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Hierarchy and power: a conceptual analysis with particular reference to new public management reforms in German universities

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For more than 20 years, new public management (NPM) has been the guiding governance model of university reforms in Europe. One central aspect of this governance model is to strengthen the hierarchy within the universities. Recent research shows that the formal decision-making authority of university leaders and deans has increased in almost every European country. While these changes at the formal level are well documented in the literature, researchers have given little attention to the institutional protection mechanisms of hierarchy in organizations. The most important institutional protection mechanisms of hierarchy in organizations are power and the related potential for negative and positive sanctions. By discussing the German university system, we ask whether university leaders and/or deans have the power to use hierarchy within their universities. Three types of power are considered: organizational power, personnel power and power over resources. The article shows that in Germany, neither university leaders nor deans have sufficient power over the academics in order to exercise hierarchical governance. The absence of power at the university leadership level and at the departmental level seems an important barrier to the implementation of the NPM model in Germany. Our perspective on hierarchy and power allows for further comparative research.

Keywords: new public management; hierarchy; power; organization; governance; Germany

1. Introduction

Since the 1980s, research on the higher education systems has detected a sweeping transformation of university governance structures in Europe (e.g. Higher Education 2013; Ritzen and Marconi 2012; Sultana 2012). In the analysis of European university systems it has been shown that the increased importance of the mechanisms of external guidance, managerial self-governance and competition and the simultaneous decline of state regulation and academic self-government in decision-making have resulted in changes to the traditional governance structures (de Boer, Enders, and Schimank 2007). Overall, higher education research concludes that the reforms of university systems since the 1980s have been driven by broader, transnational and transsectoral ideas of new public management (NPM) (Ferlie, Musselin, and Andresani 2008; Paradeise et al. 2009; Enders, de Boer, and Weyer 2013). Although these types of comparative studies draw attention to shared orientations and tendencies towards changes in governance in different

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national higher education systems, such tendencies should not be overestimated as evidence of a development towards one unified European higher education model. First, comparative studies on university reforms in different countries indicate that national traditions still play a role (cf. e.g. the studies in Krücken, Kosmützky, and Torka 2007; Kehm and Lanzendorf 2006b; Paradeise et al. 2009; Bleiklie and Michelsen 2013). Even if NPM reforms in the higher education sector do have a transnational character, they are adapted differently by individual states as a result of different 'translating' and 'editing' processes (Sahlin-Andersson 2002).

Second, within individual countries, several, sometimes contradictory, 'narratives of public reform' (Ferlie, Musselin, and Andresani 2008, 334) are used simultaneously. Notions of NPM, network governance and neo-Weberism overlap and can be found to a greater or lesser degree in the reforms of higher education within different national systems without, however, yielding a clear picture (Ferlie, Musselin, and Andresani 2008).

Third, it should be noted that although the reform tendencies are moving towards convergence, there are still major differences at the national level, in particular within federal systems like Germany. These relate, for example, to the range of competences granted or the rules for electing or voting out the University Council or President (e.g. Lange 2009; Kehm and Lanzendorf 2006a; Kretek, Dragšić, and Kehm 2013). Similar differences can be found in other federal systems, such as in Switzerland (Lepori, Huisman, and Seeber 2012). Furthermore, a variety of partially diverse regulations can also be found in centralized systems with a high level of internal differentiation between higher educational institutions (Paradeise and Thoenig 2013), as is the case in France (Mignot 2003).

Fourth, in addition to these restrictions to the national and regional realization of NPM and the resultant convergence between universities, it is to be expected that certain particularities of the organizational type 'university' will remain regardless of NPM reforms. From the perspective of organizational sociology, it is to be expected that characteristics such as the loose coupling of organizational units, discursive decision-making processes, the orientation towards the principle of collegiality and the problems of clearly defining goals and unequivocally measuring performance will continue to be highly relevant in the future (Musselin 2007; Enders, de Boer, and Weyer 2013).

In addition to the limits to convergence in university governance just described, we are going to consider a further limitation hardly considered in the literature: the institutional preconditions for hierarchical governance. Our focus is the governance mechanism of the organization's internal hierarchy, which in the literature is sometimes called managerial self-governance. According to higher education governance research, this governance mechanism has been reinforced – with varying intensity – in all university systems (e.g. de Boer, Enders, and Schimank 2007; Kehm and Lanzendorf 2006b; Bleiklie and Michelsen 2013). Previous research on the realization of NPM explained the strengthening of the internal hierarchy almost exclusively based on the substantial increase in the formal decision-making power of university presidents and deans. We do not doubt these results. However, it is also apparent that the institutional conditions for hierarchical steering as a governance mechanism have hardly been considered.

This paper highlights power as an institutional precondition for hierarchical governance or managerial self-governance. We examine the German university system as both a starting point and a demarcation case because the limits to the realization of NPM imposed by insufficient institutional protection for the hierarchy become clear in this 'extreme case'.

The paper is structured as follows. First, we briefly introduce some central features of the conceptual analysis of power in organizational research. In this section we also define the understanding of power in this article (Section 2). Following the more general debate, we will analyse three sources of power to determine whether the institutional preconditions for hierarchical governance are present at German universities. Employing Luhmann's distinction between organizational power and personnel power, we conclude that both sources of power are practically absent from German universities in regard to the scientific staff. In addition, we discuss resources as a third source of power. Here, our analysis shows rather ambiguous results (Section 3). In the concluding section, we summarize our findings and discuss their implications for international governance research in higher education as well as the broader issue of power in university organizations (Section 4).

2. The analysis of power in organizations: traditional concepts and current debates

The analysis of power in organizations is a well-established subject in organizational sociology. Weber's analysis of bureaucracy, which in general is seen as the starting-point of organizational sociology (Scott 1981; Perrow 1993), was developed by him in terms of a more general sociology of authority in society. Authority as legitimate power (Scott 1981, 280) is therefore one basic and important concept in organizational sociology. Additionally, other central texts in organizational sociology deal extensively with power in organizations (e.g. Blau and Scott 1969; Etzioni 1964; Mintzberg 1983). These classical texts almost exclusively focus on formal authority as a source of power in organizations. Over the last decades, however, more and more authors have criticized the limits of such a perspective in the analysis of power and called for a broader picture based on 'many potential methods and perspectives' (Farndale and Hope-Hailey 2009, 410).

In contrast to early organizational sociology, more recent research on power in organizations has a strong focus on the informal side of power and the contested issue of legitimacy (e.g. Diefenbach, By, and Klarner 2009; Clegg, Courpasson, and Phillips 2006, 290–319). We assume that this shift in attention is related to developments in the general theory of power. Here, one can observe a focus on the exercise of power through forms of domination, which are largely hidden, implicit and inscribed in the subjects and their social relations (e.g. Lukes 2005; Foucault 1977, 2000; Bourdieu 1984). Though these concepts of power differ strongly from one another, they share the common assumption that power is typically exercised without formal and explicit decision-making processes and their possible resulting conflicts. Lukes emphasizes that the exercise of power is also to be observed in forms of agenda-setting, where the dominating class excludes from the agenda issues that might undermine its powerful position in society. Following Lukes, reconstructing power through decision-making processes is, therefore, inadequate. Bourdieu describes French society in terms of the exercise of power through everyday practices such as taste. This form of power-based order is highly stable, as it is incorporated by the actors through the habitus. The exercise of power, therefore, becomes invisible. Foucault's concept of power, which has been heavily modified over time, culminates in the idea that the modern instruments of biopolitics shift the exercise of power into the self-discipline of subjects, hence making means of the direct exercise of power in society much less important, both in practice and research.

These approaches in the more general theory of power have highly influenced current analyses of power in organizations (e.g. Clegg, Courpasson, and Phillips 2006; for higher

education institutions e.g. Bótas and Huisman 2012). Furthermore, we find similar developments in other approaches to organizational analysis. Both the approach of organizational culture (Schein 1985; Meyerson and Martin 1987) and that of organizational ideology (Mintzberg 1983), for example, focus on the shaping of values and attitudes in organizations instead of the formal exercise of power in organizational decision-making. These aspects are also highlighted in a number of more recent organizational studies, which do not focus explicitly on issues of culture and ideology (Kärreman and Alvesson 2004; Styhre 2008; Diefenbach, By, and Klarner 2009). Furthermore, a number of recent studies claim that formal structures and hierarchies in general are of diminishing importance in organizations due to new organizational forms. According to the authors, this seems to be particularly true with regard to such concepts as the postmodern organization, the network organization or soft bureaucracies (Diefenbach and Sillince 2011; Courpasson 2000; Parker 1992).

The above-mentioned concepts and studies are essential for an adequate understanding of power in organizations in general and in universities in particular. However, as they tend to disregard formal power relations, we will squarely focus on the formal side of power relations in universities, though we are well aware of the relevance of informal aspects of power. Our paper is basically a conceptual one, in which we do not present original empirical research results. Instead, we draw on existing research and discuss recent policy changes to address our research question: whether the formal power structure has been altered in German universities through recent NPM reforms. This allows for a broader conceptual reflection on power relations in universities as well as for elaborating a more comparative research agenda.

Our definition of power is as follows: in a social relationship, power exists when it is mutually assumed that one actor has control or influence on something the other actor desires. The base and the degree of power are therefore determined by the desires of the subordinate and the importance of the desire (Emerson 1962). As Scott noted:

> The power of superordinates is based on their ability and willingness to sanction others – to provide or withhold rewards and penalties. (…) what constitutes a reward or a penalty is ultimately determined by the goals and values of the subordinates in the relation. (1981, 276)

In organizations such as universities we can find many power relations based on many desires. Nevertheless, important parts of the power relations in organizations are typically attached to formal positions and the ability to sanction subordinates. One important function of these power relations in organizations is to back up decisions of superior actors. Subordinates accept the decisions because they fear negative sanctions or hope for rewards. Therefore, hierarchy as a stable decision mechanism can only work if the members of the organization can assume that their superiors in the hierarchy have both negative sanctions and positive incentives at their disposal to increase the likelihood of desired behaviour. Hierarchy therefore always requires power in the background as institutional preconditions; otherwise, the enforcement of decisions made in the hierarchy is not assured. We propose that typical formal organizational sources of power required to enforce decisions – and this also includes 'non-decisions' (cf. Lukes 2005, 20–25) – are not always present at universities and that this constitutes a limit to the realization of NPM, which has hardly been investigated in research on higher education governance.

It is important to note that we do not assume that power is continually exercised. On the contrary, a visible exercise of power is the exception. Power frequently permeates the

background to organizational decision-making processes without ever becoming explicit. Power is so closely entwined with decision-making processes in organizations that alternative behaviours, which could arise in the absence of power, retain a mainly hypothetical character (Ailon 2006). The relatively rare occasions when the use of power actually comes into play serve to demonstrate that the potential for exercising power exists and can be manifested at any time.

3. Three types of power as a precondition for hierarchical governance

When analysing formal aspects of power in universities, one has to distinguish between individual and collective actors. A university president, for example, might have power vis-à-vis individual researchers and teachers or vis-à-vis departments and institutes. In our paper, we mostly focus on individual actors upon whom power can potentially be exercised, while the exercise of power vis-à-vis collective actors is only discussed with regard to the power over resources.

We begin by drawing on Luhmann's distinction between organizational power and personnel power (Luhmann 1980, 173–183). According to Luhmann, organizations can exercise organizational and/or personnel power. These sources of power vary according to organization type. The organizational power of corporations consists of the possibility to exclude members. Public administrations in Germany, on the other hand, cannot freely plan the organizational membership of their many civil servants. However, personnel power – that is, the possibility to influence members' career paths and to create corresponding incentives – can be exercised within both public administrations and corporations. In addition to organizational and personnel power, we identify the power over resources as a third important source of power as it has been described by Mintzberg (1983), among others. In universities, power over resources includes the means available to a university professor for carrying out his or her activities, his or her income as well as the resource equipment of the department. The three formal sources of power for superordinates in our paper therefore are the subordinates' desire to make a career, their desire to remain a member in the organization and the desire to keep or increase resources by subordinates and departments.

In the following sections, we show that the organizational leadership can only exercise power within clearly defined limits. Therefore, the use of power can hardly be seen as a latent possibility that is anticipated by academic members of a university organization. The power to promote careers – what we call 'personnel power' in Section 3.3 – is very low, and the threat to exclude a member from the organization – what we call 'organizational power' in Section 3.2 – is simply not given vis-à-vis tenured university professors. Additionally, a third source of power – what we call 'power over resources' in Section 3.3 – cannot be exercised as easily as one might think in the German university system. We discuss each source of power in Section 3, before we summarize our main findings and draw our conclusions in the final section.

3.1. Personnel power

Not only in typical corporations, but also in public administration, members' actions are, among other things, steered by the influence of their superiors over whether they can attain a desirable position within the organization. Control of actions is achieved by the members' desire for certain positions whose realization depends on their superiors

(Luhmann 1980, 173–183). German universities do not usually have this 'personnel power' at their disposal.

To understand this situation, it is necessary to elaborate the career tracks at German universities. A striking feature of the German system is that after a professorship has been attained, no further career steps within the German academic system are intended. Distinctions in the German system are solely achieved through the differentiation of professorships (C2 to C4 or W2 to W3) that are primarily associated with the accumulation of economic capital but are not visible to outsiders.

From the point of view of the organization, however, these distinctions cannot be employed to exercise power because the internal advancement of professors is usually prohibited by the 'Hausberufungsverbot'. The 'Hausberufungsverbot' excludes the possibility of moving up to a professorship or even from a W2 to a W3 professorship within the same institution. Although the 'Hausberufungsverbot' is not compulsory in all cases, it is enforced in practice because of its long tradition and because of the informal normative support provided by the shared conviction of the professoriate that internal appointments are associated with the stigma of patronage. Consequently, the 'Hausberufungsverbot' means that the university in which the professor works cannot offer him or her any career opportunities; these can only come from other universities.

The recently created Junior Professorships[1] are slightly different. Here we find the possibility to recruit internal candidates and to offer a tenure track option. Therefore, the Junior Professorships established internal career opportunities. The effects, however, are severely limited. First, only 4% of all professors are junior professors (Statistisches Bundesamt 2012b). Second, by far the most junior professors are recruited externally. Third, only 8% of the junior professors interviewed by Federkeil and Buch (2007) were on a tenure track. Therefore, the organizational leadership has hardly any personnel power over junior professors. The rule remains that accepting the first call is equated with changing universities. Musselin (2010, 188) makes a similar assessment in summarizing the German system of academic careers as a system that is clearly dominated by 'external labour markets'.

The situation is somewhat different for positions below that of a professorship. Here, the progression within the organization from a pre-doctoral junior researcher to a postdoctoral one is both possible and common. This area could be described as having an internal labour market with strong traits of patronage. Initial evidence is provided by the tendency of professors to recruit their doctoral students from the pool of students known to them. Personal connections similarly play a role in the recruitment of postdoctoral junior researchers who are frequently already associated with the chair (Enders 2008). Whereas an external labour market can be assumed for professors, below this level there is an internal labour market in the German higher education system. However, this internal labour market is characterized by positions that are limited in time. Below the level of the professorship, there are hardly any tenured positions at German universities (Kreckel 2011). This implies that to stay in the academic game, junior researchers have to aspire for a professorship, which implies exposure to the external labour market.

It should be noted that at the level of the chair, personnel power does exist. However, because individual professors exercise this power, it is not an indicator of the strength of the internal hierarchical steering by the organization's leadership or the deans. On the contrary, the professor decides whether he or she will continue to employ a junior researcher and, if so, under which terms and conditions. The other professors, the institute's director, the dean and the university president cannot directly influence this

decision. This situation is an expression of the traditional chair structure of German universities, in which the recruitment system has changed very little over the last 100 years.

Overall, it can be said that university presidents and deans at German universities can hardly influence the operative core of the organization by means of exercising personnel power. They can neither promote careers nor restrict them.

3.2. *Organizational power*

In addition to personnel power, there is a second fundamental source of power in most organizations that is based on the possibility to exclude members: organizational power. According to Luhmann (1980, 173–183), organizational power is characterized by the organization's option to exclude members who do not meet the organization's minimum standards. Organizational power is usually exercised by superiors. Control of actions is therefore achieved by the desire to maintain membership in the organization.

It should be clear that with respect to professors at German universities, the recourse to organizational power by university presidents or deans is hardly possible because there is no procedure for 'how a professor could be fired even if he or she is lazy, incompetent or no longer needed' (Dilger 2007, 109).

The first explanation for this situation is that the vast majority of professors have lifetime tenure and therefore cannot be fired. Furthermore, the German Constitution guarantees the freedom of research and teaching in Article 5, paragraph 3. In the German tradition, this freedom is closely associated with the independence of the professors (Baker and Lenhardt 2008) and also safeguards the position of the professors within the organization. These institutional safeguards make it enormously difficult to dismiss a professor and consequently to credibly threaten his or her exclusion from the organization. To assert its organizational power, the organization's leadership would have to take legal action. Given the high costs in terms of time and personnel as well as the uncertainty of the outcome, this course of action is very rarely pursued.

The most recent university reforms have hardly altered the traditional weakness of this source of power. In the higher education laws of all German states, the standard form of employment for a professor is still lifetime tenure. The only exceptions to the traditional picture are the provisions in the higher education laws of some states that grant only limited or provisional tenure for the first professorship. In these states, it is therefore possible to exercise organizational power over a limited circle of employees for a specific period of time. A cautious activation of this source of power can be observed; whether it really will be universally exercised remains to be seen.

Overall, in all German states, organizational power as a sanction possibility for university presidents or deans over the vast majority of professors still hardly plays any role. In particular, it is not organized in such a way as to function as a latent background threat.

The organization has little organizational power not only over the professors but also over most of the other academic staff. As we have already discussed with regard to personnel power, most of the organizational power over the staff of the chair is exercised by the professor. It is him or her and not the deans or president who can 'hire and potentially fire' (Dilger 2007, 103) junior researchers and thereby determine the admittance or exclusion of members from the organization. That professors and not institutes or

departments are the gatekeepers of academic careers also stems from the traditional chair structure of German universities, with its emphasis on the independence of the professor.

Consequently, the desire to maintain membership in the university can hardly be used as a source of power by presidents or deans.

3.3. Power over resources

Because German universities offer hardly any career incentives or sanctions, the question arises as to whether there are alternatives to these typical sources of power in organizations. A central alternative to organizational power, i.e. the power to exclude a member, and personnel power, i.e. the power to promote careers, is the power over resources, which can be exercised vis-à-vis individual members of the organization or organizational units.

At the individual level, the recent changes to professors' remuneration and fixed-term funding are of particular relevance. The new salary system from 2002 (W-salary) introduces elements of performance pay and replaces the old seniority wage system (C-salary). In the W-Salary system, the former fixed-term funding for professors was changed. Now, at least parts of the funding are limited in time and can increase or decrease depending upon the professors' performance. Since 2005, all newly appointed professors are in the new W-salary system; the others remain in the old C-Salary system (Wilkesmann and Schmid 2012). In principle, both of these reform measures strengthen the organizational leadership's potential for exercising power and sanctions. Following our previous line of argument, the innovation is that granting or withdrawing funding and bonuses is delegated to the university as an organization and is no longer the object of negotiations between the professor and the relevant state ministry, as was the case in the traditional system. As Musselin (2013) stated, these reforms change the relationship between academics and their university. However, both the remuneration and the fixed-term funding systems have recognizable problems. The problems with these systems go beyond the more general question about whether financial resources are the right steering mechanism in academia and what unintended consequences – in terms of individual motivation, adaptation and goal-orientation, as well as in terms of collective academic self-organization – this steering mechanism will provoke.

First, it should be noted that in the German case, both sources of power can only be exercised over certain groups of members. The new dynamic of the remuneration and funding structures is initially only applicable to professors in the new W-salary system; other academic staff members, including professors in the old C-salary System,[2] are not directly affected. Their range, in terms of the relations discussed here between higher educational organizations and their academic staff, therefore remains limited.

Second, there are limits to the efficacy of the application of variable remuneration and funding structures that are primarily related to differences between subjects and disciplines. Performance-related pay will not be an attractive incentive to professors who have sources of income outside of the university. This can quite often be the case in medical, law or engineering departments, where professors typically cooperate with firms or individual clients. Precisely the same differences apply to the fixed-term funding of chair resources. Classic liberal arts and humanities subjects, in which research is mainly individual research, are more independent in this respect than more strongly networked sciences that, like most of the natural sciences, require significant human and material resources to be able to conduct research at all (Jansen et al. 2007). However, third-party

funding, mainly through public sources, has increased significantly over the last years, from approximately two billion euros in 1995 to roughly six billion euros in 2010, while fixed-term funding has increased at a much slower pace (Statistisches Bundesamt 2012a, 17). The increase in third-party funding from both private and public sources significantly limits the organization's power over resources because the desire to keep or increase resources can in many cases be fulfilled by other organizations without involving the deans and/or the president of the university.

Despite the strong trend towards granting resources for teaching and research in a much more individualized and performance-oriented fashion, which is accompanied by a similar trend concerning the remuneration of university professors, this power over resources is limited by strong constitutional constraints. The freedom of teaching and research is a constitutional right in Germany. As a consequence, the constitutional court requires a minimum of resources for individual chairs and departments to exercise teaching and research (BVerfG 2010, 114). In addition to the minimum resources, an adequate remuneration is also constitutionally guaranteed. Recently, the constitutional court declared the current remuneration scheme for professors unconstitutional because the fixed-term salary without extra pay was considered insufficient (BVerfG 2012). Therefore, most German states have recently changed the remuneration scheme for professors by increasing the fixed-term salary and lowering the performance-based extra pay. As a consequence, we expect that the power over resources maintained through variable income will further decrease in the years to come.

In addition to the increased power over individual professors, the latest reforms in Germany have also increased the power of the organization leaders over scientific units (Departments and Institutes). The basis of this power is the allocation of personnel and material resources to the academic units. Although the university leadership's influence over allocation of resources has increased in recent years, some significant limits remain.

First, in almost any state in Germany, decisions over the university units' resources are not made by university leaders alone. Academic bodies, university boards and/or the ministries are involved in the decision process. In most cases, at least one of these actors has a veto position. Therefore, to exercise resource power over academic units, the university leaders depend upon other actors. This situation weakens the leaders' power considerably.

There is another important point. Power always generates counter power. In most cases, the basis of counter power in organizations is the superordinate's desire for information or support. In research on professional organizations like universities and hospitals it is argued that collective counter power is organized around shared values, attitudes and interests among professionals (Waring and Currie 2009; Reay and Hinings 2009; Mintzberg 1983). Additionally, because the academic committees are dominated by professors, we find institutionalized counter power arenas. Collegial bodies are, in general, arenas to limited hierarchy (Weber 1976, 158). Therefore, we find collective counter power in all universities with strong academic committees and/or strong academic values. However, the structure and the strength of the counter power should differ, depending upon whether the base of the counter power is formal or informal. The counter power of academics in research universities in the USA might be strong, but the power base is mainly informal. In contrast, in German universities, we find a formal base of counter power: the election, re-election and the option to vote presidents and deans out of office. The base of the counter power is then the desire of presidents and deans to get re-elected or to stay in office. In almost every German state, unlike in other

countries, such as the Netherlands (Enders, de Boer, and Weyer 2013, 12), academic committees are still the central actors in the election, re-election and voting out process of presidents and deans (Hüther 2010). The necessity of this influence was repeatedly confirmed as a central part of academic freedom by the Federal Constitutional Court in recent years (BVerfG 2004, 2012). The threat to use resource power against organizational units is therefore risky because there is a possibility that the units would organize counter power to vote out the organizational leaders. In recent years, we observed quite a few cases of presidents being voted out of German universities. The options to vote a president out of office or to deny his or her re-election are therefore not hypothetical but actual options. Both sides are aware of this, and the use of this counter power is a latent background threat against presidents and deans in German universities.

It should also be noted that the use of power over specific organizational units is even more limited. For example, a threat to cut resources for some academic fields, such as the natural or engineering sciences, is inconceivable. Because of the high legitimacy of these fields, state governments hardly allow cutbacks here. However, the limitations differ not only by scientific fields but also by the size and centrality of the units within the university (Pfeffer and Salancik 1974; Hackman 1985). The more central and larger the unit, the less credible is the threat of a reduction in resources.

In summary, the newly created resource mechanisms in Germany do not encompass the entire academic core of the university and do not affect all professors or units equally, but do entail strong constitutional limits. Concerning the organizational units, additional limitations arise with the veto position of other actors and the counter power potentials that have been described.

4. Summary, discussion and concluding remarks

This article has shown that hierarchical decision-making in German universities can hardly be based on three sources of power in organizations, which are of pivotal importance in research on organizations: the power to promote careers ('personnel power'), the power to exclude a member from the organization ('organizational power') and the power over resources. Though limited by clear boundaries, the power over resources seems to be the only serious source of power, in particular vis-à-vis tenured university professors and organizational units.

This situation is not the case in almost any other national university systems. For example, in other systems we find clear career paths within a university, or at least an internal promotion path that is less restricted. An example of a clear career path is the progression from Assistant to Associate and then to Full Professor in the American system (Musselin 2010, 183–188). In the UK, there has also traditionally been an internal progression, from Lecturer to Reader and then to Professor. In 1999, Sweden created internal careers, even obligating the universities to offer their staff opportunities for further development. Not only has this structured and improved promotion prospects, but academic staff are now 'more dependent on the staffing and promotion policy of their own institution and their own department' (Askling 2000, 219). Internal restrictions on promotions that are informally ineffective can be illustrated with the examples of France and Italy. Although Musselin writes that in France internal recruitment is considered 'not legitimate', 55% of French professors previously held a tenured assistant professorship at the same university (Musselin 2005, 140). Capano reports that, for Italy, in spite of an official competition system, between 1998 and 2005, 95% of Full Professors and 75% of

Associate Professors were appointed at universities where they had previously been employed (Capano 2008). Consequently, internal career paths towards a full professor- ship have been implemented either formally or informally in a range of national university systems, or at least are not prevented – as is the case in Germany – by legal and informal norms. If such an internal career is possible, then the staff members that aspire to one are subjected to an organizational logic. It follows that organizational positions (President, Dean) at least have influence over careers within the organization (cf. Musselin 2010; the country reports in Enders 2000; Kreckel 2008). In other words, they have personnel power.

Additionally, the lack of organizational power at German universities is not a stable pattern in international comparisons. First, the status of a civil servant, which generally implies that a professor cannot be fired, is not available in many countries, or in some countries, as in Sweden, has been abolished (for other examples see Musselin 2013; Teichler, Arimoto, and Cummings 2013). In the Netherlands and the UK, where the realization of NPM is well advanced, the reform process was used to create and employ the option to fire professors (de Weert 2000; Fulton 2000). Regardless of how justified these dismissals were, they amplified the steering potential of organizational power during the reform process by credibly utilizing or threatening to use it. A strengthening of organizational power can also be observed in the USA. The predominance of tenured positions at American universities, which offer an unusually high degree of job security within the American employment system, has been heavily criticized in recent years (Musselin 2010, 27–28). The figures show a move away from the tenure-track system in favour of fixed-term employment of academics at universities, who can then be more easily excluded.[3] Whereas American universities in the 1970s relied more heavily on personnel power and corresponding career incentives, today it has become easier to exercise organizational power.

Consequently, we found personnel or/and organizational power in other university systems. As there is a gap in international comparative research, so far we know little about the power over resources in other university systems. However, organizations that support hierarchical decisions only by way of power over resources are rare, leading to the assumption that the power over salary level and other resources are likely to flank organizational and personnel power, but are not capable of completely replacing them. Relative to other university systems, formal means of exercising power remain weak within German universities even after the recent reforms.

Alternative strategies for the internal governance of universities are also difficult to realize in German universities. Padgett (1980), for example, recommends for the management of garbage can organizations in particular – including universities (Cohen, March, and Olsen 1972) – personnel selection and the shaping of organizational units and task structures. He assumes that the organizational leadership can select its core personnel and determine the departmental and task structures. For German universities, however, this is not a given. In the vast majority of universities in Germany, deans cannot be appointed or displaced by the organizational leadership, and the power to change the departmental structures is typically based on decision-making processes which involve other actors such as the academic senate and, to a lesser extent, the university board. Additionally, Courpasson's (2000) path-breaking ideas on how professionals in soft bureaucracies can be dominated are hardly applicable in German universities because the power of senior management is lower than it is in the cases he described. Though we see a proliferation of managerial tasks and positions in German universities, the power of

management vis-à-vis academics remains rather low (Krücken, Blümel, and Kloke 2013). Therefore, his assumptions that 'decisions of promotions or demotion, (…) are often centralized in the hands of senior management' and that 'decisions of promotion or demotion (…) depend more and more on senior managers' (Courpasson 2000, 153) are simply not a given in the case we described. Though in other circumstances German universities can be accurately characterized as 'garbage can organizations' (Padgett 1980) or 'soft bureaucracies' (Courpasson 2000), they lack the internal allocation of power, which both authors assume to be given.

We conclude our paper by pointing to three implications and perspectives for international comparative governance research.

First, our analysis shows that in international comparative studies on national higher education systems and their adaptations to NPM, the institutional preconditions for governance mechanisms must be considered more deeply. With respect to power in organizations, comparisons of potentials for exercising power in individual national systems would be useful, or should at least complement comparisons of the formal power of university presidents and deans. One possible hypothesis could be that the countries that have realized NPM more widely in practice at universities (e.g. England and the Netherlands) were able to do so because the institutional preconditions for hierarchical governance were present or could be created during the reform process. Furthermore, detailed and systematic analyses – that go beyond the necessarily limited scope of this article – could more closely investigate the interaction of different potentials for exercising power (e.g. organizational, personnel and resource power) and their effects on the members of the organization.

Second, it seems wise to include comparisons with other types of organizations in analyses of higher education organizations. The necessity for such an analysis can be clarified with the example of the discussion on 'complete organizations' in higher education research (Krücken and Meier 2006; de Boer, Enders, and Leisyte 2007; Hüther and Krücken 2011). In developing this analytic concept, Brunsson and Sahlin-Andersson (2000) proceed from the assumption that public sector organizations are on the path to private sector-oriented 'complete organizations'. This is valid for both public administrations and universities. According to the authors, in both cases a strengthening of the internal hierarchy ensues. However, here we can observe considerable differences between the different types of organizations even within the public sector that have not yet been systematically studied. This comparison would require considering the different institutional preconditions for hierarchical governance in different organizational types. Based on our analysis, we would have serious doubts about the German case and whether the university organizations really are developing into a 'complete organization' because the institutional preconditions for hierarchical steering, the option to exercise power over the members (in this case the academics), are not present. We suspect that this particular feature only becomes visible if not only countries but also types of organizations are compared.

The third and final point is to stress that the instrumental notion of power we employed in our analysis should be complemented by further aspects of power in future research. Whereas our instrumental analysis rests heavily on the formal rights of organizational leadership, this does not address whether exercising the formally given power is considered legitimate in the organization. This gap leads to the question of what is 'taken for granted' in each organization or what the 'rules of appropriateness' are, which are emphasized in neo-institutionalist organizational studies (Greenwood et al.

2008; March and Olsen 1989). These preconditions for and limitations to power and hierarchy that are not formally codified and are informally strongly effective can also represent important limitations to NPM reforms. Identifying these informal preconditions and limits is important for developing a theory of power in universities. They can be found, for example, in the comparison between universities and other types of organization, which reveals a strong orientation towards consensus and participation in universities. To capture the informal aspects of power in universities, a comprehensive notion of power is necessary, in which discursive practices, social network relations and micro-political strategies play an important role. These aspects must be analysed in a broader conceptual framework, in which the formal regulations considered in this article are also of pivotal importance.

Notes

1. A Junior Professorship (W1 Professorship) has a fixed term of six years. Usually an evaluation takes place after three years to decide whether the professor should continue for the remaining three years. The Junior Professorship was introduced in Germany in 2002 and offers an alternative path to attaining a W2 or W3 professorship to the habilitation.
2. In 2011, 43% of all professors in Germany were still on the C-salary system (Statistisches Bundesamt 2012b).
3. The proportion of academics with tenure in the USA has dropped from 65% in 1980/1981 to 49% in 2007/2008 (cf. National Center for Education Statistics (NCES)). According to Chait (2002, 19), there has been a dramatic increase in the number of part-time professorships. As a proportion of all professorships their numbers nearly doubled from 22% in 1970 to 41% in 1995. Donoghue's (2008) analysis shows that in subjects such as humanities or liberal arts with no direct economic utility, and at universities that are profit-oriented and/or only offer training, the increases have been especially dramatic.

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