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The effects of the COVID-19 pandemic on higher education governance in Europe

*Amélia Veiga, Leonie Buschkamp, Dorota Dakowska,
Tim Seidenschnur, Antonio Magalhães and Susan Wright*

ABSTRACT

Universities, as public organisations, exemplify three competing institutional logics regarding governance. First, the state wields considerable control over universities through a Weberian bureaucratic logic. Second, university managers have been granted increased autonomy under a neoliberal, managerial logic. Third, a traditional academic logic involves a high degree of self-regulation and peer control. The country-specific ways in which this balance has been achieved come under pressure in times of crisis, such as the pandemic. In this article, we explore how the challenge of managing an unprecedented crisis has affected higher education systems and institutions and how the balance between the three logics has developed before, during and after the crisis. To this end, we adopt a comparative approach and analyse four different European higher education systems: Denmark, France, Portugal and Germany. The analysis reveals that paths of governance that weaken the academic logic were reinforced during the pandemic as university leadership reacted to the crisis by enacting top-down decision-making processes.

KEYWORDS

academic logic, comparative approach, European higher education systems, higher education governance, managerial logic, pandemic

Universities, as public organisations, are a prime example of the coexistence of multiple, often conflicting, logics: an academic logic based on self-regulation and collegial values (Clark 1983); a legalistic-bureaucratic logic with a strong administrative ethos including the exercise of state power (Weber 1978); and a managerial logic, which grants considerable autonomy to managers for making decisions based on an economic rationale and for meeting consumer needs with efficiency, effectiveness, flexibility and innovation



(Meyer et al. 2014). Wolfgang Streeck and Kathleen Thelen (2005) use the concept of institutional layering to explain how institutions can seamlessly accommodate and integrate new elements and different logics into their processes and structures over time without necessitating a complete overhaul of the institution. Although most European higher education systems and institutions have been reformed in terms of the New Public Management (NPM)-driven managerial logic, aspects of the other two logics persist. In each instance, the resulting forms of governance and management differ in detail. When, in 2020, higher education systems and institutions ran into COVID-19 lockdowns and strict pandemic regulations, they also reacted differently. This article discusses how the pandemic reinforced or changed existing tracks of governance. While extensive scholarship exists about the different governance systems, the effects of an externally induced crisis such as the pandemic have not been fully analysed.

In this article, we explore how the challenge of managing an unprecedented crisis affected higher education systems and institutions in four European countries and how they adapted or changed their governance and management structures or implemented new practices. We ask how far this reorganisation presents a potential for new models of academic governance to emerge with possibly diverse combinations of academic self-regulation characterising the academic logic, forms of state governance associated with the bureaucratic logic and increased institutional autonomy associated with NPM practices and a managerial logic.

The cases come from Denmark, France, Germany, and Portugal. In all these cases, state regulation has played a greater role than in the Anglo-American higher education system, which is characterised by a stronger market orientation (Jungblut et al. 2023). At the same time, states pursued the managerial logic of NPM and tried to distribute managerial power to organisations. Governance involved the coordination of multi-level actors, structures and processes as the authority from the central government was dispersed and power reallocated, and as the locus of political control moved out of the hands of states per se (Veiga 2018). Governance reforms in these countries meant not only the role of the state differed but also institutional autonomy, state regulation and the influence of management were combined differently in each case. An analysis of the different framing conditions in each country allows us to analyse how the crisis triggered different developments and paths of governance.

We begin with Denmark, which, compared to the other systems, already had been enforcing direct state governance before the pandemic. We continue with France, where the influence of the state has traditionally been strong but where competition policies such as the French Excellence

Initiative (2010) aim to distribute new responsibilities to decentralised institutions. Portugal, as our third case, also reveals signs of NPM influence with a strengthening of the managerial approach to governance and a decrease in the power of academics (Veiga et al. 2015). In Germany, our fourth case, the academic system had experienced more than two decades of NPM and the state had triggered competition between universities, for instance, by introducing funding contests. The strategic capacities of German universities have increased as well as their ability to act autonomously from the federal state governments. However, the state has remained important in terms of being the most relevant financier in the system. We therefore present four cases of academic systems with a rather strong state influence, which partially withdrew from direct governance in time of NPM and resulted in two different pre-pandemic frameworks. We start with the cases where we think that state governance was still more direct when the pandemic hit the system and end with the system where we think the state governance of universities had already become more indirect by this time. We analyse how the crisis reinforced or changed these pre-pandemic developments.

We compare these cases along three time-linked stages (Kosmützky 2015). First, our qualitative comparative approach includes a discussion of the pre-pandemic governance conditions. Second, we compare qualitative data collected during the pandemic's peak, including documents and interviews with academics and university administrative staff as well as policy decision-makers from the ministries. Third, as organisations have moved into post-pandemic practice at the time of writing, we reflect on how the pandemic has opened the possibility of renewed governance practises in the future.

Paths of governance: Academic, legalist-bureaucratic and managerial logics in higher education

In many European countries, the rise of a managerial logic in academia, associated with NPM, has profoundly changed the way universities were previously governed through a combination of academic self-governance and bureaucratic professional administration (Meyer et al. 2014). The managerial logic is built upon core values such as performance, economic efficiency and effectiveness and claims to foster change, flexibility and innovation (Saint-Martin 1998; Vogel 2012). This logic drives an economic rationality influencing the allocation of financial resources based on results. Objectives, contracts, performance indicators and the enhancement of competition became the core instruments of higher education governance.

NPM has contributed to the emergence of a specific trend regarding institutional autonomy that has characterised Western European higher



education systems in recent decades. Autonomy refers to ‘the capacity of Higher Education Institutions to design internal structures, select and train staff, shape academic programmes and use financial resources, in line with their specific institutional missions and profiles’ (Estermann et al. 2011: 9). As the state set the framework for competition (Arora-Jonsson et al. 2020), more autonomy was accorded university leadership. The empowerment of university leaderships contributed to the transformation of universities from loosely coupled systems into more coherent organisations able to act as an entity in a competitive field (Bromley and Meyer 2015; Weick 1976). Where managerial logic takes the form of *boardism* (Veiga et al. 2015), it is external stakeholders in the governing bodies who gain greater power in the name of autonomy, rather than university leaders. *Boardism* also captures the decrease of academic self-governance and the declining power of academics in higher education institutions’ decision-making structures and processes.

A crisis such as the pandemic provides an important opportunity to see how academic systems are involved in different relations of governance with the state. The pandemic can be seen as a ‘critical incident’ (Harrison 2015) or a ‘triggering event’ (Weick 1988) that brings ambiguous inputs with elements of shock and surprise into the academic system, both in universities and in governments (Kudesia 2017; Weick et al. 2005). Crisis management requires rapid responses, and new forms of governance and management (Pinheiro et al. 2023). In the context of a shocking situation, windows of opportunity for new changes also emerge (Meijerink 2005). The previously unknown problems and degrees of disruption and irritation provoked by the Covid-19 outbreak at least potentially opened up spaces for systemic change, challenging existing modes of governance and management and generating new ones including new arrangements on how the three logics we have identified are balanced in the four academic systems (Czarniawska and Mazza 2003; Eyal 2012; Maitlis and Sonenshein 2010).

In exploring the impact of the pandemic on higher education governance in Europe, this article aims to understand how the three institutional logics (the academic, the bureaucratic and the managerial), were rearranged through an external shock or, on the contrary, if the pre-pandemic paths of governance were further consolidated and the reactions of higher education institutions even accelerated existing paths.

Methodological note

Teams of researchers in each country conducted the research. The pre-pandemic developments in the four countries are based on literature reviews and empirical or theoretical research that each country team had done

before the pandemic. The pre-pandemic research was therefore conducted without a shared approach for the collection of data. As part of this study, teams have reviewed their analyses to discuss the balance between the three logics. Developments during the pandemic were studied in a coordinated way by the country teams collaborating in the creation of a shared research instrument. Data was collected through interviews (81) based on a semi-structured guideline (for the full report see Veiga and Seidenschnur 2022). Interviews targeted research participants in a similar range of positions, from early-stage to senior academics, middle managers and top leaders, in a sample of universities and with representatives of policy-making officials. In the interviews we explored the topic of the Workings of Higher Education Institutions and aimed to capture the relationships between governance and decision-making. In addition to conducting interviews, we carried out national case studies and a survey (for France), as well as institutional and national document analysis (for Germany and Portugal), and ethnographic research (for Denmark). By using this common analytical approach and the shared basis for data collection during the pandemic, we were able to produce meaningful results for comparing the four cases.

Denmark

Pre-pandemic paths of governance

In terms of the three logics set out thus far, a University Law in 2003, led by the Danish Liberal/Conservative coalition government and supported by nearly all the other political parties, shifted the universities from a combination of academic self-rule and bureaucratic state governance to managerial autonomy combined with NPM methods for state steering (Wright et al. 2020). The 2003 law substantially changed the status, role, governance and management of universities (Danish Parliament 2003; Wright and Ørberg 2015). Universities had previously come under the Ministry of Education but been autonomous in the sense of ‘self-steering’ institutions that were internally governed by academics, administrative staff and students. The law changed the universities’ status to ‘self-owning’ (*selvejende*) institutions, which meant autonomous in the sense having the status of a ‘legal person’, separated from the state and able to enter into contracts (Danish Parliament 2003, Kapitel 1: §1 Stk 2). The body making ultimate decisions as ‘The university’ was a new seven- or nine-person governing board, with a majority of members, including the chair, from outside the university. Elected members of the board consisted of one or two academics, two students and one from the administrative personnel. The elected senate was

abolished, along with the other elements of the ‘self-steering’ system – the faculty and institute boards. The rector, deans and heads of department were also no longer elected. Instead, the governing board now appointed the rector, who in turn would appoint the deans, who appointed the heads of department (Danish Parliament 2003: Chapter 3). These appointed leaders formed a ‘unified string’, each accountable upwards to the leader who appointed them, and not downwards to academics, staff or students. Although the law obliged leaders to involve academics in ‘material decisions’ (Danish Parliament 2011: Part 3, 10:6), it has never been clear how. This top-down line of managers with enhanced powers was meant to restore politicians’ trust in universities by making them into reliable negotiating partners for government and industry and quickly responsive to changes in government policy. A linked strategy aimed to attract international research partners and bring high performing international students to Denmark. By these means, Denmark would successfully compete in the global knowledge economy and retain its position as ‘one of the richest countries in the world’ (Globalisation Council 2006: 4).

The reforms constituted the university as a coherent organisational actor and gave the newly appointed leaders more ‘freedom to manage’ the university’s finances and other resources. Called ‘Aim and Frame’ steering, initially, the government trusted leaders to fulfil the policy aims within the budget framework: government outsourced responsibility to university leaders but retained control through funding levers. Notably, in 2006, the Prime Minister’s Globalisation Council gave universities a central role and increased funding to drive Denmark’s competitiveness in the global knowledge economy. Leaders were to do this by using their new capacities to enact their own vision for positioning their university in Denmark and internationally (Ørberg and Wright 2020). They were meant to make universities more efficient by competing with each other over this increased state funding and over external funding for research. Over time, however, government has used its steering mechanisms, and especially its output based funding and tight control of the university’s liquidity, to intensify political control over university leaders. Notably a law revision in 2017 gave the minister stronger influence over the governing boards. Government’s increased control was exhibited in budgetary decisions from 2015 to 2020, and restrictions on student places in 2017 and cuts to international students in 2021 (Wright 2022).

Governance during the pandemic

The pandemic period¹ was marked by much closer collaboration both between the higher education institutions themselves and with the Danish

Agency for Higher Education and Science, the administrative arm of the Ministry of Education and Research. Both a senior civil servant at the Agency and the rectors and directors of the case-study institutions described how, immediately a new political decision was made, the Agency held an online meeting with all the rectors or directors to explain clearly what was required. The directors immediately conveyed this by email to all staff. The Agency then followed up in meetings with the universities' administrative staff to find out what was needed in practice. In this way, the Agency civil servant explained, universities changed their teaching to online within a day, and they set up testing centres within a week.

The university rectors, directors and leaders concerned with education met regularly through their umbrella organisation, Danish Universities (DU). DU's education committee tried to align their crisis management, despite the universities' diverse pedagogical styles. Those that focused on group work aimed to conduct on-campus group exams to the extent the restrictions allowed, whereas others stuck to off-campus digital exams throughout. The umbrella organisation for university colleges also collaborated closely with the Agency, as their chair explained: 'I ... had direct contact with key players in the agency. ... We collected a lot of the data that the agency needed to develop their pandemic strategies, so we played a key role in developing those national strategies and were listened to by the political system'.

The case-study institutions included a university and a university college and both had a permanent crisis committee. which played a major role in internal governance. The university's consisted of the university director, the chief financial officer and the campus manager. A few weeks before the national-lockdown announcement, they expanded the crisis committee to create a central and comprehensive decision-making process. New members included two departmental representatives, a vice dean, a head of secretariat, the rector, and the heads of academic development and IT. There was a student representative but academic staff were not included in the crisis committee. However, the rector and university director held weekly briefing meetings with academic union representatives.

The university director explained that the committee was dealing with continued uncertainty; it was unclear whether they were preparing for a crisis lasting a few days, months or years. One of their most important roles was to continuously interpret and communicate the restrictions introduced or lifted by the government and health ministry and ensure that students and staff across the country received the same information to avoid confusion. Several academic and student interviewees in the case-study university appreciated the efficiency of the central and top-down crisis management

but observed that a previously existing trend towards increasingly top-down steering was reinforced during lockdown. One academic said communications increasingly used the phrase ‘the university believes’ or ‘the university says’ and asked, ‘Who decides what the opinion of “the university” is? Of course, the most obvious answer seems to me to be the rector’. As another academic related: ‘The top-leadership is increasingly becoming more distant from the rest of the organisation. (...) It seems to be a trend that leadership is only coming to the collegiate committees to inform about decisions already made, rather than making decisions together with faculty’.

Academic and student representatives from the university’s governing board and the management-union consultation body felt the university’s values were being eroded in tandem with top management becoming more distant and the board more averse to university democracy. In other words, the pandemic accelerated the pre-pandemic trend towards tighter top-down steering from the government through the ministry and its administrative Agency to the leadership and by an increasingly distanced leadership over academics, students and staff.

Post-pandemic governing practices at the time of writing

The very productive collaboration during the pandemic between the Agency and the leadership of the institutions and with the university and the university college associations ended abruptly as the lockdown was ending. In May 2021, as one university leader said, when higher education institutions were ‘just trying to catch our breath’ and manage continuing uncertainties during the easing of the lockdown, the government announced a ‘relocation’ policy. Each university was required to reduce 5 per cent to 10 per cent of its student capacity by 2030 either by moving provision to smaller towns or through cuts. All interviewees agreed that this policy had nothing to do with the pandemic, but a political agreement on this policy involving most of the political parties in Parliament had been reached during the pandemic. For university leaders, as one interviewee said, it ‘came as a bolt from the blue’ just as the pandemic lockdown was easing.

The way the policy was announced, without involving the higher education sector in prior discussion, also came as a shock in comparison to the close communication and mutual exchange of information that marked their relations with the Agency of the Ministry of Higher Education and Science during the lockdown. The Agency civil servant explained that this was because of the difference between administration and politics: during the pandemic, collaboration between the Agency and the universities was needed to administer a decision that had already been announced; but for

the new 'relocation' policy, government wanted very little discussion during the 'pure politics' of reaching a political agreement, which it was now the job of the Agency to implement. In June 2021 a 'de-internationalisation' policy to restrict foreigners' access to Danish free education and student grants was announced in a similar way.

The close collaboration between the Agency and the higher education leadership during the pandemic appears as a blip in what was otherwise a trend from 'aim and frame' steering to what became called 'commando-way' steering. By the time of the pandemic, government was using its financial levers to treat universities as tightly controlled service providers, and leaders of higher education institutions had not managed to assert the sector's autonomy. As one interviewee in a senior position said: 'In the case of the "relocation" policy we don't perceive ourselves as a "self-owning institution"'. Formally, government may only require 'self-owning' universities to make changes by an Act of Parliament or by persuading them to implement a change voluntarily, so the interviewer asked, 'Surely, the government cannot tell a "self-owning" institution what to do?'. The interviewee replied: 'But in the end they can. They do own us, so on the bottom line they can tell us what to do'. In 2023, the government announced a policy to radically change the master's programmes, and at the time of writing, university leaders are consumed in a struggle to work out how to comply with a policy that is widely considered seriously deleterious for the standard and reputation of Danish higher education if not entirely unworkable. Academics are disenfranchised, and while there was widespread alarm and dismay at the proposed changes, they did not find ways to get their voices heard and protest became minimal. During the pandemic, the crisis committees did instil trust in the leadership, but the post-pandemic policy announcements have brought the government's closed political decision-making and tighter use of steering mechanisms into a new articulation with the enhanced management capacities of appointed leaders. Although this is labelled 'commando-way' steering, in organisational literature, commando-way refers to delegating on the spot decision-making to flexible teams (McKinney 2012). However, one university leader explained it had the opposite meaning in Denmark: one must follow a fixed procedure in a hierarchical system in which superordinates tell subordinates what to do (Wright 2022). Post-pandemic policies have reinforced the trend to increased centralisation of decision-making and a widening of the distance between leaders and academics that interviewees worried would be long-lasting.

In terms of the balance between the three logics of university governance, trends from before the pandemic have been strengthened: academic self-management is very minimal; and managerialism is on the ascendant

but moderated by a form of boardism which links the university to the government, rather than enhancing institutional autonomy. The result is ‘commando-way steering’ in which government limits input into political decisions and then expects policy to be implemented quickly and without ‘fuss’ by a compliant top-down hierarchy of appointed leaders.

France: Recentralisation trends amid management reforms and austerity measures

Pre-pandemic paths of governance

In the French case, the pre-pandemic period was characterised by a clash between academic, bureaucratic and managerial logics. It was also marked by the state’s bureaucratic attempt to prepare French universities for international competition through, for example, national competitive funding programmes like the Programme d’Investissements d’Avenir (PIA), the Initiative d’Excellence and the National Research Agency (ANR) (Musselin 2017). One of the Ministry’s priorities in the years and months preceding the COVID-19 pandemic was to direct public investment towards promoting ‘excellence’ and international competitiveness in selected higher education institutions. These moves favoured centralised academic governance, empowered university leadership and distributed resources to consortia of clusters of excellence. The strive for excellence fostered inequalities in an already highly stratified higher education system which was severely affected by the pandemic.

During the pandemic

During the first lockdown in spring 2020, other priorities emerged, such as the need to support students facing severe precariousness. Students who had lost their jobs and their income were crowding food banks. Some of them were unable to follow online courses because they lacked the technical and material resources to do so. The policy to promote excellence and international competitiveness was suspended. However, the distribution of competitive funds for university strategies (research, teaching, cooperation with the private sector, territorial integration) – in place since 2005 – has continued in 2020 and 2021. In November 2021, almost three hundred of the eight hundred million euros were awarded to fifteen winners. During the COVID-19 pandemic, French public higher education institutions, which rely heavily on state funding, did not experience the same shock as their UK counterparts, as they were not as dependent on fees and international

students. Nevertheless, economic issues and budget sustainability were among the first issues raised by a working group set up by the Rectors' Conference at the beginning of the first lockdown (Conférence des Présidents d'Université 2020). In particular, rectors were concerned about the cost of adapting teaching to meet health and hygiene requirements. One of the tensions in the management of the pandemic in higher education was the attempt to preserve the autonomy of universities, combined with the persistent demands of university rectors for clear guidance from the Ministry on how to tackle the health crisis in practice.

Through interviews conducted in four public higher education institutions (of which one is a Grande Ecole), we found international student mobility (both incoming and outgoing) fell sharply by 50 per cent or more during the pandemic. Some partner countries refused to receive students from France. Some French higher education institutions decided to drastically reduce the number of incoming students in 2020–2021. While international mobility is an important part of the student experience, the pandemic prompted new thinking about domestic internationalisation (short-term mobility, etc.). This is in line with the European Commission's request for member states to increase the number of students participating in international mobility. However, domestic internationalisation is an ambiguous term, and it could lead to the emergence of an inferior substitute for the international experience, targeted at students from underprivileged backgrounds.

The pandemic has highlighted structural differences between higher education institutions. The public funds respectively invested in universities, Grandes Ecoles and 'prep classes' (Classes préparatoires aux Grandes Ecoles, CPGE) vary. Although the average annual cost per student in higher education was 11,530 euros in 2019, for a student in a class preparing for the Grand Ecole entry exams the average public expenditure was 15,710 euros, while for a university student it was 10,110 euros (MESRI-SIES 2021). Over the past decade, universities have absorbed most of the excess student population resulting from demographic trends. The number of students has increased, but the number of permanent teaching staff has remained stable (Beaud and Millet 2021; Molénat 2018). This had led to a decrease in annual expenditure per student. Significant social and financial inequalities characterise French public higher education. Students at the prestigious Grandes Ecoles, such as the Ecole Normale Supérieure, who come from privileged social groups, receive a salary during their studies. The pandemic exacerbated these structural inequalities, with preparatory classes and Grandes Ecoles facing fewer constraints and enjoying greater resources to combat it (Dakowska 2023).

Post-pandemic paths of governance: a re-centralisation of university governance

In the German case – as we will see later in this article – the pandemic led to a return of state intervention in a previously regionalised sector with strong university autonomy. In France, despite the narrative of university autonomy, state intervention, and more specifically the Ministry of Higher Education and Research, remained proactive. This was particularly the case during the crisis. As a result of the pandemic, a double centralisation could be observed. First, university rectors and senior management turned to the Ministry more systematically than before. Second, the combined directives of the Minister of Higher Education, the Ministry of Health and President Macron himself increased the constraints on universities. Faced with the need to interpret these directives and explain why they were difficult to apply, university leaders turned more to their ministry.

After the first lockdown in March 2020, officials from the Ministry of Higher Education spent several weeks ensuring that university governing bodies continued to function. In some universities, elections to the governing bodies had to be postponed. This unprecedented situation led to a high level of uncertainty among university leaders and therefore to a close dialogue between the university administration and the Ministry. Dialogue between university leaders and the Rectors' Conference became more frequent than usual. This led to a new centralisation, as university representatives constantly sought advice from the Ministry, despite the supposed legal autonomy of public universities. University presidents also sought the advice of the Rectors' Conference on issues relating to the reorganisation of teaching and human resources.

The pandemic made the Ministry dependent on negotiations at the highest executive levels, including President Macron's office, the Prime Minister's cabinet, and the Ministry of Health. In these negotiations, the Minister of Higher Education and Research defended the needs expressed by the academic community and called for a return to face-to-face teaching.

The provisions that most affected higher education institutions related to whether teaching and learning could be on-site or had to be distanced, and this led to frequent changes in the legal framework affecting teaching and learning conditions. Between the instructions of the Minister of Higher Education and Research and the official announcements of President Macron, no less than five successive adjustments to the teaching process had to be made during the 2020–2021 academic year. As a result, the role of the La Conférence des Présidents d'Université (CPU) in the management of the pandemic has been significantly strengthened. The CPU set up several

working groups and sub-groups and became a key stakeholder consulted by the Ministry.

In general, the (CPU) board meets with the cabinet, the DGESIP and the minister, then we meet as the CPU, then the CPU meets in plenary. In this case we have mixed everything up to have shorter lines of communication (...) and with a frequency of meetings that has been changed from every two months to every week. (CPU staff, April 2021)

Despite this close communication between the university management and the Ministry, the tension between the legalistic-bureaucratic logic promoted by both the ministry and the CPU and the collegial values of academic self-regulation has grown. Some academics found it more difficult to protest. For example, a trade unionist who teaches at a vocational higher education institutions said:

The way in which reform after reform is imposed on us and the fatalism with which we accept it is deplorable. But with the lockdown, it has become impossible to react. People sit in front of their screens and think about what they can do next term to make it go away. It's very difficult. (Associate Professor, Vocational College associated to a large University in Eastern France, June 2021)

Many academics share this sense of abandonment and of the Ministry's distance from their everyday realities, including those working in the country's most prestigious faculties:

[T]he health crisis has revealed for the university what the health crisis has revealed for French hospitals, that is, a lack of resources which everyone has known about for years and which is now appearing and is blowing up in our faces. Well (...) the universities in France have been left out in the cold, or at least the students, because the universities have been closed, while the Grandes Ecoles have been open, the prépas have been open, so we've been closed, why? (...) I'm sorry, the university is not doing very well and I think the pandemic has only made things worse. (Professor, Large University in the capital, June 2021)

Since the governance reforms of late 2000, which changed the governance of the university and introduced smaller boards with external members, there has been very little room for collegiality and even criticism. The COVID-19 pandemic has reinforced existing trends.



Portugal

Pre-pandemic governance reforms in Portugal reconfigured institutional autonomy and brought about by the rise of *boardism*. The data collected during the pandemic's peak shows how higher education institutions' responses were influenced by these changes, which had indeed reconfigured institutional autonomy. This analysis is used to understand the extent to which post-pandemic practises at the time of writing were impinging on research and pedagogic autonomy.

Pre-existing paths of governance: Getting started with the reconfiguration of institutional autonomy

Since the mid-1990s, debates on institutional autonomy in Portugal have centred on the tension between the degree of autonomy granted to higher education institutions by the laws of 1988 and 1990 and the government's demand for more consistent regulation and increased efficiency in the institutions' decision-making processes. The 1988 Autonomy Law set out a collegial governance structure with representation of the institutional constituencies of academics, researchers, technical and management staff and students. However, this changed in 2007 when the current legal system, the Legal Regime of Higher Education Institutions (RJIES) was introduced (Moreira 2008). Influenced by NPM, this gave higher education institutions the option to change their governance and transform themselves into public foundations thereby impacting their legal status as public institutions operating under private law. A General Board would be established with decreased representation of academics and students so leading to the enhancement of management over governance. However, the foundation model did not fulfil expectations due to the financial restrictions and chronic under-funding of the Portuguese higher education system. Despite modified ways that RJIES was interpreted by institutions, the political-managerial perspective of NPM still permeated discourses and practises. In the belief that 'management should manage', NPM promoted tighter budgetary restrictions, the vertical regulation of systems through the explicit setting of objectives, the establishment of performance-based contracts, the funding of research based on market mechanisms, and the strengthening of the managerial roles of rectors/presidents and faculty/school/department directors. Efficiency and cost/benefit analyses became centrally important and market mechanisms were used to fund research. Under neoliberal reforms, public funding models for research have been replaced or supplemented by market mechanisms. Research projects are now awarded based on their

potential economic impact leading to increased competition. As a result, higher education institutions may prioritise research that can attract private investment or align with government priorities for economic growth, often at the expense of fields seen as less economically beneficial. This trend of enhanced economic rationality and managerialism was, thus, already visible before the pandemic.

Under the influence of NPM, institutional autonomy has been reinterpreted as strengthening the self-regulation of higher education institutions. Although there is no single definition of NPM, it represents the idea that efficiency and effectiveness should be achieved through management instruments used in the private sector, such as specifying targets, stressing competition for customers, performance measurement and openness to markets for public service provision. This means that countries and institutions interpret and implement NPM principles in ways that align with national priorities and challenges. RJIES transformed the relationship between the state and higher education institutions by opening the possibility of becoming a ‘foundation’, which has been taken up by five universities and one polytechnic institute to date. Economic rationality is also visible here. Under the former legal framework (1988), universities enjoyed statutory, scientific, pedagogical, administrative, financial and disciplinary autonomy. RJIES (2007) did not significantly affect institutional autonomy, except in regard to pedagogy where autonomy was limited by the introduction of the compulsory accreditation of study cycles. In the case of the higher education foundation model, financial autonomy has even increased (Magalhães et al. 2013) although, at the same time, RJIES promoted greater participation by representatives of external interests.

The adaptation of Portuguese higher education institutions to RJIES brought changes in the relationship between the state and higher education institutions and strengthened the managerial logic to the detriment of collegial influence. Decision-making processes were centralised, and the presence of external agents at central and intermediate levels increased (Veiga et al. 2015). While international reports say that in Portugal ‘academic freedom and institutional autonomy [...] do not indicate that there are specific worries about the state of play of academic freedom in the country’ (Maassen et al. 2023) since 2018, the state pressures on institutional autonomy driven by legal (e.g., foundational model) and political frameworks affect the hiring processes of researchers and student enrolment (Maassen et al. 2023). Increased state intervention can result in less flexibility in hiring decisions, making it difficult for institutions to respond to changing academic and research needs. Financial constraints can also restrict higher education institutions’ capacity to offer competitive salaries or invest in

research positions, thereby affecting hiring processes. In the area of student enrolment, the government has implemented measures to increase higher education participation in less densely populated areas. This includes offering more two-year short-cycle higher education professional courses (Cursos Técnicos Superiores Profissionais) and master's programmes. Since 2020, additional measures have been put in place to enhance funding and social support for students. These measures consist of reduced tuition fees, increased grants and improved housing options for low-income students (European Commission 2019).

Reconfiguring institutional autonomy during the pandemic's peak

During the pandemic, at the national and institutional levels, there was no redefinition of priorities regarding the financial sustainability of the Portuguese higher education system and institutions. There was a wide consensus from the perspective of the interviewees that national and institutional priorities did not change, and initiatives at the national and institutional levels were immediate and reactive responses to the challenges the pandemic imposed.

A member of the central administration of one of the case-study institutions considered that the previous decline in public funding and the widespread concern about inadequate funding influenced the way the higher education system and individual institutions dealt with the pandemic crisis. An academic at the same institution thought this weakness strained their ability to raise funds for research and community services and affected the degree of research autonomy. He said that the institution's priorities were to enhance funding for students' social support to address the economic, financial and social constraints students were already facing due to the country's economic and financial crisis. According to the interviewee, the institution was in the process of creating a policy regarding social support to disadvantaged students when it reallocated internal resources to address other concerns associated with online education generated by the pandemic by providing students with the computers.

In the higher education institutions surveyed, managerial approaches to governance were prevalent, with consequences for the development of institutional missions. The pandemic worsened the conditions for academics to deal with uncertainty and their ability to meet demands of students and external stakeholders. For instance, it has impacted the ability to fulfil the requirements for internships or practical and laboratory training, which often involve face-to-face contact. This particularly affects fields such as education, social work, medical and nursing training, as well as disciplines

that rely on hands-on laboratory work like engineering, physics and chemistry. These conditions influenced decision-making processes featuring top-down management.

Decisions characterised by one size fits all were widely disseminated. The lack of discussions due to timing constraints and the need to redirect strategies toward online education also reinforced a kind of autocratic stance among higher education leaders in the perspective of interviewees. Managerial governance was strengthened and it potentially influenced the degree of pedagogic autonomy at the institutional level.

Governance and management are closely related in higher education institutions. The managerial approaches enacted by institutional leaderships gained dominance over institutional governance with consequences for developing higher education institutions' missions driven by the academic logic. At another case-study institution, the digitalisation of procedures was also driven by one size fits all measures by top-down management. At the first case-study institution, managerialism was visibly strengthened by the need to control teaching and learning processes, thus impinging on academic freedom. The institution's guidelines conditioned what happened in the 'classroom' to the extent of defining the number of hours of synchronous and asynchronous teaching. Other examples of control mechanisms include the monitorisation of course delivery, including tracking professor-student interaction, response times to queries and assignment grading. This oversight pressure reduced pedagogic autonomy in engaging students and evaluating their work. Therefore, in a post-pandemic phase, the relationship between academic self-governance and managerialism is crucial to an analysis of how higher education institutions can adapt to changing circumstances while maintaining academic freedom and quality education.

Post-pandemic paths of governance: Reconfiguration of institutional autonomy

The pandemic has brought to light issues such as the relevance of managerialism to governance, insufficient funding, massification of the higher education system, the ageing of academic staff and institutional cultures. The lack of national policies for distance education as previously mentioned also impacted on pedagogic autonomy generating inequalities in the system and within institutions. However, there have been efforts towards collaboration and co-construction within the sector, which can be consolidated in the future. While the internationalisation of higher education has been significantly affected, particularly with regard to physical, face-to-face mobility activities, virtual mobility has gained new momentum.



The sustainability of the Portuguese higher education system is a key issue in the post-pandemic phase. The interaction between national and institutional policies that address the financial, economic, and social restrictions imposed by the pandemic and the influence of transnational trends influenced by an economic rationality will potentially affect pedagogic and research autonomy. There was wide agreement that priorities remained unchanged. These included the OECD's identification in 2020 of the need to increase educational attainment levels among the adult population and adult skill levels, and the need to secure the long-term sustainability of public funding for education. Competitive government funding increases competition while challenging the levels of financial autonomy. This could indicate that national or institutional settings which do not allow universities to act in a fully financially autonomous way are less likely to produce a real change (European Union 2011: 24). As the European Union underlined in 2011, market-like regulation promoting competition between systems and institutions brought forward the centrality of financial autonomy of the Portuguese higher education system and institutions as according to the OECD 'this means targeting public spending where it can have greatest impact and finding solutions to reduce reliance on European funds' (OECD 2022a). This change may affect the trend towards managerialism in the workings of higher education institutions with consequences on the role of higher education institutions in society.

Along with these lines, the OECD recommends a decrease of centralisation in regulating higher education in order that higher education institutions are flexible enough to address national and local needs (OECD 2022b). This implies that reforming governance and funding is a top issue to address the autonomy of Portuguese higher education institutions. The articulation between governance and funding promotes the idea that by increasing the autonomy of higher education institutions, their relevance and efficiency in developing their missions will improve, potentially impacting negatively pedagogical and research autonomy as external drivers are prone to influence teaching and research agendas.

Germany

Pre-existing paths of governance: Universities as organisational actors, managerial power and first signs of a soft return of the state

The German academic system is both specific, by having rather singular features, and representative of global trends. Concerning the global trends, German universities can be regarded as an example of how universities

transform into organisational actors (Christensen et al. 2019) including a development in which they become more integrated, goal-oriented and self-governed entities (Krücken and Meier 2006) according to a managerial logic. Universities have always competed for reputation, status and students as well as for financial resources (Szöllösi-Janze 2021). Nevertheless, the transformation into organisational actors has been a general trend in Germany and it has also been observed for instance in the United States (Ramirez 2006), the UK (Naidoo 2018) and France (Musselin 2018), as well as in Denmark (see the foregoing).

This transformation started in the 1980s in line with NPM approaches, at first rather slowly, but then it gathered pace and induced considerable organisational changes (Szöllösi-Janze 2021). By the late twentieth century, German universities gradually transformed into ‘more complete’ organisations based on identity, hierarchy and rationality (Brunsson and Sahlin-Andersson 2000). Universities started to claim uniqueness and, even though universities are not completely autonomous decision-makers, they have transformed into integrated, goal-oriented and competitive entities, where academic missions were increasingly carried out by means of greater reliance on the organisation itself, and not driven so much by state governance, on the one hand, and the academic communities and their members, on the other hand (Krücken 2020). For the pre-pandemic phase we can therefore argue that while all three logics are present, the managerial logic has gained importance in the field at least since the 1980s.

There are particular aspects of the German system that make it a rather special case. German federal states and not the national government are mainly responsible for higher education governance. There are (almost) no tuition fees, even though the number of students is a criterion used in the distribution of state funding for instance in the negotiation of so-called target agreements (*Zielvereinbarungen*). The national government in co-operation with the federal states also started programmes to make German universities fit (or to keep them fit) for international competition. The largest one is the Excellence Initiative (*Exzellenzinitiative*) (Seidenschnur et al. 2024; Mayer 2019). This programme is the contest that is probably most important for the organisations’ reputation in Germany, but there are several other funding contests in which universities and scientists compete for public money. Such funding contests are highly relevant for German universities’ reputations. This importance of funding contests is different from other countries, where reputation for higher education organisations relies, for instance, on global rankings. Such contests are furthermore highly relevant for this research because they are not only inducing competition between universities but also between federal states, which are rated by

the public regarding the performance of ‘their’ universities. Based on such tendencies, the ministries of federal states have started in different ways to intensify communication and to consult and coach their universities hoping to increase their chances of success (Seidenschnur et al. 2024). Such tendencies suggest that the withdrawal of the state from direct governance during NPM is no longer the only directive and, even if the rise of universities as autonomously acting organisations remains important, the federal states seem to have gained influence recently in tandem with the withdrawal of the state during NPM. This influence can take place in different ways, often exercising power by advising universities on their strategic decisions and positioning strategies or through distribution of additional money to those which comply with the ministries’ strategic aims. Such processes are often difficult to observe and take place in interactions between the federal state ministries’ representatives and the university leaderships without being documented in political decisions. This observation is in line with research on the public sector, claiming that Germany has already reached a post NPM era (Bryson et al. 2014) and that governments still interfere (Capano 2011).

Both developments, universities becoming organisational actors and the signs of federal states regaining some influence, are important for this study, since they set the frame for the situation, in which the pandemic hit universities in Germany. They put the spotlight on how the governance of universities in Germany has changed recently, and how the ministries of German federal states and the universities collaborate.

During the pandemic: Conflicting logics, but intense communication and crisis management

In our data, which consists of document analyses (of press releases from scientific organisations and emails sent at various universities) and interviews with representatives of universities and state ministries from the years 2020–2023, we find this simultaneous presence of rather contradictory discourses. Representatives from the ministries of federal states argue that it is important not to take everything out of their hands regarding academic organisations even though the representatives from the ministries are aware that universities are autonomous organisations which the ministries cannot steer in a direct manner. Therefore, they argue in our interviews that ‘besides all autonomy of universities we don’t want to rely only on [universities’] autonomous action and distributing more decision power to them, but we want them also to explain to us at which state they are and how they are doing’ (Interview with representative from a ministry).

There are plenty of comments in our interviews about this permanent tension between the political will to grant more autonomy to the organisation and the wish to keep some opportunities to govern and influence them: ‘Yes, of course the political actors take that seriously. We want more autonomy; we want to distribute more scope for organising to the universities. On the other hand, we always must keep in mind that there is an interest of the federal state, a public interest which has to be served’ (Interview with representative from a ministry).

Crisis management is characterised by a different logic. Organisation studies show that in times of crisis, top-down approaches become a frequent mode of governance (Buschkamp and Seidenschnur 2023). This is also what we can observe in our data about German universities. Representatives from universities as well as press releases from the German Rectors Conference and communication in emails within the universities show that universities performed according to state regulations during the crisis. University management meant turning political regulations into action in their organisations, as seen in the following mail: ‘the spread of the coronavirus concerns the University (X), just as other institutions. A task force (...) is constantly evaluating information from the health authorities, the Federal Centre for Health Education and the Robert Koch Institute. Hereby we would like to inform you about points that follow from this for the University’ (Email March 2020).

Critical reactions were expressed in the form of political claims, while, nevertheless implementing the new regulations in the organisation. An example is the German Rectors’ Conference telling the state how it should support universities and adapt its crisis governance to the needs of universities: ‘The senate of the Rectors Conference has expounded the measures that are necessary from the federal states and the national government in a digital meeting on Tuesday’ (German Rectors’ Conference 2021).

The strong role of the state during the pandemic also led to an intensification of communication between the ministries’ representatives and the university leaderships: ‘I have experienced the pandemic as an acceleration, since we had so many challenges that we met the university leaderships and sat together two, three times a week’ (Interview with a university president). This development not only concerned communication on the top level. Digitalisation of working processes made it also easier to interact at short notice via online platforms and to establish meetings without losing time through travelling: ‘It is now possible to meet every fourteen days. Before the pandemic, we would have had to travel. But now, there are opportunities like this to create events together’ (Interview with a representative from university administration).

Post-pandemic stage: Open communication channels for the cultivation of soft state power

Our data shows that the pandemic hit German higher education organisations at a time when there was the tendency that the state, and especially the federal states, withdrew in many respects from direct governance of universities during NPM but tried to establish forms of interaction to remain in a position to interfere in universities' strategic actions. While this return of the state takes place in a moderate mode, meaning that it only happens when the traditionally strong autonomy of universities and academics is not directly questioned, the pandemic opened a window of opportunity (Buschkamp and Seidenschnur 2023) for top-down management which is uncommon in German academia. The top-down management by the state was based on the need to respond to the crisis and it disappeared after the crisis. In the post-crisis governance, the return of the state, which still takes place in many regards (Seidenschnur et al. 2024), happens again in a moderate mode without actively questioning the universities' autonomy: 'Of course, [name of a federal state] has an extremely high grade of autonomy for universities' (Interview with representative from a ministry). What remains is an intensification of communication on different levels and that may contribute to the development we described in terms of a return of the state.

Conclusion

Comparing the different cases (see Table 1), we can draw three conclusions. First, the pandemic was not a game changer in terms of global or national trends. Instead, the pre-pandemic paths of governance were reinforced by the pandemic, as seen in France. Where they were challenged, the system reverted to pre-pandemic paths of governance, as seen in Denmark and Portugal. Second, the pandemic has nevertheless opened some windows of opportunity. In Germany, for example, the relationship between university leaders and the state intensified as the infrastructure for cooperation improved; networks were strengthened during the pandemic fostering post-pandemic paths of governance. Third, in all four countries the findings point to a return to the bureaucratic logic in terms of state control either directly or in soft modes, while the expansion of the managerial logic remains important but less independent from state intervention. Interestingly, the responses to the pandemic can be viewed as temporary adjustments. From the perspective of institutional layering, these changes contribute to gradual institutional change as new rules or processes were introduced alongside

existing ones, allowing for incremental modifications to the institution's structure and function without complete replacement. For example, a return to bureaucratic logic as a temporary change can serve as institutional experimentation, enabling organisations to test new approaches and learn from them. If these temporary changes prove effective, they can become layered into the institutional framework.

Table 1. Comparison of the four cases

Country / Stage	Pre-Pandemic Paths of Governance	Struck by the Crisis	Post-Pandemic Paths of Governance
Denmark	University autonomy redefined Strengthened university leaderships. Weakened collegial governance Strong governance by the State, especially using funding mechanisms	Close collaborative relationship between ministry's agency and higher-education institutions' leaderships Top-down management through crisis committees Growing distance between university management and academic members	Return to strong state governance of 'autonomous' institutions Further decline in collegial governance and in the impact of academics
France	Strengthening of university leaderships Competitive public funding Direct and indirect governance	Attempts to preserve university autonomy Combined with The persistent demands of university rectors for clear guidance from the Ministry	Double centralisation More systematic recourse to the Ministry by university rectors and senior management Directives increased the constraints on universities.
Portugal	Government grants autonomy to universities Rise of managerial logic	No major changes Bureaucratic interventions only in terms of crisis management	The idea of autonomous universities with growing managerial power is maintained, e.g. via competitive funding schemes
Germany	Growing power of university management Still a collegial mode of governance, but rise of managerial logic Moderate return of bureaucratic power by the federal states	Direct communication between the ministries of the federal states and the university leaderships Bureaucratic control in terms of crisis management	The pre-pandemic trends remain strong. Federal states make use of new communication channels to have some additional influence on university leaderships in terms of soft power.



Discussing the overall picture of the four cases at hand, we can say that the managerial logic in terms of distributing strategic capacities to the university leaderships is strong in all the countries, while the academic logic with its tradition in collegial governance bodies did not disappear, but in none of the cases did the pandemic lead to a situation in which this logic, which was already rather declining before the pandemic, regained power after the crisis. This is in line with the pre-pandemic paths of governance in which university leaderships gained additional capacities and power for strategic decision-making to make their university successful. The extent to which leaders will use these capacities to form an organisational identity that differs from other universities and improve their institution's position in competition (Christensen et al. 2019) remains to be seen. During the pandemic, the empowerment of university leaderships weakened academic self-governance reflecting one of the features captured by *boardism*.

Analysis of the four cases also shows that communication between the states and the university leaderships intensified, while crisis management within the universities often occurred in a top-down manner, which is also usual for organisations dealing with crisis situations (Apelt 2013). With this regard we can therefore argue that, in the higher education systems surveyed, the pandemic enhanced pre-pandemic paths of governance in favour of a managerial logic instead of academic logics. However, the consequences of the pandemic for the bureaucratic logic in relation to managerial approaches vary. The extent to which ministries at the federal or at the national levels used the crisis as a window of opportunity (Meijerink 2005) to enhance their power differs between the cases, with a lesser degree in Germany and Portugal and a higher degree in Denmark in terms of the policies with which universities have to comply. In Germany the ministry's influence worked softly, by making use of new communication channels that had been created for crisis management during the pandemic, whereas in Denmark politicians exercised stronger influence by making policies with which the universities have to comply in a situation when universities offered little resistance or awareness as they were focused on dealing with the crisis.

Amélia Veiga is Associate Professor at the Faculty of Psychology and Education Sciences, University of Porto, and she co-ordinates research at the Centre for Research and Intervention in Education (CIE). Her research engages with sociology of education, education policy analysis, governance, internationalisation, quality assurance, and research in higher education pedagogies, with particular emphasis on investigating the concepts of differentiated integration in higher education, the institutionalisation of the European dimension in education, and the enactment of policies into practices. Her work explores how these dynamics contribute to fostering social inclusion, student integration, innovation in teaching and research, and the advancement of democratic values within higher education institutions. Email: aveiga@fpce.up.pt; ORCID: 0000-0002-5220-4019

Leonie Buschkamp is a sociologist and organisational researcher who works as a research associate at the Leibniz Centre for Science and Society at the Leibniz University of Hannover. She conducts research on competition, particularly in the science and higher education system, and examines the competitive strategies and games of organisations. Email: leonie.buschkamp@lcss.uni-hannover.de

Dorota Dakowska is a Full Professor of Political Science at Sciences Po Aix in Aix-en-Provence, France, where she is also head of the department. She is a member of the Mesopolhis research centre at Aix-Marseille University and Sciences Po Aix, CNRS. She has published internationally on German foreign policy, democratisation and authoritarian backlash in Central and Eastern Europe, as well as the involvement of the EU and international organisations in higher education reforms. Her most recent research focuses on exile following the war in Ukraine. Email: dorota.dakowska@sciencespo-aix.fr; ORCID: 0000-0001-9188-2819

Tim Seidenschnur is a sociologist and organisational researcher at the International Center for Higher Education Research (INCHER) at the University of Kassel. He has researched and published on topics such as competition, legitimacy, consulting and the role of crises in various higher education systems and has conducted comparative research with organisations in other organisational fields. Email: tim.seidenschnur@uni-kassel.de; ORCID: 0000-0003-4688-4182



Antonio Magalhães is a Full Professor at the Faculty of Psychology and Education Sciences of the University of Porto, Portugal and Director of Centre for Research in Higher Education Policies (CIPES). His academic interests focus on education policy analysis, namely on the relationship between the state and higher education systems and institutions and on European higher education governance. He has been researching and publishing both internationally and nationally on these topics.

Email: antonio@cipes.up.pt; ORCID: 0000-0003-2979-2358

Susan Wright is Professor of Educational Anthropology and Co-Director of the Centre for Higher Education Futures (CHEF) at the Danish School of Education (DPU), Aarhus University and a member of the Danish Royal Academy. She studies people's engagement in large-scale processes of political transformation and has researched higher education and university reforms for thirty-five years in the UK and Denmark, developing concepts of audit culture, participatory governance and the anthropology of policy.

Email: suwr@edu.au.dk; ORCID: 0000-0002-8124-4335

Notes

1. This research was carried out by Susan Wright, Rasmus Harsbo and Mille Idehen.

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