

# Chapter 9

## The Socially Embedded American University: Intensification and Globalization



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### Introduction

The preeminence of American universities in multiple international rankings has led to their deployment as benchmarks in global educational discourse. An idealized model of the socially embedded American university is dramatized by ‘world class’ metaphors and disseminated by consultants without borders. The latter identify ‘best practices’ in the pursuit of excellence and portray these practices as portable. The message is that universities can learn to be excellent by adhering to these best practices, and further, that the boundaries between university and society should be more permeable, leading to greater flexibility with respect to funding, curriculum, governance, and other organizational dimensions.

For many universities throughout the world, this message calls for two fundamental changes. First, there is the change from being a state-shielded university, buffered from the influence of markets, group interests, and social movements in society, to becoming a more socially embedded one, very much subjected to social changes and their impacts (Ben-David and Zloczower 1962). Next, there is the change from relying on its national or cultural roots for its institutional legitimacy to becoming an organizational actor with goals and strategies for attaining these goals (Krücken and Meier 2006). Looking like a rational organizational actor increasingly becomes a source of legitimacy. These proposed changes are reflected in educational policy packages that call for greater flexibility as regards funding (multiple sources) and greater links to industry and the economy (relevance and impact) as well as stronger university leadership and performance assessment (oversight and accountability) (European Commission 2003, 2008). These proposed changes nudge universities in the direction of becoming more socially embedded organizational actors.

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American universities, though, were much more socially embedded earlier on, and thus more likely to earlier begin to look like organizational actors. The more permeable boundaries between university and society necessitated boundary management and thus facilitated the rise of universities as organizational actors in the American academic landscape. That is, American universities developed organizational goals and strategies for attaining these goals long before their counterparts elsewhere (Cohen and Kisker 1998). Thus, for American universities, the contemporary call to reform higher education involves intensification of preexisting tendencies rather than fundamental changes.

The global preeminence of American universities is currently theorized to emphasize both their social embeddedness and their organizational character: they are imagined to be more attuned to the real world and to be more organizationally effective. These virtues, of course, become vices from the perspective of their critics; they are imagined to be corrupted by real-world (often corporate) influences and to no longer adhere to a distinctive institutional mission. Advocates and critics share the view that the socially embedded American university and its organizational culture may globalize (Readings 1996; Clark 1998; Etzkowitz and Zhou 2008; Slaughter and Cantwell 2012).

The core argument in this chapter involves these two general points: (1) the American cultural and political matrix facilitated the earlier rise of the socially embedded university organization in the United States as well as its intensification in a more integrated and competitive American educational field, and (2) the idealized American university organization is theorized as a template of excellence, and this template undergoes globalization in the era of ‘world class’ and ‘best practices’ (Ramirez and Tiplic 2014; Ramirez et al. 2016). Universities worldwide are thus under pressure to change and become socially embedded organizational actors. This leads to multiple tensions, as universities with historical roots quite different from the American cope with the new organizational rules of the game. In organizational theory terms these are the tensions between path dependency pressures and pressures that lead to institutional isomorphism (Ramirez and Christensen 2013; Ramirez 2006).

This chapter will identify and discuss three dynamics in the development of the American university: (1) increased entrepreneurship linked to institutional advancement goals, (2) increasingly empowered individuals linked to ideas about individual rights and human potential, and (3) increased legalization as cultural adaptation to increased entrepreneurship and empowered individuals. These trends are manifestations of the intensification of the socially embedded university. American universities are becoming more entrepreneurial and more empowering of individuals within universities. American universities are also undergoing greater legal rationalization, in good part as a response to their more entrepreneurial and more empowering character. These structural changes co-vary with universities presenting themselves to multiple audiences via mission statements.

The first part of this chapter seeks to make sense of the rise of the socially embedded university in the United States. Understanding the national political and cultural matrix that facilitated its emergence is crucial in any assessment of the likelihood of

its worldwide portability. Next, I focus on the entrepreneurial dimension of the socially embedded university, paying special attention to the rise and expansion of development or institutional advancement offices. The latter have now become taken-for-granted features of American universities. The third section examines the rise of empowered individuals within socially embedded universities, emphasizing the rise of the service-oriented university organization that tends to its empowered individuals (and further empowers them). Lastly, the chapter reflects on the growing legalization of the university and speculates on why this development may be the least likely to globalize. Throughout this chapter, concrete cases are highlighted to illustrate the three dynamics of interest. I also briefly reflect on the links between universities as organizational actors and the rise of mission statements, paying special attention to the competitive organizational field within which American universities operate.

## American Higher Education

The American system of higher education has long been characterized as more socially embedded and market-oriented than its European peers (Flexner 1930; Ben-David and Zloczower 1962; Clark 1978). The decentralized character of the American polity gave rise to a highly decentralized educational system; competition for access to higher education fueled its earlier and more extensive growth (Collins 1979; Labaree 2017). In the land that celebrated opportunity, not security, higher education was the American alternative to the European construction of welfare states (Heidenheimer 1981). Instead of safety nets provided by welfare states, American universities offered mobility opportunity credentials. American higher education was neither under the bureaucratic authority of the state (e.g. France or Japan), nor deeply influenced by the charismatic leadership of senior professors (e.g. Germany or Great Britain). There was no national ministry of education to support or inhibit its growth. What constituted university-level knowledge was less canonical and more influenced by the engagement of universities with multiple groups in society, what today are called ‘stakeholders.’ Curricular innovations were easier to establish, from agricultural and manufacturing science in the nineteenth century (Gelber 2011) to ethnic and women’s studies a century later (Rojas 2007; Olzak and Kangas 2008). What sorts of activities the universities and their professors undertook was also less constrained by the civil service status of its senior professors and more influenced by the changing character of its society. The commercialization of knowledge, for instance, came earlier in American universities (Owen-Smith et al. 2002). In his celebration of the flexibility and dynamism of the entrepreneurial university, Clark (1998) clearly had the socially embedded American university in mind. Critiques of the socially embedded university also target universities in the United States, emphasizing its links to the corporate world (Slaughter and Rhoades 2004). What may be viewed as the virtue of greater flexibility is from another stance the deplorable lack of standards, the main idea in Flexner’s forceful

critique of American universities (Flexner 1930). For Flexner the university was *in* but not *of* society, a perspective at odds with the socially embedded American university.

So, why did the socially embedded university emerge in the United States? The rise of the Western nation-state involved the empowerment of both the individual *qua* citizen and the collective *qua* state. Much of comparative political sociology examines the tensions that arise from the emergence of individualisms and statisms within a Western frame (Hall 1990). In the European context, it is generally assumed that the rise of the state involved outcompeting other political units as well as undercutting or subordinating religious authorities (Tilly 1975). State formation preceded nation-building: this is the standard interpretation of European political development (Bendix 1964; see also Fukuyama 2011 for a more recent analysis of state formation and nation-building). States consolidated power and subsequently incorporated the masses: peasants (see Weber 1976 for France) and workers (see Smelser 1991 for England) were transformed into citizens. In the American iteration, however, nation-building preceded state formation; mass political participation preceded the rise of state bureaucracies and expanded state services (Huntington 1968). Voluntary associations of individuals and private enterprise, not states and public bureaucracies, were celebrated as engines of progress (Tocqueville 1972/1835; Dobbin 1997). The American cultural and political matrix was Lockean in spirit: civil and political rights (often discussed as curbs on state activism) flourished while social rights (often discussed as triggers for state activism) lagged. Even a fundamental social right such as the right to education is in the United States typically thought of as a civil right (*in pacem* Marshall 1964): Darling-Hammond (1997), for example, discusses the 'right to learn' as a civil right. In the American lexicon belief in progress was not linked to the authority of the state, often feared as a potential Leviathan. Individualism trumped statism; Lipset's 'first new nation' (1963) was not a state-directed nation-building project but rather the rise of the nation as the outcome of collective action that emphasized individual rights. Within the American cultural and political matrix, it is not surprising that universities would emerge as socially embedded, not state-shielded, organizations.

In the nineteenth-century 'age of nationalism,' universities on both sides of the Atlantic imagined themselves as linked to national culture and its transmission (Reisner 1927). Thus, Readings (1996) can critique the demise of this distinctive university mission for both American and European universities. However, in Europe the university mission was imagined in state-centric terms because national states were the main actors in the national development dramas that swept Europe. State-sponsored nation-building characterized much of Europe (Anderson 1983). European universities in the nineteenth century were both buffered from society and were more closely linked to national states and their regimes of government funding and regulation (Ben-David and Zloczower 1962). The European cultural matrix fostered the sharp distinction between public and private domains. The transmission of national culture and the articulation of the common good were public matters that public universities would fulfill.

The less state-centric American cultural matrix, on the other hand, allowed for both public and private universities to present themselves as serving national goals and interests not defined by the state. Even national educational initiatives (the creation of the National Academy of Sciences by Act of Congress in 1863, for instance) resulted in a private not-for-profit organization with a mandate to provide scientific and technical advice to the federal government, not in a government agency. To be sure, the role of the federal government increased over time; a Department of Education was created in 1979. However, the articulation of national educational aims is an undertaking that often involves the participation of private actors such as private university presidents, foundation directors, and corporate executives in national commissions. The participants are not civil servants, but they are entrusted with the responsibilities typically reserved for civil servants in European countries. Thus, we find private actors playing public roles in national commissions that influence national educational agendas, from the mass-schooling-oriented *A Nation at Risk* (U.S. National Commission on Excellence in Education 1984) to the higher-education-focused *Rising above the Gathering Storm* (U.S. National Academy of Sciences 2007). And of course, the boards of trustees in both private and public universities also involve a similar range of actors charged with overlapping and often national educational goals (Engwall 2018).

American higher education is not only clearly decentralized, but also deeply embedded in a cultural matrix that privileged an optimistic and liberal vision of nation-building (Schudson 1988; Walzer 1990). Individuals and the associations and organizations they created would be celebrated as the key actors in the American development narrative. Universities would indeed have an important role to play in this scenario, but it was one where they earlier on became socially embedded organizations. As such, they sought resources and legitimacy from multiple sources in a more competitive environment. American universities were actively engaged in tapping multiple sources of funding with what is now called ‘institutional advancement’ as a major goal. The entrepreneurial university is a manifestation of the intensification of the socially embedded university. Repeated references to the stakeholders of the university illustrate the further erosion of the boundaries between the university and society. Greater organizational flexibility may indeed make sense in an ever more competitive academic marketplace. However, these flexibilities can create potential conflicts of interest and related issues. The intensification of the socially embedded university has led to the greater legal rationalization of the university.

The legal rationalization of the university is also influenced by the increased empowerment of the individuals that inhabit it. The less shielded American university was also more exposed to social changes and legal developments in the wider society. These developments emphasized the rights of individuals, expanding their scope and extending these rights to greater numbers of people (Dobbin and Sutton 1998). Their proliferation eventually undermined the legitimacy of older university institutional characteristics: *in loco parentis* for students, more communal but also hierarchical arrangements for faculty, and paternalism for staff. Instead, the

university became still one more organization within which different and potentially conflicting rights would have to be managed.

Moreover, empowered individuals would be depicted not solely as bearers of rights, but also as persons with multiple needs and tastes that added up to enormous human potential if properly attended to. Fostering the development of this human potential was imagined to surely lead to the benefit of many different individuals, but also to benefit the university qua organization. A widespread and optimistic culture celebrating human potential would interact with an individual rights culture and drive the legal rationalization of the university. The unintended net effect would be increased rules designed to respect and promote empowered individuals, but also increased rule arbiters. The culture of the university would be increasingly legalized: there would be more rules covering more actors and activities, and more lawyers guiding universities through increasingly formal mazes.

## **Institutional Advancement and Entrepreneurial Universities**

In the twenty-first century, universities are more likely to act as if they are in competition with other universities around the world (Marginson 2006; Portnoi et al. 2010). The proliferation of conferences and books on world-class universities and international rankings presuppose a common global frame of reference (Altbach and Salmi 2011). The identification of ‘best practices’ and their dissemination presupposes that educational ministries and universities seek to upgrade themselves and engage in benchmarking exercises to move in the right direction. China, for example, commits itself to creating a hundred world-class universities in the near future (Wang et al. 2011). The reasonableness of these presuppositions is, of course, challenged, with some scholars asserting their preference for the Bologna of the eleventh rather than the twenty-first century (Tomusk 2004). There are clearly spirited defenses of historical legacies and nationally distinctive university systems (Baert and Shipman 2005; see also the chapters in Mazza et al. 2008 and in Douglas 2016). However, it is indisputably true that university administrators, and perhaps even professors, are more aware of where their universities stand relative to others (Rauhvargers 2011). In addition to international rankings, ‘national excellence’ initiatives abound in very different countries, from older European nations, e.g. Germany (Kehm and Stensaker 2009) to rising Asian powers, e.g. South Korea (see the chapters in Oh et al. 2016). These rankings and the initiatives formalize differences between universities, transforming these differences into indicators of excellence and thus further differentiating universities from one another via universalistic metrics (Espeland and Sauder 2007).

In the European context, the erosion of state funding in some countries and the rise of an international academic market challenges an earlier exclusive orientation to the national state for legitimacy and funding and the tacit understanding that all

national universities were equal.<sup>1</sup> Throughout much of the world, there is an overall sense of greater competition for human and natural resources with which to enhance a university or a system of higher education. The competition for students, professors, and funds is now more international in character (Marginson 2006; Shin and Kehm 2013).

Competition came earlier to the politically and educationally decentralized United States. Absent stable state funding and national regulation, American universities functioned as ‘open system’ organizations, tapping into their environments as well as being influenced by changes in them (Labaree 2013). A widespread belief in progress, not strongly linked to state structures, facilitated exploring the societal environment. In what follows, I focus first on university efforts to gain stable funding and national standing. This is organizational entrepreneurship, and its most obvious manifestation is the creation of university development offices and fundraising campaigns. I then turn to faculty entrepreneurship, that is, efforts to solicit support for faculty-initiated activities. The quest for research grants is an early example of faculty entrepreneurship; the commercialization of knowledge is a more recent one. As we shall see, the distinction between organizational and faculty entrepreneurship is blurred over time. Universities encourage and reward faculty entrepreneurship. Legalization is a response to both further organizational and individual engagement with the wider society. We shall also see that institutional advancement in the American mode is very much a recipe for success that influences universities around the world.

By 1900, American higher education was more accessible than anywhere else (Rubinson 1986; Rüegg 2004). Via the Morrill Acts of 1862 and 1890, the federal government gave land to the states to create institutions of higher education. These were supposed to be different kinds of universities, linked to practical subjects such as agricultural science. However, over time these too became part of the sprawling network of higher educational institutions that comprised the American landscape (Gelber 2011). These institutions hustled for folks and funds in a country without a minister of education and without any national standards for ascertaining what constituted higher education (Labaree 2013, 2017). No American university would have been ranked among the world’s top ten in 1900. But the ambition to excel was there early on and no one more explicitly articulated this ambition than Harvard president Charles Eliot in 1906 (Kimball and Johnson 2012a, p. 224; see also Kimball and Johnson 2012b):

In the competitions between American universities and between American and foreign universities, those universities will inevitably win which have the largest amount of free money. [...] How is free money to be obtained? [...] The only way to increase the amount of such funds is to emphasize the urgent need of them, and to treat them with such steady consideration that they will have [...] an assured permanence as funds.

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<sup>1</sup>The author would like to thank Peter Maaseen for drawing attention to the fact that, in some European countries, support for higher education and research has actually increased over the last 10 years.

By ‘free money,’ Eliot had in mind unrestricted gifts to the university, gifts that add up to the endowment of the university. Harvard currently boasts an endowment of approximately 40 billion. Today, it is a commonplace for American universities to display their endowment and the fundraising campaigns that generate the endowment. Universities can, and are, ranked by the size of their endowments as well as by the success of their annual fundraising campaigns. It is also well understood that endowment funds are evidence of fiscal responsibility and organizational stability. Moreover, this understanding is not limited to the United States: university leaders elsewhere have taken notice, and ideas about the importance of institutional advancement are widespread. The former Pro Vice Chancellor of the University of Hong Kong puts it this way (Cheng 2011, p. 171):

The notion of institutional advancement, thus, has a liberating function. It moves academics out of the box fixed by government allocation. It puts the core values back to academic endeavors, it creates room for creative and innovative thinking, it allows dreams to be realized, and it encourages bold explorations and risk taking which are so precious for academic endeavor and breakthroughs yet are hardly supported by public funding.

By the end of the twentieth century, American universities dominated the international rankings of universities. I am not here interested in why this happened or in how much stock we should put on these rankings. My point is that the Eliot vision is now commonplace throughout the United States. Universities, public and private, seek funds from multiple sources. Stanford gets Exxon; Berkeley gets BP!<sup>2</sup> They seek unrestricted gifts, and they follow rationalized strategies for obtaining these gifts. It is almost comical to note the familiar sequence: articulation of the core values of the university, the unfolding of its lofty vision, the articulation of its vision informed mission, and the strategic plan to accomplish mission derived goals, preferably with milestones. Consultants assist in the institutionalization of this sequence. Eliot understood the importance of what we now call transparency and accountability. Friends of the university would want to know where their gifts would go and who else were friends of the university. And though this or that specific goal could be realized in a specific period, the overall vision and mission would always be ongoing. Part of the Eliot strategy was to show annual deficits. The message from the university was not so subtle: there was always great need for more funds.

Note that we are not here dealing with block grants or publicly budgeted monies for the university. To obtain these funds, universities must deliberately organize themselves with fundraising goals in mind. Moreover, they must organize themselves so that the pursuit of these goals becomes a taken-for-granted feature of the university. Upgrading a library, or building a laboratory, or acquiring a Noble prize-winner is surely a laudable goal, but there are subsequent maintenance costs, and gifted professors may meander across universities. What socially embedded universities need are reliable revenue streams flowing into an expanding lake of financial

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<sup>2</sup>The Schools of Earth Sciences at private Stanford and public University of California have received generous funding from Exxon and British Petroleum, respectively.



OFFICE OF DEVELOPMENT

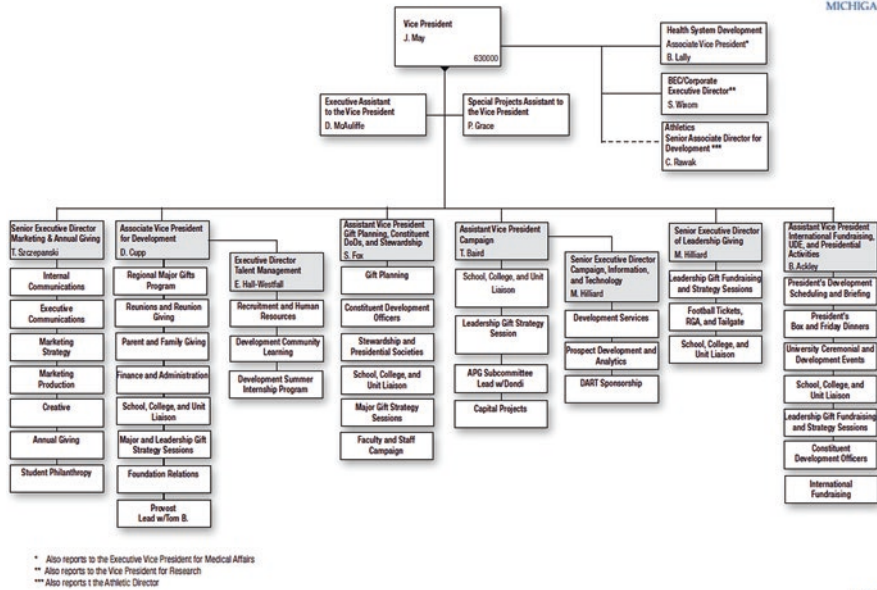


Fig. 9.1 Flowchart of development office staff at the University of Michigan (2013)

support for their long-term endeavors. This need is best symbolized by the rise of the development office and its subsequent professionalization. (Skinner 2019).

Much of the earlier fund raising involved the use of external firms and local volunteers. Over time though, universities created their own internal development or institutional advancement offices. This organizational innovation was designed to more directly focus the university on the need to secure, maintain, and expand its endowment. One might surmise that the private universities were first movers since they did not have easy access to state funds. In the 1970s, while about 45% of universities had development offices, the private ones indeed were more likely (about 50%) than the public ones (about 30%) to have development offices (Ramirez and Furuta 2016). However, working with a national probability sample of 236 higher education institutions as of 2017, we find that virtually all have development offices (Skinner and Ramirez 2019) Along this organizational dimension, the distinction between public and private universities is further blurred. The development office has become a taken-for-granted feature of American higher education institutions.

To illustrate the centrality of the development office in American universities, consider the organizational flowchart of the University of Michigan (Fig. 9.1).

Bear in mind that this is not the organizational flowchart of the whole university but ‘only’ of its office of development. From a non-American perspective, the size and complexity of the organization of the office of development must surely be

striking. There is a Vice President, two Associate Vice Presidents, three Assistant Vice Presidents, and an array of executive directors and officers that manage a lot of differentiated activities. The latter range from marketing to gift planning to international fundraising to athletics and to multiple other projects, all linked to the overall development or institutional advancement goals of the university.

To reiterate, the development office is now a taken-for-granted feature of university organization. The work of development officers has also undergone greater professionalization (Croteau and Smith 2011; Skinner 2019). Aspiring university development professionals undergo training to see to it that they embody the promulgated standards. The standard setting and the workshops and other training sessions were initially undertaken by organizations that were not solely focused on education but were more broadly engaging with the emerging world of philanthropy. More recent organizations (the Council for the Advancement and Support of Education, for example) primarily foster the professionalization of fundraising in higher education via products and services such as conferences, books and training materials. The global reach of this organization is attested to by the affiliation of over 3000 higher education institutions in over 80 countries across the world (Skinner and Ramirez 2019). Founded in 1974, CASE has offices in Washington DC, New York, London, Singapore, and Mexico City. The membership directory of CASE includes different kinds of universities (elite and common, secular and religious) in every region of the world. There is clearly growing worldwide interest in what started as an American innovation, reaching out to multiple sources for financial support and doing so in a more organized and professionalized manner. One of CASE's 2008–2013 Strategic Initiatives was to “Foster the Development of ‘advancement without borders’ by sharing expertise around the globe, by helping member institutions engage constituents internationally, and by updating CASE's governance structure to support these efforts” (Council for Advancement and Support of Education 2017).

Most giving to universities, Eliot notwithstanding, involves restricted or targeted gifts. These are aimed at specific parts of the university: medical centers or technology institutes for instance. New buildings are often outcomes of donor gifts. In the American landscape, endowed professorships also emerge, and their numbers increase over time. Other gifts are designed to support students in their pursuit of higher education. Large gifts, of course, have greater visibility and impact. The recent \$100 million endowed Buffett Institute for Global Studies at Northwestern is noteworthy, both for its magnitude and because the gift did not go to a hard sciences or business school unit. However, small gifts are encouraged to maximize the number of people who identify with the university. Universities emphasize the total number of gift-givers in addition to recognizing the major donors. That is, universities extoll the virtue of broad-based support as well as celebrate the generosity of deep-pocketed friends.

Furthermore, in many universities the fundraising charge has extended to deans of schools and directors of institutes. Deans and directors thus are expected to become not only academic leaders, but also fundraising stars. Not surprisingly, in the wealthier universities, development officers work not only for central



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**Fig. 9.2** Advertisement for fundraising conference aimed at Deans of Schools (2015)

administration but also for the schools and institutes within the university. University development teams are multilayered, and their emergence often leads to overall organizational coordination issues and strategies, further highlighting the centrality of fundraising. All these fundraising efforts entail greater engagement with multiple groups as well as with consultants that contribute to the professionalization of these efforts. Dean search advertisements, often assisted by consultants, identify the fundraising capacities and experiences of applicants as a plus. The socially embedded university becomes even more socially embedded.

To illustrate, consider this advertisement of a conference designed to teach deans how to effectively fundraise (see Fig. 9.2). Note the explicit reference to development officers, with whom deans are expected to partner to develop a culture of philanthropy on campus. Note also the weight given to interactions with alumni in the overall effort to advance the institution. Lastly, note that this conference imagines academic leaders from departments as well as campuses as the beneficiaries of this conference.

This is but one example of a growing number of workshops and conferences aimed at academic leadership in socially embedded universities. There are more entrepreneurial universities in an environment with more consultants facilitating the professionalization of fundraising. This is an environment characterized by widespread efforts to professionalize a growing number of jobs; higher educational attainment is at the core of enhanced professionalization processes. Armed with certificates, university volunteers become professionals. To be sure, the expanding scope of professionalization has had its critics early on (Wilensky 1964). But five decades later, it is obvious that more and more activities are subjected to professionalization processes, with fundraising and related philanthropic activities becoming one more sphere of professionalization (Huang and Powell 2009). To wit, one can now obtain a doctorate in Philanthropic Studies at the Lily Family School of Philanthropy at Indiana University.

The entrepreneurial university breeds the entrepreneurial professor. The latter seeks financial support for research projects and launches projects for which there is financial support. The grant-seeking professor has been a feature of American research universities for a long time. In a decentralized, competitive, and optimistic academic landscape, future research directions can be imaginatively linked to the rising aspirations of a university. As early as 1943, Stanford Provost Fred Terman could channel his inner Eliot (Lowen 1997, p. 73):

War research which is (now) secret will be the basis of postwar industrial expansion in electronics [...] Stanford has a chance to achieve a position in the West analogous to that of Harvard of the East.

Research and development in electronics did in fact fuel the rise of Stanford. Terman mentees, Hewlett and Packard, have given more than \$300 million to Stanford. There are buildings that bear their names, as well as programs and students that benefit from their largesse. Terman referred to the growing links among university, industry, and government as a 'win-win-win' situation. The rise of what Lowen (1997) called the 'Cold War University' indeed involved the intensification of these links. Faculty entrepreneurs with Stanford roots have created companies such as Google, Sun Microsystems, Yahoo, Cisco, Intuit, and in an earlier era, Hewlett Packard and Fairchild Instruments, among others.

To further illustrate, consider a seminar on how to become a faculty entrepreneur in 2002. The seminar was intended to help interested faculty in getting involved in entrepreneurial ventures such as starting a company or licensing a technology or serving in a technical advisory board. The sponsoring parties include banks, law firms, technology groups, and the relevant offices within Stanford University (the Office of Technology Licensing, for example). Though this was a seminar by invitation only, the list of invitees included social scientists with funded research grants but no experience in entrepreneurial activities. The welcoming University President, John Hennessey, emphasized that teaching and research would always be top priorities at the university. But the zeitgeist of the entrepreneurial university is captured in his further remarks (Transcript of Seminar of November 5 2002):

If we are doing great research, however, one of the things that will come out of that is great ideas that can be turned into companies. From time to time there are breakthroughs that happen, that do sometimes have short term applications and make commercial sense, but in general our research should be focused on long term outcomes and not short-term gains. [...] We don't encourage our faculty to be entrepreneurs, but we don't have to, it seems to be in the air. We are supportive of entrepreneurial ideas. There is a strong connection between working on exciting state of the art things outside and being a better faculty member. It helps you in your teaching and research. Research on the outside may take you ways in your research that you wouldn't have gone otherwise. There is a synergy between the two. We like the feedback loop between the two.

Though elite American universities may be emblematic of entrepreneurial universities, the recipe for the socially embedded university gets enacted across the world. One finds development offices in private universities (Yonsei University in Korea, for instance) but also in public ones (Universidad Nacional de Colombia).<sup>3</sup> Even medieval universities move in this direction: Cambridge and Oxford, for instance. One can point to the American tax system to explain the earlier rise of philanthropy in the United States. And, one can further note the incentives for the commercialization of knowledge brought about by the 1980 Bayh-Dole Act (Colyvas and Powell 2006). These society-specific characteristics are important, and yet we now see the rise of university development offices in very different kinds of societies. Perhaps just as higher education expanded earlier in America but then grew everywhere (Schofer and Meyer 2005), the socially embedded university will be globally enacted, albeit with much local editing and translating (Sahlin and Wedlin 2008; Drori Höllerer and Walgenbach 2013). In short, the conditions that facilitate first movers may no longer be necessary once the innovation obtains broad legitimacy (Tolbert and Zucker 1983).

All these developments create potential conflicts of interest, and the legalization of the university is an organizational coping response. The legalization may vary in how well it works, but it clearly signals a commitment to probity, and thus, enhances organizational legitimacy. As we have stated earlier, the empowerment of individuals also furthers the legal rationalization of the university. I turn now to consider this issue.

## Empowered Individuals and Valorized Diversity

It is important to reiterate that the American system was not only politically and educationally decentralized; it was also oriented to a vision of progress that would be obtained via individuals and their associations and organizations. This was a vision validated by the wider culture that assigned less value to state structures and government initiatives in accounting for progress, (Dobbin 1997). Thus, from the outset, efforts to create universities were fueled by public and private sources that

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<sup>3</sup>Private communication from Professor Yun Suk Jang and Pedro Pineda.

were often indistinguishable as far as their public aims were concerned. The promotion of social mobility via higher education was an objective, but so too was the public goal of building a better nation via the education of its citizens and leaders. To reiterate, there has never been a federally mandated national university but there are many universities that see themselves as pursuing the national or public interest (Gavrila and Ramirez 2019). This is the terrain within which competing social classes and status groups struggled to gain further access to higher education and successfully did so in varying degrees (Collins 1979; Labaree 2017).

The struggles continue but now take the form of efforts to reshape higher education to enhance the experiences of those newly incorporated into universities. The social movements of the sixties and seventies brought larger numbers of women and people of color to the universities (Solomon 1985; Brock 2010). These movements challenged the traditional authority of the university. The free speech, civil rights, and anti-war movements generated other challenges (Gitlin 1987). These challenges focused not solely on expanded access but also on improved experiences within the university. That is, the key issue was not only about incorporation but also about the terms of incorporation. Extant citizenship rights were indeed extended to students, depriving the university of *in loco parentis* authority. Codes of conduct now construed as restraints on citizenship rights (free speech, for example) eroded. Furthermore, what was to be taught became contested terrain (Bloom 1987). Curricular requirements were interrogated. Curricular innovations gained traction. The socially embedded university that had earlier been open to the 'practical arts' (Brint 2002) was now the site for courses of immediate social relevance: women's, black, and environmental studies, for example. Relevance and diversity emerged as key questions regarding the terms of incorporation (see the chapters in Smelser and Alexander 1999; see also Maher and Tetreault 2007).

Students as empowered individuals, with a broader range of legitimated choices to make, increasingly became a taken-for-granted feature of the American university (Robinson 2011). Frank and Gabler (2006) demonstrate that this curricular transformation of the university took place throughout much of the world. Even in the 'Republic of Letters,' the centrality of the humanities diminished (Soares 1999). Canonical requirements, always relatively weaker in most American universities, faded (Bloom 1987; Readings 1996). The valorization of diversity increasingly became the signature of the American university, in aspiration if not in practice (Stulberg and Weinberg 2011; Kwak et al. 2019). The good university did not simply dismantle barriers, but actively sought to welcome and celebrate difference. One organizational manifestation was the formation of diversity offices. More universities report the number of students of color in their rosters; women in traditionally male bastions, medicine, law, and engineering, are also counted. More recently the term 'first generation' is coined to count students who do not have parents with higher education degrees. All of this is viewed as progress; university websites frequently express diversity commitments. To be sure, the emphasis on diversity has been criticized as 'happy talk' (Bell and Hartman 2007). But universities clearly see themselves as upgrading as they become more diverse. There are even rankings that rate universities on diversity, with the more diverse at the top of this hierarchy (Best

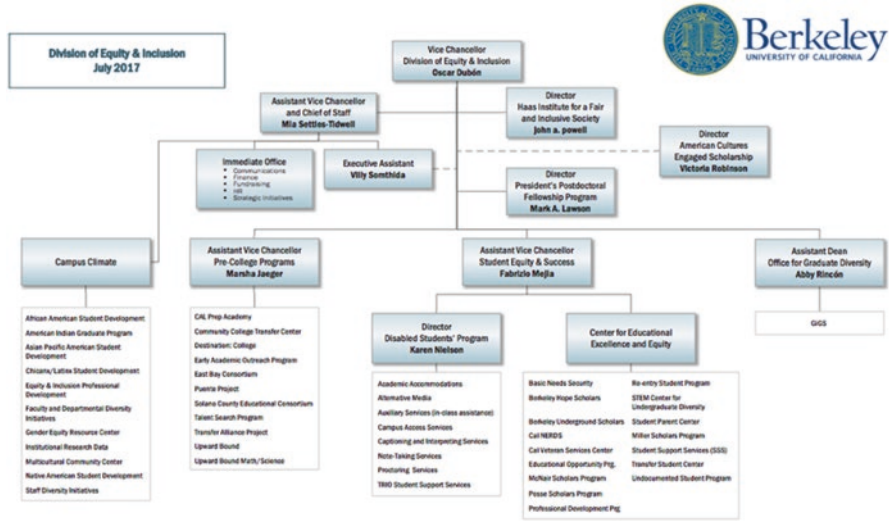


Fig. 9.3 Flowchart of diversity office staff at the University of California Berkeley (2017)

Colleges 2019). Working with a national random sample of 236 higher education institutions, we find that 60% had institutionalized diversity offices (Kwak et al. 2019). While clearly not as taken for granted as development offices, the organizational commitment to promote diversity is nevertheless increasingly a core feature of American higher education today.

To illustrate the valorization of diversity in American higher education, consider the organizational flowchart of the Division of Equity and Inclusion at the University of California at Berkeley (Fig. 9.3). Note the large number of topics covered by differentiated organizational positions that ultimately report to a Vice Chancellor.

The valorization of diversity in higher education is not limited to the United States. Affirmative action ideas gain currency in many other countries, Brazil, for instance. University brochures positively emphasizing a climate that welcomes diverse students diffuse. The Oxford University Undergraduate Prospectus (1998–1999), offers diversity-affirming testimonials from students such as these ones:

I thought there would be a lot more ‘tradition’ – formal dinners, old boys at High Tables, prep school manners-but it hasn’t been like that at all. There’s such a wide diversity of people here, from all sectors of the community. Whatever you’re into, you’ll find someone who shares your interests.”(p. 22)

I’m a practicing Muslim and it was difficult when I fasted for Ramadan. I could only cope with the work when I was eating and I became nocturnal. It meant missing lectures, but my tutors were very understanding, as long as I caught up. Together we’re looking at possible solutions for this year.” (p. 21).

Valorized diversity discourse is now a feature of many a university ‘presentation of self.’ The organizational changes involve discourse but also structure. Oertel (2016)



## SELF-PACED ONLINE TRAINING

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- Diversifying the search process and search committee
- Following Equal Employment Opportunity (EEO) and Affirmative Action guidelines
- Writing inclusive position announcements
- And More

[Visit Event Page to Learn More](#)

**Fig. 9.4** Advertisement for university training on diverse faculty recruitment

shows that university diversity management officers are emerging and diffusing in German universities. He has further shown that newly founded universities are more likely to have a Vice President for Diversity Management. This finding is consistent with the more general idea that the age in which an organization was born influences its structure (Stinchcombe 1965). So, we see the celebration of empowered individuals in higher education in different parts of the world, and we further see these developments in both discursive and structural terms.

In this domain, we also find external bodies providing universities with training on how to become more diverse. The socially embedded university is linked to expertise regarding development but also with respect to diversity. There are workshops on fundraising but also on diversifying search processes and writing inclusive position announcements (see example in Fig. 9.4).

Some scholars have argued that faculty authority has declined during the last few decades (Gerber 2014). The metaphor ‘from the sage on stage to the guide on the side’ captures the sense of a loss of professorial charisma in universities. The rise of



management is often the culprit in this scenario; it is certainly a core feature of the critique of new public management in the European context (Christensen and Lægsgreid 2001; Berman and Paradeise 2016). American universities are indeed now more subjected to rationalized organization and professionalized management (Ramirez and Christensen 2013). The authority of the academic estate qua academic estate is declining. But it not clear that most individual professors are worse off as a result. As individuals, they too are more empowered over time. The rise of workshops on how to teach, do research, obtain grants, and even how to become university leaders, etc. presupposes multifaceted scholarly potential that should be nurtured. Outcomes will vary, but individual empowerment is the overriding goal of these organizational developments.

Furthermore, the rights of individual professors who hold tenure track appointments are on the rise. This is clear with respect to core evaluation issues. What constitutes merit in annual reports gets more rationalized via metrics that diminish the likelihood of allegedly arbitrary judgments on the part of senior faculty and administrators. Tenure and promotion criteria are fleshed out to a greater degree than in past eras. Even elite universities are under the gun to become clearer as to what constitutes excellence, and to provide opportunities to all to attain excellence. Thus, reduced teaching loads and early sabbaticals have become more standard features of early academic tenure track careers in a growing number of universities.

Workshops to facilitate the development of scholars not only presuppose growth potential but also individual rights. The latter increasingly include rights to broad services. Universities expand their service orientation to students but also to professors. So, ironically, even as universities have lost much of their traditional authority over students and to some degree over more rights-conscious faculty, universities are expected to assume greater responsibilities over a greater sphere of the lives of both professors and students. Charisma and tradition wither in the more rationalized American university inhabited by more empowered individuals. University services for all increase, and these include counseling across health, finance, career, legal, and other domains.

The same process holds for non-faculty personnel. These are much more likely to be college educated and even advanced degree holders. Changes in job titles reflect ongoing professionalization; more feudal-like secretarial designations are disappearing from organizational flow charts. Non-faculty personnel are more likely to play more specialized roles in a more fleshed-out formal organization. They are also more likely to be presented with career ladders and to undergo professional development workshops designed to enhance their mobility.

To illustrate, contrast the organizational flowchart of the Graduate School of Education at Stanford University in 1986 with its status in 2015 (see Figs. 9.5 and 9.6). Note the much greater number of organizational slots and the increase in its leadership team. Administrative assistants replace personal secretaries. Titles from the business world are adapted (chief technology officer and chief communications officer, for example). A chief inclusion officer was in place by 2017.

Staff empowerment is evident across schools and universities, though of course in varying degrees.

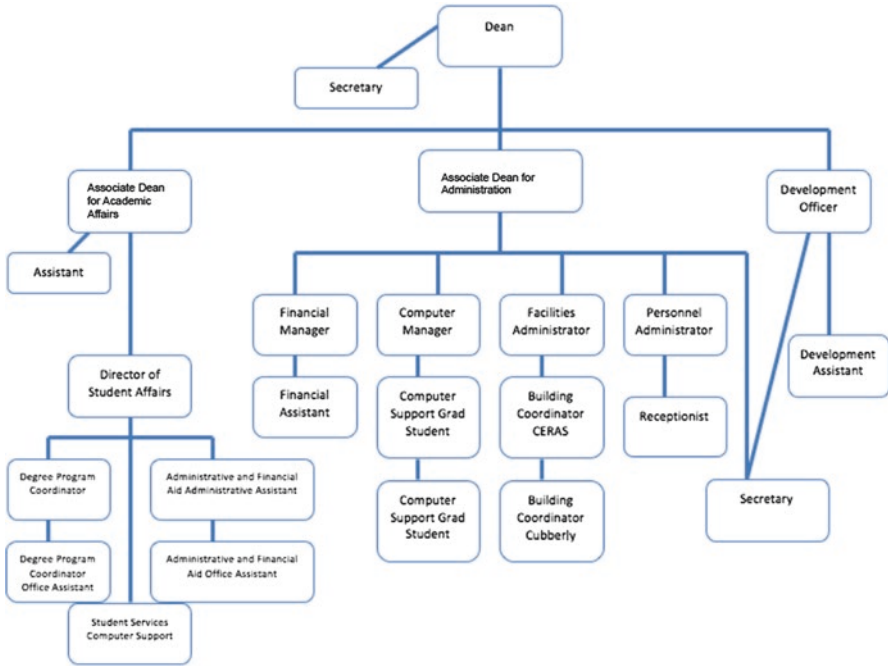


Fig. 9.5 Flowchart of the Stanford Graduate School of education staff (1986)

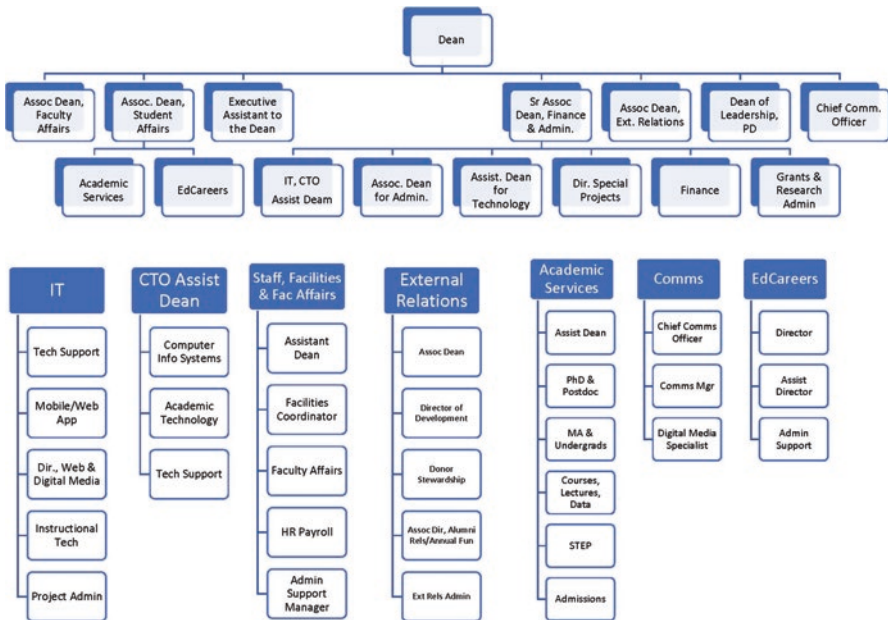


Fig. 9.6 Flowchart of the Stanford Graduate School of education staff (2015)

It is important to note that none of these actors – students, faculty, and staff – are empowered as corporate entities, but are instead empowered as individuals. This is consistent with the broader American liberal and individualistic cultural matrix. Students may mobilize around specific causes. Faculty may unionize and seek collective gains. Staff may do likewise. But the enduring impact of empowerment, for better or for worse, is at the individual level. The favored narrative is that empowered individuals enhance the university, and ultimately the wider society. The reorganization of the university acknowledges empowered individuals and seeks to further empower them. In different ways, the American university tells its inhabitants ‘you can make a difference!’

To summarize, the socially embedded American university has undergone an increase in institutional advancement activity reflected in the rise and professionalization of development offices. The socially embedded university has also experienced an increase in empowered individuals reflected in the rise and professionalization of a range of growth opportunities and personal services offered to them. The latter are attuned to both the potentials and rights of individuals within the university. Institutional advancement and empowered individuals are both seen as necessary for creating a better university. The latter and more intensely socially embedded university, in turn, is imagined as an engine of progress.

As we have noted earlier the unintended net effect of these changes is the legal rationalization of the university. The next section reflects on why this is the case and what is the evidence that universities are indeed more legalized.

## **Legal Rationalization**

The flourishing of entrepreneurship at both the organizational and individual levels adds up to greater contacts with multiple parties. These include governmental and non-governmental funding sources, industrial partners, engaged alumni, and other supporters of universities and their students and professors. University leaders frequently emphasize the benefits of increased revenue streams and their necessity for the pursuit of excellence. In a competitive environment these revenue streams facilitate attracting and supporting good students, professors, and even administrators. University engagement with society is expected to benefit the local economy, and in some cases, the national economy as well. Elite universities are not shy about loftily stating that they address global problems, from worldwide poverty to global climate change to international peace. The Harvard Graduate School of Education vision, for example, is ‘To Learn to Change the World’ (2019). Many new institutes emerge to symbolize these global university commitments. Older ones are re-energized or at least re-branded (Kirp 2003; Drori 2016). All these activities require enhanced funding; more rationalized university budgets identify the different revenue streams. Fundraising campaigns do likewise.

However, the extensiveness and intensity of these activities give rise to potential conflicts of interest. It is widely understood that the integrity of research must be

safeguarded against the reality or appearance of bias aligned with the aims or interests of the parties that support the research. The parties may be for-profit corporations: pharmaceuticals funding medical research, for example. The parties may also be branches of the government: Defense Department funding biochemical research, for instance. The parties may also be well-heeled donors with links to special interests: for example, Wall Street and Silicon Valley titans funding law and engineering schools. To be sure, the integrity of the university must also be safeguarded against the suspicion that it does the bidding of external sources. This concern also leads to questions about the external interests of professors and administrators, and whether these collide with their duties as university people. The faculty entrepreneur is an identity that calls for different activities that may indeed be mutually re-enforcing. But entrepreneurial engagement may also mean the diminution of time and energy allocated to scholarly matters. So, there are integrity issues that directly arise from undue donor influence as well as those that emerge from the potential negligence of university professors and administrators.

One might assume that common sense and good faith would suffice to cope with potential conflicts of interest. But this is not the case, in part because what constitutes a conflict of interest has expanded over time, thus increasing the likelihood of potential conflicts. Before World War II, for instance, war-related research was lauded as a virtue in the service of the national interest (Lowen 1997), but after the Vietnam War, this type of research has been problematized. Many universities eschew confidential research such as war-related research.

There are also changing standards with respect to how university resources should be invested and managed. In an earlier era, trustee discretion regarding university investments was not much challenged. That is, after all, the fiduciary responsibility allocated to trustee boards. But that discretion has been questioned as well. In an earlier era, an anti-apartheid zeitgeist triggered student movements calling on universities to divest from companies doing business in South Africa (Soule 1997). More recently, environmental issues are raised to question university investment decisions. These are but some examples of changing standards that make it more difficult to leave to individual professors' or even senior administrators' sole discretion, regarding what constitutes conflicts of interest. The problem becomes even more acute when one realizes that the scope for conflicts of interest has expanded with the growth of different links to different stakeholders. And to reiterate an earlier point, public universities are also affected: Stanford has Exxon; Berkeley has BP!

Throughout the American higher education landscape, the cultural response of the university involves legal rationalization. Conflict of interest protocols are developed, and their content disseminated. A regulatory regime emerges, and lawyers play a major role in shaping this regime. In some universities, every professor who has a research grant – and having one or more is increasingly part of a productive scholarly profile – is required to fill out a conflict of interest protocol. More major conflicts are imagined for those who have created their own companies or consult for companies, even respectable ones. The intensification of organizational and individual entrepreneurship situates universities in a complex network of multiple

interests with the potential of both enhancing institutional advancement but also undergoing conflicts of interest.

Furthermore, the empowerment of a greater number of individuals within universities leads to increased conflicts due to increased rights. Universities, of course, continue to have the authority to expel or suspend students for inappropriate behavior. Universities also have the right to determine which professors are offered tenure status. But in a rights-conscious culture, these decisions increasingly need to be justified according to rules that are more likely to be more formally codified. Whether these rules or their application constitute a violation of due process leads to the legalization of the university. Due process ideas permeate the university as an organization, just as they have influenced other organizations in the workplace (Dobbin et al. 1988; Sutton et al. 1994). As stated earlier, the socially embedded university is not buffered from legal developments in the wider society. Due-process ideas and the practices they inform are formally enshrined in university handbooks and communicated via workshops for a broad range of university decision makers. Not surprisingly, lawyers are apt to play leadership roles or at least are much consulted in coping with these matters.

Furthermore, there are greater instances of direct collisions of rights. Standard professorial rights regarding evaluation processes, how much time to give students to complete assignments or exams, for example, may collide with the right of disabled students to receive academic accommodations. Faculty is expected to incorporate the empowering language in their course syllabus. To illustrate, consider the following from the University of Arizona (2019):

It is the University's goal that learning experiences be as accessible as possible. If you anticipate or experience physical or academic barriers based on disability or pregnancy, please let me know immediately so that we can discuss options. You are also welcomed to contact Disability Resources to establish reasonable accommodations. Please be aware that the accessible table and chairs in this room should remain available for students who find that standard classroom seating is not usable. Instructors are encouraged to provide appropriate individual flexibility to all students. When disability-related accommodations are requested, instructors should consult with DRC staff to identify strategies or accommodations to provide access.

This trend in the direction of greater formalization – more rules regarding more actors and more activities – is evolving to become the greater legal rationalization of the university. In practice, this means that there are more issues that are routinely perceived through legal lenses. Empowered individuals are more likely to imagine that their rights have been violated by decisions negatively impacting them. The angry feelings and sad sentiments of students, professors, and staff are hence more likely to be framed in legal terms: my rights have been violated. Universities create ombudsperson offices to assure good governance and to amicably resolve conflicts, one of many university services extended to all. However, universities also establish legal offices to minimize their legal liability and to shield the university from lawsuits.

The dynamic here is not unlike that which characterized the transformation of development work in universities. In addition to an earlier reliance on external

development and legal expertise, internal development and legal offices are emerging. University websites indicate the mission of these offices; to illustrate, consider the two main goals of the Office of the General Counsel at the University of Minnesota: “ensure the best possible litigation outcomes and minimize legal problems by offering proactive legal services.” These services range from academic misconduct, to conflicts of interest, to human and animal research regulation, to employment, and to patents (University of Minnesota 2019). Similar legal services are provided at the University of Washington, though here the legal office is organized as a Division of the State Attorney General’s Office. These services are very similar to those offered at the University of Minnesota and include areas such as “employment law, labor relations, student affairs, real estate, business law, intercollegiate activities, bonds, intellectual property, tax, benefits, constitutional law, gifts and trusts, and health care law” (University of Washington 2019). The Division Chief has a staff of fourteen lawyers and a support staff. The OGC at Minnesota has a comparable legal and support staff.

University lawyers do not operate in a vacuum. The National Association of College and University Attorneys (NACUA) has members from more than 700 institutions, encompassing more than 1800 campuses, and involving 4100 attorney representatives. Like other professional associations, the NACUA has annual meetings and offers professional development workshops. More recently, it has launched an online service, the Higher Education Compact Alliance, to help higher education institutions to better comply with the “ever growing body of federal law and regulation that affects colleges and universities.” Due-process and discrimination issues are featured in the cases their website highlights. Upcoming programs will focus on sexual misconduct on campus, an issue likely to lead to greater legal rationalization.

Not surprisingly, in addition to workshops on how to do development work and how to enhance diversity, there are also professionalization workshops that center on legal issues. To illustrate, consider the advertisement shown in Fig. 9.7.

Tenure rates vary enormously across universities. However, all empowered individuals now deserve to face clear standards and processes, and their specification is best undertaken with legal expertise at hand. Empowered individuals who do not get tenure also deserve counseling services offering care. To meet these expectations universities will undergo greater organizational rationalization. It may not do to simply assert that only the best get tenure. Rationalized performance indicators, the A-list of journals in business schools, for instance, are but one of many rationalized assessments of quality now utilized.

Some of the NACUA lawyers work full time for universities while others handle university-related cases while primarily employed elsewhere. The emergence of the National Association is an important moment in the transformation of the university to an organization more attuned to legal issues. The emergence both presupposed a degree of ongoing legal rationalization within universities and enhanced it by creating a trans-university environment that supported it. The legalized trans-university environment itself reflects the greater overall legalization of American culture and society.

# EducationAdminWebAdvisor

## Faculty Tenure: Guarding Your Institution from Legal Claims When Tenure Is Denied

### A crucial look at how to protect your institution against tenure-based legal claims

Why are there so many tenure-driven law suits these days? One reason might be that less than a third of all full-time faculty have tenure, a significant decrease from back in the eighties when approximately two-thirds of full-time staff were either tenured or on the tenure track. How can you protect your institution against legal claims from employees denied tenure? And what are the appropriate protocols you must have in place in order to avoid such claims in the first place?

In a recent report, the American Council on Education, in conjunction with the American Association of University Professors and insurer United Educators, identified three crucial components of a fair and effective tenure process:

- Clarity in standards and procedures
- Candor in evaluations
- Care for unsuccessful candidates.

But what does that mean from a practical perspective?

Please join Dr. Jim Castagnera, Esq., associate provost and legal counsel for academic affairs and voter on nearly 500 promotion and tenure cases, for comprehensive guidance on the university's role in the tenure process as well as ways to protect the institution when tenure is denied.

**Fig. 9.7** Advertisement for university training on legal issues surrounding faculty tenure

Several interrelated predictions follow from this discussion: 1. There will be an increase in lawyers who specialize in higher education law and belong to a network of lawyers that legitimate their specialization. 2. There will be an increase in universities with internal legal offices. 3. Legal offices will increase in centrality and in size. The heads of these offices will obtain higher status educational titles, not just chief counsel but vice provost, for instance; their staff will become more specialized, some attending to issues arising out of increased entrepreneurship and others dealing with the rights and needs of empowered individuals. 4. There will be more 'traffic' headed to these legal offices, both more cases and greater variety in the kinds of cases.

Needless to say, one should expect to find a decline in both traditional and charismatic authority as legitimating forces within universities. ‘This is how we have always done things’ will not cut it as a policy justification. Even charismatic presidents will closely interact with legal counsel on an expanding range of issues. Working with the aforementioned national probability sample, Furuta and Ramirez (2019) found that nearly half of the universities had a legal counsel position. As we discovered throughout these exploratory analyses of university websites, virtually all the prestigious universities, the so-called Ivy Plus, have legal, diversity, and development offices. Since the prestigious universities are often the source of ‘best practices’ ideas, I expect the proliferation of these offices across American universities over time.

Taken as a whole, these organizational developments depict the intensified rationalization of American universities as organizational actors in an increasingly competitive organizational field. In addition to these structural developments one can also find discursive developments. These increasingly take the form of mission statements in university websites. Mission statements are how organizations see themselves and want others to see them (Powell et al. 2016). Through much of their history universities relied on papal and royal charters for their identity and legitimacy. However, as they become organizational actors, universities begin to utilize mission statements as strategic tools for reputation management aims (Christensen et al. 2019). American universities use these mission statements both to establish legitimacy by stressing some university-identity features that they share with other universities but also to differentiate themselves from competitors. Several studies emphasize the ubiquity of mission statements in American universities (Morphew and Hartley 2006; Taylor and Morphew 2010). In these presentations of self, universities emphasize their commitment to student development as well as their impact and relevance to the local, national, and more recently, world community.

The emergence and diffusion of mission statements is in part due to pressures from accreditation agencies but also because these presentations of self are now seen as what every rational and modern university does. As the national and global environment changes so do the mission statements of universities. Morphew and Hartley (2006) find that 80% of higher educational institutions altered their mission statements in the mid-1990s, suggesting that these are not static but rather dynamic presentations of self. Lastly, it is important to emphasize that mission statements are not solely an American university innovation, but indeed increasingly a more global practice (Delmestri et al. 2015).

## Concluding Thoughts

To return to my core argument, the intensification of the socially embedded university manifests itself in more entrepreneurial universities with more empowered individuals within them. These developments in turn facilitate the legal rationalization of the university. This proposition can be tested at the organizational level to



ascertain whether early adopters of university development offices were also more likely to earlier establish legal offices. In the same vein, one can determine whether early adopters of individual empowerment policies moved more quickly to create legal offices. Furthermore, one can focus on the size of the legal staff of universities and on the sources of its expansion. This research direction directly tests the idea that legalization is an organizational response to the rise of development offices and individual empowerment policies.

Furthermore, one could think of universities as constituting a population of organizations within which universities are ‘at risk’ of legal rationalization as a function of what other universities are doing, in their country, or in their region, or within their reference group (for example, private versus public). The overriding question is whether some university-specific organizational changes promote legal rationalization, or whether all these changes are mostly driven by a wider environment that promotes overall organizational rationalization along multiple related dimensions (Bromley and Meyer 2015).

This overriding question can also be examined with universities around the world in mind. If the socially embedded university is globally gaining traction, one should expect to see a rise in university and professorial entrepreneurship. The first task is to see whether and to what extent organizational developments that clearly characterize American universities are also now taking place in universities in other countries. Next, one can go further to assess its antecedents or triggers. Using the university development office as an indicator, one can ascertain to what extent the timing of its adoption or its expansion is influenced by characteristics of the university or the system of higher education. Are newer universities more likely to more readily adopt development or diversity offices, as these were founded in an age conducive to these innovations (Stinchcombe 1965)? Or, more broadly, whether the level of national economic development or type of political regime is the driving force that results in university development offices. One might expect early adoption to take place in universities in more liberal polities and in less centralized educational systems. Such a finding would be consistent with the idea that national polities and national educational legacies continue to matter, facilitating or hindering organizational changes.

Alternatively, in line with classic diffusion ideas, the adoption rates within a region or the world may generate this innovation. Such a finding would be consistent with the alternative idea, that transnational higher education environments are consequential in fostering university changes. The research question then is the following: when is a country likely to have its first university adopt a development office?<sup>4</sup> Using measures of individual empowerment, the emergence and expansion of student service offices, for instance, one can undertake a parallel analysis.

Thirdly, if legalization as an organizational response to the entrepreneurial and individually empowering university is contingent on a liberal and individualistic

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<sup>4</sup>See Wotipka and Ramirez (2008) for an example of this kind of analysis with the emergence of women’s studies as the outcome variable.

culture, then the emergence of legal offices may not be found in many countries. Unacceptable behavior on the part of students, professors, and administrators may result in expulsion, termination, and resignation decisions without much concern regarding the due-process rights of individuals or the legal liability of the university. What constitutes unacceptable behavior may broadly diffuse but the legal frame cum practical solution may not. The legalized university may presuppose a society more shaped by courts and parties than by civil servants and bureaucrats. That is, of course, how American society has often been characterized (Skowronek 1982; see also Edelman and Suchman 1997)).

Lastly, one can conceptualize these developments as adding up to a mega organizational and strategic action field comprised of development, student services, and legal officers across different universities, national associations of these officers, consulting firms, university administrators, professors, students, and the legal profession. Within and across national boundaries one can study the emergence of this field via interviews of key players and through a content analysis of archival materials pertinent to its rise. This line of inquiry can shed light on similarities and differences with respect to the components of this organizational field, e.g. development versus student services subfields as well as the status of these fields and their components in different kinds of societies, e.g. more liberal versus more social democratic and different kinds of higher educational systems, e.g. more decentralized versus more centralized. Furthermore, this line of inquiry can contribute to the growing interest in studying the development of organizational and strategic action fields (DiMaggio and Powell 1983; Fligstein and McAdam 2012) and the ways in which varying institutional logics both inform and are dealt with by different actors (Thornton et al. 2012).

Addressing these questions will further shed light on the ongoing debates in comparative higher education regarding the degree to which the organization of the university changes and the extent to which the changes are influenced by exogenous models of excellence (Neave 2003; Dobbins et al. 2011). At the core of these models, one finds the idealized American university: more socially embedded, more formally organized and more grounded in a liberal and individualist cultural matrix. Higher education for all, earlier on a distinctive American experience, has now globally triumphed as a desideratum. To what extent and in what ways the socially embedded university diffuses remains to be seen. Through what processes and with which narratives it gets resisted also remains to be seen. No doubt a lot of ‘cutting and pasting’ from the exogenous models of excellence will take place. This will result in a lot of actual variation across universities and countries, though arguably less so than when only local bricks and mortar were the legitimate building blocks of the university.

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## References

- Altbach, P., & Salmi, J. (2011). *The road to academic excellence: The making of world-class research universities*. Washington, DC: World Bank Publications.
- Anderson, B. (1983). *Imagined communities*. London: Verso.
- Baert, P., & Shipman, A. (2005). University under siege? Trust and accountability in the contemporary academy. *European Societies*, 7(1), 157–186.
- Bell, J., & Hartman, D. (2007). Diversity in everyday discourse: The cultural ambiguities and consequences of ‘happy talk’. *American Sociological Review*, 72(6), 895–914.
- Ben-David, J., & Zloczower, A. (1962). Universities and academic systems in modern societies. *European Journal of Sociology*, 3(1), 45–85.
- Bendix, R. (1964). *Nation-building and citizenship*. New York: Wiley.
- Berman, E. P., & Paradeise, C. (2016). Introduction: The university under pressure. In E. P. Berman & C. Paradeise (Eds.), *The university under pressure* (Research in the sociology of organizations) (Vol. 46, pp. 1–22). Bingley: Emerald Group Publishing.
- Best Colleges. (2019). *Rankings & program information*. Retrieved February 1, 2019, from [www.bestcolleges.com](http://www.bestcolleges.com).
- Bloom, A. (1987). *The closing of the American mind: How higher education has failed democracy and impoverished the souls of today's students*. New York: Simon & Schuster.
- Brint, S. (2002). The rise of the ‘practical arts’. In S. Brint (Ed.), *The future of the city of intellect: The changing American University* (pp. 231–259). Stanford: Stanford University Press.
- Brock, T. (2010). Young adults and higher education: Barriers and breakthroughs to success. *The Future of Children*, 20(1), 109–132.
- Bromley, P., & Meyer, J. W. (2015). *Hyperorganization: Global organizational expansion*. Oxford: Oxford University Press.
- Cheng, K.-M. (2011). Fundraising as institutional advancement. In P. Altbach (Ed.), *Leadership for world-class universities: Challenges for developing countries* (pp. 159–175). New York: Routledge.
- Christensen, T., & Lægreid, P. (Eds.). (2001). *New public management: The transformation of ideas and practice*. Aldershot: Ashgate.
- Christensen, T., Gornitzka, Å., & Ramirez, F. O. (Eds.). (2019). *Universities as agencies: Reputation and professionalization*. Basingstoke: Palgrave Macmillan.
- Clark, B. R. (1978). Academic differentiation in national systems of higher education. *Comparative Education Review*, 22(2), 242–258.
- Clark, B. R. (1998). *Creating entrepreneurial universities: Organizational pathways of transformation*. Oxford: Pergamon.
- Cohen, A., & Kisker, C. (1998). *The shaping of American higher education: Emergence and growth of the American system*. San Francisco: Wiley.
- Collins, R. (1979). *The credential society: A historical sociology of education and stratification*. New York: Academic.
- Colyvas, J., & Powell, W. W. (2006). Roads to institutionalization: The remaking of boundaries between public and private science. *Research in Organizational Behavior*, 27, 305–353.
- Council for Advancement and Support of Education. (2017). Retrieved on August 8, 2017, from [https://www.case.org/About\\_CASE/International\\_Initiatives.html](https://www.case.org/About_CASE/International_Initiatives.html)
- Croteau, J. D., & Smith, Z. (2011). *Making the case for leadership: Profiles of chief advancement officers in higher education*. London: Rowman & Littlefield.
- Darling-Hammond, L. (1997). *The right to learn: A blueprint for creating schools that work*. San Francisco: Jossey Bass.
- de Tocqueville, A. (1972/1835). *Democracy in America*. New York: Washington Square Press.
- Delmestri, G., Oberg, A., & Drori, G. S. (2015). The unbearable lightness of university branding: Cross-national patterns. *International Studies of Management & Organization*, 45(2), 121–136.
- DiMaggio, P. J., & Powell, W. W. (1983). The iron cage revisited: Collective rationality and institutional isomorphism in organizational fields. *American Sociological Review*, 48(2), 147–160.

- Dobbin, F. (1997). *Forging Industrial Policy: The United States, Britain, and France in the railway age*. Cambridge: Cambridge University Press.
- Dobbin, F., & Sutton, J. R. (1998). The strength of a weak state: The rights revolution and the rise of human resources management divisions. *American Journal of Sociology*, 104(2), 441–476.
- Dobbin, F., Edelman, L., Meyer, J. W., Scott, W. R., & Swidler, A. (1988). The expansion of due process in organizations. In L. Zucker (Ed.), *Institutional patterns and organizations* (pp. 71–98). Cambridge, MA: Ballinger.
- Dobbins, M., Knill, C., & Vogtel, E. M. (2011). An analytic framework for the cross-country comparison of higher education governance. *Higher Education*, 62(5), 665–683.
- Douglas, J. A. (2016). *The new flagship university: Changing the paradigm from global ranking to national relevancy*. New York: Palgrave Macmillan.
- Drori, G. S. (2016). Professional consultancy and global higher education: The case of branding of academia. In A. Verger, C. Lubienski, & G. Steiner-Khamsi (Eds.), *World Yearbook of Education 2016: The global education industry* (pp. 195–210). New York: Routledge.
- Drori, G. S., Höllerer, M. A., & Walgenbach, P. (Eds.). (2013). *Global themes and local variations in organization and management: Perspectives on globalization*. Abingdon, UK: Routledge.
- Edelman, L. B., & Suchman, M. (1997). The legal environments of organizations. *Annual Review of Sociology*, 23, 479–515.
- Engwall, L. (2018). Montesquieu in the university: The governance of world-class institutions of higher education and research. *European Review*, 26(2), 285–298.
- Espeland, W. N., & Sauder, M. (2007). Rankings and reactivity: How public measures recreate social worlds. *American Journal of Sociology*, 113(1), 1–40.
- Etzkowitz, H., & Zhou, C. (2008). Building the entrepreneurial university: A global perspective. *Science and Public Policy*, 35(9), 627–635.
- European Commission. (2003). *The role of the universities in the Europe of knowledge*. Brussels: European Commission.
- European Commission. (2008). *Fundraising from philanthropy in European Universities*. Brussels: European Commission.
- Flexner, A. (1930). *Universities: American, English, German*. New York: Oxford University Press.
- Fligstein, N., & McAdam, D. (2012). *A theory of fields*. Oxford: Oxford University Press.
- Frank, D. J., & Gabler, J. (2006). *Reconstructing the University: Worldwide shifts in academia in the 20th century*. Stanford: Stanford University Press.
- Fukuyama, F. (2011). *The origins of political order: From prehuman times to the French Revolution*. New York: Farrar, Straus and Giroux.
- Furuta, J., & Ramirez, F. O. (2019). The legal rationalization of American higher education. In T. Christensen, Å. Gornitzka, & F. O. Ramirez (Eds.), *Universities as agencies: Reputation and professionalization* (pp. 229–250). Basingstoke: Palgrave Macmillan.
- Gavrila, S. G., & Ramirez, F. O. (2019). Reputation management revisited: US universities presenting themselves online. In T. Christensen, Å. Gornitzka, & F. O. Ramirez (Eds.), *Universities as agencies: Reputation and professionalization* (pp. 67–92). Basingstoke: Palgrave Macmillan.
- Gelber, S. (2011). *The University and the people: Envisioning American higher education in an era of populist protest*. Madison: University of Wisconsin Press.
- Gerber, L. (2014). *The rise and decline of faculty governance: Professionalization and the Modern American University*. Baltimore: Johns Hopkins University Press.
- Gitlin, T. (1987). *The sixties: Years of hope, days of rage*. New York: Bantam Books.
- Hall, J. (1990). *Powers and liberties: The causes and consequences of the rise of the west*. Berkeley: University of California Press.
- Harvard University. (2019). *Graduate School of Education*. Retrieved November 21, 2019, from <https://gse.harvard.edu/learning-change-world>
- Heidenheimer, A. (1981). Education and social security entitlements in Europe and America. In P. Flora & A. Heidenheimer (Eds.), *The development of welfare states in Europe and America* (pp. 269–306). New York: Oxford University Press.

- Huang, H., & Powell, W. W. (2009). The rationalization of charity: The influences of professionalism in the non-profit sector. *Administrative Science Quarterly*, 54(2), 268–298.
- Huntington, S. P. (1968). America versus Europe. In S. P. Huntington (Ed.), *Political order in changing societies* (pp. 93–139). New Haven: Yale University Press.
- Kehm, B., & Stensaker, B. (2009). *University rankings, diversity, and the new landscape of higher education*. Rotterdam: Sense Publishers.
- Kimball, B., & Johnson, B. A. (2012a). The beginning of ‘free money’ ideology in American universities: Charles W. Eliot at Harvard, 1869–1909. *History of Education Review*, 52(2), 222–250.
- Kimball, B., & Johnson, B. A. (2012b). The inception of the meaning and significance of endowment in American higher education, 1890–1930. *Teachers College Record*, 114(10), 1–32.
- Kirp, D. (2003). *Shakespeare, Einstein, and the bottom line: The marketing of higher education*. Cambridge, MA: Harvard University Press.
- Krücken, G., & Meier, F. (2006). Turning the university into an organizational actor. In G. S. Drori, J. W. Meyer, & H. Hwang (Eds.), *Globalization and organization: World society and organizational change* (pp. 241–257). Oxford: Oxford University Press.
- Kwak, N., Gavrilu, S. G., & Ramirez, F. O. (2019). Enacting diversity in American higher education. In T. Christensen, Å. Gornitzka, & F. O. Ramirez (Eds.), *Universities as agencies: Reputation and professionalization* (pp. 209–228). Basingstoke: Palgrave Macmillan.
- Labaree, D. (2013). The power of the parochial in shaping the American system of higher education. In P. Smeyers & M. Depaepe (Eds.), *Educational research: Institutional spaces of educational research* (pp. 31–46). Dordrecht: Springer.
- Labaree, D. (2017). *A perfect mess: The unlikely ascendancy of American higher education*. Chicago: University of Chicago Press.
- Lipset, S. M. (1963). *The United States in historical and comparative perspective*. New York: W.W. Norton.
- Lowen, R. (1997). *Creating the Cold War University: The transformation of Stanford*. Berkeley: University of California Press.
- Maher, F., & Tetreault, M. K. T. (2007). *Privilege and diversity in the academy*. New York: Routledge.
- Marginson, S. (2006). Dynamics of national and global competition in higher education. *Higher Education*, 52(1), 1–39.
- Marshall, T. H. (1964). *Class, citizenship, and social development*. Garden City: Doubleday.
- Mazza, C., Quattrone, P., & Riccaboni, A. (Eds.). (2008). *European universities in transition*. Cheltenham: Edward Elgar Publishing.
- Morphew, C. C., & Hartley, M. (2006). Mission statements: A thematic analysis of rhetoric across institutional type. *Journal of Higher Education*, 77(3), 456–471.
- Neave, G. (2003). The Bologna declaration: Some of the historic dilemmas posed by the reconstruction of the Community in Europe’s systems of higher education. *Educational Policy*, 17(1), 141–164.
- Oertel, S. (2016). *Structure determined by imprinting: The diffusion of diversity management in German universities*. Paper presented at the European Group of Organizational Studies Colloquium July 7–9, 2016 in Naples.
- Oh, C. Y., Moon, R., & Shin, G.-W. (Eds.). (2016). *Internationalizing higher education in Korea: Challenges and opportunities in comparative perspective*. Stanford: Walter H. Shorenstein Asia-Pacific Center and Freeman Spogli Institute for International Studies.
- Olzak, S., & Kangas, N. (2008). Organizational innovation: Establishing racial, ethnic, and women’s studies programs in the U.S. *Sociology of Education*, 81(2), 163–188.
- Owen-Smith, J., Riccaboni, M., Pammolli, F., & Powell, W. W. (2002). A comparison of US and European university-industry relations in the life sciences. *Management Science*, 48(1), 24–43.
- Portnoi, L. M., Bagley, S. S., & Rust, V. (2010). Mapping the terrain: The global competition phenomenon in higher education. In V. Rust, L. M. Portnoi, & S. S. Bagley (Eds.), *Higher*

- education, policy, and the global competition phenomenon* (pp. 1–13). Basingstoke: Palgrave Macmillan.
- Powell, W. W., Horvath, A., & Brandtner, C. (2016). Click and mortar: Organizations on the web. *Research in Organizational Behavior*, 36, 101–120.
- Ramirez, F. O. (2006). The rationalization of universities. In M.-L. Djelic & K. Sahlin-Andersson (Eds.), *Transnational governance: Institutional dynamics of regulation* (pp. 224–245). Cambridge: Cambridge University Press.
- Ramirez, F. O., & Christensen, T. (2013). The formalization of the university. *Higher Education*, 65(6), 695–708.
- Ramirez, F. O., & Furuta, J. (2016). American higher education: To be international, entrepreneurial, and diverse. In C. Y. Oh, R. Moon, & G.-W. Shin (Eds.), *Internationalizing higher education in Korea: Challenges and opportunities in comparative perspective* (pp. 205–223). Stanford: Walter H. Shorenstein Asia-Pacific Center and Freeman Spogli Institute for International Studies.
- Ramirez, F. O., & Tiplic, D. (2014). In pursuit of excellence? Discursive patterns in European higher education research. *Higher Education*, 67(4), 439–455.
- Ramirez, F. O., Byrkjeflot, H., & Pinheiro, R. (2016). Higher education and health organizational fields in the age of ‘world class’ and ‘best practices’. In R. Pinheiro, L. Geschwind, F. O. Ramirez, & K. Vrangbaek (Eds.), *Toward a comparative institutionalism: Forms, dynamics, and logics across health care and higher education* (pp. 35–57). Bingley: Emerald Press.
- Rauhvargers, A. (2011). *Global university rankings and their impact*. Brussels: European University Association.
- Readings, B. (1996). *The university in ruins*. Cambridge, MA: Harvard University Press.
- Reisner, E. (1927). *Nationalism and education since 1789*. New York: Macmillan.
- Robinson, K. J. (2011). The rise of choice in the US university and college: 1910–2005. *Sociological Forum*, 26(3), 601–620.
- Rojas, F. (2007). *From black power to black studies: How a radical social movement became an academic discipline*. Baltimore, MD: Johns Hopkins University Press.
- Rubinson, R. (1986). Class formation, politics, and institutions: Schooling in the United States. *American Journal of Sociology*, 92(3), 519–548.
- Rüegg, W. (Ed.). (2004). *A history of the university in Europe: Volume 3, universities in the nineteenth and early twentieth centuries (1800–1945)*. Cambridge: Cambridge University Press.
- Sahlin, K., & Wedlin, L. (2008). Circulating ideas: Imitation, translation and editing. In R. Greenwood, K. Sahlin, & R. Suddaby (Eds.), *The Sage handbook of organizational institutionalism* (pp. 218–242). London: Sage.
- Schofer, E., & Meyer, J. W. (2005). The worldwide expansion of higher education. *American Sociological Review*, 70(6), 898–920.
- Schudson, M. (1988). *The good citizen: A history of American civic life*. New York: The Free Press.
- Shin, J. C., & Kehm, B. (Eds.). (2013). *Institutionalization of world class university in global competition*. New York: Springer.
- Skinner, N. (2019). The rise and professionalization of the American fundraising model in higher education. *Philanthropy & Education*, 3(1), 23–46.
- Skinner, N., & Ramirez, F. O. (2019). In T. Christensen, Å. Gornitzka, & F. O. Ramirez (Eds.), *Universities as agencies: Reputation and professionalization* (pp. 185–208). Basingstoke: Palgrave Macmillan.
- Skowronek, S. (1982). *Building a New American State*. Cambridge: Cambridge University Press.
- Slaughter, S., & Cantwell, B. (2012). Transatlantic moves to the market: The United States and the European Union. *Higher Education*, 63(5), 583–606.
- Slaughter, S., & Rhoades, F. (2004). *Academic capitalism and the new economy: Markets, state, and higher education*. Baltimore: Johns Hopkins University Press.
- Smelser, N. (1991). *Social paralysis and social Change: British working class in the nineteenth century*. Berkeley: University of California Press.

- Smelser, N., & Alexander, J. (Eds.). (1999). *Diversity and its discontents: Cultural conflict and common ground*. Princeton: Princeton University Press.
- Soares, J. (1999). *The decline of privilege: The modernization of Oxford University*. Stanford: Stanford University Press.
- Solomon, B. M. (1985). *In the company of educated women: A history of women and higher education in America*. New Haven: Yale University Press.
- Soule, S. (1997). The student divestment movement in the United States and the Shantytown: Diffusion of a protest tactic. *Social Forces*, 75(3), 855–883.
- Stinchcombe, A. L. (1965). Social structure and organizations. In J. G. March (Ed.), *Handbook of organizations* (pp. 142–193). Chicago: Rand McNally.
- Stulberg, L., & Weinberg, S. L. (Eds.). (2011). *Diversity in American higher education*. New York: Routledge.
- Sutton, J. R., Dobbin, F., Meyer, J. W., & Scott, W. R. (1994). The legalization of the workplace. *American Journal of Sociology*, 99(4), 944–971.
- Taylor, B., & Morphew, C. (2010). An analysis of Baccalaureate College Mission statements. *Research in Higher Education*, 51(5), 483–503.
- Thornton, P., Ocasio, W., & Lounsbury, M. (2012). *The institutional logics perspective: A new approach to culture, structure, and process*. Oxford: Oxford University Press.
- Tilly, C. (1975). *The formation of national states in Western Europe*. Princeton: Princeton University Press.
- Tolbert, P., & Zucker, L. (1983). Institutional sources of change in the formal structure of organizations: The diffusion of civil service reform, 1880–1935. *Administrative Science Quarterly*, 28(1), 22–39.
- Tomusk, V. (2004). Three Bolognas and a pizza pie: Notes on institutionalization of the European higher education system? *International Studies in Sociology of Education*, 14(1), 75–95.
- U.S. National Academy of Sciences. (2007). *Rising above the gathering storm: Energizing and employing America for a brighter economic future*. Washington, DC: U.S. National Academy of Sciences.
- U.S. National Commission on Excellence in Education. (1984). *A nation at risk*. Cambridge, MA: USA Research.
- University of Arizona. (2019). *Disability Resource Center*. Retrieved on February 1, 2019, from <https://drc.arizona.edu/>
- University of Minnesota. (2019). *Office of the General Counsel*. Retrieved on February 1, 2019, from <https://ogc.umn.edu/>
- University of Washington. (2019). *The University of Washington Division of the Attorney General's Office*. Retrieved on February 1, 2019, from <http://www.washington.edu/admin/ago/>.
- Walzer, M. (1990). What does it mean to be an 'American'? *Social Research*, 57(3), 591–614.
- Wang, Q. H., Wang, Q., & Liu, N. C. (2011). Building world-class universities in China: Shanghai Jiao Tong University. In *The road to academic excellence: The making of world-class research universities* (pp. 33–62). Washington, DC: World Bank.
- Weber, E. (1976). *Peasants into Frenchmen: The modernization of Rural France, 1870–1914*. Stanford: Stanford University Press.
- Wilensky, H. (1964). The professionalization of everyone? *American Journal of Sociology*, 70(2), 137–158.
- Wotipka, C. M., & Ramirez, F. O. (2008). Women's studies as a global innovation. In D. Baker & A. W. Wiseman (Eds.), *The worldwide transformation of higher education* (pp. 89–110). Amsterdam: Elsevier JAI Press.