

**Academic Autonomy and Freedom under Pressure:  
Severely Limited, or Alive and Kicking?**

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## **Abstract.**

Academic freedom and the autonomy of academic institutions (their freedom from outside interference) are core values in contemporary academic life. This article outlines changes that have taken place in the last few decades that impact academic freedom and autonomy to at least some degree. These include the increasing catering by universities to stake-holders in the environment, increasing professionalization of university administrations, an evolving pattern of broadening authority over internal university decision-making, and an increasing attention to student (i.e. customer) needs. Two case studies -- one of recent decisions in the University of California system and the other at the University of Oslo -- illustrate the theoretical points in the article and point to the need to know a lot more about academic autonomy and academic freedom, especially in an environment of changing management practices and scarce resource bases for many institutions. The cases were selected because of the authors' familiarity with them and are examples meant to illuminate some of the challenges and complexities inherent in the phenomena and to inspire further research on academic freedom and autonomy utilizing the instrumental and institutional perspectives from organization theory that are the core of our theoretical analysis.

Keywords: Academic freedom; institutional and individual autonomy; universities

## **Introduction.**

A mainstay of academic life for professors is professional or academic autonomy, often called simply academic freedom. This in turn is buttressed by the autonomy of the university, its freedom from political or other interference (Metzger 1978; Tight 1988). Academic freedom means that in the core activities or tasks of the university, teaching and research, decisions are basically up to the academic staff. In many universities it also extends to a role in ‘shared governance’, particularly as it affects faculty discipline, but also in regard to at least an advisory role in administrative and budgetary issues. This autonomy (both institutional and personal) is in most countries secured by formal measures, that is by laws and rules, but also through cultural features, meaning a common understanding, for example among public and academic leaders, that autonomy is valuable and should be protected (NOU 2006: 19). We can say, in other words, that academic freedom historically is institutionalized.

There is, of course, some variety among countries and universities regarding autonomy, based on their different traditions, but one can argue that a core notion of autonomy is fundamental. This is at least partially a reflection of the tasks at hand. To teach at the university level has historically been an individual activity rooted in the discretion the professor has and the research activity he or she engages in. University teaching and research is also widely understood to be a product of individual imagination and innovation.

During the last few decades there has been a development in universities the world over of change that has several elements, not necessarily consistent across all countries, but fairly dominant globally. A first tendency, ‘a global reform script’ (Meyer and Ramirez 2007) – is that the formal relationships between superior authorities and universities has changed, from formal direct control to greater autonomy (Paradeise, Reale and Goastallec 2009). But one can question what this means in reality. Does it mean that the universities are (even more?) independent of the authorities with regard to basic financing and extra research money, whether

coming from ministries or research councils (Christensen 2011b)? This may be questionable in an era where public money for higher education is scarce.

A second tendency, related to the first, is often called 'societal embeddedness', which historically has come later for European universities than those in the US (Ramirez and Christensen 2013). There are many aspects of this. One is the collaboration with stake-holders in the private sector and the business community, leading to units on the border of the university system doing innovation and patenting of products (Paradeise, Reale and Goastellec 2009). But there is also the establishment of research institutes or think tanks more or less loosely connected to ordinary university departments and schools, and partly competing with them. There are also collaborative bodies and networks, not to mention established or developing units for fund-raising or more systematically bringing in resources from public and private sources. In addition, there is increasing use of branding and positioning on university league tables related to attracting students by increasing the number and quality of internal services for them (Christensen and Gornitzka 2016).

A third feature, connected to and influenced by the external ones, is internal and related to an increasing professionalization of the administration of universities. The relative share of administrative staff compared to the academic staff has increased, partly to cater to needs such as relating to public authorities and other external stakeholders, but also for internal administrative reasons like control and reporting (Paradeise, Reale, Goastellec and Bleiklie (2009). The professionalization of the staff has stimulated the use of modern managerial methods. Some also say that the administrative and academic hierarchies are now also closer than before (Christensen 2011b)

A fourth feature, is that internal decision-making has changed considerably, from a professorial-dominated decision system to a much broader system with representation of different groups, such as technical personnel and students, but also external representatives.

There has also been a tendency to rationalize the number of decision-making bodies and give university leaders relatively more power (Paradeise, Reale and Goastalleg 2009). Elected leaders have often been replaced by appointed leaders, changing the recruitment process (a rather recent development in Europe).

A fifth tendency is related to a change in the status of students. Not only does university life increasingly reflect the massification of higher education, but the student body has become less 'sub-ordinate' and more valued over time (Maasen 2008). This means that professors not only have to spend more time catering to students and that universities must provide more in-depth services of different kinds to them, but universities must also be more active in an international student market in order to 'sell' their services.

Our underlying research questions are the following:

- What are some of the dynamic internal and external developmental features of universities and what are their potential effects on the core values of academic freedom and institutional autonomy and freedom of academic life at universities?
- What are some of the challenges of these developmental features and effects, as illustrated in two case studies, one from the University of California system and the other from the University of Oslo?
- How do structural and institutional perspectives taken from organization theory explain these developmental features and effects?

We start by outlining theoretical perspectives and defining academic freedom. We then discuss developmental features at universities in some depth and then use two brief cases to illustrate some of the current challenges to academic freedom and institutional autonomy. The cases were selected because of the authors' familiarity with them, and are examples meant to illuminate some of the complexities inherent in the phenomena and to inspire further research

on academic freedom and autonomy utilizing the instrumental and institutional perspectives from organization theory that are the core of our theoretical analysis. They are illustrations of the challenges to academic autonomy and freedom in practice, even in university settings where one would not necessarily expect such challenges. We conclude with an analysis of the main developmental trends identified in the text.

### **A theoretical frame – structural and institutional features of university development.**

A structural-instrumental perspective underscores that as any formal organization develops, change and reform will likely follow as a result of the actions of political, administrative and professional leadership (March and Olsen 1983). In this view, leaders usually have relatively clear goals, problems and solutions and they basically achieve what they set out to do, i.e. they score high on rational calculation (Dahl and Lindblom 1953). Based on their structural resources, positions and expertise they will also be able to control change and reform processes, either through strong hierarchical control or through having the upper hand in negotiations between different stakeholders (March and Olsen 1983).

A crucial point of departure in such a theory is that leaders can control the environment, at least related to internal structural development, something, which one would think is challenging when environmental forces, both nationally and globally, are said to have become stronger. Olsen (1992) formulates the opposite argument of ‘environmental determinism’, meaning the environment, in this case the ‘technical environment’ (Meyer and Rowan 1978), will have a strong influence on what goes on inside the organization. This can be the ‘task environment’ (Thompson 1967), including important actors close to the organization, or actors in the global environment, or both.

Using this type of theory for studying university development features and academic freedom, involves some typical foci. First, one focuses on central political-administrative leaders in the higher education sector and top university leaders as the main actors in developing

universities, either through hierarchical steering or negotiation processes. Second, one should look into the significance of arguments that many of the current development features of universities are related to accepting that universities are important parts of the ‘knowledge economy’ and therefore of economic development and growth. Third, more specifically, one would examine whether these instrumental and efficiency-oriented external trends heavily influence the internal development of the universities, both concerning decision-making structures and professionalization of the administration. Fourth, one should consider the hypothesis that there will be structural factors, like laws, rules and other special formal arrangements protecting academic freedom, but also that there will be challenges to these features.

An institutional perspective stresses that organizations like universities are influenced more by societal-cultural processes than structural and formal factors. One version, related to work by Selznick (1957), emphasizes that formal organizations, whether public or private, gradually develop, through processes of institutionalization, certain typical informal norms and values – unique identities – as a result of mutual adaptation to internal and external pressure. Traditions and path-dependency are important for how actors behave and are also related to whether changes and reforms are culturally compatible (March 1994).

Another version delves deeper into broad societal-cultural processes, related to the institutional environment, where these macro-processes participate in developing structural and cultural similarities or standardization through the use of myths and symbols (Meyer and Rowan 1977). It is taken-for-granted in this version that certain structural or cultural features are modern and efficient, and therefore should spread quickly across types of organizations, levels and countries. The similarity between the two versions is that they point to cultural-societal processes instead of formal-structural ones, while the difference is that they emphasize variety and similarity respectively (Scott 2013).

Using an institutional perspective on university development and academic freedom points in different directions than does the structural one. First, according to the cultural version, one should look into some of the following questions: Are the traditional academic-cultural paths and identities of the universities about to change as a result of either changing internal values or changing external pressure? Or are these paths unchanged, while the cultural changes are primarily related to changing administrative-economic cultures, which may be more a matter of accommodating to external change impulses and less to academic freedom? Second, related to the myth version one should emphasize the following questions: Do we see a global cultural-societal standardization in the ideas about university development? Are these ideas primarily related to the 'knowledge economy', efficiency factors and global market analogies in higher education? What are the more specific myths and symbols related to university development and academic freedom?

### **Features of academic freedom.**

The Global Colloquium of University Presidents defined academic freedom in this way in a common statement in 2005:

Academic freedom may be defined as the freedom to conduct research, teach, speak, and publish, subject to norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.

Academic freedom can be connected both to institutions and individuals (NOU 2006:19:13-14). It can be a formal right, or acquired over time, or be subject to discretion or leeway or, in some settings, a slogan without effective impact. While the formal right can be an institutional or individual right, or both, real exercise of the right may have something to do with institutional and/or individual resources, ways of steering/control by university administrators, other



pressure from the environment, etc. So, on the extremes one may have formal rights of freedom, with real discretion, or few formal rights of academic freedom, but with high real discretion (or at the other extreme be without rights or discretion). Berdahl (1990) makes a distinction between substantive autonomy – the power of the university to determine its goals and programs – and procedural autonomy – the power to decide on the connected means.

Individual academic freedom may vary according to roles, such as one's role as a researcher, teacher or disseminator of academic knowledge and results. There may be different expectations about freedom between generations of academics, variety in views depending on whether there is stability or crisis, and some academics may base their academic freedom expectations on internal or external preconditions.

Ultimately academic freedom entails being able to decide on what one should teach and research; freedom *from* and freedom *to* have many aspects. One should be able to 'speak truth to power', meaning being able to participate in public debate based on one's own academic knowledge and research, without being censored by either leaders from one's own university or superior public authorities (Teichler e al. 2013:13). Another aspect is the ability to move freely and to participate in scholarly meetings, whether nationally or internationally. A third would be to have freedom from others' leadership in teaching and research, or eventually freedom from having to serve in an administrative capacity.

It is probably neither realistic nor preferable to idealize academic freedom in an extremely individualistic and 'context-free' way. Individual academic freedom is closely connected to institutional freedom. The institutional or organizational academic setting that academics work in is both a guarantee and a potential threat to academic freedom (Tight 1988). There are at least two collective settings to which academic actors in universities must relate. One is that they have a work contract and are part of a university or an organizational unit, such as a faculty/school or a department/institute. Academic units may have systematic research

plans or externally financed projects which professors are supposed to participate in and to which they may be expected to contribute, and these may limit individual academic freedom, but also enhance it. Further, there is teaching to cover, whether more mandatory and general, or more research-based and self-generated, which is part of the duties of academic staff. Most universities also have rules about administrative duties, namely that academic staff must participate in academic decision-making bodies or perform administrative functions. And many universities also formally state that their employees shall inform the public about their results and participate in societal debates. All these core activities may be enhanced or hindered by the resources that are available from public authorities or other sources.

In an ideal world, at least for some, academic freedom means getting a salary every month as a professor, but the obligations mentioned above are also part of the equation. This means that in a realistic world part of an individual's working time must be used to contribute to the collective goals of academic units, without concluding that this will eventually undermine academic freedom. That depends, and will vary between countries and universities.

A second, and for some more important, collective or institutional frame of reference, is the professional or academic community of which one is a part. This community has the potential to regulate, restrict or sanction academic behavior, thereby interfering with individual academic freedom (Shils 1997). To get a job in academia, one is judged and 'certified' by academic peers based on professional academic criteria. The same is true for being promoted or getting resources for research projects. Once in an academic position, one has the obligation to be fair in judging others, whether in academic recruitment or in publishing. One can argue that as long as this system functions in a fair way, this will contribute to creating academic freedom. But academic rights are balanced by academic duties and embedded in academic ethos and ethic (Kennedy 1997). Inclusion in scholarly networks and collaborations nationally and internationally may enhance academic freedom in this respect. Or quite the contrary, when

scholarly communities are biased and have dominant actors, structures and cultures, academic freedom may be damaged (Ziman 2000).

There are two major traditions of academic freedom, the German and the American. The Humboldt-oriented ideal connected academic freedom to the concept of ‘Lehrfreiheit’, meaning that the professor should be able to freely carry out the duties of his position – teaching and research – without asking for permission or being threatened by sanctions from superior governmental authorities. Connected to Lehrfreiheit was Lernfreiheit, meaning that students could freely choose what type of teaching to follow. This tradition therefore reflects the problem of carving out a special arrangement for universities and professors in an authoritarian and hierarchical German state (Metzger 1978). The basis for both the elements is Freiheit der Wissenschaft, i.e. scientific freedom in ‘pursuit of the truth’, meaning that individual academic freedom rests on an institutional basis related to normative duties that are collective and goes beyond the single university. Searle (1994) labels this the ‘special theory of academic freedom’.

The American tradition of academic freedom originally reflected tensions in the system of lay rule of universities. Academic freedom guarantees the freedom of professors from interference in their work and expression of views by the administration and lay boards and from interference by those outside the universities, i.e. by their nominal employers – public authorities and the general public (Ben-David 1971) or boards of trustees. Searle (1994: 175) labels this the ‘general theory of academic freedom’ condensed in this quote:

‘...[A] basic principle is that professors and students have the same rights of free expression, freedom of inquiry, freedom of association and freedom of publication in their roles as professors and students that they have as citizens in a free society’

This principle is broad in that it goes beyond the individual academic’s special area of competence. But academic freedom is also broadened through the fact that academic staff have

other tasks that are derived from core academic tasks; these include participation in decision-making processes, administrative tasks and recruitment activities (Shils 1997; Tight 1987).

### **Specific external and internal developmental features at universities.**

#### ***Is increasing formal university autonomy good?***

The traditional European way of organizing the formal relationship between universities and superior ministries, primarily ministries of education and research, has been to give the universities relatively low formal autonomy but large real autonomy; executive politicians and top administrative leaders have interfered rather little. This seems to have changed quite a lot, influenced by increasing overall formal autonomy for state agencies and enterprises inspired by New Public Management (Ferlie, Musselin and Andresani 2009:14). During the last decade or so universities have increasingly been given the status as enterprises or other comparable forms, making them formally more autonomous from the governments, partly in order to be more competitive on a global education market (Boer, Enders and Jongbloed 2009; Olsen and Maasen 2007). In many countries, this has also been related to demands from the government that the universities bring in more money themselves, and sometimes even cuts in their budgets, such as those experienced in Japan (Christensen 2011a). This means that they have to be more active in getting resources from external sources – often labeled ‘market-based research funding’ - both public and private, and have in this respect become more dependent of the environment than before (Paradeise, Reale, Goastellec and Bleiklie 2009: 233, 236).

This seems paradoxical – increasing formal freedom, but less actual autonomy. One argument is that the universities, in particular the public ones, have experienced less actual autonomy, especially in economic matters, as a result of the NPM-inspired reforms in the formal status of the universities (Christensen 2011b). Taylor (2013:24-28) argues that we see an increasing politicization of higher education, despite increasing formal autonomy, with politicians paying more attention to them and attempting greater control in this sector because

of all the resources used, massification of higher education, quality concerns from parents, the economic significance of modern universities, and an overall growing public concern, awareness and accountability.

***Increasing social embeddedness.***<sup>2</sup>

Universities have become increasingly more socially embedded over time, to a greater extent in the US, but with Europe following suit (Ramirez and Christensen 2013). This means that the ‘ivory tower’ metaphor -- universities as elite institutions shielded from society -- is not that relevant any longer. Universities are increasingly also seen as ‘service enterprises embedded in competitive markets’, adding to their other roles (Olsen 2007: 30). Now it is much more common than before for universities to attempt to have several and diversified ties with society, captured in the ‘network governance narrative’, i.e. universities are diversifying their contacts with stake-holders in their environment (Ferlie, Musselin and Andresani 2009: 15-17).

Two such connections have been mentioned above -- being more attractive to students in a student market, and trying to get more resources from new sources, either public or private. The commercial aspects of this have been obvious in many countries, where universities have built up units to attract sponsors (like celebrities in the US or UK), built up units in the grey zone between the university and the private sector in an effort to convert research to new products and thereby earn money on licensing, or creating more courses that cater to private stake-holders, creating “self-supporting” degree programs, and the like.

Parallel to this development universities devote much more effort to image and reputation building (Christensen and Gornitzka 2016). In connection with the steady stream of international university leagues tables, it is more and more common to stress that universities

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<sup>2</sup> We use social embeddedness following Granovetter (1985), pointing out that purposeful action is constrained by both internal cultural traditions, but in particular wider societal social and cultural norms, and values, implying a complex set of external relationships that have effects on internal processes. See also Ramirez and Christensen (2013) for the use of this concept in a university context.

are excellent, innovative, commercialized, and cater to the business community. All this reflects the increasing globalization or internationalization of higher education (Taylor 2013). The big question is whether this is just a symbolically oriented competition or has some reality.

*The days of professorial rule are gone.*

Another global trend in university governance is that the decision-making system has changed considerably over time, with some variety in pace between countries, combining a broadening in representativeness and an increasing hierarchization (Christensen 2011b). Traditionally, professors dominated decision making in most universities, with hierarchically high positions in the academic part of the university correlated strongly with influence in decision-making. Those days are long gone in most countries. It started in the 1960s when other groups in the university system, such as students and administrative/technical personnel, got representation in decision-making bodies on all levels, but also a wider range of academic staff like associate and assistant professors, post-docs and PhDs also became represented (Ferlie, Musselin and Andresen 2009: 11-12). This was designed to increase internal democracy and produced more hybridity in representation and decreasing influence of full professors in decision-making processes (Meek 2003: 22).

The last group to be represented, especially from the 1990s in Europe, was societal representatives of different kinds. This is a somewhat more ambiguous element, especially in public universities. Societal representatives can be interpreted in different ways. First, they can be seen as representatives of superior public authorities; as part of a hierarchical system of control and scrutiny (Christensen 2011b). Second, they are a kind of virtual representation from the society, contributing with their professional knowledge of different societal fields, thereby broadening the basis of the university. Third, and the most controversial interpretation, is that they often represent knowledge from private sector and business, something that is seen as very relevant for universities if they are to become players in an international university market.

A more recent trend is that increasing representativeness and hybridization seem to be combined with re-hierarchization. The number of decision-making bodies is decreasing and a smaller number of people are represented in each body. This indicates a stricter hierarchy in decisions, with fewer actors having influence, which may collide with the principle of broadening representation. It also means that the academic (and administrative) leaders – presidents, deans and chairs - overall have increased their autonomy and power by more and more using a broad set of steering instruments (Meek 2003:22; Paradeise, Reale and Goastellec 2009: 220). This relates also to a second trend in this area, where Europe seems to have imitated the US, where an increasing number of academic leaders are appointed not elected, challenging the traditional principle of electing the ‘best among equals’ (Larsen 2003). So the trend, particularly in Europe, is from strong professors dominating in ‘Lehrstuhl-like’ systems, to less powerful leaders who are elected in mixed-representation systems, to more powerful leaders who are appointed. As with the administration, one can say that through this the leadership positions are increasingly professionalized.

***A more professional and managerially oriented university administration.***

A global trend in university governance is that university administration has become relatively larger and, as noted above, more professional than before. There are many feasible explanations for this trend. First, it may be a reflection of a more general formalization and rationalization trend of both private and public organizations, some call it a bureaucratization process, i.e. the fact more systems have been established, requiring resources and personnel related to planning, reporting and control (Ramirez and Christensen 2013). Some see this trend as increasing with the establishment of the reform wave commonly called New Public Management (NPM), even though many NPM entrepreneurs promised that it would result in greater efficiency and simplification. One might call this development ‘turning universities into organizations’ (Paradeise, Reale and Goastellec 2009: 203).

Second, and related to the first trend in this area, for a long period of time universities have been relatively underdeveloped with respect to administration, probably because of the traditional 'professorial regime' which was more informal and personalized. When universities increased their administrative staff and made it more professional, this may well be seen as a kind of 'catching-up,' i.e., a generic view that fits with the idea that universities should be increasingly seen as a part of the knowledge economy and economic growth (Meyer, Drori and Hwang 2006; Ramirez 2006). This also made universities more exposed as well as vulnerable to managerial reforms (de Boer 2003). Accordingly an increasing set of managerial tools -- strategic plans, new budget allocation models, performance management systems, reporting systems, incentive systems, audits, etc. -- have been implemented at universities around the world, often reflecting demands from superior ministries for more fiscal control and efficiency (Ferlie, Musselin and Andresani 2009: 8, 14; Paradeise, Reale and Goastallec 2009: 213).

Third, looking more closely at the activities of the universities, there are both internal and external reasons for developing a larger and more professional staff. Universities are developing more complex teaching systems, with more demands on systematic organization of those activities in order to plan the allocation of resources, to secure predictability for professors and students, to secure the students' rights, etc. And research activities are no longer 'simple' and related to the activities of single professors, but often collective efforts where the administration plays a role in providing information and support for academic staff applying for research grant, and for reporting and publicizing research results (Paradeise, Reale and Goastallec 2009). Administrative resources are also increasingly related to external stakeholders, whether related to research units with commercial potential, or to those outside who might provide support and resources for teaching and research.

Historically, and more so in Europe than in US, it has often been said that there exist two separate hierarchies at the universities, one academic and one administrative/economic/



technical (Christensen 2011b) The purpose of the administrative has been to serve the academic. The administrative hierarchy now seems to be not only relatively more influential, in its own right, but also more closely connected to the academic. In a critical version, this can be seen as administration ‘interfering more in academic matters’, though a more positive angle would be that this is a necessarily close collaboration and that it is important to look at administrative and economic consequences of academic activities.

A traditional American concept is to say that professors have ‘gone into administration’ when they have served in leadership positions. This labeling is also increasingly coming into use in Europe, something that reflects a change in the relationship between academic and administrative leadership. It is now, for example, more and more common in Europe to see candidates with ‘administrative experience’ in addition to their academic credentials prevailing in the recruitment processes.

### ***Students – from subordinates to important users.***

Traditionally, students have had rather low importance in universities, more so in Europe with more universities without tuition or with low fees than at US universities. They were definitely subject to the will of the central professors concerning the course of their studies, grading and their further career opportunities. This seems to have changed quite a lot, partly because of growth and massification (Taylor 2013), partly as a result of more people in the professorial ranks and the removal of the ‘Lehrstuhl’ system<sup>3</sup> in many countries. It also reflects the decreasing importance and influence of full professors.

A current attitude towards students, where European universities are clearly imitating the US, is that students are valuable customers or users in a global student market. They have to be treated well and given incentives of different types, without which they will ‘take their

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<sup>3</sup> A system where there are one or a few professors hierarchically at the top with designated personnel and financial resources.

business elsewhere' (Ferlie, Musselin and Andresani 2009: 14). This coincides with a more differentiated set of services for students, such as student housing, child care programs, health care and counselling, and better and more varied food at the students' eateries. The social relationship between professors and students is also becoming closer and less hierarchical. At many universities students traditionally did not dare to talk to the professors until several years had passed, to exaggerate somewhat, while they now connect more easily through such things as barbequing after introductory courses or at student festivals.

Another and more typical academic aspect of this is that it is now more often expected that professors cater to the students continuously and give them feedback on their papers, as an integrated part of teaching or through responding to complaints. So the academic staff has become more and more a kind of 'academic service-provider'. This is of course challenging, and adds to the time professors spend with students. International university rankings increasingly seem to reflect this latter aspect, in addition to academic excellence, so it is becoming more important. The social aspect of studying also seems increasingly important, for example reflected in national student surveys evaluating and comparing universities.

## **Two Brief Cases**

This section presents two brief cases, one from Norway and the other from the US, to illustrate some of our main themes about academic autonomy and academic freedom. The cases were chosen because of our familiarity with them. They show the challenges related to university developmental features in the practical conduct of university life, where guarantees of autonomy (as in the University of California case below) come up against political realities, and aspects of academic freedom do not fit well with the sorts of pressures that exist at time in

university life. We should emphasize again that they are not meant in any strict sense to be representative or to touch on all aspects of the subject, but to illuminate some of the challenges and complexities inherent in the phenomena we address and to inspire further research on academic freedom and autonomy utilizing the instrumental and institutional perspectives we employ in our theoretical analysis.

### *Academic freedom in Norway and at the University of Oslo.*

Because the law covering universities and colleges in Norway did not have rules regulating individual academic freedom (only institutional autonomy), the government appointed a public committee in 2005. The committee in its report of 2006 emphasized that individual academic freedom relates to the three major faculty roles as researcher, teacher and disseminator of information/knowledge (NOU 2006: 19): the freedom to pose questions (related also to taken-for-granted knowledge), the freedom to choose method and data, and the freedom to outline hypotheses, results and reasoning in public. The committee stressed that formal academic freedom was a necessary, but not sufficient precondition, for academic freedom as a practical reality. The committee made it clear that individual academic freedom could not be without limits, since there are more general laws regulating the relationship between employers and employees, and also constraints related to the formal job contract that regulate type of area and tasks.<sup>4</sup> The government followed the suggestions of the committee in its proposal to the Parliament (Ot.prp.nr.67 – 2006-2007). The law was then unanimously approved and was implemented starting Jan. 1. 2008.

But what are the realities of academic freedom in Norway? Terence Karran, who has gathered a large data set on this question in Europe, addressed this question in a conference in Oslo in 2015 (Karran 2015). He compared Norway to the EU countries and came up with the

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<sup>4</sup> This means simply that if you have a contract to serve as a professor in one discipline, you must stick to that area, or if you are employed, for example, to do certain teaching and research tasks, you must carry out these tasks..

following results: Norwegian university academics score much higher than the average in the EU in believing that ‘the level of protection for academic freedom’ is high/very high in their own country and university. Norwegian university academics disagree much more than the EU average that ‘individual academic freedom for teaching has declined in my institution in recent years’, which is also the case for academic freedom for research. They score higher than the EU average on valuing tenure as ‘essential to maintain academic freedom’ and see much less of a decline in employment protection (i.e. tenure). Summing up, academic staff in Norwegian universities seems to be much more secure and satisfied about academic freedom when compared to the EU average.

Teichler et al. (2013: 174, 182, 185-186) gives a somewhat more elaborated comparative picture in his study of academic life in 19 different countries around the world. Overall, academics in the US think they have much more influence on academic decisions and practices (such as recruitment, curriculum, etc.) than in Europe, and have more support from internal management. Asked about whether ‘the administration supports academic freedom’, Europeans score much lower than those in the US.<sup>5</sup>

When we look specifically at the largest university in Norway, the University of Oslo, it is subjected to the same national university and college law that regulates formal institutional autonomy and individual academic freedom for other universities in the country. There may, of course, be different ways to evaluate how well a given university handles academic freedom and there are also different views inside the academic community about how academic freedom should be defined and to what it is related.

The University of Oslo has historically had rather few controversial cases related to academic freedom, but one recent case is worth examining. In 2010 a professor of medieval history was fired in a case that eventually ended up in court (Nedkvitne 2010). After a long

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<sup>5</sup> The two studies are not directly comparable, since the first is more general in its main questions, while the second is more specific in asking about the role of management for academic freedom.

period of internal conflict and negotiations, involving all levels and both academic and administrative leadership, the board of the Faculty of Humanities decided in 2008 to sack the professor. He appealed to the board of the university, which 9-2 decided to support the sacking. The board decision was motivated by the fact that the professor had not carried out his formal duties. Despite several warnings, he had not come when he was asked to come to meetings and that he repeatedly sent emails bashing the leaders and other colleagues. The professor then took the university to court. He lost twice in regional courts of appeal and his case was denied when he tried to bring it before the Supreme Court. The professor's union – the Norwegian Association of Researchers – supported the professor financially in the court cases at the regional level because the union saw the case as having important questions of principle, but it did not provide support in the last round decided by the Supreme Court.

The narrative from his defense lawyer was related to academic freedom, arguing that the professor had only exercised his freedom of speech, and that he had been repeatedly bashed, marginalized, and undermined and lost tasks as a result, and that the leadership of the department had been instrumental in this, as well as by unfairly lowering the priority of the subject area he worked in. The lawyer for the university leadership presented quite a different narrative about the professor. The professor was seen as disloyal and as not following internal rules for employees, such as coming to meetings with the department leadership. It was also said that the case had nothing to do with academic freedom. Indeed, it was stressed that freedom of speech was strong for employees at the university, but did not apply to personal attacks on the department's leadership and colleagues. One of the interesting aspects of this case was that the professor who was eventually sacked was a popular teacher and adviser with many students and scored high on research production, two core university activities.

It is a point of contention about the degree to which this case was about individual academic freedom, but it clearly deviates from the rosy general picture of Norway. The losing

narrative, mostly supported by the academic staff with some distance from the case, was that it was a case about academic freedom, lack of leadership and lack of an open debate about priorities. The winning narrative, often supported by many colleagues close to the case, was that this was a disciplinary case related to harassment of leadership and colleagues. The administrative leadership was heavily involved in negotiations along the way, but the case was repeatedly treated in broad and open collegial bodies where the professor got very little support. Summing up, the more general rules for how to behave in a public workplace collided with norms of individual academic freedom. These rules were more vigorously pursued because of the increasingly influential modern notion of universities as generic formalized organizational units, resembling other formal organizations, and are one indication of the increasing power of economic/administrative logic in university governance.

***The University of California 2016 Budget: Academic Autonomy and Academic Freedom***<sup>6</sup>

The University of California (UC) is granted autonomy by the state's constitution. Article 9, section 9a says the following: "The University of California shall constitute a public trust, to be administered by the existing corporation known as 'The Regents of the University of California' with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university...." Section 9f is even clearer, stating that "The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs" (California Constitution, Article 9).

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<sup>6</sup> Our argument here is not that University of California as a university system, is in itself strictly representative of the great variety of public and private universities in US. Rather, the argument is that the case shows potential challenges and tension that may apply to many universities, especially state supported universities, in the US. .

Academic freedom is guaranteed under provisions of the University's "Policy Regarding Academic Appointees" (University of California Academic Personnel Manual – 010) which commits the University "to upholding and preserving principles of academic freedom." The Academic Senate of the University is given "primary responsibility for applying academic standards," and the University's "Professional Rights of Faculty" (APM – 015) include rights (resting on the faculty's academic freedom) of free inquiry, free expression, and participation in the governance of the University. Under the latter heading one finds such rights as "approval of course content and manner of instruction", discipline of faculty members, appointment and promotion of faculty, and "establishment of requirements for matriculation and for degrees". (APM -- 015).

The autonomy of the University and the protection of faculty rights are thus clearly guaranteed by the state constitution and university policies. However, in the real world, things are often not so clear-cut. In the area of autonomy, as a state supported institution the University of California receives substantial financial support from the California government. That, inevitably, makes it vulnerable to political pressures of various sorts. And these pressures, plus pressures from administrators, also affect faculty on the campuses of the University as they exercise their rights and carry out their responsibilities.

One interesting example centered on the UC budget for 2016. In brief, the University has budget problems related to budget cuts in previous years and the lack of political support to restore them. In addition, it has a pension fund that is stressed due to a long period when neither the State of California nor the University made contributions. A new president of the University, Janet Napolitano (a former Governor of Arizona and Secretary of Homeland Security in the Obama administration) made a forceful statement about tuition increases if the state continued

to fail to provide adequate funding.<sup>7</sup> The state's governor and legislature reacted negatively, particularly the Governor who, by virtue of his office, is an ex-officio member of the University's Board of Regents.

What resulted was the formation by the Regents of a Select Committee on the Cost Structure of the University, a committee with but two members – the Governor and the President of the University (The committee was popularly known as CO2). The March 18, 2015 minutes of the more broadly-based Regents Committee on Long Range Planning emphasized that in discussing the progress of CO2 the Governor “stressed that his own concern was not only with financial matters, but with the greatness of the University, access for students, diversity, and UC's role in the collective life of California. He was interested not only in the production of new knowledge or in UC as an engine for the economy, but in developing human beings who have a sense of the nation's traditions, values, and past, and who possess the interpretive skills needed for making decisions”.<sup>8</sup> In short, he was saying that he was interested in just about everything connected to the University and its mission.

The Governor and University President, without widespread faculty consultation, agreed on a framework for increasing state funding for UC. But, not surprisingly, there were conditions. These included an agreement to make changes in the University's retirement plan for new employees starting in July 2016, that UC ensure that at least one-third of its new students enter as transfers (students transferring to UC from community colleges), that UC make transfer pathways uniform across its campuses, and that UC improve time-to-degree for students (that is, make sure that students who enroll graduate in a shorter time than is currently the case). The latter included a review of courses necessary for majors to be undertaken with the aim of reducing the number of credit hours required, a requirement that campuses identify

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<sup>7</sup> UC, like many state universities in the US, had made up for inadequate state funding by raising tuition and increasing the admission of students who were not residents of the state and were charged a significantly higher tuition than in-state residents.

<sup>8</sup> Regents of the University of California, Committee on Long Range Planning, March 18, 2015, page 2.



course sequences to facilitate students completing their degrees in 3 years (rather than the traditional 4), enhanced use of summer sessions to aid time-to-degree, continued development of online courses with an emphasis on hybrid and “flipped courses” (where lectures are available on online, with discussion of content in person with an instructor), and enhanced use of advanced placement and other opportunities for earning credit for coursework or for experiences outside of the University.<sup>9</sup>

Our purpose in discussing this case is not to argue that any of the proposals are necessarily undesirable, but to raise a set of issues. First, what does university autonomy actually mean in operational terms? Despite the constitutional guarantees of separation from politics, UC was clearly caught up in a highly political process that yielded important decisions about its future path. And second, are the essentially imposed commitments on such things as course structure and instructional methods decisions for the administration to make, or part of shared governance and faculty purview? One can argue that because faculty ultimately “make” the decisions required in a formal sense, the role of the faculty is preserved and what we broadly think of as academic freedom has also been respected. But one can also make a case that the faculty role in curriculum decisions was decidedly less than what a strong notion of academic autonomy and freedom might suggest. The President of the University argued the former when she characterized the agreement with the Governor as one “to expand a series of programmatic innovations already underway or under development on UC campuses” (President Napolitano, Message, May 14, 2015). The Chair of the Academic Senate, however, wrote: “While the Senate supports most of these initiatives, we were not consulted about them, but rather asked to implement them” (Academic Council Chair Mary Gilley Letter, August 25, 2015).

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<sup>9</sup> UC Office of the President, Long-Term Agreement Reached, May 14, 2015.

The key point is that neither autonomy nor academic freedom exists in a vacuum; money and politics can play a key role whenever a university is dependent on funds from the state. Put even more succinctly: formal autonomy is not a guarantee of autonomy or of academic freedom. The case also shows challenges in a type of university system where external actors have had more sway concerning central political decisions than in most European systems.

**Analysis and conclusion: academic autonomy and academic freedom.**

The trends outlined relate in different ways to institutional autonomy and individual academic freedom. If we focus on institutional autonomy first - what are the consequences for academic freedom of increasing the formal autonomy of universities, but decreasing actual autonomy? A pessimistic view, informed by a structural-instrumental perspective, stresses that an increasing reliance on external resources (whether public or private) with strings attached will make academic freedom more challenging. External stake-holders, whether government ministries or research councils providing research money, will likely have more interest in certain 'politicized' research areas than others and will interfere more in the research process, in internal university governance, and in teaching and curriculum matters. And private donors may wish to allocate resources to research and activities that interfere in internal resource allocation processes. A more optimistic view would stress that many governments, at least for the public universities, will continue in their current cultural path to be the main guarantors of academic freedom broadly conceived and for 'free' research, particularly through resources from publicly funded research councils.

The big challenge for universities when social embeddedness is increasing is whether this will influence academic freedom and university autonomy in a negative way. One instrumental argument supporting this would emphasize that the applied and commercial aspects of research will become strong and basic research will suffer. In many universities applied natural science research and medical research seem to bring in the most external

research money by far, suggesting strong prospects for increasingly biased development in favor of the hard sciences and research with strong prospects for contributing to the economy (Ramirez and Christensen 2013). The attractiveness of yields from commercially exploitable research makes this extremely tempting, especially when the prospects of additional financial resources from other sources are more limited than before. Another view is that there may only be a loose coupling between the symbols of societal embeddedness and what happens in most universities, suggesting that the effects are not that obvious for academic freedom and university autonomy.

Further, what are the implications for academic freedom of institutional trends indicating changing decision-making systems in universities? A skeptical view, based on a structural-instrumental perspective, stresses that too much power to internal leaders will weaken internal university democracy, for example in areas related to resource allocation and recruitment, and therefore potentially academic freedom and decision-making premises based in academic knowledge, because the leaders represent other roles and logics (Christensen 2011b). A supportive view would stress that universities need professional leadership and an opening up to the broader society. A more *laissez-faire* view would argue that these changes in decision-making processes have rather little to do with everyday life for the academic staff, and that they even can unburden professors from non-academic activities and thereby strengthen their academic freedom and research opportunities. Such a view is based in an institutional perspective.

What are the arguments supporting the idea that a larger and more professional university administration limits academic freedom? One would be simply that we see an unnecessary bureaucratization of universities, parallel to that in all public organizations under New Public Management regimes, eating into professors' time, freedom and core activities (Christensen 2011b). Another is that administrative actors, through their increasing influence,

now 'interfere' more and more in academic matters where they do not have enough competence. But there are also counter-arguments, namely that a professional administration is necessary to facilitate both teaching and research in academic institutions, and as such it provides an important precondition for academic freedom. A more cynical view is that professors, regardless of the strength of administrative-professional leadership, live their own lives within universities much as they please, which is a view based on what we might call a 'hopeful' institutional interpretation. (Paradeise, Reale, Goastellec and Bleiklie 2009: 230). Perhaps beneath the seeming isomorphism of fashionable managerial reforms in universities around the world there is a lot of actual variety in the significance of the university administrations themselves (Amaral, Fulton and Larsen 2003: 279).

Finally, what about the significance for academic freedom of the service-oriented trend and of the increasing catering by universities to students? One view stresses that increasing interaction with students will negatively impact the time professors can use on research, and that it therefore indirectly influences academic freedom. But a more positive view would emphasize that a close relationship between academic staff and students will further both a good learning environment and research, and therefor improve academic life. One can, however, imagine a lot of variety here between the preconditions in this respect when comparing a low cost or free tuition public university and a private university with high tuition and higher expectations related to 'value for money'.

Summing up, one can use a structural-instrumental perspective to connect most of the developmental trends in an NPM-like narrative with negative connotations for the academics. First, externally, governments in reality are increasingly influencing universities to enact university policies they (the governments) prefer, as are other stake-holders that provide resources. Second, internally academics are losing influence on decisions because of stronger administrative leaders and a more influential student body.

An institutional perspective has two arguments that suggest more positive connotations for academic freedom. One is that universities are very old and very resilient institutions and that the developmental trends shown may, in the end, have rather minor impact on core individual academic freedom, especially related to research. Following Berdahl (1990), one can argue that the trends are mainly procedural rather than substantive. One can also argue that the trends are mostly about global rationalization and standardization, and function as symbols and do not really much effect the realities of everyday academic life.

As shown, there are different interpretations of the effects on academic freedom of political interference from outside of the academy, from stronger powers for internal university leadership and from pressures to cater to the perceived needs of students (as customers). This also goes to the core of the relationship between institutional and individual autonomy. Will the academic faculty be able and willing to meet the challenges these trends represent, challenges concerning resources, expertise and time, when efforts to meet them can eat into valuable research time? Or will they imagine that they can keep the benefits of institutional autonomy and especially of academic freedom, whatever happens in the world around them? Professional leaders and administrators may organize, handle and ‘fend off’ external demands so that the academic staff can be relatively uninfluenced and retain its academic freedom. However, these groups will likely be more inclined to adjust and reorient the academic staff to a new reality with more limited freedom than before.

It is also worth pointing to the fact that the academic staff is not homogeneous. Some have a need for more resources, such as in natural sciences, and for closer relations to external sources and stake-holders. They may well have fewer worries about academic freedom, while social science and humanities professors overall seem to be more skeptical about the trends outlined (Seeber 2013).

What can we learn from our examples? First of all, they illustrate that there is a gap between formal academic autonomy and freedom and actual academic autonomy and freedom. There are formal safeguards in place in both the US and Norwegian academic systems, but the actual practice is more challenging. It can be argued, to use one of our cases, that the UC budget deal, done by important actors in formal positions, effectively lowered institutional autonomy and ultimately limited the options of the faculty. The University of Oslo case demonstrates how socially problematic behavior related to conflicts over academic priorities, something not that uncommon in universities and often tolerated, was turned here into a disciplinary case potentially limiting individual academic freedom.

Second, the cases reflect the variety in the two systems. The publicly funded part of the US university system is, it appears, generally characterized by less actual institutional autonomy than the formal safeguards might indicate, while the Norwegian system traditionally has had limited formal autonomy but very high actual autonomy, although the system is vulnerable as the case suggests (Christensen 2011b; Ramirez and Christensen 2013).

Our study illustrates that potential threats to institutional and individual academic freedom come both from increasing social embeddedness and from internal economical/administrative developmental features. The impact of these factors is complex, but they will likely be of great import in shaping the future autonomy of universities and the nature of academic freedom.

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