From democracy to managerialism: foundation universities as the embodiment of Finnish university policies

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ABSTRACT
The administrative systems of universities attest to a shift towards more managerial forms of leadership. This article outlines how strategic management was introduced in Finland in the 2000s and how this led to a significant de-democratisation of the university organisations, despite academic communities’ resistance and explicit preference for democratic self-governance. The article illustrates how strategic management informed the reconceptualization of Finnish higher education in legislation (nationally), to de-democratising and to structurally reform the HE field, and in practice (locally), to drive through desired administrative reconfigurations. This anti-democratic transformation is embodied in a new institutional model: foundation universities, which have been presented as the flagships of Finnish higher education policy, are also vehicles of de-democratisation.

1. Introduction: the international context of the higher education reform

There is an abundant literature demonstrating how market forces have led to the adoption of business logics and neoliberal or entrepreneurial ideals in Anglophone universities (Deem, Hillyard, and Reed 2007; Reid 2009), where this process has been long underway. The intensive period of change in Europe and the Nordics in particular is often located in the early 2000s (Krejsler 2006; Carney 2006; Pinheiro et al. 2019). The reconceptualization of (higher) education as the producer of skilled labour, and the reinterpretation of scientific research as a catalyst of innovations for industry have become defining features of neoliberal university policies. Universities have become strategic resources to be carefully managed and aligned with the interests of business to support the national economy in the global competition.

These changes have also shifted power in the organisational decision-making: executive managers and ‘corporate governance’ have prevailed over academics and collegial self-governance in many European universities (Veiga, Magalhães, and Amaral 2015). Managerial practices are also promoted in the recommendations by supranational actors.
like the OECD (e.g. Godin 2004; Kallo 2009, 2020; Sellar and Lingard 2012) or through the EU’s Bologna process (Wedlin 2008).

In the Nordic countries, managerialism goes against decades of collegial institutional tradition. In this article, we use a Finnish case study to analyse the de-democratising tendencies facing contemporary universities. Our article analyses the birth of a new administrative model – the foundation university – in Finland, following the Universities Act reform in 2009, how it was politically framed, and how the change was resisted. Our focus is on this new administrative model and two university mergers as embodiments of Finnish managerial and de-democratising tendencies in higher education policy. We argue that the Finnish case is particularly relevant due to its long-standing tradition of tripartite democratic representation of the academic community in the universities’ decision-making. This tradition has been eroded by legislative changes, responding to greater demands for efficiency and accountability, which has regarded community democracy as a hindrance.

Our analysis contributes to existing research on the changing managerial practices of universities in Europe (e.g. Carney 2006; Kretek, Dragšić, and Kehm 2013), but also more broadly, to the emerging discussions in political theory on the de-democratising aspects of neoliberalism (Brown 2015; Ball 2016) and so-called authoritarian liberalism (Kiely 2017; Popov 2019). As for example Wendy Brown (2015) has noted, critique of democratic decision-making has always been an essential part of neoliberalism, to the extent that many managerial reforms can be seen as projects of de-democratisation and de-politicisation, ultimately leading to the ”undoing of the demos” (see also Kiely 2017). This intimate link between market-oriented, managerialist, or new public management type policies, and processes of de-democratisation is also present in those higher education reforms that have replaced collegial decision-making with stakeholder-oriented managerialism, but it has attracted only little critical attention. In this article, we address this gap in HE research and explore how the Finnish university reform and the foundation model introduced in 2009 have contributed to the de-democratisation of the Finnish university sector, despite criticism among the university communities. By doing so, we participate in the recent discussions on different forms of anti-democratic argumentation, restrained democracy, or post-democracy, not only in connection to populism, but also in the context of economic and neoliberalist thinking (Crouch 2004; Kiely 2017; Popov 2019; Somek 2015; Wilkinson 2015). Core democratic institutions, such as parliaments, or in the context of universities, academic senates, stay formally in place while the substance of political decision-making is no longer determined by active citizens and their representatives, as Colin Crouch (2004, 4) has described the post-democratic situation. Rather, the political processes are controlled by administrative and economic elites or external stakeholders (see also Somek 2015), as well as by increasingly authoritarian managerial practices.

Using a rich collection of policy documents, our analysis highlights how the foundation universities were constructed through a highly contested process where equivocal rhetoric of autonomy, among other strategies, was used to limit democratic resistance from the academic community. Our contribution thus analyses managerial macro-level policy change and the dynamics of resistance against it (Deem, Hillyard, and Reed 2007; Anderson 2008; Archer 2008; Alvesson and Spicer 2016). We illustrate how pre-planned policy preparation meets and overcomes pro-democratic resistance in two university
mergers, those of Aalto University and Tampere University. Our analysis reveals that the aim of narrowing universities’ collegial democracy has been an integral part of the foundation university model. The article depicts how the reforms have been possible only by dismissing the views of the academic communities in ways that conflict with not only the established understanding of collegial democracy but also traditional legal interpretations of the university autonomy in Finland.

2. Brief history of university governance and organisational democracy in Finland

There is considerable historical diversity in how universities have been organised. The trajectories have been different, for instance, for the Anglo-American managerial university, the collegial ‘Humboldtian’ tradition in Europe, and the democratised model with strong student participation found in Latin America (Paradeise et al. 2009; Shatlock 2014; Pruvot and Estermann 2018). The Nordic countries followed the German model of collegial governance that privileged professors until the student movements of the 1960s pushed for administrative reforms that made universities’ distribution of power more equitable (Ahonen 1993).

In Finland, the democratic reforms of the 1960s and 1970s led to new institutional configurations (for a historical review, see Kolbe 1996; Välimaa 2019). University elections with a tripartite representation of the academic community were created as a compromise between the professors’ earlier predominance and the students’ rising demands for a complete electoral equality of ‘one person, one vote’ (Kolbe 1996, 327 – passim; Välimaa 2019, 230–233).

The academic community in the Finnish context was understood to be composed of both the staff and the students. It was divided representatively into three groups: the professors, the rest of the faculty and staff, and the students. Each group nominated their representatives through elections for all the levels of a university’s governance. In the most common structure there were three levels of decision-making: the departments, the faculties, and the central university board or council. At all levels, the power was split among the three groups. Department heads, deans, and the rector were also elected by the community, so that they were accountable to the academic electorate. This system was thought to have had the benefit of not only being democratically legitimised and conducive to academic autonomy of teaching and research, but also of ensuring the flow of information from the bottom to the top and vice versa.

Gradually during the 1970s and 1980s the tripartite representation became established and consolidated, and eventually it was held to be an expression of how university self-governance should ideally operate and what proper ‘autonomy’ means. This kind of organisational self-government was in tune with the critical political ideas and radical democratic tendencies during the 1960s and 1970s in Northern Europe. The particular Finnish model of democratic university self-governance was unique, although it had similarities with the systems in other Nordic countries (cf. Ahola et al. 2014; Pinheiro et al. 2019).

During the same period, universities were seen first and foremost as state institutions, guided by public funding, political oversight and public law just like any other entity in the public sector. From the late 1960s to the beginning of 1990s, this became the solidified
understanding of the institutional status of universities in Finland (Rinne, Jauhiainen, and Kankaanpää 2014). The tradition of collegial decision-making through democratically representative tripartite organs has emphasised internal self-governance: the right and duty of academic communities to determine the immediate context of their work. These interpretations of academic freedom as intertwined with university self-governance have always had added significance in Finland, because they have been traditionally guaranteed by the Finnish Constitution (Finnish Constitution 1999/731 § 16 & § 123).

In the 1990s, direct state control and regulation over universities was loosened, but at the same time the guidance was tightened through funding instruments and performance contracts and indicators (Nieminen 2005; Kallio et al. 2016, 691). The trade-off was clear: more autonomy in terms of running the universities was only allowed in proportion to economic and scientific performativity, and thus the accountability in increasing measurable output had to be accepted (cf. Aarrevaara, Dobson, and Elander 2009; Reid 2009). As the university budgets were (and still are) dependent on public funding – there are no tuition fees and no tradition for major private donations or endowments – the state could use funding mechanisms as drivers for reforms.

Already in the late 1990s and the beginning of the 2000s, the rhetoric of urgent need of transitioning to more centralized ‘strategic leadership’ within universities intensified by the governmental policy-makers, major business interest groups and parts of the academic administrative elite. However, the system of collegial and democratic decision-making could not be overthrown administratively without legislative changes. Thus transforming the management systems of universities was one of the motivations behind the comprehensive reform of the legal, administrative and economic status of universities with the new Universities Act (HE 7/2009). This was especially embodied by the foundation university as a new institutional model. Before the new Act, all universities in Finland had been public institutions and accounting units under state administration for decades. The Act separated them from the state as independent legal entities and also enabled the instituting of foundation-based universities. Reports and policy briefs outlined the direction that higher education policy needed to take, emphasizing strategic management practices already established elsewhere (e.g. Carney 2006; Kretek, Dragšić, and Kehm 2013; Pinheiro et al. 2019). Finally the extremely contested new Universities Act of 2009 became the legislative reform that converted visions and proposals into actual policy (Aarrevaara, Dobson, and Elander 2009; Tomperi 2009a; Välimaa 2011; Piironen 2013; Välimaa, Aittola, and Ursin 2014).

3. Structuring the research

Our article analyses the birth of the foundation university model and two university mergers in Finland. The research was conducted by compiling and close reading key documents from various stages of formulating Finnish higher education strategy and practices in relation to the foundation universities. The documents ranged from early preparatory reports on the viability (and perceived necessity) of the new administrative form to documents relating to the establishment of the first foundation universities. The data gathering phase of our analysis was in itself a part of the
contribution of our research; pulling together all the fragmented data from disparate sources while relying on insider knowledge regarding the existence of particular documents required extensive work and several data requests from various parties (e.g. ministry, universities, staff and student organizations). This was necessary in order to arrive at a comprehensive understanding of the actors, positions adopted and the decisions made. The availability of the documents is a case in point in itself. From the start there have been persistent conflicts over interpretations of the legal status of foundation universities: if they are defined as private organizations they need not comply with the principles of publicity (of processes and documents) as the universities under public law have to do. The documentation outlined how reforms were prepared and deliberated, and how they were enacted. The documentation was carefully read and summarized to locate the main arguments for foundation universities as well as outspoken resistance.

Both of the Finnish foundation universities that serve as research cases, Aalto and Tampere, were established through mergers: Aalto University was formed in the Helsinki metropolitan area in 2008 as the merger of the Helsinki University of Technology (HUT), the Helsinki School of Economics (HSE) and the University of Art and Design Helsinki (UIAH), whereas Tampere University was formed in 2018 as the merger of the University of Tampere (UTA) and the Tampere University of Technology (TUT). Mergers of long-standing institutions attract a lot of media attention, and controversial mergers even more so. While we focus mainly on policy documents, we also make use of some media sources (see Ridell 2008 on Aalto) in depicting the struggles and the resistance of faculty, staff and students. The data for our case studies are constituted by three different datasets from sources which were organised and documented in a case study database (Yin 2003):

1. Documents and public discussion that dealt with the Universities Act of 2009 and the legislation, merger and founding of Aalto University (2007–2010)
2. Documents and public discussion that dealt with the Tampere3 university merger and founding of Tampere University (2014–2019)
3. Documents and public discussion that dealt with Finnish HE and science policy in general; given the breadth of this category the document timeline ranged from 1997 to 2019

The categories are by default simplified to draw together the rich variety of different documents produced in Finnish higher education. The empirical material consists of a total of 316 documents, including media articles, meeting minutes and memos, statements, reports and legislative documents (see Table 1). In the following, specific references to these documents will be made only in direct citations. Otherwise the analysis is implicitly based on the empirical material, supplemented by references to related research. The result of our case study is a `thick’ analytical account of the way the foundation model contributed to the de-democratisation of the Finnish university sector. All citations from the documents have been translated by the authors.
Table 1. List of empirical material by subject.

| Document genre               | Author                      | Subject                        | Documents |
|------------------------------|-----------------------------|--------------------------------|-----------|
| Legislation/meeting minutes/| Government                  | Universities Act 2009/          | 4         |
| memo                         |                             | Aalto                           |           |
| News articles                | Media                       | Universities Act 2009/          | 13        |
|                              |                             | Aalto                           |           |
| Statement                    | University (merger partners)| Aalto                           | 3         |
| Statement                    | Constitutional & Educational| Universities Act 2009/          | 3         |
|                              | committee                   | Aalto                           |           |
| Statement/report             | Public servant              | Universities Act 2009           | 3         |
| Statement                    | Staff and/or student        | Universities Act 2009/          | 6         |
|                              | representatives             | Aalto                           |           |
| Statement/meeting minutes/   | Ministry of education &     | Universities Act 2009/          | 10        |
| memo                         | Ministry of Justice         | Aalto                           |           |
| News articles                | Media                       | Tampere3                        | 14        |
| Legislation                  | Government                  | Tampere3                        | 1         |
| Meeting minutes/memo         | Old universities (UTA & TUT)| Tampere3 (2014–2018)           | 165       |
| Statement                    | New university (TAU)        | Tampere3 (2017–2018)           | 47        |
| Statement                    | Public servant/local        | Tampere3                        | 2         |
|                              | politicians                 |                                 |           |
| Statement                    | Staff and/or student        | Tampere3                        | 8         |
|                              | representatives             |                                 |           |
| Statement                    | Legal expert                | Tampere3                        | 3         |
| Statement/meeting minutes/   | Ministry of education       | Tampere3                        | 4         |
| memo                         |                             |                                 |           |
| Statement                    | Constitutional committee    | Tampere3                        | 1         |
| News articles                | Staff representatives       | General science policy          | 6         |
|                              | (union newspaper)           |                                 |           |
| News articles                | Media                       | General science policy          | 3         |
| Report                       | Ministry of education       | General science policy          | 3         |
| Report                       | Research bodies &          | General science policy          | 4         |
|                              | universities                |                                 |           |
| Report/legislation           | Government                  | General science policy          | 5         |
| Statement                    | Business interests          | General science policy          | 1         |
| Statement/report             | Staff representatives       | General science policy          | 7         |

4. The institutional birth of the foundation university in Finland

Similar to the Danish university reform in 2003 (Krejsler 2006; Carney 2006; Pinheiro et al. 2019), the Finnish legislative reform (i.e. Universities Act 2009) put into effect the policy changes that had been staked out years earlier (Tomperi 2009a; Piironen 2013). The Act of 2009 is considered a watershed moment in the Finnish higher education research (e.g. Välimaa 2011; Välimaa, Aittola, and Ursin 2014, 46). The law outlined a range of measures aimed at concentrating power in the university governance and management.

Many other initiatives followed, not dictated but clearly encouraged by the new law: substantial changes in funding mechanisms, transformations of disciplines and degrees, several university mergers, and internal organizational reforms in many institutions. Together these processes have effected an unprecedented upheaval in Finnish higher education field during the past ten years. While the reform has had several dimensions with these wide repercussions (Kohtamäki 2019), including transforming the funding system to one of the most performance-based in the world (cf. de Boer et al. 2015; Pinheiro et al. 2019), we focus here on the creation of the foundation university model and the struggle it entailed between the new goal of strategic management and the democratic ideals of academic communities.
The political impetus of the legislative reform was that the Finnish university system found itself at the forefront of ‘the national strategy’, which called for a cohesive and determined science, innovation and HE policy, entailed a closer alliance between universities and industry, and expected technological innovations (Tomperi 2009a, 170–179). An influential national ‘globalisation report’, commissioned by the government and based on a process with high profile participants, concluded that ‘transforming the challenges [of globalisation] to possibilities requires a clear [national] strategy’ (VNK 2004). The report defined new problems, including an overly diffuse system of small HE institutions, which were considered inefficient and overlapping – wasteful of scarce resources – when compared to strategically managed larger units (ibid., 28). Given the perceived scarcity of resources in a small nation, both ‘strategic renewal’ and ‘structural reforms’ would be necessary to enable success in the realm of international HE metrics (Tomperi 2009a; Rinne et al. 2012, 43–59; Kivinen and Hedman 2016).

Profiling and streamlining of universities became new dominating discourses in governmental and ministerial memos, reports and plans (Tomperi 2009a, 179–183). One of the main targets of the policies was ‘reducing the number of higher education institutions’ through mergers and other ‘restructuring’, and relocating or cutting some of the functions, units and disciplines of existing universities. The remaining universities and units would be more ‘focused’, ‘specialized’ and ‘stronger’ in their ‘core areas’ and thus capable of ‘competing’ internationally (e.g. VNK 2004, 2005; OPM 2008; HE 7/2009).

This was largely accepted as a necessity by most political parties (Tomperi 2009a; Välimaa 2011; Björn, Saarti, and Pöllänen 2017) to ensure Finnish economic competitiveness and also the success of Finnish universities in the global competition in scientific ‘excellence’ and in attracting leading researchers and promising students. The relative political consensus made it unlikely for any political constellations to challenge the general direction of reform. In 2008 the Ministry of Education stated this clearly and with reference to supranational pressures: ‘The OECD-reviewers have pointed out that the change in the legal status of universities is indispensable in order for the Finnish universities to compete under the same rules with the leading universities of the world’ (OPM 2008).

The arguments found traction regardless of the fact that official reports remarked that the Finnish science sector was already ‘very competitive in terms of both quality and efficiency compared to the OECD average’ (Jääskinen and Rantanen 2007, 253). The lack of a measurable higher education system crisis (see also Kivinen and Hedman 2016; Williams and Leahey 2018) did little to reduce the demands for urgent reform. According to the political rhetoric of the time, the reform was ‘particularly badly overdue in Finland’ (Sintonen 2009a, 13; cf. Granqvist and Gustafsson 2016, 1013).

The urgency in discourse was reflected in rushed legislative proceedings, which in turn negatively impacted the quality of the legislative process (Tomperi 2009a; Rantalal 2011). As the centre-right government (2007–2010) embarked on legislative reform, political guidance became exceptionally strong (Rantalal 2011). Input from business and industry interests was also actively sought; this meant including major industry lobby representatives in preparatory groups, negotiations on the administrative rules of the new university
model, as founders of the new foundation universities and finally on the boards of these universities.

Finally, the 2009 Act formally separated the universities from the state and gave them the status of independent legal entities instead of governmental offices, although they continued to be publically funded. The law determines two possible institutional models for Finnish universities: as of September 2020, 11 universities exist as corporations under public law and 2 as foundation universities. The foundation university model, in particular, was hoped to embody the necessary administrative changes that could couple the universities more tightly with hierarchical management structures and decouple them from internal democratic decision-making. This was phrased in a Ministry’s report as ‘need to reassess the role of community participation’ in decision-making structures, which would require ‘changes in the current legislation’ pertaining to management of universities (OPM 2007, 45).

The creation of a new higher education flagship, the Aalto University, was a key part of the legislative reform. It was referred to already in advance as a ‘world-class business university’ and ‘innovation university’ (see e.g. Ridell 2008; Aula and Tienari 2011; Ylijoki, Lyytinen, and Marttila 2011; Välismaa, Aittola, and Ursin 2014; Tienari, Aula, and Aarrevaara 2016). The merged new university’s legal status would be changed from a university governed by public law to a foundation. This administrative model would enable the business and industry sector to participate as founders of the university and would grant them access to the university governance, e.g. to the nomination process of the board.

The representatives of Finnish business, the government at the time, and the Ministry of Education emphasized the dire need for an entrepreneurial foundation university that would draw on the appeal of the prestige of its Anglo-American counterparts (OPM 2007, 42). The foundation university was expected to be more attractive in terms of soliciting private funding, whereas a university under public law ‘lacked credibility’ in this regard (ibid., 41–42).

Interestingly, however, the foundation model was not endorsed by the official memorandum for the legislative reform by Jääskinen and Rantanen (2007), nor was it a foregone conclusion in preparatory committee (Sintonen 2009a). Instead, it was a political choice in favour of strategic management. At the core of the foundation university model are the increased power and influence of non-academic stakeholders, the private sector and the civil society, and the increased, centralized power of executive leadership.

The foundation model differs from its public counterpart most notably in the ways in which it gives its founders the right to have a number of members in the highest governing body, the university board, chosen from a range of candidates the founders also influence. In addition, the university board was to be small, with fewer than ten members, to enable administrative efficiency. At the same time, the Universities Act does not guarantee the academic staff or students of foundation universities any presence on the board, in contrast to the public universities where the staff and students must be represented through elected members. Above all, an external board was deemed independent from potential conflicts of interest within the university: ‘the capacity for strategic renewal increases when the board is free from stakeholders from within the university’ (OPM 2007a, 43).
In the preparatory documents this was seen as vital for the capacity of the universities to strategically restructure themselves; alleged internal conflicts of interest were seen as the main reason why the universities hadn’t succeeded in ‘effectively reforming themselves’ (ibid., 44). Notably this was publicly seconded by the very representatives of business and industry who sought access to university boards: ‘[Finnish] universities need external boards, who appoint the rector and to whom the rector is accountable. In the current system the community elects the rector [from within], which means practically no changes take place’ (Lukkari 2006).

The university community, with its democratic decision-making procedures, was represented as an obstacle for renewal, whereas the managerial elite was perceived as a disinterested tool for the much needed reforms. Similar to the classical neoliberals as well as the more recent advocates of public choice theory (Kiely 2017), the reformers argued that democratic procedures themselves lead to the domination of special interest groups, instead of something called the public interest. Thus, it was implied that democracy itself leads to dysfunctional results and obstructs necessary change. In the spirit of authoritarian liberalism, even limited democracy was presented as a hindrance that needed to be replaced with centralized decision making or rule by economic experts (Kiely 2017, 736). Accordingly, as part of the reforms, the rector/president of a university would be appointed by the university board and no longer elected by the community (OPM 2007, 44). The Universities Act itself determined that ‘professional leadership within all levels of the universities should be strengthened’ (HE 7/2009).

As shown by the relevant policy documents, the reformers’ arguments sought to promote strategic management and de-democritise the universities. Echoing elements of public choice theory (see e.g. Buchanan and Tullock 1962; for critique in HE, see Peters 2013; Shepherd 2018), this was done in the name of efficiency and public interest, as opposed to the allegedly narrow interests of stakeholders inside the universities.

5. The foundation university and collegial democracy

The reform plans surrounding the Universities Act of 2009 were not well received by academic communities. Beyond the highest levels of university management, who were often intimately involved in shaping the managerial changes, a top-down reform sparked wide protests in universities (Tomperi 2009b; Aula and Tienari 2011; Jakonen and Tilli 2011; Välimaa 2011). None of the foundation universities were established without struggle, even while the capacity of the academic community to influence the process was curtailed to a minimum. The struggles surrounding Aalto in 2007–2010 were sparked anew during the merger process in Tampere a few years later in 2014–2020. In both cases, the debate revolved around the role and scope of democratic governance within foundation universities and the conflicting interpretations over the meaning and substance of autonomous self-governance.

5.1. Aalto University (2007–2010)

At Aalto, especially the students were concerned over the growing power of business interests, and organized several protests, wrote statements and gathered signatures for an open letter to the Minister of Education. The university staff complained that the upper
management kept them constantly in the dark, and that they were rarely consulted with any real capacity to influence the process (Kaihovaara 2008; Sintonen 2008). Local (and national: Sintonen 2009b) staff unions claimed that the Universities Act itself was contrary to university autonomy (FUURT and FUUP 2008). In their protest, the student union at UIAH argued that ‘the academic community has no say in the far-reaching and principled issues relating to its activities. The foundation is not accountable to the community it has power over’ (UIAH 2008). The proposed loss of community representation at the highest level of the university – on the board – was a subject of intense critique. Staff unions referred to the tripartite representation as a ‘core principle of academic autonomy’ (Sintonen 2008).

Despite mounting criticism, the boards of the three merging institutions continued the merger with the Ministry’s support. The process was guided by an advisory project group, which originally consisted largely of the same individuals who had previously, during the preparative phases of legislative reform, in other roles, supported the necessity of establishing the foundation university. The key parties involved in defining the features of the foundation university with the Ministry were the representatives of business and industry interests. Their influence on the process was considerable, especially when it came to shaping the administrative model. The Ministry of Education and the rectors of the three merging institutions maintained an established preference – despite protests – in favour of a small university board that only consisted of members external to the university, as had been originally proposed (VNK ptk 43/2008, Appendix 1). Even the boards of two of the merging institutions commented that a larger board should also enable community representation (HSE 2008; UIAH 2008).^4^

Consequently, the respective academic communities demanded to have meaningful representation at the highest levels, as they had before in all other Finnish universities: ‘The foundation rules depart crucially from the previously agreed upon principles … Especially the opportunities for the academic community to participate in and generally influence various levels of decision-making need to be more carefully defined’ (HSE 2008). The community consensus was that the foundation draft documents ruling out community representation violated the Finnish constitution that guaranteed the universities the right to self-governance.

Similarly, as the legislation allowing the merger of three public institutions into one foundation started, several parties objected to the proposed legislation on the basis of unconstitutional overreach, a problem that had been pointed out by legal experts (Rantala 2011, 94–96). The parliamentary constitutional committee (PeVL 18/2009 vp), which in Finland has a role comparable to the constitutional courts of many other countries, in particular stated that ‘the constitutionally guaranteed self-governance of universities would be strengthened by having the various parts of the academic committee represented on the board’. Regardless, the law was only minimally amended to contain a provision for an elected ‘joint multi-member administrative body’ of academic community representatives that would deal with matters of academic self-governance separately from the more strategic financial and administrative jurisdiction of the university board.

Setting up these collegial bodies (‘the academic affairs committee’ at Aalto and ‘the consistory’ at TUT – and later TAU) and leaving strategic overall governance to the (unelected and unrepresentative) university (foundation) board led to a centralization of
power and provoked resistance. All other administrative considerations were left to the foundations themselves to define, which they did in their internal administrative rules, favouring strategic management and marginalizing self-governance. Finally, the academic community was excluded from the board.

The Aalto university foundation was established in 2008, before the legislative changes that would allow it to begin the merger process were even discussed – let alone ratified – by the Finnish parliament. In other words, the new board of the Aalto University was de facto operational, even if it was not de jure legitimate.\(^6\) Kaarlo Tuori, professor of law and a leading constitutional expert, stated that the entire process had ‘humiliated the parliamentary legislative process by placing it after the fact. Now legislation has merely rubber-stamped decisions made elsewhere […]’ (Sajari 2009). Researchers have noted that the sense of urgency was used as a conscious strategy; schedules were intentionally pushed up to create haste in practice. This, in turn, meant that the process followed a singular path of inevitability, proactively heading off possible resistance (Granqvist and Gustafsson 2016, 1024–1025, 1027).

The promises of donations by Finnish business and industry had made the Aalto’s merger appealing, but it became evident that these promises had been conditional on the merger process being concluded as it had been promised to them (ibid., 1025). The perceived economic downturn that started to take hold in 2008 further contributed to the rush by putting these donation promises in jeopardy (Tomperi 2009a, 146–150).

In short, the merger was resisted – vociferously but in the end unsuccessfully – by pro-democratic elements of the academic community. The merger was driven by a strong managerial consensus that circumvented democratic forums when they were detrimental to the merger process. These forums did not need to be actually closed as they could be marginalized and bypassed (cf. McCann et al. 2020: 443).

5.2. The new Tampere University (2014–2020)

The same issues flared during the preparation of the merger of University of Tampere (UTA) and the Tampere University of Technology (TUT\(^7\)). The merger process began in early 2014, as the chairs of the boards of these institutions proposed closer cooperation, and commissioned a report on the possibilities. The report, which was never officially published, but available to those who were involved in the process (and made available for this research), determined that ‘an entirely new institute of higher education’ would be formed in Tampere. Suddenly, cooperation meant merging. In the summer of 2015 merger was confirmed as an official goal, and in January 2016 the Ministry of Education began drafting the legislation to end the existing universities and found a new one – as a foundation university.

The news was received with shock at UTA, which had been under the impression that the administrative model had not yet been determined. The collegium that represented the staff expressed support for the public law administrative model (UTA collegium 2016–2). UTA’s board determined it would also prefer a public law university, but would at least safeguard tripartite community representation if the foundation model became unavoidable (UTA board 2016–2). The UTA academic community – students and staff – protested their marginalization in preparatory committees and appealed to the UTA
board to take the self-governance issue seriously and demand that a more equitable administrative model than the one adopted at Aalto should be pursued. The board acquiesced to this, formally acknowledging that e.g. the administrative rules of the new university would have to “safeguard university autonomy” (UTA board 2016-7).

On the side of TUT, already operating as a foundation university since 2010, a ‘strategically managed foundation’ had been affirmed as the desired outcome already in September 2014 (TUT foundation board 2014-5). For the Ministry of Education the goal was to build a ‘single, uniformly managed strategic whole’ (OKM 2016c). As such, the foundation model was a foregone conclusion, even if still in 2016 the UTA board stated that it ‘preferred’ the new administrative model follow its own (UTA board 2016-2). Based on the documents, UTA was fighting a losing battle against TUT and the Ministry, with neither its board nor collegial decision-making bodies being able to effectively influence the direction of the merger process. The staff and students pursued changes through letters and petitions (e.g. UTA staff and student union 2016) to the foundation founders and later the foundation board. Democratic forums were open but mostly ineffective, as they could be largely ignored. The resistance to the foundation model, however, was not completely without consequence: In the fall of 2016, evidently weary of the constant debate, the TUT academic board – the consistory – ruled that if the same foundation model in use at TUT (which was effectively the same model as in Aalto) was not adopted, the merger should be called off. In November 2016 TUT indeed declared it would discontinue the merger process, citing questions over necessary funding, unreasonable schedules, and irreconcilable differences in administration.

At this point the Ministry of Education pointed out that part of the universities’ strategic funding (a particular 10 % segment of the total public funding) was tied – in the contract between the Ministry and the universities – to a successful merger (Törmänen 2016; OKM 2016b; Heikkonen 2017). A failed merger would lead to economic scarcity. Within a month of its previous decision the TUT board elected to continue with the merger process, without explaining how the issues raised previously had been solved. It seemed as if the merger had been pushed forward by the threat of reducing public funding.

The TAU foundation was officially established in April 2017. The academic community argued in favour of amending the foundation rules to allow community members to serve on the board and appoint its own leaders. These arguments were ignored, even when they were backed by expert legal opinion on constitutional and university law from a professor of public law (Lavapuro 2018), a professor of administrative law (Mäenpää 2016, 2018) and a professor emeritus of common law (Tuori 2017) (see also UTA collegium 2018-03). University’s own legal counsel vouchedsafed the legality of the foundation rules and was supported by the Ministry of Education’s, whereas academic legal experts consulted by the academic community contested this strongly, but to no avail.

Also repeating the pattern from Aalto, the foundation board, nominated to get the new Tampere University underway, started their work before the legislation authorizing them to do so was debated or ratified. Once more the merger process seemed to take precedence over the legislative process. The nominated foundation board contained predictably no academic community representation.

Through the fall of 2017, the UTA board, at the prompting of the UTA collegium, strongly voiced their dissatisfaction over the insufficient academic community
involvement and representation in the merger process – particularly in the formulation of the new university strategy and administrative rules. The UTA collegium (2017-04) argued strongly that ‘the opportunities for the joint multi-member administrative body [future consistory] to influence the structure of the future university and its administrative system should be increased.’ Also the UTA board especially emphasized that ‘the work on [the future university’s] strategy and administrative rules should be conducted in a participatory way, while reserving enough time for deliberation’ (UTA board 2017-10).

Community participation was even stated as an official determining element for the success of the merger by the foundation board (Foundation board 2017-05; Foundation board 2017-06). This, however, seemed to never materially manifest. The UTA collegium drafted a letter in December 2017 to ask the foundation board, still lacking an academic board to balance it, to collaborate more with the current collegial academic boards when creating the new university structure. The letter stated that ‘in practical terms it is important to share preparatory documents sufficiently in advance for the community to participate, and to acknowledge community statements in decision-making’ (UTA collegium 2017-05). While various forums to voice discontent were made available, none of these had any effect – in a post-democratic (Crouch 2004) spirit, the community was only afforded advisory, not decision-making, power.

After the legislation pertaining to the new foundation university was finalized on 19 December 2018, the controversial foundation board was nominated to serve as the interim board. The UTA board, dissatisfied with the merger process, suggested a new board that would consist of the existing UTA and TUT boards. An official advisory body with staff representation that had started its work in the summer of 2017 supported this idea as it would also ‘enable community participation in decision-making following the spirit of the [Finnish] Constitution’ (T3 community committee 2017), but its work was largely side-lined. The UTA board was, according to claims made by the rector and members of the UTA board in the media, pressured by the Ministry of Education into accepting the interim board (Palomaa 2018).

At this stage the existing old university boards became largely meaningless. Echoing Crouch’s (2004) description of a post-democratic phase in which democratic institutions stay formally in place while the substance of political decision making is no longer determined by them, the existing boards and the collegial representative bodies were still de jure operational, but had been de facto marginalized from the process. Thus the new foundation board continued to operate in a situation where no representative administrative bodies could check its authority until the forming of the consistory of the new university. Following this, the interim board released the new administrative rules, which were largely a carbon-copy of the rules set up at Aalto and TUT.

After several petitions and commentaries (delivered at the various participatory forums), the conflict erupted over the limited interpretation of self-governance and the nomination of the board. The foundation rules encroached on existing democratic space at UTA in particular, by trying to set the administrative boundaries early on, which would then effectively also limit possibilities for later changes. The academic community at UTA organized quickly to demand changes in a widely circulated petition and staged
a massive walk-out against the one-sided formulation of the administrative rules. However, the rules were only superficially amended.

The UTA collegium, down to its last year in existence, demanded the Ministry of Education explain how ‘the legality of the current administrative rules had been ascertained’ (UTA collegium meeting minutes 2018). Furthermore, the collegium demanded that the legal opinions and documents be made public. It is not clear from the documentation what responses – indeed if any – the collegium received. The interim board of the university did, however, conclude that ‘the juridical form of the administrative rules have been ascertained by consulting the lawyers of Tampere University and the Ministry in addition to drawing from previous interpretations on the legality of foundation universities’ (TAU interim board 2018-03). In other words, the precedent set by Aalto supported the managerial set-up at Tampere.

The consistory of the new foundation university was finally elected in April 2018 and even this did not happen without controversy. Instead of selecting a chairperson for the consistory among the 19 members elected to the body, the interim board appointed a chair to round off the numbers – as was its right based on the rules it drafted for itself. Furthermore, according to the rules in a 10–10 tie, the chairperson’s vote decided the outcome. What followed were several votes that ended with the chair casting the deciding vote, including the vote on the chair’s own position in the very first meeting of the consistory. The same deciding votes in favour of the board’s stated interests were cast when e.g. voting on the academic board’s stance on excluding academic community members from the foundation board. In other words, even in the only governing body reserved for academic community, the rules of the foundation university allowed the foundation board to tip the scales in their favour.

In January 2019 the merged Tampere University started its operations. As with Aalto, the top-down style of driving the merger had left little room for democratic resistance that had tried to use the official channels available to it.

6. **Principled resistance meets lack of practical efficacy**

The merger processes at Tampere and Aalto both showcase how foundation universities operate with a singular administrative model that protects strategic management from democratic or collegial interference. The respective academic communities had a decidedly limited role, which begs the critical question of how constitutionally guaranteed ideals of democratic self-governance and autonomy are actualized in practice. Thus, the Finnish university reform, and the new foundation model it enabled, can be interpreted as one instance in the larger milieu of de-democratisation, restrained democracy, or post-democratic politics that have increasingly started to characterise contemporary politics (Brown 2015; Crouch 2004; Kiely 2017).

Previous, more optimistic analyses have assumed a high potential for traditional institutional endurance under pressures to reform (e.g. Shattock 1999). Mergers, however, break traditional institutions. As institutional resistance seems difficult, even risky (Bowes-Catton et al. 2020), academics have to develop their own coping strategies (Archer 2008). Knights and Clarke (2014, 350) discuss the lack of manifest resistance
among academics against managerial encroachment and the limits of solidarity in the struggles against technocratic authority and managerialism. Academics seem to acquiesce like other professionals facing managerialism (Alvesson and Spicer 2016).

In the Finnish cases the voices of the academic community were not genuinely heard, resulting in a persistent incapacity to effectuate change during the mergers. Staff and students participated in numerous committees and workshops that followed the post-democratic (Crouch 2004) logic, only to realize they were marginalized or that any decisions reached were considered advisory only (see Table 2 for an overview of the Aalto and Tampere cases). Without a governing body with genuine decision-making power, community involvement was at best ineffectual, and at worst demoralizing, leading to the undoing of the (academic) demos, to use Wendy Brown’s (2015) conceptualisation. This underscores the unequal balance of power and the post-democratic and de-democratising spirit built into the merger processes, and the foundation university model itself.

While resistance during the Tampere merger was focused at UTA, based on research conducted in early 2019, a total of 77 % of the staff of the new merged university stated in a survey (response rate 49 %) their clear preference for community representation on the university board, and only 3 % preferred an entirely external board (Kuusela et al. 2019). That these expectations were also predominantly visible – though less so than at UTA – among former TUT personnel, who had worked under external boards for ten years, spoke volumes of the preference of the academic community for genuine self-governance through democratic representation.

From the perspective of the staff that still favours autonomy conceptualised as organisational democracy, the struggle for self-governance continues. This was amply

| Table 2. Comparison between Aalto and Tampere. |
|-----------------------------------------------|
| **Aalto**                                      | **Tampere**                           |
| Merger timeline                              | 2007–2009 (new university 2010-)      | 2014–2018 (new university 2019-)      |
| Main founders                                | The state of Finland, Technology Industries of Finland and its Centennial Foundation, labour unions (in tech and economics) and industry and business interest groups | The state of Finland, business and industry interest groups and organizations, labour unions, other smaller foundations and organizations, and the city of Tampere |
| Legislatively effective merger                | 2009 (attached to the Universities Act 2009) | 2017 |
| merger partners                              | Helsinki University of Technology (HUT), the Helsinki School of Economics (HSE) and the University of Art and Design Helsinki (UIAH) | University of Tampere (UTA) and the Tampere University of Technology (TUT) |
| Legal status of merger partners               | All universities under public law | UTA under public law, TUT as foundation university (since 2010) |
| Merger resistance                            | Board members of HSE and UIAH in 2008 Academic community: staff and student organizations | From a tripartite collegium and a university board with internal members (UTA) and an academic board (consistory) and a university board with no internal members (TUT) to a single academic board (consistory) and a university board with one internal board member (2019-)* |
| Change in university democracy               | From three tripartite collegia and university boards with internal members to a single academic board (academic affairs committee) and a university board with no internal board university members (2010-) | |

*In 2019 a community member was elected to the board. Academic community representation is not officially blocked, but foundation universities have sought to exclude them administratively.
visible when the TAU consistory engaged in a debate with the foundation founders in late 2019 regarding the nomination of new board members. The majority of the consistory, adamant in appointing a representative of the academic community to the board, finally managed to do so against the protests by the foundation founders.

Dissatisfaction, however, remains. In staff satisfaction surveys of Finnish universities, ‘strategic leadership’ scores the lowest of all variables; Finnish academics find their work meaningful and motivating, but seem to resent the models of management imposed upon them (Kuusela 2020). This is in line with other research detailing growing dissatisfaction in Finnish universities (Rinne et al. 2012), including the Ministry of Education’s own reports (e.g. OKM 2016a).

7. Conclusion

We have shown how the foundation university as a managerial administrative model embodies the recent strategies of Finnish university policies, how it has created friction with the previous democratic understanding of university autonomy, and how it has been met with resistance in academic communities. Altogether, the actualisation of neoliberal de-democratisation in the reform processes seems to aptly encapsulate essential features of the latest higher education policy playbook (cf. Ball 2012, 2016).

Reforming the Finnish higher education sector and university governance took time to get going, compared to many other countries, but once under way the pace has been fast and the difference to past practices noticeably stark. The Universities Act of 2009 decoupled university self-governance from university democracy, and thus reconceptualised university autonomy to mean strategic economic and managerial administration that can pursue performance indicators and comply with aims of structural reform. The changing priorities of Finnish higher education culminate in the foundation universities with their administrative model that is supposed to be more flexible and economically efficient (Välimaa 2011). Both mergers were driven through during centre-right governments but cannot be attributed to political constellations alone, given the party-political consensus on the need for (continued) higher education reform (Björn, Saarti, and Pöllänen 2017).

The new institutional model responds to the alleged need, expressed by many Finnish politicians and business representatives, to better leverage the higher education system – mired in the democratic inertia and academic collegiality of old – to support national strategy in the era of globalization. To reformers the traditional collegial democratic self-governance has begun to look like a disadvantage. The arguments in support of the foundation model have rested on the idea that non-democratically nominated and supposedly disinterested experts, or professional (as well as more authoritarian) managers, help to overcome the alleged dysfunctionality of the democratic governance. Such arguments for the de-democratisation of public institutions have been an integral part of the neoliberal discourse and authoritarian liberalism.

The mergers have been conducted as top-heavy processes with the support of the Ministry of Education, which also holds ‘the power of the purse’. This method of leadership seems to be foreign to many Finnish academics, as it pushes university democracy and self-governance to the margins. Strategic management and claims that ‘independent’ board members can only be found from beyond the university have become euphemisms for restricting organizational democracy and collegial autonomy.
This is not to say collegial university democracy is without its problems, but when compared to the foundation model, at least the community preference seems clear.

In an authoritarian or post-democratic spirit, the changes have been imposed instead of negotiating solutions that could address the concerns of the academic community and most legal and constitutional experts. Images of existential economic threats and urgency have been used in order to accelerate the transformations. Changes were driven with technocratic determination, including steps taken de facto before their legitimisation de jure. The processes have stretched legal interpretations, breached established principles of good governance, and even risked transgressing the constitutional affirmation of university self-governance.

The foundation university has not become more financially stable either: assumed economic synergy failed to materialize in Aalto’s case (see Välimaa, Aittola, and Ursin 2014). On the other hand, laying off staff (latest rounds in 2014 and 2016) could also be seen as the kind of efficiency promised by the entrepreneurial university.¹⁰ It seems that the perceived managerial benefits of the foundation model outweigh other concerns, regardless of how emphatically they are argued. The rising discontent of academic communities has been accepted as collateral damage – or, on a more pessimistic note, as an expected result of the de-democratising exercise that was deliberately aimed at restraining self-government. In this sense our findings suggest disempowering administrative models might contribute not only to rising levels of fragility among academics (Anderson 2008; Knights and Clarke 2014; McCann et al. 2020), but also more severely to the authoritarian and anti-democratic tendencies that have gained strength in our societies. If universities in a stable and developed country like Finland, with their highly-educated staffs, are not perceived as being capable of exercising democracy, we can only wonder how the rest of the society and its democratic capabilities are perceived in the same regard.

Finally, our article may give the impression of two factions on one hand defending university democracy as a collegial entity and on the other promoting an instrumental view of higher education that has to eschew outdated administrative practices. Such factions have been identified, for instance, as ‘Humboldtians’ and ‘corporatists’ (Välimaa 2011) or traditionalists and reformists (Herbert and Tienari 2013). However, especially the latter discourse is prone to create normative interpretations, where those portrayed as traditionalists are seen simply as nostalgic (Ylijoki 2005). Such polarizing interpretations should be tempered by acknowledging that both the university legislation and the universities themselves could have been reformed in a way less restrictive to university democracy. University autonomy could be recast as academic community self-government by novel perspectives and democratic imagination, without falling back to the past. The current outcome is the result of anti-democratic policies and an expected consequence of existing trends.

Notes

1. Under the new Act, Finnish universities can now exist as corporations under public law or as foundations. It should be noted here that the ‘foundation university’ in the Finnish context is an expression of administrative set-up, and thus distinct from the Anglo-Saxon usage.

2. Higher education in the Finnish system also covers the so called universities of applied sciences (comparable to polytechnics) which are not discussed in the article. They were
instituted in the 1990s by reorganising a heterogeneous field of lower tertiary polytechnics and vocational colleges with very different organisational models and history from universities. These (recently renamed) universities of applied sciences had no tradition of collegial democratic governance, and our focus is on the scientific universities.

3. The Jääskinen and Rantanen (2007) report served as the preparatory review for the Universities Act of 2009.

4. Technology Industries of Finland (TT) has been a main stakeholder in the university reform, and particularly so in the creation of foundation universities.

5. It should be noted here that two of the merging institutions – HSE (economics) and UIAH (arts) – were more critical while the third HUT (technology) was more positive about the proposed change.

6. It bears stressing that the legislative parliamentary process had little influence over the merger process that determined the rules for the new foundation university model (Rantala 2011, 63–64).

7. Originally titled ”Tampere3”, the merger process also featured the acquisition of the Tampere University of Applied Sciences (TAMK) under the new Tampere University, as a consortium called Tampere Universities (TUNI). However, TAMK was not an official merger partner. This was circumvented by TAU purchasing TAMK (free of charge, from the city of Tampere) and forming TUNI regardless.

8. The recruitment of the new university president (rector) was an extremely controversial decision by the board against the protests of staff unions. According to media sources, the recruitment process was also highly secretive – a stark departure from previous practice (Hanska 2020a, 2020b). The appointment of the first president in Aalto had set the precedent in closed managerial procedures also in this regard (Liiten 2008).

9. This had been a major foreseeable problem during the preparatory stages of the merger; the chair of the academic board in foundation universities is always a member of the higher management – a (vice-)rector or a provost – while in public law universities only elected representatives from the academic community may serve in that capacity.

10. As the Tampere merger is very recent, the staff is legally protected from layoffs to the end of 2020.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

The research for this article has been made possible through funding from the Kone Foundation [201804358] and the Academy of Finland [325976].

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