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# The Evaluative State, Institutional Autonomy and Re-engineering Higher Education in Western Europe

The Prince and His Pleasure

Guy Neave

*CIPES, Matosinhos, Portugal*

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To  
Bob and Adele  
*Unsurpassed in scholarship, inspiration and friendship*

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# Foreword

In many European countries, a number of recent reforms to increase the efficiency of higher education institutions and promote their responsiveness towards society's needs and demands are in hand. A few countries are engaged in creating more stratified higher education systems by strongly investing in a limited number of research universities to increase their capacity to compete in a globalized world. These reforms present some common trends – increasing institutional autonomy, reinforced power of central administration, decreasing collegiality and changing quality systems from improving accreditation to diversifying funding sources. New public management plays an increasing role in the public sector, including higher education. Markets (or quasi-markets) are increasingly used as instruments of public policy: by the European Commission, through the implementation of the Bologna Process and the Lisbon strategy, and by the OECD, through influencing reforms at a supranational level.

At a 'macro' level, convergence by higher education systems is clear. It may be seen as a response to globalization and to emerging neoliberal policies. However, at a micro level, pronounced local and national characteristics persist and are seen as holding out against uniformity, despite the fact that internal reforms to the higher education system are legitimated, at least rhetorically, by the nation's need to assert its place in an increasingly globalized world. National specificities are mediated by the acts of the state, which paradoxically ramp up the state's regulatory powers. The contradiction between the external weakening of sovereignty and the internal strengthening of the state stands at its most clear with the implementation of the Bologna Process. National interests mask the European political objectives as each country returns to a national logic to meet national objectives.

Guy Neave analyses recent changes in Portuguese higher education from a comparative perspective, setting them both as part of and against a broad European backdrop and by placing them against the corresponding policy dynamic in French and Spanish higher education. What is fascinating in Neave's analysis is the use of the interplay of national developments with the concepts of autonomy and the Evaluative State in comparing the three countries. He brings the two paths

of institutional autonomy and the rise of the Evaluative State to bear on the specific Portuguese context, while at the same time placing this same context within the perspectives and trends, similarities and differences that derive from a broader canvas that Western Europe is turning out and which, occasionally, find an echo in Portugal itself.

In France, the Evaluative State emerged as a pre-conditioner for autonomy. France assumed a pioneering role in the development of the Evaluative State. It did so while remaining faithful to the deeply embedded notion of Republican values. Unlike developments in other countries, such as the UK and the Netherlands, where the market and New Public Management showed a strong hand in developing quality systems, in France the Evaluative State 'aimed primarily at making public service more efficient and better able to cope with the rising numbers of the Student Estate' without in any way challenging the position of the university as a public service, 'independent of any hindrance whether political, economic, religious and ideological'.

Only recently has France veered towards the more overtly ideological overtones of neoliberalism, under the guidance of President Sarkozy and his former Minister of Higher Education and Research, Valérie Pécresse. The establishment of a new evaluation agency in the shape of an agency of public purpose, institutional contractualization, reinforced powers of the university president, increased authority, responsibility and the curtailment of both participant democracy and collegiality are all components of the new policy. A careful timing of the phases of the presidential elections in universities, of evaluation, contract negotiation and terms of office has given muscle to this policy while the Academic and the Student Estates were outflanked and presented as placing their own interests above those of the nation in their refusing the offer the Prince held out.

In Spain, a very different logic was involved. Construction of 'the Evaluative State followed on from the prior definition of autonomy rather than serving as an instrument for laying out the conditions under which institutional autonomy subsequently emerged, as had been the case in France and the Netherlands'. Emerging from a dictatorship, the new Spanish Constitution of 1978, which marked the return to democracy, created the autonomous regions and nationalities as a first level of government for the institutions located within them. Only more than a decade later was the Evaluative State initiated and developed, supported not by a single national agency but by a national agency in conjunction with regional agencies envisaged for each autonomous region.

The Spanish approach was not without its tensions, particularly between the new regional authorities, eager to assert their new power and authority, and an Academic Estate that saw the control of its activities moving from the distant capital to the more proximate Junta de Gobierno. The 2001 *Ley Organica Universitaria* (LOU) sought to ease the tensions between academic and political autonomy by separating one from the other. The University Coordination Council was divided into two national coordination bodies, one more political which brought together those responsible for higher education in the regional Juntas de Gobierno, and the other more academic which brought university rectors together. And the setting up of a National Agency for Assessment and Accreditation aimed at ensuring rapid convergence with the Bologna agenda.

In 2007, the LOU was modified. The University Coordination Council was closed down, but two separate coordination bodies – political and academic – were retained, thereby giving ‘further emphasis on the basic bicephalous structure – political/administrative versus academic’. The new law also reinforced the decision-making power of senior academics over academic matters, although it committed the accreditation agency to the task of evaluating academic staff.

However, Spanish legislation did not subscribe to the neoliberal credo, as was the case in other countries. The Spanish approach, which aimed at developing a strategy of internal participation in Spanish universities, created tensions with the degree of political autonomy wielded by the Autonomous Communities. As Guy argues, this has changed the role of the Social Council from representing external interests in academe into ‘representing university interests to the private sector and very particularly that of fundraising for the university’.

For Guy Neave, the Portuguese case is seen in terms of exceptionalism. It follows neither the French pattern, where the emergence of the Evaluative State was a precondition for autonomy, nor the Spanish pattern, where institutional autonomy preceded the emergence of the Evaluative State. In Portugal, ‘by contrast, the two tasks of reconstructing higher education are pursued simultaneously. The one interacts with the other’.

In Portugal, taking advantage of what can be considered as a weak state and of the opportunities opened up by the passing of the University Autonomy Act in 1988, the university rectors assumed the role of what Guy Neave interprets in terms of the Party of Movement, especially in areas such as quality assessment and financing. The strategy of the Party of Movement included setting up the Foundation of Portuguese Universities to serve as a think-tank to produce reports and

policy documents which enabled rectors to keep one step ahead of the ministry and to influence national policies accordingly. The Foundation was also used to launch an experiment on quality assessment that later served as the model for the Quality Assessment Act.

However, the energies of the Party of Movement waned and in the first half of the first decade of the new millennium, the initiative passed to the Party of Order. By hiring the OECD to produce an overall evaluation of the Portuguese higher education system (2006), the government embarked in a reform that would reflect both the ethic and justification, of neoliberalism and that the thrust of reconstruction would fall in with the canons of its main administrative and operational template – New Public Management. At about the same time, the European Association for Quality Assurance in Higher Education (ENQA) was asked to evaluate and make recommendations for the Portuguese quality assessment system. Its report led to the decision to close the old system down and to replace it with an agency of public purpose which closely corresponded to European standards and guidelines laid out by ENQA.

In Neave's words 'far from seeing the universities as part of the solution, which had been the implicit assumption of the "Party of Movement", the OECD Review Team held the universities to be part of the problem. Thus, distrust migrated from focussing on Central administration, and instead latched on to higher education as the *causam malorum*'.

Neave draws our attention to two additional singularities of the Portuguese system. The first is to be seen in the structure of the 2007 Higher Education Guideline Law that establishes a general legal framework, 'allowing the institution to fill in the details', opening 'the path up to what may be regarded as "organic restructuring", driven from within the higher education system and subsequently recognized – or rejected – by the ministry'. This characteristic 'is not found in parallel enactments elsewhere', making the Guideline Law 'a practical example of institutional autonomy in action'.

The second singularity is the possibility for universities to request the ministry to permit them to become a foundation university under private law. For Guy Neave, even if some may argue that the legislator in no way saw foundation universities explicitly as 'hot houses' for innovation of a financial and an administrative nature, that is what lies in store for them.

The new Portuguese Higher Education Guideline Law involves a dualism in higher education policy that relies on increased institutional autonomy to promote 'self-adjustment' from beneath to the law, while

'system wide, macro decisions for shaping higher education from above nevertheless continue to figure as part of central government's reserve powers'.

To conclude, Guy Neave has been extremely successful in accomplishing his objectives of establishing a synthesis, an overview of higher education policy as it has unfolded in Portugal around the issues of autonomy and the Evaluative State, and then placing the dynamic thus revealed within a broader, comparative perspective. In the final chapter he offers an exploratory view of possible future developments in higher education, the evolution of the Evaluative State and the possibility of the resurrection of the long-established guardian relationship between universities and government – but only for a few high-performing elite research universities.

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# Preface

Though the study of higher education often prides itself on addressing ‘problems’, and consultants, with no less hubris, devise ‘solutions’ of varying degrees of originality and predictability, very few of the major issues faced by higher education today are, in point of fact, ‘solvable’ in the sense that one solution brings the issue to a permanent and hopefully happy end.

‘Problems’, if we are exceedingly lucky and our political masters were excessively insightful and sensitive, may be dealt with. Yet they are – alas – rarely solvable on a permanent basis and for all time. At best, the ‘solution’ that scholarship and its application may come up with may last a generation – say, 30 years. It then tends to reassert itself in a different form and, like as not, trails a different set of consequences in its wake for universities, polytechnics, for the nation’s civil servants and very certainly for the three Estates – Academic, Administrative and Student – that make up higher education and higher learning.

Of these ‘unsolvable conditions’ or ‘abiding issues’, autonomy is very certainly the most sensitive since, depending on how it is interpreted, it determines the relationship between university, government, the economy and society. It also sets out the responsibilities that institutions and those in them are called upon to assume and thus the way in which the vision of the university is translated into educated citizens – young but increasingly less so as participation in higher education extends to older age groups – into ‘knowledge products’ without which the future of the so-called ‘Knowledge Society’ is dark indeed. Autonomy is also an expression of a particular model or vision, which embraces not just the university, but also the society the university ministers to.

That the world is in flux is an exceedingly ancient view, which today sees the financial princes of the planet sharing the millennial pessimism of the Ionian philosopher Heraclites. Heraclites’ position as an observer, however, was somewhat more enviable than that of the participants at Davos whose business in the 2009 gathering of that financial species was largely to contemplate in impotence and puzzlement the results of its own handiwork. What the fallout will be for higher education, which has become newly globalized, none can foresee with any degree of confidence. What the bold might suggest, however, is that many of

the issues, funding, conditions of academic work, the place of academia in society, the priorities that universities will, once again, be called upon to meet, are not likely to assume the same form as has been the case over the past two decades.

If only for that reason, it is important – and never more so than at this particular juncture – to see what has been achieved. For it is only by having such an account that we know where we are and how far it is within our reach to do ‘those things that ought to be done’, whatever it is the Prince in his infinite wisdom would have us do to pick up the mess that private greed and public laxity have created. Greed, whatever traders in Wall Street, on the Paris Bourse and similar ‘things’ in the City would have each other believe, is not good, despite the assertion made almost three centuries ago by the Anglo-Dutch doctor and pamphleteer Bernard de Mandeville.

Private vices may indeed create public benefits, but only when authentic accountability, an effective democracy and the *brigade des mœurs* are notoriously absent, which was very much the case in eighteenth-century England when de Mandeville brought out his scandalous *Fable of the Bees*. And yet, as we all see, even when such elementary forms of economic oversight and moral deterrence are present, private vice and public greed combined still retain a devastating capacity to create recession, layoffs and massive unemployment – in short, one devil of a mess! Had Britain’s Stock Exchange and banking system been under the same rigorous oversight as its universities, in all likelihood our troubles would at the very least have been very much less. The same could be said for most of the major banking systems in Western Europe today. Clearly, what is sauce for the goose of finance is not sauce for the gander of learning and teaching, innovation and research.

Whether the clean-up – if ever it takes place – will see sufficient numbers of the one-time ‘Golden Boys’ standing in the lines of the unemployed to cause our latter-day Libertines to amend their views and their ways is something the rest of us can only hope and pray for. It is one of the few consolations these sorry times guarantee and, being free, is in the bounds of what we can afford – together with loud and ribald laughter.

Over the years, one of the preoccupations that have held my attention has been the development of the Evaluative State and the role it has played as a central construct in higher education. Another, which most long-term students of higher education at one point in their careers have set their hands to, is that protean issue of academic autonomy. Having trained as an historian in the UK at the moment when institutional

autonomy was at its apogee, living abroad for the best part of my professional life served, like the Elephant's Child in Kipling's *Just So Stories*, to inflate an 'insatiable curiosity' and especially so when working in university systems that did not, for one reason or another, share that boon to the same degree, still less in the same form.

This 'exploration' of the two issues – institutional autonomy and the Evaluative State – is the fruit of personal good fortune in a very special guise: the invitation, on taking leave of my very good friends and colleagues on my retirement from the Centre for Higher Education Policy Studies (CHEPS) at Twente University in the Netherlands, to come and join Professor Alberto Amaral and his colleagues at the *Centro de Investigação de Políticas do Ensino Superior* (CIPES) in Matosinhos (Portugal) – a suggestion accepted with indecent haste and with boundless gladness. CIPES, like CHEPS, is far more than a research centre. It is a type of 'extended family' where intellectual good fellowship is bonded, not by scholarship football and carpet bowls, but by that most unbreakable of all ties – scholarship, unbounded enthusiasm and gastronomy. These inseparable activities are mutually reinforcing. They are two infallible ways of creating a critical mass! They turn it into a self-feeding and self-stimulating milieu from which none can fail to benefit. I certainly have, and being 'well rounded' in body as in mind is not least amongst the pleasures CIPES confers upon its guests, its members and its denizens.

I consider this 'offering' to be a very small acknowledgement of what I have already received from CIPES, both collectively and individually. Like most works of this nature, it draws on earlier efforts and very particularly on an extension out of a chapter in Alberto Amaral's book *Políticas de Ensino Superior: quarto temas em debate*, published in 2008. Likewise, it is an extension of what is perhaps best described as a 'cadet edition' – less elaborate and without the case studies of France, Spain or Portugal, which appeared under the editorship of Barbara Kehm, Jeroen Huisman and Bjorn Stensaker as *The European Higher Education Area: Perspectives on a Moving Target*, under the imprimatur of Sense Publications of Rotterdam.

This study is offered to CIPES and to friends and colleagues therein – to be one is the same as being the other – whose company I value enormously and hope that it is reflected herein. The errors and infelicities are, of course, no part of this since I assert my exclusive rights to them quite apart from making the formal refusal to share them with anyone!