

cally different for the new generation of Japanese academics who will be called upon to lead the Japanese system to world-class status? To what extent will the tenure (or nontenure) revolution be consummated, or successfully resisted by the faculties? And, even if successfully implemented, will a fixed contract system lead to any more mobility and productivity than a tenure system? This is a dubious outcome if we take the results of the Harvard Project on Faculty Appointments seriously (see, for example, Richard Chait's book, *The Questions of Tenure*). More generally, will these American forms actually transform Japanese academic culture or merely superimpose themselves as an external shell on a functionally autonomous system? Can competition be infused into an inherently noncompetitive and bureaucratic culture?

These are very uncertain times for Japanese academics. The older generation approaches the implementation of these reforms with considerable trepidation—probably the first such period in a half century. And the younger generation remains silent, working harder than ever and wondering about paradise lost.

Will New Higher Education Legislation Be Approved in France?

Christine Musselin

Christine Musselin is a professor at the Centre de Sociologie des Organisations FNSP-CNRS, 19 rue AmÉlie, 75007 Paris, France. E-mail: c.musselin@cso.cnrs.fr.

Although no new legislation has been enacted since the Savary Act of 1984, French universities have undergone some major transformations within the last two decades. They have coped with a second wave of massification (the number of university students increased by 72 percent between 1980 and 2000), introduced many job-oriented curricular reforms, enhanced their interaction with the local environment, and, above all, become institutions with more governance, after the introduction of four-year contracts between each university and the Ministry of Education at the end of the 1980s. These developments were able to occur even without modification of the 1984 law—although the law was often described as incompatible with strong university governance because it introduced additional deliberative bodies, increased the number of elected members within them, and prevented professors from exercising a position of power.

Nevertheless, there is a limit to what can be achieved within the existing constraints. The tensions over the transformations that have been launched mean the existing regulations need at least to be adjusted. Some current rules and statutes have clearly become counterproductive, retarding the emerging institutional autonomy of French universities. This situation has been criticized and discussed by many French academics involved in university management.

Some current rules and statutes have clearly become counterproductive, retarding the emerging institutional autonomy of French universities.

Most of the measures included in the draft version of the higher education modernization act that was circulated in late spring 2003 in France were intended to address the existing obstacles. Unfortunately, the ministry's timing for initiating this project (i.e., future legislation) coincided with the government's push for a reform of the pension system. As a result, the Ministry of Education faced demonstrations from many high school teachers over the extension of the retirement age as well as over two further measures (the decentralization of some technical high school staff and retrenchments on nonteaching staff positions). The project received a rather cool reception, and many union representatives expressed their concerns about the lack of a preliminary consultation process. In order to concentrate on just one front, the minister, Luc Ferry, decided to withdraw the project for a while and to delay its negotiation until fall 2003.

Interpreting the Negative Reactions

At first glance, the uneasy reaction to the first draft is quite difficult to understand. First, this project, contrary to many past reforms, is not directed at completely reforming the French university. Its content is indeed much more dedicated to continuing an already existing trend, following policies introduced by the previous (socialist) government. Second, and of course linked to this first reason, most of the proposed measures (with few exceptions) are not new. They suggest modifications that were developed, presented, and discussed in recent years and that everybody expected to find. Alternatively, the new law would stipulate already implemented reforms—such as the introduction of the licence, master's, and doctorate structure as the new way to organize study programs in France. Moreover, very few of the measures

are compulsory. Most of them offer universities the possibility, if they wish to, of changing their status, merging with others, or redefining their internal structure, etc.

Thus, even if the way the project was prepared can be criticized, the content of the draft should not, by itself, evoke so much dispute and should not have led some university councils to pass motions opposing it. It is quite surprising to see university bodies voting against a whole project (not only against some measures of it) that is intended to give universities greater autonomy and to allow them to make decisions they cannot presently make without the agreement of the ministry. One should probably not exclude from consideration the view that these reactions are directed more at the government's appetite for reforms and cuts in the whole French public system (of which universities are a part in France) than at the project itself.

Nevertheless, this opposition can also be understood as a response to certain other aspects of the project that, first, were not part of the debates until now or, second, cannot be considered as a simple loosening of existing constraints. The creation of "strategic boards" (*comité stratégique de pilotage*) in charge of defining the general development policy and budget of a university, with no representatives from the particular university sitting on the board, clearly created opposition of the first type. The French Conference of University Presidents reacted negatively to this point, and this measure will probably be redesigned or abandoned if the project comes under discussion in the fall.

This is seen by some opponents to the new act as risking the dismantlement of "French higher education as a national public service."

But two other proposals that have evoked opposition of the second type, are more significant because they both entail a large potential for change: the introduction of global budgets and the development of assessment processes on the outcomes of the four-year contracts (between universities and the ministry). With these two measures, the project clearly associates more autonomy in university management with more accountability and with output-based evaluation. If they were to be implemented the measures could bring about some important changes because up to now evaluation in France has essentially been input-based: the ministry assesses the quality of the projects presented by the universities (strategic plans, research projects, and curricular programs, etc.) rather than the results

produced by these projects. With the new act, "effective results" could be preferred to "good projects."

This is seen by some opponents to the new act as risking the dismantlement of "French higher education as a national public service." This could indeed occur if the ministry does not develop efficient evaluative processes. But one can also argue that if the ministry succeeds in developing results-based assessment, the control of the state over higher education would be even more effective than it is now, since the evaluation of outcomes (judging the attainment of objectives and the processes by which they are reached) often exerts a more constraining effect than the control on inputs.

On the whole, even if some aspects of the project comprise a potential for substantial change, the overall goal still has to do with continuity and the further expansion of institutional autonomy, rather than with radical and brutal transformation. Furthermore, the project clearly does not aim simply at giving more autonomy to university leaders but simultaneously increases accountability and involves rethinking (and not suppressing) the role of the state.

Some measures included in the project could benefit from reformulation, improvement, or modification after discussion, but it would be a loss to the system to reject this new act completely.

The Outlook for a Needed Project

No doubt, some measures included in the project could benefit from reformulation, improvement, or modification after discussion, but it would be a loss to the system to reject this new act completely. The French university system would then remain in its current "in-between" situation, where the central ministry is no longer in a position, and lacks the legitimacy, to mobilize the traditional steering instruments associated with centralized control and where universities are more autonomous than before but in many aspects remain very dependant on central decision making.

Will the claims about the procedural weakness of the project (the lack of previous consultation) be stronger than the need for its substantive content? Will the general distrust of the Raffarin government among French academics lead the latter to reject an act they would have looked at with less reluctance if it came from another government? These are some of the questions that will receive answers by the fall in France. *A suivre !*