



Research Paper

Public universities in post-socialist states are becoming almost un-academic

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ABSTRACT

Too many and firm, verifiable signs indicating the path that Slovenian public universities and universities in other European Post-Socialist states, as now the EU Member State, have taken in the last two decades to express several reasons for legitimate concern and criticism. In order to fulfill their social role and function, as guardians of knowledge, thought, critical reflection open-mindedness and give even cause for serious concern, universities have bowed to an aggressive logic of the market, according to which- as university teacher or researcher - each individual should only be worth as much as his or her work can procure on the market (competition). Instead of resisting the purely bureaucratic and brutal administrative conditions and criteria for the selection and appointment of teachers and researchers, the universities have subjected themselves completely uncritically to such a dictate of state authorities and committees. Academics do not focus as much on the content and ethics of the work processes at universities as they should. Instead they have become, too many of them, passive and apathetic slaves of the robotized technocratic dehumanization. Anti-political agents are no longer in the front line defending the university and the academic world such as knowledge, thinking self-realization and active critical citizenship. "Political animals," as Aristotle said. Because of these phenomena, this problem, the universities have considerably failed to take care of the education of critically thinking citizens, of moral personalities and courageous civil intellectuals equipped with authentic and high-quality knowledge, with self-respect, combined with an appropriate ethical self-understanding of their systemic and social role and with self-awareness of their most important public role in the maintenance and progress of genuine democracy and the legitimacy of the political system, the legal order and the social environment. In view of what has happened at universities, it is almost impossible to speak of the genuine, quality and effective exercise of the obligation of universities to safeguard and promote knowledge as a value. And this is not only the problem of the Republic of Slovenia. It seems that the universities in the Post-Socialist states have become almost non-academic.

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INTRODUCTION

In this study, the major problems that universities have faced over the last two decades, especially in post-socialist countries will be presented. This includes the Republic of Slovenia, which is the (post-socialist) EU Member State. The legal, constitutional, social and bureaucratic aspects of the problem will be discussed with emphasizes on the following issues: the lack of civil courage among the academy members (professors and researchers) to be more active and critical in public. Above all, at the expense of the

deficient and sometimes unconstitutional legal policies of the universities, the study outlines the actual situation at the universities and highlights in particular the technical, financial and logistical problems faced by professors and researchers. Some of them are quite paradoxical. Particular emphasis was placed on the urgent, imperative (pressing) social need to raise the awareness of all those working in the university environment of their own responsibility for a high-quality education system, for the protection and

development of knowledge as a value and for a democratic society, based on knowledge as one of the absolute priorities. The study argues for high-quality knowledge as the prerequisite and only means for social progress. The study literally emphasized distinction between cultural progress and technical development. Universities should take more care in this regard, not focusing mostly on technical progress or the market value of services and products, of the results of educational and research work. This study was carried out based on available scientific, professional and newspaper sources. At the same time, emphasizes that a decade ago, discussions on this topic were quite active, frequent and, in part, passionate and controversial. In the last decade, however, they have practically disappeared and are now only very rarely appearing. On the one hand, this is one of the major problems of today's universities and on the other hand it is a consequence or a result of the backward, excessively bureaucratic and legalistic policy of the State when it comes to the organization and content of work in universities. The excessive formalization and bureaucratization of legal policy in relation to the science, teaching and operation of universities has led to a situation which I critically assess as the decline of the academic, of the democratizing function of the universities and the general social function of universities. Knowledge as a value melts, disappears and on the other hand universities become almost non-academic institutions, not to say "companies."

THE LACK OF "CIVIC COURAGE"

For some time now, for far too long, the public, the media and people born during the socialist era have been vociferously asking themselves why there are no more active, committed and critical citizens in the public sphere.¹ They wonder why there are not more young people who are more explicit and confident about issues that are not only interesting and serious, but also culturally and civilizationally fateful, perhaps even existentially significant. And why are there so few "velvet revolutionaries" left? What is the real reason that there is no massive and determined reaction to the developments in society that leads to this situation of (e.g. Aristotelian) massive non-thinking and anti-politics, they ask? And why are there so few academics-as-intellectuals who are willing to object and contravene to the existing and dominating corporative organization of society as a whole, which is being created by - not politicians and statesmen, but by -

¹ »Civic courage« is meant as a term describing willingness, sense of responsibility, consciousness, ethical self-understanding and courage for being and acting as active and critical citizen, as a "political animal" (according to Aristotle), to use intelligence, ratio and knowledge in public (according to Kant), to act as such publicly, addressing the state powers, members of the academia and general public as a whole, to be actively involved in public life, to publicly appear and act as an active and critical political subject, to be an intellectual (according to Sartre) as The Citizen. See Sruk, 1986; Sruk, 1995. See also Teršek, 2008.

daily political administrators, - not rulers, but - managers, the s.c. nobility? Why did people settle so quickly for formal democracy instead of seeking and demanding a real substantial democracy? These questions and wonders are legitimate and justified.² Education policy and the way universities work have much to do with the problem. Although with potential discomfort due to modest effectiveness, academics must nevertheless make a strong effort to ensure their own participation in the discursive search and reflexive self-questioning about life, society, community, institutions, culture, national identity and the life situation - of each individual. Academics should pay special attention to questions concerning the role and status of knowledge in universities and educational processes in general. They must have the desire to pay critical attention to the "problem" of the university environment.³ Many representatives of scientific sovereignty and academic dignity in Slovenia have done so convincingly but not enough of them. So there can be no organized and joint action and commitment to progress (not to technical development). The lack of moral courage of academics is obvious.

UNREALIZED POLITICAL PROMISES AND HARMFUL MEASURES

After every parliamentary election, the coalitions of political parties (the government) loudly pointed out the need for a political legislative reform of the education system and universities. The social democratic parties did so emphatically - as a promise. To date, these promises have not been kept. The rhetoric of the ministers responsible for education and science continued to differ markedly from the rhetoric used by party leaders during the pre-election campaigns. Instead of a necessary progressive step forward in the last ten years, a noticeable step backwards was taken. This concerns above all the autonomy of the universities.⁴ In particular, their total subordination to the rules and criteria adopted by state

² For the comprehensive insight and overview on how the university in Slovenia was established see Bendetič, 1999.

³ In the Republic of Slovenia, the university and the principle of university autonomy are constitutional categories. They are directly determined by Article 58 of the Constitution: "State universities and state faculties are autonomous. The manner of their financing is regulated by law. "This autonomy derives from the freedom of science and art, which according to Article 59 of the Constitution is also a constitutional category and is a condition for the autonomy of universities." Freedom of scientific and artistic creation is guaranteed. " The first Commentary on the Constitution complements this fundamental premise of the constitutional protection of university autonomy. It emphasizes that the autonomy of universities is primarily a defence right. This means that universities are independent and that, without state interference, they decide on their organization and operation. This autonomy also contains elements of the right to a positive status, which creates the positive obligation of the state to provide, within the framework of organizational-legal and institutional guarantee, the basic organizational frameworks for the operation of state universities. See Šturm (ed.) 2002.

⁴ Former president of the Republic of Slovenia, prof. dr. Danilo Türk, addressed this question twelve years ago (2008). See also Svetlik, (1996), Svetlik emphasizes, among other things, that the autonomy of university must first achieve a high level of its internal integration

bodies and commissions, with disregard for the social role and professional value of teachers and professors (e.g. in terms of policy on salaries, rewards, employment and promotion), the financing of educational institutions, the systematic legal regulation of the basic segments of higher education (e.g. admission criteria) and the consistent implementation of the constitutionally correct (also explained in the decisions of the Slovenian Constitutional Court no. U-I-22/94) legal regulation of the financing and operation of universities: with statutes, not with implementing provisions in implementing regulations. The state continues to represent its higher education policy with the slogan of necessary austerity measures - albeit extremely unconvincingly (Teršek and Žgur, 2010).

POLITICAL TECHNOCRACY AND ACADEMIC PASSIVITY

Most of the characteristics of the Slovenian university environment are an obvious and direct, forced result of the state's legal policy - or rather an inappropriate policy. State authorities obviously and strongly intervene in the constitutionally guaranteed autonomy of universities (Komljenovič, 2011.; Komljenovič, 2011a) from teachers' salaries to the conditions for state recognition of the legal validity of university diplomas and their funding. The constitutional unacceptability of such a situation is obvious. Also from the point of view of certain requirements of the State regarding the criteria which must be met if universities wish to establish, modify and implement study programs. Even just the pure title of a particular study subject in a concrete study plan!⁵The autonomy of the universities is also prevented by state bodies and commissions with regard to the content of university programs. At the same time, these agencies and commissions (like the state administration in general) act in an excessively formalistic, technocratic, rigid and irritatingly bureaucratic way, including the criteria for the selection of individuals for research and educational titles.⁶And the public universities show no real resistance (Močnik, 2011). They have uncritically adopted the system of unbearably formalized, intellectually uncritical and over-bureaucratic criteria, which are also unbalanced between

different scientific disciplines, and which have almost nothing to do with the actual substantive criteria for assessing the qualification of persons for research work and teaching. Public universities easily accepted the aggressive neo-capitalist market logic according to which an individual should be entitled to the recognition of the benefit to the university or to a chair in a faculty or department of the faculty - not if he or she is a sovereign expert in a particular scientific field and a good lecturer, but only - if "academic work can raise money - as a market product that can be easily sold to customers."⁷ The obvious reality seems striking: public universities do not want to be autonomous in any of these areas. It almost seems as if they do not feel responsible for autonomy or even worse, as if they do not want to take responsibility (Breznik, 2011). The lack of responsibility can also be observed from an ethical and legal point of view: uncontrolled and unsanctioned cases of bullying and victimization, plagiarism and other copyright violations, payment of remuneration for mentoring and commission memberships, spending public money on legal defense in cases of personal misconduct, cases of obvious and serious loss of earnings, toleration of professors, those who do not consistently fulfil their educational obligations, the recruitment of students by allowing abbreviations in examinations and degrees, the establishment of programs or even new faculties with the primary aim of employing certain persons or closely related groups of persons and not for the sake of compelling educational needs and purposes. The most diligent, receptive and constructive critical students are all too often overlooked and sometimes punished for their demonstrations of critical and intellectual tension.⁸ And the problem of mobbing and harassment on universities remains without an effective control.⁹ Even if there are alternatives that universities could still use to choose appropriate ways to raise their level of quality and strengthen their role in society, these alternatives, these "ways out" of total state control, usually remain unused. Within the framework of their unique function and privileged mission, universities must always share

⁷ »We face enormous pressures of instrumentalization, turning the university into a means for someone else's end. These pressures come in two forms – commodification and regulation« (Burawoy, n.d.).

⁸ In late 2009 Radonjič published an article on Crisis of Academic Consciousness: "The excuses offered by faculties to students, saying that the university is completely autonomous and therefore untouchable in its functioning, and therefore in violation of university laws, shows a lack of sense of what we call natural law, which includes the ethics of fundamental human rights and moral values. The autonomy of the university is not something absolute and must grow out of academic ethics."

⁹ See e.g. Judgment of the Administrative Court of the Republic of Slovenia no. IU 2178 / 2009-16, in which the court found that the reference to the autonomy of the university and the principle of secrecy of elections in habilitation proceedings is unjustified if the negative decision does not provide evidence and reasons for final conclusion the candidate doesn't meet certain criteria for election, or if the decision is not reasoned in the light of the judicial assessment so it is possible to determine whether the deciding authority was guided by reasonable grounds in deciding in the field of discretion. Last but not least, the university is no stranger to classical mobbing, which is permanently present. This most important inhibitor of development, intellectual freedom, scientific autonomy and a desecrator of human dignity is not subject to almost any external scrutiny.

⁵ The problem of autonomy is not only the problem of European Universities. See Polsky, 2005, »calling for change, from small structural fixes aimed at dispelling faculty discontent to broad administrative alterations that will allow faculty to have more decision-making power.«

⁶ Former constitutional judge and judge of the ECtHR prof. dr. Boštjan M. Zupančič in his dissenting opinions in Slovenian Constitutional Court decisions no. U-I-22/94 and U-I-34/94 similarly points to reasonable understanding of the autonomy of universities. See also Svetlik, 1996, p. 120, fn.1. Like Zupančič, he emphasizes that the university cannot be 'absolutely' autonomous. He adds: "Too much autonomy can lead to the university's unresponsiveness to society, and too much responsibility can jeopardize its academic ethos and thus the essence of its existence." Such 'absoluteness' is not possible even with the fact that the state is constitutionally obliged to finance the university as a constitutional category. Of course, there is a lot of room for maneuver between one extreme and the other, possible and unrealistic aspirations for absolute autonomy and the problem of insufficient autonomy. And this space is crucial. An ethical understanding of this space and its legal framework are crucial. See Teršek and Žgur (2010). See also Lesjak, 2011.

responsibility for the state of mind in society as well as for the general quality of social life. And for the genuine democratic society in general, such a philosophical and ethical self-image of universities seems almost forgotten.

VALUE OF WORK

Domestic research work, public relations work and publications that are worth a little more than nothing (publishing papers and books usually means a pro bono work, a way of collecting "points" for habilitation and doctorate). Research work and publications abroad are worth everything with a few paradoxes and a little hypocrisy when it comes to language. Many professors are not able to give lectures for foreign students. They try to avoid them. Many of them simply do not want to speak any other language than Slovenian at the university. A professor does not need to be able to teach and write in a foreign language if he/she has the means to pay for translations of his scientific papers. These resources are not evenly distributed. Some have a lot, others have none. Consequently, a professor who can only write in Slovenian may have the most publications abroad and thus the highest score required for a habilitation. If a professor is the editor of a high-ranking domestic scientific journal, he or she can decide who may publish in the journal, he or she can publish his or her work in the same journal, and he or she can make sure that other authors who publish their work in that particular journal cite him or her in their work. And citations are an absolute necessity for habilitation, doctorate and successful competition for project funds. Then it is more likely that such a professor will be specifically honored. Or he will easily become the most influential member of the university commission that decides on habilitations and promotions of his colleagues. Last but not least, managing such a journal has become a fine business: peer reviews and publication of the scientific work have a price: between 300 and 500 euros. Translations are expensive. And the translators prefer to translate the entire work rather than give lectures. The translation of a fifteen-page scientific paper costs around 300 to 800 euros. At least seven publications in foreign journals with the highest rank are required to become a full-time professor. The salary of an assistant professor is about 1800 to 2000 Euros. It is therefore easy to take up mathematics (Faganel and Trnavčević, 2016).¹⁰ To avoid misunderstandings, the professors do nothing wrong and there is nothing substantial to reproach them for. They are forced to do so in order to adapt to the system, to promote it and to survive in the system. That is the systemic problem!¹¹

¹⁰ Authors have left out articles on the issue.

¹¹ Basically, this is a legal status issue. Only a short statutory provision that would guarantee state universities the legal status of a non-profit self-governing (autonomous) corporation would suffice the intention of the Constitution. The legal

STUDY PROGRAMS WITH BALLAST AND DECEPTION

In the public debate on university policy in Slovenia, a very important aspect of the university's positioning within the framework of constitutional legislation has so far been almost overlooked. It has its roots in the recognizable and ethically questionable way in which (not only private, but also) public educational institutions pragmatically and profitably try to adapt to the legal framework and policies of the state, with the primary goal of increasing the number of enrolled students.¹² In accordance with the rigid mathematics of systemic rules and the paper-based logic of defining remuneration criteria, university professors are simply paid according to the concrete number of teaching hours (measured in decimal numbers). These hours depend on the number of subjects they teach. And these hours depend on the number of students. This system can easily be manipulated. The professors most sought after by the students can easily lose their subjects, their hours, their salary - and their position, their job. In Slovenia, there are some examples of study programs that seem to have been prepared surprisingly quickly, less precisely in terms of subject matter, not fully thought out in terms of personnel and logistically inadequate. In practice, some study programs do not follow the original and officially registered content and the prognoses given by deans or study program coordinators "as a promise" or "legitimate expectation" regarding the employability of students sometimes constitutes transparent deception, lies, cheating. Some such study programs were later exposed as lies, manipulation, deception and fraud in relation to the value of diplomas and employability. One case was taken to court and the students were asked to file a lawsuit against the State which, while allowing the registration of the program (invoking the constitutional doctrine of the positive obligations of the State) (Mowbray, 2004; Teršek, 2014), did not ensure the employability of the graduates by including their official academic titles in Official Gazette; no admission, no official professional title, no employability. Instead, they filed a lawsuit against the faculty. The court saw no manipulation, no fraud and no deception. The

status of a non-profit corporation is, of course, not at all exotic, but it is quite common in Western democracies for universities (public and private). The source of the problem is neither primarily nor only in the Higher Education Act, but in the Institutions Act. With the Institutions Act, previously at least nominally self-governing institutions of both universities were essentially - nationalized. It was only when this nationalization was carried out that the constitutional absurdity represented by the Higher Education Act could take place" (Zupančiča, 1994; Svetlik 1996), emphasizes 25 years ago that due to the status of a public institution and the predominant public funding, the university passes from the direct influence of politics to the influence of the state administration. This problem, as explained in my essay, deepened and got worse in the last 25 years. It is unbearable, irrational, surreal and absurd.

¹² See Estermann and Nokkala (2009). The authors of the research find that in Slovenia, in principle, there is a system of integrated, 'one block' funding of the university, but this is subject to extensive categorization, which limits the financial independence of the university. They also note the trend of (at least partial) conditionality of funding with financial formulas based on both 'input-related' criteria (e.g. number of students enrolled in the first year) and 'performance-based' criteria (e.g. number of new graduates).

students kept their diplomas (more or less as worthless paper) and became unemployed. Such an educational policy of the state and the universities should be considered irresponsible and unconstitutional. Lawyers should carefully examine the arguments about the legal contestability of such behavior and the resulting consequences, which are extremely harmful to a growing number of young graduates. A society with such university policies and practice cannot claim to be a knowledge-based society. Rather, it is a society of fateful intertwining of legal ignorance, political arbitrariness, economic brutality and ethical perversion (Bauman, 2016). It leaves young people in the grip of nihilism and a crisis of meaning. This must be countered (Splichal, 2010).

LACK OF COMMITMENT

The signs chosen by Slovenian public universities to achieve the goal of a progressive society and a knowledge-based value society are not optimistic. The notion that the public universities do not care enough about the development of critically thinking citizens, ethically aware people, moral personalities and civil, courageous intellectuals who are motivated and equipped with knowledge is still being upheld. Universities do not care enough about the development of self-confident young generations.¹³ Universities still do not care enough about knowledge as a value, about morally sound and rationally persuasive education as something that is in itself an end in itself of the educational process (as opposed to assessing the value of knowledge in relation to its mere value measured by the market) (Comp. Splichal, 2002; Burawoy, n.d.). However, this concern is far from being entirely dependent on the legal and political stance that any government coalition takes towards universities.¹⁴

CONCLUSION

The responsibility and accountability of the universities for enhancing formal democracy with truly democratic content is great and important.¹⁵ Without the necessary and

constitutionally provided autonomy, the universities will not be able to exercise this responsibility. Nor will they be able to exercise it without a firm commitment from all academics and administrators working in universities to operate in an ethically credible and legally sound manner (Freitag, 2010).¹⁶ Instead of resisting the purely bureaucratic and brutal administrative conditions and criteria for the selection and appointment of teachers, professors and researchers, the universities have completely uncritically adopted this type of dictates imposed by state authorities and committees. Academics are not motivated enough to focus on the content and ethics of the work processes in public universities, but are forced to be increasingly passive and apathetic assistants (servants or slaves?) to the technocratic dehumanization of the academic world and the unbearable bureaucracy. Universities have considerably failed to take care of the education of critically thinking citizens, of moral personalities, civilly encouraged, intellectuals equipped with authentic and quality knowledge. In view of what has been happening in public universities over the last fifteen years, it is almost impossible to speak of the obligation of universities to safeguard and increase knowledge as a value. It would seem that the universities have become almost un-academic in such a post-socialist field (marušič, 1997).

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¹³ Instead, they, the students and we, the teachers, have to deal with the vast problem addressed by Galimberti, 2010.

¹⁴ See the Magna Charta Universitatum, which states that "the future of humanity depends to a large extent on cultural, scientific and technical development and that it is built in centers of culture, knowledge and research centers, as represented by serious universities." Available at: http://www.magna-charta.org/pdf/mc_pdf/mc_slovenian.pdf.

¹⁵ »Accreditation systems, properly designed and mandated, can be powerful forces for quality and change in any complex system. This is particularly true of the institutions of medical education. Accreditation can support countries in their regulatory obligation to institutionalise quality assurance approaches and guide individual institutions in their development. Therefore, it is very important to pay close attention to developments in this area. There is an urgent need to foster the adaptation of accreditation standards and norms that reflect social accountability. Only then can educational institutions be measured and rewarded for their real capacity to meet the pressing health care needs of society« (Boelen and Woollard, 2009).

¹⁶ See Michel Freitag: Brodolom univerze in drugi eseji iz politične epistemologije (Eng.: »University Shipwreck and Other Essays in Political Epistemology»). Založba Sophia, Ljubljana 2010. Oh yes, how it shipwrecked.

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