

·专题·

在夹缝中演绎的德国高校治理

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摘要:在欧洲一体化进程与德国联邦制改革的交互作用下,高校自治在德国应运而生。以去行政化、自主性与竞争为表征的高校自治实际上助推了高校领导转向高校治理。本文以北威州颁布并实施《高校自治法》以及国立法兰克福大学向基金会大学的转制为例,梳理德国高校治理模式新进展。在高校领导层新设的高校委员会无疑是这场制度变革的枢纽,却也汇聚质疑甚或批评。问题实质在于,高校作为学术共同体,其自治的特殊性以学术自由来彰显。高校自治难免压制基层自由且颠覆学术自由。笔者认为,在高校自治与学术自由之间,高校治理总是难以左右逢源。“学术自由、科研自由、教学自由”是一根绝不可触犯的制度性底线,即便高校治理在高校自治与学术自由之间畏首畏尾地演绎。

关键词:高校治理;高校自治;学术自由;高校委员会;德国高等教育

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Higher Education Governance in Germany: Caught between University Autonomy and Academic Freedom

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Abstract: Higher education autonomy has emerged in Germany through the interplay between European integration process and German federalism reform. In fact, higher education autonomy characterized by deregulation, independence and competition promotes the transformation from higher education leadership into higher education governance. This paper takes examples of the promulgation and enforcement of North Rhine-Westphalia's Higher Education Freedom Law, as well as the transformation of the state University of Frankfurt into Foundation University, to analyze the recent development of autonomous modes of German higher education institutions. The newly installed university board at the level of university leadership is undoubtedly the hinge of this institutional reform, but also triggers concerns or even criticisms. The essence of the dispute is that university autonomy is particularly featured by academic freedom and can also suppress basic democracy or even overturn academic freedom. The author believes that higher education governance can hardly strike a balance between university autonomy and academic freedom. The principle of "Freedom of Academy, Freedom of Research, and Freedom of Teaching & Study" is an institutional bottom line that should never be broken, even if higher education governance is overcautiously deducing between university autonomy and academic freedom.

Key words: Higher Education Governance; University Autonomy; Academic Freedom; University Board; Higher Education in Germany

德国联邦大选在即(9月22日),选战正酣。据沃达丰基金会(Vodafone Stiftung)与新使命基金会(Stiftung Neue Verantwortung)今年8月联合展开的有

关教育公平的政党问卷调查,各大政党实现教育公平的举措难分伯仲,却集体规避了一个关键话题,即实现美好愿景所需预算^[1]。之所以他们对此三缄其口,因

美国教育的“黑”与“白”

——以教育视角纪念马丁·路德·金发表《我有一个梦想》50 周年

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[摘要] 恰逢《我有一个梦想》发表 50 周年,半个世纪历程能否让梦想照进现实,后种族歧视时代是否即将开启,亟待美国首位非裔总统奥巴马连任之后解答。2013 年 6 月 24 日,美国联邦最高法院对高校招生的种族倾斜即约翰逊总统 1965 年颁布的平权政策作出判决。以平权政策的司法之战与学理之辩以及对亚裔造成的误伤为主线,本文试图以教育视角审视金馈赠全人类的这份遗产。作者认为,面对三重两难困境——即种族歧视还是阶层差异、社会公平还是历史赎罪、种族多元还是文化多元,平权政策自我修正的一条有效路径是:逐渐淡化种族保护,全力强化种族融合以臻文化多元。而教育堪为利器。历史性为“黑”“白”对峙所困的美国务必推进一场“为教育而进军未来”运动,以多元并存共铸美国梦。

[关键词] 平权政策;美国教育;美国非裔;马丁·路德·金;教育领导

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2013 年 8 月 28 日,现任总统奥巴马以及前总统克林顿和卡特携手美国非裔社会各界贤达共同聚首于华盛顿林肯纪念堂门前的台阶上,纪念马丁·路德·金发表其著名演说《我有一个梦想》50 周年。该演说是对美国非裔心中美国梦的完美诠释,堪称美国非裔的解放宣言(Hansen, 2003),美国联邦调查局两天后的一份备忘录视这位非裔牧师为“来自黑人对美国的最大威胁”,因其“煽动性演讲使得其影响力超越所有黑人领袖总和”(Weiner, 2012)。

当年,马丁·路德·金便被《时代》周刊评为年度人物,翌年问鼎诺贝尔和平奖,至今仍被视作塑造现代美国的伟人(Meacham, 2013)。1999 年,美国 137 位知名公共演说学者把《我有一个梦想》列为 20 世纪最伟大的百篇演说之首(Board of Regents of the University of Wisconsin System, 1999)。如今,奥巴马连任美国总统,435 个国会议席中非裔占 42 位,与美国非裔人口比例相当,难道金的梦想真的已变成现实,后种族歧视时代即将开启?本文试图从教育视角予以解答。

一、合法性:平权政策的司法之战

平权政策(Affirmative Action,原意为积极行动)是时任美国总统约翰逊 1965 年 9 月 24 日颁发的 11246 号行政令,该令责成公共机构在少数族招聘与就业中采取积极行动充分保障其机会均等的权益,由联邦合同履约办公室(Federal Office for Contract Compliance)负责监测。其前奏是约翰逊总统 1965 年 6 月 4 日在非裔高校霍华德大学毕业典礼上发表的演说。但该概念的正式运用出现于 1961 年 3 月美国总统肯尼迪签署的第 10925 号行政命令。这项政策是 1964 年颁布的《民权法案》的具体表现,即责成接受联邦财政支持的机构对恶意种族歧视所造成的不公正后果予以矫正和补救,“不仅是寻求权利和理论的平等,而且要寻求事实和结果的平等”(Government Printing Office, 1966)。就教育而言,它的出台是继 1954 年 5 月 17 日联邦最高法院在“奥利弗·布朗诉托皮卡教育委员会案”(Oliver L. Brown v. Board of Education Topeka)中推翻联

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“Black” & “White” of the Education in the United States: A Educational Perspective on the 50th Anniversary Commemoration of Dr. Martin Luther King Jr. 's Historic Speech "I Have a Dream"

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Abstract: To commemorate the 50th anniversary of the historic speech “I have a dream”, the questions are arising: can dreams shed light on realities, and will an era of post-racial discrimination be initiated? These questions are urging to the first African-American President Barack Obama's reply after his continuance in office. On July 24, 2013, trial to Racial Preference in College and University Admissions-Affirmative Action proclaimed by President Lyndon B. Johnson in 1965-was performed in the U. S. Federal Supreme Court. Holding a cardinal line on judicial combat and academic controversy of Affirmative Action as well as caused Accidental injury to Asian-American, this paper tries to review Dr. Martin Luther King Jr. 's heritage for the human being. Facing triple dilemma-racial discrimination or difference in social strata, social justice or atonement for history, racial diversity or multiculturalism-Affirmative Action can be self-corrected via one efficient way, an effort to gradually fade racial protection and strengthen racial integration also multiculturalism. As Edge of blade to correction, education can be focused on at the first place. An Initiative names “March on Future for Education” is around the corner in America, which is being persecuted between confrontations of the White and Black across the history. The racial coexistence can create the American Dream.

Key words: affirmative action ; education in USA ; African-American ; Asian-American ; Dr. Martin Luther King Jr. ; education leadership