Higher Education in Portugal 1974-2009
A Nation, a Generation
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Chapter 12
Patterns of Institutional Management: Democratisation, Autonomy and the Managerialist Canon

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Introduction

Society’s buildup of the University unfolded across the centuries – Portugal’s first university was founded in 1290. Even so, over the past few decades, the institution of higher education in Portugal has undergone considerable change. Organisation and management are engaged, so a recent study claimed (Amaral et al. 2003) in the throes of a ‘managerial revolution’.

At first sight, the Portuguese case is no exception. Yet, given the institutional inertia that accompanied the years of Dictatorship from 1926 to 1974, the pace of change that followed on Portugal’s Democratic Revolution surpassed its counterparts in most Western countries and most markedly so in the fields of governance and management. The reforming impulse in Europe had already begun to beat in the aftermath of the Second World War (Neave 1992: 84–127). By the 1960s, this first wave of change in Europe was called into question, thus sparking off new reforms (Ruegg 2011: 3–30). Reforms in Portugal’s higher education, by contrast, were launched much later and as a direct result of political change born aloft on the wings of Revolution.

In just 35 years between 1974 and 2009, the ‘corporative university’ of the Salazar-Caetano regime underwent radical overhaul, propelled by the tensions and contradictions that ebbed and flowed across the early days of the return to democracy (Chaps. 2 and 3). Radical, the reforms proposed most certainly were, largely, it has to be said, because of the nature of political change and because of the extreme tardiness in opening up higher education in Portugal to the process of democratisation. Such factors combined to usher in profound and wide-ranging overhaul within what, from
a historical perspective, was an extremely short space of time. Higher education moved from autocracy in governance and state-dependent institutions (Miranda 2008: 108) on to revolutionary change, first in the practice of direct democracy and self-management (1974–1976), and subsequently with the constitutional normalisation of the political regime with the introduction of representative democracy and democratic management in the governance of educational institutions during the years 1976–1988. Massification of Portugal’s higher education system followed and with it the onset of Europeanisation, a dynamic that involved establishing institutional autonomy together with new forms of control and accountability. Such developments took up the years 1988–2007. With the enactment of the Juridical Regime of Higher Education Institutions in 2007, new patterns of governance and management emerged, together with the paradigm of public foundations under private law assuming particular prominence (Chaps. 7 and 9). Stress was laid on competitiveness, effective institutional leadership and quality assurance, the latter following the recommendations made in 2006 at the request of the Portuguese government by the Organisation for Economic Cooperation and Development (OECD) and by the European Network of Quality Assurance Agencies (ENQA).

This timeline encompasses different phases in the construction of the young Portuguese democracy in the shape of the Third Republic, which began in the last quarter of the twentieth century. By the same token, it also reaches out to include different conceptions of educational organisation: the rise of educational objectives and educational technologies, organisational morphologies, power and structures of authority, patterns of governance and institutional management.

This chapter follows a sociological approach to educational organisations. The analyses it embarks upon are based on the hypothesis that in each of the chronological phases mentioned earlier, the institutions of higher education are better interpreted by referring to different metaphors and 'images of organisation' (Morgan 1980, 1986) to 'faces' (Ellström 1983) or to 'models of educational management' (Bush 1995). This approach, which is marked by theoretical pluralism, opens the way for using various models of analysis to combine different organisational images and metaphors. Most appropriate amongst them is the rational-bureaucratic model (Weber 1964) together with the organisational images of mechanistic and tight coupling. Account must also be taken of the increasing relevance of the concept of hyper-bureaucracy and of the political model (Baldridge 1971) in analysing educational organisations. Attention will likewise be paid to the metaphor of the political arena (Mintzberg 1985), to post-Weberian models (Tyler 1988) or ambiguity models (Bush 1995). Particular emphasis will be laid on the image of organised anarchy (Cohen and March 1974) as too the concept of a loosely coupled system (Weick 1976).

None of the periods under scrutiny may be examined in isolation nor, for that matter, can they be treated in a completely homogeneous manner, still less do they display a strictly defined timeframe. Likewise, each organisational image, used for the purposes of interpretation, should not be understood as a sole and exclusive tool of analysis. On the contrary, the complexity and the tensions typical of each historical period and of the development of the higher education institutions may well require
the employment of different theories, complementary organisation images and different analytical metaphors so as to be able to engage more fruitfully in organisational hermeneutics (Lima 2006). In summary, this chapter attempts to build multifaceted or varying combinations of lenses the better to sustain a multifocal interpretation of complex organisational phenomena.

With this end in mind, the chapter examines the most salient changes and reforms introduced in universities and later in polytechnics (‘binary system’) in Portugal between 1974 and 2009 (Chap. 6). In particular, it attends to those which had impact upon, and consequence for, governance and authority structures as well as on the patterns of institutional management. Attention will be paid to the institutional responses to these reforms, for such responses entail the re-contextualisation of public policies by the various educational organisations involved, not to mention the possible resistance shown by the actors.

For the period 2007–2009, the most important national and international policy documents, which shaped the reforms in Portugal, are examined as are the Programme of the XVII Constitutional Government and the new Juridical Regime of Higher Education Institutions passed by the Parliament in 2007. In addition, the statutes of each of the 15 existing public universities as well as those of one-third of Portugal’s public sector polytechnics were comprehensively scrutinised. The latter were expressly selected to reflect both regional diversity and size.

From Self-management to Democratic Management:  
The Political Arena and Rational Bureaucracy

The process of democratising university governance and management began immediately after the 25th April 1974, following the collapse of the authoritarian regime that had held sway in Portugal for almost half a century. The dictatorship had forged an autocratic system of governance for higher education institutions, based on a centralised and tightly coupled administration and on a system of appointments of Rectors and faculty heads by ministerial order (Decree-Law 26 611 of 1936). Democratisation was a typically revolutionary process, conducted by academics and students through the practices of self-management and direct democracy. Deliberative assemblies were set up in each institution. Rectors, faculty heads and some professors were ousted. A range of new bodies was voted in. Changes in both teaching and assessment were introduced. These events brought about a ‘shift in power’ from Ministry of Education to universities, from the political centre to the periphery, a shift initiated by the universities. Such a process of decentralising power was never formally conducted by the State. Rather, it was the outcome of a social dynamic which managed to spearhead the revolutionary impetus in education as opposed to simply following in its wake, albeit briefly (Stoer 1986: 63). This moment of self-management, combining the revolutionary practices of radical democracy with direct participation, transformed the universities into political arenas, ideological battlefields or places of conflict. In organisational terms, the university may, at that
instant, be interpreted as a political system rather than as a bureaucratic or as a collegial-type organisation.

Bureaucratic centralisation, the structure of authority and formal hierarchy, features typical of a technical-rational and instrumental concept (organum) and typical too of the idea of a community of academics, who shared values and cooperated harmoniously (collegium) provided images of academic organisation that possessed little value in interpretative terms. In both cases, the images focus on shared institutional goals, not on the diversity of goals, just as they focused on the struggle between their supporters (Ball 1987: 11). Governance and management of higher education institutions thus bore more similarity to political conflict and permanent struggle (political arena) than they did to a bureaucratic mechanism or to a communitarian-type system of coordination and cooperation. In effect, the political model of organisational analysis ‘assumes that complex organisations can be studied as miniature political systems, with interest group dynamics and conflicts similar to those in city, state, and other political situations’ (Baldridge et al. 1978: 34).

The first Provisional Government, however, quickly set about legalising—though retrospectively—measures that grassroots democracy in the shape of academic staff and students had already taken. A month after 25th April 1974, the Council of Ministers approved a short bill (Decree-Law 221/74) recognising the democratically elected collegial bodies, termed ‘Management Committees’. Management committees were provisional. They remained in place until the Government could approve the new system of institutional governance. Made up of representatives from academic staff, students and non-academic staff, their selection procedure abided by no electoral rules nor did they respect any others that governed the composition of public bodies set by the Government. The powers and mandate of the democratic committees did not follow any regulation. The only restriction placed on them required that they should not exceed the responsibilities that legislation had attached to the bodies they replaced, which, in some cases, dated from the 1930s. At a revolutionary moment, however, the social actors did not let their collective decisions be limited by formal rules. They introduced measures best qualified as ‘normative unfaithfulness’ (Lima 1992) and, rejoicing in their autonomy, exercised powers of decision that went far beyond the legal limits, but in keeping with their ideologies and their political interests.

Given the ‘heightened revolutionary pace’ which coalesced earlier in education than in other social spheres, the Government, in December 1974, set about cutting back the influence of a number of vanguard movements which represented the logics of action (Bacharach and Mundell 1993) and which, in some quarters, were heralded as bringing ‘power to the people’. As it contemplated the unfolding of the politics of revolution, the State sought to reassert its function of control over universities and faculties. This it did by passing Decree-Law 806/74—a precipitate step, to say the least. The purpose of this move was to ensure the ‘seriousness of the [representative] democratic process’ through clear electoral rules, as well as the effectiveness of the schools, now seen as places of work, the better to rein in the agitation of ‘spontaneous movements’.

The law focused on faculty management, provided for a school Assembly comprised of elected representatives of academic staff, students and non-academic staff,
which could delegate powers to an Assembly of Representatives. An Executive Board, headed by an elected academic, was set up to manage and execute both governmental policies as well as the decisions reached by the Assembly. In addition, a Scientific Council and a Pedagogic Council were created in each faculty, despite the fact that institutional autonomy, not to mention scientific and pedagogic autonomy, had not been legally granted. It was a situation paradoxical in the extreme. For it meant that the formal system of university governance continued to be based on legislation passed during the authoritarian regime. The appointment of Rectors by order of the Minister of Education remained in place. In practice, however, academic activism in the faculties removed the formal obstacles that stood in the way of democratisation. Even so, legislation passed in late 1974 proved to be more relevant in terms of creating new organisational morphologies than it was in bringing about an effective and democratic normalisation, grounded in the rules of representative democracy. If the truth were out, legislation proved itself unable to return the long-established mode of institutional control to the Provisional Government, nor was it able to return it to the central departments of the national administration of higher education.

Only with the approval of the 1976 Constitution and the election of the first Constitutional Government, headed by Mário Soares, did the slow and oft-resisted process of political normalisation begin and formal procedures of representative democracy start to be introduced. An attempt was made to terminate self-management practices, which the Government now associated with ‘chaos’ and with a ‘building in ruins’, by legally introducing so-called democratic management in clear terms and with a universal application. Thus, democratic management became associated with order and with ‘non-negotiable discipline’ in contrast to the ‘supremacy of activist minorities’. Thus, the task of democratic management was to ‘separate demagogy from democracy’, a mandate clearly set down in the preamble to Decree-Law 781-A/76 of 28th October 1976.

From that moment on, the rules of representative democracy and the responsibilities of each body were laid down in law and in great detail. An organisational structure, more complex than before, extending to all the faculties and clearly bureaucratic in nature was laid out. The enactment was so punctilious and detailed that it even set the timetables for meetings of different governing and management bodies, occasionally going so far as to specify the months as well, of course, as their general remit. Although both faculty governing bodies and their heads continued to be elected, with parity ensured between representatives of academic staff and students (with the exception of the Scientific Council), the fact remained that Rectors continued to be appointed by the Minister of Education.

**Contradictions**

Democratic management, introduced in 1976, underwrote the collegial character of both the faculties’ system of governance at faculty level, specified their management structures, and the democratic election of heads and other members. On these criteria,
it represented a very real step forwards in democratisation. Even so, it was for all that not devoid of contradiction. Democratic management within the faculties was both a hybrid and insular. It made no profound change in the overall pattern of university governance. On the contrary, it ensured the return of centralised bureaucratic control over academic institutions. Decentralisation of education administration and institutional autonomy were goals and words remarkably absent from the policy discourse of the day. The central power of the Ministry and its departments was rebuilt with the result that henceforth, each university was better viewed as a rational-bureaucratic organisation. To be sure, management structures were democratically elected. But they had no effective democratic system of governance that was underpinned by institutional autonomy.

Very rapidly, the legacies of the revolution—direct democracy and self-management—were replaced by a democratically legitimate centralised and bureaucratic pattern of management set in place during the period of constitutional normalisation. Highly valued, though it is in terms of political symbolism, paradoxically democratic collegiality revealed itself to be compatible both with the bureaucratisation of higher education institutions and with the re-centralisation of decision making. Thus, the political arena gave way to a mechanistic concept of organisation with supposedly consensual aims and with reliable management technologies, for the world a technical-rational tool to carry out policies, defined centrally, outside and above each institution. In short, here was an atopic system of governance, cut off from, or outside, its rightful place. As a result, institutional management of universities was construed as the organisational execution by elected bodies in each institution, of policies centrally defined by the State. Thus, the practice of democratic self-government and institutional autonomy was ruled out. Once again, bureaucracy and policy came together as ‘soul mates’ (Silva 2006), but only this time in a setting of political democracy.

Institutional Autonomy and Modernisation: The Political System and Organised Anarchy

In the decade following the approval of the 1976 legislation, higher education institutions still remained without statutes and bylaws. Their rectors were still appointed by the Minister of Education. Their collegial structures and democratic management practices had been taken aboard by faculties and schools. Their internal power structure centred on the Rector. Externally, they continued to be enormously dependent on government, even in day-to-day management issues, above all those of a financial nature.

By the early 1980s, for reasons of management effectiveness, but also because of the onset of massification in terms of university access in Portugal, a slow and fragmented process involving the transfer of competences from government to the universities set in. It involved recruiting non-PhD academic staff, granting equivalency to academic degrees obtained abroad, appointing professors to examining boards
and allowing certain expenses up to an amount predetermined by the Ministry (Santos 1999).

In 1982, for the first time, an elected Rector was appointed by the Ministry. The procedure involved was closely akin to that then present in Belgium and the Federal Republic of Germany. Following a ballot, three names were submitted to the Government. The individual obtaining the most votes was appointed. In the same year, the Parliament launched the first review of the Portuguese Constitution, which established the principle of university autonomy (Article 76). Four years later, the Parliament approved the Comprehensive Law on the Education System (Law 46/86). It recognised the principles of democracy, representation and participation in educational management and assigned scientific, pedagogic and administrative autonomy to all higher education institutions. Financial autonomy, however, was limited to universities alone (Article 45). Only in 1988, 6 years after the constitutional revision, did Parliament unanimously approve the University Autonomy Act (Law 108/88). This law was the high point in a campaign which saw the Council of Rectors of Portuguese Universities (CRUP), created in 1979 to promote deconcentration and decentralisation in the national administration of universities, playing a part that was both active and influential.

The 1988 Law introduced a new and decentralised system of democratic and participatory university governance. It made specific reference to ‘democratic management methods’ (Article 2). Institutions were granted the power of self-government and endowed with statutory, scientific, pedagogic, administrative, financial, patrimonial and disciplinary autonomy. A new era of decentralisation modified the relationship between the Government and universities. Within the universities themselves, a more decentralised internal structure was also applied to both institutional governance bodies and governance and management bodies at the faculty and school level, although the latter, in structural terms, were still regulated by legislation dating from 1976.

Universities drew up their internal statutes and regulations through assemblies of representatives and, in accordance with the compulsory provisions in the University Autonomy Act, put in place a number of key bodies for internal self-governance. Amongst them was the University Assembly, with responsibility for approving internal statutes and byelaws and for electing the Rector. The Senate was elevated to become the most important collegial body for those decisions involving internal issues touching on academic matters and management. The Rector wielded powers of governance, institutional representation and management. Faculties or schools retained their governance and management bodies (Assembly of Representatives, Executive Board, Scientific Council, Pedagogic Council) but were given the option of exercising administrative and financial autonomy. Some of the older and/or larger universities took this option up, particularly financial autonomy. The freedom to set up other bodies in some universities generated a large number of coordination and advisory boards, some of which included a few external members.

Despite widespread support for the 1988 Act, a certain ambiguity remained, principally over the universities’ formal legal status. Certainly, universities were now more distant from the traditional and direct administration of the State.
Nonetheless, the situation, halfway between indirect administration and autonomous administration, was anomalous. The absence of an overall policy for higher education, the lack of a law on public funding for institutions and the absence of an evaluation system did not go unnoticed. It was, as Santos (Santos 1999: 17–18) remarked later, tantamount to ‘autonomy without foundations’, which served merely to underline ‘the reluctance of central administration to let go of power that it had held for a long time’.

**Organisational Images**

Generally speaking, higher education institutions – first universities, later polytechnics, although the latter possessed a more limited margin of autonomy – assumed a pattern of democratic governance together with dimensions of institutional autonomy unprecedented in the Portugal of the twentieth century. The legitimacy of this pattern of governance rested on democratic forms of organisation and management, on participation by academics, students, non-academic staff plus some external representatives. In effect, each institution may from an organisational point of view, be seen in terms of a political system, or city (Polis), grouping diverse but legitimate projects and interests, susceptible to conflict but conflict to be settled by democratic methods. The collegial pattern of governance and management was a central feature. So too was parity in the representation of academic staff and students on various governance and pedagogic management bodies. A more extensive internal decentralisation set in as patterns of democratic and collegial management extended to faculties, schools and other units and on to subunits, departments, sections or research centres. Trends towards a greater relative autonomy of each unit and subunit and towards greater diversity in terms of structures and management were clear. In some instances, this may have introduced a degree of internal fragmentation in the structures of governance and management. Moves to adopt more decentralised and participatory forms of coordination, which because more vague and indistinct, lend themselves less to traditional forms of bureaucratic and centralised coordination. The organisational image was one of a loosely coupled system, along the lines Weick (1976) developed. An alternative would be to see the institutional model in terms of a ‘loose confederation’ of faculties, schools and departments, an arrangement intellectually more productive than its polar opposite of a ‘tight realm’ or bureaucratic organisation, on which Baldwin’s (1971) model rested.

From the mid-1970s onwards, higher education institutions could be construed as organised anarchies (Cohen and March 1974). Such a descriptor projects the image of an organisation characterised by vague and ill-defined aims, with unclear technologies and a fluid participation of its members. Rather than being a pejorative judgement on universities, the more typical metaphors contained in ambiguity models may be regarded as a complementary theoretical approach to the bureaucratic, mechanistic or formal analytical images. They present a powerful critique of rationalist theoretical representations. Within such a varied range of interpretation,
rational choice theory also figures, though it has been radically challenged both by the concept of *sensible foolishness* and by the *garbage can model of organisational choice*, both of which minimise the role of rational appraisal, planning and the quest for the *optimum* in education organisation (Cohen et al. 1972).

With the passing of the University Autonomy Act and especially up to the mid-1990s, patterns of institutional management in the public universities of Portugal were heavily influenced by political and collegial dimensions, on the one hand, and by aspects of ambiguous and organised anarchy, on the other, in keeping with the theoretical categories developed by Cohen and March (Cohen and March 1974: 37–40). Rectors, for example, tended to assume institutional leadership roles that oscillated between the *political candidate* and the *catalyst*. In the former, they were aware of the need to fulfil their election promises. They also required negotiating skills to deal with the Government and mediation skills when dealing with the university on whose support they depended (*democratic political model*). In the latter, rectors sought to understand the *loosely coupled system* in its all complexity and diversity and come up with plausible solutions, which were not necessarily unified or centralised but rather adaptable to localised situations (*anarchic model*). Some of the main analytical dimensions in the ambiguity models of education organisation were recognised early on by Victor Baldridge and his colleagues (Baldridge 1971; Baldridge et al. 1978) as being compatible with the political model of organisational analysis. That was also the case with neo-institutional approaches (Meyer and Rowan 1977).

From the mid-1990s onwards, the aims of modernisation, rationalisation, effectiveness and efficiency, which had been set out years previously, took on a heightened centrality together with increasing attention in higher education, directed towards *Europeanisation*. The *Bologna Process* and the proposed construction of a *European Higher Education Area* loomed large in this new ‘dimension’ (Chap. 11). New forms of state regulation emerged; external evaluation as an imperative counterpoint to institutional autonomy was introduced; new rules for funding and accountability were voted. Managerialist-inspired political discourse gained visibility. ‘Democratic management’ began ‘softly and silently to vanish away’. It became associated with irrational and ineffective management.

Collegial participative management came under increasing criticism, especially over the issue of equal representation for academics and students on some committees. The most influential actors, both within and outside higher education, became increasingly critical of the way the 1988 Act had been met by a corporatist attitude on the part of academia, a response which had distorted it (Amaral et al. 2003). Various authors (amongst others, Lima 1997; Amaral and Magalhães 2001; Seixas 2003; Magalhães 2004; Santiago et al. 2005) examined the tensions arising from confrontation between collegial governance and governance through management. *Excess of democracy* was criticised, as were academic leaders’ management patterns that were subordinated to academic culture. Professional management and Boards of Trustees were looked upon as the main vehicles for hope and salvation, together with the power of the *technostructure*. Institutional autonomy was progressively hobbled by new forms of regulation, new public funding practices, not least. As the pendulum
swung towards management, micro-regulatory interference by the Ministry of Science, Technology and Higher Education followed the same path.

Institutional autonomy was hampered further by the injection of inter-institutional competitiveness, reinforced by external evaluation, by the need to recruit more students and to compete internationally for research funds. That the Council of Rectors of Portuguese Universities and, to a lesser extent, the Coordinating Council for Polytechnic Institutes, went through a crisis in terms of representation and negotiating power with the Government also had a negative impact on institutional autonomy. The autonomy of higher education institutions (laid down in Law 54/90, for the Polytechnics) underwent a process of loose articulation with democratic governance. Rather, it was associated and linked up with a political agenda constructed around the catchwords of modernisation, rationalisation and international competitiveness. The new agenda focused on the effectiveness and efficiency of the structures and the pattern of institutions’ management, swinging sometimes towards an instrumental, at others, towards an operational, concept of autonomy. Despite policies of privatisation, which flourished with governmental support between the mid-1980s and the mid-1990s, higher education policy in Portugal entered into a new phase. Unlike parallel measures in both the Netherlands and the United Kingdom, it was accompanied in Portugal by none of the intense commitment to quasi-market policies. Rather, the new phase in Portugal was marked by the intervention of major international agencies and also, though in diluted form, by the influence of some features of a ‘managerial state’ (Clarke and Newman 1997).

Against such a backdrop, riddled with contradiction and paradox, the managerialist canon debouched onto higher education in Portugal. Agreed, it was still a far cry from the strength wielded in other countries since the 1980s. But, in all likelihood, it had already gone beyond a merely rhetorical status that research associated with it a few years ago (Amaral et al. 2003: 150).

**Competitiveness and the Effective Leader: Tight Coupling and Hyper-bureaucracy?**

Originating in the 1970s, new theoretical approaches began to focus on the specificity of educational organisations. Indeed, educational organisations were now regarded as so unlike other organisations that applying a general theory of management, on the lines fleshed out by F. Taylor and H. Fayol in the early twentieth century, had little purchase. On the contrary, general opinion held that attention at any attempt to apply modern management techniques, current in the world of business, to universities demanded the utmost care and circumspection (Baldrige et al. 1978: 9).

Even so, educational reforms in Great Britain and the United States during the 1980s introduced the managerialist canon, then predominant amongst the prescriptive theories of educational management. It rested, however, on precisely the opposite premise. Economic and business organisations were now held up as the acme of good management – effective, efficient and innovative – whilst the management
of public organisations, in particular schools and higher education institutions, was associated with bureaucracy, bumbling, inefficient, irrational, lacking in leadership and insufficient in customer focus.

The Litany of the Managerialist Canon

Difficult though it is to define in exact terms and without taking into account the social and political contexts in which it is embedded, it is my belief that the managerialist canon may be represented as a constellation of theoretical dimensions with varying degrees of empirical expression, as is also the case with the concept of bureaucracy, which is seen as an ideal type in Max Weber's work (Weber 1964). Without claiming to produce a comprehensive list, the following dimensions may, nonetheless, be highlighted: corporate culture; competitive performance and the creation of internal markets; individual leadership; effectiveness and efficiency, defined in strictly economic terms; rational and individual choice (within the larger context of public choice theory); clarity in the organisational mission and objective together with a strict definition of the aims to be achieved.

The managerialist canon was critical in the extreme of the welfare state model of social policies, above all of the State's role in provision and intervention. It was particularly incensed by bureaucracy and professionalism, which it deemed to be two institutional patterns of power and resistance to the reforms managerialism advocates. It is management – which, in a general framework, is sometimes still inaccurately called New Public Management – rather than policy, which is presented as a transformational force to cut back the traditional power of politicians and bureaucrats (Newman and Clarke 1994: 23) (Chap. 9). Organisational reform takes the shape of standardisation in addition to mechanistic and neo-Taylorist processes, which in some respects are similar to industrial optimisation and efficiency (Brunsson and Olsen 1993).

Amongst the dimensions of managerialism that surface most often in educational reform, the following stand out: centralisation in both policy formulation and decision-making processes; decentralisation or devolution of certain competences, mostly technical or instrumental in nature; less relevance placed on the processes of democratic control assigned to the bodies of collegial decision making; reinforcement of the power of managers and of the technostructure within the organisations or their units; the loss of influence by teachers, academics and knowledge elites; governance based on evidence and the evaluation of results; the introduction of market-type regulations; the reinforcement of vertical management structures (Smyth 1993; Ferguson 1994; Whitty et al. 1998; Maassen 2002).

When discussing higher education in Portugal in the mid-1990s (Lima 1997), I referred to the emergence of a managerialist pattern, which already had its adepts and which already incorporated some of the dimensions of the canon mentioned above. The most emblematic and radical legislative measures aimed at introducing an educational market have yet to be taken, which in itself is another of the specificities
in the Portuguese case. This, however, may be explained by the fact that both the market and civil society have historically been weak. Nevertheless, the following dimensions were singled out: the modernisation of the higher education system in order to adapt to the imperatives of economic competitiveness; rationalisation measures with the purpose of obtaining internal efficiency gains; pressure to increase productivity; added importance of the institutions' private budgets and fund-raising activities; criticism of collegial governance and democratic management whilst adopting an operational concept of institutional autonomy and a concept of participation as a management technique; employment of business management methods; advocacy of total quality management and the transfer of management control from academics to new purpose-built technostructures (Lima 1997: 48–49). With these managerialist manifestations in mind, it was suggested, at least metaphorically, that universities were moving from their historical 'Ivory Tower' to a new status of being a 'modern service station'.

New Images of the University

In a setting where various managerialist dimensions emerge, higher education institutions are, in terms of organisational analysis, rather more rarely represented as organised anarchies, loosely coupled systems or even as political systems. Their theoretical portrayal is based rather on rational and technical-instrumental dimensions. As for the images of bureaucratic-rational organisation, emphasis lies on tight articulation between governance and management, aims and results, leadership and the success of the organisation, as well as on the synergy between institutional mission, strategic planning and organisational structures. Despite heavy ideological criticism, bureaucracy made a triumphant return together with its most important Weberian features, now frequently exaggerated and cried up: individual leadership; professional knowledge and power of the technostructure; technical rationality, accuracy, discipline and hierarchy; effectiveness and efficiency and an obsession with making optimal choices; competitive performance, neo-positivist institutional evaluation; division of labour between academics and managers; standardisation and centralisation.

Many of these phenomena, currently prevalent in higher education institutions, lurched towards an image of radicalised bureaucracy or hyper-bureaucracy. They are social phenomena, reproduced at a global level through the influence of powerful international agencies and bolstered by information and communication technologies. This is not something new. It is, in fact, a situation which was considered theoretically a few decades ago when attention was drawn to a number of issues: enlarged control by external agencies, the centralisation of academic management, the power of managers and technocrats, the change from governance shared by academics to a manager-led business-style management (Baldridge et al. 1978: 220–231). Indeed, the metaphor of university governance as a competitive market, developed by Cohen and March (Cohen and March 1974: 30–39), was also considered at that
time, with the leadership role of entrepreneur being recommended for Rectors or Presidents rapidly to embrace.

The managerialist canon can be better interpreted, however, in the light of hyper-bureaucracy and in the image of a tightly coupled organisation. Issues such as the concentration of power, hierarchy, centralisation, the role of managers and technostructures and the transition from elected leadership to appointed leadership and from collegial bodies to individual leaders (De Boer 2003) all take on another meaning. Comparative studies and the examination of cases of institutional isomorphism between institutions of higher education and their units, identified by the neo-institutionalist approaches, also acquire added relevance.

It is still extremely important to seek out and examine possible national or regional specificities, on the one hand, and the distinct responses to the managerialist canon and its re-contextualisations, on the other. As De Boer (De Boer 2003: 92) observed, "Why should, for instance, English, German and French universities respond to managerialism in the same way?" In the Portuguese case, this question is particularly pertinent when the most recent higher education reform launched by the XVII Constitutional Government (2005–2009) is subject to scrutiny. It is, as yet, premature to draw conclusions about the changes introduced to the management profile by the passing of Law 62/2007 (Juridical Regime of Higher Education Institutions) (Chaps. 7 and 9). Most of the statutes approved by the institutions have only very recently come into effect. It does, however, seem relevant to acknowledge that, in the current transition period, there is a certain degree of hybridism and some tension deriving from the clash between the collegial-participative model of governance (political system and organised anarchy) and the managerialist pattern (tight coupling and hyper-bureaucracy).

Competitiveness and the internationalisation of higher education figured as priorities in the Socialist Party’s 2005 Election Manifesto (Partido Socialista 2005) together with institutional evaluation and accountability, flexibility of organisation and management practices and the strengthening of the power of executive bodies. Accordingly, the Government, with the support of the Socialist Party, commissioned studies, evaluations and recommendations from the OECD (2006) and the ENQA (2006) before passing the legislation.

**Role of the OECD**

The OECD review (OECD 2006) of higher education in Portugal did have a bearing on the reform put forward by the Government and approved by the Parliament, though some important recommendations of the OECD were not adopted or were only partially followed since they were not mandatory upon institutions; amongst them were widespread adoption of public foundation status under private law, the appointment of Rectors or Presidents, the appointment of faculty and department heads, an increase in external members on institutions’ highest governing body, loss of public servant status for both academic and non-academic staff and non-applicability of public accountability rules to the institutions.
The OECD (2006) was, however, far more influential as regards other proposals, included in the 2007 Act: the loss of influence by collegial bodies, which mostly took on an advisory role; rejection of the principle of parity in the representation of academics and students (except on the Pedagogic Council); concentration of executive power in the Rector or President; external recruitment of the Chair of the General Council; strengthening individual leadership in units and subunits; a reduction in the number of governance and deliberative bodies; a decrease in the number of academics on governance bodies. In general, the reform adopted various dimensions both of the managerialist canon that have been examined here as well as the ‘entrepreneurial’ construct of higher education institutions. The 2007 Law also adopted a new governance and management paradigm, recommended by the OECD: the public foundation under private law with its much commented Board of Trustees. However, the Government chose to see the ‘foundation university’ as an alternative for those institutions that met certain requirements in terms of self-financing. This solution gained the support of various Portuguese politicians over the past few years, mainly because the collegial model was seen as a stumbling block both to effective management by the individual leader (Crespo 2003: 71–80) and to strong leadership, almost always based on the characteristics of the leader (Grilo 2005: X–XI). This faith in the ‘effective executive leader’ draws on a long-standing and consensus school of thought in management theory, which ranges from the Human Relations Theory developed by Chester Barnard (Barnard 1938) in the 1930s to Management by Objectives, elaborated in the work of Peter Drucker (Drucker 1967). In various countries, it reduced the importance of academic governance, collegiality and democratic management, as well as the importance of subunits or departments in which academic staff are organised (El-Khawas 2003; Maassen 2002; Reed 2002).

Foundation Universities, Leveraging Change

To the legislator’s mind, the new system of institutional governance anticipates transforming universities and polytechnic institutes into foundations, and as such is a sign of distinction, awarded by the Government, upon signing an individual agreement between the Government and institution of higher education. Foundations are governed by private law in respect of financial, patrimonial and personnel management. Funding is established through contracts passed with the Government and which last for a minimum of 3 years. The ‘foundation model’ – currently taken up by only three institutions – sets up a Board of Trustees comprised of five public figures who have no employment ties with the institution. Their names are put forward by the institution for appointment by the Government. The Board of Trustees approves the statutes and ratifies the General Council’s deliberations. It also ratifies the appointment of Rectors and Presidents, who, in the case of the foundations, need not be elected.

The General Council is the highest body, although in terms of democratic participation and representation much curtailed compared to the previous University Senate.
It is composed of between 15 and 35 members, including professors and researchers, who mandatory make up more than half of its membership, students and, possibly (but not necessarily), non-academic staff. At least 30% of members are required to be external, one of whom being the Chairman (Article 81). As the highest governance body, the General Council elected the Rector, approves amendments to the statutes, scrutinises the Rector’s or President’s management as well as that of the Executive Board and makes recommendations to ensure the institution functions well. It does not, however, interfere in day-to-day governance and management, which are assigned to the Rector (university subsystem) or the President (polytechnic subsystem). These are the institutions’ true leaders. They command a vast array of competences (Article 92), some of which, under the previous legislation, were exercised by the University Senate. The Academic Senate, whose existence is optional, is now an advisory body, whilst the previous deliberative Assembly has been excised from the organisational chart.

Thus, individual leadership in terms of governance has acquired new weight and substance. This holds good even for the remit exercised by the General Council, which approves the institutions’ major strategic plans and documents. These documents are always presented by the Rector or President, whose competence is to ‘conduct the institution’s policy’ (Article 85, para. 2) as well as to appoint the members of the Executive Board during his – or her – presidency.

Participation in the ‘democratic management of the schools’ is ensured – though minimally. However, this activity received no mention in the Act of 2007, which comes down heavily in favour of concepts such as management autonomy, self-governance, consortium, foundation and quality, amongst others. In addition, the Act does not underline the election of heads of units or subunits, nor does it require collegial bodies representing faculties, departments and research centres. The law merely recognises that they may exist in which case they have the power to elect the head. However, faculty or department heads are no longer chair collegial bodies. The latter have been replaced by a single-member body with reinforced responsibilities, but no longer elected by all academic and non-academic staff of the particular unit or subunit.

New Patterns of Governance

Contrary to what is stated in the 2007 Act, this formal structure is not greatly flexible. Institutions are merely given the opportunity to opt for small morphological variations in their governance bodies. They have more leeway in respect of Advisory Councils. The degree of institutional freedom and the choices of management structure are broader once the institution opts for foundation status. However, collegiality is not ensured, nor is the democratic management or the election leadership at middle management level. Whilst these issues are not legally ruled out, the legislator did not regard them as a priority, and as such, they are not mandatory.
An examination of the statutes put in place by the 15 public universities and by a third of the public polytechnic institutes currently existing in Portugal gives some indication of the impact the new pattern of governance has had as well as its consequences for the structure of management. Despite the distinct institutional responses to the 2007 Act, especially the option for foundation status (at present, only three institutions have exercised it), the structures chosen were quite similar. Composition of the General Council varies between a minimum of 15 members in one university and a maximum of 35 in two. Two-thirds of the universities opted for General Councils of 20–29 members, with an average of 25. Only two universities opted not to include representatives of non-academic staff on the General Council. In 12 out of a total of 13 universities, one single member represents non-academic staff. Up till now, foundation status correlates with neither a low number of members on General Council (between 19 and 33) nor with an absence of representation of non-academic staff, contrary to what might theoretically be expected. However, in the three foundation universities, more units (faculties or departments) are bereft of their own management bodies. Their heads were appointed or selected by means other than election, in contrast to what happens in most of the remaining institutions. On the other hand, the majority of faculties and schools, despite the presence of self-governing bodies, do not enjoy financial autonomy. Significantly, these units adopted collegial bodies, which in most cases are responsible for electing heads of unit. Only in three cases did this not happen. Similarly, the Scientific and Pedagogic Councils are filled by means of electoral processes and, in most cases, are chaired by elected members.

On the whole, the structural differences between universities tend to be more pronounced than between the polytechnics. In the latter case, the structural model is more stable. The units do not have financial autonomy. However, when the analysis focuses on the advisory boards created, the diversity of choice stands out. Although the Academic Senate is an optional feature, 11 of the 15 universities opted to create one. Composition varies, however. In general, most members of the Academic Senate are not directly elected. Rather, they are representatives of the middle management bodies. In five universities, an Academic Senate coexists with other advisory bodies. More than ten such bodies were identified, sporting a variety of names and goals. A similar situation occurs in polytechnic institutes.

A study of these organisations in action, and in particular, a study of their governance and management practices, is now possible. It is also both vital and necessary if the impact the reform has produced is to be taken further and, not least, to see whether these preliminary findings are born out.

**Envoi**

One of the supporters of the recent higher education reforms, after drawing heavily upon the rationale of New Public Management – which was also noted in 2008 by the National Education Council (CNE) (2008) and also more critically
by Amaral (2008), aptly summed up the current situation: ‘(...I would say we have fewer bodies, fewer elections, less collegiality, more external participation, more accountability to external stakeholders. If anything is to undergo profound change with this reform, it is clearly the system of governance’ (Moreira 2008: 131).

From a formal point of view, this situation had been unveiled by analysing the institutions’ statutes. Organisational and management structures show a clear thrust towards increased internal centralisation, as well as a concentration of power in the person of Rectors and Presidents. Though doubtless unprecedented in the history of Portuguese higher education, this reform follows a broad, general trend ranging from France (Le Gall and Soulé 2007) to Japan (Galan 2007). In this sense, higher education in Portugal seems definitely to be part of a wider framework of reforms (Schultheis et al. 2008), spearheaded by the managerialist canon and moving towards a hyper-bureaucratic form of institutional management: centralisation, vertical power structures, standardisation, technical rationality, technical competence and meritocracy, technosystemic power, measurement, internal, national and international competitiveness. A new and more powerful species of institutional manager is emerging. And though still recruited from amongst national and international academics, the political climate encourages them to put a distance between themselves and academic culture. The managerial calculus breaks away from the traditional values of collegiality and academic power in favour of a managerialist ethos, which, at least during its first phase, combines minimum academic representation (democratic legitimation) with the increasingly enhanced power of the technosystem (technical legitimation), itself made up of highly specialised and professional managers. In any event, it seeks to ensure that academic culture and influence have no bearing on institutional management.

A new role is now assigned to Rectors and Presidents, often presented nowadays as Chief Executive Officers (CEO). This role is one of intermediation between the State and the market, between the demands of stakeholders and the demands of academic and non-academic staff. Rectors and Presidents are a kind of new ‘linking pin’ (Likert 1961) between academia and management, between the General Council and management units and subunits.

With the Portuguese reform, the managerialist canon did not reach the heights it has scaled elsewhere in Europe. The more mercantile features connected with neoliberal reform of the State were absent. However, one cannot but notice neoliberalism’s increasing influence. Nor can one ignore the various signs that point to its presence over the past decade. Managerialist ideology currently bolsters a complex process of hybridisation, already observed in other countries (Reed 2002). This process derives from the concurrent presence of democratic features (losing influence but still a form of resistance within institutions) and from others associated with expertise, itself on the rise in universities and polytechnics. In Portugal, the forces at play are threefold. Alongside the influence of collegiality and democratic management, the legacy of the 1974 Revolution (the University of the Constitution) flows the recent ascendency of the managerialist canon and of corporate culture (the Managerial University). The third of these shaping forces is to be found in the
weight and power wielded by a centralised and hierarchical state bureaucracy built up de longue durée (the Governmentalised University).

Only future research will be able to ascertain how the current period of transition will coalesce and, in doing so, determine how tensions between collegiality and democratic management, on the one hand and professional management and hyper-bureaucracy, on the other, will play out. What the new syntheses will eventually turn out to be is a question better left to a future research agenda. What is clear in Portugal’s reform is that never before have the values of democratic collegiality and academia been so questioned nor so ferociously put to the challenge as they have at present by managerial rationality, and by the agendas of modernisation and Europeanisation. The Salazar-Caetano regime heartily distrusted these values and fought tooth and nail against academic freedom and democratic management. It did so, however, on the basis of a non-democratic political ideology.

The current strengthening of institutional autonomy, much discussed as it is, may paradoxically lead to reinforcing the power of managers and the technostructures that support them without ensuring more freedom, either for academics or for students. On the contrary, institutional autonomy reinforced in this manner may in effect ensure that managers have control over academic work, which in varying degrees, becomes alienated or subordinated. It would, however, be a mistake to underestimate academic power and its ability to mount resistance in depth, still less to discount its capacity to show normative unfaithfulness, even outside the framework of major social struggles. Recently, there have been significant incidents in other systems.

It remains to be seen whether the option of foundation status will become widespread over the next few years, intensifying thereby inter-institutional competitiveness and reinforcing the managerialist nexus. Will the ‘foundation university’ remain an exception — its current condition — or, as a final possibility, will it, in its turn, face a crisis of legitimacy and effectiveness in the event that the State proves unable to honour its financial commitments?

References


