

Contested Autonomies:
The Reform of French University Governance and its Discontents

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Abstract

In the past decade, the governance of French universities has seen substantial changes in line with developments elsewhere in Europe. Engaging in an 'autonomy/accountability two-step', French universities have been granted a significantly higher degree of organisational autonomy while at the same time becoming subject to a widening set of external accountability measures. The French case nonetheless presents interesting specificities stemming particularly from the absence of a strong tradition of institutional-level university autonomy. The present paper explores current reforms against the background of this distinctive historical tradition, probing the mediation of 'global scripts' by 'national filters'. After setting out the broad contours of the historical model, successive sections then survey the 2007 Law on the Liberty and Responsibility of Universities, the 2013 Fioraso Law, and the possible direction of policy under the Macron presidency. The concluding section situates French developments relative to wider trends in terms suggestive of a forward research agenda.

Introduction

Many universities across Europe have, over the course of the past two decades, been engaged in an 'autonomy-accountability two-step' (Harmsen 2014: 42). On the one hand, a broad public policy trend has emerged whereby historic forms of state control over the higher education sector have been loosened or removed. On the other hand, the removal of those traditional controls has generally been accompanied by the introduction of new forms of organisational accountability, typically including performance measures and benchmarks as well as forms of contractual arrangements.

The emergence of this pattern raises important questions about the nature and extent of university autonomy in contemporary European higher education systems. It has, for example, been argued that the gains in formal autonomy have been more than outweighed by the introduction of new, more intrusive forms of scrutiny (Christiansen 2011). In effect, the sphere of real autonomy may be reduced as managed processes of institutional

accountability displace more traditional professional norms centred on individual responsibility. More recently, the major Oslo-based 'European Flagship Universities' research project has underscored the need to capture the 'living autonomy' of universities as evolving institutions, probing beneath the surface to understand 'how university reforms are interpreted, translated, buffered, channelled and used internally' (Maassen, Gornitzka and Fumasoli 2017: 244). Overall, it is clear that potentially major changes are taking place in the sector which point to a possible shift in the core definition of the concept of autonomy itself.

The principle of autonomy, as the lodestone of the contemporary research university tracing its origins back through to the nineteenth century, is fundamentally based on the distinctive character of the university as an institution. Centrally and uniquely concerned with the preservation and expansion of knowledge, the university must be given the scope to pursue this mission freely and critically. It is this specificity that justifies its institutional autonomy and the individual academic freedom of faculty members, as well as attendant institutional practices such as academic self-governance and tenure. It was, indeed, in these terms that Wilhelm von Humboldt made the case for university autonomy in his famous 1809-10 memo on the (re-)organisation of the University of Berlin that provided the initial blueprint for the modern research university:

The state must always remain conscious of the fact that it never has and in principle never can, by its own action, bring about the fruitfulness of intellectual activity. It must indeed be aware that it can only have a prejudicial influence if it intervenes. The state must understand that intellectual work will go on infinitely better if it does not intrude... (von Humboldt [1809-10] 1970: 244).

In contrast, the notion of university autonomy that underlies much contemporary policy discourse is defined in more conditional terms, seeing this autonomy as the necessary precondition for the university to be able to play its role as a key driver of the knowledge economy. Autonomy here is thus conceived primarily in managerial terms, ensuring that the

institution is endowed with sufficient steering capacity so as to be able to meet the societal and (above all) economic demands being placed upon it. Much of the emphasis is thus correspondingly placed on the reinforcement and professionalisation of internal management structures – tools of organisational autonomy – in terms disconnected from, if not in opposition to more traditional forms of academic autonomy. The European Commission's 'modernisation agenda' for universities is an exemplar of this line of reasoning, calling for greater university autonomy (and new mechanisms of accountability) so that institutions might – with more professional management – strategically diversify and be better placed to play their role as 'centres of knowledge, expertise and learning...[that] can drive economic development in the territories in which they are located' (European Commission 2011: 8).

The interplay of these different conceptions of autonomy of course takes place in and requires that one study specific national contexts. As Gornitzka and Maassen (2014) have more generally argued, the focus must be placed on how 'national filters' mediate the 'global/European scripts'. Clearly, one can point to the significant diffusion of norms at the international level (not least connected to rankings exercises) which have served to legitimate particular institutional forms – the 'global scripts'. These institutional forms, moreover, often find still more sharply defined articulations at the European level, either through regional institutions or through wider processes of transnational policy transfer – what might be termed 'European templates' as an intervening category. Both the European and the international pressures and incentives, however, are variably absorbed, transformed or rejected in differing national contexts – mediated by 'national filters'. Differing institutional configurations empower different actors with varying interests relative to external reform scripts. The international or European diffusion of norms further will encounter existing

national logics of appropriateness, in the higher education sector typically taking the form of deeply embedded university models that define both appropriate institutional forms and the status and roles of those within them. Exhibiting variable degrees of fit and misfit with international trends, these national models may be sources of substantial resistance to institutional reforms.

The present paper develops a study of the French case in the context of these more general trends and questions, with a view to piloting a wider comparative project. Situating the case, the next section sets out the historical specificity of France's (non-)university tradition. The following sections then detail the two most recent reforms of French higher education governance (the 2007 Law on the Liberty and Responsibility of Universities and the 2013 Fioraso Law) as well as looking briefly at the likely direction of policy under the Macron presidency. The conclusion seeks to draw an overall portrait of the past decade of reform in France in terms that re-engage the broader debates suggested in this introductory section.

The Historical (Non-)Institutionalisation of French Universities

French universities have experienced a markedly different pattern of institutional development relative to that which has characterised their counterparts either in the English-speaking world or in the Humboldtian tradition. Universities qua universities have historically been comparatively weak institutional actors on the national institutional landscape at least since the French Revolution. French universities have had difficulties maintaining their place relative to both the elite *grandes écoles* and distinct national research organisations (notably, the *Conseil National de la Recherche Scientifique* founded in 1939). They further have been subject to a comparatively high degree of central state control across the full range of financing, curriculum, admissions and staff recruitment.

The roots of this situation may be traced to the Revolutionary period and subsequent developments throughout the course of the nineteenth century, tellingly described by the philosopher Alain Renaut (2008: 119-125) as 'a century without universities'. The Convention abolished all of France's universities in 1793. They were then re-established in 1810 by Napoleon as *the* university of France (emphasis on the singular) - in effect, an overarching national framework under whose jurisdiction a patchwork of localised faculties existed. These faculties primarily prepared candidates for state exams and significantly depended on examination fees for their existence.

An attempt was made to redress this situation under the Third Republic. An 1896 law sought to bring together the disparate faculties and re-established the provincial universities. The law, however, was widely seen as a failure. As the British historian Theodore Zeldin (1980: 323) notes, 'the amalgamation was largely superficial and the real unit remained the faculties'. More generally, he goes on to observe that 'The revival of the universities took place long after an active cultural life had been established in France and had found different ground in which to grow' (Zeldin 1980: 333). In other words, the place that might have been occupied by the universities had already been occupied by other actors – with intellectual life centred in the *salons* and elite education in the *grandes écoles*. When the universities were re-established, they thus faced a steep, and ultimately insurmountable challenge to reconquer this lost terrain.

It is perhaps, however, their internal fragmentation and central state dependency that more importantly characterises French universities as historically weak institutional actors. In effect, the strong presence of the central state and the localised 'rule of the faculties' rested on a significantly symbiotic relationship. A national system of discipline-based academic recruitment dovetailed with the maintenance of key decisional authority at the local level in

similarly discipline-based units. Between the national and the unit level, the university level correspondingly tended to remain a relatively weak superstructure, exercising little real authority. Indeed, the idea of 'university autonomy' itself, as attached to the institutional level, came to be regarded in many quarters as inherently suspect. To vest the university with substantial decisional authority would, in the eyes of many, risk courting 'localism' and 'clientelism' – undermining the state's role as the guarantor of a uniform national system (as well as cutting across existing local power structures).

This resistance to 'autonomy' has perhaps been no better captured than by René Rémond, an eminent 20th century political historian and one-time president of Paris-Nanterre University (cf. Mercier 2015). Eloquenty venting his frustrations as an unsuccessful reformer in the aftermath of the adoption of the 1968 Faure Law, Rémond diagnosed the situation as follows:

The idea of autonomy unites a quasi-unanimity of currents and forces which are otherwise entirely separated and opposed. Students, when they exceptionally do not view it as simply a fiction, dread it: will it not bring about a devaluation of the national and uniform character of degrees to which they are jealously attached as a guarantee of equality and an assurance of employment? Faculty members fear that they will lose their independence and prefer to depend only on distant authorities, powerless to exercise a real control, rather than local authorities, even if they freely choose them. Whatever their political orientation, they are suspicious of autonomy. Those on the right are convinced that the exercise of liberty will be sealed by a precipitous decline in the quality of teaching and the value of degrees; they are so pessimistic as to the effects of liberty that they place their confidence only in the authority of a central power... For different reasons, faculty members on the left are no less distrustful: they fear a 'dismantling' of the public service... As to the unions, they much prefer negotiating as equals with the central administration: from one apparatus to another there is an implicit understanding; one has the same way of reasoning; they are the same type of animals. (Rémond 1979: 446)

It is this ‘national specificity’ that has now been recast in policy discourse as a ‘problem’ to be overcome.¹ Most immediately, there is a problem of form that has been repeatedly (over-)emphasised in governmental discourse. The historic tripartite division of French higher education and research between universities, *grandes écoles* and research organisations fits poorly with the demands of international rankings, leading to a likely undervaluing of French institutional performance. Beyond this, there is also a (less emphasised) ‘causal story’ (Stone 1989) suggestive of the need for deeper changes. Here, the argument is not simply about form, but drills down to more substantive questions asking whether these historically inherited institutional forms produce sub-optimal governance structures and further may impede the development of creative synergies across fields in both teaching and research. It is to these questions that the paper now turns through examining the major reforms of the system over the course of the past decade.

The LRU (*Loi relative aux libertés et responsabilités des Universités*)

Background

The LRU (Law on the Liberty and Responsibility of Universities) returned to the question of the reform of university governance, after the failure of the Ferry Law in 2003. The then minister, Luc Ferry, had withdrawn his text on university autonomy faced with a wave of protests. The LRU was adopted in August 2007. Like previous attempts at reform in

¹ This line of argument has been perhaps most explicitly developed by Emmanuel Macron during the 2017 presidential campaign. Macron noted the existence of a ‘French specificity’ in which ‘one had always mistrusted the University’, going on to add ‘This began with Francis I and the College of France and has never since been disavowed. When one wanted to do something good, one did it outside of the University’. Though noting that this had produced a very workable system, he nevertheless also returned to the reformist argument of needing to adopt university models adapted to meet the demands of international competition. See Macron (2017b) and further below.

the sector, it was a highly contested measure, giving rise to a wave of student strikes and university occupations in the autumn of 2007, as well as a later protest movement by university faculty in 2009 after the adoption of the attendant decree concerned with their status.

Main Provisions

The law principally sought to provide for a streamlining and reinforcement of central authority within the institution so as to create the conditions for an enhanced institutional autonomy. In so doing, it was characterised by a marked 'presidentialisation'. Presidents were given the possibility of serving two four-year terms, instead of a single five-year mandate. The president gained significant control over human resources, notably acquiring the authority to vary teaching and research obligations; to accord performance bonuses; and in certain circumstances to refuse to follow the decisions of specialist recruitment committees as regards academic appointments.

Also at the central university level, there was a reinforcement and redefinition of the role of the *Conseil d'Administration* (CA). The body was halved in size (from around 60 to 20-30 members) so as to be rendered more manageable (and potentially more managerial). The element of external representation was increased (with all external members appointed by the president, with the exception of one member designated by the regional council). The CA also gained significantly in decisional authority – the other two councils (*Conseil scientifique* and *Conseil des études et de la vie universitaire*) were reduced to a consultative role only and no longer played a role in the election of the president. The electoral system for the CA was further changed so as to include a '*prime majoritaire*' (later revised by the Fioraso Law) – assuring the winning list a large majority in the council supportive of the presidential project.

All universities were expected, within a five-year window, to move to a situation of enhanced autonomy with control of their budgets and human resources. Presidents thus gained control of the institutional '*masse salariale*' such that, for example, a professor might be replaced by two *maîtres des conférences* (or vice versa). This financial autonomy proved, however, to be something of a poisoned chalice, as the budget transferred was often insufficient, notably to deal with so-called GVT (*glissement-vieillesse-technicité*) effects (see Musselin 2017: 134-135).

The institutional reforms were accompanied by a further administrative centralisation within universities produced, as Musselin (2017: 134-142) convincingly demonstrates, by the 'agencification' of the French higher education policy landscape. The creation of the AERES (*Agence nationale de l'évaluation de la recherche et de l'enseignement supérieur*) in 2006 (replaced in 2013 by the *Haut conseil de l'évaluation de la recherche et de l'enseignement supérieur*) and of the ANR (*Agence nationale de la recherche*) in 2005 had created new forms of external accountability and inter-institutional competitiveness that demanded a greater level of institutional-level coordination and created new possibilities for central administrations to instrumentalise new forms of control.

Governmental Discourse

The official presentation of the law (*Exposé des Motifs*) in 2007 echoed the more general reformist discourses dominating international policy debates. The central place to be occupied by the university in the nation's future was underlined, as was the inadequacy of current institutions to meet this imperative challenge – from which the need for a thorough reform of institutional governance. As the text put it, 'Universities must benefit from a governance that is better adapted to the double challenge of excellence and opening the

possibility of a university education to the largest possible number. They require strategic steering (*pilotage*), the capacity to manage their physical plant and to recruit their personnel'. A reinforcement of central administrative capacity was thus portrayed as necessary to attack the (distinct, if intersecting) problem streams of both student success (faced with very high failure rates and issues of subsequent labour market insertion) and wider institutional responsiveness to growing economic and societal demands. This, moreover, was strongly identified as a central challenge that must be overcome to secure future national prosperity, concerning 'France's place in the global knowledge battle'.

The wider governmental discourse echoed much the same 'causal story' – arguing that 'reform' centring on institutional governance was necessary for universities to play their vital roles as regards both student support and economic engagement. This was, for example, very much the narrative developed by Minister Valérie Pécresse in her retrospective overview of the LRU delivered at the opening of a colloquium on 'the University in the World' on 16 June 2011. The opening line of the speech clearly set the tone: 'I am convinced that the university, as we know it, must radically change if it wants to survive'. 'Autonomy' then is the means to bring about this radical change – the 'pivot' in a situation where the key challenge was that of 'liberating the ambitions of our universities, permitting them to adopt a genuine strategy, developed in collaboration with their localities and founded on their scientific and pedagogical forces' (Pécresse 2011).

The causal story ran in parallel to – and occasionally appeared dominated by – an 'isomorphic' discourse in which conformity to international forms and norms appeared in itself to be an objective of policy – essentially a type of 'mimetic isomorphism' to use the classic categories of DiMaggio and Powell (1983). The background to this is what has been termed France's 'Shanghai shock' (Dobbins 2013), in which the comparatively poor

performance of French universities in global rankings set off a sustained national debate. As one commentator put it, the rankings became ‘the new idols’ (Leroy 2007: 95-107) and an apparent driver of public policy at least to some extent divorced from underlying issues. The (over) emphasis placed on placement itself is perhaps best captured by the title of a colloquium organised by the cultural committee of the French Senate on university evaluation in May 2010, which invited participants simply to ‘Forget Shanghai’.²

Government discourse, however, did not follow the Senate committee’s suggestion, with Shanghai assuming a particular prominence, albeit in somewhat contradictory terms. On the one hand, French government officials were publicly critical of international rankings, repeatedly criticising their ‘Anglo-Saxon’ and ‘research’ (to the exclusion of teaching) biases. Minister Pécresse made a point of visiting Shanghai Jiao Tong University during a 2010 trip to China to express those concerns, while France was also a strong supporter of the development of the EU’s alternative U Multirank institutional mapping exercise (Leroy 2007: 103-105). Yet, on the other hand, improving the position of French universities in the (much criticised) rankings was also stated government policy. In an interview with *Le Figaro* published on 7 August 2008, Minister Pécresse, for example, affirmed that having 10 French universities in the top 100 by 2012 was an objective of government policy. That objective was clearly tied to the earlier causal story – inculcating a ‘culture of results’. Yet, as noted above, it also had a more isomorphic element – ‘giving greater visibility to French universities’ – by remoulding them into structures deemed to be more readily readable in international terms.

² <https://www.publicsenat.fr/emission/colloque-sur-le-theme-classement-des-universites-oublier-shanghai-4638>

Opposition Discourses

The full spectrum of oppositions and protests is well outside the scope of this paper, but the discourses of a few of the more prominent opposition movements may be usefully discussed as a means to tease out the underlying understandings of autonomy which fuelled concern.

Despite the very visible protest movement, the main student organisations actually adopted a wide variety of positions on the LRU, ranging from broad support to radical opposition. In part, there was a significant jockeying for position, with the UNEF (*Union Nationale des Étudiants de France*), for example, apparently torn between its desire to be seen as a legitimate governmental interlocutor on the one hand and not wishing to expose its flank to more radical protest movements on the other hand. As one might expect, a few issues resonated quite generally across the different organisations – notably those concerned with admissions (and the rejection of selection), student welfare issues, and the diminution of the student role in university governance through the recomposition of the *Conseil d'Administration*.

Beyond these common concerns, as it is not possible to look at the full range of positions here, it is perhaps particularly useful in the present context to look at the position adopted by one of the groups that spearheaded the opposition to the LRU – *SUD-étudiant* (the student branch of the wider *Solidaires, Unitaires, Démocratiques* union movement). *SUD-étudiant*, in a September 2007 document issued at the national level by an expert committee, put forward a very detailed analysis of the LRU – styled '*Petite analyse pour y voir clair*'. The core critique is unsurprisingly that of the 'marketisation' of higher education and the destruction of the national 'public service' in line with the corrosive effects of a neo-liberal agenda in other sectors. In the words of the document (p. 18): 'You see, with the string of

governmental announcements, how one moves, in education as with other public services, from a logic of providing services to persons to one of profitability. How can one expect to make education profitable? Yet, this is nevertheless what is being prepared with the new powers and (almost) new missions of the university'. This deleterious drift could, for example, be seen in the redefined role of the university president – 'endowed with a power of an entrepreneurial and managerial character' (SUD-étudiant 2007: 5). Beyond this general critique of the tenor and direction of policy, the organisation also took aim at the creation of logics of competition between universities, seeing this as the source of inevitable and inevitably widening individual and territorial-level inequalities. 'The disparities between universities were already embedded within the earlier reform of degree structures (*la réforme LMD*) and are now only being further pursued. We are very far from the equality of opportunities highlighted by the government' (Ibid: 17). Finally, the concept of 'autonomy' itself was seen as 'reactionary', drawing on a deep historical (and historically anti-clerical) register.

The concept of autonomy as regards the universities is historically a reactionary term. From the Middle Ages until the French Revolution (when they were abolished), the autonomy of the faculties signified that they were under the control of different religious authorities. For the entire duration of the 19th Century, reactionaries and monarchists attempted to return to a system of autonomy with more or less success. Thus, in 1875, the monarchists adopted a law on the "liberty of universities" which permitted the financing of private institutions (an interesting semantic and ideological filiation) (Ibid: 18).

A broad spectrum of oppositions to the LRU could also be found amongst academic faculty, expressed both through established unions/associations and movements that sprung up specifically in opposition to the reform. Again, it is not possible within the scope of this paper to cover the full range of such oppositions. Two examples of movements that came into existence to oppose the reform - *Sauvons l'Université!* and *Refonder l'Université* - might,

however, help to illustrate the overall contours of the debate as it relates to the present concern with conceptions of autonomy.

Sauvons l'Université! grew out of an 'appeal to the university community' first published in *Le Monde* on 21 November 2007. It subsequently became a comparatively broad-based movement of opposition to the LRU, and continues on through to the present as an advocacy group on higher education policy.³

The initial appeal tellingly appeared under the title: 'Save the University: University Presidents do not speak in our name'. The criticism concerned in the first instance what the authors of the appeal regarded as the undue media attention being given to university presidents in public debates surrounding the LRU (noting the staunch and, as the authors would see it, self-interested support given by the Conference of University Presidents to the reform law). It also, however, more centrally targeted the 'presidentialisation' of university governance set out in the law itself, which they termed a 'hyperpresidency' (echoing critiques of the then occupant of the Elysée) and a 'presidential despotism' which 'one could fear would not always be enlightened'. In opposition to this, they argued for 'collegiality' as the 'base of the university institution' and 'the guarantee of free teaching and research'.

This position was somewhat more fleshed out later in a document outlining 'Nine Engagements for a Democratic, Independent and Collegial University' issued in February 2008 (*Sauvons l'Université* 2008). The broad principle of autonomy was laid out in resonant terms, with 'real autonomy', 'the only autonomy that counts', being defined as 'the autonomy of the production and transmission of knowledge as a collective, free and collegial practice'. As

³ <http://www.sauvonsuniversite.com>

regards the structures of university governance, the document called for a rebalancing of decision-making, with the scientific and educational councils again to rejoin the *Conseil d'Administration* as full partners in the decisional process. The document further called for the presidential powers set out in the reform law to be rolled back, for the mode of functioning of the *Conseil d'Administration* to be reformed, and for the mode of election of the council to be returned to its old basis (with a stronger disciplinary structuring and professorial role). The principle of collegiality was seen as demanding that power should more generally be diffused throughout the institution, with central authorities having an obligation to render accounts to annual assemblies held at the unit level (UFR). The text was also concerned to maintain the role of the central state, placing the discretionary powers accorded to the president as regards performance incentives and the variation of teaching obligations under national control, with the possibility of appeal beyond the institution. Similarly, the text sought the deferral – and, if possible, the simple rejection – of the delegation of responsibilities for physical infrastructure to the institutional level, arguing that this created a significant budgetary risk for core teaching and research functions.

Refonder l'Université also stems from an appeal launched in *Le Monde*, in this latter case signed by 29 prominent French academics and published on 14 May 2009. The appeal was followed by a later collective volume (Beaud et al. 2010). While many of those involved with the petition had been and continue to be important voices in national university debates (see, for example, Beaud 2010), a longer-term movement did not take root on the basis of the initial declaration.

The themes evoked in the group's initial declaration as regards university governance broadly recall those already seen in the case of *Sauvons l'Université!* (text reprinted in Beaud et al. 2010: 217-222). The *refondateurs* are careful to clarify what they see as the crucial

distinction between 'managerial autonomy', which is 'principally local' on the one hand and 'scientific autonomy', which is 'indissociable from national statutory guarantees' on the other hand (Ibid: 220). On institutional reform, the declaration calls for the creation of 'a real counterbalancing power' in opposition to university presidents and the *Conseil d'Administration*, necessitating major reforms to the LRU (Ibid: 220). The principle of 'collegiality' here too is invoked as necessary for the functioning of universities in a democratic society and more directly seen as demanding a reform of recruitment practices so as 'to escape from clientelism and localism' (Ibid: 221). The authors also underlined that budgetary autonomy should be accompanied by the granting of sufficient means to universities, such that units would enjoy an adequate level of base funding, moving away from a wasteful system of project-based 'generalised competition'.

Constructing the Metanarrative

The common - and contested - reference point, across pro- and anti-reform discourses, was clearly that of 'public service'. Proponents of the reform portrayed it as a necessary reform of the national educational public service, while opponents characterised it as damaging, if not undermining the very foundations of that public service. Beyond this, as regards the present more specific concern with autonomy, it is clear that the government's vision of autonomy was a strongly managerial one. Autonomy was seen in terms of a necessary empowerment of central university administration so as to be able to manage the institution in terms consistent with the wider societal and – principally – economic demands being placed upon it. While some concern was (perhaps unavoidably) expressed as regards the development of democratic governance, it is clear that this was not the driver of the reforms.

On the opposition side, a number of common points emerge. All critics of the law targeted the 'presidentialisation' of institutional structures. Generally, all also picked up on the wider theme of the 'marketisation' of universities, as well as criticising the growing competition being instilled in the university sector itself (seen as corroding both collegiality and public service). The alternatives proposed, however, appeared for the most part to call for only a return to the status quo ante. Strong attachment was shown to the role of central state as the guarantor of academic freedom, with national standards and recruitment processes being seen as the principal bulwark against 'clientelism' and 'localism'. Where decisional autonomy was emphasised, it tended to be at the level of the research unit or department. Reflecting embedded power structures and wider understandings of 'appropriate' forms of authority, autonomy was seen principally in terms of a disciplinary autonomy – exercised through a national community and local-level departmental structures, but in which the university level per se was not an important player.

As such, neither in the reform proposals nor in the major criticisms thereof does one see the strong articulation of a model of university autonomy predicated on institutional-level academic self-governance and a recognition of the distinctive critical function of the institution. Rather, the principal line of opposition was that between a managerialist model of autonomy on the one hand and the preservation of a national system with its unit-level extension on the other. An institutional-level conception of academic autonomy remained, in important respects, the hole in the middle of the puzzle.

The Fioraso Law

Background

François Hollande, during his candidacy for the French presidency in 2012, had spoken of the need for a 'profound reform' of the LRU, 'not so as to renege on the principle of autonomy', but rather so as to provide a corrective 'for the manner in which it had been implemented'. Echoing many of the critics of the law, he called for a 'more democratic and collegial governance' and promised the holding of an 'assizes' on higher education and research (*Le Monde*, 5 March 2012).

After Hollande's victory, the newly installed minister, Geneviève Fioraso, duly set in motion the promised broadly based consultation, launching the assizes in July 2012, with a final report being delivered to the minister in December of that year in terms that significantly shaped the legislative framework. The attendant reform bill was first brought before the National Assembly in February 2013, with the final text adopted in August 2013.

Institutional Governance

The bill was something of an omnibus, containing a wide range of measures, with some of the more prominent and controversial provisions again being in the admissions/selection problem stream. Anecdotally, perhaps the most prominent measure in early public discussion was one that allowed for more teaching in foreign languages – raising the spectre for some of an invidious anglicisation.

Specifically, on autonomy, the legislative recital (*Exposé des Motifs*) for the law spoke of the need to establish a 'real autonomy', which 'brings decision-making close to the actors concerned, based on trust and respecting diversity'. In this, it interestingly placed the proposal in the direct line of the 1968 Faure and 1984 Savary laws, while conversely

underlining the ‘deficient’ provisions of the LRU with its ‘highly centralised mode of governance, to the detriment of the collegiality that is consubstantial with academic life’. Yet, though adopting much of the criticism of the LRU, and changing the ‘mood music’ so as to emphasise a climate of dialogue with the sector, the changes proposed as regards internal institutional governance remained comparatively modest – essentially, a number of targeted correctives that did not seek a reversal of the previous government’s handiwork.

The major change effected was that of merging the *Conseil scientifique* and the *Conseil des études et de la vie des étudiants* into a single *Conseil académique*, which in turn would exercise many of its attributions through a *Commission de la recherche* and *Commission de la formation* respectively. Both sub-units were attributed broad consultative functions, as well as a decisional role for the *Commission de la formation* as regards exam regulations, student orientation and the validation of prior learning. The clear intention was thus that of rebalancing the relationship with the *Conseil d’administration* and reinforcing the relationship of teaching and research, though the amendments stopped short of creating a powerful ‘academic senate’ as had been discussed during the assizes.

The terms of election of the *Conseil d’Administration* were also altered, so as largely to eliminate the ‘*prime majoritaire*’, while also providing for the nomination of its external members prior to the presidential election by the relevant external bodies. In consequence, the president would not normally enjoy as cohesive a majority as the relevant LRU provisions had been designed to provide. He/she would be structurally pushed towards a more inclusive governance model – or, at least, this is the logic of the reform.

As noted above, the reforms thus operated at the level of detail, effecting relatively finely tuned recalibrations of institutional balances. Indeed, as one commentator opined at the time, ‘it achieved a compromise so subtle as to upset everybody’ (*Le Monde*, 1 June 2013).

In this respect, it might be noted that the law attracted criticism both from the Conference of University Presidents on the one hand (who saw it as diminishing their role and effectiveness) and from those who saw it as failing to provide a needed 'democratisation' of university governance on the other hand (Fournel 2013).

Regional (Re-)Organisation

Perhaps the most interesting governance provisions of the Fioraso Law, however, are those that deal with the wider, regional organisation of the university and research (eco) system. The creation of co-ordinated regional poles or groupings of higher education and research institutions has long appeared as an objective of national policy in the area. Already in the 1970s, in the aftermath of the adoption of the Faure Law in 1968, attempts were made to bring about a regional coordination of institutions – only to be rapidly abandoned in the face of perhaps inevitable local political rivalries (Rémond 1979: 450-453). More recently, the *2006 Loi d'orientation pour la programmation de la recherche et de l'innovation* (Lori) created the PRES (*Pôles de Recherche et d'Enseignement Supérieur*), which encouraged the establishment of regional groupings of institutions so as to coordinate teaching, research, and knowledge transfer activities within a specified geographical area. Some 24 such PRES were constituted in the period 2007-2012.⁴

⁴ Although it is difficult to discern its exact influence, a consideration of the 'California model' of differentiated state university systems did figure in the early deliberations leading to the current wave of regionalisation initiatives. An influential advisor to President Sarkozy, the economist and former president of the University of Toulouse I Bernard Belloc, had undertaken a study visit to the US in 2004, after which he returned as an advocate of adopting a similarly structured and differentiated model as an overarching template to overcome the organisational problems of French higher education (Leroy 2011: 32-33; Musselin 2017: 178-179). See further Belloc and Mourier (2011).

The somewhat flagging momentum associated with the 2006 set of regional structures found a second wind with the launch of various excellence programmes drawing on the major public sector borrowing initiative of the Sarkozy government (*le Grand Emprunt*). The Idex, Labex, Equipex and other programmes again created incentives for the creation of interdisciplinary groups working across existing institutional structures and, in practice, apparent rewards for those institutions which had already undertaken restructuring exercises (Musselin 2017: 186-197)

The push towards such institutional regroupings was further paralleled by a more 'bottom-up' movement towards institutional fusion, initially exemplified by the fusion of the three Strasbourg universities (respectively centred on natural sciences, humanities, and law) into a single entity. The idea appeared to have taken hold that 'complete universities' with broad disciplinary coverage were preferable to the more limited institutions, generally based on a cluster of related disciplinary areas, which had emerged as the typical institutional form in France through the 1968 reorganisation of the system (Musselin 2017: 211-243).

The Fioraso Law continued this movement in the direction of regional (re-) organisation, but somewhat inverted the logic. The previous system had been voluntary (institutions had the choice to participate or not in such structures) and significantly competitive (the excellence programmes, for example, evidently operate on the basis of a selection). Under the 2013 law, however, all public higher education and research institutions under the responsibility of the Ministry of Higher Education would have to participate in some form of regrouping. That which had been an option had become a legal obligation.

Specifically, institutions were given three choices as to how this obligation might be met: institutional fusion, the creation of a *Communauté d'universités et d'établissements* (Comue), or an institutional affiliation (*rattachement*). The Comue thus replaced the PRES and

a number of other structures of inter-institutional coordination. The law further prescribed governance structures for this new entity that largely reproduced those established at university level, seeking to counter the very vocal criticisms of the earlier PRES which had been seen as departing from established collegial and democratic modes of governance.

The underlying rationale for this reform was two-fold. In part, the reform was intended as an institutional simplification, seeking to create more 'readable' structures for both domestic and international audiences (in the latter case with an eye to international rankings and the need for clearer, integrated institutional profiles).⁵ The reform was also more widely tied to regional economic development strategies, in this highlighting the territorial dimension of the 'knowledge economy' and its emphasis on the clustering of particular activities (cf. Berger 2012: 57-59 for a fuller exposition of the regional eco-system argument).

It is questionable, however, whether the measures adopted are really well-suited to achieve the intended goals. Christine Musselin, in her recent survey *La grande course des universités françaises*, is particularly critical in this regard – singling out a French specificity in the pursuit of this 'regrouping strategy' that is likely to work to the country's disadvantage (Musselin 2017). Among other factors, she notes that the creation of these institutional groupings seems to run contrary to the logic of strengthening university autonomy

⁵ The complex patchwork of institutions is often described in the French literature as a '*millefeuille institutionnel*' likening its structure to the multilayered pastry. The report concluding the 2012 Assizes on Higher Education further added to this imagery, suggesting that this complex (and somewhat fragile) system could better be conceived as an 'institutional mikado' in reference to the game of pick-up sticks. The system, like the game, consisted of 'an ensemble of small rigid objects, each ensconced within the other, and with the movement of each piece dependent on all the others' (Berger 2012: 46).

simultaneously being pursued, while also underlining that the institutions emerging are much larger than the vast majority of universities that figure prominently in international rankings.⁶

There is much to support Musselin's critique. It is clear that the reform has done little, if anything to increase the visibility of French universities internationally (or at home); the creation of the Comue, in this respect, only adds another complex structure and confusing acronym to the list. While the underlying intention is clear – that of trying to ensure better coordination or integration of resources and talents across the historic tripartite divide between universities, *grandes écoles* and research organisations – it is unclear that this is an effective means to do it. More generally, through the simultaneous pursuit of both this regional strategy and a model of university autonomy, successive governments do appear to have somewhat stepped on their own reforms, pulling in different directions at the same time. As a reform addressing managerial autonomy (quite apart from its implications for academic self-governance), the creation of complex, multi-actor structures like the Comue seems to run contrary to the intention of establishing universities as cohesive, strategic institutional actors.

This is not to preclude the possibility of more positive developments. Large-scale universities might yet emerge from this process that are well-positioned both to be major players on the international scene and important political actors at home, following the model of large public universities in some other jurisdictions (cf. Douglass 2016). The broader pattern of state-university relations, with the persistence of comparatively strong central steering despite recent changes, would nevertheless seem to militate against this outcome.

The Macron Presidency

⁶ A brief English summary of this argument may be found in Musselin's interview with the *Times Higher Education*, 1 March 2018.

Higher education policy under the Macron presidency has thus far largely focused on the admissions/selection problem stream, with the incoming administration having been faced with a crisis situation as regards first-year university admissions. Although beyond the scope of the present paper, it might nevertheless be noted that the Law on the Orientation and Success of Students entered onto the statute books in January of this year, seeking to provide a more effective legislative framework for the admission and orientation of students while carefully avoiding an overt 'selection'.

Although not (yet) the object of a legislative initiative, Macron nevertheless did set out some general orientations regarding policy on university governance during the presidential campaign – and this in terms largely consistent with the broad developmental trends in the sector during the preceding decade. In his presidential programme (Macron 2017a), support was expressed for 'the constitution of world class universities', on the basis of *voluntary* regroupings of universities and *grandes écoles* together with the support of research bodies – apparently restoring an element of *volontarisme*, but other than that very much in line with the policies of the previous government. In his lone major speech on higher education and research during the campaign, delivered on 14 April 2017 at the National Institute for Research in Computer Science and Automation (INRIA), the then candidate developed this line of thought further, suggesting the emergence over the next 5 to 10 years of a network of 10 to 15 research universities having close relationships with research organisations. Beyond this, explicitly evoking a structurally differentiated system, he foresaw a further network of universities developing more specific forms of 'excellence' (Macron 2017b). Macron has returned to this theme since assuming office, for example expressing his wish that the (controversial) Saclay campus south of Paris, bringing together a number of

leading universities and *grandes écoles*, should become an ‘MIT à la française’, producing its first ‘unicorn’ within the next few years (*La Tribune*, 26.10.2017).

More generally, in terms almost identical to those used by the previous government, Macron’s presidential programme speaks of the need for ‘a real autonomy’, stressing an openness to dialogue and the need to break with a ‘top-down’ approach to reforms. Three more specific areas for reform are further touched upon. First, the candidate wished to give universities more decisional autonomy over their teaching programmes, provided that they maintained a sufficiently wide range of choice and commitment to professional development overall. Second, universities further would be given greater freedom to recruit their own academic staff, particularly with a view to opening up internationally competitive recruitments. In his INRIA speech, Macron was particularly critical of the existing national recruitment system centred on the *Conseil National des Universités* (CNU). While careful to note that it played a valuable role in some circumstances, the then candidate nonetheless frankly commented that ‘The CNU, it has never served as a protection against chapels, little favouritisms and fiddles (*les combines*)’. Finally, however, on the wider issue of the structures of university governance, the programme remains shrouded in a fog of undeveloped good intentions, speaking of ‘new models of governance’ that ‘will be put into place by the actors themselves and will assure greater flexibility in the composition of governing bodies’ – but providing no details beyond this. Watch this space?

Conclusion

After more than a decade of reform, French universities present something of a blurred image as a clearly (re-)defined institutional model has not fully emerged. While governments have sought to follow ‘global scripts’, ‘national filters’ have continued to play a

strong mediating role, not least as regards the persisting consequences of the historically problematic character of 'autonomy' itself in the French tradition. The LRU marked a major shift, pushing French universities somewhat abruptly in the direction of a managerially defined autonomy. That shift, however, met with strong resistance, rooted particularly in the defence of existing unit level autonomies and in a conception of a national public service underpinned by the central state as the guarantor of systemic integrity. The contest between this managerially defined reform on the hand and variable defences of a nationally defined status quo ante on the other hand left little space for the emergence of a conception of institutional-level autonomy rooted in a principle of academic self-governance. This picture has, moreover, been still further blurred by the variable forms of institutional regrouping which have been demanded of French universities by other and later reforms – often appearing to follow something of a meccano set logic whereby various pieces are configured and reconfigured with little regard for the development of genuine institutional identities.

The basis of reforms has often, in this respect, appeared more isomorphic than evidential. Musselin (2017: 263) has, for example, criticised the institutional regroupings demanded by the Fioraso Law as having 'no empirical, evidence-based foundation'. More generally, successive reforms have sought to (re-)establish the place of French institutions internationally by fostering the adoption of what are deemed to be institutional forms more in conformity with those privileged by the rankings exercises (all the while criticising those self-same rankings). Relative to this promotion of external conformity, the internal 'causal story', an argumentation as to why these reforms might beneficially reconfigure teaching and/or research as the university's core activities, has remained relatively underdeveloped.

France is not alone in this imbalance. Maassen and Olsen (2007: 13-17) have commented on a wider trend in European university reform debates in which 'strong

convictions' are often accompanied by only 'weak evidence'. In their terms, reformers are quick to pick up 'fashionable assumptions' about what constitutes 'good university governance' in terms which replicate (perceptions of) particular models, but show little connection to systematic evidence. In particular, the relationship between a traditional conception of university autonomy based on academic self-governance and a latter-day managerial model centrally concerned with organisational steering is little explored. Yet, if the goal of this latter-day model is to produce 'innovation', it is evident that this relies on the maintenance of the prior and distinctive character of the university as a self-governing entity critically engaged in the pursuit of knowledge.

Moreover, these complex interactions, as demonstrated by the present case, must be understood in relation to specific national contexts typically characterised by deeply ingrained norms defining the character of 'appropriate' institutional forms. The field would thus appear to be open for the development of wider comparative frameworks seeking to understand the interplay of these different 'autonomies' in different national systems. Interesting studies of institutional development in their own right, such studies would also appear necessary to ground and refine exercises in institutional reform where the designs of policymakers for institutional autonomy risk serious disconnection from the lived autonomy of actors on the ground.

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