and due to information technology, novelties in research and education are produced, disseminated and exploited in new patterns.’ This development, they argued, means that ‘the future of the universities will be determined increasingly by their competitiveness, not only where academic quality is concerned, but also by their ability to meet the demands and general expectations of their users’ (ibid.: 2).

These future challenges led the Danish Council for Research Policy to believe:

that the universities must be given better tools in order to ensure the quality of research and teaching at all levels. The international *peers* must continue to define the level of academic quality, but the responsible leaders of the institutions must also set standards and goals for research and teaching. The goals of the institution must be clearly defined, and their achievement should be measurable. At all levels leaders should be able to make sure that transformation, innovation and quality management take place, and that high quality in research and teaching is rewarded (ibid.: 5).

The Danish Council for Research Policy set out its proposals in some detail and they are quoted in full below:

The Senate¹³

The Danish Council for Research Policy proposes changing the Senates of the universities. In the opinion of the Council, the Senate should function as Board of the university and must

- define the overall goals for the development of the university,
- allocate the resources at university level and through internal agreements negotiate the further process for the distribution of the resources,
- appoint the Vice Chancellor and Pro Vice Chancellor for designated periods of time,
- have a majority of so-called external members, including the Chairman of the Senate.

A university typically manages a huge amount of public assets, employs a number of highly educated people, and – not least importantly – has decisive influence on the lives and careers of tens of thousands of young people. So the responsibility of the Senate should not be underestimated.

The primary responsibility of the Senate is to set the overall goals for the research programmes and the curricula of the university. The present governance structure tends to favour internal compromises rather than clear prioritizations. A Senate with an external majority and an external Chairman may be assumed to be less restricted by traditional considerations concerning priorities, and thus be better equipped to make decisions about investments and changes of priorities than is the case today.

The external members of the Senate must be independent and knowledgeable in matters of research. The Danish Council for Research Policy emphasizes that the external members of the Senate should be appointed in their personal capacity. Consequently, they should not represent elected bodies, political parties or associations. The members of the Senate should have obligations and loyalties towards the university and advance the cause of the university. They should not function as controllers on behalf of external groups of interest.

The Danish Council for Research Policy finds that the appointment of external members of the Senate – the majority – should be a process consisting of two distinct parts. For half of the external members, the existing process and criteria for selecting external members could be used as a model for the appointment process. The universities themselves should have the opportunity to appoint the other half. Such a model based on a certain degree of self-supplementing is known for example from the UK. In addition, the Senate

¹³ "Konsistorium".

should be allowed to elect the Chairman from among its members. Several observers have pointed out that the external representatives may have difficulties in exerting their influence in the Senate vis-à-vis the representatives of the universities, who have a better and more detailed knowledge of the matters on the agenda. This is supported by the report "The Changing Universities" by The Danish Centre for Quality Assurance and Evaluation of Higher Education from 1995. It is therefore important that the external members of the Senates be competent decisions makers with indepth knowledge and understanding of research work and the needs of society. Furthermore, membership of the Senates should be remunerated in accordance with the responsibilities of the members and the importance of the task.

It is important that the Senate has the competence to act effectively. It should therefore not include more than 11 members. As described above, The Danish Council for Research Policy proposes an external majority and elected internal representatives.

The Vice Chancellor/Rector

The Danish Council for Research Policy proposes that the Senate appoints the Vice Chancellor as the chief executive in charge of day-to-day operations. This means that the Vice Chancellor will receive his or her mandate from the Senate and act according to directions received from it. The Vice Chancellor post should be a position for a designated period of time for a respected researcher and university teacher. The Vice Chancellor should have high-level management competence and experience. The positions should be publicly posted, inviting applications from present employees of the university as well as from others. Obviously, it is essential that the Vice Chancellor should be held in high esteem both personally and professionally by the employees of the university, and it is assumed to be self-evident that the Senate will take this into consideration.

The purpose of having the Senate appoint the Vice Chancellor in this manner is to give the Vice Chancellor a better possibility to see through major strategic efforts or internal re-allocations. The Vice Chancellor should not be restricted by ill-defined or conflicting decision-making processes, and the Vice Chancellor should not depend on the employees reporting to the Vice Chancellor at the same time being the ones giving the mandate. Today the freedom of action of the Vice Chancellor, in the opinion of The Danish Council for Research Policy, is restricted by the fact that the persons he or she must lead also are those who re-elect him or her.

The Faculty Councils and the Deans

At faculty level (or similar level in institutions without faculties) a Faculty Council should function as the Board of the faculty. Within the framework defined by the Senate, the Faculty Council should be responsible for the

academic development of the faculty and the utilisation of resources. Such a framework may be defined in the Strategic Plan(s) and in any formal Development Contracts or Operating Plans.

The Faculty Council, like the Senate, should have fewer members than today, and a number between 9 and 11 members is suggested. External members should make up the majority in the Faculty Council. The internal members should be elected representatives. Appointment of the external members should in the opinion of The Danish Council for Research Policy follow the same principles as those proposed for the Senate.

The Dean is to be in charge of day-to-day management of the faculty. The position as Dean should be for a designated period of time and be a position for a respected researcher and university teacher in the field of the Faculty. The Dean should have high-level management competence and experience. The positions should be publicly posted, inviting applications from present employees of the university as well as from others. The Faculty Council shall evaluate the applications and give its recommendation to the Vice Chancellor, who makes the final decision.

The Department Councils and Heads of Department

The Departments play an essential role in research and teaching. The Departments of Danish Universities are very different, both in academic profile, size and tradition. Because of these differences, The Danish Council for Research Policy finds that it would be appropriate for the universities to organise their own governance of the Departments, within a framework of general guidelines.

Within this framework each university should be allowed to define its own form of organisation at the Departmental level. Thus it is left open to the individual university to prefer a model with an elected or an appointed Head of Department. In the opinion of The Danish Council for Research Policy the proposed changes at the Senate and Faculty levels will ensure that the position as Head of Department will be attractive. This in turn increases the likelihood that the positions will be filled by persons with both academic and leadership qualifications for the job.'

(ibid.: 6-8).

The Danish Council for Research Policy's proposals raised for the first time detailed suggestions about the structure of university management and governance itself. As mentioned earlier, the proposals from the Danish Council for Research Policy were put forward for debate, while the development contracts were still in the midst of being established. The Danish Council for Research Policy did not provide any documentation, in the form of any empirical analysis, to support their proposals, nor

were their proposals sent out for consultation. The claim, made by the Danish Council for Research Policy, that there was a problem with the senior managers and existing management structure at Danish universities was not substantiated.

Debates and Alliances over Governance Reform

The publication of the Danish Council for Research Policy's report in 1999 marked the formation of a strong division between those actors and communities of interest that were in favour of the Danish Council for Research Policy's proposals for a thorough-going reform of university governance and management and those who supported the Minister of Research, Jan Trøjborg's, more modest plans to establish development contracts for Danish universities.

The Danish Rectors' Conference¹⁴ reacted to the Danish Council for Research Policy's proposals with severe criticism. This was documented in an article in March 1999 in *Forskerforum*, a magazine for qualified researchers who are members of a number of unions and communities of interest.¹⁵ The magazine reported that the Danish Rectors' Conference argued that there were no problems with the existing management structure at the universities:

The Danish Council for Research Policy, according to the Danish Rectors' Conference, is barking up the wrong tree because they want to run the universities as if they were private sausage factories. 'It appears to us that the Danish Council for Research Policy overlooked the fact that universities in Denmark, to a high degree, are a public activity that is financed accordingly' the Danish Rectors' Conference says sarcastically. Therefore they reject the idea that management principles can be transferred immediately from private industry to universities. The probable reason for such a hopeless proposal is that a majority of the members of the Danish Council for Research Policy has their anchor outside universities, believes the Rectors' Conference. Out of the Danish Council for Research Policy's nine members, three persons work in universities. The Danish Rectors' Conference emphasises that in order for the university to function properly it must necessarily have a high degree of freedom, autonomy and self-government,¹⁶ at the same time as it must be open towards the surrounding society. But this does not mean that the senate should have a majority of external members as proposed by the Danish Council for Research Policy. Instead it functions very well, as practice is today. (Vang-Lauritsen 1999. My translation).

¹⁴ 'Rektorkollegiet'.

¹⁵ For more information on which unions and communities of interests, see: <http://www.magister.dk/sw393.asp> - (15/11-2005 – only available in Danish).

¹⁶ 'Selvstyre'.

Approximately two months after the Danish Council for Research Policy put forward its proposals, in April 1999, the Confederation of Danish Industries criticized the Minister of Research, Jan Trøjborg's planned development contracts for not being sufficiently ambitious. The Confederation of Danish Industries, in accordance with the Danish Council for Research Policy, argued that university management and governance should be changed in favour of the establishment of university governing boards, with a majority of external members, who appoint the rector. The Confederation of Danish Industries argued that the proposed changes were a necessary precondition for any talk of allowing the universities the higher degree of 'independence' from the state that they wished for. This was in line with the Danish Council for Research Policy's argument that the proposals were a way to ensure university accountability in order for society to trust their ability to manage increased 'freedoms.' The Minister of Research, Jan Trøjborg, himself rejected the view of the Confederation of Danish Industries. Both AC and the Danish Association of Masters and PhDs¹⁷ were satisfied that the Minister's proposed reform of university management and governance was not more radical. One newspaper article captured well the range of positions adopted by the different communities of interest and political parties:

The Minister of Research, Jan Trøjborg (S), has met with political resistance to his proposals regarding changing the law for universities, but the employee's unions are satisfied. 'Jan Trøjborg's intentions generally are right. But his proposal for changing the university law is far too unambitious. Universities today do not have powerful management, which can make at times necessary but unpopular decisions. The strengthening of university management is a precondition for universities to achieve the independence they want. Not the existing outdated system'. This is how unambiguously the administrative director of the Confederation of Danish Industries (DI), Hans Skov Christensen, describes the need for a radical show down with the existing form of management and governance at Danish universities. In this way he is trying to exert maximum pressure on the Minister of Research to tighten up his proposals to reform the university law. The Confederation of Danish Industries is leaning on the Danish Council for Research Policy, which, one and a half months ago, proposed to get rid of the present system of management and governance, in favour of a governing board with a majority of external members. [...]. The chairman of the Danish Association of Masters and PhDs expresses his satisfaction with the fact that Jan Trøjborg's plans are not more extensive. The Minister of Research's proposals are up for the first reading at Christiansborg [Parliament] by mid April. Both Denmark's Liberal Party and the Conservatives wish to pursue the proposal concerning the rector being appointed by a university's governing board. Jan Trøjborg points out, among others, that

¹⁷ 'Dansk Magisterforening' is a trade union which organises people with a university degree in the humanities, natural sciences or social sciences.

industry during the last couple of years has provided examples which show that the establishment of governing boards is no guarantee for good management and governance. (Klarskov 1999. My translation).

Several of the political parties in parliament also took a critical attitude towards the Minister's proposals, either because they found them to be too far reaching, or because they thought his proposals were not extensive enough. However, in April 1999, a majority of the political parties in parliament became in favour of the Minister of Research's proposals to reform the university law:

A majority in parliament is for the main lines in a law proposal from the government to give the universities and other institutions of higher education more freedom to organize research and teaching. The Minister of Research, Jan Trøjborg (S), has proposed that institutions of higher education should be able to negotiate so-called development contracts with the Ministry of Education, which are meant to give universities more liberty of action than the existing law with regard to setting up their own objectives and means to meet them. [...] Denmark's Liberal Party (V)¹⁸ and The Red-Green Alliance (EL)¹⁹ share the most scepticism. The Liberal Party dismissed the law proposal as an emergency solution to give more impetus to the institutions of higher education, and, among other things, they demanded more power to the management and a majority of external people in the governing bodies. The Red-Green Alliance on the contrary, demanded that students as well as employees should have even more influence than Jan Trøjborg is planning, and also expressed fear that the development contracts will put day to day research and teaching under stress. The Socialist People's Party (SF)²⁰ called for universities to have their budgets set over several years, while the Centre Democrats (CD)²¹ proposed that the development contracts should be followed by more money to the institutions of higher education as they progress. Also the Christian People's Party (KF)²², the Danish People's Party (DF)²³ and the Progress Party (FRP)²⁴ joined the law proposal – FRP with a hope that industry will get more influence over research (Ritzaus Bureau 1999. My translation).

By April 1999, the majority of political parties in parliament were in favor of the Minister of Research, Jan Trøjborg's, plans to establish development contracts for Danish universities, this was only two months after the Danish Council for Research Policy in February 1999 had put forward their proposal for a reform of university management and government.

¹⁸ Venstre

¹⁹ Enhedslisten

²⁰ Socialistisk Folkeparti.

²¹ Centrum-Demokraterne.

²² Kristeligt Folkeparti

²³ Dansk Folkeparti.

²⁴ Fremskridtspartiet.

The Ministry of Research's research policy towards Danish universities at this time, according to pro-dean Johannes Andersen and dean Margrethe Nørgaard from the Social Sciences Faculty at Aalborg University, was an expression of centralization. Johannes Andersen and Margrethe Nørgaard point out that the Ministry of Research's so-called strengthening of university management and government, in relation to the creation of development contracts and the establishment of a majority of external members on universities' governing bodies, was happening at the expense of disciplinary self-government:

The development contracts may be yet another piece in the puzzle, in an offensive against the central principles of university activities. Firstly, the disciplinary self-government of universities today is exposed to a massive offensive both from the side of the Ministry of Research and from other sides, for example AC and the Danish Council for Research Policy. The logic is that one must have visible management. Possibly this will take the form of employing the rector, pro-rector and deans on a limited tenure so that they, without having to squint at democratic bits and pieces, can take on a 'proper' management responsibility, and to do this they must be helped by governing boards where the majority of the members are external. This is where the first part of disciplinary self-government goes down the drain. Secondly, the proposals being put forward by the Ministry of Research can only be perceived of as a direct continuation of the Ministry of Finance's strategy for public institutions, where economically decentralized new public management is established within the framework of a results contract. This in reality is an increase of centralization, controlled from above and carried out at decentralized levels. Self-government thus means that one is allowed to tie oneself to the totem pole. Then the Ministry of Research will come in at the end to tie the knot. By transferring this new public management way of thinking to the universities, their traditional self-government, which is based on a high degree of disciplinary autonomy and democratic procedures, is being attacked (Andersen and Nørgaard 1999. My translation).

In November 1999 a coalition of political parties consisting of Denmark's Liberal Party (V), the Christian People's Party (KF), the Danish People's Party (DF) and the Progress Party (FRP/FRI) put forward a proposal aiming to make it possible to change university management and government on a trial basis. They suggested a form of management and government that closely resembled the proposals initially put forward for debate by the Danish Council for Research Policy:

A proposal for decision from V, KF, DF and FRI is aiming at making it possible for universities to be governed by a board consisting of external members and members represented by university researchers and students. At first this should be on a trial basis and it will be voluntary for the universities to participate. With the experiment, a development contract will be established between the specific

university and the Ministry of Research and at the end the experiment will be evaluated. The governing board hires a rector who in practice functions as an administrative director. It is the rector who hires the pro-rector and deans after the positions have been publicly advertised. The rector works out budget proposals for approval by the governing board and makes decisions about organizational changes and so on (Status 1999. My translation).

The proposals put forward for debate by the Danish Council for Research Policy in February 1999 initially provoked quite polarised views between those who supported the reform of university governance and management and those who followed the Minister of Research, Jan Trøjborg's, plans to establish development contracts for Danish universities. But by November 1999 there was a political coalition among the opposition parties in favour of the more radical reform. Two further documents then occasioned further shifts in the coalitions of political and interested parties.

In June 2001, the Social Democrats (S),²⁵ the party leading the governing coalition, published *Universities in the Knowledge Society* (Socialdemokratiet 2001). In this publication, the Social Democrats themselves proposed that university governing boards should be established with a majority of external members as well as an external chairman, and that the universities' senior managers should be appointed by the governing boards, and employed on a limited tenure. This was contrary to the position adopted by their own Minister of Research up to that point. In this document, the Social Democrats, when leading the government, proposed changes to university management that were, in my view, in keeping with those first put forward by the Danish Council for Research Policy in 1999.

A second important political document was published in September 2001, when the so-called Danish Research Commission²⁶ published its report, (Danish Research Commission 2001). The foreword to volume one²⁷ explains that the Danish Research Commission was set up by the Danish Minister of Information Technology and Research, Ms Birthe Weiss, as a consequence of a political agreement in May 2000 on the principles to govern research.

²⁵ "Socialdemokratiet".

²⁶ The Research Commission 'Forskningskommissionen' consisted of Ninna Würtzen (Chairman), Lauritz Holm-Nielsen (Vice-chairman), Torsten Freltoft, Ellen Hauge, Kirsten Hvenegård-Lassen, Arne Jensen, Aase Lindahl, Lars Mathiassen, Hans Siggaard-Jensen, Birthe Skands, Nina Smith and Henrik Tvarnø.

²⁷ For the English version of volume one see:

<http://www.videnskabsministeriet.dk/fsk/publ/2001/danishresearchcommission/clean.html>

The background for the appointment of the Research Commission was that:

A strong national research effort combined with modern, dynamic research and educational institutions will be vital in order to prepare Danish society for the new knowledge based economy. Apart from the Red-Green Alliance, the parties in Parliament have agreed on the principles to govern research policy. The agreement will help to ensure that the total resources for research are used to optimum effect, including the ensuring of a stable framework for research. The agreement reached includes the appointment of a Research Commission on the future of the research system (Danish Research Commission 2001)

The report dealt with future conditions for Danish research and provided a number of recommendations for the improvement, strengthening and renewal of the Danish system of research. The report was divided into two volumes. Volume one contained an overall presentation of the challenges that the Research Commission believed the Danish research system was facing. This volume concluded with recommendations for changes that, according to the Research Commission, were necessary if Danish research was to maintain a strong international position and thereby contribute to the future development of Danish society. Volume two,²⁸ only issued in Danish, provided the background and basis for the Danish Research Commission's analyses. This volume included detailed descriptions and evaluations of the topics that the Danish Research Commission had considered, as well as a more detailed clarification of their recommendations. The Danish Research Commission's report proposed that university governing boards should be established, with a majority of external members and an external chairman, and that senior managers should no longer be elected by staff but should be appointed by the governing boards and employed on a limited tenure.

Both the Social Democrats' publication of June 2001 and the Danish Research Commission's report of September 2001 contained proposals whose overall lines resembled those first put forward by the Danish Council for Research Policy in 1999. All three sets of proposals aimed at changing the management structure itself and the social organisation of Danish universities. These political documents had an important impact on the public debate about university management and governance in the period covered by this working paper. These documents participated in paving the way for the 2002 proposal to reform university management and the 2003 university law that followed.

²⁸ Volume two as well as volume one of the Research Commission in Danish can be downloaded at this address: http://www.videnskabsministeriet.dk/cgi-bin/doc-show.cgi?doc_id=85971&leftmenu=PUBLIKATIONER (28/6-2005).

The 2002 proposal for management reform and the 2003 university law

In the previous section I described how the proposals put forward by the Danish Council for Research Policy meant a parting of the ways between those actors and communities in favour of the proposals to reform university governance and those in favour of the Minister of Research's plans to establish development contracts for Danish universities. The Minister of Research, Jan Trøjborg, was reluctant to subscribe to the proposals put forward by the Danish Council for Research Policy as he argued that industry, during the last couple of years, had provided examples that showed that the establishments of governing boards are no guarantee for good management and governance.²⁹ Yet by 2001 his own party, the Social Democrats, had come out in support of the more radical proposals to change university governance and management.

In November 2001 there was a change of government in Denmark. The coalition of Social Democrats (S) and Social-Liberals (R)³⁰ lost power (the latter still stood against proposals to reform university governance and management). The new government was a coalition of Denmark's Liberal Party (V) and Conservatives (C). This change of government meant that a new minister, Helge Sander (V), was appointed to the Ministry of Research, which changed its name to The Ministry of Science, Technology and Development.

The Minister of Science, Technology and Development, Helge Sander (V), certainly did not have the same reservations as the previous Minister of Research, Jan Trøjborg about the proposals first put forward by the Danish Council for Research Policy. In March 2002, Helge Sander announced in a major Danish newspaper (*Politiken*), that he wanted to introduce the most profound reform of the Danish universities, 'since the University of Copenhagen was opened in 1479' (Pedersen 2002. My translation).

On 11 October 2002 the government of Denmark's Liberal Party (V) and Conservatives (C), along with the Social Democrats (S) and the Christian People's Party (KF) entered a political agreement about a reform of the universities. In October 2002 the government published a paper that outlined the central elements of the

²⁹ Some university researchers echoed these doubts because they were opposed to forms of management associated with 'industry'. I have been unable to find any specific evidence of what forms of management they associated with industry. This phrase is used vaguely in the documents I have studied and without any references. However, one way that the proposed university management would resemble that known from industry was that the continued existence of governing board members and senior managers would depend on their ability to meet the obligations set out in their development contract. If the governing board, the rectors, deans and heads of departments do not show the ability to perform satisfactorily, they can all be fired, similar to the way under-performing managers are dismissed in private industry.

³⁰ Det Radikale Venstre.

proposed reform to the management of universities, which was sent for consultation³¹ among the universities and other communities of interest before it was put forward in parliament in January 2003. This document, *'Time for Change in Danish Universities - Strengthened management, increased freedom, stable economy'*³² (Regeringen 2002. My translation) announced that:

The goal is to strengthen university management and open up more for people from outside to ensure a closer interaction between universities and the surrounding society. Universities in this way can take part in ensuring the development of the knowledge society – and thus contribute to growth and welfare in all of society (Regeringen 2002. My translation).

The government in this publication of October 2002 addressed a number of issues including the portfolio of universities, research based teaching, management, internal quality assurance and quality development, advisory panels, governance, self-ownership and regulations, and the reorganization of rules. Here I concentrate on the elements concerning management and government that are of particular interest to this working paper. The section on management deals with university governing boards, appointed senior managers, academic councils and staff-student committees.³³

3a. Governing boards

13. The governing board appoints the rector. The governing board approves the university budget, strategy and development plan and the statutes and thereby gives lines of direction and instructions for the day-to-day management and governance of the university. The governing board enters into development contracts with the Ministry of Science, Technology and Development. There must be openness about the work of the governing board.
14. The governing board members must collectively be able to contribute to the promotion of the strategic activity of universities with their experience and insight into education, research, knowledge dissemination³⁴ and knowledge exchange.³⁵ The members, furthermore, should have experience in management, organization and economy, including the handling of budgets.
15. The governing boards should have an external majority. The chairman is elected by the governing board among the external members.

³¹ 'Høring'.

³² 'Tid til forandring for Danmarks universiteter – Styrket ledelse, Øget frihed, Stabil økonomi' (Regeringen 2002)

³³ "Studienævn".

³⁴ 'Vidensformidling'.

³⁵ 'Vidensudveksling'.

16. At least two students must be given a seat in the governing board, just as both the academic personnel as well as the technical administrative personnel must be represented.
17. The external members of the governing board are appointed on the basis of their personal capacity, not as representatives of certain specific interests. Foreign experience in research and education should be represented. It is central that the external members come from different backgrounds, for example from other research institutions, cultural life, other public institutions,³⁶ industry and so on, in part because the governing board should reflect the profile of the university and its activities, and also because the governing board should be broadly put together so that there is no bias in the representation of certain sectors or of certain competences and experiences.
18. The university will put together the first governing board. The governing board is put together with points 14 to 17 in mind.
19. The Ministry of Science, Technology and Development must approve that the composition of the first governing board is accordance with points 14 to 17.
20. The first governing board works out the statutes that state the composition of the governing board, its size, procedures for election and so on, and also how the external representatives should be found in future. The Minister of Science, Technology and Development must approve the statutes.
21. Specific universities can decide that a council³⁷ or similar should be established, the composition, assignments and organization of which is determined in the statutes.

3b. Appointed senior managers

22. Those who are elected rectors at the time when the law takes effect can continue throughout the period for which they are elected unless anything else is stated in the statutes, and thereafter until the governing board, in accordance with the statutes, has appointed a rector. The rector though takes on the assignment regarding the managerial competences that follow the new law.
23. Those who are elected deans at the time when the law takes effect can continue throughout the period for which they are elected unless anything else is stated in the statutes, and thereafter until the governing board, in accordance with the statutes, has appointed deans and heads of departments. Deans and heads of

³⁶ 'virksomheder'.

³⁷ 'repræsentantskab'.

departments though take on the assignment regarding the managerial competences that follow the new law.

24. Members of the collegial committees and the study leaders³⁸ continue their work until the statutes take effect and new committees have been established. Students elected to the study governing board³⁹ are exempted from this rule. They will continue to be replaced through election according to the existing rules until the new statutes take effect.
25. The governing board must be established by 1 January 2005, at the latest.
26. The governing board appoints the rector following a procedure stated in the statutes. The procedure for appointing the rector should ensure disciplinary and managerial legitimacy.
27. The rector must be a recognized researcher within one of the central disciplines of the university and have insight into the education sector. The rector must have experience with management and the organization of research environments. The rector must furthermore have insight into the university's activities and interaction⁴⁰ with the surrounding society.
28. The rector takes care of the day-to-day university management and is responsible to the governing board. The rector prepares drafts of the budget, the statutes, the development contract and drafts concerning the overall strategies for research and education for the governing board. The rector prepares plans of action regarding the implementation of the plan for strategy and development that the governing board approves.
29. The rector appoints the deans following a procedure stated in the statutes. This procedure should ensure internal disciplinary and managerial legitimacy. The rector can delegate assignments to the deans and other senior managers.
30. The dean must be a recognized researcher and have experience of and insight into education, management and the university's interaction with the surrounding society.
31. The deans appoint the heads of departments following a procedure stated in the statutes. This procedure should ensure internal disciplinary and managerial legitimacy.
32. The head of department must be a recognized researcher and must have teaching experience.

³⁸ "Studieledere".

³⁹ "Studienævnet".

⁴⁰ "Samspil".

33. The dean is responsible for the development of the management culture and for ensuring the managerial competence in the faculty's departments. The dean is responsible for ensuring a connection between research and education within the faculty, for ensuring a binding collaboration⁴¹ with other universities and for ensuring knowledge exchange⁴² and possibly technology transfer.⁴³
34. The head of department must set up an organization to involve students, the academic personnel and support staff in the running of the institute. The head of department furthermore should be responsible for staff issues,⁴⁴ quality of research and teaching, and the co-ordination of research and teaching. It should be possible for the head of department to delegate tasks.

3c. Academic councils and staff-student committees

35. An academic council⁴⁵ is established that takes over the academic issues from the existing faculty council⁴⁶ or the senate⁴⁷ at mono-faculty universities.
36. A study board or similar is established, the composition and organization of which is regulated in the statutes of the specific university, and in which it is decided that students have 50% of the seats.
37. The scientific personnel and students are elected for the study board and academic council and for the governing board. Procedures for this are determined in the statutes.
38. The internal organization of the specific university is, in closer detail, determined in the statutes. In this, the influence of students must be ensured.

6. Governance⁴⁸

45. The second generation development contract, which is determined by the governing board, following open discussion at the university and approved by the Minister of Science, Technology and Development, should in part contain a balanced set of qualitative and quantitative objectives and in part contain clear objectives for the development of research, and education as well as knowledge exchange and technology transfer, and in part focus on drop out rates and the time it takes for students to complete their degree.⁴⁹

⁴¹ 'Samarbejde'.

⁴² 'Videnudveksling'.

⁴³ 'Teknologioverførsel'.

⁴⁴ 'Personaleansvaret'.

⁴⁵ 'Akademisk råd'.

⁴⁶ 'Fakultetsråd'.

⁴⁷ 'Konsistorium'.

⁴⁸ 'Styring'.

⁴⁹ "Gennemførelsestider".

46. The second generation development contracts must contain strategies for benchmarking between the specific university and national and international universities and disciplinary environments around research, education, knowledge exchange, technology transfer and mobility (Regeringen 2002. My translation).

One reason why I have reported the government's proposals for reform of the university law in such detail is to make clear, at least with regard to the overall lines of argumentation in the section on management, that these proposals were leaning heavily on the proposals concerning the reform of university governance and management that were initially put forward by the Danish Council for Research Policy in 1999. More than three and a half years of debate and speculation about the reform of university management and government had passed, from the time the Danish Council for Research Policy put forward their proposals until the government published its draft reform of the university law in October 2002. The government's proposed reform was sent for consultation⁵⁰ to universities and other communities of interest before it was put to parliament in January 2003. According to the Danish Rectors' Conference,⁵¹ the Ministry of Science, Technology and Development received more than 80 responses from the hearing. Several of these responses were critical towards the proposals. The Danish Rectors' Conference's detailed schematic summary of the 2003 university law before and after the consultation,⁵² shows that the proposals to establish governing boards with a majority of external members and a transition from elected to appointed rectors that were initially put forward by the Danish Council for Research Policy in 1999 and that were later followed up by the Ministry of Science, Technology and Development in 2002, went almost unchanged into legislation on June 1st 2003 as part of the new university law.

More than this, the overall line of argumentation about the need for the law reform was strikingly similar in the proposals of the Danish Council for Research Policy in 1999 and in those of the Minister of Science, Technology and Development, Helge Sander (V) in 2002. This line of argumentation entered into the draft of the 2003 university law with only a limited number of changes. The government's proposals of October 2002, in addition to the details on university governance and management given above, contained sections on quality assurance and quality development and an appendix about degrees of freedom. The documents wove together these three issues of management, quality and freedom in an argument about the need to change the relationship between universities and their surrounding world.

⁵⁰ "Høring".

⁵¹ 'Rektorkollegiet'.

⁵² See: http://www.rks.dk/sider/tema_debat/nyunilov/hoering/andresvar.htm (21/05-2005).

Universities, society, quality and freedom

As in the discussion surrounding the Minister's reform of universities through development contracts, so in the Danish Council for Research Policy's proposals to change university governance, the debate was framed in terms of universities' relationships with the surrounding world, the 'quality' of their work and their 'freedom'. Different actors and communities of interest mobilised these keywords in different ways as they sought to clarify their positions and influence the process of policy making.

Changing role of universities in society

Helge Sander explained in his 2002 publication that the goal of reforming and strengthening university management was to open up universities to people from outside to ensure a closer interaction between universities and the surrounding society. Universities in this way, he argued, could take part in ensuring the development of the 'knowledge society' and contribute to growth and welfare in all of 'society'. This was an argument that had run through all the documents in the period covered here. Equally consistently, the documents slipped from talking about 'society' into a focus on the needs of 'industry'.

The Danish Academy of Technical Sciences (ATV), and The Danish Confederation of Professional Associations (AC), were, in the autumn of 1998, the first to propose that the management of Danish universities should be strengthened. ATV proposed that university managers should be held responsible for 'knowledge co-operation'⁵³ and for ensuring that research projects at the universities were being used in industry, in order to ease interaction between universities and industry. The Minister of Research, Jan Trøjborg, in his plans to establish development contracts for the universities, argued that an increased political focus on universities, as a consequence of rising investment, gave research a considerable responsibility to do its best and to contribute to the needs of 'society'. He wanted universities to commit themselves to certain objectives for the establishment of agreements regarding co-operation⁵⁴ with private and public research institutions and industry. The Progress Party (FRP) joined the law proposal about the establishment of development contracts for Danish universities in the hope that industry would get more influence over research.

It was the Danish Council for Research in 1999 that introduced the 'international knowledge society' as a reason for management reforms. In the 'international knowledge society' they argued, the gaining of knowledge accelerates and due to information technology, developments in research and education are produced, disseminated and exploited in new patterns. According to the Danish Council for Research Policy, this means that the future of the universities will be determined increasingly by their competitiveness, not only where academic quality is concerned,

⁵³ "Videnssamarbejdet".

⁵⁴ "samarbejde".

but also by their ability to meet the demands and general expectations of their users. Only strong management would enable universities to respond successfully to the combined demands of users and pressures of competition. The Danish Council for Research Policy also argued that the universities should be given greater freedom of action in order to respond to the fast changing knowledge economy, but that a precondition for universities to have this freedom was to enjoy the confidence of society at large. In this line of argument, university's interaction with society was elided with knowledge co-operation with industry, and this in turn was taken as a sign of universities' behaving responsibly that would earn the confidence of society.

Quality

Another argument for strengthening university management was to raise the quality of research and teaching. AC proposed that common objectives should be established for specific departments, faculties and the university as a whole, because a lack of university management, according to AC, had resulted in a massive decrease in the 'quality' of education and research at Danish universities. AC did not offer much evidence for this claim, nor did they substantiate their understanding of the keyword 'quality'. Peter Frank from the Confederation of Danish Industries also argued that there should be more focus on the 'quality' of education, and that a stronger form of management was necessary, so that it would be easier to take measures against unsatisfactory 'quality'. But neither did he substantiate his understanding of the keyword 'quality' or offer much evidence for the claims he made. The Minister of Research said that one of the objectives of development contracts was to help universities to make systematic and documented quality assurance that could be evaluated.

This was not strong enough for the Danish Council for Research Policy. In their 1999 proposals they argued that universities must be given better tools in order to ensure the quality of research and teaching at all levels. International peers must continue to define the level of academic quality, but the responsible senior managers of the institutions must also set standards and goals for research and teaching. The goals of the institution must be clearly defined, and their achievement should be measurable. The Danish Council for Research Policy also argued that managers at all levels should be able to make sure that transformation, innovation and quality management take place, and that high quality in research and teaching is rewarded.

An entire section in the government's 2002 publication dealt with internal quality assurance⁵⁵ and quality development.⁵⁶ The university should be bound systematically to ensure and develop the 'quality' of research and education. University management should be bound to ensure the systematic development of the quality of research and education, not least through connections between research and education (research

⁵⁵ 'Kvalitetssikring'.

⁵⁶ 'Kvalitetsudvikling'.

based education).⁵⁷ Managers must carry out and ensure follow up on internal and external evaluations of teaching, education and research. It should be specified in the statutes how this could be carried out. The participation of students in continuous and systematic quality assurance must be ensured, evaluations of education and research must be followed up, and at least one third of an education programme must be moderated by external examiners.

Thus the demands for systematic quality assurance systems grew in their stringency in successive documents but in the process the meaning of 'quality' became hollowed out. It was primarily actors and communities of interest in favour of reforming university management and governance who referred to 'quality'. But they mobilized this keyword without any clear indication of the meaning invested in it and often without reference to anything other than itself.

Freedom

If the opponents of management reform failed to halt the association of society with industry and did not engage with the hollowed out meaning of quality, the greatest and continuous clash between those in favour of management reforms and those opposed came over the meaning and use of the word 'freedom'. The Minister of Research, Jan Trøjborg, argued that those universities that chose to take part in the development contracts would be given more 'freedom' and flexibility in relation to their development, outward co-operation and prioritization. They would be allowed more flexible forms of government, building on a principle of self-government in which universities set their own level of ambition.

'Freedom' was also mobilized by a number of leading university researchers who opposed tending too much towards forms of management, which are narrowly known from industry. These researchers took part in the petition against the Minister of Research who they argued constituted a threat to the free university and to free research. They used 'freedom' in a very different way to the Minister of Research. 'Freedom' was also mobilized by the Danish Rectors' Conference who criticised the proposals put forward by the Danish Council for Research Policy.

Leaning heavily on the argument of the Danish Council for Research Policy, the Confederation of Danish Industries argued for a strengthening of university management and governance, as a precondition for the independence of Danish universities. Pro-dean Johannes Andersen and dean Margrethe Nørgaard, from the Faculty of Social Sciences at Aalborg University argued that the establishment of development contracts and the opening up of the governing bodies at universities for a majority of external members would happen at the expense of the disciplinary self-government of universities. Their view related more or less explicitly to the question of university 'freedom', as they argued that the traditional self-government of universities, which is based on a high degree of disciplinary autonomy and democratic

⁵⁷ 'Den forskningsbaserede uddannelse'.

procedures were under attack from a form of research policy, which they argued was an expression of increased centralization, controlled from above.

The government in their 2002 publication devoted an appendix to the new degrees of freedom⁵⁸ they were prepared to grant universities. Ten main areas were identified, some of which, they emphasized, needed further elaboration:

1. More flexible job structure and employment regulations
 2. New rules for the administration of personnel
 3. More freedom to set salaries for professors
 4. More decentralised decision making over professorial posts
 5. Making savings and long term planning
 6. Simplification of the government's education funding system [students taking exams clock up payments, known as the taximeter system]
 7. Knowledge exchange and technology transfer to society
 8. Estates management
 9. Development of new education programmes
 10. Running of education programmes
- (Regeringen 2002: 26-29. My translation).

'Freedom' in the Government's 2002 publication is associated with flexibility, decentralization, greater freedom of operations and long term planning. But a precondition for universities' obtaining these new degrees of freedom was their establishment of professional management and government, which meant governing boards with a majority of external members, appointed rectors and appointed managers. To the government, whether proposing development contracts, or later engaging in reforms to university governance and management, universities would gain 'freedom' from bureaucratic control as part of the state, and would gain independent management like companies. The degrees of freedom offered, aimed to give universities, as centrally steered and managed organizations, the flexibility to respond, like a company does, to challenges and opportunities for both research and teaching in the competitive knowledge economy. Those actors and communities of interest that were critical of these proposals, argued that centralised management which was to be responsive to the needs of industry, combined with new forms of state steering were an attack on universities' freedom of research, their ideal of making decisions based on academic criteria, and their independence from special interests. At the root of this clash over the kinds of freedom each side sought for universities was a different idea of the role and relations of universities in society.

⁵⁸ 'Frihedsgrader'.

Conclusion

In this working paper I have focused on the history of the new law and the ideas that surrounded it, in the period running from February 12th 1999 to June 1st 2003. In particular, I have shown how initially the minister sought to reform universities through development contracts but the debate turned to the reform of university management and governance with the publication of the proposals of the Danish Council for Research Policy in 1999. These proposals form a main thread that runs through the subsequent public debate about university management and governance. I have followed how the arguments in subsequent political documents related to each other and to their specific historical context. I have provided examples of responses to the proposals that I find illustrative of more general tendencies in the public debate about university management and government in Denmark. By 2005, not only had the 2003 university law taken effect but the second generation development contracts were also well established. I argue that the new university law and the so-called second generation development contracts were related to each other, in that, in order for these political initiatives to function as intended by the politicians, the Ministry of Research felt a need to have powerful senior managers in the universities. This in my view is the reason for the changes that have been introduced at the universities, with the 2003 university law and the development contracts.

The arguments advanced in the reports hinge on the particular meanings and uses of key words, especially society, quality and freedom. There emerges a clear argument that universities should be given some degrees of freedom from bureaucratic control in order to fulfill their responsibilities to respond flexibly to the needs of industry in the knowledge economy. Yet such freedom required alternative, and stronger, forms of steering and management of universities in order to ensure they prioritised their activities effectively and maintained quality. Among the Social Democrats in particular there was disagreement about whether development contracts would provide this need, or whether the institution of a governing board and appointed leaders to steer the university was also necessary. The latter was agreed upon before the change in 2001 to a Liberal Party and Conservative coalition government which put through the reforms in one of its only collaborations with the Social Democrats. Those opposing this political alliance did not successfully challenge the way the government's demand that universities be open to society (which probably no one would want to oppose) was used overwhelmingly to mean that universities should respond to the needs of industry. One of the responsibilities given to the new governing boards and appointed managers was to establish systematic quality assurance so as to increase competitiveness. Nobody can possibly oppose quality, but the opposition did not challenge the hollowed out meaning of the term. It was around the meaning of freedom that those opposing the reform proposals concentrated their challenges. Freedom took on a very specific meaning as the line of argument developed that universities should take on a new status outside the bureaucracy, equipped with the governance and management structure of a company,

commissioned to operate within specific degrees of freedom in order to demonstrate that universities can respond responsibly to the needs of society in the knowledge economy. Against this, a few voices argued that this would destroy the kind of university they valued, based on a very different idea of freedom – one which enabled some form of participatory decision making based on academic criteria, and protected from the special interests of industry and government. Hinged on different meanings of freedom were two very different ideas of the university and its role in society, and it was the one that emerged from the series of documents covered in this working paper that became authorised in the 2003 law.

Bibliography

ATV (Akademiet for de Tekniske Videnskaber) (1998) *Bedre vilkår for videnbaserede virksomheder (Better Conditions for Knowledge Based Industries)*, Copenhagen: ATV.

Altenburg, T. (1999) 'Udvikling eller frivillig tvang?', *Information* 26 January.

Andersen, J. and Nørgaard, M. (1999) 'Debat: Skriveøvelse eller styringsinstrument?' *Politiken* 7 June.

Andersen, P. B. (2002) 'En ledelsesreform på danske universiteter: Spørgsmål og problemstillinger' (A management reform at Danish universities: Questions and problems), Working paper no. 7: 1-36, Århus: The Danish Institute for Studies in Research and Research Policy.

Andersen, P. B. (2003a): 'Research Management Processes in the Context of Changing Research Policies - Development contracts and management reforms at Danish Universities' in: Siune, K. (ed.) *Research Management Processes under Rapid Change*, Århus: The Danish Institute for Studies in Research and Research Policy.

Andersen, P. B. (2003b) *Forskningsledelse i en forskningspolitisk kontekst – udviklingskontrakter og ledelsesreformer på danske universiteter*, Århus: The Danish Institute for Studies in Research and Research Policy.

Danish Council for Research Policy (Danmarks Forskningsråd) (1999) 'Ledelse af universiteterne - Oplæg fra Danmarks Forskningsråd' (Leadership of Universities. A Proposal from the Danish Council for Research Policy), Copenhagen: Danish Council for Research Policy, 12 February.

Danish Research Commission (2001): Research Commission's Report (Forskningskommissionens Betænkning) no. 1406, September 2001.
<http://www.videnskabsministeriet.dk/fsk/publ/2001/danishresearchcommission/clean.html>
http://www.videnskabsministeriet.dk/cgi-bin/doc-show.cgi?doc_id=85971&leftmenu=PUBLIKATIONER (accessed 28 June 2005).

Forskningsministeriet (1998) 'Nye fleksible styreformer' (New, flexible forms of management). Universitets- og forskningspolitisk redegørelse, (Political review of universities and research), Copenhagen: Ministry of Research.

Jyllands-Posten (1998) 'Leder: 'Fri forskning'', *Jyllands-Posten* 30 December.

- Klarskov, K. (1999) 'Minister er trængt', *Politiken* 3 April.
- Kolstrup, S. (1998) 'Trøjborg skamrider', *Information* 31 October.
- MandagMorgen (1998) 'Akademikerforbund - Universiteter må tvinges til ledelsesreform', *MandagMorgen*, 36, 19 October.
- Mulvad, N. (1998) 'Forskere kritiserer minister', *Jyllands-Posten* 7 November.
- Olsen, L. R. (1998) 'Trøjborg ønsker ny ledelse på universiteter', *Jyllands-Posten* 20 October.
- Olsen, L. R. (1999) 'Naturfag skræmmer studerende', *Jyllands-Posten* 23 January.
- Pedersen, L. N. (2002) 'Minister bag omvæltning', *Politiken* 17 March.
- Regeringen (Danish Government) (2002) '*Tid til forandring for Danmarks universiteter – Styrket ledelse, Øget frihed, Stabil økonomi*' (*Time for change in Danish Universities - Strengthened management, increased freedom, stable economy*), Copenhagen: Ministry of Science, Technology and Development.
- Ritzaus Bureau (1999) 'Flertal for ny universitetslov' 15 April.
- Shore, C. and Wright, S. (1997) 'Policy – A new field of anthropology' in Shore, Cris & Wright, Susan (eds.) *Anthropology of Policy – critical perspectives on governance and power*, Routledge: London.
- Socialdemokratiet (2001) *Universiteter i Videnssamfundet (Universities in the knowledge society)*, Copenhagen: Social Democrats.
- Status (1999) 'Beslutningsforslag: forsøg med ny ledelsesstruktur på universiteter', *Politiken* 15 November.
- Vang-Lauritsen, J. (1999) 'Rektor skal headhunted', *FORSKERforum*, 122, March.
- Wright, S. (1995) 'Anthropology: still the uncomfortable discipline?' in Ahmed, A. S. and Shore, C. (eds) *The Future of Anthropology: Its Relevance to the Contemporary World*, London: Athlone.

Previous Working Papers in this series:

1. Setting Universities Free? The background to the self-ownership of Danish Universities, Jakob Williams Ørberg, July 2006.
2. Trust in Universities - Parliamentary debates on the 2003 university law, Jakob Williams Ørberg, October 2006.
3. Histories of RUC - Roskilde University Centre, Else Hansen, November 2006.