

Uneven Commercialization: Contradiction and Conflict in the Identity and Practices of American Universities

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Abstract In this paper, drawing on magazines read by US academic leaders, we explore the spread of commercial language into the world of higher education. We ask whether commercial codes are taken for granted, considered routine, and common sense in academic settings. We develop a multidimensional approach, considering two practices, strategic planning and patenting, and two identities, consumer and product, which come from the world of commerce. We ask: to what extent does the university community consider commercial developments legitimate or illegitimate? In what ways has the legitimacy of commercial developments changed over time, and to what degree are different commercial developments embraced or rejected? Our analysis suggests that the commercialization of US higher education is a complicated, uneven, contradictory, contested, and multifaceted process, rather than a single monolithic outcome state. We find that the extent to which commercial practices and identities are viewed as legitimate varies across time, by institutional type, and by an actor's social position. We also find that different commercial developments received different amounts of opposition. We use our analysis to contribute to recent thinking in the "new institutionalism" in organizational analysis and to ground our thoughts about political efforts to preserve certain qualities of higher education.

Keywords Universities · Higher education · Commercialization · Legitimacy · New institutionalism

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News coverage from *The Chronicle of Higher Education* to the *New York Times* suggests that commercial values and practices have seeped into all areas of American academic life from research to the classroom to administration. Scholarship too has covered what might broadly be termed the commercialization of higher education, examining the different aspects of academic life with varying degrees of intensity. With this paper, we contribute to this discussion by exploring the perceived legitimacy of such developments among those in the US higher education sphere.

While existing research has illuminated organizational trends in higher education, changes in formal structures, and shifts in academic priorities, we ask whether commercial changes are taken for granted, treated as common sense, and viewed as legitimate in academic settings. Providing a multidimensional approach, we consider two practices, strategic planning and patenting, and two, what we term, identities, student-as-consumer and education-as-product. We ask: to what extent does the university community in the US consider commercial developments legitimate or illegitimate? In what ways has the legitimacy of commercial developments changed over time, and to what degree are different commercial developments embraced or rejected?

To gain access to those shaping the culture of US higher education, we examine two trade publications, *AGB Reports* and *Liberal Education*, which direct news, opinion, and analysis to academic leaders, trustees, and, to a lesser extent, faculty. We first searched these periodicals between 1960 and 2010 for articles that discussed or mentioned one of our four topics. We next coded each article as demonstrating a legitimate or illegitimate orientation toward the issue of interest. Results suggest that authors increasingly considered intellectual property and strategic planning to be legitimate, but that the notions of education-as-product and student-as-consumer remained highly contested during the period we studied.

Our analysis suggests that the commercialization of US higher education is a complicated, uneven, contradictory, contested, and multifaceted process, rather than a single monolithic outcome state. We suggest that the extent to which commercial identities and practices are viewed as legitimate varies across time, by institutional type, and by an actor's social position. We also find that different commercial developments prompted different amounts of opposition.

What is a Commercialized University?

The transformation of higher education in the US, and especially issues around the incursion of business concepts, culture, and practices into various aspects university life, has spawned a vast and diverse literature. This work suggests that university patenting has increased substantially since the early 1980s (Berman 2008) and that technology transfer offices have appeared on many campuses (Mowery 2001). Some argue that institutional power has shifted substantially away from faculty members and towards administrators (Ginsburg 2011). At the same time, according to scholars and journalists, students are increasingly considered consumers (see Washburn 2006; Tuchman 2009), and university administrators have redefined the notion of public good in terms that justify the private interests of universities (Glenna et al. 2007).

Researchers debate whether such trends indicate the diminishing importance of basic academic norms (Kenney 1985; Etzkowitz 1989; Tuchman 2009), whether they have prompted a shift research priorities (Blumenthal et al. 1986a, b; Glenna et al. 2011) and generally whether they demonstrate the demise of the public good-oriented university (Slaughter and Rhoades 2004).

Despite its many virtues, the literature has generally not foregrounded the relative legitimacy of commercial developments or explored resistance to them. *Legitimacy* is one of the key concepts of the new institutionalism, an approach to organizational studies, which characterizes organizational change in terms of regulatory frameworks, organizational structures, and cultural orientations (see, e.g., DiMaggio and Powell 1983; Colyvas and Powell 2006; Ruef and Scott 1998). It is frequently defined as, “a generalized perception or assumption that actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions” (Suchman 1995: 574). An organizational practice is considered legitimate when it fits easily within established cultural frames (Scott 1995:45) and when it becomes a taken for granted part of day-to-day organizational activities (Deephouse and Suchman 2008). Legitimate organizational practices are also considered common sense, have codified identities, and often define common purposes. They require little justification, face little opposition, and are self-reproducing and habituated (Colyvas and Powell 2006). Similarly, an organization’s chances for success increase as it achieves legitimacy (Meyer and Rowan 1977: 352). Indeed, legitimacy amounts to a prerequisite for institutionalization. Organizations must first align their structures with cultural frames before achieving the stability of institutionalization (Colyvas and Jonsson 2011). Finally, by conforming to legitimate cultural frames, organizations within a given field come to increasingly look-alike, to be isomorphic (DiMaggio and Powell 1983; Zuckerman 1999).

To understand the relative legitimacy of commercial identities and practices in university settings we must be cognizant of two matters. First, achieving legitimacy is not a straightforward process since proposed organizational innovations inevitably face legitimacy assessments (Rossman forthcoming; Ruef and Scott 1998; Zuckerman 1999). Those proposed innovations that fit more easily into existing institutionalized organizational narratives and structures are more likely to persist than those that do not. Second, legitimacy is distinct from ubiquity. An organizational innovation can be widespread or ubiquitous but nevertheless unaccepted (Colyvas and Jonsson 2011) by actors in the organizational field. Ubiquitous innovations that gain legitimacy have much greater staying power than innovations that do not. Rather than simply exploring support for a given practice, our approach considers whether a set of practices and identities are treated as routine and common sense. As such, our approach is distinct from, but complementary to, existing university studies that examine trends, opinions, and changes to formal structure.

Jeanette Colyvas and Walter Powell provide what is probably the most comprehensive and nuanced approach to processes of the legitimization of commercial practices within the university. In a series of papers, they discuss the emergence of technology transfer at Stanford University and explicate the early processes of innovation, which eventually led to the institutionalization of invention disclosure, patenting, and licensing. Using narrative analysis, they show how early pursuits of

technology transfer involved ambiguity, debate, and clear challenges to pre-existing academic norms. Ultimately, the Stanford community codified a coherent set of standards and policies (Colyvas 2007; Colyvas and Powell 2009). Broadly speaking, work by Colyvas and Powell demonstrates the limitations of university studies that simply report organizational trends without considering their reception.

We build upon this research by examining data of broader scope (i.e. not a single case), by considering multiple dimensions of the university, and by exploring resistance to commercial developments. We examine three primary dimensions of the university: research, administration, and teaching. For the academic research realm, we consider intellectual property, and for the world of higher education administration we investigate strategic planning. For education, we examine the rendering of students as consumers and of education as a product. For each dimension, we ask the following questions:

- To what extent are commercial developments considered legitimate or illegitimate among writers and readers of our periodicals?
- To what extent has the legitimacy of commercial developments changed over time?
- To what degree are different commercial developments embraced or rejected?

Exploring such questions allows us to do several things. First, and perhaps most simply, our approach permits us to track change over time, treating commercialization of higher education as a process, rather than a single fixed state. Second, as we measure the extent to which a code or practice is legitimate, we are able to examine the degree to which a commercial code or practice in higher education faces challenge or resistance. Third, by considering the balance between legitimacy and resistance in three areas of academic life—research, education, and administration—our approach allows us to provide a preliminary assessment of the extent to which the commercialization of higher education is a straightforward unitary process or an uneven and contested one. Finally, our method allows us to contribute to ongoing efforts among scholars seeking to measure legitimacy in the tradition of the new institutionalism in organizational analysis.

Data and Methods

Our data come from two trade journals widely read by university leaders in the United States. The first, *Liberal Education*, is published by the American Association of Colleges and Universities (AAC&U). One of the oldest and largest organizations for degree-granting institutions of higher education, the AAC&U was founded in 1915 for college presidents, and there are currently more than 1,100 member institutions. Membership includes two and four year institutions as well as most major universities. Only accredited and degree granting institutions are eligible for membership. According to its website, *Liberal Education* “expresses the voices of educators, faculty, and administrators in colleges and universities nationwide who are working to enrich liberal learning and undergraduate education” (<http://www.aacu.org/liberaleducation/about.cfm>. Accessed May 20, 2011).

The second, *AGB Reports*,¹ is published by the Association of Governing Boards (AGB). The AGB was founded in 1921 and is the only “national association that serves the interests and needs of academic governing boards, boards of institutional related foundations, and campus CEOs and other senior-level campus administrators on issues related to higher education governance and leadership” (<http://agb.org/about-agb> Accessed: May 20, 2011). AGB has over 1,200 member institutions, including a wide range of colleges and universities and public college and university foundation boards.

We chose these two magazines for multiple reasons. First, the membership of the two associations that produce them represent the great diversity of American higher education institutions. Second, the wide circulation of both periodicals allows us to examine the use of commercial codes not only by the relatively small number of institutions engaged in a substantial amount of commercially-funded research, but across the entire field of American higher education.^{2,3} Third, authors who write for these magazines have varied institutional roles, including trustees, administrators, professors, private sector professionals, and government and non-profit officials. Fourth, these two magazines were published uninterrupted throughout the fifty-year period we study. Drawing on continuously published periodicals was important, since we wanted to be able to track change over time. Fifth, including data from organizations representing both university boards and presidents/chancellors gives us the broadest possible window into the highest ranks of university and college administration. These actors play central roles in shaping policy at the institutional and national level and a significant role in setting the cultural tone of higher education.

These publications were also chosen for the variety of articles each has. Since we are interested in capturing the orientations of authors we wanted a mix of news, analyses, and opinion articles. *Liberal Education* and *AGB Reports* include feature articles describing current trends in university and college practice in the US as well as perspective articles of various sorts.

We digitized all available issues of both periodicals from 1960 until 2010. We then searched our complete digital files for articles in which terms related to “intellectual property,”⁴ “consumer,” “product” and “strategic planning” were used. We selected these terms in order to capture each of the three areas into which members of the higher education field often think about academic life. Intellectual

¹ Later named *Trusteeship*.

² In selecting these two periodicals, we informally surveyed a group of university vice provosts and other mid-level academic administrators nationwide who participate in an informal national network. We asked what they regularly read and what those for whom they work regularly read to keep up with news, ideas, and changes in higher education. These two periodicals came up as consistent choices among our informal sample. While our two magazines have limits as evidence, they do provide insight into what academic leaders were thinking and talking about between 1960 and today.

³ Both magazines encourage unsolicited manuscripts, although surely the editors seek particular perspectives as well. Editorial policies at the magazines undoubtedly affect article content, but this usefully permits us to capture the perspectives of two leading organizations of academic leaders.

⁴ To complement our search for “intellectual property,” we also searched for “patent,” “royalties,” “licensing,” and “technology transfer,” and our measure in the section devoted to intellectual property combines all of these codes.

property, in particular, is a central focus in discussions of the commercialization of scientific research. Beyond academic science, many contemporary analysts (see Washburn 2006; Tuchman 2009) point to the widespread and/or increasing characterization of students as consumers and education as a commodity as indicators of the commercialization of higher education, and we wanted to see how, when, in what context, and with what degree of legitimacy the consumer and product identities were used in two periodicals which aim to capture the concerns of and debates between academic leaders. Finally, we selected the term strategic planning because discussions about the uncritical and potentially damaging use of administrative practices from business in institutions of higher education are beginning to emerge among analysts (see, e.g., Tuchman 2009; Shore and Wright 2000).

Our search produced 332 articles referencing the identity “student as consumer,” 223 referring to “education as product,” 274 discussing strategic planning, and 64 articles considering intellectual property. We examined how the collection of all authors used the terms throughout 1960–2010 period with a keen eye towards the prevalence of legitimate or illegitimate use within the community of writers.

To code for legitimacy, we assigned each article to one of three possible categories: legitimate, uncertain, illegitimate.⁵ The category *legitimate* includes articles that identify students as consumers or education as a product in a commonsensical manner or which invoke the terms strategic planning or patenting commonsensically. Such articles may simply call students consumers without justifying this equation or explicitly point to the virtues of calling students consumers or education a product without defending these virtues.⁶ Similarly, we code strategic planning and patenting as legitimate when the merits of their use in higher education are unarticulated or assumed by the author. The category *uncertain* include articles where the author expresses hesitancy about a given identity (student-as-consumer, education-as-product) or practice (patenting, strategic planning).⁷ Finally, the category *illegitimate* is the reverse of the legitimate code. Here,

⁵ Important distinctions exist within the legitimate category and within the illegitimate category. Our original coding scheme reflected these distinctions and had five categories instead of three. Thus, on the legitimacy side, for example, we distinguished between cases where authors called student consumers in a way that suggested that the identity was common sense both to the author and the reader and where authors explicitly advocated for the identity, suggesting that student as consumer was legitimate to the author but not necessarily to the audience. We ultimately decided to collapse these distinctions creating one legitimacy category. There were simply too few cases to use these distinctions meaningfully.

⁶ A good quotation demonstrating a legitimate orientation is as follows: “the bottom line is that it’s hard to identify an industry other than higher education that has as many satisfied customers but is as reluctant to talk about outcomes in concrete terms” (Ward and Hartle 2003: 11).

⁷ A good example of an uncertain or tentative orientation is as follows: “Because students make payments to the institution, one is tempted to compare them to the customers of a business corporation. To some extent students are the consumers and purchasers of a service or “product” - i.e., knowledge and skills - offered by the university. But the comparison must end here, for unlike customers students are themselves one of the “products” that the university offers. There is no parallel to this group in business, just as there is no parallel in business for the tenuous control of university management over its faculty” (Besse 1972: 14).

authors explicitly challenge the identity or practice under discussion, asserting it is inappropriate, bad, or problematic to use it in a higher education context.⁸

We focus on the extent and legitimacy of broadly commercial or business-oriented identities and practices because we see these as a measure of the degree to which the broad *culture* of US higher education is being commercialized. Indeed, if authors broke with the past and increasingly and uniformly referred to students as consumers or to education as product this would mark a substantial cultural shift. Such a change would indicate a fundamental restructuring of the relationship between students, professors, and the university as a whole. Similarly, moving from a period in which strategic planning in university settings was not discussed in our periodicals or was widely viewed as a problematic tool in higher education to widespread and legitimate descriptions of strategic planning in universities and colleges could indicate a significant turn towards the use of a practice drawn from the business world to higher education. Importantly, this approach allows us to consider both *history* and *prevalence*.

The Commercialization of Learning

We first look at the commercialization of learning and teaching by examining the identities *student as consumer* and *education as product*. Some new institutional research suggests that universities worldwide have a consistent, uniform set of identities into which students are cast (Meyer et al. 2007). A leading structural account of the transformation of higher education suggests that changes in federal policy have prompted the treatment of students as consumers (Slaughter and Rhoades 2004). Our data fails to lend support to either of these claims. Instead, our publications suggest there is not a uniform, straightforward trend toward increasing commercialization in the learning component of higher education. Several points are immediately apparent from our data. First, there is a significant substantive difference across our two periodicals in the patterns of the relative legitimacy and illegitimacy of the ideas of student-as-consumers and education-as-product. Second, there is variation across time in the relative legitimacy of the students-as-consumers and education-as-product identities in our periodicals. Third, authors from different occupational positions within the higher education have different senses of the legitimacy of calling students consumers and treating education as a product. Finally, our data suggest that during different periods, even where authors view treating students as consumers as a legitimate characterization, authors deploy the depiction in different ways and toward different ends.

⁸ A good example of an illegitimate orientation to students as consumer is the following: “the slogan ‘the customer is always right’ is absolutely inapplicable to the situation. Undergrads are not customers and colleges are not merchant markets. The student does not bring to the choice of an academic program the experience that guides a mature purchaser of material goods. The college catalog can give no precise analysis of its offerings and can furnish no guarantees. Education is not a commodity that can be measured out and bought by the pound or the yard” (Distler 1964: 114).

Variation Across Periodical

Comparing our two periodicals, we see a substantial difference in the use of student-as-consumer and the education-as product portrayals across our entire period (see Table 1). Turning first to students as consumers, between 1960 and 2010, authors writing in *Liberal Education* invoked the code 121 times. Of these, just over half of all articles (52%) employed the identity consumer in a legitimate way. The remaining articles (48%) either questioned the appropriateness of this characterization or were uncertain about this identification. By contrast in *AGB Reports*, consumer was commonsensically used to identify students 89% of the time from 1960 through 2010.⁹ In sum, throughout our period, student-as-consumer has a high level of legitimacy among authors writing in *AGB Reports*, but this identity is more contested across our period among authors in *Liberal Education*. Authors writing in *Liberal Education* do, indeed, characterize students as consumers, but a substantial number of authors do not agree with this identification.

Like student-as-consumer, when we look across the entire period (1960–2010), authors writing in *AGB Reports* are more likely than those in *Liberal Education* to treat education-as-product as a legitimate formulation.¹⁰ 69% of authors writing in *AGB Reports* treated the idea that education is a product as legitimate. In *Liberal Education*, 48% viewed the notion of education-as-product positively, suggesting some real contestation among authors in this periodical.

Now, there are several reasons to expect variation between these periodicals, many of which we address in our methods discussion. To begin with, the periodicals speak to different audiences, and the audiences probably read these periodicals seeking different things. While the 1,200 members of the AAC&U, the publisher of *Liberal Education*, cover the range of institution sizes and orientations, the organization was founded with, and retains, a commitment to advancing liberal arts education. The magazine speaks to supporters of liberal arts education, and one can envisage how advocates of a non-occupationally oriented undergraduate education would express particular skepticism about treating education like any other commodity. While AAC&U sees itself as an institution for the fortification and development of liberal education, the AGB aims to advance the interests of academic governing boards, campus chief executives, and high-level academic administrators. One can imagine how concern for the bottom line might figure as a more prominent concern for members of this association than for AAC&U. Moreover, one might expect, given their respective roles in institutions of higher education, that faculty authors would be more likely to question the student-as-consumer identity or the idea of education as a product than members of governing boards. During our period, 36% of the authors for *Liberal Education* were faculty

⁹ A Chi Square test demonstrates that there is a relationship between and legitimacy category (chi-square=52; df=2; p<0.01). Writers in *AGB Reports* were more likely than writers in *Liberal Education* to identify students as consumers.

¹⁰ A Chi Square test demonstrates that there is a relationship between periodical and legitimacy category (chi-square= 13.49; df=2; p<0.01). Writers in *AGB Reports* were more likely than writers in *Liberal Education* to identify education as product.

Table 1 Periodical comparison

	Legitimate	Uncertain	Illegitimate
Students as consumers			
Liberal education	63 (52%)	12 (10%)	46 (38%)
AGB reports	147 (89%)	8 (5%)	10 (6%)
Education as product			
Liberal education	57 (48%)	14 (12%)	31 (26%)
AGB reports	87 (69%)	21 (17%)	13 (10%)

members. Only 1% were members of governing boards. Faculty make up 14% and governing board members 12% of the authors of *AGB Reports*.

Interestingly, while these two codes seem similar in the ways in which they reflect the movement of commercial-oriented language to a realm often thought of as outside the market, the taken-for-granted virtues of treating education as a product is not as strong in either journal as it is for student-as-consumer. The difference between the two codes is more substantial in *AGB Reports*. Education-as-product is treated as legitimate 69% of the time in *AGB Reports*, while student-as-consumer is treated as legitimate more frequently, in 89% of all instances. It is not clear how to interpret this difference. One possibility, however, is that for some authors student-as-consumer is simply about treating education as a commodity (which is perhaps the case, by definition, when education is seen as a product), for others the student-as-consumer formulation is a statement about offering students value for money. Thus, two different perspectives on student-as-consumer might very well bolster the percentage of the time the formulation is viewed as legitimate when compared to education-as-product.

Variation Across Time

While authors' use of the student-as-consumer and education-as-product codes varies across periodicals for the period as a whole, their usage also varies across time.¹¹ When writing in *AGB Reports*, authors employed the identity student-as-consumer legitimately no less than 75% of the time in each decade after the 1960s. By contrast, as Table 2 reveals, the proportion of writers in *Liberal Education* who take the equation of students with consumers as legitimate varies considerably moving precipitously downward from 78% in the 1960s to 66% in the '70s and 50% in the 1980s. The figure jumps to 53% in the 1990s, falling to only 29% in the 2000s, the period characterized by many as the apex of academic commercialization. And even though the trend line is relatively flat for *AGB Reports*, the drop between 84% in the 1970s and 76% in the 1980s with a rebound to 88% in the 1990s is substantively significant.

While the pattern in the relative legitimacy of education-as-product does not perfectly echo the trend for student-as-consumer across the five decades we explore,

¹¹ Given the nature of our data, we are not in a position to assess statistical significance.

Table 2 Period comparison

	1960s	1970s	1980s	1990s	2000s
Student-as-consumer					
Liberal education					
Legitimate	7	23	15	10	8
% Legitimate	78	66	50	53	29
Uncertain	1	3	2	3	3
% Uncertain	11	9	7	16	11
Illegitimate	1	9	13	6	17
% Illegitimate	11	26	43	32	61
AGB reports					
Legitimate	5	41	35	53	38
% Legitimate	63	84	76	88	81
Uncertain	2	7	2	4	5
% Uncertain	25	14	4	7	11
Illegitimate	1	1	9	3	4
% Illegitimate	13	2	20	5	9
Education-as-product					
Liberal education					
Legitimate	13	23	10	5	6
% Legitimate	68	72	42	56	33
Uncertain	3	3	6	1	1
% Uncertain	16	9	25	11	6
Illegitimate	3	6	8	3	11
% Illegitimate	16	19	33	33	61
AGB reports					
Legitimate	4	24	21	22	16
Legitimate	67	77	78	71	62
% Legitimate	2	4	1	9	5
Uncertain	33	13	4	29	19
% Uncertain	0	3	5	0	5
Illegitimate	0	10	19	0	19

there are certainly parallels. The vast majority of all of our cases of education-as-product in *AGB Reports* are taken as legitimate, and the percentage of cases where the code is treated as legitimate is relatively stable across all five decades. A broadly declining trend in the legitimate use of education-as-product in *Liberal Education* again roughly parallels the trend for the student-as-consumer code. That said, there are differences in the trends across time for our two codes. Worth noting is the decline in the percentage of cases in which education-as-product is treated as legitimate by *AGB Reports* authors between the 1980s and the 2000s. Whether this is an aberration or not, we cannot say with certainty. There is no increase in the percentage of cases where the code is treated as illegitimate across these three

decades, but there is fluctuation in the percentage of cases in which authors take the legitimacy of the education-as-product code to be uncertain. When viewed in tandem with trends for both student-as-consumer and education-as-product in *Liberal Education*, the decline in the percentage of legitimate cases in which education-as-product is used in *AGB Reports* may suggest that a period many see as the pinnacle in the commercialization of higher education may, in fact, be highly unsettled.

Variation Across Author

While the use of student-as-consumer and education-as-product varies across periodical and time, there is also some variation by author type (see Table 3). Of the authors in *AGB Reports*, there is considerable variation in the percentage who treat the student-as-consumer formulation as legitimate. 69% of cases of professor-authored work identify students as consumers in a legitimate way, whereas 73% of administrators' articles take this perspective. Trustees characterize students as consumers in a legitimate way 74% of the time, while authors working for non-profit organizations accept the legitimacy of the formulation 90% of the time. A smaller percentage of professors writing in *AGB Reports* treat education-as-product as legitimate (57%), but a similar percentage of administrator-authored articles do so. Interestingly, across three categories of authors in *AGB Reports* (professor, non-profit, and private sector), education-as-product is treated as legitimate a smaller percentage of the time than is student-as-consumer. Not surprisingly, *Liberal Education* authors across the board, where there are more than a few total references by author category, are less likely to accept the legitimacy of the student-as-consumer and the education-as-product codes than *AGB Reports* authors. Only about half of professors and administrators in *Liberal Education* view these formulations as legitimate.

By combining all cases from both journals, we can test the significance of the relationship between legitimacy code and author category. We did not have enough cases of each author category to test the statistical significance of the relationship between all author categories, but we were able to undertake a Chi Square test for some author categories (see Table 4). When combining all authors from both journals for student-as-consumer, we found there is a relationship between author category and legitimacy coding for administrators, professors, trustees, and writers from nonprofit organizations (chi-square= 8.83; df=3; p= 0.032). Writers from nonprofit organizations were more likely than administrators, professors, and trustees, to identify students as consumers legitimately. Trustees were more likely than administrators and professors to call students consumers, and professors were less likely than all other authors to identify students as consumers.

The pattern is similar for education-as-product when we compare administrators to professors and authors from nonprofits (chi-square= 1.55; df=2; p=0.46). Authors from nonprofit organizations are slightly more likely than administrators and professors to characterize education as product. One can certainly imagine that professors' professional socialization would lead them to view higher education as

Table 3 Author variation

	Administration	Government	Student	Professor	Nonprofit	Government	Student	Private sector	Higher Ed consulting	AGB author	Journalist
Student-as-consumer											
AGB reports											
Legitimate	40	3	1	18	35	17	5	17	7	7	7
% Legitimate	73	75	100	69	90	74	100	89	100	100	100
Uncertain and illegitimate	15	1	0	8	4	6	0	2	0	0	0
% Uncertain and illegitimate	27	25	0	31	10	26	0	11	0	0	0
Liberal education											
Legitimate	17	1	4	17	6	1	1	0	0	0	3
% Legitimate	50	100	100	46	50	100	50	0	0	0	100
Uncertain and illegitimate	17	0	0	20	6	0	1	0	7	7	0
% Uncertain and illegitimate	50	0	0	54	50	0	50	0	100	100	0
Education-as-product											
Liberal education											
Legitimate	15	18	18	6	6	0	5	2	0	0	2
% Legitimate	50	51	67	67	67	0	100	67	0	0	22
Uncertain and illegitimate	15	17	17	3	3	0	0	1	0	0	7
% Uncertain and illegitimate	50	49	49	33	33	0	0	33	0	0	78
AGB reports											
Legitimate	27	8	8	13	3	3	0	12	18	18	3
% Legitimate	73	57	57	65	100	100	0	75	90	90	60
Uncertain and illegitimate	10	6	6	7	0	0	0	4	2	2	2
% Uncertain and illegitimate	27	43	43	35	0	0	0	25	10	10	40

Table 4 Author differences (2)

	Nonprofit	Trustee	Administrator	Professor
Student as consumer				
Both journals combined				
Legitimate	41	18	57	35
% Legitimate	80	75	64	56
Uncertain and illegitimate	10	6	32	28
% Uncertain and illegitimate	20	25	36	44
	Nonprofit	Administrator	Professor	
Education as product				
Both journals combined				
Legitimate	19	42	26	
% Legitimate	66	63	53	
Uncertain and illegitimate	10	25	10	
% Uncertain and illegitimate	34	37	47	

appropriately operating according to a non-market logic (Bourdieu 1988; Jacoby 1987) whereas administrators and trustees who regularly interact with the commercial world would likely see importing commercial culture into higher education as unproblematic.

Variation in Deployment

Complicating the picture we have painted so far, terms are not always used in the same fashion or toward the same ends. While in our reading, we found little variation in the way in which the education-as-product code was used across fifty years, two somewhat different relationships to the student-as consumer identity are apparent among the authors in our periodicals. In many cases, authors exhibited what we might see as a straightforward business-oriented understanding of consumers. Here, professors are producers, education is a product, and students are consumers. An unambiguous commercial relationship exists between students and the university much the same way that a commercial relationship exists between retail businesses and ordinary consumers. For example, one writer notes in *Liberal Education* that it is difficult for a “potential consumer” to “really be sure whether a degree in mathematics from Grinnell College is worth more than a degree in physical education from Haverford” (Oliphant 1969: 485).

Writers involved with the US consumer movement accepted consumer as a market category, but deployed the term differently than those writing before or after the movement arrived on the scene. The consumer movement, emerging in the wake of Ralph Nader’s *Unsafe at Any Speed* published in 1965, argued for consumer protection and the recognition of consumer rights. Here, government protection is required because large corporations are inhibiting the transparency on which

markets depend and the large size of corporations undermines the rules of the market according to which buyers and sellers meet on a level playing field. Clearly anti-corporate, but not anti-market or anti-capitalist, this movement promoted the protection of consumer rights through the 1972 creation of the US Federal Consumer Product Safety Commission and was behind the creation of Nader's advocacy group, Public Citizen, in 1971.

Variants of a consumer movement or consumer protection use of the student-as-consumer code appear in some of our cases from 1972 through 1981. Authors writing in *Liberal Education* during the 1970s produced 35 articles that employed student-as-consumer. Of these, roughly 20% (n=7) discuss consumer protection and/ or the consumer movement. All of these were in the legitimate category. There is also one article that discusses the consumer movement in 1981. Authors writing for *AGB Reports* produced 49 total articles in the 1970s that include student-as-consumer. Of these, roughly 28.5% (n=14) discuss the consumer movement and/ or consumer protection. Only four of these appear explicitly about the consumer movement. The bulk are about consumer protection, guaranteeing the rights of students as consumers. Only two of these 14 were something other than legitimate. In sum, roughly one-quarter of all uses of the student-as-consumer code in the 1970s are not the standard business use, but deploy the code in a consumer movement fashion.

The consumer movement characterization of students fades by the 1980s. However, if a business-oriented notion of students-as-consumers is the meaning that characterizes authors' discussions from the 1980s forward, many authors challenge this formulation. In *Liberal Education*, from 1980–81 the total number of mentions of student-as-consumer drops, and as we noted above, by the 2000, only 24% of mentions take the student-as-consumer characterization to be legitimate or common sense. Writers in this periodical push back against the formulation of student-as-consumer, as this term becomes associated with business and marketing as against consumer rights. Thus, for example, writing in *AGB Reports* in 1981, one author describes his "nightmare scenario" (Baldrige 1981). In it, he says higher education becomes highly centralized with "presidents as middle managers, faculties as unionized employees and students as customers who flow in and out of the system on a part-time basis." In *AGB Reports*, the legitimacy percentage drops in the 1980s, rising again in the 1990s and 2000s; in these later decades, the formulation has a clearly business-oriented signification. Two authors writing in 1991 describe a growing movement to create "consumer-focused culture" in higher education (Meyerson and Johnson 1991). Another suggests that strategic planning and employee involvement can "help administrators and trustees identify emerging trends and their implications, threats, opportunities, and consumer needs" (Sellars 1994); emphasis added). And, indeed, this is what critics of commercialization are resisting. One *Liberal Education* author writing in 1993 describes the situation this way:

Penetrating that slippery shell of student complacency is a challenge for any instructor in any subject, particularly as both students and the educational system become increasingly enamored of the "consumer education" idea which, effectively, shoves everything from philosophy to physics on the store shelf right next to a Levis and lipstick (Harvey 1993: 40).

The use of the identity “consumer” by the consumer movement complicates our story. There is no doubt that the term “consumer” used in these cases invokes a market-based approach to education, even when it is used in support of consumer movement-type goals. However, the use of consumer by consumer movement supporters and consumer protection advocates is not identical to a more standard business usage. Indeed, it is likely that some authors who accepted the legitimacy of the code in the 1970s would have challenged it in, for example, the 2000s. The consumer movement invoked consumers as a way of correcting distortions in the market. The prior and more recent conceptions of student as consumer lack this critical edge. In these cases, the education consumer is viewed as an individual with private interests interacting with an organization that must strive to meet her demands. The question is whether the use of consumer by the consumer movement involves an incursion of commercial values into the university. We argue it does, since the consumer movement is, at least in part, rooted in acceptance of market principles and logics.

During the half-century we explore, then, we see that the framing of students-as-consumers and education-as-a-product have complicated histories. We find variation in the extent of use and legitimacy across time, periodical, and category of author. In addition, we document variation in how the authors deploy the student-as-consumer formulation. Thus, if we were to use the student-as-consumer and education-as-product identities as the sole measures of commercialization of higher education, it would not be possible to make a bold and blanket statement of the type made by many of authors writing recently on the topic. By this measure, we see the spread of commercial culture into US higher education and its legitimacy as uneven and contradictory.

Business and Academic Administration

We next look at the adoption of business practices by university administrators, focusing on strategic planning. While consumer and product can be characterized as identities, strategic planning is a practice. Strategic planning, as a means of determining the direction in which an organization aims to move over an extended period and how resources should be allocated to reach these goals, clearly comes from the private sector, where it became common in the mid-1960s (Birnbaum 2000).

Birnbaum suggests that some academic institutions were using strategic planning as early as 1972, but that the idea came to prominence in higher education in the 1980s (Birnbaum 2000: 67). We see strategic planning appear in *AGB Reports* first in 1976, and mentioned in *Liberal Education* initially in 1980. Its use is quite limited in our periodicals until 1986, and from there we see a relatively consistent upward trajectory in *AGB Reports* until 2010. Strategic planning is quite different than student-as-consumer and education-as-product in our two magazines. While mention of students cast as consumers and education described as a product is found at the very beginning of our period and is seen consistently throughout the fifty years covered by our study, strategic planning does not make the transition from the business world into our periodicals until the mid-1970s. While the legitimacy of framing students as consumers and education as a product is regularly questioned in

AGB Reports and *Liberal Education*, throughout the fifty years we explore, from its first introduction, strategic planning's use in higher education is largely seen as appropriate or useful. Its value is taken for granted, and there is little sense that strategic planning interferes with the traditional mission of higher education. To the contrary, most authors who speak explicitly of strategic planning see it as facilitating the mission of higher education.

Of the nearly 250 articles where the practice is discussed in *AGB Reports* and *Liberal Education*, fewer than 10 articles question the value of strategic planning. Not surprisingly, discussion of strategic planning is less frequent in *Liberal Education*, but the trajectory is upward, with 1 article in 1980, 4 articles between 1984 and 1989, 18 between 1990 and 1999, and 26 in the 2000s. The concept appears with greater frequency in *AGB Reports*. We see the idea 24 times in the 1980s, 74 in the 1990s, and 118 in the 2000s. The usage climbs especially steeply between 2004, when it appears in *AGB Reports* 5 times and 2007 where it is mentioned in 20 articles (see Table 5).

Although they are exceedingly rare, the critical references to strategic planning are worth noting. The first critical comment appears in 1982. The author comments that universities are now devising strategic plans and other practices from the business world, and he contends that "Colleges would be ill-advised to ape the once standard and now questionable practices of American management" (Chait 1982). This author offers a broad critique of the use of business practices in higher education, and he mentions strategic planning among a list of business practices used in university settings; however, he does not offer a specific critique of strategic planning.

In 1988, an author specifically singles out strategic planning for criticism. James Fisher contends that "Planning has its place in higher education," but, according to Fisher, "planning in higher education has become overemphasized, under reviewed, and too often, a time consuming excuse for inaction" (Fisher 1988). This author does not offer a wholesale rejection of strategic planning, but suggests that readers be circumspect in its use. Writing in 2001, Rita Bornstein takes this position a step further. She contends that, along with other business practices that have found their way into higher education, strategic planning has produced "meager results" (Bornstein 2001).

Turning to the legitimate cases of the use of the strategic planning code in higher education, we identify four broad categories of articles suggesting increased institutionalization across time. Early discussions of strategic planning amount to "How to" articles for various steps which institutions need to consider when completing strategic plans. Although rare, these articles point to a period when strategic planning was still quite new for many members of the university community.

"How to" articles essentially disappeared after 1999. Running parallel and beyond "how to" articles were "things to consider," articles. Unlike the most basic "how to" piece, which might assume that readers have not conducted a strategic planning exercise or, at a minimum, need some specific detail in how to undertake strategic planning, here, authors assume that readers are already undertaking strategic planning work. As such, these articles suggest that strategic planning was becoming ever more a part of university life.

From 1990 forward, we see a substantial number of articles in which case studies are discussed (in the neighborhood of a quarter to a third for most 5 year periods); mostly,

Table 5 Strategic planning in higher education

	1960s	1970s	1980s	1990s	2000s	Total
AGB reports						
Legitimate	0	2	24	74	118	218
Uncertain	0	0	0	1	0	1
Illegitimate	0	0	2	1	2	5
Liberal education						
Legitimate	0	0	5	18	26	49
Uncertain	0	0	0	0	0	0
Illegitimate	0	0	0	0	1	1

these describe successful planning efforts, but occasionally efforts to understand failures are published. Often articles on specific cases are, in part, testimonials to the virtues of strategic planning or the benefits of the particular institution's plan.

Finally, from 1995 forward, the majority of all references to strategic planning appear in articles where the topic is something other than strategic planning. The term receives a mention in the context of broader issues; generally, these are administrative or governance matters, but occasionally strategic planning appears in a vastly broader discussion of educational issues. While in its early history authors debated how to use strategic planning, here strategic planning is an unquestioned tool for solving multiple other problems. This suggests that strategic planning has become a taken for granted part of the university life.

While the student-as-consumer and education-as-product codes are never completely legitimate as measured by our coding scheme, in our magazines the term strategic planning follows a relatively smooth and undramatic trajectory. It enters discussion from the world of commerce initially in the 1970s, offering promise at a time when its virtues were already being questioned among business analysts. Despite concerns about its usefulness in the business realm, strategic planning took on an air of legitimacy in higher education from the beginning. The questions that a few authors raise do not suggest that strategic planning brings inappropriate business norms into higher education. Generally, while many authors recognize the business roots of strategic planning, they see it as a means to do what higher education does more effectively. Undertaking strategic planning does not require an institution behave like a business.

Commercial Influences on Academic Research

Lastly, we move to the commercialization of research through a look at intellectual property. As mentioned, patenting and related issues have received substantial attention from researchers interested in legitimacy. For example, Colyvas and Powell argue that patenting has a strong regulatory foundation in the form of federal laws and a strong institutional foundation in the form of widespread technology transfer offices. Colyvas and Powell also document the cultural legitimacy of

patenting at Stanford University. We complement these analyses by considering the cultural legitimacy of intellectual property within the wider university community and by comparing the legitimacy of intellectual property to the legitimacy of other commercial developments.

Certainly, it is the case that intellectual property protection has increased in US higher education since the last quarter of the 20th century. US university patents have climbed steadily from under 500 in 1975 to under 1,000 in the late 1980s to nearly 3,500 at the turn of the millennium. That said, only a small portion of American scientists have actually pursued patents (Colyvas and Jonsson 2011). Patenting has clearly been institutionalized within federal policy and through formal university structures, but are intellectual property pursuits considered legitimate in university settings? (Table 6)

For this analysis, we searched for the following terms related to intellectual property—“patent,” “intellectual property,” “technology transfer,” “royalties,” and “licensing”—and combined them into a single measure. We see widespread support for intellectual property and a few cases of opposition. From the first appearance of discussion, criticism of intellectual property appeared in only 12% of those articles that discussed this topic. Authors first criticized intellectual property practices in 1983 by characterizing it as a “straight jacket,” which prevents the free flow of information (Cleveland 1983). Several of the very few other criticisms focus on how intellectual property protection is part and parcel of a larger change to the culture of higher education. Thus, writing in *Liberal Education* in 2002 Benjamin Barber contended that:

In our universities and colleges, scientists are now selling patents and making deals that the research they do will benefit not humanity and their students, but the shareholders of corporations, and so their research will otherwise be kept private. These practices change the nature of knowledge and information. They privatize, making research a part of commercial enterprise. That’s the kind of bargain we have made with our colleges and universities. We hope that somehow the faculty will remain insulated from it. We hope the students won’t notice, but then when they’re cynical about politics and about the administration, and cynical about their own education, and when they look to their own education as a passport to a hot job and big money—and nothing else—we wonder what’s going on with them. But of course students see everything; they have noses for hypocrisy (Barber 2002: 26).

Beyond this kind of critique, we did see a case that resists patenting not because it threatens academic culture, but because an open source approach to technology development is more likely than intellectual property protection to promote innovation (Duguid 2001). Opposition within the university community was also suggested by this author who gives advice on negotiating the chasm between “those who think universities should own and commercially exploit patents and those who think technology transfer has the potential to conflict with an institution’s academic mission” (Remington 2002: 18). Finally, opposition to patenting is highlighted by an author who mocks critics of intellectual property practices by satirizing their

Table 6 Patenting of academic research

	1970	1980	1990	2000
AGB reports				
Legitimate	2	8	11	30
Uncertain-illegitimate	0	1	0	4
Liberal education				
Positive	0	0	0	4
Uncertain-illegitimate	0	0	0	4

position (Trachtenberg 2008: 24). Noticeably, supportive authors did not find it necessary to respond to criticism until 2008.

Seeking intellectual property protection for the products of academic research is justified in a number of ways. Some articles suggest that patents can provide institutions new revenue sources in the face of cuts in other areas (e.g. Goldstein 1987). One author contends that patenting can “contribute to the nation’s resurgent competitiveness...” (Jackson 2001: 5). And writing in 2003, Harvard President Derek Bok argued that “Because universities are chronically in need of funds, such [patenting] opportunities are extremely tempting. Some of them are not only lucrative but are in the public interest” (Bok 2003: 9). In all, advocates assert that patenting can provide benefits to the academic community and are not simply a matter of advancing commercial private interests.

Turning to the historical development of legitimacy, we see that early supporters appeared to struggle with the meaning of intellectual property. For example, one author supports patenting activities but is very tentative about labeling intellectual property “property.” He also sees the need to remind readers of the virtues of patenting, suggesting that it is not completely taken for granted:

Remember also that the “property” that becomes the center of an alternative financing approach need not be a piece of land. It could be intellectual property, the rights to a discovery by a faculty member, or the use of a specialized facility. Indeed, some of the most valuable “property” controlled by an institution is *not* the land it is build on, but the *intellectual property* that is constantly being generated by its faculty and researchers (Goldstein 1987: 30).

Similarly, one article discussing the top 10 concerns for trustees in 1988 listed intellectual property in quotation marks, which again suggests some uncertainty on the part of supporters (Meyerson 1988).

Beyond these quotations, intellectual property is largely treated as legitimate. Most articles discussing patenting rarely question whether intellectual property protection should be pursued. In fact, the issue of whether patenting is a good or bad thing is largely unexplored, except in the few critical articles. If the goal of intellectual property protection is taken for granted, our data suggest that the implementation of patenting is not. Indeed, most articles discussing patenting amount to *how to* discussions of one or more challenges to patenting activities. Among other things, authors discuss, conflict of interest questions surrounding licensing (e.g. Bernard

2010), whether trustees should acquire specialized counsel for issues such as patenting and copyright (Grier 1986), and how to negotiate royalties for technology transfer agreements (AGB Reports 1998). Broadly speaking, a close reading of the articles in our data set suggests that the *goal* of patenting is legitimate and taken for granted. On the other hand, authors continue to wrestle with the *implementation* of this goal, which suggests that patenting is not a completely taken for granted practice within the university.

Conclusion

Business norms and practices have spread into numerous domains of public life, and, as many have noted, higher education is no exception (e.g. Jurik 2004; Slaughter and Leslie 1997; Tuchman 2009; Washburn 2006). We should not, however, be satisfied with that broad and general claim. It is important to know whether the emergence of private sector identities and practices in US higher education is a new phenomenon and whether commercial identities and practices have spread and become more legitimate in higher education over the past half century. Furthermore, it is important to understand whether the spread of commercial identities and practices in higher education are equally embraced or rejected across the three spheres of research, education, and administration.

Our measures of commercialization are certainly imperfect. However, they begin to capture the complexity of the relationship between the world of commerce and the domain of higher education. Our data suggest that not all commercial influences are identical with one another and that their meanings, impacts, legitimacy, and ubiquity are varied and uneven across the three domains in higher education commonly recognized by faculty and staff who work in universities and colleges.

We first look at student-as-consumer and education-as-product. This data suggests that commercial inflections in academic culture are not new. “Consumer” and “product” are certainly identities from the commercial world, and we see them deployed in legitimate ways in higher education from the beginning of our period. The story for student-as-consumer is complicated, furthermore, because the use of the term does not always reflect precisely the same orientation. Finally, although the student-as-consumer formulation’s legitimacy appears to have grown in recent decades in *AGB Reports*, its status is not a matter of settled culture, and it continues to face challenges. Equally, the framing of education as a product is not fully accepted. Indeed, in *Liberal Education*, our measure of *illegitimacy* has grown from 16% in the 1960s to 61% in the first decade of the new millennium. Thus, our data on student-as-consumer and education-as-product suggest a more complicated picture than the image of higher education moving in an increasingly and unequivocally commercialized direction.

Next, we examined the adoption of a business practice, strategic planning. Here, it is not at all clear that the vast array of institutions that undertake strategic planning exercises are doing the same thing, and there is no reason to believe from our data that doing strategic planning requires colleges and universities to adopt commercial norms in fulfilling their missions. Indeed, one might argue that strategic

planning reflects a broad administrative logic, not a commercial orientation. Certainly, there are practices that have migrated from business to higher education and that alter the practices of actors in university settings and change the culture in business-oriented ways (see Shore and Wright (2000) on audits), but strategic planning does not appear to be of that variety.

Finally, we examined discussions of intellectual property in our magazines. Tentatively, we would conclude that while our data suggest that intellectual property protection is legitimate among authors and readers of the two magazines, the small number of discussions by comparison to discussions of student-as-consumer, education-as-product, and strategic planning suggest that the influence of intellectual property in commercializing academic culture is probably rather limited.

Noticeably, these three dimensions of commercialization were not received in the same manner. Patenting and strategic planning were embraced as legitimate almost immediately within our data. Indeed, these two practices faced little resistance suggesting that they posed little challenge to the institutionalized cultural frame of the university. On the other hand, the notions of student-as-consumer and education-as-product received substantial pushback, suggesting that these commercial identities strike at the heart of what it means to be a university.

We hope future research will fully explore *why* some commercial developments are more readily adopted by universities than others. However, we can offer some initial speculation. We believe that early supporters of patenting were able to characterize this practice as lending support to the general mission of the university. Part of this likely involved characterizing the financial dimensions of patenting as something other than crude commercial profit. For example, supporters in our data characterized patenting as reinforcing academic freedom, national competitiveness, and the public good.

Turning to the issue of strategic planning, we see this practice as being sufficiently flexible to serve the broad university mission without necessarily threatening that aim. It is also a practice that business oriented trustees would likely embrace. At the same time, this practice was in many ways a few levels removed from the day-to-day life of professors who might be especially likely to resist clearly business practices. Alternatively, professors may not object to strategic planning because it reflects an administrative logic not inherently at odds with the culture of higher education.

Student-as-consumer and education-as-product appear to have a different character. While patenting and strategic planning can fit within established university missions, the ideas of student-as-consumer and education-as-product appear to threaten what it means to be a university. They suggest that the relationship between student and professor has become one of commercial exchange, that universities are no longer oriented towards the public good, and that external business constituencies have usurped faculty prerogatives. Indeed, both identities appear to encapsulate multiple anxieties surrounding the ever-changing university.

In all, our research begins to suggest that what many call “the commercialization of the university” is a complicated, uneven, contradictory, and contested phenomenon. Significantly, it may not be a single process or outcome, but many. By some measures, the world of American higher education broadly speaking now resembles the private

sector more than it did a decade ago, and the use of business practices in universities and colleges is viewed as legitimate. Other measures would surely suggest that US universities and colleges have had a commercial character for many decades, and still others suggest that similarities between these worlds are limited. Indeed, if we are to continue to use the word commercialization, it might be more accurate to describe such changes as the *commercializations* of the university. We could go a step further, replacing the label “the Commercial University” with the moniker “the *Unevenly Commercialized University*.”

The “Unevenly Commercialized University” label brings to mind an understanding of university culture and change that suggests the possibility of the ongoing existence of contradictions, anomalies, and hybrid logics (Kleinman and Vallas 2001; Vallas and Kleinman 2008). From this perspective, once dominant logics are not simply replaced by new logics; instead, conflicting logics can coexist for some time. Furthermore, when thinking about the incursion of commercial values into higher education, we might be just as likely see the creation of new codes and practices that simply did not exist in either domain before as we are to see one logic replace another. In terms of mechanisms, anomalies and contradictions do not necessarily serve as a instruments of change. Instead, they can become a central dimensions to an organization, providing ongoing and sometimes helpful tensions.

According to this view, university culture can be filled with tensions and contradictions, displacement and replacement; they might be uneven, and at times the status of historically divergent cultures in a single setting may be ambiguous. The merging of universities with other domains may transform previously alien identities into something new. Conflicting university identities (e.g. student-as-student and student-as-consumer) might also stay alive side-by-side for an extended period within the academic field. Such a view asks us to move beyond questions of whether something old is being replaced. Instead, we are led to imagine universities as littered with subcultures and having multiple and conflicting constituencies. We see universities not as monolithic, but as potentially taking multiple and anomalous forms. We are, thus, pushed to understand how contradictory subcultures persist and change in the academic field.

Our results fit this understanding of university culture. First, one cannot easily predict what will happen when the notion of consumer is brought into university settings. Does the introduction mean that universities will attempt to extract as much revenue as possible from students? Does it mean that students’ desires, including desires for easy courses, trump all other concerns? We find that the use of student as consumer is historically specific and can be employed for conflicting purposes. In addition, as we discuss elsewhere (Kleinman and Osley-Thomas 2014), we find that the notion of student as consumer has not replaced the notion of student as citizen. One culture has not replaced another. Instead, we see two conflicting identities existing side-by-side. One of these identities is not more stable than the other; rather what is stable is their contradictory coexistence. Such a contradiction appears to follow the conflicting pressures on higher education. On the one hand, societies ask universities to contribute to the common good, namely an educated populace. At the same time, that same society asks students to pay for education as a private good. Given these conflicting demands, the identity of university students is inherently

unstable, making it just as easy to apply the label consumer as it is to apply the label citizen.

The same might be said for intellectual property and strategic planning. Both have ambiguous valences. Both practices can serve certain goals of the university, even while they might conflict with some university norms. They can simultaneously fortify university sustainability and require universities to change themselves. Similarly, when comparing the reception of strategic planning, education as product, and intellectual property we also see an unevenness between those commercial changes that are accepted and those that are resisted.

Consistent with this perspective, our work contributes to discussions among scholars in the new institutionalist tradition of organizational analysis (e.g. DiMaggio and Powell 1983; Lounsbury 2007; Schneiberg 2007; Schneiberg and Clemens 2006; Colyvas and Jonsson 2011) by showing several things. First, while scholars now recognize that achieving legitimacy is not a straightforward process, our analysis suggests why this might be. Organizations are not monolithic. Universities have several different dimensions and aims. Among faculty and academic leaders, it is common to divide university functions between research, teaching and administration. In our investigation, we found that business codes and practices were accommodated more easily in some university spheres than others, and some codes and practices confronted less difficulty gaining legitimacy than others.

Our research also contributes to scholarly discussions about how to think about legitimacy and its relationship to ubiquity (see Colyvas and Jonsson 2011). Ours is a textual analysis, which depends on close reading in the coding of texts and shows the value of measuring legitimacy and ubiquity independently for distinct functional areas in an organizational domain. We gauge legitimacy in terms of whether a code or practice is treated as common sense by actors deploying it, on the one hand, and whether a code or practice confronts resistance from actors in the organizational field, on the other. We find that the legitimacy of introducing a logic from outside a given organizational domain is not an all or nothing matter. Thus, instead of thinking about the legitimacy of the logic as a whole, it may make more sense to think of a foreign logic introduced from outside an organizational domain as being variegated and thus potentially legitimate across some dimensions and not others. This way of thinking about legitimacy suggests that legitimacy organization-wide may often be more unstable than much of the new institutionalist literature suggests (compare DiMaggio and Powell 1983 and Vallas and Kleinman 2008).

This notion of variegation also applies to the matter of ubiquity, pervasiveness, or extent and its relationship with legitimacy. Across our period, there was not a straightforward trend toward increasing legitimacy or ubiquity. This is especially clear in the case of student-as-consumer where ubiquity and relative legitimacy move up and down across our period. Education-as-product was fairly stable in its ubiquity across our period, but it may actually have seen a decline in legitimacy over time. By contrast, strategic planning was always legitimate and became increasingly ubiquitous. Finally, while the N is small, discussions of patenting became more widespread, but the term did not become clearly more legitimate. In all, our investigation suggests a more complicated picture of ubiquity and legitimacy than much of the existing literature suggests. The uneven and

contradictory character of legitimacy and ubiquity reminds us that organizations are not monolithic, and they must be studied in their multiple dimensions.

The uneven, contradictory, and, in some areas, contested character of the commercialization of higher education we have documented does not mean that we need not worry about the adoption of norms and practices from the world of commerce in higher education. Even if the autonomous, pure, idyllic life-of-the-mind world implied by many critics of the commercialization of higher education never existed, there is, we believe, value in seeking an institutional location where some measure of space for social critique and consideration of the collective good is possible and where not all objectives—for students and faculty—are narrowly utilitarian. In periods of economic crisis (and ours is unlikely to end soon), where government support for public higher education is likely to decline, student loan debt is likely to magnify and endowment sources are unlikely to be sufficient to sustain private institutions, there is likely to be continuing pressure across the higher education field for the adoption of commercial codes and practices. Our investigation suggests that those concerned about the commercialization of higher education should take a more nuanced approach in their critiques and the actions that their criticisms dictate than has often been the case. If not all incursions of commercial codes and practices are the same, then perhaps not all merit resistance. Furthermore, our analysis suggests that some efforts to introduce commercial codes and practices into higher education may be more successfully resisted than others. This in turn implies that those who are interested in preserving the distinctiveness of higher education should choose their battles carefully. We would urge our allies in these struggles to mount well thought-out critiques and actions against those introductions of commercial codes and practices that are most likely to threaten the essential distinctiveness of higher education. We should resist commercial incursions that undermine the social critical possibilities of universities and college and that reinforce narrowly utilitarian goals. We might, thus, systematically oppose the idea that market demand should determine the programs universities offer and the way they offer them, and we might not confront efforts to introduce cost savings through, for example, programs that promote group purchases of laboratory equipment, computers, and the like. We should be directed by the idea that institutions of higher education need to do what markets cannot, not by the idea that every code and practice originating in the world of commerce is ill-suited for higher education.

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