

RECONSIDERING UNIVERSITY AUTONOMY: FROM THE ACADEMIC FREEDOM TO INSTITUTIONAL AUTONOMY

Reform of university governance – developments, policy, fads and experience in comparative perspective
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In Europe, the concept of university autonomy has passed through turbulent times over the last three to five decades. Between the 1960s and 1980s, societal and cultural expectations regarding higher education changed profoundly while the higher education sector expanded enormously in practically all countries. Higher education transformed from an elitist to a mass system – with a number of consequences, including in the area of university autonomy. The transition from the 1960s to the 1970s, characterised by mass student protest movements, reconsiderations of the ‘critical potential’ of universities etc., put issues of the *academic freedom* in the front of debates while *institutional autonomy* was predominantly understood as a guardian of that freedom (‘academic autonomy’). In that period, it is almost impossible to find claims about e.g. the financial or managerial aspects of autonomy which are so popular in today’s discussions (‘institutional autonomy’).

A shift from the *academic freedom* to *institutional autonomy*: What do we understand by university autonomy?

There is a large consensus in the literature that, with the 1980s, a new period in the development of higher education commenced. At the beginning of this period the issue of *academic freedom* remained in the very fore of (mainly academic) discussions. These were still the polarised times of two superpowers with conflicts, tensions and contradictions across the international arena which were also reflected in the world of higher education. Academic freedom was often taken as an integral part of the fight for freedom and democracy in various parts of the world while institutional autonomy was usually understood simply as an opposition to state interference in typical academic affairs.

On one hand, however, the deep political and economic changes of the 1980s led to *legislative reforms* which gradually transformed the traditional nature of the relationship between the state and higher education institutions in ever more European countries. When assessing this period, the Eurydice study on “two decades of reform in higher education in Europe” made the following observation: “One of the most significant reforms observed has been the increased autonomy given to higher education institutions, especially universities, in most European countries” (Eurydice, 2000, p. 19).¹ On the other hand, in a monograph linked to a project initiated by the Council of Europe in the early 1990s one can already find a quite concise description of the changing times: “Since 1981, discussions in higher education in western Europe have been and are dominated by three topics: budget cuts, quality assessment

¹ “The main focus was on reforms in institutional management linked to the increase in autonomy granted to higher education institutions and to the reinforcement of links with the economic environment during the period under consideration. The same instruments often also influenced the regime for *financing* institutions and the procedures for *assessment and quality control* of the educational provision” (Eurydice, 2000, pp. 24-25).

and institutional autonomy. The political changes in 1990 in central and eastern Europe gave those discussions a completely new dimension” (Veld, Füssel and Neave, 1996, p. 7).

The new period shifted accents of the discussion on academic freedom and institutional autonomy. In Europe after the fall of the Berlin Wall, academic freedom seemed to be protected better than ever before. Besides the provision on academic freedom in national legislation, the *Recommendation Concerning the Status of Higher-Education Teaching Personnel* was also adopted on the international level (UNESCO, 1997). With regard to institutional autonomy, legislative reforms caused another shift in emphasis: *state control* over several aspects of academic life has been removed since then and the *autonomy – accountability* dichotomy has been installed instead. This shift has not only increased autonomy but also transferred a number of complex tasks – i.e. administrative, managerial and financial – to higher education and research institutions. Thus, along with the traditional *academic autonomy* (teaching and research), financial, organisational and staffing autonomy entered institutions.²

In the previous period institutions were not involved much in these tasks, at least not in Europe (particularly not on the Continent); therefore, this change is not easy. Previous experience of quite direct state control over the management and financing of institutions (both on West and East, despite the two substantially different modes of appearance) was a strong reason why the concept of autonomy was understood more as ‘independence’ and why it was predominantly focused on its traditional aspect – academic autonomy, self-governance, protection from ‘external interference’. Shifts which occurred in the late 20th century have changed this understanding importantly and definitively. Autonomy is no longer an exclusively ‘*philosophical*’ concept; today it is perhaps more often discussed as an ‘*instrumental*’ concept. While there has been a general trend in Europe there have also been particular and various changes in different countries and institutions.

It is simply no surprise if a recent exploratory study finds that autonomy is today a concept that is “understood differently across Europe” (Estermann & Nokkala, 2009, p. 9). Of course, the concept is understood differently also across other continents³ and – last but not least – has been differently interpreted over time. Today, on a relatively general level we still approach it as a ‘universal value’, similarly as with respecting human rights, democracy and the rule of law. Yet, on a more concrete level, it involves a constantly changing relationship between the state and higher education institutions which depends on national contexts, circumstances, academic and political cultures. It is not an ‘ideal’ which countries and/or institutions will move close to one day in the future but more a set of agreed and recognised basic principles which should direct the action of different actors. However, there is a large consensus that, in the contemporary period, it was the Magna Charta (1988) that formulated these principles in the most comprehensive way.

² “For universities, the adaptability and flexibility required to respond to a changing society and to changing demands relies above all on increased autonomy and adequate funding, giving them the space in which to find their place. The common purpose of contributing to Europe’s development is not opposed to diversity; instead, it requires that each university should define and pursue its mission, and thus collectively provide for the needs of individual countries and Europe as a whole. Autonomy implies control of major assets such as estates, and of staff; it also implies a readiness to be accountable both to the internal university community – both staff and students – and to society as a whole” (EUA Lisbon Declaration, 2007, p. 2).

³ See e.g. Anderson and Johnson, 1998.

The discussion of understanding university autonomy has not been immune to myths. Ulrike Felt distinguishes three “*basic myths*”: (1) the university is an institutional space free of politics and power relations; (2) universities once lived in a “golden age” of basic research; and (3) the university professor embodies in its ideal form the unity of research and teaching (Felt, 2004, pp. 24-26). These are myths only, yet also “the glue which holds together an incredibly diverse type of organisations” (p. 24). Like with another myth, the myth of the ‘ivory tower’⁴ they are functional in reality – but reality nevertheless functions in a substantially different way. Therefore, when dealing with the problems and contradictions of contemporary times it is important to demythologise ‘common understandings’; myths are “the glue which holds together” but they can also be the glue which impedes people in their movement.

The most common academic myth seems to be the idea of ‘absolute autonomy’. It is true that reality often proves that more could be done if ossified procedures set up by the state were loosened, set free. Thus, we still listen to complaints from universities that they need ‘more autonomy’ or ‘full autonomy’. These complaints may be well grounded and ‘more autonomy’ could in many cases bring positive results; however, the concept of university autonomy would be seriously simplified and endangered if it was put on a continuum with ‘full state control and no autonomy’ on one end and ‘full autonomy and no more state control’ on the other. Autonomy is relative; it is “to be understood as a continuous negotiation redefining academic positioning, a procedure rather than a status for universities to enjoy” (Felt, 2004, p. 39).

Academic freedom, institutional autonomy and public responsibility

Knowledge is a value, a specific human value. Yet, the logic of knowledge production, if we may use a modern term, does not necessarily follow people’s expectations, wishes or demands. If we use more traditional vocabulary, the ‘pursuit of the truth’ or ‘disinterested research’ has to follow ‘its own law’ (*auto-nomia*), its own ‘rules’. Since the times of Socrates’ extremely bothering questioning and since the early scholarly disputes it has been known that the search for truth can only be successful “without listening either to the bishop or to the king” as Umberto Eco’s medieval literary hero *Baudolino* said.⁵ *Authority of an argument* instead of an argument of authority: on this basis knowledge is actually built. This is the initial point in knowledge production which we call here *epistemic autonomy*. It reminds us of *academic freedom* which is, however, often regarded as derivative of other

⁴ In contrast to the common comprehension that links the metaphor of the ‘ivory tower’ with centurial academic traditions, Rosovsky (Rosovsky, in: Hirsch and Weber, 2002, pp.13-14) attributes its first application to universities or scholars to H.G. Wells in *The New World Order* (1940).

⁵ In the fifth chapter of the Eco’s novel the Emperor Frederick Barbarossa is concerned with painful doubts: “I am bending every effort to bring all the cities of Italy under a single law, but, every time, I have to start over again from the beginning. Is my law perhaps wrong? Who can tell me my law is right?” In answering him, Baudolino, his servant, rejects the Emperor’s concerns by saying that “he isn’t emperor because he has the right ideas, but his ideas are right because they come to him”. The Emperor’s further dilemma is “how could all be persuaded to accept this beautiful idea” and he asks again: “Where the devil can I find someone who will define my rights without claiming to be above me?” - The servant responds immediately: “Perhaps a power such as that doesn’t exist, [...] but the knowledge exists”. He reminds the Emperor of people who “attempt to discover the truth without listening either to bishop or to the king” and proposes him to make “a law by which you acknowledge that the masters of Bologna are truly independent of every other power. Once they are invested with this dignity, unique in the world, they will affirm that—in accord with true reason, natural enlightenment, and tradition—the only law is the Roman and the only person representing it is the holy Roman emperor.” (Eco, 2003, pp. 51-62)

basic rights. Academic freedom as an expression of epistemic autonomy is *sui generis*. As encompassed by the freedom of education, academic freedom is “an independent fundamental right” (Veld, Füssel and Neave, 1996, p. 56).

On the other hand, the concept of *university autonomy* (institutional autonomy) does not relate directly to freedom or basic rights, it is rather “an institutional and procedural implementation of the educational freedom”, its “protection vis-à-vis the State” (ibid., p. 57). Institutional autonomy is *functional*; external authority’s interference in ‘academic business’ is useless – it would harm both authority and ‘academic business’. This argument has been known for centuries; it has always provided bases for negotiating the ‘contract’ between society (represented by authorities) and the university. Traditionally, it put a demarcation line between ‘external powers’ and ‘university towers’; nevertheless, the relationship between society and the university has never been interrupted. The university cannot live on its thoughts only and society needs knowledge to survive and progress.

Joseph Bricall and Fabio Roversi Monaco, two of the distinguished founders of the Magna Charta, recently noted that “the traditional ‘contract’ between society and the University was based on separation, but today there is a need for interaction” (Observatory, 2009, p. 48). In this way, we can also read the first sentence of the *Fundamental principles* (Magna Charta, 1988): “The university is an autonomous institution at the heart of societies differently organized because of geography and historical heritage”. The concept of autonomy does *not exclude* the university from society; on the contrary, autonomy should be understood as a *cohesive capacity*: “it produces, examines, appraises and hands down culture by research and teaching”. This is even more necessary today when approaching the so-called knowledge society. “To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power.” However, autonomy should not be confused with autarchy as I argued at another place (Zgaga, 2007, pp. 95-96).

The relationship between society and the university make it clear that autonomy should not be mixed with sovereignty either. Autonomy allows universities to fulfil their basic mission – producing, examining, appraising and handing down culture by research and teaching if we use a definition from above – without any external interference. Autonomy does not impose or oblige universities to govern, i.e. to organise social subsectors etc. On the contrary, university autonomy remains a pure idea until the point where it is not recognised by authorities: “university autonomy is an important part of the higher education framework and can only exist if public authorities make adequate provisions for autonomy in the legal and practical framework for higher education” (Bergan, 2009, p. 48).

Of course, autonomy does not impose or oblige universities to organise social subsectors; however, they do influence society in several ways. The knowledge produced, examined, transmitted from universities etc. is of vital interest in one respect or another for all parts of society. Students come from ‘outside’ and graduates return with their higher education qualifications to the ‘external world’ and take important roles there. Even routine operations on a campus interfere with society: communication, catering, security protection etc. If every single university interfered with society in its own autonomous way there would be a lot of trouble for all. And vice versa: there would be a lot of trouble for all if external authorities were to unrestrainedly interfere in academic affairs.

At this point we come to *public responsibility*: in this case public responsibility *for* (as well as *of*) higher education and research (Weber and Bergan, 2005). The right to education – encompassing the academic freedom as argued above – is not only a fundamental right; in the democratic order of today it is also a legal obligation and public authorities have a duty to assure conditions which enable everyone to fulfil their rights without violating the equal rights of others. Of course, authorities must also preserve legal order. In other words, they are responsible for the legal and practical framework for higher education.

An overall principle today is that authorities should assure access to *quality education for all* and, in the case of higher education, for specific reasons, access on equal terms for all qualified candidates. Education in general and, specifically, higher education is too important for society at large to be left as a private business to individuals (not to mention eventual ‘private business’ of higher education institutions). In this sense, higher education is treated as a public good: open access to knowledge requires public responsibility. The *framework* (e.g. qualification framework, quality assurance etc.) within which higher education is delivered is within the responsibility of public authorities (Bergan, 2009, pp. 45-47).

Thus, academic freedom, institutional autonomy and public responsibility form a *triangle*; its angles are interdependent but they also give the field a lot of dynamism. Public authorities have a responsibility to set the basic rules and regulations of society; however, some stipulations could conflict with the principles and needs of specific sectors (but not necessarily conflict with the law). Therefore, setting rules is not enough; the question of how to deal with a potential collision in practice should be also addressed. While some collisions are real, others exist in theory (they are not less important though): the fact that university laboratories have to observe general safety regulations may theoretically be in contradiction with institutional autonomy; nevertheless, few would argue that for reasons of principle universities should not be bound by obligations to ensure the safe operations of their laboratories.

On the other hand, in a situation of gradually transferring certain responsibilities from public authorities to institutions, academic freedom could become – not only in theory – endangered. It should be kept in mind that even if the rationale for developing institutional autonomy was specifically to ensure academic freedom, there is no automatic link between the two. Members of the academic community may enjoy a high degree of academic freedom even if their institutions have a low degree of autonomy and, conversely, a highly autonomous institution may offer its members only a limited degree of academic freedom. In other words, in the today’s relationship between university autonomy and the state, university autonomy does not subsume academic freedom; as argued already above, academic freedom is a right *sui generis*. The problem cannot be presented on a straight line; it requires the drawing of a triangle.

Yet, the triangle composed of academic freedom, institutional autonomy and public responsibility obviously suffers for some “twilight zones” (Bergan, 2009, pp. 50). For example, it is granted that there is no monopoly on the definition of truth but all possible views are not acceptable (in society; within academia this issue can be treated in a more ‘liberal’ way).⁶ A number of issues are open today, from human cloning to history teaching

⁶ See e.g. Immanuel Kant (1964, p. 55) who proposed a differentiation between the *public and private use of one’s reasons*: “The *public* use of one’s reason [der *öffentliche* Gebrauch seiner Vernunft] must always be free, and it alone can bring about enlightenment among human beings; the *private use* of one’s reason [der *Privatgebrauch*] may, however, often be very narrowly restricted without this particularly hindering the progress

(related in different ways to both institutional autonomy and academic freedom), which urge academia to provide responses to society immediately but, on the other hand, research and scholarly discussions need time. ‘External’ pressures to speed them up may harm all. On the other hand, autonomy cannot be an excuse to exclude abuses of autonomy (e.g. corruption within institutions) from a critical discussion. These issues are not marginal to the concept of autonomy and academic freedom; they are key issues to test the strength of these concepts in today’s and tomorrow’s societies.

A major issue has been raised in the recent period across the world which may have significant consequences for the dynamic (dis)harmony within a triangle of academic freedom, institutional autonomy and public responsibility: *the university as an entrepreneurial institution*. It requires drawing another triangle – or perhaps a square marked by *university autonomy, academic freedom, state and market forces*. The expanding higher education and research sectors of the last few decades have encountered a serious limitation: public funds which drove both sectors in the past are no longer sufficient. Institutions have to search for other sources. Market forces have entered the game.

On one hand, this means that institutions should develop more intensive and richer contacts with society beyond the ‘university towers’; in some respects this could bring positive results (not only financially). However, real processes and relationships with the ‘external powers’ are much more complex. For example, “research findings are increasingly transformed into intellectual property that can be turned into marketable commodities, thus contributing to economic development in a rather visible way. Industry, on the other hand, contributes more and more to the education of ‘knowledge workers’, thus taking a role long considered to be a university monopoly” (Felt, 2004, p. 33). Thus, the traditional roles of different actors and their relations are becoming blurred.

Is university autonomy a necessary component of an entrepreneurial university? Can enterprises take over some traditional roles of universities? What could be the consequences? Entrepreneurialism is not possible with certain autonomy; however, is academic autonomy in this case a necessary condition? Is it perhaps superfluous? And what is the role of academic freedom in this context? A challenge of entrepreneurialism reshapes the traditional norms, organisation and practices of higher education institutions as well as the goals and purposes of the higher education sector in general.

On the other hand, parallel to the *growing entrepreneurialism* in higher education one can hear claims that institutions should be given *more autonomy*. This is absolutely logical: the shift from a ‘traditional’ to a ‘modern’ model is not possible until the definition of institutional autonomy is widened to include e.g. organisational, financial, staffing etc. autonomy (like with any ‘modern’ enterprise). Here it seems that today’s university modernisation is walking along a sharp edge. United in the classical idea of the university, the higher education and research of today seem to be forced to decide to either join (economic) prosperity and development or to retain (cultural) their identity and traditions. Higher education and research have always had to serve both – prosperity and development as well as identity and tradition – but they now find themselves in a situation of uneasiness. They are put

of enlightenment.” By the “public use” he understood “that use which someone makes of it *as a scholar* before the entire public of the *world of readers*”, i.e. it is related to what we call academic freedom. Kant was strongly convinced that “the world of readers”, i.e. a scholarly Parliament, gives best grounds to abolish unacceptable views in an autonomous way. However, he did not deny restrictions regarding the “private use” of reason which is “that which one may make of it in a certain civil post or office with which he is entrusted”.

in front of a difficult dilemma: *either prosperity or tradition*? It is a dilemma which can decisively contribute to how the traditional triangle of academic freedom, institutional autonomy and public responsibility is reinterpreted.

The turn of millenniums we just passed was a peak point of ‘the greatest economic boom in history’ as it has often been declared. Deregulation, privatisation and markets became sacred words which seemed to have no alternative – at least no alternative when the public sector is under discussion. This has been promoted as a path to prosperity which everyone deserves. The provision of public education has practically everywhere been put in question and accused of not being efficient and quality. ‘Values’ became an explicitly economic term; its ethical connotation came in its shadow.

Numerous authors have been warning of the extreme and thoughtless application of the theory of ‘the invisible hand’ to areas like education. The belief that the ‘invisible hand’ co-ordinates human actions best and that free enterprise will make a life better for everyone, even for those who now look disadvantaged, was critically assessed already many decades ago. What seems to be the key criticism of today is that the ‘invisible hand’ theory, when applied to every corner of social life, makes such things as *polity* and *public spaces* or *public care* and *public good* totally redundant. Higher education as a public good could be part of this redundancy.

Parallel to the growth of the power of the world market we are witnessing a decrease in power of the state. The more higher education institutions become involved in market business, the more urgent it is to widen their institutional autonomy to include organisational, financial and staffing aspects.⁷ The state is withdrawing from administering higher education; universities are more autonomous and are building partnerships with industry. Perhaps universities will be ‘fully autonomous’ one day – but would a consequence be the withdrawal of the state from its public responsibility?⁸ (Biesta et al., 2009)

In this relatively dark perspective, the known American sociologist of education Michael W. Apple critically noted recently: if “[s]chools are to be treated with the same market-oriented logic as bread and cars” then “[d]emocracy is no longer a political concept”; “rather it is wholly an economic concept in which unattached individuals – supposedly making ‘rational’ choices on an unfettered market – will ultimately lead to a better society”. However, “public institutions are the defining features of a caring and democratic society” he adds (Apple, 2008, pp. 12, 14-15).

Derek Bok, a highly experienced higher education analyst, formerly President of Harvard University, has the following answer to these obscure challenges: “The university’s reputation for scholarly integrity could well be the most costly casualty of all. A democratic society needs information about important questions that people can rely upon as reasonable objective and impartial. Universities have long been one of the principal sources of expert knowledge and informed opinion on a wide array of subjects [...]. Once the public begins to lose confidence in the objectivity of professors, the consequences extend far beyond the academic

⁷ However, this trend is not running automatically. Complaints from universities have not been reduced in the recent period; on the contrary, it seems they have increased. Partly this could be a ‘psychological effect’: everyone is complaining. On the other hand, the process of devolution is often accompanied with the evolution of (new) rules and regulations (e.g. in evaluation and accreditation) which also reflect particular political philosophies in particular environments.

⁸ See e.g. “a proposal for a public research agenda”: What is the Public Role of the University? – *European Educational Research Journal*, VIII, No. 2, 2009; http://www.wwords.co.uk/eeerj/content/pdfs/8/issue8_2.asp.

community”. Namely, any damage to the reputation of universities “weakens not only the academy but the functioning of our democratic, self-governing society” (Bok, 2005, pp. 117-118; also see Kohler and Huber, 2006, p. 46).

Responding to the challenges of our time, the complex *university autonomy – academic freedom – state – market forces* relationships should be seriously reconsidered. In addition, they should be reconsidered not only with regard to ‘prosperity’ but also ‘tradition’. Finally, they should be reconsidered as regards the full range of purposes of higher education:

- preparation for the labour market;
- preparation for life as active citizens in democratic societies;
- personal development; and
- development and maintenance of a broad, advanced knowledge base (see Weber and Bergan, 2005, p. 27; Kohler and Huber, 2006: p. 6; London Communiqué, 2007, 1.4; Leuven/Louvain-la-Neuve Communiqué, 2009, 4).

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