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ON LIMITATIONS AND CONSEQUENCES OF CHANGE: DUTCH UNIVERSITY GOVERNANCE IN TRANSITION

ABSTRACT. In several countries, the internal governance structures of universities were substantially changed in the 1990s or are currently under discussion. Frequently found designs are those that strengthen executive leadership at the central and middle level of universities. In this article we present three large-scale reforms in Dutch university governance, using an elaborate classification scheme derived from classic issues in political science. Moreover, in the second part of the article we address the implications and limitations of the latest reform inside a university. It will show that the formal situation – stipulated in the law – is somewhat different from the actual situation: 'real' changes appear to be less radical than those on paper.

THE NEVER ENDING STORY OF UNIVERSITY GOVERNANCE

Governance within higher education is a most complicated and challenging issue. Of all issues currently under discussion, few are more controversial than those pertaining to the institutions of governance (Neave 1988). Who should govern a university, how, and to what ends, have been recurring questions in the history of universities (De Groof et al. 1998).

Universities today develop a disturbing imbalance with their environments (Clark 1998). They face an overload of demands and are equipped with an undersupply of response capabilities. They are caught in a crossfire of expectations by multiple stakeholders. As demands race on, and response capabilities lag, institutional insufficiency results. To increase this response capacity the governance and management structure of universities should be changed, or at least be reconsidered (De Boer et al. 1998a).

In rapidly changing environments, responsiveness, adaptiveness and flexibility become key ingredients of competitive strategies. Collegial authority structures seem too slow and cumbersome to meet the needs for adequate and timely responses. Collegial decision-making appears to be unsuitable to come to grips with the problems of imbalance between demand and supply capabilities (Clark 1998). Traditional models of university governance, in which collegial decision-making plays an

important role, are considered to be obsolete and unfitted for rapidly changing environments. Consequently, in many countries more corporate-like strategies and structures were perceived to be needed to manage the implications of turbulent environments (Bauer 1999). Frequently found designs are those that strengthen executive leadership at the central and middle level of universities. In many countries collegial decision-making structures were re-defined; some slightly, others more substantially (cf. Trow's (1994) distinction between 'soft' and 'hard' managerialism). In many cases, corporate managerialism and line-management have replaced systems of elected executives and affected the powers of senates and academic councils.

This shift towards soft or hard managerialism is, however, not unchallenged. Especially academics feel that both external agencies and managers internal to their universities are changing the balance of power and take authority away from them, which may have risky implications for the institution's viability, especially in the long run. After all, universities are bottom-heavy. Academics are (still) in the position to constantly question the legitimacy of institutional policies, which might seriously delay policy implementation or even paralyse the university. Second, academics hold essential information for meaningful decision-making. According to Dill and Peterson Helm (1988) one of the main features of universities is that academics possess the 'line' expertise necessary to evaluate the feasibility of strategic proposals. In other words, considering the key position of academics in the accomplishment of the university's goals, insufficient contribution of academics may affect the input of policy-making (lack of information) and the realisation of the policy decisions (resistance during implementation).

The challenge for university governance is clear. On the one hand, the executive or steering core (Clark 1998) needs to be strengthened to face the university's future with confidence, especially in the traditional continental systems. The traditional continental model of state bureaucracy and faculty guild (Clark 1983) is characterised by a weak central university level. This has severely limited the university's capacity to adapt and respond. On the other hand the academic heartland – were the traditional values are most firmly rooted – needs to continue to contribute substantially to the decision-making. The adequate blending of the traditional academic values with new managerial ones appears critical for the future performances of universities.

In this article we want to discuss how the Dutch dealt with this challenge. After WW II several large scale reforms in Dutch university governance took place. We want to discuss the outcomes of these

reforms by presenting three different models from the Netherlands. What are the main differences between these models of university governance? Moreover we want to elaborate further upon the present governance model of Dutch universities, by discussing the implications and limitations of such a model inside a university. In other words, the first part of the paper deals with issues at the national level (macro view), the second part discusses the consequences of the last reform on the institutional level.

In order to understand the evolution of Dutch university governance it is necessary to use a clear classification scheme. We address such a classification scheme before we describe the changes in Dutch university governance after WW II.[1] The two basic dimensions of institutional design that will provide the cornerstones of this classification scheme are: (1) the choice between democracy and guardianship and (2) the choice between concentrated or divided powers. These dimensions will be elaborated upon in the next section, followed by an analysis of the evolution of Dutch university governance (section 3). Then in section 4 we will turn to the institutional level by addressing the effects of the introduction of a 'managerial' type of university governance.

CLASSIFICATION SCHEME FOR THE COMPARISON OF UNIVERSITY GOVERNANCE STRUCTURES

Democracy versus guardianship

A key concept in the description of the institutions of governance is democracy. The notion of democracy means different things to different people. It is, however, used by virtually everyone to refer to a system that in one way or another is characterised as 'rule by the people'. Yet, the concept of democracy is not without its critics (e.g. Dahl 1989). Many of its opponents forcefully reject democracy, because they argue that 'ordinary' people are clearly not qualified to govern themselves. Not everyone is equipped with the expertise and knowledge that is required to govern. Therefore ruling power should be entrusted to a minority of persons who are specially qualified to govern on the basis of their superior knowledge and virtue. These highly qualified rulers are often referred to as the guardians. Advocates of 'rule by guardians' argue for the hierarchical subjection of ordinary citizens to the rule of a few enlightened rulers. Consequently, the fundamental distinction between democracy on the one hand and guardianship on the other concerns the question: who is qualified to govern? Are all community members capable of making community decisions, or should the right to participate in decision-making be reserved

for a body of meritorious leaders who possess exceptional knowledge and virtue?

In practice, in the Western world, the 1970s are generally regarded as the heydays of academic democracy. In several Western European countries, university governance was being 'democratised' in the sense of allowing for (equal) representation of the constituent groups on all university bodies (see, amongst others, Daalder & Shils 1982). Academic democracy, as an idea, has been heavily criticised. For various reasons it was argued that democracy would weaken academic control over teaching and research, and would result in a decline in academic standards (e.g. Lijphart 1983). These arguments – true or false – can be reduced to the presumption that not all members of the university community are equally enlightened and, therefore, not every person is equally qualified to rule.

The distinction between the concept of democracy and the concept of guardianship refers to the first dimension in our classification of university governance structures. The fundamental difference between these concepts manifests itself in radically different systems of selecting rulers. Except for some short-lived experiments in direct democracy, academic democracy has been synonymous with representative democracy. In an academic *democracy* no one belonging to the university 'Demos' should be excluded from the right to vote in elections of representatives who will participate in making the major decisions.[2] *Guardianship* provides an alternative mode of governance. Under this regime, office holders are appointed on the basis of their competence. This competence may bear reference to (some combination of) professional expertise and managerial expertise.

In the following subsection, we will introduce a second distinctive feature of organisational governance: the distribution of powers.

Distribution of powers

The concept of power, from the perspective argued here, refers to the legitimate, formal prerogatives of making decisions that are binding on others. In both democratic systems and guardianships, powers may be more or less concentrated. At one extreme, powers may be concentrated in one locus. On the other hand, they may be widely dispersed over subsystems within the organisation. The concentration of authorities – 'all' powers in the hands of one body consisting of one or more persons – is often regarded as undesirable, because subjects are at the mercy of an omnipotent ruler, elected or not. Another argument in favour of the distribution of powers is based on the presumption that decisions based on joint decision-making are more generally accepted. In such a vision, consultation and participation improve the effectiveness of decision-making.

Powers may be distributed in either of two ways. The first option is to distribute powers horizontally, that is, powers are divided between two or more bodies at the same organisational level. The second option is to distribute powers vertically, that is, powers are distributed over different organisational layers.

The horizontal dimension

An important decision to make in constitutional design is whether there should be some form of separation of powers or not. If not, the constitutional design is monocentric. If it is decided that powers are dispersed, there are in theory two main alternatives for a horizontal distribution of powers. Parliamentary government (based on the idea of *fusion of powers*) is a form of governance in which executive authority emerges from, and is responsible to, legislative authority (Lijphart 1984, p. 68). Alternatively, presidential government (based on the notion of *separation of powers*) implies a high degree of independence between the executive authority and the legislative office.

This may manifest itself in a number of different ways. First, the distinguishing feature of a parliamentary system is that the executive is elected or appointed by the legislature and not, as in presidential systems, elected by the people or selected by another principal. In a university setting, a parliamentary system might imply that a representative university council (democracy) or the classical senate (guardianship)[3] elects or appoints the rector[4] who is accountable to that representative council or senate. In this system, the council or the senate can also dismiss the rector from office. By contrast, in a presidential system, in a university context, the president is able to act 'independently' from the council or senate. In such presidential systems, the authorities of president and council or senate are clearly separated.

Second, in parliamentary systems the chief of the executive or the executive board is responsible to the legislature in the sense that he/she is dependent on the legislature's confidence and may be appointed and dismissed by the legislature. In a presidential system, however, the chief executive is relatively independent from the legislature and, apart from exceptions, cannot be dismissed. The chief executive is in charge for a fixed term.

Third, a final contrast between parliamentary and presidential systems refers to the membership of the governing bodies. In principle, a system of separation of powers implies independence of the executive and legislature and, hence, the rule that the same person cannot simultaneously serve in both. A fusion of powers implies that the same persons may be members

of both the executive and the legislature (monism). In several countries, however, parliamentary systems do have an incompatibility rule (dualism). Therefore, it is possible to make a subdivision in the class of parliamentary systems, viz. that between monistic and dualistic systems. According to this subdivision, parliamentary systems may differ in the degree of independence of the executive (relatively high degree of independence: dualism; relatively low degree of independence: monism).

In all three respects, the difference between presidentialism and parliamentarism is that between a system based on a clear separation of powers and a system based on a fusion of powers.

Put succinctly, the above discussion leaves us with four alternative models for the allocation of powers in universities. In theory all four models are conceivable under both a democratic system and guardianship:

Concentration of powers (monocentrism). This implies an almighty ruler at the apex of the university. Such a rector, or equivalent, holds both the (main) executive and legislative powers, whether he/she is appointed (guardianship) or elected by the university 'Demos' (democracy).[5]

Monistic fusion of powers. This implies that the legislature (either senate or council) has the power to select and dismiss the executive (*eg* the rector) and hold this office holder accountable. Moreover, the executive remains a member of the legislature (no incompatibility).

Dualistic fusion of powers. Here too the legislature (either senate or council) has the power to select/elect and dismiss the executive (*eg* the rector) and hold this office holder accountable. However, in this variant, the rector cannot be a member of the council or senate (legislature) at the same time (incompatibility).

Separation of powers. This corresponds to a situation where a clear separation of powers exists between the rectorate and the representative council or senate. Again, both the rector and the council may be either elected or selected. Both types of office holders are able to operate more or less independently from one another.

A horizontal subdivision

The issue of the design of institutions of university governance is further complicated by the distinction between 'monocephalic' and 'bicephalic' structures (Neave 1988, p. 111). This distinction refers to the locus of executive powers. Two types of qualifications may be relevant for univer-

sity leadership: specialised knowledge in an academic discipline or general knowledge of the art of governing. In debates on university governance, it is more or less generally accepted that the former type of qualification provides entitlement to participation in executive matters. In *monocephalic* systems this has resulted in a unified structure in which the head of the university is the head of both the academic and administrative hierarchy. In *bicephalic* systems, however, the role of the administrative hierarchy is more prominent. In these structures the rector, or equivalent, is the head of the academic hierarchy, elected by it. But this academic hierarchy is run parallel to an independent administrative hierarchy. This dual structure is to be found in most 'continental' structures of higher education (e.g. Norway, Sweden,[6] Germany and the Netherlands) and has along history in university governance (Neave 1988, 1997). An important reason for the existence of a separate administrative chain of command alongside the academic hierarchy is the desire of national governments to ensure a certain degree of continuity and to provide some guarantee that the university is managed in accordance with public laws. The apex of the administrative hierarchy therefore is typically appointed by the state and is variously titled as Kanzler, Curator or Director.

The vertical dimension

The vertical dimension refers to the relationship between centralised and decentralised systems. In a fully centralised system, one or more governing bodies at the central level are empowered to take 'all' the decisions for the whole organisation. Powers, however, can also be allocated to lower levels. The autonomy of the decentralised units in using these powers may be more or less strongly restricted by various modes of central supervision and financial arrangements. These arrangements of central control are generally introduced to 'organise the anarchy' resulting from the existence of partly autonomous subsystems.

   If we compare universities to other kinds of organisations, academic institutions are traditionally characterised by a relatively high level of decentralisation. One of the organisational features of universities is the diffusion of decision-making power throughout the organisation (see, amongst others, Maassen & Van Vught 1994). The rationale for this is based on the presumption that if production processes are knowledge-intensive, there is a need to decentralise. Many traditional universities have been organised along such lines. The chair-faculty structure that was predominant until the late 1960s in most West European countries and principles like 'departmental autonomy', are the reflection of an essentially highly decentralised system.

Decentralisation in higher education does not necessarily go hand in hand with a democratic system, on the contrary. The traditional chair-faculty structure in Germany, for instance, used to be inherently non-democratic. It was based on a system of patronage in which members of the non-professorial class remained highly dependent on individual chair holders (Neave & Rhoades 1987, pp. 211–212).

Advocates of decentralisation would argue that devolution of powers allowed for greater flexibility, increased capacity to acknowledge and deal with 'local' needs and situations, and relieved the administrative burden at the central level. On the other hand, decentralisation might result in a lack of co-ordination, a loss of economies of scale or 'tribalism' ('Balkan-isation'). As a consequence, one analyst argued that universities must continuously be urged to seek the 'benefits of association' (Clark 1983, p. 269).

DUTCH UNIVERSITY GOVERNANCE STRUCTURES SINCE 1945

We will use the four dimensions presented in section 2 for an analysis of the changes in the institutions of university governance in the Netherlands since 1945. We will concentrate on developments in national legislation and ignore possible variations at the level of individual universities.

A striking feature of the governance structure of Dutch universities prior to 1970 was its clear bicephalic structure (see Table I). Academic and non-academic affairs were clearly separated. At the apex of the administrative hierarchy the *college van curatoren* ('board of curators') was responsible for upholding laws and regulations, for the administration of the university finances and for personnel policies. They hired and fired junior academics, student counsellors and other employees, whilst they made nominations for positions of full and associate professors after having consulted the faculty and the *college van rector en assessoren* (see below). In this system, the *college van curatoren* consisted of five to seven persons, all appointed for a four-year term by the national government. This body generally acted as a mediator between national government and the university. The *college* was accountable to the Minister under this institutional regime. According to the *Wet op het Wetenschappelijk Onderwijs 1960* (Act on Higher Education 1960), the chair of the *college van curatoren* legally represented the university. A professional adminis-trator, the *secretaris*, who was in charge of the central administration of the university, assisted the *college van curatoren*. The *secretaris*, nominated by the *college van curatoren*, was appointed by the national government.

The other pillar in the bicephalic structure of those days was the senate. This body was responsible for all academic matters. It consisted of all full professors and embodied academic self-governance. The chair of the senate was held by the *rector magnificus*, who represented the university in academic affairs, appointed by the national government after the senate's nomination of at least two candidates (full professors). Obviously Dutch universities prior to 1970 cannot be labelled as 'democratic' according to our definition. All the main players were appointed by the national government, even though the senate had the right to nominate. Junior academics, non-academics and students were not represented in the formal governance structure. Consequently, the system should be labelled as a system of 'guardianship'.

With respect to academic affairs, the system was characterised by a fusion of powers, held by the senate and an executive body (*college van rector en assessoren*). In the terminology introduced in section 2, we can characterise this system as parliamentary, since the executive body emerged from, and was responsible to, the legislative authority (i.e. the senate). Moreover the system was monistic, because the members of the *college van rector en assessoren* were also members of the legislature.

Another salient feature of the institutions of Dutch university governance prior to 1970 was its chair-faculty structure. The faculty was a compound of chairs of full professors. The predominance of strong collegial rule by chair holders was a strong decentralised element in the institutional structure. Decentralisation, however, was by no means complete. The faculty was obliged to contribute to the university's policies, that is, to contribute to the preparation of strategic plans and budgets and to provide information to curators regarding the use of facilities, personnel, and so on. All in all, we may characterise the pre-1970 system of Dutch universities as a guardianship, based on a monistic fusion of legislative and executive power, and a bicephalic allocation of executive powers, with a high degree of decentralisation.

The 1960s witnessed a radical change in public opinion. Political and social democratisation was high on the public and political agenda. Worries about the effectiveness and efficiency of universities were overshadowed by demands for democratic participation of junior academics, staff and students in university decision-making. The spirit of this democratic movement was reflected in a new Act of university governance, which parliament passed in 1970.

The most striking feature of the new Act – the *Wet op de Universitaire Bestuurshervorming* (WUB) – was its emphasis on democratisation. The senate and the *college van curatoren* were abolished. The WUB created

a system of functional representation in university and faculty councils. Academics (professors and other academic staff), non-academics and students were given the right to elect representatives to these legislative bodies. The meetings of the councils were public. The chair of the university council was a council member elected by other council members. The university council had final say in budgetary matters, institutional plans, annual reports, general academic procedures, and the university's internal regulations and rules. The *college van bestuur* carried out the executive function. This chief executive board consisted of three to five members, one of them the *rector magnificus*. All members were appointed by the national government. The board of deans and the university council had the right to submit nominations to the Minister. The executive board became responsible for the 'administrative hierarchy' within the university.

This system of university governance closely resembled the concept of democracy as previously defined. All constituencies were represented and could participate in major decision-making through their elected representatives. The WUB system was not fully democratic, however, because some of the main players, that is, the *college van bestuur* were appointed. In this respect the model was more like Aristotle's model of mixed governance. In terms of the distribution of powers, these arrangements may well be considered an example of dualistic fusion of powers, since an incompatibility rule was applied (i.e. members of the chief executive board were not members of the university council). Moreover, the structure, as before, was bicephalic, because executive powers regarding academic and non-academic affairs were separated.

Within the universities the WUB Act introduced a new organisational layer, the *vakgroep* ('department'). The *vakgroepen* were small clusters of professors and their assistants working in the same sub-disciplinary area. They had substantial powers regarding the design and implementation of teaching and research programmes, although they were accountable to the faculty council, the equivalent of the university council at the faculty level. In a sense, one might say that these groups replaced the powers of individual chair holders in the pre-1970 system. The collectivised powers in academic affairs of the smallest units in the university organisation implied a highly decentralised system of governance.

The participatory governance structure of the WUB existed for some twenty-five years. Over the years, however, the balance of power between the executive and the legislature in universities shifted. The initial dominance of the legislature (university council) gradually gave way to a more or less balanced relationship between these two bodies. Subsequently the balance was tilted even further, eventually resulting in executive

TABLE I

Institutions of university governance in the Netherlands, 1945–2000

Period	Democracy vs. guardianship	distribution of powers	Monocephalic vs. bicephalic	decentralisation
Prior to 1970	Guardianship	Fusion of powers: monistic	Bicephalic	very decentralised
1970–1997	Democracy	Fusion of powers: dualistic	Bicephalic	decentralised
From 1997	Guardianship	Monocentric	Monocephalic	centralised

dominance.[7] Put succinctly, in the midst of the 1990s, Dutch university governance was characterised by (1) a substantial degree of democracy; (2) a dualistic fusion of powers; (3) a bicephalic structure of the executive; and (4) a decentralised system. The earlier dominance of the democratic legislature, however, was largely replaced by the primacy of the guardians, that is, the *college van bestuur*.

In 1997, the Dutch parliament, once again, accepted a new bill on university governance. The introduction of the Act *Modernisering Universitaire Bestuursorganisatie* (MUB) implied a substantial change, at least in theory.[8] The MUB Act abolished the system of co-determination by board and council. At the central level nearly all powers regarding both academic and non-academic affairs were attributed to the *college van bestuur* which consisted of three appointed members (including the *rector magnificus*). The *college van bestuur* was accountable to a 'new' supervisory body, the *raad van toezicht* (a lay member body of five persons appointed by and accountable to the Minister).[9] At the faculty level, the dean became the 'omnipotent ruler'. At both the university and faculty levels, representative councils were retained but they lost most of their earlier powers (e.g. the right to reject the budget proposal).

So, for the first time in the history of Dutch higher education, universities obtained a monocephalic structure, that is, the integration of authorities regarding academic and non-academic affairs in one body (the *college van bestuur* and the dean at the central and faculty level respectively). We would argue that the new institutions are to be considered a system of guardianship in which executive and legislative powers are concentrated. All members of the crucial governing bodies – *raad van toezicht, college van bestuur* and *decaan* – are appointed.

The issue of centralisation is one of the most delicate topics. With respect to academic affairs, it seems fair to say that the governance system is more centralised than it used to be. The MUB abolished *vakgroepen*. The dean, appointed by the *college van bestuur*, is now responsible for the design and implementation of the teaching and research programmes. One might argue that in this respect the 'managerial' legitimacy replaces pure academic legitimacy. Because the dean has become one of the key players in university governance, we would argue that the system as such is not fully centralised, but it is less decentralised than before. All in all we characterise the contemporary institutions of university governance as a guardianship having a monocentric, monocephalic and 'centralised' constitution.

In the subsequent section we will elaborate upon the implications of the new MUB-act on the institutional level. The University of Twente – in Clark's view (1998) one of the entrepreneurial universities in Western Europe – will be used as an example.

IMPLICATIONS ON THE INSTITUTIONAL LEVEL: THE CASE OF THE UNIVERSITY OF TWENTE

The University of Twente (UT) is a relatively young university (1961) that offers both technological and social science programmes. With some 6,500 students it is one of the smaller institutions in the Netherlands. Its governing structure and management practices have been under discussion in the institution since the early 1990s. The reasons for this are two-fold. First, in order to maintain and strengthen its identity of entre-preneurship and innovativeness, like any flexible organisation, the UT attempts to optimise its internal organisational structure and processes in the face of environmental changes and pressures. Second, the UT has faced some problems in terms of institutional management. Especially in the perception of the central institutional management – the Executive Board (*College van Bestuur*) – efficiency and effectiveness of decision-making processes have been hampered by the strong, formal position of the university council and by the elusive concept of collective responsibility that characterised Dutch universities in general in the pre-MUB years. To what extent the problems within the institution were caused by the structural characteristics of the decision-making processes, as argued by the executive level, or by personal characteristics and management styles, as argued by many in the councils and faculties, always will remain a moot point. Nevertheless, it is beyond doubt that many of the proposals put forward during the period 1993–1997 regarding changes in governance

and management contained elements that in the end were part of the MUB-bill that was passed by Dutch parliament. Proposals that, by the way, never were implemented in the pre-MUB period because consensus within the institution could not be reached.

Several events caused a change in this situation in 1997. First, it had become clear during 1996 that the MUB would be implemented, despite heated debates at the national level, fuelled especially by the student organisations that feared a loss of influence. Subsequently, discussion was started within the UT how to adapt to and anticipate the new Act. Discussions that ranged from small working groups and task forces to institution-wide debates. Second, a new Rector was appointed who held some strong views on the necessity of change within the UT, including its governance structure and mode of decision-making.

It is almost impossible to assess the individual effects of these changes, but it is clear that combined they have had a strong impact on governance and decision-making within the UT. Below we outline some of the more substantive changes that have been introduced at the University of Twente and present our interpretation of them.[10] In this, we especially focus on the functioning of the university council 'MUB-style' and on the top management (Executive Board and deans).

The council structure; the practice of muddling through

Obviously, the University of Twente, in dealing with the changes implied by the MUB-act, had to follow the principal elements of this law and had little room to manoeuvre. Thus, a Supervisory Board was set up, its members appointed by the minister. Also, at the faculty level deans were appointed and the disciplinary research groups – at least in name – abolished. With respect to the university council, the UT had made the decision to opt for separate councils for staff and students. This decision has been cause for massive dispute with the old, unified council and with the students' organisations that strongly favoured a continuation of the unified council structure, resembling the pre-MUB situation. Council and students have taken the university to court on this matter, but to no avail. The courts, both civil and the special one set up to deal with issues relating to the implementation of the MUB, have ruled in favour of the university. The divided structure has started operating as of January 1998. And clearly it reflected some of the tension that still existed within the university on matters of representation and governance.

First, difficult negotiations took place regarding the powers of the new councils. Because the MUB itself can be considered a framework law, many of the specifics in terms of the role and powers of the two coun-

cils had to be worked out. In the negotiations that followed, the councils managed to create quite a strong position for themselves with respect to powers of consent. What resulted was not what originally was envisaged by the Executive Board, namely a predominant advisory structure. In contrast, the councils landed powers for themselves that were comparable to the pre-MUB situation.

Second, the nature of debate within the councils changed. Populated to a large extent by trade union representatives, the focus of the debate shifted from macro university strategy and policy to meso and micro personnel issues. Combined with a strong degree of distrust from the council members *vis-à-vis* the Executive Board and unclarity about procedures to be followed, this resulted in convoluted decision-making. Decisions were reached only after lengthy debates, often with a negative undertone, and the paperwork in and around the councils increased substantially. A general perception of unease and ineffectiveness has been the result.

Thus, both in terms of effectiveness and efficiency, one may conclude that the new structure has not lived up to expectations. As a consequence, by September 2000 the UT returned to an undivided structure. To what extent this will improve the situation remains to be seen.

The management team; towards collective decision-making

Changes that have taken place within the executive-faculty relationship and within the faculties themselves as a consequence of the new Act, also have been substantive. Each faculty now has an appointed dean responsible for what goes on within the faculty and accountable to (and appointed by) the Executive Board.

In the process leading up to the implementation of the MUB, the UT decided to establish a central Management Team composed of the members of the Executive Board and the deans (10). Though this body formally is an advisory body and the eventual decision-making powers regarding the most important university-wide issues formally rest with the Executive Board, a working arrangement has been set up implying that the Management Team (MT) in essence is the most crucial decision-making body. Here, discussion between the executive and the faculty takes place on all strategic issues concerning the university. The MT has been in operation since early 1997 and overall it has served its purposes.

Yet, the MT also illustrates the consequences of the new distribution of authority. Though formally much more power rests with the Executive Board than previously, what has evolved is a situation of shared responsibility, or, phrased more negatively, of co-optation. By operating within the structure of the Management Team, the deans have foreclosed their

options of dissent with university-wide policy issues. If they lose their case in the MT-meetings, they nevertheless have committed themselves to the implementation of the issue. For this has been the trade-off. Deans now have a much stronger position than they had before, and have greater opportunity for influencing university policy. But at the same time they have agreed – on forehand – to the implementation of decisions taken by the MT.

This is a massive break with the past. As argued before, the old situation was one in which individuals could 'hide' behind collective bodies. In relation to the faculties, the executive dealt with the faculty board, which was elected and within the faculty had to deal with the faculty council that legitimated the decisions taken. No individual was responsible; bodies were. And collective bodies are difficult to hold responsible, let alone accountable. Now deans individually are responsible *and* accountable. A responsibility and accountability that is laid down in management contracts between the Executive Board and the dean. This substantially alters the position of the dean within the faculty. Where in the old days the dean was the representative of the faculty, he or she now is the appointee – albeit on recommendation from the faculty – of the Executive Board, and at least in theory will be held responsible and accountable by the executive for the performance of the faculty. This implies much less leeway in the deans' dealing with the faculty. Commitments have been made and should be lived up to.

Clearly, this is the situation in theory. To what extent practices conform to theory is questionable to an extent. Substantive innovation processes have been introduced in the university during the period 1997–2000, relating both to teaching and research. The MT has been involved from the early stages of policy development and ultimately has supported the changes. Yet, when it comes to implementation, some of the deans still find it difficult to fully support the innovations and 'defend' them in their respective faculties. In similar vein, the Executive Board finds it difficult to 'call the deans to order' in those instances when an individual dean acts contrary to agreed upon policies. Apparently, the situation is perceived as a subtle balance of power that should be handled with care.

Thus, the University of Twente in its present form would not resemble a 'managerial university'. Despite the possibilities – or dangers, depending on one's perspective – of executive leadership, what appears to have emerged is a situation of mixed governance. Both the Executive Board and the deans formally have strong positions and explicit accountability relationships. Yet in the factual working arrangements they are very much dependent upon each other. And until now each would appear to have

recognised this mutual dependency. Which once again would bring the UT in the situation that existed in the 1980s: an entrepreneurial and innovative university, with short lines of communication and collective decision-making. But only time will tell if this assessment is correct.

Final Remarks

In this paper, we have used a scheme to characterise changes in the institutions of Dutch university governance since 1945. Our analysis has shown that on all four dimensions, institutions of university governance have changed radically: the current institutional arrangements (guardianship, monocentric, monocephalic and centralised) are little less than the perfect antithesis of the system adopted in the early 1970s (democracy, fusion of powers, bicephalic and decentralised). Our analysis also clearly illustrates that the new institutional arrangements for university governance are by no means a return to the *ancien regime* in use prior to 1970. Even though the contemporary institutions, like the pre-1970 period, might be characterised as a system of guardianship, the nature of guardianship has changed considerably over the years: from a system essentially based on academic professional skills to a system based predominantly on administrative and managerial skills. Moreover, the wide dispersion of powers (in three dimensions) that was characteristic for the situation prior to 1970 has been replaced by arrangements that imply a high degree of concentration of powers (monocentric, monocephalic and centralised).

Yet, our little tale of the University of Twente also illustrates that the formal situation may be somewhat different from the actual situation. Our conclusions regarding the substantive changes that have taken place in Dutch higher education to a large extent are based on an analysis of the formal positions of the actors involved. The UT case shows that in reality the extent of change may be less radical. The question this raises is whether this outcome is typical for the University of Twente or whether a radical change as envisioned by those responsible for drafting (and passing) the MUB Act in fact is not feasible within the context of Dutch higher education. A full answer to this question only can be given after a full evaluation of the MUB for all Dutch universities. However, from a normative point of view we would argue that full-scale managerialism is not attainable in the present situation. Mutual dependencies that derive from the basic characteristics of universities imply that collegial operation to an extent always has to be there. Command structures do not work in a university.

NOTES

1. This classification scheme is developed by De Boer and Denters (1999).
2. The issue of elections may be very complicated (see Neave 1988). For one thing, the nature of the electoral system will depend on the definition of the 'Demos'; this determines which constituencies are allowed to vote. Many of these complications are due to the fact that powers of governance may be distributed over a number of public offices.
3. In this context all constituencies of the university 'Demos' are represented on the university council and, consequently, it is labelled 'democratic'. In the classical university senates, 'only' full professors hold seats ex officio and, consequently, this type of university is to be considered as a 'guardianship'.
4. Terms may be very confusing, because in parliamentary systems the head of the university may also be called 'president' or, alternatively, in presidential systems these executives may be referred to as 'rectors'.
5. Note that we do not label a system as 'purely democratic' when the rector, or equivalent, is elected by the professors only.
6. In Sweden, the 1964 reform created the externally appointed head of the entire administration of a university. This position of the Direct or was abolished, however by the 1993 reform.
7. See also De Boer et al. (1998b) for empirical support for this shift in the balance of power between the executive and the legislature in Dutch university governance in the period 1970–1997.
8. One might differ in opinion on how dramatic the changes were in practice. One could argue that in some respects the MUB was more or less a codification of an already existing practice (De Boer et al. 1998b).
9. One might hold the opinion that this new body resembles the old *college van curatoren* to a large extent.
10. Our analysis is based on the personal experience of Goedegebuure who during the period 1997–1999 worked as policy advisor to the Executive Board and on the findings of De Boer who undertook a case study of the UT in the framework of an implementation study of the MUB.

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