

*Full Length Research Paper*

# Academic freedom and higher education regulations: Spanish universities before the European systems

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The new university model leads against the right to education and teaching freedom. It is not a matter of theoretical working model, based upon technical argumentations, but an ideological model, leading for upper social classes' interests (great investors' ones). University business not being profitable to those interests must be destroyed. In order to do that, we successfully got divided and tend to believe that teaching method is the problem. But, this is just a decoy; the real problem is all public service destruction, when it is aimed to favor popular classes. In an unperceived way, we contribute to this destruction, by blaming ones the others to be “converging” or “withdrawn”, depending on the case. Academic freedom poses an important problem in the current higher education system, which has a European scope. As it has been granted as a fundamental human right in all countries belonging to the so-called “common area”, academic freedom exercise opposes to specific features in the regulation reform, which seem to be aimed to favor certain private business interests. The pretended advanced and innovative teaching methodologies and the institutional actions and proceedings aimed to limit this right and guarantee face the constitutional order in these countries and harm the very right to education.

**Key words:** European higher education area, ECTS-credits, convergence, excellence, competence, quality, educational system, university, academic freedom, capitalist interests.

## INTRODUCTION

The theoretical need to unify higher education degrees in an European space leads to some kind of institutional paranoia, called the “European Higher education Area”, which aims to increase qualification production, despite the progressive lose of its signification and value. In few words, this is a private attack against public education service and education right. In educational and research fields, the word “quality” has been used more than ever, but all the university community has been seen a decrease in quality, not only in teaching and learning; also in management, bureaucracy, teaching resources and condition and academic freedom. It is true that most well-named universities are private and Anglophile, but this does not mean that massive public educational service should imitate their methods in a compulsive and compulsory way. The first problem to solve in public universities is the number of students for one professor.

Public investment should tend to provide more teachers per capita. Public investment ensemble has clearly decrease in countries as Spain or Portugal, but the investment in managers, procedures, pedagogue interference and academic freedom control has been progressively increasing. In some subjects, there has been squandering (private safety in public buildings, massive consumption technological resources, editing extravagances, bad books, useless equipment and expensive software).

The aim of this paper is not (absolutely not) to defend a traditional public educational system in which arbitrariness, obeisance, nepotism and corruption were the factual system (Baroja). Current reform not only ignore those traditional flaws, it even seems to promote them, adding new problems. In short, the new entrepreneurship-like reforms seem to be highly destructive for university universality, quality and sharpness. Authorities seem to do an attempt to rape our very time to think.

Neither the intention in this writing would be to defend traditional torture-like methods towards student, based

upon brain bombardment with excessive, inappropriate, contradicting or wrong contents. This is surely not to disappear. Thinking, analysis and critical capability, this is more likely to fail.

This paper does neither content an optimal formula to public higher education teaching, but the critics on the compulsory methods and the defense of freedom of speech in teaching, for the existence of a one-best-way has not been demonstrated. Even, it cannot be demonstrated, so academic freedom gets thus justified. The academic freedom defense does not mean an opacity for teaching methods. In the field of pedagogy, these methods must be discussed and all professors should have the opportunity to learn and collaborate with pedagogues. Notwithstanding, these does not either mean a interference of "one-best" pedagogical ways to the professor work.

High social classes have succeeded at designating managers at the public universities in order to control and mistreat teachers. The aim is to force them to a mistreat toward students and impede universal knowledge. The aim may be to avoid any true learning, to impede lower classes learning truth, nor even make questions on how the world works. The new higher education regime puts the man under technologies, the contents under the "method", the great means under the little aims, the quality under the qualification, the student under the great businessmen.

In the school and high school academic levels, there is a special care to pedagogy, for the students are under-aged persons, whose training must concern the entire person, not only the ideas and concepts. However, the pedagogic methods, after causing undesirable (at least, doubtful) effects in both primary and secondary levels, are having implantation in University education and nobody knows well the reasons why. This paper is not to comment teaching methodology at pre-university levels, because it is a field where only pedagogue specialists should know.

Public universities usually create beneficent foundations, with the explicit aim of favor entrepreneurship, what means, not to earn a revenue, but to let private firms profit public investments. They often damage education rights, because of several circumstances: It is each time more frequent for these institution to employ non-public staff who will accomplish their job for the University, not for the foundation supposed activities, which is due to the progressive State financing reduction.

Western university owes its survival to the monks' effort to conserve ancient wisdom during bad times in difficult technological conditions for its transmission. Now it should be easy to teach and keep knowledge alive, but we are expected to act as *entrepreneurship animators*, thought tamers, moral guides and youth creativity limiters (Savater, 1992, makes a similar proposal for secondary school) instead of real teachers. Now, public classrooms sometimes have crucifixes and catholic universities

sometimes perform a scientific approach. There are clues that university world is becoming an insane mental hospitals system. Let' try to discover what has happened: Maybe some private material interests interfere public services.

## NEW PUBLIC ACTIVITIES

There is an academic activity in which Public investment finds a brand new destination: The propaganda meetings for the community in order to obtain a general belief in the new regime. These activities, under an academic appearance, are useful to impose new exigences to high education professors, in the field of methodology, bureaucracy, resource utilization and so on. In these kinds of meetings it is easy to detect the lack of a theoretical basis for these reforms. In these pages, we will see that, the other way round, there are important theoretical arguments against these reforms, from the field of human rights, economic efficiency and world competitiveness.

These useful and right argument, that soon will be explained, risk to be considered as a professional vindication of some former class privilege that we have been enjoying as professors, but it has to be clear that academic freedom is not a teacher's property right, but a guarantee for pupils. The teacher, considered as "bottle neck", "critical crossroad point", "reluctant sector" and so on is the only social class that can (and must) defend students education right, although the reformation system tends to show us all as the enemy of students.

Students are, in this public system, considered as a demoralized being, hedonist, unadapted, lazy, villainous, cheap workers,... they have recently tried to perform massive protests, but they do not seem to have succeed, according to mass media version (and due to media partial silence). Ballesterro (1985), wrote that "magic attitudes in Spanish University... we can expect them to completely disappear when the student will go to the University with the only purpose to learn, not to gain a [not now] profitable degree" (This writing is included in a preface to a book (Iruetagoiena, 1991) on Analytical Accounting. This preface disappeared from latter editions, in a collection coordinated by Suárez (1939-2005) for Piramide). Also Einstein let a written comment on student's responsibility. But these times, students have already done much more than professor in order to stop current reform.

Those participating in public propaganda meetings can essay to extract ideological slogans and we would coincide to write down the same sentences, adorned by visual effects which are provided by well-known presentation software. These slogans, which are empty of meaning, authorize us to affirm that the new higher education system can be considered as a political regime. Phrases as "student autonomy", contradictorily mixed

by new close-collaboration teaching methods, magic words as “leadership”, confounded with authoritarian subjection methods for students and teachers, “quality” requests, ridiculously measured in number of hours,...

In these new methodological activities nobody talks on freedom of speech and academic freedom (27.10 of Spanish Constitution, for instance), not either the word “thought”, “right to learn”, “future usefulness”, “human Knowledge patrimony”. The qualification production takes care about percentages, but having in mind no to commit a better mark than 60%. The important thing is not the output, but the input (number of customers for the qualification activity).

It is true that traditional public system is highly censurable. In fact, its great flaws have been lead to ripen and rot, these last decades, in the same way it formerly was achieved for public health and welfare services. This way we are prepared to say that a reform is necessary, but we should be aware of this specific reform, which is highly destructive for education right, even worse than traditional system.

In the seventies, we could read critics like these: “the idea that science... it rationality consists on a convention... is not realistic... it has a too simple vision of talent...” (Feyerabend, 1970: 122). “See also the extent to which in the speech there are irrelevant technical terms mixed and phrases are full of barking... a wall is built between writers and readers... (132)... in the actual system, in which dogmatism has the advantage of being wormed by dishonesty, doubt, cowardice and indolence” (147). Even formerly, in 1921, Spranger made his critic on German educational system (not higher education) which he considered spread out an ecclesiastic way of life, religious confession and the illustration-like officials absolutism (p. 144). Much early in human History, we can quote Sumerian small boards, from for thousand years ago, containing the lament that young people were more ignorant than immediately former generations (Sagan, 1994: p. 22). All these millenarian problems are not to be solved by the new reform. Instead, new conflict will be generated.

## MARKETING THE MARKET IDEA

As explained in Galindo (2005b), market seemed to be a good initial idea; the problem is that the perfect concept of market and concurrence is impossible to achieve, so competitiveness always makes production and service inefficient. The idea of European Higher Education Area (EHEA) has a similar meaning that the idea of market: It pretends to create a big market for qualifications, in which information can be transparent, so that graduates can have European degrees. The future students are supposed to have perfect information on the high education teaching in all countries so that they can compose their own career with standard knowledge. As a customer that

knows the age and life expectation of offered potatoes, the medical properties of that product, its taste, etcetera. In the same way, the European student will be able to know the failure percentage in a subject in every University, how did pupils evaluate their professor and so on. In short, the few reformers that truly believe in the new regime dream of an ideal world like this (maybe the incentive for most reformers is the hope to see their enemies before a sudden change in their lives).

Besides, the market believers seem to think that the way to reach that market ideal world is to let the service management in public Universities in hands of professional businessmen and to give away the education rights to private firm interests. Notwithstanding, actual capitalism is not a market-based system, but a political regime, as announced by Galindo (2005b) and recently demonstrated by the public support to bank industry during the world financial crisis.

From leftist sectors, there are also argumentations accepting the idea that market is the enemy of public education. These authors (that is, Carreras et al., 2006) accuse the new system to provide an elite-restrictive profile to public education, but it seems to be rather knowledge- destructive for all educational system.

The excuse of endogamy (Fernández and Serrano, 2009) promise to avoid the local boss dominance and the cushy job. As expressed above, this paper is not to defend the ancient regime, but to question the capability of the new regulations, in Spain and other countries, to definitively eliminate the influence-based behavior. In higher education, the problem is who evaluates who. Before, the idea that professor evaluates student was very clear; now instead each time more sectors (not only the “market”) have the right or the power to evaluate the teaching staff while we are not supposed to be able to evaluate anybody. The reform seemed to be thought in order to avoid dangerous people to pass the exams and to be finally a teacher. Now, the dangerous persons who passed are performing the changes that reformers thought (not sufficiently) . We have seen many public services change to favor private powerful interests, using public resources. Is judicial power going to be also reformed according to the market idea? (Fernández and Serrano, 2009).

In spite of institutional praises to the new system, the proposal is not such a good idea as it seems to be. Business Economics students know that there are two kinds of competitive strategies: Cost and Differentiation. As new regime promotes a program and method standardization, we must also expect a content homogenizing. In short, that will turn education into a commodity, I mean, a consumption standardized merchandise easy to swap and exchange, with a uniform, slow and decreasing unit cost, letting to the supplier a very short profit margin.

Following to Porter (1999); Grant (1997); Teece et al. (1990) and other Economy gurus, sustainable and successful competitive advantage must be founded on

differentiation strategy choice, what means to offer a service or product that the others cannot easily imitate. According to these authors, a cost competitive strategy is a destructive escalation of price fixing that ends to defeat enterprises and the entire industry will disappear or deeply mutate into another kind of activity.

If public universities offer a standardized product, then they are wasting their competitive possibilities (human resources), not only for differentiation, but even for public education survival. Therefore, the speech of making universities profitable and efficient is not supportable from the point of view of service standardization. According to these ideas, it is easy to guess that the aim of current regulation reforms is not to make universities efficient, but to make private business profitable at the expense of public education budgets (Fernández and Serrano, 2009) for they are targeting their strategy toward a severe cost reduction instead of investment for differentiation (investment in ignorance).

That's why the obeisance of European-like reformation, makes the education stop being "higher", because a higher service or product must be, by definition, a singular item, what means, difficult to imitate (regardless the need to be universal for ideas and contents).

## **EUROPEAN HIGHER EDUCATION REGIME. IDEOLOGICAL SLOGANS**

The very lack of argument, debate and reflection is clearly shown by the institutional effort to broadcast ideological preventions, advice and advertising: Quality, market, convergence,... All this confirms the idea of a new political propaganda investment instead of the pretended common academic space and let us call "regime" such a new system. Firstly, we deal with an authoritarian exaction, not sufficiently discussed and accepted by the university community (even rejected by student, many teachers and the general society, but the mass media). The consensus has been considered implicit in the docile behavior of staff; or this consensus has been rather omitted considering discontent implicit. Secondly, this reform contains an important ideological design which intends to legitimize the new sovereign: Big investors and employers.

Carl Sagan (1995) said that the rights and freedoms not exercised end to get lost. The European countries higher education reform shows the corollary of this sentence and reformers know it well. That's why one of the objective of Bologna process is to limit the provision of public teaching positions. A non-official worker can be threatened to be fired. This is the ideal situation for a regime based upon the domination and the absence of freedom.

### **Convergence and mobility**

With regards to transparency myth, we must concede that

public University is a public Administration and the students are the citizens. They have an ensemble of rights against public Powers. This argument has been utilized to limiting teaching function. But there are several incongruous matters:

- If University is a Public Office, it should be mostly financed by the State, so that it can promote public service above private interests.
- Students are recently seen like teacher's customers and a contractual relationship is feint between professor and pupil. But this would mean that professors can agree a sum with their clients or receive an amount from the employer interested in qualified workers. Obviously, that would be a crime, because institutions are the owners of the service and the subject who must pay to teaching staff and earn from clients.
- There is a new excessive formal control which succeeds at creating all kind of new conflicts. This situation is making teaching activity more difficult and less important. Spontaneous evaluation activities are seriously constricted; even gracious marking ways get strictly regulated by new academic managers. Using the excuse of encouraging those activities, they impose a restrictive system which results in a lazy and unfair evaluation.
- The extremely considered legal certainty can lead us to think in a system where the students will be able to see the publication of the exam to pass, before they chose a subject or course. In any other case, managers can accuse professor to be arbitrary and to make surprising evaluation tests.

Thus, vindicating academic freedom risk to show out a purpose to leave pupils to our arbitrariness. Instead, this is an independence declaration from the different short term interests. Actually, professors perform their activity facing students, but we don't account for our activity to them, but to the society, represented by Public Administration. That does not mean that institutions should have the power to determine the structure and method for teacher's work, because they only should survey possible unfair decisions and crime committing. Regardless the fact that we all should always help each other, there is no reason either for teachers or institution to control the way students organize their labor (their studying time and methods). In short, nothing should be compulsory in academic activity.

But the words "coordination", "shearing experiences", "common discussion", etc. hide a factual compulsion to adopt standard methods, officially approved. Teachers usually take part in collective decisions where they accept a limitation in their individual work. Why? Which incentive leverage makes professors take decisions against their own freedom? The fear; the fear from managers decisions: A not public official professor can be fired, but even public ones can lose the financial resources for their research, can be arbitrarily removed from the subject they master, they can be unfairly punished and so on. All

these circumstances end to damage students, studies, knowledge and human community in general (There are particular cases not commented, but the author could demonstrate them).

The idea of shearing experiences has always been something positive, but in the everyday practice, the coordination gets compulsory within each subject, as well as in the common area, the career, the Department, the university and among universities. Even the university autonomy (see 27.10 in Spanish Constitution) is not easy to believe if public funds do not finance their human needs. There are new State and Country agencies created for the evaluation of universities career designs; they determine the capability to obtain public (and therefore private) funds for those career (Fernández and Serrano (2009) note that now public financing is made conditional on private financing acquisition, what is very suitable to banking and entrepreneurial partners' interests). We are seeing a quality decrease in our academic activity due to those bureaucracy matters. Professor waste much time in coordination discussion and managers take care that they will all teach the same things, no matter if they are true, correct, appropriated or absurd.

Where diversity existed, there was a possible discussion, where teacher exercised academic freedom, students could exercise the critics. Now, when everything is settled down (and intended to be the same in every European university) the professor can take the "contract" and put it before the students' nose saying "that's what we agreed, now go and disturb somewhere else". Sometimes, student really believes they are customers and put their complaints before institutions, usually following managers' advice and contributing to the conflictive situation. The contractual document includes precise timetable and other specification that are being standardized and considered as compulsory. Teachers add each time more bureaucratic duties to their overcrowded teaching labor.

In private universities, the freedom to fire a teacher is considered more important than teachers' academic freedom (for instance, Bertrand Russell was punished because of his pacifist opinions). It is easy to understand that a convergence between universities is going to be a quality general drop that will lead to a lower culture level for all European society.

## Quality and excellence

It is sure that professors must have a formation, what means that they need the time to follow alternative and complementary programs and activities. Notwithstanding, in some public and private centers, teachers are almost obligated to be present at nonsense activities or not chosen courses which do not absolutely add anything to their formation; these are activities which seem to have an invariable aim: To avoid the profitable utilization of teacher's time and impede his real learning. Some of those activities consist on the participation in propaganda

meetings which become real faith writs, within an inquisitorial style.

Now, the excellence standard is not the learning nor the contents, but the fishing of new students and the production of new degrees and titles. One of the dogma that do not need any demonstration, from the point of view of the new regime, is that the aim of teaching is the future professional exercise and the satisfaction of employers' demand.

This is not necessarily truth, but even this wrong idea would be a better possibility than the reality that can be seen in facts. In public higher education, Spanish students are confined in the same occupational program that in their early years. They are not at all being prepared, but retained by the system. We cannot assure them to obtain a job, not even a merely stupid and useless job like ours. Many of our students have already got a job at pizza delivering or cooking; many others really think they are going to reach an outstanding position, but none of them are going to learn much. It is forbidden for us to teach and for them to learn. In order to achieve this lose of time, the new system confers new absurd tasks to us all.

Besides, the *ad hoc* job aimed learning has the inconvenience of being too occasional and short-sighted. This is a good idea as business, because the customer will have a constant need of our service, but it is inefficient for students-workers and for the society in general. During the studies, there is a possibility that contents get out of fashion. Authorities could avoid this problem by giving to teachers more changing freedom and time to study, but they do otherwise: The forbid contents and proclaim to replace them by "capabilities and skills".

There are two particular cases I have known of. They seem to illustrate the straitness of the new bureaucratic approach. There was an accountancy regulation reform in all European countries in 2007. In a Spanish career, a professor said to the students that the regulation approved in 1990 was the one to be applied to 2008 accounts, because the new regulation was still under parliamentary discussion. But the official "agreement" tried to obligate him to teach the "next" regulation. Before the end of the course, the discussed document was rejected by the politicians and that taught regulation was never the "next"; the professor was right and the academic system was wrong to put agreement discipline above professional knowledge respect.

The other case is the nationalization of firms as an academic subject. During the nineties and early twenty first Century, this was a taboo content for being considered too socialist. It was step down from the official programs. But in 2008, the banking financial crisis made resurrect the word "nationalization", in a new capitalist kind. That had fell out of the index and it was difficult to explain that the new nationalization idea was not a socialist policy, but a legal anti-public neo-liberal vindication not dangerous for the great capitalists; only unfair for poor taxpayers.

In short, I think there is an only real way to measure teaching quality: When the pupil has performed his profession and he remembers he learned things thanks to his or her professor. However, university managers appear to give much voice to new students, asking them to evaluate their teachers. I think pedagogic-like managers offend both students and teaching staff. It is true that a newcomer must be heard and maybe has something interesting to communicate to the teacher and he or she will listen to them (especially if we don't have a great number of pupils). Young people and non-academic people use to have different and alternative points of view, but that does not authorize external manager to stain academic relationship.

In excellence certifying, there are indicators that, in spite of their general acceptance and the lack of discussion, must be seriously discussed. Firstly they are elaborated by private interests. Some say that Einstein would fail to obtain official certification, by those standards. The university and career ranking, depending on the so-called quality, follows a very speculative system, for the public information about their mark creates an inequity distribution that makes "quality" universities get each time better ranked and "middling" universities and careers get each time worse. It is a kind of bad joke about market invisible hands executions. If your university is not one of the bests in the ranking, it will not obtain the better professional and the better or the richer students, then it won't obtain the more financing public or private resources.

Besides, those rankings are settled according to selected criteria that can (and must) always be questioned. Those criteria count on the obeisant approbation of public regulations, but they are accorded by particular decision makers. There is no objective reason to think those experts' opinion must replace the will of the society. Inversely, we can reasonably wonder whether there may be an intention to favor certain private businesses by mean of creating the precise ranking criteria.

### **Skills and crossing capabilities**

There are three dogmatic propositions in the new pedagogic conceptualization:

- (a) Theory and practice can always be clearly distinguished.
- (b) Knowledge and skills are easily separable.
- (c) Contents and method can be considered two different things.

We could say that this is false, but even worse, we must say that these are indemonstrable sentences, what mean theological axioms. Anyway, authorities have already declared their priority for methods above contents, skills above knowledge and practice above theory (in some

cases, authorities adopt the inverse position to punish the teacher). Now we are asked (obligated) to teach university students like children, having in mind their personalities, "attitudes", "know-how to be" and not to respect their additional characters, no matter that they are adult people.

### **NEW REALITIES**

Is that by mere evil that they have changed the higher education system against academic freedom and education right? Is pure wickedness that authorities have changed the theoretical and technical argumentation to an (a poor quality) ideological propaganda model? No, the thing is the favor to certain material interests. The world integration process is taking place in a peremptory manner, passing over human rights and citizenship guarantee. The new Europe is a place where everybody has a theoretical right to become rich, but not to entry an airport gate with the belt on. The social and civilized model, based upon freedoms and guarantees, is being replaced by an Anglo-Saxon model, based upon "opportunities" and self-protection, which remains from Barbarian and German cultures. The European new Area is somehow a fourth "Reich". The new high education "demands" are opposed to education right and teachers' freedom. We are not before a theoretical model for education function, supported by technical argumentations; it is rather an ideological wave, as the idea of "globalization" in the nineties, made-to-measure for big investors' interests. "It does no way consist on mere theories about what may be, but on fundamental forces acting in society movement, even in a direct and conforming way. The can get accumulated in scholar individual reformer's conscience, although they may mean just opposed tendencies that would be excluded from a theory, understood in a pure conceptual way..." (Spranger, 1921, p. 143).

A university business that is not profitable to those interests must be destroyed. Thus, they try and succeed in dividing teaching class into convergent and reluctant professionals as far as we arrive to believe that teaching method is the question. But this is not the question, this is the decoy. The problem is the destruction of every public service. In the same way railroad required public support when not profitable in the US (Perelman, 2006), the public railway in Europe is being made profitable to be sold to private capitals. Health, education, safety and strategic industries (airlines, communications, media, bank, energy) have already married their capitalist fiancées. Soon afterwards, jail and army will have their turn. Judges when then? (Fernández and Serrano, 2009). If public university can't be profitable, then it may interfere profit possibilities for other private business; in that case, it will be destroyed. That is why the main picture of current reform is an occupational vision: The university re-engineered to mental hospital.

## The role of church

For centuries, universities succeeded to safeguard a big amount of ancient and classic knowledge and many technical and objective contents, while the outer world was ripped by fanaticism and fatalism. Knowledge was outside the world and the other way round. Now, world and university are getting full of sickness. Essays, Treaties and great human thought masterpieces are stored somewhere (in Wikipedia and other websites). But knowledge should be alive, what means subject to daily discussion among teachers and students. Curiously, the clerks where the guardians of objective contents facing external religious threaten. On the other hand, today, this is secular staff who imports religious dogma into university.

The three big theories that didn't match religion were psycho-analysis, Marxism and natural selection. Religious institutions begun to allow the teaching of those theories, because they let a better understanding of world. But this could be read as the possibility of lay educational institutions. Conversely, nowadays these are lay institutions who defend creationism and other religion-like approaches: communism, patriotism, racial arguments, the perfect market, globalization, excellence, convergence,...

Although cathedrals were the origin of European public universities, today the role of the Church is as investor, owner and creator of private educational institutions. Now, this is not actually a religious problem, but a property regime one. Greece is a country in which Constitution forbade private university creation. Now, EHEA is going to destroy this safeguard for learning. In Greece, Orthodox Church was not so powerful as Western Catholic or Protestant ones, but no religion has ever been so obeyed as European Credit Transfer System (ECTS).

We must admit that there are private Anglo-Saxon universities that performed very interesting research results, but also it is true that they have let good professors freely teach. Actually, a great part of their well-known name is due to a tacit concert between those institutions and other private or public establishments where future graduates will find a sure and comfortable job for which they have been paying while studding.

Generally, private higher educational institutions in Europe have consisted on a fake of the concept "learning and education", where knowledge and wisdom transfer and conservation are not the first business priority. So the main consequence of catholic universities in Spain, for instance, is not the religious question, but the private business consisting on students' purchase power instead of a good learning. Therefore, the latter decades, public educational system had a much better reputation, for their students were supposed to have studied and learned much and professors were supposed to be free and cult public officials who had time enough to keep learning during matureness. That's why all this has been destroyed:

The public higher education system was too good for competing business-like educational institutions and private centers.

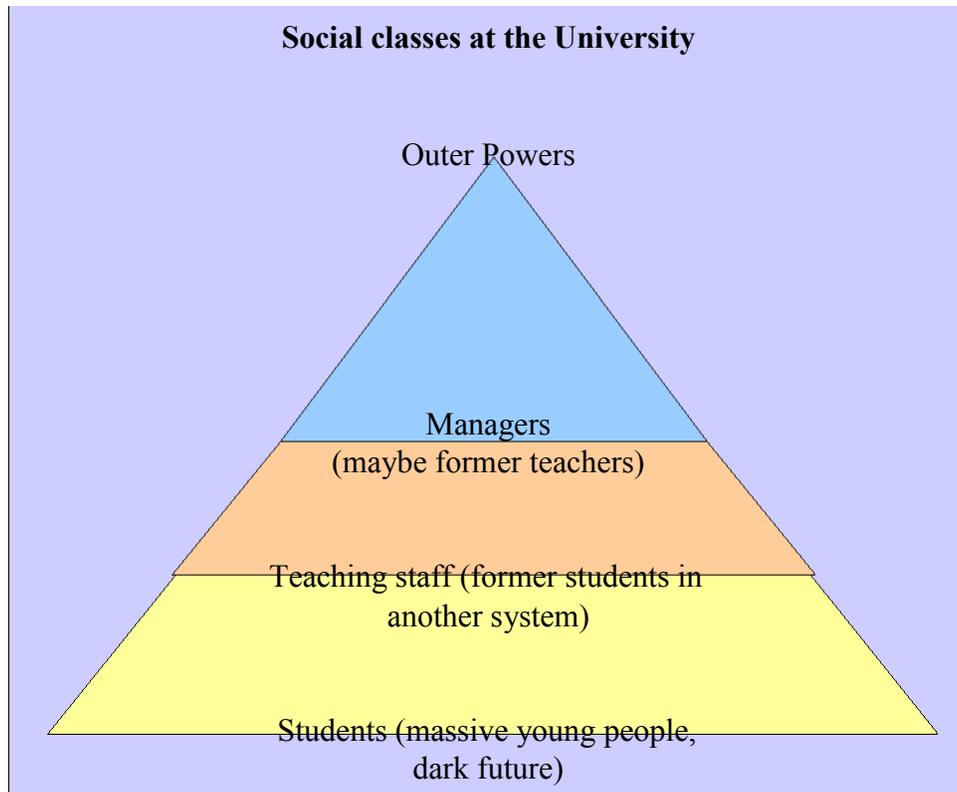
With such a sight, we can induce that powerful economic interests command parliamentary and political institution, above general public (national) interests. The national state crisis and the remotion of welfare state is a process that has been commented for decades and they are, for example, commented within the author's work (Galindo, 2005a,b, 2009b; Tausch and Galindo, 2008, *inter alia*). In short, Churches are one of those powerful sectors who have made possible the public university destruction, while its own teaching institutions do not "sin" to be too religious (About the current role of Catholic Church in the world society, there is an innovative book which is about to be published: Tausch, Christian Ghymers and Galindo Lucas, (2010): *El Papa, ¿Cuántas divisiones tiene? El primer sondeo global del catolicismo mundial según el "World Values Survey" y el "European Social Survey"*).

## Generation gaps

Current European teachers belong to a special overcrowded generation called "baby-boom". The percentage of highly qualified workers, within these ages, is not enough for current students' public education needs, due to the fact that, in the old times, careers were quite more difficult than now. European Area's new degrees require much time dedication, but not so much thinking capability as before.

Nowadays students seem very easy to command, but very hard to make understand concepts. They rather seem to have been strictly taught in the resistance to learn (in some ways, this can be good for them). Obviously, they are human beings and there must be, somewhere in their brains, the need to learn, the curiosity, the sense of justice, the demand for real qualification. In Spain, teachers stopped hitting pupils in 1978 environ; today the new system sticks us again as professors. Twenty years ago, we were guilty of academic failure, because we didn't study enough; now we are still guilty because we teach too much. Many of our teachers never adapted their methods to new technologies; our pupils do not reach to understand spreadsheet and other technologies we use. Truly it is a general vision, because all generations have good and not-so-good individuals.

But a real fact is the current labor market oppression and workers' rights destruction. Besides, the immigration juncture let the managers sell the idea that Spanish and Portuguese convergence in the European Area will protect us from the Latin-America concurrence. Mexico, Chile, Argentina and Brazil are important countries exporting qualified workforce, but these countries are still a much more important opportunity destination for



**Scheme 1.** Current social structure in higher education.

Spanish and Portuguese teachers and graduates.

Some may argue that professors (maybe some of senior professors) are guilty of this reform, due to their absence and arbitrariness, but control procedures have always existed and have nothing to do with this new regime, taking care by the absurd bureaucratic tasks and offensive activities, instead of the learning relationship. We are a teaching generation with endless possibilities and the reformers know it; that's why they try and succeed to give us silly occupations all the time. The mistrusts toward ancient teaching generations are untimely utilized as excuse against us, while the last public officials remain allowed to keep doing as they will (Scheme 1).

### **Competitive advantage of nations**

In the new approach, student has become the only good in the market which pays a price to be sold as raw material. In other words, they pay for a service that we do for another, regardless their learning. To some extent, this has always been like this, but before this situation was considered a deviation from the main objective; today, it is considered the reach of the main objective.

The currently enhanced "occupational" university model intends to devalue University. Now, the big enterprise is

the center of knowledge and social prestige production and broadcast. The recent dismantlement of the State public dimension (and the consequent staff reduction) and the intelligence process automatizing do not have as a consequence the reduction of academic graduation production, but a lose in their quality and social standard.

The new system is, therefore destructive, differently from former restrictive ones. These classicist or elitist models is a closed system where not everyone had access; in our brand new occupational space, anyone will have the right to entry and obtain their useless public degree.

The current reality is that main Governments, having a deficit zero or almost zero, can suddenly improvise budget items to rescue bank or financial industry or to make a war overseas, imposing a doubtful "peace".

Inversely, in countries as Spain, the investments in education, having a historical scarcity, get each time lower. Let's see, at last, how to explain this tragedy.

Carl Sagan (1995) remarked that higher education investments in the United States were fatally decreasing, while it was increasing in some countries like Japan or Cuba. In view of present results, this indicated the fact that US governors hoped to import qualified workforce from those islands and other specific countries (India, Korea), thus profiting their public investments for free. Immigration controls and other workforce importation

policies tend to exploit peripheral countries educational public systems. That's why a country (or area) is considered more developed the greater extent higher education can finance (destroy) itself on its own.

External labor force must be analyzed from a realistic approach (Galindo, 2009a). Firstly, foreign degrees validation is used as a restriction to worker's integration. Validation process is supposed to have a double aim: To protect national graduate from private or foreign universities not sufficiently reputed, and to provide to national citizens, for the sake of their welfare, a sufficient and qualified professional assistance (lawyers, teachers, medical staff, etc.). In practice, the procedure has no use but cheapen workforce. Foreign graduates are forced to search a less-qualified position, while waiting for validation, and this damages national wages, because of concurrency (Delay in study certificates validation is one of the factors for qualified immigrants to work in lower labor and social positions. In France, there is a study (Venturini, 2004, p. 28) arguing an "idiom barrier" as causing this "provisional" labor degradation. However, in France -as in Spain- there is a great amount of cases where the graduates come from ancient colonies (those speaking the same language, French or Spanish). There is an exploratory study, made by the author (2004: Estudio exploratorio y modelo teórico sobre las causas de las migraciones internacionales. Actas del I Encuentro Internacional sobre "Migraciones, causas y consecuencias económicas y sociales". Eumed.net, Málaga. ISBN: 84-688-8063-9. There is also a current research made by Arocha (2007).

The "market needs" is a dangerous argument, which we can find, for instance, in Wihtol de Wenden (2006: 266), affirming that workforce exporting countries "use to form more qualified staff that their markets can use", as if State couldn't (maybe it is forbidden) create its own workforce demand, even inducing a demand increase in private sector for qualified workers' services.

As a public good, education has free riders, and nowadays parasitism is placed over the states, in a supra-national scope (Galindo, 2005a). The national State jurisdiction is not able to guarantee education as an economic resource, thus, it renounce to conserve it as a public right. The argumentation based upon "marked needs" leads to consider qualified workforce importation as an unavoidable fact that would authorize not to increase public investment in destination (richer) countries. Our country market needs can thus be attended by foreign workforce excesses, profiting "externalities" from other States governments.

### **LECTIO, REPETITIO, DISPUTATIO**

The discussion on teaching methodology is traditionally a pre-university matter, considered as less important in higher education. However, in recent years, there has

been a fashion about methodological discussions inside the University campus. It is not a real and participative discussion on academic subjects, but a series of ideological acts, where students use to be excluded and where professors describe their convergent methodological changes, usually called 'innovations'. These boring events frequently take place according to institutional incentives to celebrate them, and following an official point of view about the needs of educational system.

After hearing all those testimonial experiences, it is easy to deduce that methodological matters still remain accessory non-important questions. First of all, it is necessary to note that methodological options are a professor's choice and therefore, she or he do not have to sustain a discussion on this subject. The up-to-date fashioned methods implementation is as easier to critic or defends as the radical opposition to these techniques. However, this papers deals with the opinion of the author on each so called innovative methods which can be named as ECTS (European Credit Transfer System) methods. Maybe this is a discussion that we should not have start, as a Pandora box, and we ought to avoid letting reformers lead us to this swamping field.

But in practice, methods are not a technical choice for each professor. Behind the recently preferred methodological choices, capitalist interests act as an illegitimate client for public services and sometimes for fundamental rights and freedoms.

Among the "skills and capabilities" that the up-to-date teacher tries to form among their students, the pretended critic ability is frequently mentioned. This reveals that the convergence regime results to be a fake, because if pupil participates in a free educational market, according to a transparent contract, valid *erga omnes* all around Europe, then he or she lose all critic ability. He or she has freely chosen among all educational offers and previously knows the consequences of the contract; then exercising critics makes nonsense. What do they call then critic? When university managers use the word "critic" they do not make reference to the ideas and academic concepts; what they seek to promote is the class personal conflict between teachers and students. This artificial class war is the lever that put managers in an outstanding position above both social groups.

Another competence is working in team. This mean the obligation to work with someone that has been officially assigned, in the same way that into the enterprise. From the point of view of evaluation, teachers lose the scope of individual performance, thus, they lose academic freedom possibilities. Besides, the free rider student *statu quo* can be used to guarantee richer bad students to obtain the same mark that a poor good student, at the expense of clever students inside the group. But, if classroom activities are collective and valuation has an individual scope, then there is no incentive to perform those activities. The teaching time loses thus a great extent of quality.

The new system needs to have us all occupied all the time so that we cannot think for a minute (on what reformers do us). Therefore, we are encouraged to implement continuous valuation processes. The role of pupils will consist on explore Internet, copy, paste, format and book periodical working documents which new super-professor will read one by one for one hundred students more or less. Besides, there will be weekly tests and other exams, team activities and so on. During this qualification process, the teacher can translate this activities into hours measure, but she or he will never be allowed to issue a qualitative opinion on their academic level.

There is another skill, called synthesis capability, frequently incorrectly understood. The ability to resume an extensive idea within a phrase often is replaced by the obligation to extend an idea into a presentation short sentences scheme. This does not assure the presenter is capable to understand what he or she are explaining but none of the points in the presentation will be forgotten to mention.

### **High-school-like higher education**

For many years, Spanish university teachers have severely rejected the secondary school teaching labor, regarding the decreasing academic level of our new-comer students. During this transition period all guilts for academic lose of quality were blamed on high school professors, but now we silently adopt the same pedagogue-like teaching methods that we know lead our students to academic failure. Then, what we are doing is to reduce academic exigence level in order to simulate agreement with a system we didn't like before but we now feel obligated to accept and adopt. And all because higher education is no longer a service, but a business.

But this time, we act before adult people, constitutional-ly free people, and we have no right to treat them like children. Persons over age can receive those procedures as arbitrary mistreat (perhaps young people are already learned to be mistreated). We are not responsible for beliefs and moral principle; furthermore, we have no right to interfere their way of being and thinking, their "attitudes" (nobody knows what an attitude is). While speaking on 'values', the new Gospel of "transparency" and convergence do not seem to clear out what kind of values we must teach. Maybe obeisance, individualism and fear, maybe angriness.

### **The 'enterprising spirit'**

One of the supreme values mostly mentioned in this new faith-based order is the so-called "enterprising spirit". This name brings us to an immaterial, supernatural idea, like the ancient gods, something to believe in. We assume the existence of such a thing so there is no need to for-

mulate the above mentioned question "which values". Not to believe in the business spirit would be heretic.

There are now Spanish doctoral researches consisting on search for this spirits. According to the authors, the aim of the thesis is to settle that belief. Then, we deal with ideological and political purpose for research work, appearing to be a scientific subject. Are we sinking in a new Middle Age?

Let's remark that most of the entrepreneurship apostles are public officials and they have a much better labor position than what we can reasonably expect for our student's future. We guess, with Galindo (2005a, 2005b) that entrepreneurship is a new merchandise.

Leadership is another of the several ideological slogans of the new system, which is used very often and also in paradoxical ways. We are trained to nullify any initiative or improvisation possibility, then we must blame on our pupils not to have a leader and entrepreneurial character. First of all, the order is to ignore youth opinions and to suppose them not to think; at the same time, we must train in them an aggressive behavior. But a leader must be respected, furthermore, admired. What are our students going to lead? Destruction?

Some convergent degree programs already include the "skill" called as "readiness for stressing environments". This subject citizens (students and teachers) to new duties, but does not guarantee a better learning. Future workers may be more accustomed to be mistreated, but even this is not at all demonstrated. From a different point of view, the stressing situation is not to bring a resolved homework every week, but to know there is the need to study everyday some hours. In spite of all these arguments, collective decision units use to approve those type of "innovative" decisions, because managers impose several types of threatening incentives.

### **Fairless play teaching**

In Business Economics, there are a few examples of the way how ordinary education has renounced to knowledge: while postgraduate student make a public research on psychology and marketing, private corporations researchers study how to make wrap or bottle each time less useful. This performance of a less valuable product makes it more expensive, because the content drop and remaining lead customers to a general increase in the number of bought unities a year (the customer pays the cost of those design "errors"). It is unfrequent to discuss these strategies in public classrooms.

In business world, biggest and most profitable firms have a permanent negative working capital (current assets smaller than short-term debt). This is a situation that usually contributes to enterprise benefit, but in Spanish finance handbooks this is absolutely not considered a desirable statement. This situation is incorrectly named "bankruptcy" or "risky financial policy", as if hand

books had been written by small and medium-sized firm's lenders: Bank material interests above knowledge.

Also there are certain handbooks on stock markets that promote a behavior consider "rational", but the author plays his exchanges in a converse way to their readers. This theoretical position seems to be aimed to know the future financial position of "rational" investors to win from their capitals in stock markets, thanks to teachers' book obeisance.

The problem of fair play in education is more serious than it can appear to be. Teacher, who has traditionally been the visible face of the system, is seen (sometimes rightly) by students as the cause and direction of their discontents. Savater (1992) asseverates that the role of teacher is, as a principle, a conservative one. Notwithstanding, in today education, it is not easy to be more conservative than certain students (especially in Business Administration and Law). Even leftist students are often educated by mass media and other wild environments. In 2009, the general university student class, in a certain university, has expressed its opposition to freedom of speech for professors, no matter whether politically left or right-handed answering students.

Academic authorities, using the excuse of clientèle and the concurrence between universities, can punish any kind of teaching option, even those promoted in the propaganda meetings they organize. European teaching staff is subjected to a great legal uncertainty, because the norms arbitrarily change and the scope of their activity grows toward administrative and support tasks. Academic freedom is not even mentioned, except in judicial procedures. Public administration attributions (self-guidance, execution power, own legal norms, etc) are often used to damage the citizen (pupils and professors) and favor great corporations and private academy.

## THE LOCAL 'EUROPEAN' HIGH EDUCATION AREAS

There is some local university whose circumstance makes future very uncertain or certainly dark. Some of those universities belong to geographic areas of high youth unemployment rate and this usually means a great number of university students who do not really like the subject they are following. They have neither a big purchase power, so those universities can't follow a market strategy based upon distinctiveness. Clients are not rich (if they were rich, they will travel to other universities) but they are many. So prices are not going to be too high, and the institutional cost reduction will take place by eliminating groups, subjects, degrees and faculties not very demanded. Each professor can teach several hundred pupils a year.

Besides, the new policies do not favor public financing increasing for public universities. So the competitive strategy must be to seek for new clients (and partners); an overcrowd strategy. Those techniques performed in Harvard, Oxford and Cambridge with only ten students

per group -ten encouraged vocational students who paid expensive bills- will be imitated anyway (in a way any) for overcrowded education.

Within each local campus, there will be a *sui generis* "European system", maybe included in a regional or State "European system", all of them offering a standardized low quality service, a less universal education content and very different organizations one from the others. So there will be an only one way to convergence: The lose of educational quality. The right alternative manner would consist in letting and facilitating teachers collaborate, meet their colleagues and do the best they think they can. So far, teachers should be audacious enough to get rid of managers' arbitrariness chains. This is a new responsibility for us, besides the teaching and the new administrative tasks.

When a not outstanding university abandons its public service vocation and entry the competitive business game, it runs to the bottom of the rankings, what does good to the upper ones. Richer students do not will to contract their services, so prices may not be so high; so there must be many financing students and private partners; so there must be a very reduced percentage of academic failure; so there must be a quality descent; so better and richer students won't desire to chose those universities and rankings will keep on punishing our activity... and so on. So manager's work in poorer universities is a betraying behavior, for their mission inside them is to destroy them. That's what we call the Bologna process.

## WHAT ABOUT INNOVATION?

And in the end, we arrive to find the meaning of the word innovation: This consists on doing as every one else. A teacher trying to do something different from "innovative" methods is a danger for *status quo*. There are several types of incentives for conventional "innovation" in teaching methodology, but punishment for alternative teaching. For instance, to move the academic activity to a park or a garden out of the official academic building. Teacher can try to perform this variation in their activities and they will ensure the difficulty (applying compulsory procedures, official surveillance and punishment, new enemies,...). In a particular case, the professor rejected an accounting software and decided to teach on spreadsheet for accounting, this were not the "conventional" software to use (in fact, it was a better and free alternative, not subject to license) so there were informal rejection of his initiative.

Those diverse ways of acting are not financed by institutions and the professor must assume all risk in relation to these methods. Among those risks, the institutional punishment power weight. Innovation, but not improvisation, not spontaneity, and above all, no brightness. Specification are each time more strictly defined and there are emergent reasons for conflict: The accom-

plishment of timetable, official summary and sources, number of hours to dedicate to theory and practice,... and the arbitrary notion of "quality" conceived within client satisfaction official testing (where statistical treatments are very doubtful).

## LIMITS TO ACADEMIC FREEDOM (AF)

In some occasions, AF is academically discussed, some journal papers talk on teachers' freedom of speech. But not frequently, and those times, the subject is how to limit our AF. In the newspapers, press shows an alert produced by a teacher's opinion on politic subjects. Sometimes, press is lying. But even when the new might be correct, the silly or tremendous phrases of one particular professor in a bad day are worth the overall recognition of our freedom of speech.

In a paper on Spanish AF regulation and practice, Paule and Cernuda (2005) are quite right at noticing that AF is not just a professor's sovereignty, but also and above all, a guarantee for student. It means the guarantee that he or she is talking his/her own opinions, not being bribed or menaced by outer interests, opposed to teaching and learning needs. The discussion on under-aged students is treated in their paper, but in this one, the author must admit not to have an opinion. However, university student is aged enough to know if he or she agree with professor and they have the right to organize their studying methods regardless the innovative proposals promoted by the reform. Both student and professor are responsible for their actions.

But anyway we are going to find real legal (and moral) limits to AC: There is a Spanish Constitution Court Sentece (2005) finding in University Autonomy a limit for teachers' AF. This is quite reasonable, because public organizations have to make decisions on service supply and they have to tell to the staff which hours and place to make it possible. Administration can also move the teaching workers to another building or career, even define, in the name of the position, the contents to teach (that is, professor of algebra). Universities may even decide who to incentive students with a free enrollment, according to the mark they take.

But institution can't manage those marks, neither the contents nor methods. (The same Court, at sentence 5/1981), because this would be the way to bring down AF. In Paule and Cernuda (2005) those arguments are discussed in order to discern the limits of teachers' freedom. Anyway the 2005 sentence clears out that this is a freedom to be exercised by those who exercised teaching, regardless who had a formal right on the subject, the position or the course and did not exercise teaching. Every time a teacher works, he has the right to choose his or her speech and method and to evaluate students. Many times, managers try to divide subjects and courses in order to create conflict between teachers. Sometimes, teachers are so much stupid that they let managers win.

The work done by Alejandro Nieto (Quoted by Lozano, quoted by Paule and Cernuda), concludes in favor of the very wide AC, without limits, except the respect by other's right. So these are the only real limits we find:

- Firstly, the above mentioned University autonomy, which cannot interfere opinions, methods and marks.
- Secondly, the legal certainty for students, in the sense that teachers cannot improvise from those things they have established themselves, except the cases where they have prevent this eventuality according to the circumstances. But there's no one who can settle down those limits for the teacher, but his/herself. This does not mean a direct students right against teachers, but facing the administration. The published methodology obligates the university with the client and the teacher has a responsibility face to the Administration. Notwithstanding, those certainty requirements should not be very strictly regulated, because that avoids teachers' initiatives in order to facilitate students work.

Besides, the legal certainty can never affect the contents. I think that we can recommend and use additional bibliographic resources different from those announced within official summary and we also can evaluate ideas and contents not strictly mentioned in that bibliography. This is not frequently used to, but this must be considered as part of our AF.

The opposed principle to legal certainty is material justice. In this case, legal certainty shouldn't make possible to students to pass an exam without learning.

- We can also invoke the anti-arbitrariness principle. All things we do must be possible to justify. That does not mean than we should comment and develop everything we do, because that situation could be conceived as a managers' arbitrariness (and let's remember that public administration managers don't have a freedom to compare to AC). Teacher's arbitrariness should be demonstrated, in case it exists. Professors must use the same evaluation procedures for all his/her students, but another teacher must not be allowed to obligate him/her to follow the same methods together.

- The most interesting limit to AF is what we call power deviation. This is a real serious subject in order to survey teaching activity, because AF is a freedom to teach, not a freedom to act otherwise. This is not a freedom to sell students a commercial product, to broadcast an ideology, to recruit young people to political, religious or conflictive causes, to conscientiously lie to students, to agree with them an evaluation not consisting in learning, and so on.

Following this idea, it is needed to clear out that ideological contents can be included in teaching speech, for the freedom of speech is a general right, not only for teaching staff, but it mustn't be related to academic valuation. And this is the point where we can discuss the innovative financial mode, consisting in inviting a big enterprise as a partner. If a transnational company gives

his name to a chair teaching position and finances professors' wages, it would be hard to imagine teachers or students declaring that company stains environment and remove Indian communities, mistreats workers or unfairly destroys market competition. This financial alternative is expected to create educational corruption and implies power deviation.

## Conclusion

Albert Einstein said "if you look for different results", don't do always the same". This is a sentence that can be overvalued in order to justify any kind of authoritarian regime. This phrase would be a better advice instead: "If you look for different results don't do all the same". In Spanish tradition, there is a proverb claiming: "Every little teacher has his own little book". I will further propose a new refrain: They can rape us (our academic freedom) but they won't make me say I like it. Fernández and Serrano have said that you don't need to know pedagogy to teach maths; what you should learn is maths. I had the honor to teach the same subject that an aged professor who is today retired and, commenting a handbook for the course, he said: When someone is not able to explain something this is not the way of communicating, this is that he (or she) doesn't really know that thing. So if you really want to teach a certain subject, don't adopt pedagogical innovative methodologies; do deeply study that subject instead. Then, knowledge will successfully find the way to show up.

The fake of contractual relationship between professor and student, the excessive and arbitrary teaching coordination, the class stratification among teaching workers, the timetables, the satisfaction inquiries, self-reports, and so on... These are all reactive policies, attacking academic freedom and the very worthiness of the careers followed when public higher education still was a qualified training.

Teachers are led to spend more time doing absurd and bureaucratic work each time, despite the time need to study and teach. Teaching staff pass most time filling forms to inform on the things done and to do next, despite the time need to do them. In Spain, every Department and Faculty work with a deadline in 2010 to achieve 'God-knows-which' fictive objectives to end in a new bureaucratic requirement that will be considered very necessary and excellent idea, and then, authorities will say: This is the ECTS... and everyone will keep to do their best at trying to teach while filling more forms each time.

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