

# A Reasonable Autonomy

*– some questions about academic  
autonomy in the Nordic countries*

*Andrew Casson*

**SUHF**

Sveriges universitets- & högskoleförbund

## **A Reasonable Autonomy**

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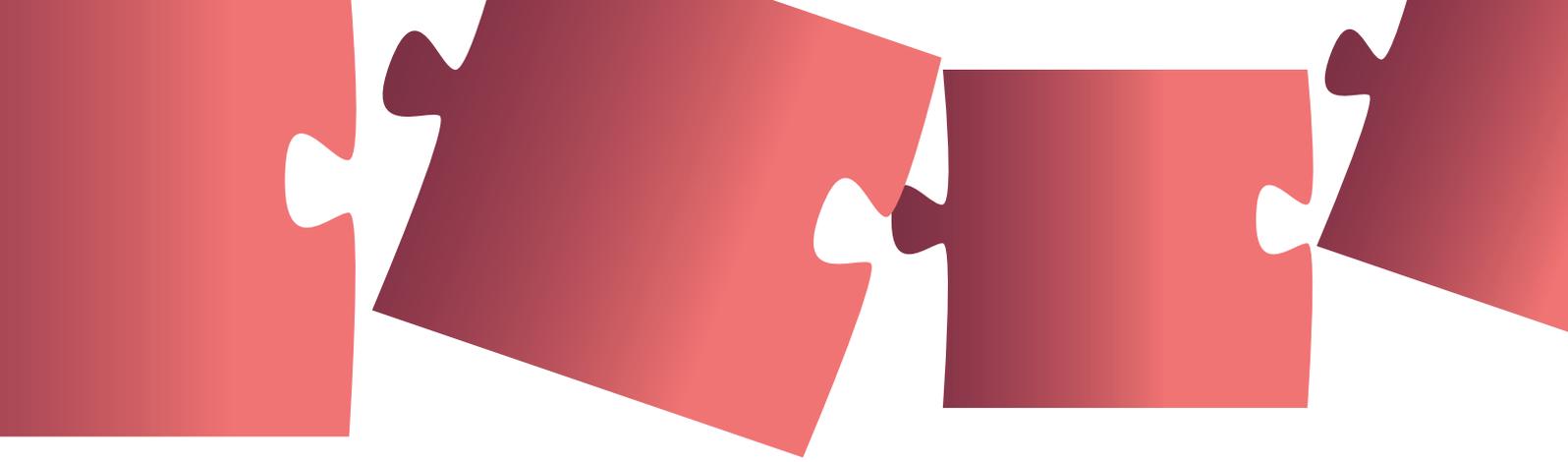
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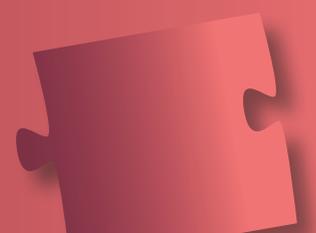
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# Contents



<b>Foreword</b> .....	<b>5</b>
<b>1. Academic autonomy in the Nordic countries</b> – introduction and background.....	<b>7</b>
<b>2. University autonomy and academic freedom</b> – what can they mean? .....	<b>11</b>
<b>3. University autonomy and academic freedom</b> – what’s the point?.....	<b>17</b>
<b>4. Could the universities make better use of the autonomy they</b> <b>already have? .....</b>	<b>23</b>
<b>5. What might a reasonable autonomy be? .....</b>	<b>29</b>
<b>6. International agreements and national legislation.....</b>	<b>35</b>
<b>7. Two European overviews .....</b>	<b>39</b>
<b>8. Lessons from further afield .....</b>	<b>45</b>
<b>9. Governance for autonomy in other sectors.....</b>	<b>49</b>
<b>Literature &amp; references .....</b>	<b>52</b>
<b>Author Presentation .....</b>	<b>56</b>

# Foreword



# Foreword

**The university is an autonomous institution at the heart of societies differently organised because of geography and historical heritage; it produces, appraises and hands down culture by research and teaching.**

**To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power.**

This is the first of the Fundamental Principles of the *Magna Charta Universitatum*, the declaration of academic rights written in 1988 at the ninth centenary of Bologna University and now signed by the rectors of more than 880 universities in 88 countries. Autonomy lies at the very heart of what a university is. To be able to think for yourself, to seek out the truth, however inconvenient it may be, to speak that truth to power, these are the bulwarks of a university in its mission to help individuals realize their potential and to build a better society. And yet all of them, in different ways, are under increasing threat.

No institution can be totally autonomous, and for publicly funded universities the dependence on political agendas of varying relevance and longevity is a stark reality. And yet, to be able to speak truth to power, a university must have, and must defend, a high degree of autonomy. Scholars and teachers have a range of loyalties to balance but few doubt that research as well as education in the long run benefit when they are run autonomously by the scholars and teachers themselves. Most would also agree that society at large benefit most by this. It is being said that the autonomy of students to follow their passion in learning has been circumscribed in past decades and their educations atomised and instrumentalised. To what extent is this true, and

if so, how should this development be handled?

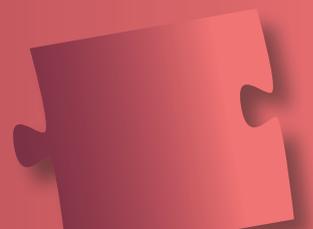
In these days of huge global challenges – to the climate, to democracy, to the entire Enlightenment project – the university has a central role to play. To identify the forms of governance best suited to supporting that role, a vital discussion needs to be deepened among university leaders in the Nordic countries – countries that other parts of the world often look to as examples of how to sustain growth both in the economy and in the welfare of all their citizens. The Nordic Universities Rectors' Conference (NUS) will meet in 2019 to further this discussion and to widen our own knowledge of the issues at hand and how they are being dealt with by our neighbours. As a brief introduction to this discussion, Andrew Casson has written this paper, setting out some of the basic issues surrounding autonomy and the academic freedoms. The paper considers the basic rationale of autonomy, not only for institutions, but also, and not least, for scholars, teachers and students. It considers the interfaces between different stakeholders and asks how universities make use of the autonomy they already enjoy before focusing primarily on what a reasonable autonomy might comprise for the university as an institution. What do international agreements and national legislation say and how might they influence autonomy in practice? How do the Nordic countries compare with each other and with the rest of Europe? Are there other publicly financed institutions that might serve as examples of governance for a reasonable autonomy?

These are only some of the issues that need further research and discussion. It is my sincere hope that by furthering that discussion between the Nordic universities we will be able to learn from each other and find ways to protect and develop our autonomy and contribute in the best ways we can to help individuals realize their full potential and help to build a better society for the future.

*Astrid Söderbergh Widding*

Chair of the Swedish Association  
of Higher Education Institutions (SUHF)

1



# 1. Academic autonomy in the Nordic countries - introduction and background

The five Nordic states, Denmark, Finland, Iceland, Norway and Sweden – to be distinguished from Scandinavia, generally considered to comprise only Denmark, Norway and Sweden – have long been seen internationally as examples of successful welfare states with high levels of income redistribution, labour market participation, trades union membership, social benefits, gender equality, and life satisfaction. Just to mention one particularly eloquent example, Save the Children's 2017 survey "State of the World's Mothers" ranked the five Nordic states as the five best countries in the world for mothers and children (Save the Children 2017). There is a common heritage in language where four of the five, not Finnish, are closely related, and Danish, Norwegian and Swedish mutually understood, at least to some degree. There are also close historical connections, with the five countries territorially involved with each other in different combinations down the centuries.

For these and other reasons there are also considerable similarities between the higher education systems in the five countries. All five countries offer at least undergraduate education with no tuition fees for national and EU citizens, Norway and Iceland for all at non-private institutions. There are generous

systems of student grants and loans, meaning that young people need not be reliant on their families to be able to study and also making it easier to take up higher education later in life. With high levels of participation, of state funding and of research output, conditions would seem to be good for future development. In international comparison, of course, they are. And yet there is considerable concern and unrest in all the five higher education sectors, experiencing the outcomes of past reforms in governance and funding and debating what future reforms would give most benefit to higher education and research in themselves on the one hand, and, on the other, economic growth and the general welfare of society. Despite the basic similarities between the five systems, both past reforms and debates about future reforms have shown significant differences, at the same time as there are common underlying trends or themes.

This brief paper is an attempt to pose some basic questions about autonomy in and around higher education systems, with examples from all the five Nordic countries, but mainly from Sweden, as that is the system I know best. I reflect briefly on what different guises autonomy, or the lack of it, might appear in and then ponder the different reasons for it being so widely acclaimed and eagerly desired.

Perhaps somewhat impertinently, I ask whether, given the reasons often put forward for autonomy, universities might not make better use of the autonomy they already have. I then settle on trying to identify some of the issues that need to be investigated in order to find a pragmatic way forward – what might a *reasonable* autonomy consist of? What examples of such an autonomy can we learn from in other sectors of society and other parts of the world? The focus of the paper is on institutional autonomy, the relationship between the owner and funder – in the Nordic countries almost exclusively the state and the public purse – even though other relationships in higher education such as those between university and teacher, between research and funding or between staff and student warrant a similar type of back-to-basics approach: what is autonomy and why do we need it?

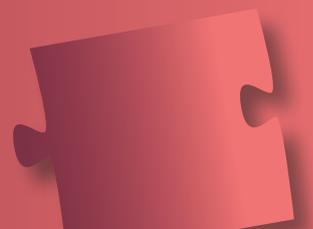
The purpose of the paper is twofold and there are also two envisaged groups of readers. One comprises those working in the governance of the Nordic university systems as academics, as leaders, as stakeholders, as politicians, those involved in the debate about the futures of university autonomy and those who, ultimately, decide what those futures will be. Hopefully, by putting these questions and pointing at some Nordic examples, a clearer picture of the surrounding landscape will emerge.

The other group of readers that this overview may be of interest to are those outside the Nordic countries, those who look north for examples worth following. Or those concerned about the news stories that make international headlines such as the tragic events surrounding thoracic surgeon Paolo Macchiarini's bogus research at the Karolinska Institute in Sweden, or the dismissal of professor Hans Thybo in Denmark or other apparent infringements or misuse of academic freedom and institutional autonomy.

The main focus of examples of the issues concerned in the body of this overview are taken from Sweden. This is where I have my first-hand knowledge of the academic system after forty years of working in it, twenty of them in university administration and leadership. My knowledge of the other four Nordic countries, far from comprehensive, has been garnered from many different sources, from visits and acquaintances down the years but mainly from written sources complemented and revised by representatives of the Nordic associations of HEIs (NUS), to whose conference this paper will hopefully be of some use. The comparisons could doubtless be expanded and nuanced at length and the national debates reviewed in much greater detail but hopefully the Swedish focus will not detract from the usefulness of the overview.

I begin, though, with the overarching questions about academic autonomy, before turning to a more detailed comparison of academic governance structures and legislation.

2



## 2. University autonomy and academic freedom – what can they mean?

The value of increased academic freedom and greater institutional autonomy for universities has long been an axiom among academics. Outside the universities, should the debates ever reach so far, a commonly heard reaction is to ask what the fuss is about, not least from other state-funded organisations: if you pay the piper, you call the tune – end of discussion. But within the universities, both nationally and internationally, how the universities should be governed – more or less collegial governance, more or less managerial accountability – has constantly been a subject of debate. In that debate, however, more autonomy is seldom questioned: it's simply something everyone seems to want and few would dare to threaten, at least openly.

The question is, though, what do they mean by autonomy? And is it the same as academic freedom? What aspects of independence, self-governance, privilege, self-reliance, freedom for or freedom from, might it imply? Well, all of them, in one way or another, are implied in autonomy and they're all things we'd like to see increase for our academic institutions. At the same time we realize that this autonomy must be tempered by responsibility and accountability. It can only ever be relative, never absolute. So we can never wish for autonomy, only more autonomy.

Autonomy is related to academic freedom, or perhaps better 'the academic freedoms', as they say in French, but it isn't the same thing. The autonomy

of an academic institution, a university, is generally seen as a prerequisite, if not as a guarantee, for the defence of the academic freedoms. And these, ever since the days of Humboldt at least, are generally divided into two categories.

The first of these is the freedom of research and scholarship, *Freiheit der Wissenschaft*, the scholar's freedom to choose problems, methods and forms of publishing. This is a freedom codified in law in the Nordic countries, for example in the Swedish 1993 Higher Education Act, which lays down that, "1. research issues may be freely selected; 2. research methodologies may be freely developed and 3. Research results may be freely published". But seldom have those freedoms been cited in a court of law – partly perhaps because scientists and scholars are too busy writing applications, interpreting the signs and signals of funding calls and meeting the requirements and preferences of the funding bodies or predicting the current ideals of research grants committees. Which is hardly surprising given that those grants are what they live off, what they base their careers and build their reputations on. But it's not especially free. At least not if we by free mean 'freedom to' rather than 'freedom from'. 'Freedom from' is passive – research what you like and how you like but don't expect us to pay for it. 'Freedom to' do the research you choose implies funding to do that research. If a professor's time is filled by writing repeated applications in selection procedures where only five or ten percent can succeed, or reading and

assessing countless and extensive applications from others, it might reasonably be seen as an impingement on her freedom to research. If, in addition, she is supervising five or ten doctoral students, there won't be much time left for her to do the research she has chosen in all her academic freedom. And yet it is truly free research, the research which is not directed by political ambitions or society's expectations but by the aggregated curiosity and stringent criteria of a body of scientists and scholars, that has been seen down the years to be the most successful. Despite themselves contributing to the byzantine intricacies of application and evaluation procedures of directed research, few would question the conclusion that in the long run it is the free and open research directed by no others than scholars themselves and their peers that has contributed most to the welfare and prosperity of society.

The academic freedoms attributed to Humboldt that most directly concern teaching and learning are *Lernfreiheit*, the freedom of students to choose their seat of learning and to follow a freely-chosen course of study, and *Lehrfreiheit*, the academic teacher's freedom to choose both content and method. As we shall see, these two liberties do have some level of protection in law in the Nordic countries, but, as we also shall see, there are other forces at work that have severely encroached on them.

Come this far in a preamble to discussion of academic autonomy – or autonomies – it is high time to try to bring some order in the different relationships characterized by freedom or the lack of it. One way of clarifying these relationships is to see them as four separate interfaces (Reilly et al 2016):

1. The interface between the institution (the university) and its owners (the state, a trust, a corporation etc)
2. The interface between the university and the teacher/researcher
3. The interface between the university and society
4. The interface between the teacher of the university and the student.

Discussions and debates on issues of autonomy in higher education have most often focused on inter-

faces 1 and 2 above. Institutional autonomy, in the Nordic countries primarily the relationship between state and university, has been the subject of various reforms during the past decades. In Sweden the great change came in the 1993 Higher Education Act which fundamentally reformed both governance and funding processes, in Denmark the 2003 University Act, in Finland the 2009 Universities Act. At a European level it is also this Interface 1 that has attracted most interest and aroused most debate. The European Association of Universities (EUA), for example, has put major resources into developing its *Autonomy Scorecard*, which I discuss in more detail below and which measures autonomy in four different aspects of the relationship between the owner, most often the state, and the university: organisational, financial, staffing, and academic matters.

The university autonomy debate in the Nordic countries circles around the same basic contest as it does in other countries around the world: in the one corner, the forms of control and management that the state, as politically responsible for the public purse, enforces on the universities, and in the other corner, the need and desires of the universities to direct their own affairs without interference from external influence. The owner, the state, exerts its power by way of law, passed by parliament; ordinance, decided by government; funding through a budget prepared by government and passed by parliament and further detailed in some form of appropriation directive; and finally through the power of the government to influence the appointment of the Rector and members of the Board. In this latter respect there are major differences between the five Nordic countries, as I will discuss later, but Sweden is unique in that the government retains the power of direct appointment and dismissal both of university rectors and a majority of the members of the University Board.

In terms of funding, given the history and culture of the Nordic countries, it is difficult to imagine that there could be any other predominant source of finance than society as a whole through public taxation. Universities are seen as public institutions, furthering the prosperity and welfare of society as a whole and must therefore be financed by society

as a whole. But even where there are other sources of funding – private corporations, trusts, donations – there will nevertheless always be some form of agenda that university has to relate to. So the basic issue remains: how to design structures of governance to maintain a well-balanced relationship between owners and universities, a reasonable balance of power between the justifiable demands for accountability made by state and taxpayer, on the one hand, and, on the other, the justifiable demands of the university to be autonomous enough to be able to carry out its mission in society.

But it is precisely the nature of that mission in society and changes in how its different components are articulated or understood and which of those components are currently being prioritized that lie behind many governance and funding reforms in recent decades and the often negative reactions from university staff. If you believe that universities are primarily funded by society in order to promote economic growth through innovations and to provide the future labour force with the competences it needs, then governance and funding structures will be adjusted in one direction. If, however, you believe that the primary mission of universities is to seek out truth in all its guises for the long-term betterment and welfare of society and to promote the self-creation of individual students so that they can realize their full potential as human beings, you will want the universities to be funded and governed in a different way. This is not to say that these two different views are in any way mutually exclusive, just that, depending on what direction you give priority, you will get different systems. There are of course other important dichotomies steering developments, not least what is really a continuum between trust and control, where the latter has been very much in ascendance in recent decades.

Interface 2, the relationship of power and governance between the university as an institution, as represented by its leadership and management, and its teachers – for all scholars and researchers are teachers, at least in the Humboldtian tradition embraced in the Nordic countries – has been debated even more heatedly than that between state and

institution. Most often the central concept in that debate has been collegiality, what is seen as the historical right for academics to govern their own affairs through elected committees and functionaries. This collegiate ideal has often been contrasted with what has been seen as the growing power of professional managers and their machinations of planning and measurement, collectively known as NPM or New Public Management, even though the two are not in fact mutually exclusive: collegial committees and peer reviews may just be as prone to the measurement of indicators and financial incentives as managers – and, vice-versa, managers may be shining examples of showing trust in their academic co-workers.

These two first interfaces are of course interrelated and changes in law affect the relationships between the university leadership and its staff. In Sweden, what the government itself heralded as the Autonomy Reform in 2009, gave the universities freedom to dispense with any forms of collegial governance that might remain; in Norway the universities were given the freedom to choose whether they wanted to elect their rector or have the post appointed by the board, while in both Finland and Denmark the reforms entailed that university boards appoint the rector. The close link between state and university has been seen to hamper the creativity of research and innovation and several of the Nordic autonomy reforms have been based on weakening that link. As one Finnish scholar writes “reforms to make universities more capable market operators have been implemented in the name of autonomy”, and “Autonomy is increasingly seen as the managerial property of the university leadership and not as the property of the entire academic community.” (Piironen, 2013) There is no doubt that in all the countries, corporate models of governance – governing boards with considerable external recruitment, if not always majorities – have had considerable influence on university governance reform, most perhaps in Denmark, least probably in Finland. This perception led one of the world’s most renowned scientific journals, *Nature*, to write in an editorial in 2016 under the heading “Corporate culture spreads to Scandinavian institutes” that, “The trend of turning universities into busi-

nesses is limiting research freedoms in traditionally liberal institutes in northern Europe”, concluding that “Corporate identity might work for a university as a marketing concept – but it offers little incentive for independent minds to speak out and make conclusions” (*Nature* Dec 14, 2016)

The third relationship, Interface 3, that between the university and society, generally concerns issues of funding other than that emanating directly from the state. This funding is most often for research and is almost always the subject of fierce competition. Even though these resources also often originate from the public purse, they are filtered through a range of different bodies that have their own agendas and priorities that applicants must adhere to if they are to be successful. Obviously this has a considerable effect on the subject and nature of research carried out at universities and may, in the worst case, lead to widespread acquiescence to fads of scientific fashion. Levels of direct institutional research funding, i.e. resources passed direct from state to university without the filtering of funding bodies and application procedures, have always been a bone of contention and their increase seen as a gain for university autonomy. It might however be reasonable here to ask whether the individual scholar or research group is not in practice almost as fettered by the demands and quirks of internal academic committees as they are by the external funding bodies, and certainly no less susceptible to cronyism. In addition the demands of external sources that their money be matched in co-funding by internal university funds can make considerable inroads on the autonomy of the researcher, whereas the autonomy of the institution as a whole doubtless increases with an increase in direct public, unfettered research funding. Danish professor Heine Andersen recently published an extensive report on the effects of, among other factors, the adverse effects of an increase of external research funding in Denmark within four decades, he says, from a few percent to over 40 percent (Andersen 2017). In Sweden the percentage of non-governmental funding varies between institutions but it is significant that the recently published proposal on governance and funding structures that I discuss later contains a target for the average na-

tional percentage of external funding to be no greater than 50%. In Norway, the debate about what is sometimes called “academic capitalism” and the corporatisation of universities has been raging for years now and in one of the more recent studies on the issue, Dag O Hessen writes constrainedly, that “the expectation that research should be useful, in instrumental and commercial terms – and that in the short run – would seem to have got the upper hand” and that he “dislikes that I have to continually shift focus, tailoring applications to the wordings of a call and ‘selling’ my research as more useful in the short term than it strictly is.” in what he, with a vivid image, calls the ‘tredemøllekappløpet’, the treadmill race for funding and prestige. (Hessen 2018, my translations).

Interface 4, the relationship between the university, most often represented by the teacher, and the student, is nevertheless that which involves by far the most individuals and in reality by far the most money, and yet it is without doubt the interface that has been given the least attention in discussion and debate these past decades. It is this relationship that Humboldt embodied in his tenet of *Lernfreiheit*. The freedom of the individual student to choose her subject of study and her own pathway to learning is closely related to the process of *Bildung*, sometimes rather poetically translated as self-creation, widely considered to be the foundation and *raison d’être* of all higher education. The legal provisions of higher education in the Nordic countries make little mention of this ideal. The Finnish Universities Act of 2009 states the mission of the universities to be “to provide research-based higher education and to educate students to serve their country and humanity at large”. While the 2003 Danish University Act concentrates on the “relevancy of its research and educational disciplines” and says nothing about the independence or autonomy of students, in the Norwegian 2005 Act the only mention of teaching and learning in the overall provisions is that universities shall provide “higher education on the basis of the foremost within research, academic and artistic development work and empirical knowledge”. The Swedish Higher Education Act of 1992, on the other hand, does contain a number of provisions that

can be directly related to the Humboldtian ideals. It insists in its preamble that undergraduate programmes “shall develop – the ability of students to make independent and critical assessments; (and) – the ability of students to identify, formulate and solve problems autonomously”. And yet while the law demands that the autonomy of students should increase, the detailed provisions and requirements of curricula and syllabi, the specific learning outcomes of the Bologna process and the summative rather than cumulative nature of assessment all point in a very different direction.

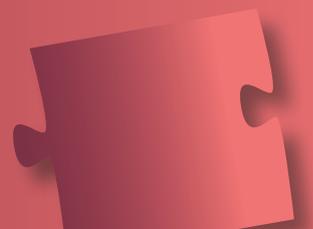
Students demand to be told in advance what knowledge a course or a programme will deliver, far more like a consumer transaction than a creative collaboration, and insist that assessment be transparent and based on easily definable categories. Employers want to know – and preferably also influence – what a professional degree programme will contain. So who remain to raise their voices for free pathways to education, for student choice and student autonomy? Those who do, are seldom heard. It is a characteristic of the Nordic university systems that the students have considerable presence on Boards and in decision-making processes, and they too have taken

part in the movement away from *bildung* towards a total focus on employability. Two Danish scholars have recently written about the restrictions this has implied for students, calling it an “abductive temporality” where “the future is increasingly constructed by policymakers as a threatening and intrusive force invading the present; labour-market prognoses, conjectures concerning global competition and a deluge of international comparisons and rankings come to define – and thereby potentially make controllable – a limited number of possible futures. These anticipated futures, however, come to profoundly restrict students’ freedom, in terms of what, when and at what rate they wish to study.” (Nielsen & Sauraw 2017)

This first overview of the four autonomies that I have suggested here suggests in itself a number of good reasons for increased autonomy in the academy. Debates and discussions seldom return to basics though, to ask the fundamental question about what purposes autonomy might have: what is the actual point of university autonomy and academic freedom?



3



# 3. University autonomy and academic freedom – what’s the point?

Seldom are the basic reasons for university autonomy clearly stated in debates and discussions on the governance of higher education. Its value is taken for granted, as a virtue that follows naturally from long, international traditions, stretching back beyond Kant and Humboldt, 11<sup>th</sup> century Paris and Bologna, all the way to Plato and Aristotle. But if you examine the debate articles, the research literature and the political documents carefully, there are nevertheless two lines of argument that emerge.

One of these is that universities should be independent and critical voices in the development of society. This is sometimes expressed in terms of “speaking truth to power”, and to be able to do so, individuals must have academic freedom while the universities as institutions must have a considerable degree of autonomy. Both academic freedom and institutional autonomy can be justified by the good they do in fulfilling the mission required of the universities by society: to seek truth for the good of humanity. And as the truth is never permanent, seeking the truth means continually doubting it, continually asking new questions and usurping the old ways. This in turn means that individual academics and universities must make themselves a nuisance, make life uncomfortable for the powers that be. Doing so, they bite the hand that feeds them, if they dare, which, as we know, tends to result in swift revenge in the form of a slap on the face. Autonomy means that the system of governance laid down in laws, regulations and procedures, must prevent that slap from being

dealt. Hard words, but no slaps. It must be impossible for an academic to lose her job or have her career stymied; it must be impossible for a university to lose its rector or see its funding reduced because it has dared speak truth to power. If the system can’t prevent this happening, universities can’t fulfil their mission and society will, in the long run, be the poorer for it. Robert Berdahl, former Chancellor of Berkeley and President of the Association of American Universities, the AAU, calls this “a sweet paradox of academic freedom”, namely that, “universities and societies honoring it provide a ‘sanctuary for the critics of society’ and that societies wise enough to recognize that will surely profit in the long run.” (Berdahl 2010).

Contributing to the development of society towards greater justice and welfare also means contributing to a better basis for debate in society at large; “educating the public mind”, it has sometimes, perhaps a tad patronisingly, been called. In recent years this task has become all the more pressing as false news and internet bubbles are facilitated by the doubt that popular media cast over all science. Powers of critical reflection and independent analysis are in short supply in the media, crippling so in the digital social media, and the role of the university in influencing public debate and educating young people has surely become more important than ever. But instead, the rise of populism and its unabashed entry into the corridors of world power have led to more widespread doubt in the legitimacy of the universi-

ty, indeed of scientific knowledge itself. It's a classic ingredient of the populist world view that academics belong to an elitist conspiracy working to con the people. And by sowing doubt about the veracity of some sources of knowledge, all sources of knowledge can be made to seem dodgy and in that case you can choose to believe what you want to believe and find some very good facts to support it.

This first justification of university autonomy and academic freedom is reflected in the first fundamental principle of the Magna Charta Universitatum, drafted in 1988 and now ratified by almost 900 universities:

*The university is an autonomous institution at the heart of societies differently organised because of geography and historical heritage; it produces, examines, appraises and hands down culture by research and teaching.*

*To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power. (Magna Charta Universitatum)*

The Magna Charta expresses in absolute terms what must reasonably be a relative freedom and autonomy, the university being free and autonomous *enough* to fulfil its mission and “meet the needs of the world around it”. This is emphasized some ten years later by Justin Thorens when he says that academic freedom “is not only a right but also a duty that society assigns to those who belong to the academic community so as to enable them to carry out their task fully” (Thorens 1998). In other words, academic freedom is not primarily a freedom *from* (control) but a freedom *to* (seek the truth).

The freedom to scrutinize and criticize all aspects of society, plainly to state uncomfortable truths and ask importune questions of power, this is the reason most often given to defend academic freedom and the institutional autonomy of universities. To what extent universities actually make use of this autonomy for that purpose is an issue that requires a separate discussion and that I will touch on shortly. The second of the two most commonly stated reasons is that greater freedom will contribute to better

teaching and research and thus to better universities, which in the long run contribute to making a better society – in ways that society could seldom predict. We can't predict the outcomes of research or put in an order for the delivery of certain results, if that research is to be worth the name. The best research is that driven by curiosity and a passion to find the truth, not primarily to benefit society, even if such benefits may well be a result, and often are. It is also generally accepted that people tend to work more passionately if they themselves have decided what to work on and how to go about it. In a very widely read book, published a few years ago, Daniel Pink summed up the three cornerstones of human motivation as autonomy, mastery and purpose (Pink 2009). Deciding for yourself on your task and your methods, fully mastering your subject and having a deep belief in the purpose of what you are doing would seem to be fairly reasonable summary, from our own experience, of what motivates us. Perhaps they could also hold for the institution as a whole. And not only academic institutions but all institutions, companies, all places of work in fact. Why should universities be free from external interference when other institutions aren't, what makes them different? Are the tasks of higher education and research such that they require less external governance than others? Or is the supposition that highly educated academics, as the professionals with the longest education in society because their education is a never-ending part of the job, deserve more trust than other professionals in other institutions?

But as that untiring analyst of issues entangled between academia and politics, Stanley Fish, writes, “It's just a job”. By which he means that academic freedom is not a universal ideal, as Terence Karran claims and defends in his 2009 article. And that job is one that is done better without the interference of external powers, be they managerial or political. “What is crucial is not the chain of command or who gets to vote on what, but whether the classroom, the research laboratory, personnel decisions, and curricular decisions are insulated from the illegitimate pressures brought to bear by donors, grantors, and political operatives.” (Fish 2014) So while Fish vigorously asserts the value of academic freedom in order

to get the job done well, he refutes – unusually in the genre of writing on academic freedom – the value of collegiality, self-government or rule by academic committees. He distinguishes what he calls “the close-up environment, the one intimately tied to the performance of academic work”, that is, scholarship and education, from “the larger environment, including everything from the location of food-courts to the number of associate vice-provosts” (ibid). In the first, academics must rule supreme whereas in the latter, different forms of governance may work equally well, even though he does seem to support the views that good faculty members will rarely spare the time for committee work and that if you want to get something done, faculty committees aren’t the best place to do it.

To sum this second argument up: “Higher education works better”, writes Mary Warnock, long one of the leading voices in the British academic world, “if it is reasonably autonomous.” (Warnock 1991) In the word reasonable lie both a sense of the rational, what are the rational means to an end, and a sense of balance, a balance between opposing forces of independence and control – just enough autonomy to ward off reprisals, just enough autonomy to fire motivation.

So these are the two most widely cited reasons for academic freedom and institutional autonomy: to be able to speak truth to power and to create the best possible conditions for good education and research. There are a few others though. One of them may be less often cited in the Nordic countries than in others where tradition is held in higher esteem: autonomy is essential to be able to “hand down culture”, as the Magna Charta cited above states. It is seen as a central function of higher education to “help sustain in being an inherited body of understanding” (Warnock 1991). To be able to do this you need a more long-term commitment than other bodies, governments for example, can command. Governments have other, fully legitimate, but often short-term, interests – votes in the next election, for example.

Sustaining an inherited body of understanding might very often entail doing nothing new at all –

and politics finds that very difficult indeed. Politicians can’t help acting, or at least appearing to act. There is glaring example of this in Swedish teacher education, an area I’ve been involved in for almost thirty years. As soon as the media ring the alarm bells about falling standards and failing schools, the minister responsible must be seen to respond. And one of the easiest – and cheapest – ways of responding is by urging or forcing the universities to change teacher education, its organisation, its duration, its content, its methods, its teaching practice or any combination of the above. Not least because the curriculum for teacher education, along with all other professional degrees, is laid down by Swedish government in the form of Annex 2 to the Higher Education Ordinance. Sweden isn’t alone in having politicians trying to win votes by meddling with teacher education but it is the most flagrant example of a system that allows it to happen. Professional degree programmes tend, however, to be lengthy – five years for an upper secondary teacher in Sweden – and the planning process in itself takes a few years. During the last decades this has happened so often that the first cohort of students on a new programme haven’t finished their degree before a new reform has to be implemented. If the universities themselves were given a more reasonable autonomy to decide on their own curricula, the professional degrees would doubtless be less uniform over the country – but the universities would be better positioned to inherit and develop a body of understanding about how to educate future teachers. For Sweden, the transfer to the universities individually or collectively of the degree curricula now laid down by government in Annex 2 to the Higher Education ordinance would not only make a significant contribution to an increase in institutional autonomy but also acknowledge the importance of the academic freedoms for both scholars and the students, whose education is, after all, the very basis of all higher education.

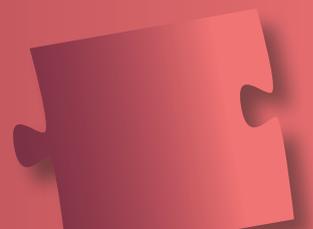
The last part of the answer to the question Why autonomy? is of a more practical nature. Whereas Denmark and Finland have made their universities into legal entities separate from the state, in Sweden, Norway and Iceland most universities are



part of the same legal entity, the state itself. This creates a number of obstacles in the way of their dealings with third parties, including formal contracts, not least those with other countries. There is one flagrant example, only a few years ago, when Uppsala university, the oldest and one of the most internationally renowned universities in Sweden, had to await a decision from parliament, the Riksdag, allowing them to become a full member of The Guild, the European organisation for research-intensive universities. Even though a bill was passed through the Swedish Riksdag in 2010, somewhat euphemistically known as the autonomy reform, in which these issues were discussed and which gave universities marginally more freedom in staffing and internal organization, these practical issues were left unsolved. And when the universities commissioned an independent report in 2015 it contained proposals to remedy barriers that Swedish universities are still experiencing in entering contracts, attracting and receiving donations, in confidentiality issues and in international cooperation. In Denmark and Finland these issues have been resolved by making the universities separate legal entities, although in Denmark the prior authorisation of degree programmes by external bodies with close regard to labour-market statistics has caused much controversy and hardly reinforces the image of “selvejende universitet”, self-owning universities.

It is this type of practical issue which has tended to come to the fore when the universities come together to discuss autonomy and yet it is the first two basic principles mentioned above that weigh heaviest and should perhaps be taken less for granted in debates and discussions: the capacity to speak truth to power without fear of reprisal and the best possible pre-conditions for motivating good education and research. Before I go on to discuss how Nordic universities might progress towards strategies for a reasonable – and greater – autonomy, allow me to pause to discuss another, closely related, question: Could universities make better use of the autonomy they already have?

4



# 4. Could the universities make better use of the autonomy they already have?

If one of the strongest arguments for universities to be autonomous is that they be able to speak truth to power without fear of reprisal, it might reasonably be asked how they use the freedom they already have to do so. There are at least two ways in which the academy should be able to influence politics in creating a better society: firstly by influencing the public agenda, by bringing attention to the issues most important for the current and future welfare of humanity; secondly by systematically collating and scientifically evaluating the most relevant and tenable research results available, both nationally and internationally. But in fact universities seldom, if ever, tell the world what they know. That is most probably because they don't know what they know. This seemingly paradoxical state of affairs is caused partly by what have been called the university silos, i.e. the more or less total isolation of the different faculties and often even subjects and sub-specialities from each other. I wrote a book a few years ago, in Swedish, about the problems I had seen during almost thirty years working in higher education. The, admittedly somewhat cumbersome, title of one of its principles for developing higher education translates as "Universities should

give priority to finding ways of combining the different disciplines to address the great challenges to humanity". (Casson 2015) The debate on climate change has sometimes been an exception to this lack of mutual knowledge, respect and interest between the disciplines, not least between the arts and the sciences. There are other exceptions too, but they are few and far between and for the most part universities as institutions are both individually and collectively reticent, not to say silent, on the huge, complex issues besetting society.

Individual scholars and groups of researchers quite often make the opinion pages of the national press but almost never do you see a university or a group of universities speaking out to influence the course of debate. This is despite the fact that it is the universities that society pays princely sums from the public purse to devote the lives of thousands of specialists to creating and validating the knowledge we need to improve our lot in this world. This is also despite the fact that most of the major problems besetting our world – climate change, migration, growing inequality, democratic deficits, indeed any of issues the UN's Millennium

Development Goals aim at improving – are extremely complex and all require knowledge from a wide range of fields, almost always demanding a mutual understanding of hard science, social science and the humanities. And yet there are few in higher education who are tasked, or who see it as their task to evaluate, collate and communicate what the whole university knows, or what all the universities know. There are few incentives in career structures, but plenty of disincentives, no demands or expectations from the owners, the state. In the Nordic countries there is admittedly a fine tradition of government commissions staffed and led by senior academics that address major issues and provide parliament and government with the balanced findings they need. But in the past few decades, not least in Sweden, the briefs given to these commissions have been narrowed down, their conclusions more or less given in the directive, the members fewer and their deadlines much shorter.

A former rector of Lund university and chair of the Association of Swedish HEIs, Göran Bexell, wrote about this a few years ago: “Public debate (in Sweden) is crying out for contributions rich in perspectives and with a sound knowledge base. Universities should ensure that there are both time and career rewards for those successful in this research-based work which is so important for the societal mission of the universities” (Bexell 2013, my translation).

When I look back on the twenty years that I worked in different roles in university leadership, I must admit that we were most often too busy listening for signals from our masters, discussing kremlinological interpretations and, like eager labradors, running for the stick before it was thrown. Much of our discussions with colleagues at other universities concerned how they were dealing with one or another directive from the ministry or the Higher Education Authority (UKÄ) or what rumours they’d heard from the denizens of power. Bengt Kristensson Ugglå, an insightful Swedish professor, now

working in Finland, expressed this recently at an HEA conference in 2017 in Linköping: “There is a willingness to adapt that is crippling. We need to reinstate the importance of critically reflective conviction in the academy... Higher education increasingly views itself as part of the welfare state” (my translation).

Being an important player and a driving force in the development of a welfare *society* must surely be a prime task for a university, but being a part of the welfare *state* hardly sounds like a good starting point for speaking truth to power. Of course we are concerned about the welfare of our staff and our students. We want to be caring and considerate, forgive their faults and omissions and help them wherever we can. But there is a risk that the attitudes of the caring and considerate state, which may be more caring and considerate in the Nordic countries than in many others, and arguably more in Sweden than in the others, can infect attitudes to those who deserve more criticism than sympathy. Whatever the case, it should reasonably be essential for an autonomous university to ensure that its attitudes and actions rest, and can be seen to rest on “critically reflected conviction”, not only in scholarly articles but even more in everyday discourse with students, staff and, not least, society at large.

Geoffrey Boulton, geoscientist and former vice-principal of the University of Edinburgh, wrote an impassioned piece about this a few years ago in a Nordic context and his summary is well worth citing at length:

But at this juncture in history, the largest challenge to universities undoubtedly lies in the potential instability of rapidly changing global systems as the planetary population continues to boom, as we increasingly intervene in the natural systems of the planet, as the geopolitical balance shifts and there are rapid and profound social transformations and deep cultural

faultlines, as greater mobility and growing antibiotic resistance threaten pandemic, and as our capacity to manage risk in complex financial dealings has been exposed as dangerously fallible in creating a bubble of false prosperity.

Have universities done enough, not just to research these matters, which they do, but to be vociferous in the public domain about the deep and unsettling issues that all societies need to confront? Or has the market model become the defining identity of higher education such that we have become too captive to the immediate economic objectives to which governments increasingly point us? Are academics, cocooned in a mantle of corporate appeasement, too pusillanimous to be activists on the broader social or global stage, but merely drones who do research in specialist prescribed fields, publish in learned journals, gather in the citations and await promotion? (Boulton 2013)

When the higher education sector in the Nordic countries argues for greater autonomy, its arguments must reasonably be weakened if it doesn't make use of the freedom it already has. Being "vociferous in the public domain" has not hitherto been something the academy as a whole has seen as fitting. There is also another danger in the publish-or-perish culture that Boulton describes, namely that the same types of incentive that lead to fierce competition for publishing in high-impact journals may also lead to academic dishonesty. Hopefully it happens only rarely but there have been a number of cases recently when the race for honour and prestige, as well as more research funds, spur professors, at the same time as higher world rankings spur institutions on to develop a kind of speed blindness that neither peer review nor managerial control can hinder. When it does happen, it hardly supports the cause of greater autonomy, either in the public or in the politician's eye.

So on the first count, speaking truth to power, I'm not alone in thinking the academy could do far

more to influence society if we were able to collate and communicate what we know more vociferously. But the universities also have the power to increase, or at the very least not to impair, the autonomy of their teachers and researchers and probably even more importantly the autonomy of their students. If you believe that enhanced autonomy provides conditions conducive to good research and higher education, there is good reason to ask whether the control and evaluation regimes of these past few decades, as they have been manifested in the well-meaning but time- and resource-devouring behemoths of administrative systems, might not be better balanced against higher levels of trust, not only between owner and institution but also within the university itself. There have in fact been signs these past few years that there may be some kind of backlash in motion; the Swedish Delegation for Trust-Based Public Management has been working since 2016 on research and development of the management of local government welfare services. So far the effects of this on actual management practice seem to have been limited but the fact that a government commission is speaking clearly in terms of reducing control by measurement and increasing freedom to act is in itself a major trend shift (Tillitsdelegationen 2018).

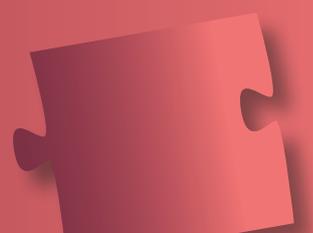
There is also another issue seldom mentioned in current debate about the university as a bastion of free speech, democracy and speaking truth to power. This is the academy's track record in standing up to actual, historical threats to an open society and its attitudes and actions when authoritarian regimes are in the offing. It's often been said that a constitution should not be designed for the good times with the good leaders but for the evil times with the weak or authoritarian leaders. In the long run, you can't prevent an authoritarian government, intent on gaining control of opinion, from reforming institutions, whether they are judiciaries or universities, but you can make it more or less difficult, more or less time-consuming to deviate from basic democratic principles and values of freedom.



So what happened the last time there was a genuine threat to democracy in Europe, during the 1930's and early 40's? Sweden is not entirely representative of the Nordic countries – unlike Norway and Denmark, Sweden was never occupied by Germany – but its history is sobering: even though there was much opposition, the fact is that there was considerable and widespread support among Swedish academics for the Nazis and their ideas during the entire period leading up to the Second World War and also for the majority of the war years. Herman Lundborg, who until 1936 led the State Racial Biology Institute (SFIR) housed by Uppsala University was a vociferous purveyor of anti-semitic views. At the Bollhusmötet debate in 1939, organized by the Uppsala student body, the meeting voted in favour of a protest against Sweden accepting ten Jewish physicians, refugees from Nazi Germany. Earlier in the century the Swedish universities were the institution that most doggedly resisted the introduction of full suffrage for all. Things are very different nowadays, of course they are. In the 1960's and 70's the universities became instead hotbeds of radical egalitarianism and global solidarity and are now staffed by eloquent defenders of democracy. But in a globalised world, rampant populism can quickly infect a climate of ideas so that not even independent thinkers and educated critical analysts are able to withstand a tidal wave of authoritarian ideals. And what are the constitutional mechanisms and forms of university governance that, during such dire developments, might be able to hold out the longest?

So even if history doesn't always speak favourably of the academy, there is a great deal to be done by the universities themselves, within existing limits, to increase their autonomy in at least two of the four aspects I listed in my introduction – not least by coordinating the unique pools of knowledge they possess to speak out fearlessly on the major challenges to the future of a good society. But the main focus of the present discussion is the relationship between the state and the university and even if much rests on the attitudes and actions of the universities themselves, it isn't within their power to change the formal foundations of that relationship, in the direction of a reasonable autonomy. But if changes like that are ever to come about, the university sectors themselves in the different Nordic countries need to agree on what such a reasonable autonomy might consist of and what reforms they need to urge.

5



# 5. What might a reasonable autonomy be?

In order to be able to work towards a reasonable level of autonomy for the universities, taking into consideration the reasonable demands that the owners, society as a whole, might make to know what is being done with their money, we need an idea, or several different ideas, of where the limits are to be drawn, what governance structures might be possible, to attain what the different parties might consider a fair degree of autonomy. We need a good overview of the different ways funding can be organized so that scientists can do science and scholars be scholarly in the ways that they themselves consider best, on the basis of the best arguments. We need an overview of how the governance of higher education can be divided between state and institution to make the best use of the power that autonomy grants to teaching and learning. And the university sector itself needs to agree on what it wants, how best to attain it and what arguments and actions would be most fruitful in swaying the force of opinion. In short, we need a clear and concise answer to the question: When the universities say they want more autonomy, what is it they want? And one way to start might be to take a closer look at how university autonomy has developed in the past, again with Sweden as the prime example.

Although each of the five Nordic countries under consideration has its unique features of university autonomy and governance, not least in the developments

of the past decade or so, many of the issues at stake recur and a brief look at the Swedish case might serve to elucidate them. There are few better positioned to write the history of Swedish higher education in the past 80 years than Carl-Gustaf Andrén (1922-2018), former rector of Lund University and for many years as Chancellor head of the Swedish Higher Education Authority (UKÄ). In his 2013 history of the Swedish system since 1940, Andrén devotes a detailed chapter entitled “Who governs? Collegiality – democracy – autonomy” to describing the long series of reports, commissions, parliamentary bills and reforms that have dealt with university governance since the Second World War. Without going into detail, there are two conclusions that he reaches in the chapter which are both relevant and not often heard in the current debate. One is that there has been a considerable shift in power from professional administrators responsible more or less direct to government, to a management primarily made up of academics. This means that it is in fact colleagues – or as some might prefer to see them, former colleagues – that wield the power within the university, and even if they are no longer elected directly by the faculty, academics and their unions (Swedish academic staff are highly unionized) have had a considerable influence on their appointment. Andrén’s second conclusion is that “the biggest difference between the 1940’s and now is without doubt an increased freedom at local level”, but at the same time “the freedom of self-governance

that they have gained has been appropriated by the executives of the HEIs. . . while the influence of those on ground level has been reduced” (Andrén 2013, my translation). This means that while autonomy in Interface 1 has increased, that at Interface 2 has declined.

This is an impression that many commentators on the Nordic university systems corroborate. From his perspective in the chemistry department of Aalborg University in Denmark, Witold Szwebs notes “how university autonomy may in practice prove to be restrictive for units within the university” and that “the financial responsibilities delegated from the ministry to the autonomous institutions have been translated into a sophisticated structure of internal procedures and reviews that restricts the freedom of researchers.” (Szwebs 2016) Norwegian researchers into higher education governance that have been publishing on these issues for many years reach similar conclusions. Maassen et al (2017) introduce the useful concept of a university’s “living autonomy”, pointing out that, “a subtle balance between autonomy and the many strings of accountability systems is in place” creating demands on university leaders that give them greater formal powers but at the same time increasingly limit the autonomy of both the institutions and the individual scholars by external evaluation processes. In discussing the disparity between formal and actual autonomy, they conclude that “we have to go beyond the scrutiny of formal arrangements and analyse practices of autonomy within the university (living autonomy).” (Maassen et al 2017) This, it seems to me, would be a both challenging and complex line of research but one that I am convinced would bring rewards in the form of a much clearer comprehension of the real issues at stake and how the various autonomies of institutions, scholars, teachers and students play out against each other and over time. “Research in higher education on the relationship between organisational autonomy and performance is however thin and the sparse outcomes are controversial” write de Boer and Enders (2017) in a more general European context. This holds true for Nordic universities too.

Given the size and the importance of the university sector for the future development of the Nordic societies, there is good reason to increase the meagre resources that the universities themselves, as well as external funding providers, choose to focus on investigating how they work and how, specifically, aspects of autonomy have in practice developed and influenced learning in all its many guises. What does “living autonomy” look like in the different parts of the systems, how is it influenced by changing climates of ideas and governance ideals in society, how is it influenced by formal changes in governance structures and what impacts does it have on the nature of research and higher education?

Even if the institutional autonomy of Swedish universities has been considerably increased during the past decades, most notably by the 1993 reform of governance and funding, the state still has considerable power to control the universities in detail, not seldom at very short notice. Annual appropriation directives (Regleringsbrev) and detailed targets for HEIs in government budgets do undeniably detract somewhat from the impression of a reasonably autonomous university sector, something that has been noted not only by the rectors themselves but also by international observers, recently not least the EUA in their Autonomy Scorecard. During the past few decades there have a number of attempts at reform, notably when right-wing coalitions have been in power in the country, but none of these attempts to increase university autonomy have been met with genuine enthusiasm from the university sector itself. Perhaps most surprising was the cool reception given to the proposal to increase the distance between the state and university by changing the status of HEIs from that of government authority, which they still formally are in Sweden, to that of “independent university”. This is a type of reform that has been implemented in both Denmark (2003) and Finland (2009) where the legal status of universities was changed from government authorities directly under the Minister (which they still are in Sweden, Norway and Iceland), to formally independent legal

entities. So why did the Swedish university sector refuse what was in practice a fairly radical proposal to increase formal autonomy? Peter Honeth, who was permanent secretary of higher education at the time, says it was because the sector looked more to the risks than to the opportunities (Honeth 2015) and if you read the consultation statements from the universities, it's hard to disagree. In a recent report, Honeth expands on this and writes that "in a relatively tightly steered system, people are used to solutions coming from above, which in turn leads to a desire to seek approval for decisions and policies" (Honeth 2018, my translation). The sector would seem to have been nervous about leaving the secure embrace of the state, or at least showed a measure of hesitance, wanting more clarity and further inquiries, which led, inevitably, to the proposal being abandoned.

So would the attitudes of the Swedish rectors be different today? When SUHF, the Association of Swedish HEIs, issued a questionnaire in 2014, the replies from 31 HEIs still showed signs of hesitance, not least on financial issues. "There would seem to be consensus among the respondents that the greatest risks attendant on increased autonomy are of the financial kind", writes Johan Alling who analysed the issue for SUHF (Alling 2014). He does also say in his report, however, that of the three proposals relating to institutional autonomy in the past few years, it was the one on "independent universities" that won the greatest support in the sector.

In early 2019 another Swedish government commission on university governance and funding procedures has presented its proposals, the Commission of Inquiry on Governance and Resources. Led by former rector of Gothenburg university, Pam Fredman, the commission's report has, unsurprisingly, as its goal, "a framework of governance and funding that enables HEIs to take an independent responsibility for the development and dissemination of knowledge for society's long term development". The report continues: "The HEIs' mission includes being responsive

to societal needs, but also an indispensable freedom and critical distance" and also includes in the pre-conditions necessary for succeeding in this mission collegial processes to maintain quality and integrity. This freedom under responsibility, the report says, is in line with the Government's initiatives towards "trust-based public management, which places emphasis on intrinsic motivation and professional norms and knowledge, and combines a clear responsibility for meeting overarching goals with flexibility on how to meet them." (Övergripande modellförslag för styrning av universitet och högskolor 2019) This mention of trust-based public management is significant. It is precisely the lack of trust implied in the machinations of new public management that has long raised the heckles of the academic community. As mentioned above, the Swedish government's Delegation for Trust-Based Public Management has proposed ways of reducing detailed management and increasing the freedom of professionals to act. The proposals don't deal specifically with higher education but focus on schools, healthcare and social work. They are indicative, though, of a burgeoning change in attitudes and vocabulary throughout the public sector, a sort of slow backlash that may well, in the long run, benefit both academic freedom and institutional autonomy.

The concrete proposals in the report from the Commission of Inquiry on Governance and Resources include changes in the wording of the Higher Education Act, to include "*the responsibility to protect and promote academic freedom; the freedom of teaching; collegial responsibility and influence*", principles that may be important, if they ever become law, in swaying attitudes and in the long run changing practice. The report also acknowledges that high levels of external, competitive funding have drawbacks and propose "a goal that *institutional funding should form half of total HEI research income* (up from 44 % today)", which also indicates a small step in the direction of increasing autonomy, even though, as I have noted above, internal constraints may well

hamper the freedom of the individual scholar as much as external ones.

Another proposal from the Commission is to alter the procedures of resource allocation from the state so that the HEIs get a common budget allocation for both teaching and research. This would rectify an anomaly that Sweden is last among the Nordic states to preserve, presumably for reasons of fiscal conservatism and the wish to be able to ensure the maintenance of the impressive statistics showing Sweden to be a world leader in percentage of BNP settled on research in the universities. One of the more radical proposals the Commission presents is to abandon the subject-based funding rates introduced on pragmatic but somewhat arbitrary grounds in 1993. These have never formally constricted the internal distribution of funds within institutions but in practice have most faithfully been copied down throughout the budgetary hierarchy and thus preserved obviously irrelevant and damaging funding inequalities. This is, in fact, a school-book example of how a considerable formal increase in autonomy for universities (through the lump-sum funding introduced in 1993) makes no difference to actual or “living” autonomy as the universities themselves, succumbed to the internal pressures of competing disciplines and the weight of tradition. The performance element of funding based on the number of credits earned by students should also be abandoned, the Commission proposes, with targets remaining for total student numbers alone.

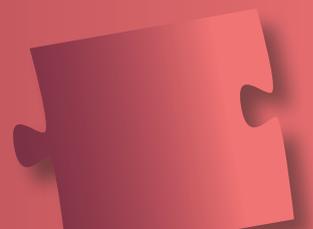
All of these proposals would seem to work in favour of increased financial autonomy for the Swedish universities. The road to them being implemented in reality is, however, a long and rocky one and the Swedish Ministry of Finance is not famous for its willingness to decrease its control of the universities’ spending in any way. The compromise between freedom and control between government and HEIs that the Commission reaches is in the form of four-year agreements based on a “dialogue process” to replace the current annual appropriation directives. This is in line with the Finnish model introduced in 2010 and

although it sounds as if it increases the arm’s length between universities and their owners, the devil still remains in the detail and in the actual consequences of the agreements as they play out. Depending on the level of detail and the funding procedures connected with them, they may in practice have the opposite effect of hemming the universities into a cage partly of their own making.

It is difficult to forecast whether these proposals will actually be passed by the Swedish Riksdag but, taken as a whole, they can nevertheless be seen as proof that the march away from detailed steering and towards greater autonomy is in progress, albeit slow and intermittent.

This short section has primarily focused the Swedish example, in an attempt to discuss the issues relevant to attaining a reasonable autonomy, and how those issues are currently being handled in what is in practice a negotiation between the universities and the state. But what of Sweden’s Nordic neighbours, what of the widely varying situation in the 28 (or so) member countries of the European Union, what of university autonomy on other continents?

6



# 6. International agreements and national legislation

The university model that has spread across the world along different historical pathways, incurring a multitude of mutations on its way, originated mainly but not exclusively from the independent corporations of students and scholars in Paris and Bologna in the 12th century. The freedoms granted those universities by the church and by the city, later the state, have, despite severe encroachments later by both church and state, nevertheless lived on, at least as a vital concept among academics and their institutions the world over. Obviously any debate on how and why universities today might increase their autonomy must include some reflection on the roots of the university and how its statutes and governance have embodied different expressions of freedom and autonomy down the centuries in different parts of the world. The following is not an attempt give an overview of the global scene, merely a sketch of some of the features, both worrying and hopeful, that characterize developments relevant to determining a policy direction.

Another aspect that needs serious consideration in determining national policies on academic autonomy in the Nordic countries is what the major international declarations and conventions say and what they mean. The 1999 Bologna Declaration of European ministers lends it support to the university autonomy cherished in the 1988 *Magna Charta Universitatum*, but one may reasonably ask what effects the principles of compatibility and competitiveness it promotes have on different types of academic autonomy

in practice – not least on the autonomy of teachers and students. The United Nations has also spoken on the subject, by way of the 1997 UNESCO Recommendation which contains a number of fairly pointed wordings on academic freedom and autonomy that both Sweden and other Nordic countries have ratified but would be hard put to prove compliance with. This is perhaps the most far-reaching international agreement that touches on academic freedom and institutional autonomy. Its full title is the UNESCO *Recommendations Concerning the Status of Higher Education Personnel*, adopted unanimously in 1997 by the UNESCO General Council without a dissenting vote. These recommendations have been widely cited, not least in the Nordic countries, when individual academics have been seen to suffer at the hands of a corporate-style management. They contain, however, not only safeguards for the academic freedom of individuals, but also a number of tenets very relevant to the present discussion: “Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher education personnel and institutions.”, the member states agreed in Section 18 and continue in Section 19 by stating that “Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source” and in Section 21 that “Self-governance, collegiality and appropriate academic leadership are essential components of meaningful autonomy for institutions of higher education.” (UNESCO 1997) It is

safe to say that these UNESCO recommendations on institutional autonomy are not widely known among academics and have not been invoked as they might deserve in the Nordic debates.

I have already mentioned the 1988 *Magna Charta Universitatum*, admittedly formulated by the universities themselves, but signed by more than 900 of them worldwide. Its importance lies in its contribution to wider knowledge and consciousness about autonomy issues within the sector itself. The signatories also help to finance and staff the Observatory Magna Charta Universitatum which works to monitor developments in the sector and further the respect for the fundamental university values and rights set out in the charter.

At a national level, if the aim is to for as long as possible to delay the effects of authoritarian regimes on university autonomy and to encourage the further development of academic freedom in the cause of better societies, it would not seem unreasonable to start by looking at constitutions.

Whereas all the constitutions of the Nordic countries have general provisions for defending the freedom of speech and the press, in Finland alone among the Nordic countries is there constitutional protection for academic autonomy. Section 16 of the Constitution lays down that “The freedom of science, the arts and higher education is guaranteed” and Section 123 that “The universities are self-governing, as provided in more detail by an Act.” The fact that such seemingly open wordings can in practice have an important effect was shown when a proposal to give the Finnish University Boards an external majority similar to that in Sweden was stopped by Finland’s Constitutional Committee which ruled that such a reform would be unconstitutional. The final version of the Finnish 2009 Universities Act, which made universities independent legal entities, both describes and prescribes institutional autonomy. “The universities have autonomy, through which they safeguard scientific, artistic and higher education freedom. The autonomy entails the right of universities to make their

own decisions in matters related to their internal administration.” (Chapter 1, Section 3:1)

At the next level of legislation, the Nordic countries all include some mention of academic freedom in its different guises, none of them as far-reaching, though, as the wording of New Zealand’s 1989 Education Act, often held aloft as the shining example in its Section 161 headed “Academic Freedom”: “It is declared to be the intention of this Parliament... that academic freedom and the autonomy of institutions are to be preserved and enhanced.” And to further underline the importance of this intention, after a number of clarifications of what academic freedom entails, including “the freedom of the institution and its staff to regulate the subject matter of courses taught at the institution”, the Act emphasizes that, “the Councils and chief executives of institutions, Ministers and authorities and agencies of the Crown shall act in all respects so as to give effect to the intention of Parliament as expressed in this section.”

The Nordic Education Acts are not quite so emphatic, though. In Finland, for example, the law lays down that “While universities enjoy freedom of research, art and teaching, teachers must comply with statutes and regulations issued on education and teaching arrangements.” (Finland Universities Act 2:6.1) which does sound somewhat self-contradictory but in practice does not restrict the content of teaching but merely the administrative form, ensuring that teachers adhere to an agreed curriculum or programme of study that the student has chosen and been accepted for. In Sweden, while the freedom of research is clearly defined: “1. research issues may be freely selected, 2. research methodologies may be freely developed, and 3. research results may be freely published.” (Swedish Higher Education Act 1:6) there is no mention of the freedom of teaching or learning in the law. Indeed Annex 2 to the 1993 Higher Education Ordinance contains specific and detailed regulations regarding the scope and awaited outcomes of professional degrees. For a Bachelor’s degree in Pre-School Education, for example, students must demonstrate their knowledge and profi-

ciency in 26 different bullet-point aspects, ranging from early years didactics to “self-awareness and the capacity for empathy”. And it is these 36 different professional qualifications that make up by far the greater proportion of higher education in Sweden. It must be borne in mind, however, that these specific requirements most often replace the examinations held by professional bodies in other countries, such as the UK. The requirements for the general degrees of Bachelor and Master are less detailed in the Ordinance Annex, but even here obligatory courses, the prescriptions of the Bologna alignment process, quality assurance practices laid down by the Swedish Riksdag have all gravely circumscribed both the teacher’s freedom to decide the content and nature of her teaching and the freedom of students to influence their chosen path of study. Admittedly, decisions on the content and design of syllabi and curricula have mainly been made by academic committees and sub-committees and might therefore be seen as an example of autonomy. Or they might be seen as an example of the way external forces, not least the EU and national government by way of the Swedish Higher Education Agency, can influence academics to circumscribe their own freedoms, seemingly voluntarily, with no party consciously aiming for that result. It may also be taken as an example of how a kind of academic *Zeitgeist*, a climate of ideas in fashion, so to speak, can steer the inner workings of a university.

Whereas the Norwegian 2005 Universities Act includes a section on academic freedom that states that “Universities or university colleges may not be instructed regarding a) the academic content of their teaching and research” (1:5) the Danish equivalent from 2011 only states that “The university has academic freedom. The university must safeguard the academic freedom of the university and the individual and the ethics of science.” (1:2:2) Thus, in Denmark, the law provides no protection for institutional autonomy as regards the content of academic degrees and indeed, recent years have seen the introduction of the Danish Accreditation Institution which ensures that all new programmes must be

approved by the Ministry before they can be established and that existing programmes are also subject to accreditation procedures. In Denmark, as in Sweden, there is a trend away from programme accreditation towards institutional accreditation, but politicians’ concern about the relevance of university degrees for the labour market has led to a national initiative that has caused much controversy in Denmark in recent years, namely the introduction of an independent body, set up by the ministry and made up of experts who consider the relevance of proposed academic programmes for the labour market. Considerable numbers of proposals for new degree programmes from the universities have been declined due to lack of evidence that graduates would meet the needs of the labour market and find employment. Danish politicians have also introduced a number of measures aimed at both increasing and speeding up degree completion with financial incentives for universities.

The Icelandic Higher Education Act 2006 only mentions academic freedom in the relationship between the university and its staff, where it gives the following definition: “Academic freedom entails the right of academic staff to approach the subjects they teach in a way they consider reasonable and in keeping with academic requirements” (1:2a) but in 2012 added a new paragraph on institutional autonomy: “Higher education institutions are free to organise their activities and decide on their arrangement as they see fit” (1:2)

How lofty promises and good intentions like these translate into real-life governance and actual power relationships in different countries is worthy of more extensive scrutiny, not least to identify the types and wordings of constitutional and legal obligations that best serve their purposes, even when times get worse. Every attempt to overview and compare the situations in different countries is of course going to be deeply influenced by its motivations and criteria selection. There are two recent attempts to provide such overviews, both ambitious and painstaking but very different in approach and findings.

7



# 7. Two European overviews

One of these overviews comes from the European University Association (EUA) in the form of its *Autonomy Scorecard*. The EUA is very much an institution-driven organisation, representing the interests of university rectors and their national rectors' conferences, not only in the EU but in 47 European countries. The organisation has been running its ambitious project to monitor autonomy in 29 university systems since 2007, with a comprehensive update published in 2017. *University Autonomy in Europe – The Scorecard* is its title and although it refrains from providing an aggregated ranking from the systems that give most autonomy to those with the least, it does rank countries in terms of four separate aspects of independence. All of these, however, are confined to the relationships between state and institution, Interface 1. The four aspects the scorecard compares between countries are organisation, finance, staffing and academic issues. There has been some criticism of the choice of criteria and the way they are weighted in the EUA Scorecard, both the original 2011 version and the 2017 update, but the overview of factual background in the 29 systems is invaluable and well worth a closer look. So how do the Nordic countries fare in this comparison?

Sweden – to start with the biggest of them with its population of 10 million, almost twice that of Norway, Denmark and Finland, all between 5 and 6 mil-

lion, (Iceland 340,000) – doesn't fare all that well, way down the list on academic issues and organisation. Sweden, along with Iceland, differs from the other three countries in the decisive issue of hiring and firing rectors and board members. Both in Denmark and in Finland, the universities themselves have the main say in this, as they do in the appointment of external members to their governing boards. External board members are in the majority in Denmark, as they are in Sweden, but not in Finland or Iceland. In Norway, where the rector is appointed by the university, external board members are appointed by the government but are in a minority on a board where the majority is made up by academics, other staff and students. There is also an ongoing debate in Norway about government attempts to untie the universities from the state in the name of autonomy, making them more like limited companies with an external majority on the board and an external chairperson. Similar proposals 15 years ago brought academics onto the streets of Oslo in torchlit protest marches and recent government attempts to decouple universities from the state have only been halted as recently as early 2019.

In terms of financial autonomy, the Scorecard rates Norway medium low, although the only major difference between the Norwegian system and the other Nordics would seem to be that Norway has retained free tuition for all comers, whereas the others have

introduced different systems for charging non-EU citizens often fairly hefty fees. In terms of staffing, Sweden, Finland and Norway have a high level of autonomy, according to the Scorecard, whereas Norway and Iceland only medium high, in Norway's case presumably because of regulations governing selection committees for senior academics. Academic autonomy is characterized by the Scorecard in terms of student numbers and student selection; design, commencement, termination of programmes and language of instruction; freedom to select QA provider. The Nordic country gaining the lowest score in this aspect, Sweden, is rated low only on the quality assurance criterion, as a university cannot choose a provider and programme evaluations still exist side-by-side with institutional accreditation.

It isn't difficult to quibble with the selection and weighting of criteria in the EUA scorecard but is difficult not to agree with its overall conclusion regarding the Nordic countries. The Finnish system has the greatest autonomy, in that universities can appoint their rectors and boards without undue influence from the state. In Sweden the situation is the reverse, with the state appointing rectors and boards but with considerable influence from the universities. If we believe the main reason for institutional autonomy is to allow universities to speak truth to power without fearing immediate reprisals, then this surely is one of the most important factors, far more so than who owns the buildings, for example. If we also believe that the academics themselves are best equipped to decide the content of teaching and study, then Sweden with its Annex 2, detailing the content of professional degrees and Denmark with its pre-authorisation of degrees based on checking employment rates would seem to have some reforms outstanding.

To look for a moment across the North Sea, unlike the Nordic countries the UK gets a high ranking on all counts in the EUA survey. Nick Hillman, head of England's Higher Education Policy Institute, an in-

dependent think tank, said recently in a speech that "all British universities are private, autonomous, independent; pick your word of choice. We do not have a single public university" (Hillman 2017) and added that the introduction of tuition fees on some 10 000 euros per year together with the abolishment of caps on admissions entailed further increases in university autonomy. There are however other opinions on this. In his recent book *Speaking of Universities*, Cambridge professor Stefan Collini writes that university autonomy in the UK is nothing but a mirage and uses a boisterous circus metaphor to show how the government constructs ever new hoops for the UK universities to jump through. Jumping through them is completely their own choice, of course; they are autonomous to refrain. But that is the same type of freedom, he says, as London's homeless being free to choose between sleeping at the Savoy or under a bridge. "The reality is that universities, though possessing certain forms of legal autonomy, have in effect been public institutions for at least two or three generations now... largely financed by public money." (Collini 2017) It's not autonomy in its formal, legal sense that is important, he says, it's the length of the arm that keeps the universities at arm's length from their masters, the politicians. During the past decades the UK university system and its innovations have been a source of great interest and inspiration for the Nordic countries and there is good reason to contemplate critically ongoing and future developments there.

Quality assessment has played an important role in all the Nordic HEI systems during the past decades and it might be argued that the extensive and detailed monitoring of education and research that it entails poses a threat to autonomy. The EUA Scorecard measures certain aspects of the formal autonomy of the universities, including the right of the university to select its quality assurance provider. It does not, however, consider the overriding and much more complex issue of how autonomy is hemmed in by all the measurement, evaluation and reporting procedures typical of the developments in

public administration during past decades, often known collectively as New Public Management and often as common within the universities, introduced and implemented by the academics themselves, as those imposed by external authorities.

When groups of academics, appointed by national agencies and government authorities tour the universities and scrutinize in detail the inner workings of specific subject departments and professional degree programmes it doubtless has the effect of making staff and students more aware of both positive and negative aspects. At the same time, the threat of public shaming and even financial sanctions are effective in ensuring that academics toe the common line of what in fact is considered to constitute quality by a group of leading academics, generally supported by representatives of the relevant labour market employers. This is perhaps generally more of a problem for the autonomy of academic staff than for the institution as a whole, but together with other major sweeping initiatives, not least the Bologna alignment process, it has had a considerable influence on the freedom of teachers to design and execute their teaching as they themselves see best. What is worse is that it has probably deeply influenced the mindsets of the academics themselves and what they themselves believe to be quality.

In recent years, the trend in the Nordic countries has been away from national quality evaluations at subject and programme level, towards evaluation and accreditation of the HEI's own quality assessment procedures. To some extent this might be seen as a step towards a greater institutional autonomy, although many might think that the damage has already been done and that the standardisation brought about by national and European initiatives may be difficult to counteract. If the academics themselves have emulated their masters and internalized and institutionalized their own quality assurance processes along quantitative lines, then little has been won. Hopefully, though, academic leaders will break loose from the shackles of meas-

urable indicators and return to gauging quality on the basis of growing independence of thought, and on trust in teachers' freedom to teach and students' freedom to learn.

The EUA survey is nevertheless important and this brief consideration of only a few aspects as they regard the Nordic countries does not do justice to its role in focusing attention on the lack of institutional autonomy of those countries that consistently rank low on the scorecard, particularly those where autonomy is actually in decline. There are also other attempts to gauge the autonomy of HEIs on a comparative, European basis. Terence Karran of the University of Lincoln, UK, has for over a decade now together with colleagues been investigating the protection of academic freedom in European countries. In a recent article based on analysis of official documents and of questionnaires, he measures five components affecting academic freedom. These components are based on the 1997 UNESCO *Recommendations Concerning the Status of Higher Education Personnel* mentioned above and comprise a broader range of criteria than the EUA Scorecard. Extending the criteria used in his 2007 paper, Karran has investigated the provisions contained in national legislation regarding five issues: academic freedom of teaching and research; institutional autonomy; self-governance; tenure; and adherence to international conventions (Karran 2017). One of his conclusions is that protection of academic freedom is far from satisfactory in most European countries. At the same time, his ranking almost turns the EUA scorecard upside down, with France scoring high, not least because of its top marks on mentions of academic freedom in legislation, Finland close to the middle and Sweden and Denmark languishing in the bottom quarter of the list, scoring particularly low on institutional autonomy and self-governance in legislation. (The study concerns EU countries so Iceland and Norway are not included.) The UK appears right at the bottom of the list, with its dearth of legislation on matters of academic freedom, not least given the fact that the country is unique in the

EU in not having a written constitution. Karran makes a point of the fact that “the constitutions of 20 of the European Union states also provide some form of direct protection for academic freedom.” (Karran 2017, 233), mentioning among them, perhaps ironically given recent developments, that of Hungary.

In his 2017 article, Karran pays special attention to the situation in the Nordic states, concluding that despite their “international reputations for promoting social democratic ideals, including civil rights, a supportive welfare state and equality of educational opportunity /.../ that recent years have seen a retreat from these long held values, as governments of the Nordic nations have contemplated introducing tuition fees and made changes to h.e. laws” (Karran 2017) and despite the introduction of protection for academic freedom in Denmark’s 2011 University Act, Karran still concludes that “the restrictions on academic freedom in Denmark would, in most other EU states, be considered draconian.” (Karran 2017) This he bases on the increase of external personnel in university governance and its “probable deleterious impacts on academic freedom”, something his investigation of legislation cannot however substantiate, one way or the other.

In a later article Karran has followed this up by investigating the relationship between how British academics view the state of academic freedom at their institutions, on the one hand, and, on the other, how that institution fares in international uni-

versity rankings. The paper shows a clear positive correlation between the two, which he puts down to the fact that the universities that are best at protecting academic freedom are those that attract the best academics. From this he concludes that to be a “world-class university” there must be a high level of protection of academic freedom and that politicians would do well to heed that fact. (Karran 2018)

Another conclusion that Karran draws from an online survey answered by 6500 academics in the EU is that more than half of university staff are ignorant of the state of legislation on academic freedom in their own countries and concludes, rightly I believe, that, “It is difficult to see how academics in the EU states can protect their particular freedom when they are so unaware as to its attributes.” (Karran 2017)

8



# 8. Lessons from further afield

Looking further afield, to the university system that more than any other has served as a shining example for the Nordic academics, with all its diversity of institutions, the USA is probably the country that has preserved the ideals of Humboldt's Berlin university better than others. The old Land Grant universities and others can base their autonomy on massive, for the Nordic universities unimaginably massive, capital holdings. How they are governed, and how the state nevertheless manages to keep a fairly tight hold on them, not least through its research grants, forms an important backdrop to a discussion of future policy on academic autonomy in the Nordic countries. How has the huge American defence budget influenced the universities in the past half-century or so, and how have the universities handled the recurrent and systematic attempts of various vested interests to influence opinion through commissioned research results? Such disparate entities as neoliberal economics, the tobacco industry and climate change can all serve as examples. What happens when astonishingly rich families, trusts and corporations generously fund or even found universities, be they small or large. Donald Trump's own university may not have been a success – although he did manage to find other ways of influencing developments – but the Koch brothers' long-term exertions to influence the academy towards extreme neoliberal values is an example that should be better known and dis-

cussed in the Nordic countries too. In spite of all this, the genuinely collegial forms of governance and the status given to teaching that characterize the American universities are alone reasons why future policies on autonomy and academic freedom in the Nordic countries should pay close attention to structures and procedures in the US.

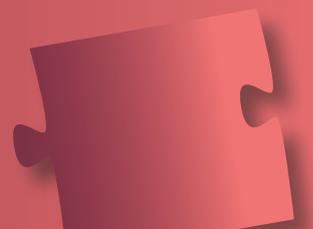
And what does university autonomy look like in the great countries of the East, in China and in India, with their widely divergent histories, cultures, political systems and ideals? One leading newspaper in India, Times of India, engaged a few years ago in what is an ongoing debate and in a leader supported a number of measures to increase university autonomy in the country. One was to allow universities to appoint their own rectors (today they are appointed by the Government and the newspaper points at possible corruption and cronyism) and another to introduce a more transparent funding procedures of the type that Sweden introduced in 1993 and the other Nordic countries during the same period, where support levels are decided through a defined, transparent formula, primarily student numbers and achievements. These are timely reminders that the transparency and appearance of justice promoted by such funding procedures should not be underestimated in comparison with a purely negotiated funding agreement between owner and institution.



For the past decade or so, like in many other Western countries, Nordic universities have been actively encouraging wider and deeper contacts with Chinese universities. In a number of cases they have established a presence in China, for example the recently established Sino- Danish Center in Beijing and Aalborg, involving all eight Danish universities. What can we learn from a better understanding of the effects on academic freedom and institutional autonomy of an authoritarian regime and of a growing leadership cult? What conflicts do the Western universities that are established there meet? If one of the prime reasons underpinning future Nordic policies on autonomy is to protect academic institutions from authoritarian governments, in times other than our present ones of relative democracy, peace and prosperity, what guarantees and barrier mechanisms need to be built into statutes and governance to at least delay the onset of direct ideological influence and steering.

These are just some hints of the tracks that need to be investigated and analysed in further debate on the next steps in protecting and enhancing academic autonomy in the Nordic countries – the problem is to identify the cases and arguments that are the most relevant to each country's particular situation, both in legislation and in practice. The same could be said of the following section which looks at other public institutions whose frameworks of governance might serve as inspiring examples.

9



# 9. Governance for autonomy in other sectors

A good society based on democratic principles and the conviction that all humans have equal value is dependent on a number of different institutions checking and balancing each other's powers. One of these institutions is the free press, transformed during the past century or so first by broadcast media and more recently and more fundamentally by the rapid worldwide spread of digital media. So what is free about the free press and what structures safeguard its freedoms? In Sweden the free press is based on the world's first law laying down such freedoms in the Freedom of the Press Act of 1766. As in most Western countries at least, newspapers are in some form of private ownership, often a trust and often more or less loosely affiliated with a specific political viewpoint or even party. In Sweden it has long been common practice to state clearly the political or party affiliation by an abbreviation within brackets after the paper's name, so for example, if one newspaper was citing another it would write Aftonbladet (s) indicating its social democratic standpoint. But even if a well-functioning democracy is dependent on its free and uncensored newspapers, public funding of them is relatively small – which means that the influence of public authority can be too. State funding of the press in Sweden is currently about 50 million euros or less than 1% of the state funding of the university sector. Daily newspapers, both in printed and digital forms, are dependent on advertising revenue,

whereas other digital sources of information and opinion, notably Google and Facebook, are more dependent on the behavioural data we users supply them with. In their different and sometimes inscrutable ways, both these relationships influence the central task of a free press, which overlaps that of an autonomous academy, to supply to the voting public independent and unbiased information as a basis for public opinion and democratic elections, as well as seeking out corruption in its different guises – briefly, speaking truth to power.

There is one portion of the media sector, however, that holds a special relevance for a comparison with universities and their need for a reasonable autonomy and that is what is known as Public Service. Public Service broadcasting in Sweden has for many years been financed by licence fees for television sets but the advent of Internet and all the other types of screens has required the introduction instead of a special tax. Just for the sake of comparison – if the 7,8 billion euros that the Swedish higher education and research sector gets from the public purse in 2018 were to be specifically taxed in the same way, each of Sweden's 8 million taxpayers would have to pay around 900 euros per year.

The three companies that together make up Swedish public service (radio, TV and educational programmes) operate on the basis of a broadcasting

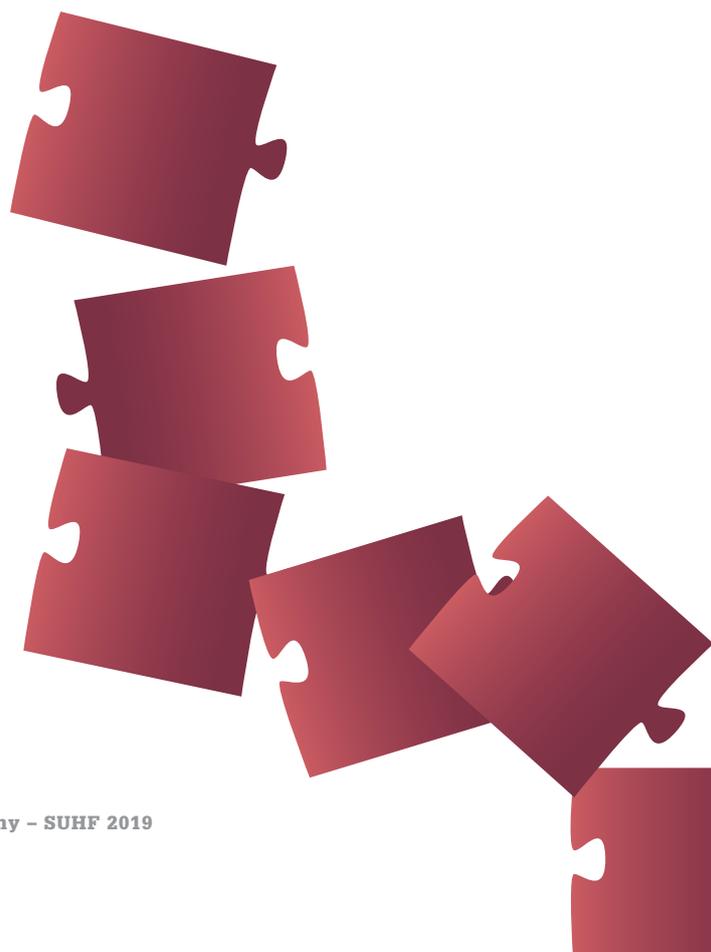
permit, the opening sections of which are reminiscent of the Higher Education Act, stipulating cultural diversity and equality. The public service permit is however also more demanding on its demands that broadcasters, "scrutinize authorities, organizations and private firms which exert influence over policy affecting the public, and cover the activities of these and other bodies." Given these similarities in mission it may be worth looking more closely at the structures of governance of Swedish public service broadcasting, as they contain an interesting example of how you can keep an owner at arm's length. The three companies are owned by a foundation, which according to Swedish television SVT's homepage gives the company "a very independent position", working as a "buffer between SVT and the state". All 13 members of the owner foundation's Board are appointed by the government, but in order to soften the impact of changes in government, normally every four years, members are appointed for a period of eight years, six of them and the chair (appointed for four years), the year after a general election. The foundation does not decide any issues regarding organisation, company strategies or programme content. It does however appoint the SVT company board, which in turn decides general strategy, but not programme content. The parallels with public universities are apparent. What would the effects be if universities were owned by a foundation, whose board consisted of politicians appointed for eight years, mandated to appoint the external members of the university board, which in turn would appoint the rector? Might it not provide a more reasonable autonomy and the preconditions for a more pro-active university sector, "vociferous in the public sphere"?

Another public institution that is dependent on autonomy from the executive arm of the state for its proper function is the judiciary, principally the courts of law. In many countries, not least the USA, Montesquieu's principle of power balancing is embodied in the constitution to ensure that the executive does not have direct power over the jud-

iciary. In Sweden, however, judges, like university rectors, are appointed directly by the state and the courts are administered and in some ways, not least financial. Their operations are governed by a state authority in the form of the Swedish National Courts Administration, with its Director General directly appointed by and directly answerable to the Minister. In recent years the Swedish courts have increased in what might be considered political influence. Given the growing importance of international, primarily European legislation, courts now make decisions that would previously have been made by the government, not least on environment and migration issues. This in turn means that they are subject to increasing political pressure and recently the most senior judges have expressed a need for stronger protection of the autonomy of the courts. Fredrik Wersäll, President of the Court of Appeal wrote a piece in 2017 pointing at developments in Poland, Hungary and Turkey, but also noting the increasing pressure on judges in the UK, citing the example of the press attack when judges ruled on parliamentary procedure after the Brexit referendum and the lack of respect for the constitutional rights and duties of the law courts shown by the various populist movements growing in momentum throughout Europe. "Enemies of the people" was the front-page headline of one tabloid newspaper, it will be remembered, under the almost life-size portraits of senior judges, who had ruled that parliament should be allowed to vote on the conditions of leaving the EU. Wersäll goes on to write that "with great probability it is only in times of political stability that the conditions in practice exist to carry through the reforms necessary to secure the long-term autonomy of the courts. It must be emphasized that the courts to a great degree form the ultimate safeguard of the fundamental values of the rule of law. The importance of both institutional and actual autonomy is heightened when principles underpinning the rule of law are challenged" (Wersäll 2017, my translation). The parallels with the higher education sector are, again, striking.

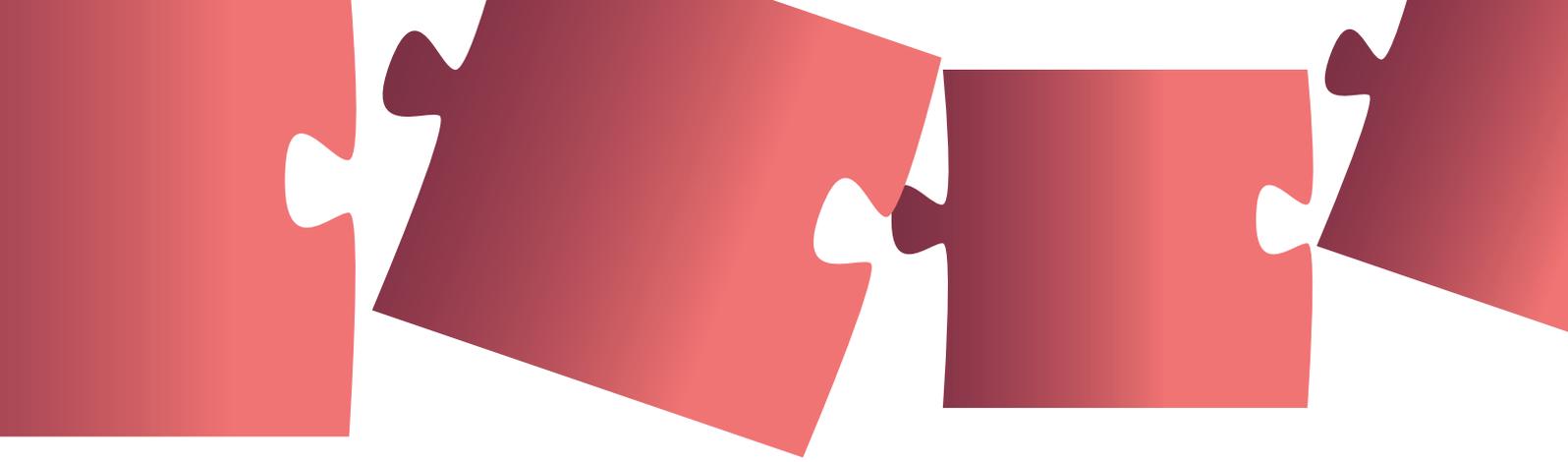
The Swedish Riksdag and government confirmed the need for greater autonomy of the courts in 2011 by revising the Constitution (Regeringsformen) and inserting a section entirely devoted to the judiciary. These changes give the judiciary enhanced protection by requiring that dismissal of a judge be tried in court, but Wersäll doesn't believe this to be sufficient and wants to see greater powers for the Judicial Council (Domarnämnden), which comprises at least five judges, two other lawyers and two lay representatives. The main task of the Council at present is to nominate judges for their formal appointment by the government, but it is the Courts Administration that wields power over the funding of the courts. Wersäll believes that it would better serve the autonomy of the courts if a body similar to the Judicial Council were to take over administrative and budgetary control of the courts from the present Authority which is governed by a Director General appointed direct by the government. There are a number of examples of similar governance structures in Nordic and European countries, so many in fact that two justices of the supreme Court in Sweden said that this kind of autonomy for the judiciary through Judicial Councils, "must be seen as a European standard for the rule of law." (Melin and Lindskog 2017, my translation) It was, for example, also rapidly put in place in the former Communist states of Eastern Europe after the fall of the Soviet Union.

Both these structures, firstly the administrative foundation that forms the link at arm's length between the Swedish state and its public service media organisations and secondly a judicial council empowered to appoint judges and be formally responsible for resources and budgets, could be of interest in a discussion of how to reinforce the autonomy of the higher education institutions in Sweden and the other Nordic countries. Other possible routes to attaining what may be thought of as a reasonable autonomy for HEIs could include protection and advancement of institutional autonomy and academic freedoms of research and teaching legislation governing higher education or in the constitution itself. If this were along the lines of the ambitious wording of the New Zealand legislation, it could both provide an important safeguard against gradually slipping towards less autonomy and boldly underline the importance of an autonomous academy for a free society, open to uncomfortable criticism on the basis of the best tried facts and arguments.





Literature  
&  
references



"20 år i högskolans tjänst" **SUHF** 2015

**Alling, Johan** *Ökad självständighet*, Rapport SUHF 2014

**Andersen, Heine** *Forskningsfrihed. Ideal og virkelighed*, 2017

**Andrén, Carl-Gustaf** *Visioner, vägval och verkligheter. Svenska universitet i utveckling efter 1940*, 2013

**Bennetot Pruvot, Enora och Thomas Estermann** *University Autonomy in Europe: The Scorecard 2017* European University Association, 2017

**Berdahl, Robert** "Thoughts about Academic Freedom, Autonomy and Accountability" Workshop Proceedings, Istanbul 30 Nov 2010.

**Bexell, Göran** "Lärosätenas värden och samhällsansvar" i *Framtiden börjar nu* SUHF 2013

**Boulton, Geoffrey** "Trends, pathologies, challenges and a charter for the modern university" I *Framtiden börjar nu* SUHF 2013

**Casson, Andrew** *Högskolans ansvar. Principer för utveckling av den högre utbildningen* 2015

**Casson, Andrew** *Några frågor om akademins autonomi* SUHF 2018

**Collini, Stefan** *Speaking of Universities* 2017

**de Boer, H. & Enders, J.** "Working in the shadow of hierarchy: organizational autonomy and venues of external influence in European universities." in Bleiklie, I. et al. (eds) *Managing Universities* 2017

"Enhancing Autonomy in our Higher Education Institutions", op.ed. in Times of India 17 maj 2017.

*En akademi i tiden. Ökad frihet för universitet och högskolor.* Prop 2009/10 149

**Fish, Stanley** *Visions of Academic Freedom. From Professionalism to Revolution* 2014

*Framtiden börjar nu – antologi för dialog om den svenska högskolan 2030* red. **Lars Alberius och Anders Söderholm** SUHF 2013

**Hecksher, Sten** *Ökad handlingsfrihet för statliga lärosäten* 2015

**Hessen, Dag O** *Sannhet til salgs. Ett försvar for den frie forskningen* 2018

*Continued on next page:*

**Hillman, Nick**

“Why we must protect university autonomy”  
2017 [www.hwpi.ac.uk/2017/04/03/4014/](http://www.hwpi.ac.uk/2017/04/03/4014/)

**Honeth, Peter** "Lärosäte, departement och SUHF. Några reflektioner från en f.d. statssekreterare" i *20 år i högskolans tjänst* 2015

**Honeth, Peter** *Öka autonomin – minska den politiska styrningen. Tankar om inriktningen för ett nytt styr- och resurssystem för högskolan* Svenskt näringsliv 2018

*Hur fria skall universitet och högskolor vara?*  
**Rapport SUHF** 2003.

**Karran, Terence** "Academic Freedom: in justification of a universal ideal" in *Studies in Higher Education* 2009

**Karran, Terence, Klaus Beiter & Kwadwo Appiagyei- Atua** "Measuring academic freedom in Europe: a criterion referenced approach" i *Policy Reviews in Higher Education* 2017

**Karran, Terence & Lucy Mallinson** "Academic Freedom and World-Class Universities: A Virtuous Circle" i *Higher Education Policy* 2018

*Magna Charta Universitatum* 1988 <http://www.magna-charta.org/resources/files/the-magna-charta/english>

**Maassen, P., Gornitzka, A., Fumasoli, T.**  
"University reform and institutional autonomy: A framework for analysing the living autonomy", *Higher Education Quarterly*, 71(3) 2017

**Melin, Mats och Stefan Lindskog**  
"Domstolarnas oberoende behöver stärkas"  
*Svensk juristtidning* 2017

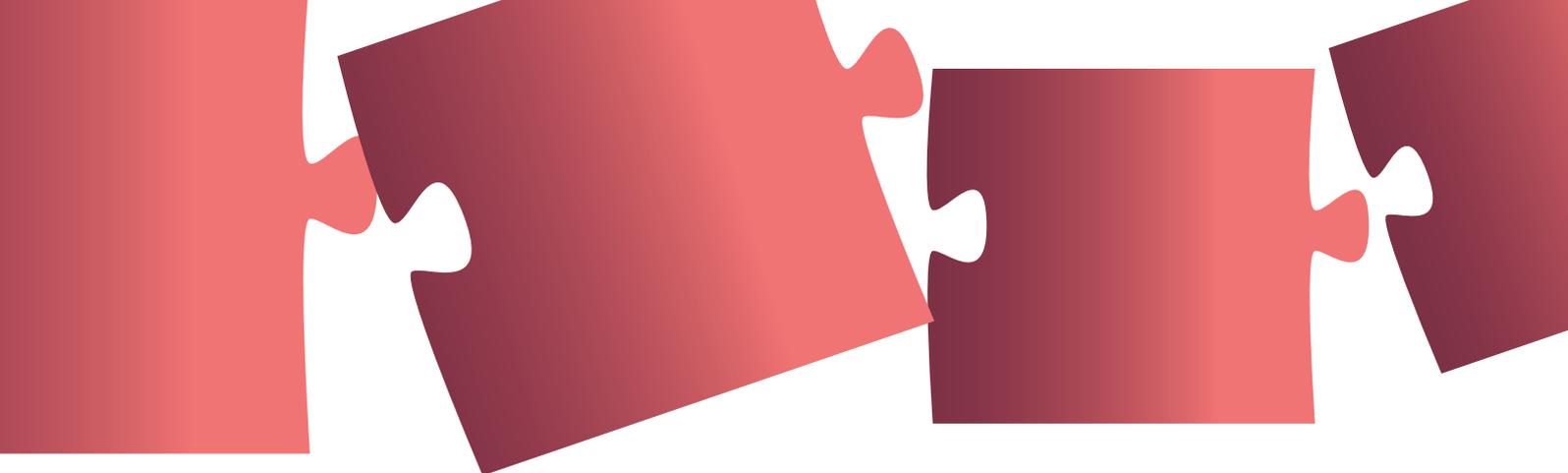
**Myklebust, Jan Petter** "Universities divided over decoupling from the state"  
*University World News* 24 Feb, 2018 (a).

**Myklebust, Jan Petter** "Will Nordic Model of higher education survive reforms?" *University World News* 6 april, 2018 (b).

*Nature*, "**Corporate culture spreads to Scandinavian institutes**" 14 Dec 2016

**Nielsen, Gritt B and Laura Louise Sarauw**  
"Tuning Up and Tuning In. How the European Bologna Process is Influencing Students' Time of Study" in Wright, S and Chris Shore (eds) *Death of the Public University? Uncertain futures for the higher education in the knowledge economy* 2017

**Pink, Daniel** *Drive. The surprising truth about what motivates us.* 2009



**Piironen, Ossi** “The Transnational Idea of University Autonomy and the Reform of the Finnish Universities Act” in *Higher Education Policy* 2013

**Reilly John, Romeo Turcan and Larisa Bugaian** “The Challenge of University Autonomy” in Turcan et al (eds) *(Re) Discovering University Autonomy* 2016

Save the Children 2017 “State of the World’s Mothers” <https://www.savethechildren.net/state-worlds-mothers-infographics>

**Szwebs, Witold** “Institutional Financial Autonomy in Practice. A Departmental Perspective” in Reilly, Turcan & Bugaian (eds) *(Re) Discovering University Autonomy* 2016

**Thorens, Justin** “Academic Freedom and University Autonomy” i *Prospects* vol 28, 1998

**UNESCO** “Recommendation concerning the Status of Higher Education Teaching Personnel” 1997

Tillitsdelegationen 2018 Slutbetänkande, Summary in English. (Delegation for Trust-based Management, Sweden) <http://tillitsdelegationen.se/wp-content/uploads/2018/10/english-summary.pdf>

**Turcan, R et al** (eds) *[Re-]discovering University Autonomy. The Global Market Paradox of Stakeholder and Educational Values in Higher Education* 2016

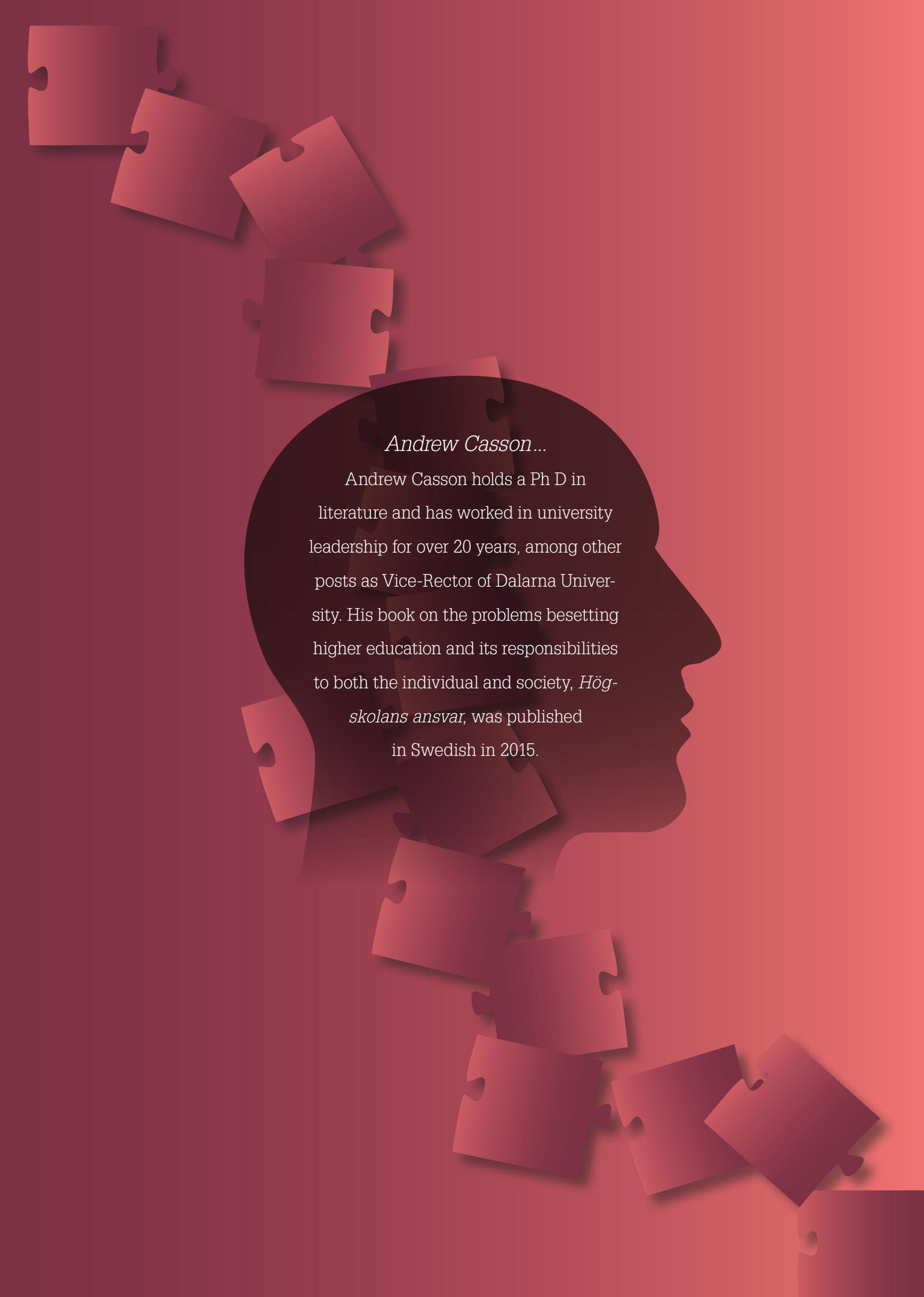
**UNESCO** “Recommendations Concerning the Status of Higher Education Personnel” 1997

“Övergripande modellförslag för styrning av universitet och högskolor” PM 2018-01-04 Utredningen om styrning för starka och ansvarsfulla lärosäten (Strut) U:2017

**Warnock, Mary** “Higher Education. The Concept of Autonomy” i *Oxford Review of Education* 1991

**Wersäll, Fredrik** “Ökad domarmakt och makten över domstolarna” *Svensk juristtidning* 2017

**Wright, S and Chris Shore** (eds) *Death of the Public University? Uncertain futures for the higher education in the knowledge economy* 2017



*Andrew Casson...*

Andrew Casson holds a Ph D in literature and has worked in university leadership for over 20 years, among other posts as Vice-Rector of Dalarna University. His book on the problems besetting higher education and its responsibilities to both the individual and society, *Högskolans ansvar*, was published in Swedish in 2015.

The Swedish Association of HEIs (SUHF) has for a number of years been working to further a constructive debate on university autonomy.

In this introduction Andrew Casson gives a background to the autonomy debate in the Nordic countries and asks a number of questions that need to be addressed. Although the main focus is on the relationship between the university and the five Nordic states (Denmark, Finland, Iceland, Norway, Sweden), it also considers the autonomy of the student as well as that of the university teacher and researcher.

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