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STATE/UNIVERSITY RELATIONS AND HOW TO CHANGE THEM: THE CASE OF FRANCE AND GERMANY[#]

CHRISTINE MUSSELIN

Introduction

This article will focus on the issue of steering higher education in public systems. First, we shall present some of the results of the empirical studies we carried out in France and Germany at the end of the 1980s and in the early 1990s on the bodies that are responsible for higher education. We shall thus be able to show that there is a specific (national) type of relation between the state bodies and the universities in each country and that it differs greatly. Hence, we shall argue that State/universities interactions have national bases that must not be seen in terms of culture, but rather as societal (in the sense of Maurice *et al.*, 1982) constructions of relationships.

Yet, even if rather stable modes of regulation can be found in these interactions, changes may occur. In the second part, we shall present a policy developed in France, as from 1989, to change the nature of the relations between the State and the universities by funding through negotiation (*contractualisation*) certain exchanges between the different partners. We shall use these recent French developments to reflect on how the higher education systems may be changed.

Steering Higher Education in France (before 1989) and in Germany

Erhard Friedberg and I came to the issue of the intervention of the State in higher education after a first comparative empirical study on two French and two German universities in which we examined the relations between the faculty members and the administration, the ways in which decisions were taken (especially by the official university bodies), and resources were allocated. First, our findings showed that German professors identified strongly with their institutions and considered their university as an entity to which they were committed and loyal. This is much less the case with French academics. Second, German decision-making committees are much more respected than their French counterparts. They are indeed 'able' to take

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decisions, to ask for changes, or even, in some cases, to reject a project proposed by the departments.

One of the explanations we found for these differences was the way in which faculty are recruited. In Germany, the recruitment of a professor leads to bargaining procedures¹ that mainly concern the amount of resources the professor will receive for teaching and research. In other words, the university invests in a faculty member and, in return, the latter is more committed to his institution. Hence, we stated that the types of relations that exist between the university and the academic profession (as a market-place) influence the internal functioning of the university structures (Musselin, 1987; Friedberg & Musselin, 1989a,b).

This led to a second wave of field work. If there is close interaction between the university and the faculty, then state intervention in higher education has to deal with this dual aspect: universities on the one side, and the academic profession on the other. This is why we studied the French and German state bodies responsible for steering higher education: the central administration in France and the *Land* agencies in Germany². We therefore carried out a first study on the French bodies in 1987 and the same study in 1988 and 1989 in regional Ministries (*Landministerium für Wissenschaft und Kunst*) in Germany and then compared the two (Friedberg & Musselin, 1992, 1993; Musselin *et al.*, 1993; Musselin, 1992).

Brief Presentation of the Competencies of State Bodies Responsible for Higher Education in France and Germany

Having given the background to this empirical work, we shall now very briefly describe the state bodies in France and Germany to stress the differences between the two countries.

In France, the *loi de décentralisation* of 1982 did not concern higher education, which remained under the control of the State: no responsibilities were given to the local governments³. In 1987, when we carried out our first study, universities were under the direct responsibility of the Ministry for Research and Higher Education. The management of French universities was entrusted to five directorates, overseen by a general directorate (DGESR, General Directorate for Higher Education and Research): the DESUP (Directorate for Higher Education) whose two main functions were the agreement on curricula (*habilitation*) leading to national diplomas⁴ and the planning of the development of universities; the DPES (Directorate for Higher Education Staff); the SAF (Service for Administration and Budgets) that allocated financial resources based on impersonal criteria⁵; the DR (Directorate for Research)⁶; and the Directorate for University Libraries.

In Germany, responsibility for higher education is shared between the Federal State (*Bund*) and the local States (*Länder*). The first defines the general framework whereby the *Länder* can develop their regional law on higher education. The *Bund* is also involved for 50% in the decisions and in the funding of new buildings, new campuses and heavy science equipment. But each *Land* is responsible for the allocation of budgets and positions and for agreements on new curricula. It is also involved in the recruitment of professors. The formal structures of each *Landministerium für Wissenschaft und Kunst* differ but, in addition to the classical responsibilities, such as 'staff', 'budgeting', 'higher training' and 'research activities', there is a division between administrators called *Hochschulreferenten* (literally 'university correspondents'), who are responsible for a specific university and who act as 'go-betweens' with the Ministry, and the universities.

Hoping that this brief overview of the formal structure in each country will suffice, we shall now summarise the main results of our field work in both countries.

A Logic by Discipline in France / A Logic by Organisation (University) in Germany

In the first research we carried out on universities, we stressed the weak governing ability of French universities (Musselin, 1987; Friedberg & Musselin, 1989a). The study of state bodies led us to the conclusion that this weakness was somewhat reinforced by a central administration that 'denied' the existence of 'universities' in France. The formal structure of the Ministry, internal procedures, the relations between the different offices and between the directorates split the universities into different problem areas (training, staff, budgeting, research, libraries) and, within these, into disciplines (thus, for instance, in the DPES, one office was responsible for the faculty staff in humanities, the other for the faculty staff in science). Nowhere was a university considered as an entity. In this fragmented structure, the dominating logic of action⁷ was based on the *habilitation* of curricula: resources to be allocated (present or future) were calculated according to the *habilitations* of diplomas and budget increases were generally based on the creation of new curricula. As the procedures for these *habilitations* were discipline-based, the calculation of the budgets was also discipline-based. Therefore, to reflect on the university as a whole made no sense, when reasoning by disciplines and cycles⁸ was the norm. In a way, except for the resources based on square metres, a university budget was no more than the sum of the resources allocated (through bureaucratic criteria) to each curriculum after *habilitation*.

Conversely, universities in Germany are fairly integrated organisations, with a stronger institutional position⁹, and are considered true partners by the Ministry. The *Hochschulreferent* plays a crucial role in interactions between the ministry offices and the university. He has usually known 'his' university for many years and, when the president presents him with a project that has been agreed upon by the university decision-making committees, he defends it before the other ministry offices¹⁰ that manage the necessary resources (research funds, budget, positions). He also 'transmits' the ministry policy to the university. He is where the different aspects of university management converge. The logic of the disciplines is therefore much weaker than in France.

Administration and the Academic Profession

A second important difference between the two countries lies in the interplay between the State and the academic profession in decision-making.

The description above of the French system corresponds to the traditional representation of France as a centralised country. And so it is. But centralisation does not mean that the state bodies are in a strong position. In fact, most of the crucial decisions taken by the central administration (i. e. decisions concerning the *habilitation* of curricula, positions, research funds, etc.) are submitted to experts of the various disciplines who are chosen by the Ministry¹¹. The evaluations and advice given by these experts, who belong to the academic profession, are the basis on which the administration¹² makes its decisions. The influence of the administrative staff is thus rather weak: they have very limited legitimacy and try to gain more by basing their decisions on the advice of scientific advisers¹³.

This seemed so 'normal' to us that, when we interviewed German administrative staff in the *Landministerfium*, we were very surprised by the absence of academic experts on whose expertise one could rely to take decisions. There are almost no relations between the Ministry of the *Land* and the German academic profession in matters of decision-making concerning positions, curricula or research. But conversely, the Ministry has a rather direct influence on the state of the academic market-place, since it participates in recruitments by allocating (or not) extra funding to the university that wants to 'attract' an eminent faculty member with a large recruitment budget. The *Hochschulreferent* assesses the selected candidate and decides whether it is worth proposing him an attractive offer¹⁴. Hence, the interplay between the State and the profession differs from one country to another (Musselin, 1994) and the independence of the administration *vis-à-vis* the academic profession may vary considerably.

Synoptical Decision-making in France / 'Case by Case' Decision-making in Germany

The third main characteristic of state intervention is the basis on which decisions are taken.

In France, most of the procedures were synoptical, i. e. decision-making was organised in national procedures that, in theory, allowed for comparisons between similar situations. All was structured so that state bodies could manage such comparisons with the help of the academic experts. Let us take the case of the *habilitations* for curricula until 1989. Every four years, each diploma in the same type of discipline was examined simultaneously with the same diplomas of the same discipline in all universities. For instance, every *licence* in science was evaluated for *habilitation* or *re-habilitation*. The comparison of the situations, not the specificity of each situation, led to decisions. Thus, work in the state bodies was organised around a double periodicity. An annual one that concerned budgets, the publication of positions, recruitment and promotion bodies, and the suppression, creation, and vacancy of positions and one every four years which concerned the *habilitation* of curricula and university research funds.

The formal structure we described above was rather appropriate for such synoptical decision-making, since it allowed to make choices out of context. Because the management of the universities was split into directorates that had their own sector of activities and responsibility, each specialised office (for example, that of the science faculty members) was not really in a position to take into account the impact of its decisions on other domains (for example, the effects of the vacancy of a position on a curriculum or on research in the university concerned). The margin for comparison mainly concerned its specific area of responsibility (i. e. in this case staff and positions in science) and all the more so, since the number of management applications¹⁵ for the whole of France did not really allow to take into consideration the competing interests of each university. Thus, the specificity of each situation disappeared behind a formal structure that divided the reality into areas of responsibility without allowing for the emergence of poles of decision that could integrate the interests of the universities and those of the Ministry. Nobody was able to assume the complex context of a particular issue. The compartmentalisation created by the dispatching of responsibility, the number of files to be processed, and the respect of national norms, everything converged to justify a synoptical way of taking decisions.

In Germany, on the contrary, decision-making is primarily non-synoptical. Case-by-case decision-taking prevails. There are no planned re-examinations of the curricula and no federal procedures that deal with all recruitments simultaneously (recruitments occur when a position becomes vacant). Each request project from a university is examined for itself. The criteria to take decisions are centred on the relevance of the request project for the university concerned. The fact that a similar project has been developed in a nearby university will obviously be taken into account and may be used as an argument to reject it. But there is no procedure for the simultaneous examination of all similar requests. Each decision is taken according to the specific situation of the university and each request offers an opportunity to renegotiate with the *Landministerium*.

This decision-making process is encouraged by the two points developed above. First, the logic by organisation and the *Hochschulreferenten's* function: as they represent a university, the latter are not in a position to compare the same kind of projects. Furthermore, in order to defend 'their' university before other offices that could have this synoptical perspective, the best strategy for them¹⁶ is to stress the excellent and specific characteristics of the project they are defending. Second, the absence of academic experts does not permit a transversal view based on disciplines

Targeted Incentives Policy in France / Integrated Actions in Germany

This fourth result could also be presented as a direct consequence of the previous ones. In France, because of the relative weakness of the central administration to impose changes on the universities, the favourite means of action used by the state bodies to steer the system as a whole was, with the exception of the creation of new rules, the launching of national incentives policies (Musselin, 1992). Rather than case-by-case management and reaching specific arrangements with each university, the central administration proposed targeted national orientations in which the universities had to integrate their projects to obtain the extra resources allocated for these orientations. This could be summed up in slogans such as 'create a *magistère*¹⁷ and you will have funds for it' or 'renew your first two-year cycles and you will get more resources'. This, of course, was used to try to introduce pedagogical innovations, but also for more routine cases. For instance, each *habilitation* campaign was used as an opportunity for the Ministry to set its priorities and to incite universities to formulate their *habilitation* projects in a certain way if they wanted a positive answer.

So, reflections on change and initiatives were the prerogative of the State bodies, even if the universities could then decide to subscribe to them or not. The definition

of a general framework and of national norms were then used as a reference for the synoptical confrontation and comparison of the projects.

In Germany, the action of the *Länder* seems much less divided. The presence of the university in the Ministry through the strong links established with the *Hochschulreferenten* and case-by-case decision-making favoured a much more integrated and negotiated form of management.

National Styles of Steering Higher Education?

What we tried to show above was that State intervention and the relations of the State with the universities present national patterns¹⁸. Stable modes of regulation can be found behind the diversity of the many interactions between both levels and they constitute a framework within which some actions will seem legitimate and others not, within which some decisions will be taken and others not, within which some actors will be relevant and others not, within which some aspects will be taken into account and others not.

These constants greatly influence the nature and content of the relation between the State and the universities. In other words, they reveal interdependencies. For instance, the fact that the activity of the French Ministry is built on a logic of disciplines and of *habilitation* of diplomas maintains¹⁹ the organisational weakness of French universities: they have (had) no incentives to engage in more collective action and to develop a stronger shared identity and the best way to obtain resources from the Ministry is to present disciplinary projects.

These modes of regulation also show that the relations between the State and the universities are not accidental or due to chance. They have been built over time and reflect a balance point between different actors which has a certain continuity. The fact that they seem to be a kind of sedimentarisation of the past and that they have been built on systemic interdependencies explain why they are rather stable and why, when reading the work of historians on higher education, what they describe does not sound strange to us but, on the contrary, finds some echo. But this should not lead us to believe that the present modes of regulation in national higher education systems are determined by the past. In fact, the actors in these configurations inherited from the past are not their prisoners: they are only limited by them. That is why these configurations can evolve and change if we understand change as follows: first, the nature and content of the relations may change (for instance, the negotiation-based relations between the *Länder* and the universities in Germany could become weaker or more bureaucratic); second, the logic we have identified in the relationships may vary. From this point of view, the analysis of the policy

developed by the French Ministry as from 1988 seems to be an opportunity for change in France²⁰. This is the point we shall develop now.

Principal Changes Induced by the Contractual Policies

In May 1988, after the re-election of François Mitterrand as President of France, a new government was formed under the responsibility of Michel Rocard who made education a priority. The Ministry of Education was entrusted to Lionel Jospin who was responsible for training from kindergarden to university. He called on Claude Allègre, a well-known physicist and long-time friend, to become his Special Adviser for Higher Education (Allègre, 1993). In September 1988, the beginning of the academic year threatened to be difficult because of the great rise in student numbers. Jospin announced to the French Conference of University Presidents (CPU) that he wanted to establish a different relationship, emphasising negotiation between the State and the universities, and that four-year contracts would therefore be implemented between the latter and the central bodies.

In May 1989, the departments in charge of higher education in the Ministry were restructured. One of the new bodies, the DPDU (Direction for the programming and the development of universities) was mandated (among other things) to implement the policy of funding through negotiation. As such, there is nothing very novel about this. In France, new governments always appoint new Ministers who often change the previous formal structure. It would take many pages to describe the 'adventures' of the links between higher education and the government: at certain periods, it was part of the Ministry of Education, at others, it was attached to the Research Ministry. Furthermore, many more pages would ensue on the many changes in bodies responsible for higher education during the last 20 years. Yet, this time, it was more than a mere ritual. It seems to us that the policy of funding through negotiation implemented in 1988 was also an attempt to modify the previous form of government intervention in French higher education. Obviously, the policy of funding through negotiation did not completely reverse the logic of disciplines, the presence of the academic profession, synoptical decision-taking and the targeted incentives policy. But there were enough changes in certain aspects to speak of a new art of government. Let us now present the main changes that occurred and that we observed, since we were able to repeat the 1987 study a few years later, in order to compare the situations both past and present. Another research study, which focused more on the policy of funding through negotiation, completed these first efforts²¹.

What Is Meant by 'Funding through Negotiation'?

As we said above, one of the main objectives of the policy of funding through negotiation was to introduce more bargaining relationships between the central administration and the universities. But this policy remains above all a state initiative. This does not mean that the State wanted to disengage itself: rather, it tried to improve the situation and to 'better govern' it. Thus, the change was not a question of less interventionism but of replacing traditional ways of acting by new ones. The new Ministry therefore decided to extend the contractual relations that had been introduced at the beginning of the 1980s to allocate research funds to the universities²² to the university budget. For reasons that would be too long to explain here, the process of funding through negotiation for the general budget was developed separately²³ from the research budget. Furthermore, the philosophy and objectives of each of these two processes were very different. That is why we shall only speak of contracts that do not concern research²⁴.

The idea behind funding through negotiation was to allocate resources on a different basis and to be able (1) to re-balance the situation among the universities and (2) to give more leeway without formal decentralisation. Hence, universities were asked to analyse their situation and their activities and to define their plans for the next four years. Then, the Ministry had to decide which of the priorities defined by the university would also be its priority and to negotiate the resources it would allocate to enable the university to attain them. So, the Ministry came to distinguish between the four-year project of the university (that is, the perspectives of the university, its priorities and the action it would develop) and the contract itself (the perspectives, priorities and actions recognised by the Ministry and for which it earmarked resources that would be allocated in the next four years). This 'contract' was signed by the university president and by the Ministry. Obviously, these contracts had no legal value. They should be called 'reciprocal commitments' rather than contracts. There was no sanction if they were not respected because there was no contingent liability to enforce them. Furthermore, in the legal and economic definition of contracts, they were to be concluded between parties that were free and equal; both these terms are not respected in the present case. Universities were in a way subordinated to the state bodies, and even if they could refuse to fund through negotiation, it would have been a difficult decision to take²⁵. So it was, in a way, more of a symbolic contract.

The Changes Contained in Funding through Negotiation

We would like to describe the kind of changes foreseen and the new practices which had to be implemented to achieve these changes²⁶. Thus, we shall develop four dimensions of funding through negotiation that clearly show an evolution of the modes of intervention we described previously for France.

Contracts meant, above all, going from the thematic²⁷ to the global. To us, this does not mean that the intentions behind funding through negotiation were not targeted towards specific goals and that they included all types of considerations, i.e. economic, social, financial, pedagogical, scientific, etc. It refers to the fact that the various activities within a university are considered with respect to one another, rather than in themselves: what is sought is consistency and setting priorities among activities. In other words, global consistency prevails over the juxtaposition of activities or disciplines. That is why, for the central administration, a 'good' contract should rely on a project that is more than a sum of projects: choices have to be made and priorities set in order to launch strategic actions. Thus, for instance, in an internal document in 1989, a first assessment of the projects sent by 19 universities made a distinction between the universities that had 'an evaluation and a university project integrating all components and linked to their environment', those that made a 'global synthesis of all the sectors of university life but with no critical analysis or no internal policy or prospective', those that presented a 'compilation of colleges' and those that submitted 'slapdash work, quick sketches or no answers at all'.

Generally speaking, the people we interviewed were in favour of the emergence of a prospective aggregated view of the university rather than a fragmented image.

“Some issues were to be found in the project. And we wanted more relationships among the colleges so that the project would not be a juxtaposition of colleges. The first time I went in this university, it was funny because all the deans were there. They were extremely polite and presented to me a project that was totally compartmentalized. The president was weak but the deans strong. The project was actually 6 projects! I sent it back. I said we wanted a common project.” (a university adviser²⁸)

Another consequence of the prevalence of the global over the thematic was the broadening of the spectrum of actions for policy incentives. The latter did not disappear²⁹, but they offered greater possibilities and were less centred on targeted thematic issues. The state bodies still set priority themes, but they were broader, more numerous, and less narrowly defined. A university was not asked to respond to each incentive but to select the ones it preferred, the ones it would react to, according to its specific situation and the objectives it pursued. However, this orientation towards a more open and more diversified incentive funding was not radical. During the same period, other policies were launched (such as the reform of the first cycle of

studies or the creation of IUPs (Vocational University Institutes) that were closer to the previous model and were sometimes even in contradiction with the contractual policy, as some people told us.

“ The pedagogical renewal for instance... It swept the contracts away: we told the universities 'you have to do that!' ” (DPDU).

“ The idea was to strengthen the president. C. Allègre said 'no more going up to the counters (*guichets*) with an outstretched hand, there is only one partner, the president'. There was a strong consensus on this, even if sometimes some practices remained directive. But, when the cabinet ignored the 'no counter policy', it went wrong. See what happened with the pedagogical reform. ” (DPDU).

Funding through negotiation meant reinforcing the powers of the university presidency. If a university is no longer a juxtaposition of activities, then the person responsible for the whole institution becomes the privileged partner at the expense of the deans. The latter can no longer come to Paris to defend themselves, bypassing the president or even acting against him.

“ We strengthened the presidents but the deans have been neglected by the central administration. It was all the more the case when the presidents themselves neglected their deans. It is clear. This policy recognizes only the university and the president. ” (DPDU).

The presidents' duty is to give consistency to their university, to help it to define a line of action, in other words, to be a little more managerial³⁰, to be able, not only to represent their universities, but also to negotiate compromises, to integrate different constraints, to set priorities.

Governing through contracts and seeking integration thus modified the relational habits of the central administration. It reduced the number of relevant partners and prevented (at least a little) one from playing on the internal disputes within universities and setting power on the discrete allocation of resources by office managers.

Funding through negotiation also meant modifying the process of resource allocation. One can see these new practices as a consequence of the search for the global. If universities are more than the simple sum of their activities, then their budget can no longer be the simple sum of the amount of resources allocated to each activity. The policy of funding through negotiation thus led to a reconsideration of the way positions and budgets were attributed, at the time when the Rocard government made education a priority and when the number of students, as from

1988, increased so suddenly that the State was obliged to take specific measures in favour of higher education³¹. The question then was how to allocate extra resources, while rebalancing the situation among the universities³².

Two decisions were taken at the time. The first concerned the composition of the university budget: one part was allocated automatically on criteria³³, but the other was the result of the contractual negotiation. On average, for all of France, the contractual budget represented only 5% of the total budget³⁴, but one should bear in mind that this did not include salaries and that the creation of new positions was another important element of the negotiation until 1994. The second innovation concerned lump-sum budgets. The universities received resources (and no longer a budget for each curriculum) that they could then use as they wished.

Last, funding through negotiation meant less opacity and more confidence. The practices we just described induced a change in the content and quality of the relations between the central administration and the universities. The contracts³⁵ contradicted the relational pattern that M. Crozier (1964) and later F. Dupuy and J.-C. Thoenig (1983) presented as characteristic of the French administration. In order to fund through negotiation, it was less relevant than before to let problems be dealt with by an isolated state agency or to conceal local arrangements. On the contrary, universities had a new interest in giving more information about their situation, in bringing to light their specificities. It was better for them to become more transparent. Thus, for instance, in the three universities in which we studied the effects of funding through negotiation (Lipiansky & Musselin, 1995), the faculty members we interviewed explained that, as a consequence of the contracts, it made sense to ask for 20,000 francs in order to obtain 10,000, either from their university or from the Ministry.

“ The contractual mode is more credible. As we know how much the university will receive in the next four years, we have no reason to ask for unnecessary positions. We have reduced our requirements; we rationalized our requests for new positions. Next year for instance, as I know what we can have, I will only ask for two positions (.. .) We adapt ourselves. We will examine the needs and the university council and the scientific body, we will decide where the priority is (...) As a matter of fact, we are ourselves doing the regulation. I think it was one of the goals of the Ministry. ” (a dean).

Thus, even if globality gives more autonomy of choice to the universities, it also paradoxically strengthens the influence of the central administration, which thus has a better knowledge of what happens in the units. All those who worked in the state agencies before 1988 stressed this aspect.

“ It was an innovation. We went into the universities. Before the presidents called the rue Dutot³⁶ 'the crying office' and 'the counters (*guichets*)'. They went to the counter to get a few francs. Some of them came every week, others were never there. It has been an innovation for the agents of the rue Dutot to see the universities from inside. They received an electroshock because what they saw before from far away had another aspect in the reality. They discovered another way of acting. The same holds true for the universities: they saw State agents coming not as a delegation but as colleagues! ” (DPDU).

In order to contractualise, the universities had to accept to shed light on their situation and the state bodies had to take greater account of this. On this basis, more trustful relationships developed: the good will of the centre was not only written in the documents, it also appeared in practices that convinced enough people in the universities to accept the new rules of the game imposed by the central administration. This trust³⁷ was reinforced by the fact that the contracts were generally respected. Even if the new positions foreseen in the contract were not always created in the grades or in the categories wished for by the university, the central administration generally kept its promises (at least until 1993³⁸). Thus, relations with the Ministry generally improved³⁹. The day-to-day contacts remained the same, but the academics and the administrators who participated in the preparation of the contracts spoke of the Ministry in terms that were unheard of before. Relations with the DPDU agents were described in warm terms and expressions such as 'collaboration' 'capacity to listen' or 'comprehension'. The universities greatly appreciated that the Paris staff came to them and witnessed *de visu* the problems they faced. The disappearance of habits that favoured the academics who were able to impose themselves or to go to Paris was also appreciated.

“ I do think it is a very good tool. It is better than to go to Paris—presidents were obliged to knock at the different doors—and to be in the favour of a mister X or Y! It was a struggle for resources. It was clientelism. One would knock on one door then another. The contract allows us to develop our own project and to help the universities that have a project. ” (a dean).

It seems to us that this description of the concrete objectives of funding through negotiation and the new practices that supported it show that what we presented as the main characteristics of state intervention in higher education in France must be revised. In fact, funding through negotiation affected the two dimensions we defined as change: the nature and content of the relations between the State and the universities on the one side and the logics of actions on the other. In a way, the

intervention of the French state bodies came closer to the actions of their German counterparts, even if it was still centralised: they paid more attention to the universities than to the disciplines than before, they took decisions more on a case-by-case basis (each university being a specific case), they promoted more integrated priorities. All this leads us to say that funding through negotiation was not so much another public policy on higher education as a redefinition of what universities are (or should be) and of the place of state regulation in the higher education system. The role of the central agencies also evolved: less importance was given to the definition of national rules that were to be implemented everywhere than to possibilities for differentiation among the universities within a national framework.

The Limits Met by Funding through Negotiation

In the previous section, we tried to show that funding through negotiation had introduced new dynamics. We must now put this hypothesis into perspective and try to analyse the limits of this policy. At the moment (1996), the general diagnosis is that funding through negotiation has been frozen since the second co-habitation in 1993. But this explanation that reduces the problems to political factors seems too simplistic to us. Of course, we shall not deny that the political changes that occurred in 1993 had no effect. But problems were also to be found in the learning process that such a new orientation implied and in the emergence of new issues. So we shall first describe some of the difficulties caused by the contracts in the universities and some of the unforeseen effects they had on the central agencies before coming back to political factors.

It Is Easier to Prepare University Projects than to Implement Them

In 1994, we carried out a comparative study (Lipiansky & Musselin, 1995) on the effects of funding through negotiation in three universities⁴⁰. It is not possible to present all the results of this work which focused on the preparation and implementation of the contracts, so we shall concentrate on the aspects that show the difficulty of learning to act collectively.

The problem of collective action first appeared in the preparation of the contracts and we have stressed great differences among the universities in this phase. The role of the president, but also of the deans and of the administrative staff, was crucial here. Most of them saw that the contracts could mean more resources and accepted to play the game, but they rarely foresaw that funding through negotiation could also be a way of mobilising reflection, redefining the missions and setting priorities

among them, in other words, of managing differently. In the three universities we studied, the more the presidency had an instrumental understanding of the contract, the less a vast, long-term and iterative negotiation within their university was engaged. The collective project was sometimes the result of very isolated reflection. The internal *rapport de force* at the time when funding through negotiation was introduced was also difficult to manage. The contract never succeeded in bypassing the existing cleavages: it was not able to modify the attitudes of the colleges, it even suffered from them. For instance, strong colleges⁴¹ resisted the wish of their president to include them in a university project, arguing that they were too specific to join in a common project.

Yet, working together on the preparation of a collective project, even if not easy, generally succeeded in introducing, or at least in launching a global dynamic within the university. But even then, the movement engaged during the preparation phase and the needs it revealed slowed down during the implementation phase. Implementing a collective project was not spontaneous. Let us give a few examples. When they prepared the project, the universities became aware that they did not know themselves and that data were lacking on elementary aspects (about the evolution of the student population for instance) needed to analyse the situation and to decide on future projects. But after the signature of the contract, they often did not succeed in implementing mechanisms⁴² that would enable them to continue to collect and update data.

The collecting of data on the university for the preparation phase also made the faculty members aware of the imbalance within their university and the need to re-balance. In fact, such data were subsequently used to reject certain requests from relatively rich colleges or departments that had a hard time to legitimate their needs. But, if this affected the allocation of new resources, it only rarely led to the redistribution of existing means.

We reach the same conclusion if we consider operations scheduled in the contract that required cooperation among different colleges, departments or groups: they were also very difficult to implement. It was difficult to transform the enthusiasm and the good will that prevailed during the preparation of the contract into concrete action. Hence, the contracts and their implementation often showed the incapacity of universities to act more collectively and develop internal synergies⁴³.

Funding through Negotiation also Had Feedback on the Central Administration

The contractual policy also suffered from the problems the central administration had in managing the process. In fact, the authors of the contractual policy did not seem very aware of the consequences it could have on the central administration.

They did not see that the change in the relations between Paris and the universities would also change the relations between the universities and Paris.

Two different levels of consequences can be distinguished. The first concerns internal issues: the redistribution of power within the central agencies⁴⁴ on the one hand, and the need for new skills⁴⁵ on the other. The second level concerns the regulation of the whole system. So long as nobody took into account the specificity of each university, it was possible to seek national harmony, to theoretically use the same criteria and to implement the same rules. This kind of regulation relied on the ediction of norms that were the same for the whole country and that were supposed to respond to the general interest. Adjustments obviously occurred at the margin: everybody knows that it is virtually impossible to apply equal treatment, but everybody deals with this issue.

Funding through negotiation breaks this down. The central administration faces a new problem: how far are the general principles and rules compatible with the recognition⁴⁶ of specificities? In theory, the boundaries are clear: state agencies define the goals, make choices and set the rules with which and in the limit of which universities may deal with situations that are more diverse than before. In practice, it seems much more difficult. First, universities react to the given framework, either by bypassing or extending it. The framework itself can never be defined clearly enough and therefore it is also subject to interpretations, negotiations and adjustments. Moreover, it can be in contradiction with local specificities. Furthermore, the framework may be modified by political change, by the bargaining between the directorates themselves and, of course, by the interplay between the central administration and the universities.

More Political Factors

We shall now analyse political aspects that also opposed the whole process. It seems to us that the second cohabitation was another threat for funding through negotiation for two reasons.

First, the new Government decided to reduce the growth of the budgets when the number of students was still increasing. In November 1993, the new Ministry announced that the engagement on faculty positions included in the contracts would not be respected. This doubly endangered the contracts. It revealed their fragility and their reversibility, as well as the absence of contingent liabilities to enforce the respect of the terms. At the same time, it destroyed the basis on which funding through negotiation had been developed that, in the case of higher education, linked the contracts to the allocation of more resources and not to the negotiation of restrictions (cf. note 32).

The second reason concerns what the Ministry included in the term 'contract'. We tried to show above that the objectives embodied in funding through negotiation were manifold: to better allocate resources, to develop a new kind of relation between the State and the universities, to create an internal dynamic within universities. That seems⁴⁷ to have happened after 1993 is a change in the meaning of funding through negotiation. The contract became a management tool: the information required was much more formalised, its content was restricted... In a sense, the contracts were diverted.

Some Conclusions on Changing the Relation between the State and the Universities

In the second part of this article, we tried to explain why we consider that the funding through negotiation policy introduced some changes in the French national pattern of higher education and to present some of its limits. To conclude, we would like to present some reflections on what we learned from this about changing the relations between the State and the universities.

First, we can say that this policy did not avoid the traditional problems met by the change process: the perennality of change and the risk of bureaucratisation through institutionalisation. The perennality was all the more a central issue that one of the characteristics of the French higher education system was that actors had a high turnover. This is true for the political actors. Lionel Jospin was in office for four years: it is not long to manage a long-term process (even if four years is a long time in this position, compared to his predecessors). His successor (Jack Lang) remained one year and François Fillon, two. This is also true for the staff of the central agencies⁴⁸ (Friedberg & Musselin, 1993), for the university presidents (they are elected for five years and only one mandate) and for the university bodies. This turnover is all the more a problem that, as we explained above, the personal implication of the actors is very important in the process. The transmission of experience between presidents is usually not organised and in two of the three universities that had a new president, he was less involved, less entreprising than his predecessor. May be the electors wanted a break after a period of internal moves.

The thinning (in resources and in meaning) of the contracts as from 1993 can be seen as a consequence of the will to perennialise the contracts through more formalisation. The transformation of the contract into a management tool was the consequence of an attempt to harmonise the forms sent to the universities to prepare their next contracts. Formalisation is generally a difficult step for innovation because it limits the possible options: and so it was in this case too. But this case also

contains more specific aspects. For instance, it raises the question about who can provoke change in the public higher education system. In the case of France, it seems that universities can become more autonomous only if the State decides/ allows this. As we tried to show, funding through negotiation changed the logic of intervention of the State in France, but it did not weaken the influence of the State on them. This is the ambiguity of such contracts: they can allow greater differentiation but they are also a kind of recentralisation from the centre: the latter defines (at least at the beginning of such a process) how far differentiation can go, what content it can have, etc.

So, control over the universities remained strong and when the state agencies changed the rules of the game, as from 1993, they were not able to resist. Changing the relationships with the State seemed so very dependent on the good will of the State. In a recent book, a French philosopher (Renaut, 1995) explains the situation of French universities by the fact that, if they succeeded a first modernisation in the Middle Ages when they became free from the clerical control, they did not achieve the second modernisation that would have meant becoming free from the State. The case we studied clearly confirmed this dependence, even if funding through negotiation could represent a step in this direction in the long-term.

The last point we would like to mention about changing the relations between the State and the universities is that it has to do with the university's capacity for change. The limits met by funding through negotiation also concerned the organisation of the universities: the fact that, within them, interactions are loosely coupled and that the autonomy of faculty members is great can explain why transforming the contracts into acts has been so difficult. Everybody thought that the dynamic of the contract would transform itself into a dynamic for collective action. But changing the relations between the State and the universities involved learning processes that should not be neglected, especially in such specific organisations.

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- ¹ Negotiations for the recruitment of new faculty take place at three levels. First, with the recruiting university, second with the minister of the *Land* (of the recruiting university), and last with the candidate's own university.
- ² We are now completing these analyses by field work on the functioning of some disciplines and on their interplay with the State and the universities. Hence, we are trying to study different academic market-places (Musselin, 1996).
- ³ Yet, the latter pay great attention to higher education and are intervening to a greater extent in the financing of higher education (Filâtre, 1993), despite the 1982 law!
- ⁴ In France, most diplomas are 'national'. When a faculty member wants to create a new course that will be sanctioned by a national diploma (for instance, a DEUG, a *Licence* or a *Maîtrise*), he must write a project and submit it to the Ministry which then decides if it corresponds to the model that defines the minimal content of a specific type of diploma in a specific subdiscipline. This course is then *habilité* (officially agreed upon). This is the procedure we shall call *habilitation* in this article.
- ⁵ The budget allocated to the universities was calculated through a programme allocation process called GARACES. For a precise description of this process and a critical analysis of its effects, see the report by Y. Fréville (1981). A more positive description of GARACES was given in an article written by one of its main instigators, G. Allain (1986).
- ⁶ It only concerns 'purely' university research, as opposed to research carried out in institutes which are part of national research institutions, such as the CNRS, INRA, INSERM. After an evaluation by peers, some university institutes become 'associated' with one of these research institutions: they have a four-year renewable contract, may use the label of the institution and receive resources (budget and positions) from it. But other university teams only receive public funds from the DR.
- ⁷ Except in the DR that had its own logic.
- ⁸ In France, university studies are divided into three cycles. The first lasts two years and generally leads to the DEUG. The second also lasts two years: the first year leads to the *Licence* and the second to the *Maîtrise*. Then, students may enter a third cycle of studies, generally in order to obtain a DESS or a DEA after a further year's study. If they obtain the latter, they are entitled to study for a doctorate.
- ⁹ What we mean by this is that, in German universities, there is not the competition of the *Grandes Ecoles* in the training of the elites, that they still are the result of the Humboldtian tradition (while

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- French universities have only existed in their present form since 1969) and that they are less fragmented than the French universities.
- 10 We should of course nuance this for each *Land* we studied. In Niedersachsen and Bade Wurremberg, the interactions followed his pattern In Nordrhein-Wesfalie, this pattern was not as strong because the offices that manage the resources were trying to establish direct contacts with the universities and were beginning to weaken the position of the *Hochschulreferenten*.
- 11 That means that with each ministerial change the names of the experts change!
- 12 Administrative chief executives are often chosen among faculty members. They had generally been university presidents. They also change when there is a ministerial change. In this case, they may return to their university as a 'normal' faculty member.
- 13 The problem is that these experts are not representative of the profession: they are not elected, and their 'choice' is always a mix between partisan and scientific reward.
- 14 The university itself finds some resources (mostly by redistributing) to make an offer but, when it fears it will not be sufficient to be attractive, it asks the ministry for financial help.
- 15 As an example, let us quote this extract from an interview:
“For the last recruitment procedures, we advertised 2,200 positions to which 14,000 candidates applied. We organised 127 juries (...) There were two referees for each candidate and we sent the publications of each candidate to their referees. It meant managing 28,000 mailings.”
- 16 Another realistic strategy for them is to avoid projects that are difficult to defend: that is one of the reasons why they encourage the faculty members and the university staff to inform them about any possible future project at a very early stage so as to estimate its chances of success.
- 17 A new national diploma created in 1985.
- 18 At first, this came as a surprise to us in the case of Germany: we expected greater differences between the *Länder*. They exist of course: for instance, the content of the higher education policy in each *Land* we studied was rather different. So too was the formal organisation of each Ministry. Yet, we found the points we describe here in each of them! In the conclusion of our book (Friedberg & Musselin, 1993), we put forward some hypotheses on how these federal regularities can emerge and distinguish between different kinds of coordination mechanisms (formal, market-like and normative) among the *Länder*.
- 19 We say 'maintains' in order to avoid either 'is due to' or 'is the cause for'. We do not know which was the consequence of the other. We can only offer the following hypothesis: as state agencies developed by the end of the 1950s/ early 1960s at a time when the specialised colleges were the backbone of the French university system, they probably reproduced discipline-based organisation and logic that they maintained after the Faure Law (1968) which instituted pluridisciplinary universities in France.
- 20 On the contrary, I would analyse the reunification of Germany as a strengthening of the modes of regulation that existed in West Germany before, as they have been literally 'transferred' to East Germany. Of course, this does not mean that the general context has not changed because of the reunification (number of students, opportunities for recruitment, budgets allocated, etc. . . .) but the patterns of the interactions between the State, the universities and the profession remained the same. Yet, the ongoing active discussions on rhe German higher education system could lead to a change of patterns.
- 21 A first in-depth study based on some 80 interviews was conducted in 1987. Then, a graduate student conducted interviews and wrote a report on the same topic in 1991 (Sanchez, 1991). These two research works were presented in the book E. Friedberg and I published in 1993. In 1994 and 1995, I held other interviews with the main actors of the contractual policy and analysed many internal documents in order to reconstruct the emergence of this policy (Musselin, 1995). With S. Lipiansky, I also studied the effects of funding through negotiation in three universities (Lipiansky and Musselin, 1995).
- 22 Every four years, the research teams within a university write a scientific project for the next four years. Scientific experts in the central administration examine them and decide whether to allocate them specific resources or not. Until 1989, a global amount was attributed to the president of the university concerned who could then redistribute the money among the research teams. As from 1989, the amount of resources was decided at the central level (Paris) so that the university level could not modify the distribution of resources among the research teams.
- 23 It means that each university had a four-year research contract and a four-year 'all but research' contract. Each of these contracts was not signed at the same time and was not negotiated by the same directorates and according to the same procedure.
- 24 The differences between the four-year research contracts and the 'all but research' ones clearly show that funding through negotiation was not in itself an instrument for change: it depended on

how it was implemented. It is not the contract in itself that gives more leeway to the universities: it is the process by which it is prepared, the margin for negotiation that is offered (Berrivin, 1995).

Only one university did not sign a contract. But the decision also came from the central agencies that considered that the project of this university was not good enough. More generally, the problem of signing if the project is not good (from the central agencies' point of view) has been discussed in the Ministry. In fact, except for the case mentioned previously, they preferred to sign a contract, even if it was not satisfactory, in the hope that it would ultimately launch a dynamic that would develop.

For the presentation of the objectives of the contractual policy and a discussion on their effects on the central administration and on the pattern of French state intervention see Berrivin and Musselin (1996).

Under 'thematic', we include every policy centred on one discipline, or on one cycle of study or on one problem area. 'Global' means that many aspects must be taken into accounts, especially the different components of a university and their interrelations

These are a small number of faculty members working for the DPDU, who have generally been presidents or vice-presidents before. They are responsible for a small number of universities in a geographical sector and must give them methodological assistance in the elaboration of the project and the negotiation of the contract. We do not have the space to go into details about their role, but they have been very important in the whole process.

In a way, funding through negotiation means 'contractualize and you will get more positions.'

One should not conclude from this that the Ministry wanted to transform the universities into firms and their presidents into executives. There is never any question about this in the internal documents or in the interviews. But if the presidents had to acquire new skills, it raised once more the question of the professionalisation of this function and of the transmission of experience between them (they are elected for a five-year mandate which is not renewable). The training of presidents is also in question.

Other decisions were taken in the same direction: salaries and career prospects for faculty members were improved, the University 2000 plan was launched, positions were created on a large scale ...

This increase in resources is generally presented as a *sine qua non* condition for the success of the contractual policy. Yet, in some other public sectors, contracts have been accepted and negotiated on retrenchments.

The computer programme that calculates the 'on criteria' was modified: GARACES was abandoned in favour of SANREMO.

According to those we interviewed, this percentage was not decided *a priori* but *a posteriori*. A few years later, the agents in charge of funding through negotiation in the Ministry asked to contract 10% of the budget, but did not obtain satisfaction.

In the case of higher education, we showed that the contracts were a new means of intervention. Yet, contracts are not a solution in themselves. The way they are implemented, their content, the areas they cover, etc. have an impact on the success of such a policy and may lead to very different results. Comparing contractual policies at the Equipement and in EDF-GDF, R. Berrivin (1995) concluded that contracts were an issue that had to be managed and not a solution in themselves.

Most of the directorates responsible for higher education are located in this street in Paris.

Many people were skeptical about the contractual policy and saw it as a demagogic attempt to enforce the large rise in student numbers. But this skepticism did not provoke opposition or debates. It can even be said that it did not give rise to controversy.

The weakness of this policy appeared with the political change of 1993: budget retrenchments led to the non-respect of the creation of positions and the new Minister Fillon decided that there would be no more engagement; about the positions in the next contracts. During the studies we led in three universities in 1994 (Lipiansky & Musselin, 1995), many academics spoke of betrayal. They felt 'they had been tricked', as they accepted growth in student numbers in 'exchange' for more resources... which they did not receive.

Relations with the Ministry vary in quality from one university to another (Lipiansky & Musselin, 1995).

In each university we conducted some 30 interviews with those who prepared and implemented the contracts, as well as with Deans, members of university bodies, administrators, faculty members.

In France, many universities are not pluridisciplinary and consist of two large colleges (e.g. one of law and the other of medicine) that each develops its autonomy *vis-à-vis* the other and *vis-à-vis* the president.

In one of the three universities we studied, someone had been recruited especially for this function but the good will of the colleges during the preparatory phase disappeared after the signature and

the colleges became very reluctant to transmit information on their activities.

⁴³ This can obviously be analysed as a consequence of the special organisational characteristics of universities (Cohen *et al.*, 1972; Weick, 1976; Musselin, 1987) . It can also be analysed as a classical problem (see, for instance, Pressman and Wildavsky, 1973) for public policy: the Ministry as well as the university president generally considered that the signature of the contract (i.e. the decision) was equivalent to 'being achieved' and neglected the implementation phase. We developed this point in a recent paper (Musselin, 1997) .

⁴⁴ As long as the central administration acted thematically, the quasi-absence of relationships between the directorates (Musselin & Brisset, 1989) was not a real problem. But, this does not fit in at all with a policy which seeks integration. The creation of a directorate which is able to integrate different aspects and to coordinate different actions did not occur 'naturally'. The conflict that arose between the DESUP and the DPDU handicapped the process.

⁴⁵ Until then, it principally needed agents who could produce and interpret rules. This continued but other skills were also required to lead, coordinate, give assistance for mediation and dissemination, as well as to manage the new process, integrate the different aspects of a contract, develop new relations with the universities, support them, provide information about recent innovations in some universities.

⁴⁶ We can wonder whether the recent evolution is characterised by greater specificities (that in fact have existed for a long time) or by the recognition, or even the enhancement of diversity and specificity.

⁴⁷ We do not base these assumptions on an empirical field study but on informal talks with university or central agencies administrators, presidents and faculty members.

⁴⁸ For instance, the DPDU had three directors between 1989 and 1993.