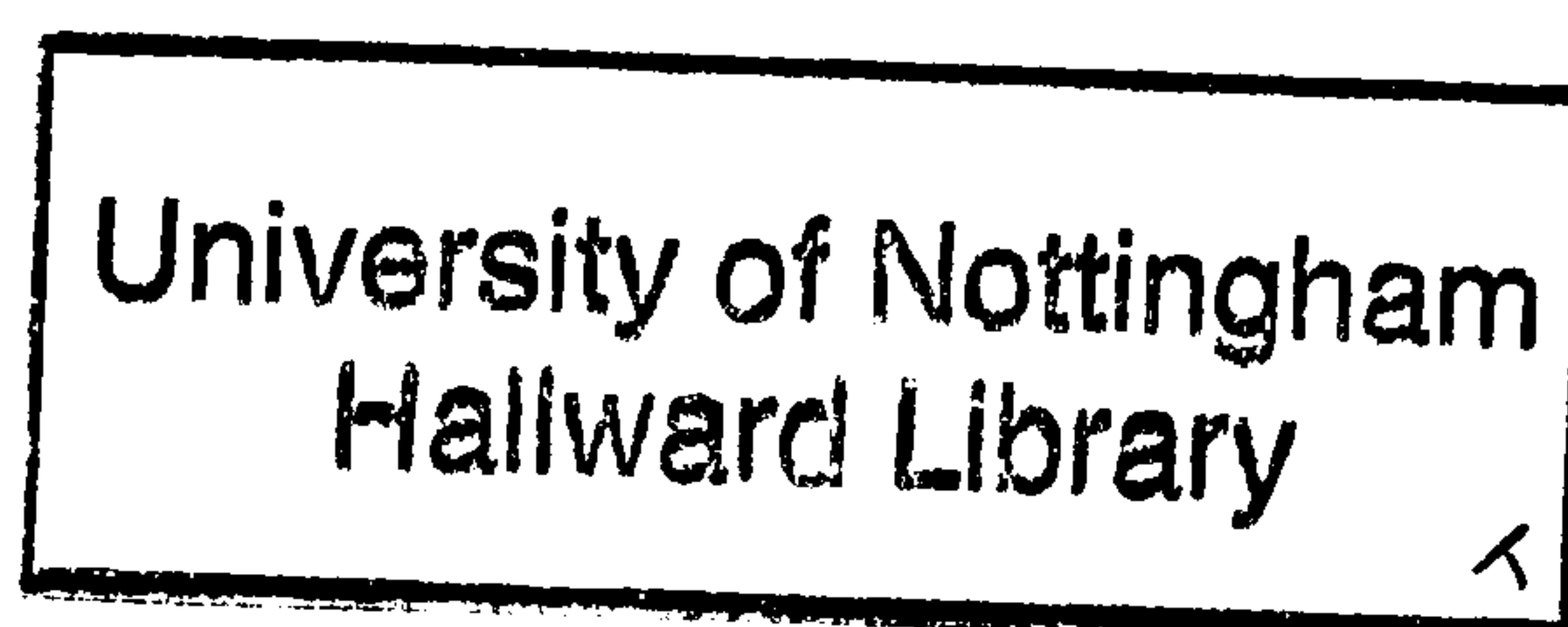


# Higher Education Policy in the EU an institutional account

Konstantinos Tzortzis



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## **Abstract**

This research examines the development of the EU higher education policy under the theoretical lenses of historical institutionalism. Starting from the assumption that institutions matter, this thesis follows the evolution of higher education policy in the EU premises from its emergence in the early 1970s to date. Unfolding in four phases, this case study focuses on the institutional parameters of the policy and the polity context in order to explain the critical factors that shaped the policy outcomes and the scope of higher education. In a story development full of unanticipated consequences and normative building, this thesis critically examines the relation between the levels of governance to assess their impact on the policy outcome.

The main finding is that higher education has been developed as a ‘market-supporting’ policy. The human capital role of higher education has been the main attribute identified in the EU level. As such, higher education gradually evolved from being a policy field aimed at battling unemployment to becoming one of the driving forces behind the knowledge driven society. At the same time higher education moved from the doldrums of EU competence and activity to the centre of policy action to become a policy example of applying the new modes of EU governance.

In between the formal EU settings and the Bologna process, institutions and actors have withheld the idea that academic and professional mobility, recognition, comparability are the main areas for the future European workforce.

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**Part I**



## Chapter 1: Introduction

In the early 1970s education found its way into the policy making agenda of the European Community. As many scholars have noticed<sup>1</sup> the word education was not in the original treaties. No provision was made for educational matters and the only relevant provision existed in ex articles 118 and 128 Treaty, which referred to vocational training. Nonetheless, over the years, education has found its way to the policy-making agenda of the supranational institutions of the Community and since the Maastricht Treaty of 1992, it has found a place in the Treaties.

The first and main aim of this thesis is to provide an explanatory account of the development and formation of higher education policy in the EU. More specifically the intention is to follow the events from the early 1970s up to today, seeking to find the path of this development and discuss why it has followed the specific course. The focus of this study is not limited to explaining how higher education has become a community issue, but equally to analyse how the EU involvement has shaped the character of the policy.

By definition, education is a non-market policy in which the EU has only limited competence. Even after 1992, when education was formally included in the treaties, the powers delegated to the supranational level were limited, and to a large extent the provision of the Treaty provided competence for complementary action, clearly excluding any action that would aim at

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<sup>1</sup> see for example Jones (1985), Shaw (1999), Neave (1984), Barnard (1992)

harmonising national education policies. Therefore, this ruled out any potential regulatory measures, which could have been seen as trespassing what have traditionally been considered the boundaries of national authority. In fact, different scholars<sup>2</sup> have highlighted the important role education plays in the nation state and the difficulties this entails for establishing an educational dimension at a European and/or international level. The national character of the education policy made the efforts for European cooperation in the field more difficult and the study of this research more stimulating.

According to existing categorisations of European policies<sup>3</sup>, education could be grouped in the polity building policy area, where market interests are limited and member states' cooperation contributes to the integration process at the political level. As a non-market aspect of the Union's co-operation as well as a policy area that does not draw the interest of high-level politics, education is—or rather, should be—anticipated to develop unconnected to economic integration, to a high degree unaffected by market integration. However, higher education cannot be considered as an isolated policy domain. In the EU context, policies develop in parallel and actions in fields where there is Community competence affect areas where no provision for co-operation exists<sup>4</sup>. This has been clearly the case for education and higher education as Community

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<sup>2</sup> see for example Ryba (2000), p. 245 for the importance of the historical development of educational systems in Europe and the strong national reluctance for external interference, Moschonas' (1998), pp. 5-11 approach and the definitional notions of education and Harvey (1995), on the significance attributed to education for nation building.

<sup>3</sup> Sbragia (2004), pp. 119-129 categorises policies into market building policies, market correcting and cushioning policies and polity building (non-market) policies. See also Scharpf (1996) on market making and market correcting policies as well as on positive and negative integration

<sup>4</sup> this is also a neofunctionalist argument that highlights the importance of the spill-over effect in its different forms (functional, political, cultivated). However this thesis is not claiming a neo-functionalist argument and as will be explained later on, the multiple and interlocking effects of decision making is set and understood from an institutional perspective.

policies<sup>5</sup>. In fact, as Shaw argues—referring also to the Council regulation 1612/68<sup>6</sup>- education has been promoted not as a primary policy of the Community, but as a functional outcome of pursuing a common market<sup>7</sup>.

The main argument is that higher education policy has been developed in line with the institutional settings, the normative principles and the policy capacities of the EC/EU. Acknowledging that policy entrepreneurship had a major role in boosting and shaping the higher education process<sup>8</sup>, this thesis moves into shedding light on the role of the common market aim, as a catalyst in the development of higher education. Therefore, going beyond the observation of the law scholars<sup>9</sup>, it considers the market aim not only as the driving force for the actual development, but also as the factor that provided the character of the policy outcomes; a hybrid of the normative aspirations of a market-driven integration, as well as the narrow treaty provisions and policy instruments.

The argument developed can also be expressed as follows:

*Contrary to uploading national interests and existing agendas, the EU higher education policy has been developed from scratch, contoured by the capacity of the supranational actors to act within the specific policy settings. Moreover, higher education policy has evolved in accordance with the market driven*

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<sup>5</sup> this point will be elaborated in part 2

<sup>6</sup> Council regulation 1612/68 which according to Shaw instrumentalises the right of the migrant workers includes the right to education and training under article 48 and on the basis of article 49 of the EEC. Moreover article 12 covers the right of the migrants' children to access the general education, apprenticeship and vocational training under the same conditions with the nationals.

<sup>7</sup> Shaw (1999), p. 560 refers to the Council regulation 1612/68 that instrumentalises the right of the migrant workers includes the right to education and training under article 48 and on the basis of article 49 of the EEC

<sup>8</sup> Corbett (2002), Corbett (2005)

<sup>9</sup> such as Shaw (1999), Gori (2001)



*aspirations of the integration process and therefore has been catalytically shaped in terms of policy aims and scopes.*

*Higher education policy has been defined and developed through the market driven aspirations and the market focused mechanisms the EU has had in place. However, higher education policy is not a mere functional result of the pursue of a common market but a policy purposefully developed to serve the common market objective. As such, higher education has been developed as market supporting policy with that being reflected in the actual decisions and the determined policy scope.*

From an empirical point of view, this thesis unfolds on the basis of two main areas of questions:

- How and why has the European Union developed actions on the area of higher education? What was the Community competence and how did the Commission and the other actors agree to bring this issue into the core of EU activities and build a substantive policy?

On the other hand, this thesis also sheds light on the question of how the existence and role of the EU, in the policy domain of higher education, have shaped the nature of higher education, as defined at the European level.

- Has EU involvement shaped the policy aspects of higher education? If so, how?

The scholarly research on the topic of higher education as a European policy is limited, especially in the field of political science. Two main research reports<sup>10</sup> exist which broadly cover the theme of education as an EU policy from a politics discipline perspective. Nihoul takes an historical institutionalist approach to the development of EU education policy from the early 1970s to the Amsterdam treaty, focusing on the lock-in effect and the ‘critical frames’ that explain the developments. For the same period, Corbett is investigating the importance of policy entrepreneurs in establishing and developing European policy for higher education.

Nihoul follows the events of the story until the Amsterdam treaty. The focus is broadly on education –and not only higher education- and the historical institutionalist approach employed works in conjunction with the idea of ‘policy frames’. Therefore, it provides an explanatory account from the ‘rational side’ of historical institutionalism and does not engage with the differential impact the EU initiatives have between education and higher education. In that sense, Nihoul does not distinguish between education and higher education as being different levels and potentially different types of education. By using policy frames the research convincingly explains how the policy making arena has been the tool to develop an education policy. Another area that this research differs from Nihoul’s work is the ‘normative’ side of policy making. Instead of

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<sup>10</sup> Nihoul (1999) and Corbett (2002). Both monographs are doctoral theses



using the idea of ‘policy frames’ this thesis seeks to encapsulate the role of the ‘polity frame’. Thus, to explain policy developments not only through the criticalness of what can be defined as ‘policy frames’ but closer to the wider context of the polity evolution and the interaction between the policy and polity levels<sup>11</sup>.

Corbett on the other hand uses the idea of policy entrepreneurship, as developed by Kingdon,<sup>12</sup> to establish the importance of specific entrepreneurs, mainly within the Commission- and the role they have played. The starting point for this research lies further back in the mid 50s, when efforts to establish a European university resulted in the creation of the European University Institute in Florence. Like Nihoul, Corbett examines the period up to the mid 1990s. Again this work is differentiated as it does not seek to use policy entrepreneurship as the explanatory or underlying theory of the policy process. On the contrary, the long period span, the different phases examined provided and the different levels employed make it too complicated to be explained through actor centred arguments.

This research expands the period of study until 2005 to include the developments of the Lisbon<sup>13</sup> era, and critically investigates the role and importance of the non-EU efforts to cooperate in the field of higher education, most prominently the intergovernmental efforts of an expanding number of European countries to cooperate for the harmonisation of the structures of the

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<sup>11</sup> the differences between polity and policy levels will be discussed in more detail in chapter 2

<sup>12</sup> Kingdon (1984)

<sup>13</sup> in the Presidency conclusions of the Lisbon IGC 2000

European higher education systems, usually referred to as the ‘Bologna process’<sup>14</sup>. Equally important, and as mentioned above, the aim of this thesis is to unveil the importance institutions have played in defining the character of higher education in the European context; how higher education can be perceived differently in the European context in comparison with the national settings.

It has to be said that since originally writing up this thesis Corbett has published the book “Universities in the Europe of Knowledge”<sup>15</sup>. While the actor centred argument remains the dominant explanatory variable of her research, Corbett in her epilogue links the developments of the period 1955-1995 with the Bologna process, in an argument that draws parallel between EU and the Bologna frames and reiterates the role of actors. In her own words she states that ‘I personally believe that the Bologna process, taking place as it does in the shadows of the EU has much life in it in the coming years...actors have found the dense networks and the expertise in and around the EU a support for achieving national change their way’<sup>16</sup>.

From the theoretical point of view, this thesis is situated in the theoretical premises of historical institutionalism. Engaging strongly with the normative side of the institutional approach, the investigation goes beyond explaining the

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<sup>14</sup> The Bologna process refers to the intergovernmental efforts of 45 currently European countries to cooperate for the harmonisation of their higher education structures. Historically, the process started as an initiative of France, Italy, Germany and the UK and along the way more countries joined in the effort. The Process refers to the establishment of a European Higher Education Area (EHEA) by 2010. More details on that will be provided in the relevant chapter

<sup>15</sup> Corbett (2005)

<sup>16</sup> Corbett (2005), pp.203-204

occurrence of the facts and into analysing the interlocking effect of the EU as a market polity and a policy machine in the shaping of the character of higher education in the European space.

Therefore, this study is positioned among the efforts to investigate the outcomes of the existence of the EU. It follows the logic of the studies that consider the EU an ‘independent variable’<sup>17</sup> and concentrate on understanding how the polity creates politics. Thus in terms of variables, the EU becomes the independent variable and the policy decisions are the dependent variables. Without undermining the value of integration research that has tried and still tries to “understand the beast”,<sup>18</sup> (i.e. the EU is the dependant variable) a number of mostly new research projects are focusing on the politics produced by the polity, rather than on the polity itself. Some early calls<sup>19</sup> have been made to discover the politics of the EU beyond ontological concerns. However, it was not until recently, with the rediscovery of ‘alternative’ theoretical concepts such as (new) institutionalism and (latterly) Europeanisation, that this turn has taken place. In this post-ontological stage,<sup>20</sup> scholars tend to distance themselves from the traditional grand theory debate of intergovernmentalism versus neo-functionalism and opt for meso-level theories that can provide the analytical tools to explain the outcomes of the integration process. Building on this turn, this thesis focuses on the increased cooperation that is taking place in the higher education area between the countries of the EU, as a direct and indirect outcome of the process of integration.

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<sup>17</sup> Jachtenfuchs, (2001), p. 250

<sup>18</sup> Risse Kappen (1996)

<sup>19</sup> Puchala (1971)

<sup>20</sup> Caporaso (1998)



Contrary to a large number of studies that deal with policy-making in the EU, from a national perspective, this study focuses on the European political system as the unit/level of analysis<sup>21</sup>. Consequently, it takes the view that the EU itself is an outcome of Europeanisation<sup>22</sup>, of the institutionalisation process, and Europeanisation can also be usefully perceived in the policy formation stage, rather than the implementation stage. Without entering into the details of the theoretical discussion on Europeanisation and how it is best defined, this thesis borrows some of the arguments of Europeanisation and takes the view that Europeanisation is a phenomenon that can be studied as an effect of the integration process and can be usefully analysed *per se*. Therefore, it focuses more on how the EU as a political system has catalytically shaped the formation of higher education policy, rather than how the actual EU policy is or has been implemented in the member states.

In order to build upon sound theoretical premises, this thesis also takes on board conceptual insights that have been developed as part of the effort to discover the politics of the polity. More specifically, this thesis endorses and draws on the notions of governance and Europeanisation. However, these notions alone do not make up the theoretical base of this research. As already mentioned, the theoretical premises of this research lay on historical institutionalism. Still, both governance and Europeanisation are relevant concepts from which this thesis can draw notions and arguments. They are especially useful to further

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<sup>21</sup> Andersen and Eliassen (2001), p 12

<sup>22</sup> Bache and Flinders (2004), Wallace (2000a)

understand the policy as a process, and to help provide a description, an image of the outcome of the higher education development.

In sum the main contribution of this thesis is that it provides an analysis of the development of higher education policy (and politics) at EU level focusing strongly both on the role and importance of the policy mechanisms and the ideational elements of the polity system. As it will be discussed more analytically in the following chapters this thesis by using historical institutionalism tests the limits of this theory and stretches a meso-level theoretical paradigm into encapsulating the multidimensional character of institutional policy development.

## **1.2 Methodological remarks**

The research questions developed above have clear implications for the methodology employed in this research. Therefore, despite strong engagement and discussion of integration, the interest lies in the outcomes, as reflected in the policy. As mentioned above, the dependant variable, in this case is the policy outcome and the independent variable, is the polity. {deleted} It is important though to note that the distinction between dependent and the independent variable for methodological reasons does not prescribe a static nature to the independent variable, the polity. As it will be argued later in this thesis the polity is itself a changing and evolving environment.



The analysis of policy development is also aided by the governance approach, although this is done more as a point of view than as an additional theoretical framework. In that respect, the theoretical levels of analysis are being kept clear and distinct<sup>23</sup> in order to avoid mixing the levels of analysis, which would unavoidably lead to methodological individualism or inconsistencies among the levels of analysis.

Furthermore, this research takes a historical view<sup>24</sup> of the development of higher education and follows the events in order of sequence. However, the study is not confined to the sequence in which facts occurred, and in-depth analysis is also being made from a more holistic point of view, which relates to the overall outcome of the policy making process.

For the purposes of the analysis, both primary and secondary sources are used. The secondary data are drawn from the literature, though higher education policy analysis is rather limited, especially in the political science discipline<sup>25</sup>.

For empirical evidence, the thesis has strongly relied on Community documentation, especially documentation related to education, but also to other policy fields that have directly and indirectly affected the evolution of higher education policy. In that respect, the research looked into documentation that relates to European Council decisions, Council of Ministers decisions, European

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<sup>23</sup> for the different levels of analysis from a constructivist point of view see Jorgensen (2001)

<sup>24</sup> in no case is it though a historical analysis or a thesis of interdisciplinary nature of history and politics

Court of Justice rulings, Commission proposals and papers, as well as the European Parliament activities.

The thesis also benefits from a number of interviews<sup>26</sup> with officials of the Commission and representatives of societal stakeholders involved in the European policy processes. The bulk of the interviews relate to later chronological developments –mostly covering the third period of the policy development, as it will be described in the second part—as it was felt that, for this period, evidence was very limited and information from the participants essential. For a more accurate picture of the developments, interviews have included members of the European Commission, representatives of the main education stakeholders (university associations, student associations, quality assurance associations) at European level. It has to be mentioned that the European societal stakeholders have been and are involved both in the intra-EU and the broader European processes and developments of higher education. Interviews were semi-structured followed by open ended question where the interviewees have been involved in European higher education politics long enough to have an expert view for policy developments during the earlier periods of EC policy making.

One of the interviews (interview 1) was solely focused on the period of the early 1970s to the early 1990s. This interview was with a high ranked European Commission official who has served from 1973 to 1993 in the Commission's Directorate with a remit for education and training.

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<sup>26</sup> for analytical dates and names see the annex

For the purpose of this research it was felt that the early historical period is well documented in secondary sources and the literature. For that reason it was considered that further interviews would not necessarily add great value to the research.

Finally, the research has benefited from the author's discussions with a number of experts and participation in two Bologna process follow-up seminars<sup>27</sup>. Anecdotal evidence is drawn from these sources.

### **1.3 Higher Education in the policy arena of the EU: a preliminary view**

Education, including vocational training, is one of the areas for which very limited provisions were made in the original formation of the EC. In fact, in the original drafting of the EEC treaty, the only existing provision dealt with the promotion of vocational training, included in articles 118 and 128 of the EEC. The focus of the member states on vocational training had largely to do with the development of the labour market and the right to the free movement of workers. Article 128 specifically referred to the need to support the Community's economic scope. The issue of cooperation in the field of education was never addressed directly. However, many of the articles of the treaties could be applied for issues related to education and higher education in a way that would generate outcomes affecting education.

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<sup>27</sup> "Using Learning Outcomes", July 2004 in Edinburgh and "the social dimension of the European higher education area and world wide competition" January 2005 in Paris



In the long-term historical evolution of the EU, education issues have been ‘upgraded’ and now constitute a separate chapter in the Community. The education policy currently (and since the Maastricht Treaty of 1992) lies under the provisions of articles 149 and 150 of the EC, which provide education and vocational training, accordingly. The starting point for education can be traced back to the 1970s, although some rather minor developments were made earlier. In the early 1970s, the Commission’s strong interest in the social aspects of the Community brought the education issue on the agenda<sup>28</sup>. More specifically, in the 1974 Social Action Programme, the Commission included the education concern, which marked the start of a rather activist period of the Commission in the social dimension<sup>29</sup>. This proactive behaviour certainly pushed forward the education matters in the institutionalised level of the EC. The Resolution of the Council of 1976 promoted an action programme for educational matters (and, to a lesser extent, matters of vocational training) that put down the need for closer cooperation between member states, the need for promotion of the mutual recognition of academic degrees and diplomas, and the promotion of the teaching of foreign languages. This was the first accountable effort to bring education matters into the EC institutional frame, and its results—by and large—comprise the main aim of the EU in this field. Since then, a number of developments of a different nature—such as regulations, Directives, ECJ rulings—directly or indirectly related to education, have created the EU education policy and reality.

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<sup>28</sup> Hantrais (1995), p. 39

<sup>29</sup> see also Shaw (1999) pp. 560-561

From the early ministerial engagements of the 1970s higher education has evolved considerably in later years. The 1980s could be considered as most important since higher education has evolved in an area of direct Community action. The strings of education training and culture programmes developed have made higher education an area of direct EC 'intervention'. As it will be argued in later chapters with the lack of a concrete legal basis, programme activities have been a crucial turn that has de facto 'institutionalised' higher education policy by not only 'legitimising' the Community's role over higher education affairs, but also by shaping higher education at the European level.

However higher education politics have not been limited to the EU framework. In fact the interesting point for analysis is that at a time when commentators could have considered higher education as a policy consolidated in the EU settings, a new impetus was provided through a new institutional venue in the form of the Bologna process, an intergovernmental cooperative process lead by governments and societal stakeholders. While the Bologna process can be seen as a separate process that is parallel to the EU developments, the proximity of the agendas and the fact that there are multiple links and common activities cannot be ignored.

Therefore policy activity is not only identified in the strict EU framework, but in a wider context where European countries cooperate on the basis of their common interests and learned experiences.



#### 1.4 The legal basis

Higher education is covered by the treaty provision on education which is covered, as already mentioned, in EEC article 149. According to article 149, the

‘Community shall contribute to the development of quality education by encouraging cooperation between member states and, if necessary by supporting and supplementing their action...’ The same article sets the aims of a) developing a European dimension in education including language teaching, b) encouraging the mobility of students and teachers by encouraging also the recognition of diplomas and periods of study abroad, c) developing exchange of information and experiences, d) encouraging the development of youth exchanges and e) encouraging the development of distance education.

It should also be mentioned that the article refers to the co-decision procedure for the adoption of incentives measures, although it clearly excludes the harmonisation of laws and the regulatory measures. Thus, it recognises the superiority of the member states as a primary actor in the organisation of the education system and guarantees that ‘the diversity of national educational systems is to remain unaffected by the European Community law’<sup>30</sup>. The drafting of article 149 during the negotiation of Maastricht (article 126 at the time) to a certain extent consolidated the *acquis communautaire*<sup>31</sup>. In fact, the contents of the specific articles, as to be discussed later in more detail, seem to incorporate the developments, which should mostly be attributed to ECJ rulings, in the education area. It is equally important to mention that the composition of

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<sup>30</sup> Harvey (1998), p. 115.

<sup>31</sup> Gori (2001)

the two articles draws a sharp distinction between education and vocational training. Although the success and role of this demarcation may be ambiguous<sup>32</sup>, it certainly implies the intention of the Community to deal separately with the two issues.

Moreover, both articles are subject to the principle of subsidiarity. Under this principle, the Community moves the power of the implementation of a policy to the authorities of the member states. Action at the EU level is taken only if actions in the national/sub-national level cannot serve the purpose of the policy. However, subsidiarity is not only a technical-legal issue. It has a strong political meaning that lies with aspects such as decentralisation and policy control. This is another proof for the complementary role that the Community has in this field.

The institutional framework and the role institutions play are largely defined by the legal surrounding of the education policy. However, the description of the legal framework cannot be enough of an indication for understanding the actual institutional environment within the polity. On the contrary, if the research is limited to the legal frames and provisions, it will lack the insight of a substantial part of the whole picture. This larger view lies with the developments and the efforts to create a European dimension in education. It evolves in a non-regulated environment and/or is highly affected by the evolution of the polity and the shaping of the norms and values embedded in the system and its actors. This argument is made even stronger by the nature of the legal outline. Actually,

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<sup>32</sup> Gori (2001), p.83 criticises this demarcation on the grounds that by doing so the Community no longer acknowledged the vocational character of education.

the treaty provisions (apart from sketchy description of the aims) do not give a clear insight to the education dimension. Although it would potentially be an exaggeration to claim that the education field is evolving in its own momentum, it would not be far-stretched to argue that different developments take place, aside from legally binding or non-binding decisions, that distinctively shape the education space. In this unsettled environment, the formal EU institutions do not always have a strong formal role. The Bologna process and the model of direct intergovernmental cooperation between the member states provide strong evidence for this argument, which not only testifies for that fact but also constitutes an excellent example of identifying the characteristics and the outcomes of the process.

Therefore institutional frameworks cannot be defined within the strict limits of the EU. Considering education policy as the result of a fusion process<sup>33</sup>, where multi-level governance is a key characteristic, it would be useful to define the different levels at which actors and processes could be identified. Thus, a schematic description can identify three levels: the sub-national, the national and the international.

#### Sub-national

At the sub-national level, actions are identified at a level lower than the organised national government. At this level, decisions and actions are taken in a decentralised manner. The importance of the sub-national level varies between the member states, according to the level to which the education system is

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<sup>33</sup> Wessels (1999)



decentralised. Orivel remarks that, between the member states, there is a high divergence on the level of governance where decisions are taken<sup>34</sup>. The centralised versus de-centralised organisational system is only part of the involvement and the importance of the sub-national level. In fact, this level also accommodates the discussion over group interests and how they are represented. What underlies this discussion is the possibility for group interests, and how they may be represented at the European level. It is also important to highlight that the autonomy of sub-national interests, independent of national governments, provides the opportunity for the organisation of new transnational interests<sup>35</sup>. Transnational interests play a significant role in the process, especially when considering the multi-tiered structure and the non-hierarchical elements of the governance of the polity<sup>36</sup>.

#### National level

Education policy has always been considered an area of predominance for national governments<sup>37</sup>. Therefore, the role of the national level should be considered very important and distinctive in the process. It will be significant to see whether the national level proves as powerful as anticipated, and whether it will remain unaffected by the subnational and international levels, with their differing viewpoints and powers.

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<sup>34</sup> Orivel (2001)

<sup>35</sup> Grande (2001)

<sup>36</sup> details on the governance and the structure of the EU are provided in the following chapters

<sup>37</sup> Harvey (1998)



## International level

Here, the term international reflects the different forms of international relations in which the member states collaborate on issues of education. Therefore, the term encompasses both the supranational structures (EU) in which the member states decide education policy, as well as the outer-EU intergovernmental processes for cooperation in the field (such as the Bologna process, the Council of Europe and so on). It is essential to distinguish the international level between the EU and other European/international forums. Thus, when seeing the policy at the national level (implementation) it is important to be able to distinguish and understand the difference between a) the degree to which the policy development is affected by the EU settings and institutions (as an international arena) and b) the international/global developments where the policy might also develop<sup>38</sup>.

### **1.5 The Institutional framework and the role of the different actors**

The institutional framework as the setting for policy development will be analysed in a separate chapter on governance. Nonetheless, it will be useful at this point to refer to the role of the different actors involved in the whole process.

At the European level, the formal institutions of the EU are the first actors to be identified as significantly involved in the process. In the context of the European treaties that set out the public space of the Community, there are five main formally structured institutions that interplay in the decision making

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<sup>38</sup> for more on the argument of European vs. global see Rosamond (2002)

process. In the literature of European studies, they are often separated into two broad categories of supranational and intergovernmental. These categories signify the level of attachment they have to national/supranational interests.

The supranational institutions are the Commission, the European Court of Justice (ECJ) and the European Parliament. The Commission—a non-elected bureaucracy—has played a significant role in the quest for a higher education policy. Its main role lies in initiating the policy process, often taking advantage of windows of opportunity<sup>39</sup>, a form of purposeful opportunism<sup>40</sup>. At the same time, the ECJ also plays a critical role, as an interpreter of the treaties. Also, as will become evident in the analysis of the historical evidence, the ECJ has many times been ‘accused’ of judicial activism, having a specific idea of how the EU should be and judging accordingly<sup>41</sup>. The decisions of the Court have been imperative for the progression towards a higher education policy and for establishing an ‘EU right to education’<sup>42</sup>. To a lesser extent, the European Parliament has also been involved in the process, especially in later years, through its increased role in decision making<sup>43</sup>.

Two intergovernmental institutions are the Council of Ministers and the European Council, the meeting of the Community’s heads of state, set up formally in the 1974 Paris meeting. The European Council is not involved in the day to day politics of the Community, but provides guidelines for the overall strategy of the Community. Nonetheless, at critical junctures, it has made its

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<sup>39</sup> Kingdon (1984)

<sup>40</sup> Cram (1997)

<sup>41</sup> Alter (2003)

<sup>41</sup> Gori (2001)

<sup>43</sup> mainly through the co-decision procedure the EP has been involved in a number of decisions

mark in relation to EU policies, not excluding education. On the other hand, EU Ministers in the Council of Ministers are responsible for meeting in each policy field, and play a most important role in the actual decision. As education was not a field provided for by the treaties, Ministers responsible for higher education did not originally meet at the European level. The first meetings in the 1970s were described as ‘the Ministers responsible for education meeting within the Council of Ministers’<sup>44</sup>.

Apart from the formal EU institutions, different actors participate in the interplay. Although not always formally engaged in the decision making process, the importance of such actors as organised transnational interests<sup>45</sup> is significant, especially in the case of this thesis and the theoretical lenses it employs.<sup>46</sup>

## **1.6 Education policy outcomes**

Higher education policy outcomes fall into two main categories: outcomes that are products of a ‘tangible’ nature and often involve financial support, such as programmes established on the legal basis of the Treaties; and outcomes that have a regulatory/deregulatory nature, and mainly establish rights for EU citizens in relation to higher education provision. From a similar perspective, it can be said that education policy has been the outcome of a long process, which

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<sup>44</sup> this denotes that education was not within EC competence.

<sup>45</sup> the importance of transnational interests will be discussed especially in relation to latter developments in the field of higher education. In any case, transnational interests such as European students bodies and universities associations however loosely or rigidly organised are considered as part of the institutional framework.

<sup>46</sup> more on that in the following section on governance and historical institutionalism.



has been a result of positive and negative integration<sup>47</sup>, of regulation and deregulation, and of programme initiation.

### *1.6.1 Programmes*

Apart from the regulatory and de-regulatory measures that member states have to comply with, a number of programmes have been introduced in order to promote the aims set of the treaty. Ertl gives a thorough description of the historical evolution of these programmes<sup>48</sup>. Based on that description, there are two phases in the evolution of Community programmes, one from the mid 1970s to mid 1980s and one from the mid 1980s to the late 1990s.

The starting point of the first phase can be considered to be the 1976 Resolution of the Ministers of education. The action plan agreed was the basis for a series of programmes, mainly concerned with vocational training. These first programmes were followed by a second wave in the 1980s, which included the Comet, the Erasmus, the Petra, the Eurotecnet, the Lingua and Iris. The initiation of these programmes were made possible by a number of rulings related to article 128 of the ECJ, which translated into the ability of the EC institutions to adopt binding legislation for the member states. Moreover, in those rulings, the ECJ seemed to have given a much broader interpretation of the term ‘vocational’<sup>49</sup>. In the post-2000 era, the Commission’s efforts have

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<sup>47</sup> Scharpf 199 defines negative integration as the outcome of de-regulation rather than the one of positive action (positive integration)

<sup>48</sup> Ertl (2002)

<sup>49</sup> Ertl (2002), p. 12



concentrated on expanding the programmes' activities<sup>50</sup> as well as bringing them under common frameworks<sup>51</sup>.

The Maastricht Treaty was the turning point for the launch of the second phase. Under the new legal basis of article 126 (149) and 127 (150) of the TEU, the Community launched new programmes to replace the old ones. Socrates, on the basis of article 126, covered the education, and Leonardo da Vinci, under article 127, covered vocational training. As Ertl argues, the new programmes continued on the principles of their predecessors, and in a way, marked a start on the consolidation phase.

#### *1.6.2 Non-programmes*

Apart from the programme activities that have been running, from the early days of Community action in the field, education-related activity has been also taking place in the EC corridors. A characteristic example is that of the Directive on the recognition of professional qualifications<sup>52</sup>, where the Council of Ministers, as early as 1977 and pursuing article 57 EC that provided for such actions, agreed on the mutual recognition of professional qualifications, with obvious potential consequences in the field of higher education<sup>53</sup>. Non-programme action was not confined to regulatory and/or binding measures. Even within the confined policy area of education, mainly through Commission initiatives of soft law character such as papers, Communications and

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<sup>50</sup> see for example the decision on the Erasmus Mundus programme

<sup>51</sup> Proposal for a Decision of the European Parliament and of the Council establishing an integrated action programme in the field of lifelong learning, SEC(2004) 971

<sup>52</sup> latest general Directive 2005/36/EC

<sup>53</sup> Directives 77/452/EEC, 77/453/EEC on the mutual recognition of professional qualifications for doctors and nurses respectively.

Recommendations the Community has progressed into shaping its action for a European higher education. It is characteristic that since 1992 non-programme action has often materialised in the form of higher education being utilised as a field for national action to help achieve overarching or ‘grand’ aims of the common market. Since 2000 and the commitment of the Heads of states to the Lisbon agenda, higher education has been a permanent action featuring in policy papers, targets and objectives for the achievement of the knowledge based economy.

It is worth noting that especially in the post-Lisbon era a vast amount of policy activity does not relate to traditional Community politics nor does it have a strong ‘presence’ on the EU level. In fact the majority of policy activity is in the form of general guidelines leaving much scope to member states on how to implement the generic advice.

Programme and non-programme action are and have often been interconnected and together constitute the policy actions for higher education. This thesis, researching the policy evolution of higher education, is focusing on the above elements and assesses their role in the development of EU higher education policy and the relative impact each ‘component’ had during the different phases of higher education policy evolution.

## **1.7 Chapter outline**

Preceding this section was an analysis of how this thesis fits into the broader academic literature, and of which questions it tackles, in relation to the

evolution of higher education as an EU policy. This introductory chapter also discusses some preliminary issues related to the empirical situation regarding higher education in the EU. Furthermore, this chapter provides a brief overview of the polity and policy structure, with the aim to help the reader understand how higher education could be seen and discussed in the context of the European setting.

The second chapter provides both meta-theoretical and theory-driven discussion of the governing system -the governance- of the European system. The first part of this chapter is devoted to analysing how the EU is governed, not strictly in terms of formal structures, but mainly in terms of policy and polity interaction. In a way, this discussion responds to the need to define the EU as a polity, and as it will be seen, it leaves aside (or supersedes) the discussion of early theoretical grounding approaches<sup>54</sup>. Thus the discussion builds on the need to define the EU as a polity and not limit it to explaining the integration process. By defining the polity in governance terms, attention is re-shifted to policy outcomes whilst engaging in a broader discussion of the polity formation and integration process in general.

Chapter three provides a literature review on historical institutionalism, mainly focused on how different theorists have approached the role of institutions in the current literature, especially in the field of EU studies. An important element of this literature review account is the definition of historical institutionalism in a twofold way. Firstly it focuses on historical institutionalism as a theoretical

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<sup>54</sup> here I am referring to the two grand integration theories of neo-functionalism and intergovernmentalism



paradigm which spans between the two ‘ends’ of new institutionalism (rational and sociological). In that sense it opens the frame to encompass the divide between the rational and normative side of the institutions’ importance. Secondly it presents a theoretical paradigm which in essence differentiates itself from other new institutionalism strands by putting an explicit focus on the historical and temporal dimension of events.

Part two focuses on the analysis of the empirical material. The section is divided into four chapters.

The first, chapter four of this part, provides an account of the events in the order in which they occurred from the early 1970s until the SEA. Chapter four follows events in chronological order and keeps them in context with the EU polity development. On one hand, it discusses the broader developments in the Community settings and on the other hand, it examines the theoretical framework set in this thesis. It then goes on to conclude that higher education policy has followed a path of vocational character, which has been breathed in from the both the policy institutional framework and the polity context as well as the abilities of the supranational institutions to act.

The second chapter of part two (chapter five) follows from the SEA and up to the Treaty. This is the period when most Community programme action is initiated and higher education policy takes form. Analysing both the positive actions deriving from Community initiatives and the unanticipated consequences that occurred as a result of original decisions and agreements the



analysis focuses on understanding the parameters that delineated policy development and the interpretation of the logic behind the policy momentum.

Chapter six (part 2) centres the attention on the post- Maastricht era, and follows the events up to the Lisbon intergovernmental summit in 2000. As such, it establishes that, although higher education has moved significantly in these years, the context of the policy has remained unchanged. Thus, this chapter follows the development in accordance with the evolution of the common market and the new strategic developments in relation to market building policies.

Chapter seven is an analysis of the post-Lisbon era and of the shift that higher education has taken with the introduction of new modes of European governance as well as the new rhetoric coming from the heads of the member states. Moreover, the crucial element of this chapter is the analysis of the relation of the Bologna process. Although the Bologna process lies outside of the institutional boundaries of the EU, the analysis shows that it has not been unaffected by (and has not left unaffected) the developments on higher education within the EU and it can be arguably demonstrated that the Bologna process provides the evidence of the normative embedness of the policy feature and values in the actors' behaviours.

Finally, part three comprises two chapters. Chapter eight, a summative chapter of the developments that also includes an account of the value of historical institutionalism and the benefits and limitations that the theory has

demonstrated in this case study. The final chapter, chapter nine is a short conclusion that make some final comments over the findings of this thesis and comments on other areas of interest that have been touched upon this thesis but have not been the purpose of this study to analyse into detail.

## **Chapter 2: Governance**

To discuss and analyse higher education in the context of EU politics, it would be useful to first discuss, describe and explain when necessary both the broader context of the function of the EU both as an evolving polity - a political system that delineates the space of political interaction- and the policy system – the mechanisms by which a policy is introduced and developed in the European sphere.

As discussed in chapter 1, higher education is not the ‘typical’ EU policy in so far as policy mechanisms and policy scope are concerned. Trying to analyse the structural process of policy making may not suffice to give the whole account of the policy development.

In this chapter we will analyse the two dimensions introduced in the first chapter, those of polity and policy. These two dimensions will be considered as different levels of what in generic terms constitutes governance. Before getting into the details of governance and how this might be comprehended in the context of a historical institutionalist analysis of higher education policy, it would be essential to examine which is the gap that the governance approach (not theory) fills in the theoretical frameworks for EU politics studies.

### **2.1 The background**

Since its founding, the EU has evolved rapidly and, arguably, unpredictably. Parallel to this evolution, a theoretical discussion has been developed over the existence and

the driving force of the political experiment in the European continent. Mostly grounded in the field of integration theory, different scholars approached the phenomenon of the EU (or the EC) with a focus on understanding and describing – explaining the forces that drive the relations of the member states and the political structure constructed. Although this effort has produced important results, in no case has it provided a unique, acceptable definition of the EU. This is practically illustrated in the number of different terms introduced to cover the phenomenon. A number neologisms used in ‘*acquis académique*’ prove the point. Protofederation, confederance, concordance system, and sympolity confederal consociation are only some examples of the complexity involved in describing both the legal and non-legal physiognomy of the EU<sup>55</sup>. The variance on the description of the EU strongly reflects the range of opinions on the matter. Moreover, to a certain degree, this also reveals the normative preferences of scholars<sup>56</sup>.

Throughout the process, theory building has maintained a strong rapport with the situation at the time, and has highly reflected the conditions that prevailed on the EU scene. Moreover, historically, the approaches towards EU integration have tended to draw theoretical paradigms from the international relations field. Hix, in an effort to categorise the existing approaches, has provided a matrix typology of the contribution of both comparativists and international relations scholars in theory building around the EU. In making his call for more comparative considerations of the EU, he makes it clear that there is a strong implication of the importance to move towards an

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<sup>55</sup> Chryssochoou (1999), p. 4

<sup>56</sup> Puchala (1971), p. 208



understanding of internal characteristics, such as interest representation and intermediation within the Community<sup>57</sup>.

Later, international relations and comparative politics became the major disciplines through which discussion of European integration took place, and still takes place. The first attempts of international relations sprung from the predominance of the two polarised positions established in EU literature, neofunctionalism and intergovernmentalism. These two theoretical communities analysed the phenomenon from two opposing strands. In a simplified version, neo-functionalists argued that integration has its own momentum and is a continuous process, not in full reach of the members. Based on the logic of a positive sum game, neofunctionalists saw that cooperation in one policy field could ‘spillover’ in another field. Thus, by a certain mode of automaticity, cooperation could move in different areas for different reasons<sup>58</sup>. Spillover effects can be identified in different forms. Spillovers can be functional, i.e. of technical nature, political, i.e. from the political momentum built through cooperation or cultivated, i.e. when supranational actors put pressure for further cooperation and purposefully seek to link and bring more items on the cooperation agenda<sup>59</sup>.

Intergovernmentalists, however, posit that integration, as a process, is controlled firmly by the interests and choices of member states. They see Community cooperation as zero sum game and see supranational institutions as mere agents that

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<sup>57</sup> Hix (1994), p. 22

<sup>58</sup> according to intergovernmentalists, spillover can take place for different reasons, either to support the original aim, or because of political pressure, or ‘cultivated’ by the supranational actors

<sup>59</sup> Tranholm-Mikkelsen (1991), pp. 1-21

facilitate the process. From that point of view cooperation is limited by the rational choices of governments which firmly control the sovereign power<sup>60</sup>.

Despite the differences between the two approaches, what they have in common is the *exogenised character of understanding*. Even the neofunctionalist approach, with its deeper insight on functionality and integration, does not include a theoretical argument on the inner-ability of the process. In fact, Risse-Kappen notices that neofunctionalism does not possess any theory to explain ‘the transition from utility-maximizing self interest to integration based on collective understandings about a common interest’; in a way neofunctionalism upgrades the role of common interests<sup>61</sup>. Still, the lack of a social action-based theoretical backing makes neofunctionalism a purely exogenous explanation. However, in the IR field, new approaches have emerged for the study of EU politics. Pollack suggests the IR theories have moved away from classical paradigms, and use more generalisable theoretical tools<sup>62</sup>. Using those, IR came closer to understanding the EU’s peculiarities, while permitting an understanding of the whole project, as a more comparable and less isolated case.

A different and later approach on the issue of EU integration and politics has evolved in the sub-field of comparative politics. As Hix argues, both sub-fields (referring to international relations and comparative politics as sub-fields of political science) have grown in different ways to study the EU<sup>63</sup>. Comparative politics starts from the point that the EU has developed into a concrete structure with specific characteristics. Thus, analogies allowing, it is possible to compare it with other existing political structures.

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<sup>60</sup> Rosamond (2000) provides an analysis of the different theoretical strands of European integration

<sup>61</sup> Risse-Kappen (1996), p. 54

<sup>62</sup> Pollack (2001)

<sup>63</sup> Hix (1994)

Not by coincidence has the EU been often characterised in rapport with federation, con-federation or consociation systems. However, the descriptions of the political structure and the decision-making of the EU do not automatically explain how it works as a system. At the core of the comparative approach is a need to describe the EU as a single, coherent system. Although it has become common knowledge that the institutional structure is unique, it does not present an obstacle to using federalism and the notion of the federal structure as a model for comparison. As Sbragia argues, talking about federalism does not presuppose a federal state. The federal principle can be understood and be dealt with through less formal structures than a federal state. It is possible to conceptualise federal arrangements outside a constitutionally based federation <sup>64</sup>. Therefore, the comparative method is an approach that can and should be considered in the EU context.

In any case, the discussion of European integration has thus far provided no concluding results on the how and the why of the existence of the Euro-experiment. However, the fact remains that, with increasing frequency, the EU ‘produces politics’. The member states are coming together more often on more issues, to jointly decide on policies. Therefore, the need for theory lies not only in the explanation of the how and the why of the existence, but also in the role this existence plays in producing outcomes. Consequently, the how and why, no longer refer to the existence itself but rather to the function of it. With respect to the analogies, Hix noted (when contrasting international relations to comparative theories) that the first is adequate for studying European integration, whereas the latter is adequate for examining European

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<sup>64</sup> Sbragia (1992), p. 262



Community politics<sup>65</sup>. Still it has to be mentioned that the comparative method does not always focus on producing results over the politics of the EU<sup>66</sup>.

‘The literature on EU politics and policy making is increasingly turning away from specialized theories of integration or parochial applications of IR or comparative tools in favour of more generic (and broadly intelligible) forms of institutionalism’<sup>67</sup>. Before analysing though institutionalism as a theory for EU policy and politics analysis we will discuss the concept of governance, which provides a broad account of how the EU can be understood.

## **2.2 Governance: exploring a new notion**

In the last decade or so, EU scholars have advanced various discussions attempting to detach themselves from the need to address the integration issue directly. Different scholars have produced research that reflected new theoretical arguments in the study of the EU. Either by descending the level of analysis (from the macro to the meso or the micro level), or by taking a new path of a different point of view (which is not concerned with, or at least does not seek primarily to explain, the reasoning of the development of the European structure), or by combining the two methods, theorists have tried to view the EU through a new lens.

The ‘governance approach’ captures in theoretical terms this shift. Jachtenfuchs argues that the Euro-polity becomes the independent variable in the governance

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<sup>65</sup> Hix (1994), pp. 22-23

<sup>66</sup> In fact it would be fair to challenge the statement of Hix (1994), on the basis that it overstretches the role and use of comparative politics. This is also supported by the distinction the same author (Hix 1998) makes between comparative politics and comparative public policy.

<sup>67</sup> Jupille and Caporaso (1999), pp. 429-444

literature<sup>68</sup>. Therefore, the research no longer focuses on understanding why the Euro-polity exists, but rather it is directed towards looking into how the latter affects policies, both national and European. It is important to note that the governance approach comes in when referring to the EU as polity structure. It therefore pre-assumes that the EU has developed enough to be understood as polity-like system. Based on this assumption, Caporaso refers to the need to move towards a ‘post-ontological’ stage in the explanation of the EU. In this post ontological stage, the concern is no longer primarily with ontology, the description and understanding of the structure or the reason of existence<sup>69</sup>. In fact, the attention moves from ‘exterior’ inspection to ‘interior’ understanding. The governance approach is interested in the internal characteristics, the governance elements, of the polity system. Those inner elements are in the centre of the spotlight of the alternative approaches<sup>70</sup>. As such the attention shifts to the understanding of the outcomes produced by the existence of the polity.

### **2.3 A meta-theoretical quest?**

The complexity of the EU structure encompasses governing elements across all its formal and informal institutions, as well as across the different levels of policy building. Being characterised as multi-tiered and multi-level<sup>71</sup> gives a clear indication of the different faces that governance may take. While framing the ‘shape’ of that structure, the governance approach moves into examining the day to day processes of

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<sup>68</sup> Jachtenfuchs (2001) p. 250

<sup>69</sup> Caporaso (1998). Although there are strong ontological bases which are not always under discussion as they become an independent variable based on the assumption of what the EU is and from that point the concern is moved towards the analysis of the political outcomes.

<sup>70</sup> see for example Jachtenfuchs (2001), Bulmer (1998)

<sup>71</sup> Peterson (1995) and Marks et al (1996) respectively

the polity in the different levels or tiers. The approach of governance clearly distinguishes itself from the traditional approaches of European integration. Both in methodological and ontological terms, governance provides an alternative perspective. However, this division should not be overstretched. The distinction of the levels of analysis (day to day in governance and history-making decisions in the case of traditional integration theory) has also analytic purposes. In fact, there is considerable overlap between the two, and certainly there is reciprocal involvement in the understanding of the EU<sup>72</sup>.

It would be mostly unfair to limit the governance approach to a solid method with pre-specified characteristics. Rather it encircles the approaches that are concerned with the governance elements. Governance is not only government but also any process, *changed* condition or *new* method of governing by which society is governed<sup>73</sup>. By this definition, an essential element of governance is any form of interest that may be disguised in a form of a network, regulation or other. Therefore, governance includes both formal and informal structures, supranational and intergovernmental structures that are relevant to the [societal] governing<sup>74</sup>.

Considering the above, it would be useful to highlight the differentiation in the use of the governance terminology, and to start a discussion of the concept at a theoretical level, before proceeding to the analysis of the structures, mechanisms and means that are considered part of the ‘governing governance.’

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<sup>72</sup> Cram (2001), p. 66 For more about the relation between levels in the governance approach see under section 2.6

<sup>73</sup> Rhodes (1996), pp. 652-653.

<sup>74</sup> Massey (1999)



The term governance is not always used with exactly the same meaning in the literature. In fact, the connotation varies according to the level at which the author discusses the issue. Therefore, some authors use the term in reference to its ‘tangible’ side<sup>75</sup>. Consequently, Kohler-Koch and Eising define governance as ‘the structured ways and means in which the divergent preferences of interdependent actors are translated into policy choices ‘to allocate values’, so that the plurality of interests is transformed into co-ordinated action and the compliance of actors is achieved<sup>76</sup>. Other authors use the term to express a normative understanding that aspires to ontological and epistemological perspectives about the notion of governing<sup>77</sup>. Thus, Jachtenfuchs prefers to conceptually describe governance as the ‘ability to make collectively binding decisions’<sup>78</sup>. Although Jachtenfuchs view fits into the approach-specific understanding of policy, such as the network and the regulatory concepts, still he ‘leaves space’ to use the term of governance in broader theoretical premises. Understanding governance in the latter way opens up a theoretical discussion of the concept, which detaches the focus from the policy modes. Instead it focuses on the underlying significance of the understanding and the characterisation of the EU project. The difference between the two perspectives should not be considered a structural difference of understandings. Actually, it is more a difference on the level of analysis, rather than a divergence on the meaning of the term. The effort to apply the governance approach creates the need to exert a more specific and applicable definition that can drive the research.

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<sup>75</sup> such as Rhodes (1997) and Kohler-Koch and Eising (1999)

<sup>76</sup> Kohler-Koch and Eising (1999), p. 5

<sup>77</sup> see for example Jachtenfuchs (2001)

<sup>78</sup> Jachtenfuchs (2001), p. 246. Although the author recognises this is a partial definition that excludes issues of democracy and legitimacy, he uses it to cover the policy-regarding part of the governance conception.

Chrysochoou argues that polity ‘refers to a system of institutionalised rule capable of producing authoritative political decisions over a given population’<sup>79</sup>. By its nature, this term has specific advantages when used in the analysis of European politics. The author concentrates the argument in the distinctiveness of the term that can function as an unbiased tool. This lack of bias comes into play when facing the dilemma of an intergovernmentalist – federalist approach in microanalysis, and when facing the juxtaposition of intergovernmental and supranational conceptions in macroanalysis. To top up the argument, Chrysochoou suggests that the polity offers ‘a reflective distance over the examination of the Union’s ontology whilst opening a whole range of possibilities for not complying with pre-existing classifications of its internal political arena...[t]he characterisation of the Union as an ‘emerging polity’, compound yet easily identifiable as a collectivity, makes it possible to contemplate the idea of replacing the rather determinist concept of ‘integration’ with that of ‘polity formation’, i.e. the making of a large scale system of mutual governance without the formal legal and/or constitutional attributes of competence embedded in traditional state structures’<sup>80</sup>.

In substance, what is being argued comes again to confirm that the governance approach, above all, reconstructs the research agenda on the EU. Therefore, before moving to the process of the empirical subject, it makes clear its post-ontological assumption. Contrary to the integration theory that perpetuates the logic of the independent political entities coming together, the governance approach

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<sup>79</sup> Chrysochoou (2000), p. 124

<sup>80</sup> Chrysochoou (2000), p. 124

understanding follows the constitutive nature of the Union components<sup>81</sup>. The constitutive logic of the polity is, in fact, the boundary of conception; governance is the pursuit through collective action of common purposes; therefore, governance acts within the limits of the polity<sup>82</sup>.

The basis of the above has a clear meta-theoretical underpinning. What it really points out is that the research agenda, including the concepts of polity and governance, opens a new chapter with new questions on the ontology of the EU. As a meta-theoretical frame, it is not distinct from the theory. It stands within the process of theorising about theory<sup>83</sup>.

## **2.4 Policy through the governance lenses**

Kohler-Koch<sup>84</sup>, in describing the transformation of governance, identifies four constituent components, which we shall use to discuss governance in the policy context.

### ***2.4.1 The role of states as political actors***

The first element is the change in the role of the states from being authorities to being ‘mediating actors.’ Member states cannot fully control the EU processes. The power governments may exert varies in relation to the area of politics under discussion and the level at which policies are discussed. While national governments may have more control in areas of ‘high level politics’ and when processes are in the super-systemic level (i.e. the grand decisions) they do not control the whole process and more

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<sup>81</sup> Chryssochoou (2000)

<sup>82</sup> Kohler-Koch (1999), p. 22

<sup>83</sup> Chryssochoou (2000), p.130

<sup>84</sup> Kohler-Koch (1996)



importantly they are not in a position to control the day to day policy developments. In lower level politics, such as education politics, state actions mediate rather than impose processes. Organisations and agents become actors in their own right.

Moving beyond the concept of the narrow ‘one Community method’<sup>85</sup> that prescribes roles to actors and processes, the governance approach allows for a broader understanding of the role actors and processes to allow to capture the complexity of the system<sup>86</sup>.

The changing nature of the role of the state is instrumental in understanding both the importance states play as actors and the effect it has on the formation of the policy preferences. Discussed in more detail in the next chapter, policy preferences in an institutional system of complex governance cannot be considered always as exogenous policy choices. Nor national interests can be represented by states negotiators under the logic of mediatory.

It is thus that at policy level states do not act as initiators. That is not only a result of the EU formal structures for policy making, but an element of the system that national governments do not necessarily ‘control’ the policy process but are part of it.

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<sup>85</sup> Wallace (2000b) p. 28 provides an overview of the “one Community method” and the role and use it has in policy analysis

<sup>86</sup> Andersen and Eliassen (2001) p. 13 argue that the europeanisation of policy making leads to increased complexity, where complexity is defined by the number of elements, their heterogeneity, the variations and linkages and the degree which the system is in transformation,

#### *2.4.2 System of hierarchy*

Earlier in this chapter it has been argued that the governance approach portrays a complex EU system of politics which has as distinctive characteristic: the lack of hierarchical structures or better loose hierarchical structures and a complex system of interdependencies between actors.

In a system of loose hierarchies, actors become more ‘equal’ and the patterns of interaction change from the typical principal –agent model. As such initiatives and actions do not necessarily follow specific order. ‘Agents’ and often stakeholders may push their agendas and pursue ‘interests’. In the case of loosely ‘regulated’ areas, such as higher education, the interaction patterns can be distinctively different, as they do not follow prescribed agendas.

Scharpf, however, identifies difficulties in policy development in non-hierarchical and network systems due to difficulties of coordination (of the choices) of the multiple actors’ existence<sup>87</sup>. From that point of view, Scharpf argues that the EU decision-making can be described as a ‘joint decision trap’<sup>88</sup> where results in the bargaining process of national actors in supranational arenas can only have sub-optimal results. Heritier, on the other hand, sees the positive side of the increased number of actors in the bargaining process, which is the higher possibility of reaching an outcome, a way of escaping deadlocks. The logic of diversity initiates a spontaneous acceleration of

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<sup>87</sup> Scharpf (1993)

<sup>88</sup> Scharpf (1988)

policy making, either by regulatory competition or mutual learning<sup>89</sup>, which might lead to ‘advocacy coalitions’ being formed<sup>90</sup>.

#### ***2.4.3 Rules of behaviour***

The change in the role of states and the emerging system of (non-) hierarchies also affects what Kohler Koch defines as the rules of behaviour. The important factor in this observation is that as the state role changes and so is the behaviour. However changing behaviours are not limited to state actors. Changing behaviour can be identified in institutions, stakeholders and other actors. Behaviour can change as a reaction to new settings, but such changes are not only exogenous. Both Laffan and Hueglin<sup>91</sup> argue that rules of behaviour are not only restricted by the formal setting of the polity, but are also shaped by the norms and values of the consociational system of governance.

#### ***2.4.4 Patterns of interaction***

In a system of changing state roles actors’ behaviour and loose hierarchies, patterns of interaction may undergo significant change. Actors become more ‘equal’ and the patterns of interaction change from the typical principal –agent model. As such initiatives and actions do not necessarily follow specific order. On one hand what has to be contemplated is that ‘agents’ and often stakeholders may push their agendas and pursue ‘interests’. On the other hand interests and ‘understandings in settings of endogenous formulation (as referred to above in the rules of behaviour) may change patterns of interaction. This may be more evident in cases of loosely ‘regulated’ areas

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<sup>89</sup> Heritier (1999), p. 2

<sup>90</sup> Sabatier (1998)

<sup>91</sup> Laffann (2001) and Huglin (1999)



such as higher education where the interaction patterns can be distinctively different from regulative politics, as they do not follow prescribed agendas.

In the complex system of governance, patterns of interaction can move away from the simplistic model prescribed in the ‘community method’. In fact, it is Wallace again who by using the metaphor of a pendulum to capture the uncertainty and the multi-faceted character of the EU policy process<sup>92</sup> gives an insight that patterns of interactions cannot be stipulated statically but should be viewed in the context of continuous change. Analysing different policy modes<sup>93</sup> Wallace moves into a different parameter that affects policy processes by using Peterson’s approach, which looks into decision types, dividing them into history-making, policy process and day to day<sup>94</sup>. Using two parameters Wallace produces a grid by which policies can be identified. Patterns of interactions can be understood within the context of the policy domain and the level at which decisions are made.

## **2.5 Higher education in the context of governance: policy and polity dimensions**

Applying the governance approach to higher education as case study of a policy evolution process can provide many benefits. By employing the governance notion as an overarching tool for policy development it is possible to focus the analysis on the meso-level; higher education policy becomes the dependant variable. Thus, through the governance lenses it is possible to highlight the different stages in the process of

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<sup>92</sup> Wallace (2000b), pp. 41-42

<sup>93</sup> namely 1 a distinct Community method, 2 regulation 3 multi-level governance, 4 policy coordination and benchmarking and 5 intensive transgovernmentalism in Wallace (2000b) pp. 28-35

<sup>94</sup> Peterson (1995), identifies that decision can be different in nature according to the level of policy making.

the policy evolution and take a more holistic view without undermining the polity perspective. Higher education becomes the locus of analysis, as a constitutive component of the EU.

### ***2.5.1 Higher education through governance lenses***

Governance -as discussed in this chapter- is not an operational theoretical framework per se. Nonetheless it can provide a context insight for policy analysis. Using the elements identified by Kohler Koch as main characteristics of the transformation of governance (discussed above in 2.4) it is possible to provide a useful first insight into the ‘transformation’ of higher education in the EU.

Starting from the changing roles of the state as an actor it is significant to anticipate how the change from being an actor of authority to being a mediator has affected the policy. While undoubtedly states within their national boundaries may act with their powers of authority, in the early years of education policy formulation state actors expressed their authority insofar that they needed to proclaim the sovereign nature of education politics. What is of interest and can be analysed in this perspective is the ‘reduced’ role of the state both in the early ‘pre-decisional’ stage of policy initiation and later on (for example in the Bologna process). In governance terms, state involvement should not only be considered and discussed as an intervention of authoritative rule similar to that provided in intergovernmental approaches. Although in the long period studied there are occasions where states had a decisive role<sup>95</sup>, those do not constitute the re-emergence of the state as an authoritative actor. On the contrary, and as it is argued later in this thesis, state action was not an exogenous

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<sup>95</sup> Especially in so called history making decisions such as the Maastricht treaty the first meeting of the Bologna signatory countries in 1999, but also lesser events such as the council decision to contest the Commission’s proposal on the Erasmus programme.

intervention in the process but an endogenous element closer to what could be attributed to a mediating actor. Therefore what is being argued from the governance perspective is that policy preferences and choices in the pendulum of decision making in the higher education field do not necessarily capture different roles of actors (the state in this case).

The changing hierarchies and the attribution of non hierarchical structures in the system of governance is a concept of prime interest in higher education policy study. Since higher education was not envisaged in treaties and no formal provisions for policy action were made, the lack of hierarchies and the loose structure played an instrumental role in the development of the policy and in the actions and initiatives of supranational actors that did not necessarily follow the hierarchical patterns of interaction. While in the early years this fact may have been very evident mostly in the actions of the Commission and the ECJ, the same fact should not be undermined in the formalised settings of the Bologna process. In the latter not only can we see the emergence of a new institutional forum, but what becomes apparent is the participation of societal stakeholders in par with governments.

The rule of behaviours is another factor that leaves its imprints on higher education policy. Already argued above in relation to changing roles of the state, actions from actors are perceived within the institutional context of governance. Policy options are not exogenous to the institutional settings. Higher education under this light of the changing rules of behaviour is a point that will be further explored in the next chapter on historical institutionalism.



Finally the notion of the changing patterns of interaction offers a very insightful prism into higher education policy development. It is not the simple case that under the EU settings the patterns of interaction have changed but more the case that in the evolving system of the EU patterns of interactions constantly change. From a preliminary view of the empirical evidence the patterns of interactions have been constantly changing. Through an early dual institutional venue towards a more integrated single Community framework for action and then to a formalised system of policy making via incorporation into the Treaties. Again the Bologna Process introduced new patterns of interactions and new stakeholders at the table. However what might be considered that the patterns have in common is that they incorporate the elements mentioned before (state as mediator, non-hierarchies, new rules of behaviour). Those elements create in the case of higher education a strong pattern of equality in relationships which is often expressed in the bottom up development of policy.

What is implicit in the descriptions of governance in this section is the multi-level character of the governance system. Borrowing Hooghe's and Marks's words on their comment on the two main types of multi-level governance: 'types of [multi-level] governance that we conceive share one vital feature: They are radical departures from the centralized State'<sup>96</sup>. In a sense multi level governance provides a context of 'governance without government', i.e. a lack of centralised authority.

### ***2.5.2 Higher education between policy and polity levels***

Higher education though should not only be seen in isolation to other developments of the EU and cannot be understood fully if the analysis is kept at a strict policy level.

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<sup>96</sup> Hooghe and Marks (2003), p. 241

The polity understanding which features prominently in the governance literature is not only a tool for policy analysis but in itself part of the exploration.

Heritier notes that it is essential to distinguish between the polity level and the policy level. More specifically, she remarks that the polity and the policy level run parallel and are linked. At polity level, a change is perceived as a change in the overall aspects of the polity. When it comes to the policy level, the change refers to the establishment or the modification of a policy. From the perspective that these levels are linked, Heritier notices that changes at one level coincide with changes at the other level, albeit with a difference in speed and frequency<sup>97</sup>. This view is close to the classical notion of Skocpol's, in which policies and politics are interrelated, in that 'politics create policies and policies also remake politics'<sup>98</sup>. This results in a reciprocal interaction where both ends can be inputs and outputs of the political process.

Applying Heritier's view on the parallel development and correlation between the polity and policy we may argue that the governance system can be observed and analysed at both levels; a parallel evolution in systemic and super-systemic levels. Although as suggested earlier, the governance approach is not concerned with the ontology of the polity, the links between polity and policy evolution are not to be ignored.

The parallel dimension of polity and policy is not a case of equifinality. The relation between the two dimensions is more a case of constant interaction. The outcome of the interaction is reflected in both dimensions. The policy reflects the state of the

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<sup>97</sup> Heritier (1999), p. 9

<sup>98</sup> Skocpol (1992), p. 58

polity and policies shape the polity. In the case of governance without government, multi level governance, this is becoming more apparent as there are now clear structures and a multi-tier system of different actors (from different levels).

The incremental meshing<sup>99</sup> in daily politics is in itself a window of opportunity for policy action. As Heritier argues, actors, notably the Commission, use the link between the two levels to increase their role and push forward decision making<sup>100</sup>.

‘Thus, one can say that the European Union, as a polity in flux, in which a slow but substantial stream of institutional decisions runs parallel to a rapid flow of policy developments, allow for specific linkages between the two which speed up policy developments and institutional reform. The two developments cross in a salient way when official windows of reform opportunities are opened, such as those offered by enlargement decisions and constitutional reform’<sup>101</sup>.

Policy and polity interaction can be observed at micro and macro level. At the micro level, the windows of opportunities and the opportunistic actions are the elements to be identified. At the macro level, the issue in question would be closer to the normative level, the ‘compatibility’ between policy actions and polity ideas. This is an issue that will be further discussed in the following chapter on the theory of historical institutionalism.

Thus analysis of higher education policy and polity exploration go hand in hand. In empirical terms, the development of higher education policy as market supporting

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<sup>99</sup> the term Heritier (1999) uses to describe the relation between polity and policy (p.11)

<sup>100</sup> as above

<sup>101</sup> Heritier (1999) p.12



policy should be viewed and discussed in parallel with the development of the market integration and the achievements in this field. The Single European Act cannot, for example, be irrelevant to the progress concerning the action programmes for mobility, nor should the turn towards a knowledge driven society be considered coincidental with the shift towards vocational training in the post Maastricht period.

Bringing Hooghe and Marks typology of multi-level governance again in the discussion we may argue that the policy and polity levels, as far as the EU is concerned, are both multi-level governance phenomena. The role of actors, the system of hierarchies, the rules of behaviour and the patterns of interaction in policy and polity level have a strong element of 'reallocation of authority upward, downward, and sideways'<sup>102</sup>. In fact it might even be argued that from an interpretative perspective that the policy context of the EU presents many of the characteristics Hooghe and Mark attribute to type II of multi level governance. The 'jurisdiction' is task specific, i.e. it is defined by the task. There can be many jurisdictional levels and there is no reason that a policy issue cannot be dealt at different levels in a form of multi or poly-centred governance. Therefore it is the task that defines the jurisdiction and not the other way around. At the same time, 'memberships' can be multiple and intersecting. 'There is generally no reason why the smaller jurisdictions should be neatly contained within the borders of the larger ones. On the contrary, borders will be crossed, and jurisdictions will partly overlap'<sup>103</sup>. The importance is for jurisdictions to respond flexibly and thus the design of the governance is flexible.

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<sup>102</sup> Hooghe and Marks (2003), p. 233

<sup>103</sup> Hooghe and Marks (2003), p. 238

In conclusion the governance approach provides a working framework for analysis, the premises to discuss a policy while accounting for the complexity of the governance structures and the interaction between the different levels of play. For the purposes of this research and as stated both in this chapter and in chapter one, governance is neither the theoretical tool nor the framework, but rather the lenses to describe and discuss policy evolution.

### ***Chapter 3: New institutionalism: theoretical overview***

The regeneration of the importance of institutions in political science has been revisited in the literature in recent years. This revision focused on redefining the meaning and the role of institutions. The efforts to use the institutional analysis sprung from different strands, and in no case did they have a clear *a priori* consensus of the meanings they explored<sup>104</sup>. Still, they came under the label of ‘new institutionalism’. In the analysis that follows, we will explore the case of historical institutionalism without, however, omitting references to rational choice and sociological institutionalism, where appropriate.

New institutionalism has been re-rooted in the study of politics, mainly from early comparativist efforts to explain political phenomena and change in different contexts<sup>105</sup>. As already said, in the field of European integration, it has been introduced as a tool that would help explain the process from a different angle, and from a different level of analysis. Some early efforts concentrated on using the importance of institutions to criticise the predominance of intergovernmentalism and liberal intergovernmentalism<sup>106</sup>, and to bring attention to the complex structure of the European Union and the role institutions play in the decision making process. With these early efforts, in some cases the focus was strongly on the structural elements of the decision making process and the role of formal institutions. This included issues such as the power the Commission has during the negotiation and formulation stage

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<sup>104</sup> Hall and Taylor (1996)

<sup>105</sup> see for example North (1990), Thelen and Steinmo (1992) and Immergut (1992)

<sup>106</sup> as introduced by Moravcsik (1993), (1995), (1998)



process<sup>107</sup>, or more generally, critiques that highlight the role of institutions, and the importance of understandings embodied in rules and practices.<sup>108</sup>

In that sense, the school of neo-institutionalism cropped up to cover the gap in the integration literature on the role institutions play in the incremental and dynamic process of European integration; to re-assign the importance of norms, values, practices, beliefs and so on, in filtering the national interests and creating a supranational arena of decision making.

### **3.1 Historical institutionalism and institutionalisation**

The interlocking dimension of the institutions creates a meaningful and powerful role for them, in a ‘calculus’ or ‘cultural’ approach. Within the EU, the interlocking dimension of institutions, as well as the increased complexity of the structure, have created the terrain for a momentum of institutionalisation in overt and covert ways<sup>109</sup>. This institutionalisation is often paralleled with political integration<sup>110</sup>. ‘Integration’ signifies some measure of density, intensity and character of the relations among the constitutive elements of a system. Integration may refer to causal interdependence among the parts, consistency – the degree of coherence and coordination among the parts, and structural connectedness – a sociometric or network vision of integration<sup>111</sup>.

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<sup>107</sup> Tsebelis and Garret (1996)

<sup>108</sup> Wincott (1995) p. 607

<sup>109</sup> Heritier (2001)

<sup>110</sup> Olsen (2001), Caporaso and Sweet (2001)

<sup>111</sup> [March 1999] in Olsen (2001) p. 326

The institutionalisation of the EU is not, of course, irrelevant to the increased role of the institutions in the EU polity. The description of the EU as multi-tiered, complex and so on, underpins the argument of increased institutionalisation. As Sweet, Fligstein and Sandholtz argue, institutionalisation is a dependent variable that is found in variance across different domains<sup>112</sup>. However, where high institutionalisation occurs, specific characteristics can be identified. Therefore, in different ways, what is expected is to find an increasing number of specific patterns of interaction, greater focus on settings and structures of the environment and action directed within this space.

In this context, a clear shift towards the internal characteristics of the polity-system is perceivable. The importance of the endogenous elements of the 'polity' is increasing. Drawing on that, it is possible to identify and highlight the role of the institutions as a locus of power in the Union. Institutions constitute a substantive part of the institutionalisation of the EU by being actors, agents, rules and arenas of decision making. The formal institutions (structures) as well as the informal (norms and values) have become major issues in the analysis of the integration process.

At the core of 'new institutionalist' theory is the assumption of the importance of institutions. Although the differences between the variant approaches within the same theoretical premises are distinct, the common denominator is that institutions matter. They matter to the level that institutions become the centre and methodological guide of the approach. However, this predominance of

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<sup>112</sup> Sweet, Fligstein and Sandholtz (2001), p. 21

institutional logic should not be conceived as a unilateral approach to the subject of analysis. In fact, it is mostly a theoretical metaphor that tries to overhaul the discounted role of institutions in the EU political analysis. Therefore, institutions and institutionalism should be perceived as the theoretical underpinning, the constant parameter, of a rather multilateral—from the inside—approach of European integration.

The role of the nation (or the national actor) in the institutionalisation process is being subsumed in the international socialisation<sup>113</sup>, in a process where the state as a political unit ‘socialises’ its internal constitutive beliefs and practices in the international environment<sup>114</sup>. Therefore the “new” international environment considers the national as a constitutive part of the emerging polity.

Further to that, institutionalisation drives us to see and understand the specific patterns of action and behaviour in the specific environment. Not by coincidence, Sweet, Fligstein and Sandholtz initiate the argument that institutionalisation is a description of governance. That in fact, institutionalisation is not much different than the structures, settings and norms where governance takes place<sup>115</sup>. The concept of institutionalisation in that respect works as a connecting link between historical institutionalism and governance. It provides the step to move from the analysis of why things have evolved in a certain way to how things are working at a specific moment or case.

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<sup>113</sup> Schimmelfennig (2000)

<sup>114</sup> Schimmelfennig (2000), p. 111

<sup>115</sup> They define governance as ‘the authority to make, interpret, and enforce rules in a given societal setting, Sweet, Fligstein and Sandholtz (2001) p. 7



### 3.2 Historical Institutionalism: Review of principle ideas

Historical institutionalism varies within the spectrum of new institutionalism. Although there is considerable convergence<sup>116</sup> between the different institutionalist ‘branches’, there is still enough space to capture the sole theoretical framework of historical institutionalism. In the general context of institutionalism, the major principle is that institutions matter. They matter to the level that they can be seen as a variable in the outcome of decisions of actors. In the case of historical institutionalism, institutions are catalytic variables that shape the goals of actors, not just strategies, therefore being reflected in the outcomes<sup>117</sup>. Methodologically, historical institutionalism distinguishes institutions as being independent variables. Contrary to them being intervening variables, institutions do affect the outcomes by their nature rather than their role. Of course, their role is important when researching and studying political outcomes. Historical institutionalism does not neglect this. However, contrary to other methods, it regenerates the need to understand and see the nature of institutions, not as a means to an end, but as creator (input) that contributes in the process by its political weight—in a way, as an actor of its own. In that sense, the institutional contribution is certainly closer to the norms and values they convey. In effect, institutions, either by design or evolution, influence actors’ definition and articulation of interests, and affect their political interaction and social behaviour. It is therefore anticipated that the imprints of institutions will be visible in the policy and politics.

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<sup>116</sup> Aspinwall and Schneider (2001)

<sup>117</sup> Thelen and Steinmo (1992)

### *3.2.1 The logic of appropriateness*

The role of institutions in the theoretical framework of historical institutionalism is encapsulated in the logic of appropriateness. Actions within the historical institutionalist framework follow the logic of appropriateness, rather than that of consequentiality. This logic derives from the norms and the values embedded in the institutions and the actors, and guides their behaviour. March and Olsen define appropriateness as ‘a perspective on how human action is to be interpreted. Action, policy making included, is seen as driven by rules of appropriate or exemplary behaviour, organized into institutions’... ‘[r]ules are followed because they are seen as natural, rightful, expected, and legitimate. Actors seek to fulfil the obligations encapsulated in a role, an identity, a membership in a political community or group, and the ethos, practices and expectations of its institutions’<sup>118</sup>. Appropriateness is socially structured<sup>119</sup> and transmitted through formal structures. The formal structures are the institutions<sup>120</sup>. The institutions are the arenas of bargaining and implementation of decisions. They function as ‘receivers’ of the beliefs of the actors as well as creators of appropriateness. March and Olsen<sup>121</sup> argue that actions follow the logic of appropriateness, where behaviours follow rules of appropriate and exemplary action. Therefore, contrary to the logic of consequentiality, where actions are defined by the calculation of consequences, the logic of

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<sup>118</sup> March and Olsen (2004) p. 3

<sup>119</sup> Sweet, Fligstein and Sandholtz (2001), p. 8

<sup>120</sup> Although it should be noted that institutions are not always found as formal structures. On the contrary historical institutionalism defines institutions in both formal and informal structures.

<sup>121</sup> March and Olsen (1989)

appropriateness includes all normative and cognitive components<sup>122</sup> that can drive human actors' behaviour.

Still, March and Olsen do not eliminate the logic of consequentiality from actors' behaviour. Illustratively, they argue that expected utility is included in the drivers of actions and furthermore, that proper action leads to negative consequences, as improper behaviours lead to positive consequences<sup>123</sup>. From that point of view, the conflict between the two logics intensifies. Confronting this problem, March and Olsen identify two potential ways of dealing with it, in terms of behavioural action. In the first case, one logic subsumes the other by incorporating it. For example, the appropriate is defined by utility calculations of potential consequences. In the second case, which the two authors are keener to endorse, one logic prevails over the other on the basis of hierarchy. Illustratively, they argue that often politics follows the logic of consequentiality, whereas public policy follows the logic of appropriateness<sup>124</sup>.

The conflict between the two logics is also reflected in the way institutions matter. In the premises of new institutionalism, a long discussion exists over the 'calculus versus cultural' meaning of institutions. Hall and Taylor,<sup>125</sup> in providing a typology of the new institutional branches, use the terms 'calculus' and 'cultural' as a description of the generic importance of institutions. Therefore, on one side can be found the 'calculus' (rational) understanding, and at the other end is the 'cultural', sociological (socially constructed)

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<sup>122</sup> March and Olsen (2004), p. 3

<sup>123</sup> March and Olsen (2004), p. 17

<sup>124</sup> March and Olsen (2004), p. 20

<sup>125</sup> Hall and Taylor (1996)



understanding. Therefore for rational institutionalism, institutions are to be considered as mere arenas of bargaining, often referred to as ‘restraints’<sup>126</sup>, while on the sociological end institutions are ingredients that shape actions. Historical institutionalism finds itself somewhere in the middle and there are good examples where institutions tend to be translated towards either side (see the following about Pierson and Bulmer).

In any case, the logic of appropriateness is not defined externally nor does it bear a prescribed ideological stigma. Appropriateness is constructed and defined in the endogenous premises of the institutionalisation process. Appropriateness is embedded within the institutions and can evolve in the same manner institutions evolve. ‘Institutions generated by functional demands of the past can perpetuate themselves into a future whose functional imperatives are radically different’<sup>127</sup>.

Appropriateness may well be perpetuated between the logic of appropriate and consequential. Within the historical dynamics of evolution, appropriateness does not need to be pre-defined but can be captured at any given moment as the reflection of the institutionalisation outcome, an evolving norm, a developing value. As institutions may develop in different ways so can appropriateness be defined in alternative ways. March and Olsen see this point in the importance of the time dimension and argue that “[a] polity may institutionalize a sequential

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<sup>126</sup> North (1990)

<sup>127</sup> Krasner (1984), p. 240

ordering of logics of action, that different phases follow different logics and the basis of action changes over time in a predictable way”<sup>128</sup>.

### **3.2.2 *Institutions***

Within the path dependence logic lies the importance of institutions. From this perspective, the role of institutions is fairly general and difficult to encapsulate in a specific classification or definition. In general, they affect political outcomes by their dual nature, firstly as limits (the rational side) as well as norms and values (the sociological perspective). In other words, institutions have a cognitive as well as a normative side. This dual nature also reflects a definitional issue on the institutions. Historical institutionalism, as already stated, defines institutions in a way that includes both the formal and the informal. Therefore, an institution may be a formal structure or a norm or value embedded in loosely defined space, or both. In the historical institutionalism premises, the interest is shifted towards the norms and values or the combinational character. Still, it does not neglect formal structures. Therefore, this divide of analytical purpose may structure the institutionalist argument. In order to fit in both types of institutions, it would be useful to see how those are perceived to function separately.

As regards formal institutions, there is not a clear theoretical framework in new institutionalism. However, some useful insights can be drawn from theoretical explorations as well as empirical works. Judging from those, it would be possible to borrow some elements from other theoretical paradigms that, while

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<sup>128</sup> March and Olsen (2004) p. 22

not encompassed in the historical institutionalist framework, still have strong similarities. Keeping the analogies an important insight can be subtracted from the principal-agent theory (P-A). The control of the actors (principals) over the institutions (agents), vary from institution to institution. The level of autonomy is very significant to understanding the role of institutions. Tallberg<sup>129</sup> compares the European institutions to see how much power they have been delegated and how they use it. In his research he finds that principals delegate power to agents according to the needs of their function. Although they may keep control mechanisms, those are not always enough to avoid uncontrolled outcomes. From the P-A perspective, institutions may be highly or minimally controlled. Especially with low control, it is often the case that the agent pursues its own strategy for further power and autonomy. This argument encompasses the notion of purposeful opportunism<sup>130</sup>, which implies that institutions do act on self- interest. On this basis, issues of ‘institution activism’ (referring to the Commission or the ECJ) have been raised several times. A consequential and equally important issue on dispute is the role (or the power) of institutions in rapport with the issue tackled. Depending on the distribution character, the predisposition of the actors changes significantly<sup>131</sup>. Although this is an argument that refers to the design period of an institution, it could be generalised to a certain degree, so as to reflect the willingness of the actors to be involved or control the institutions in specific circumstances. Therefore, and as far as the formal institutions are concerned, two important elements can be highlighted: the ability and the willingness of the actors to control the institutions. Those elements function as intervening variables in order to

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<sup>129</sup> Tallberg (2001)

<sup>130</sup> Cram (1997), p. 27

<sup>131</sup> Lindner and Rittberger (2001)



understand at which level institutions can be 'responsible' for political outcomes. In a way, those are determinants of institutional power. However, those are not the only factors that compile institutions' power. More likely, they are exogenous factors that affect the limits on institutional power.

On the other hand, historical institutionalism is not only concerned with institutions as formal structures. It also deals with values, rules, routines, beliefs, standardised operating procedures and so on, which are concepts that do not always have a clear 'tangible' structure. However, they also come under the institutions' family and are examined in the historical institutionalist premises. The informal institutions guide the research towards more socially based logics. In this situation the role of the institution takes on new meaning. It is less about power or operational capabilities and more about the norms, values and ideas it diffuses to the political process. This role is not limited to informal institutions but is also conveyed by the formal ones. Formal institutions can well encompass this 'intangible' role. Therefore, the divide between formal and informal serves more to show which institutions have direct political power. In the historical institutionalist premises, however, what is more important is to identify these values and fit them in the analysis of the political process.

Finally, we may argue that this division is not always of the essence and to a certain degree it is drawn for methodological and analytical reasons. To a large extent, formal and informal institutions co-exist and overlap. The normative elements of informal institutions are normally embedded and diffused through the formal structures. If institutions are perceived only as formal structures, then

the theoretical framework is closer to a rational choice understanding rather than a historical institutionalist one.

In whichever form ‘institutions are seen as relatively persistent features of the historical landscape and one of the central factors pushing historical development along a set of “paths”<sup>132</sup>’.

### ***3.2.3 Preference formation***

The first point regarding preference formation in historical institutionalism is that actors’ preferences are not fixed or pre-set. Preferences cannot be considered as independent, un-associated or external to the institutional premises. Against the rational logic, historical institutionalism arguments see institutions as shaping actors’ goals and hence preferences. Therefore policy preference formation is endogenous rather than exogenous. It is in itself part of the institutionalisation process.

Hall and Taylor in discussing the different views the various historical institutionalist strands present, see limitations in accepting that ‘the preferences or goals of the actors [are shaped] exogenously to the analysis, especially in empirical cases where these underlying preferences are multifaceted, ambiguous or difficult to specify ex ante’<sup>133</sup>.

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<sup>132</sup> Hall and Taylor, p. 941

<sup>133</sup> Hall and Taylor (1996), p. 951

Hall and Taylor illustratively describe the importance structures play in the preference formation of groups and actors<sup>134</sup>. System capacities have an instrumental role in shaping actors' and groups' preferences. The significance that system capacities play can then be considered as a relative issue and can vary according to the role and understanding the historical institutionalism paradigm attributes to institutions<sup>135</sup>. The structural bias of historical institutionalism can often reduce institutions to 'power neutral' instead of attributing to them a normative role in the development of ideas and goals.

This idea should not though be misunderstood with prescribing outcomes and imposing agendas. 'Historical institutionalism does not predict movement toward or away from integration; rather it predicts that agency rationality, strategic bargaining, and preference formation are conditioned by institutional context'<sup>136</sup>.

### *3.2.4 Temporal dimension*

One of the most important elements in historical institutionalism is the temporal dimension which it explores, and within which it functions. Historical institutionalism, as a term, implies a strong relation with time. The centrality of the temporal dimension is the key to understanding the institutional [and policy]

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<sup>134</sup> See for example how they interpret the example of the difference of expectations and therefore preferences of political groups in relation to political system structures in Immergut (1992) in Hall and Taylor (1996) p. 940

<sup>135</sup> examples of the divergence attributed to different elements of historical institutionalism will be provided and further elaborated in section 3.3

<sup>136</sup> Aspinwall & Schneider (2000) p. 18



evolution<sup>137</sup>. Theoretically, the historical institutionalist approach researches evolution in terms of time. Time is a standardised parameter of the model. Although different appreciations of the particular notion (see for example the very specific understanding and use of time in Lindner and Rittberger, who use a span of more than decades to explain normative elements of the EU development<sup>138</sup>) may exist, the existence and dynamism of the element is undisputed within the historical institutionalist premises.

In fact, time is a variable that provides the causal link between actor behaviour (including interests and strategies) and policy evolution. The argument of time suggests how a decision taken (once at a certain point-time) affects the aftermath of the policy evolution. Once a critical choice has been made it cannot be easily taken back. There may be a wide range of possible reasons such as the high transactional costs but once a path is taken, it canalizes future developments<sup>139</sup>; it creates, what is often referred to in the new institutional literature, a lock in effect<sup>140</sup>. In terms of historical institutionalism, what is important is the long-term effect of a decision<sup>141</sup>. In practical terms, there are two ways to perceive that. The first –less common and more rationalist—is to identify a specific event as being decisive for later developments. In this way, a causal link is established between specific events. On the other hand, the second—more common and taking full advantage of the essence of time—is to identify time as the catalytic parameter of the process on which the imprints of

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<sup>137</sup> Lindner and Rittberger (2001)

<sup>139</sup> Krasner (1984) p.240

<sup>140</sup> Pierson (1993), (1995)

<sup>141</sup> Aspinwall and Schneider (2001)

the evolution of a policy can be found. In any case, it can be said that in due time, a polity institutionalises a sequential ordering of action, and logic changes over time in a predictable way<sup>142</sup>.

The time parameter is the element that distinguishes historical institutionalism from other neo-institutionalist strands and moves it above the linear understanding of neo-institutional paradigms.

A distinctive example of the importance of the temporal dimension can be seen in the argument of the ‘unanticipated consequences’. Pierson<sup>143</sup>, in his effort to explain social policy from a historical institutionalist point of view, provides an analytical categorization of the empirical evidence that can be identified in a policy analysis. Pierson lists a number of historical institutionalist explanations that all have in common the lack of intent or lack of anticipation for the outcomes from a large portion of the actors (or at least some of them). The empirical evidence as categorised by Pierson highlights the complexity and the highly multi-tiered nature of the EU polity. Moreover, the argument of ‘unintended consequences’ brings insight in the time parameter, although it seems to contrast the logic of appropriateness from the perspective of the main actors. Even so, unintended consequences do exist and can be highlighted in most cases. The ‘conflict’ between actors’ preferences and actual decisions and policies confirms the autonomy of the institutions and the high level of EU institutionalisation. The basic argument of Pierson has a very rationalist basis.

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<sup>142</sup> March and Olsen (2004), p22. Predictability here is not given as an element of prescription, or as an advantage of the use of historical institutionalism but as component that unavoidably exists within the notion of path dependence

<sup>143</sup> Pierson (1996)

Although it reflects the increased autonomy of institutions, it lacks the element of consensual understanding. National actors and institutions do not always share objectives. Under this perspective, institutions are closer to constraints rather than guides<sup>144</sup>. Still, they may alter not only strategies, but also the objectives. This, though, seems to happen when there is no alternative, and not as a wilful decision.

### *3.2.5 Path dependence*

From the latter perception of the time dimension, institutions create patterns. These patterns create path dependence. The theoretical assumption of the institutional importance and of the path-dependent reasoning is the logic of appropriateness. However, path dependence exists not just because each action follows the same logic. As previously argued, the logic changes over time. Still actions that have taken place in an institutionalised environment create lock-in effects in different forms. Sometimes, they can be described as self-reinforcing sequences characterised by the formation and the long term reproduction of institutional patterns that create increasing returns, or reactive sequences of causally interconnected events<sup>145</sup>. Or as Pierson and Schopol explain “Path dependence” can be a faddish term, lacking clear meaning, but in the best historical institutionalist scholarship it refers to the dynamics of self-reinforcing or positive feedback processes in a political system<sup>146</sup>.

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<sup>144</sup> that is very close to North’s (1990) use of institutionalism, where institutions work as constraints, delineating the boundaries for actors’ actions

<sup>145</sup> Mahoney (2000), p 508-509

<sup>146</sup> Pierson and Schopol (2002)



A series of actions should be considered as interconnected and each of them has to be seen in context with what has previously happened. Initial policy choices prescribe or constrain potential subsequent options. This way, a path dependence is structured and can be also understood as a form of institutionalisation<sup>147</sup>. In historical institutionalist terms, path dependence is associated with incremental evolution<sup>148</sup> and a certain degree of stability and predictability of actions.

It is often the case that using the ‘lock in’ effect and path dependence as explanatory tools prescribes the effect of inertia<sup>149</sup>. Often described as institutional inertia<sup>150</sup> in EU studies, it has come to signify the increased autonomy of institutions and their decisive role in guiding policy actions. In the broader context of historical institutionalism, inertia stands as the reflection of the endogeneity of the institutional process. Although inertia literally means inaction, in a broader theoretical understanding, it denotes the importance of the pre-existing institutional environment in taking an action. On this point, historical institutionalism is often ‘accused’ for its inability to provide explanations for any potential big change. The path dependence stream can be seen as contradicting the logic of change. Still, this does not mean inaction is total lack of change. Change, however, can only be explained when it is produced endogenously, when—as said earlier—it coincides with the incremental change that happens within the institutions, as logic changes<sup>151</sup>. In

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<sup>147</sup> Sweet Stone and Fligstein

<sup>148</sup> Dimitrakopoulos (2001)

<sup>149</sup> Peters (1999)

<sup>150</sup> Pierson (1996), Banchoff (2002)

<sup>151</sup> this follows March’s and Olsen’s argument on the change of the of the logic of appropriateness

fact, substantive analyses of path-dependent sequences offer explanations for particular outcomes, often ‘deviant outcomes’ or instances of ‘exceptionalism’<sup>152</sup>. From a similar angle, ‘change can also be seen as the consequence –intended or unintended- of strategic action filtered through perceptions of an institutional context that favours certain strategies, actors and perceptions over others’<sup>153</sup>. In fact path dependence is often associated with ‘increasing returns’<sup>154</sup> which contradicts the notion of inertia and refers to what was mentioned above as positive feedback process in the policy system- an idea closer to the concept of constant progress.

### **3.3 Historical institutionalism within new institutionalism**

To capture the extent those elements are defined within historical institutionalism it would be useful to discuss it within context of the broader spectrum of new institutionalism.

New institutionalism approaches share the acknowledgement of the importance institutions play in politics. As already seen above, the elements of historical institutionalism cannot be defined statically. More likely, they can be understood as dynamic components that can be flexibly stretched in specific frameworks of analysis. Aspinwall and Schneider<sup>155</sup> present the limits within which historical institutionalism can be identified. Building upon this view, it is possible to portray new institutionalist approaches from a linear perspective

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<sup>152</sup> Mahoney (2000), p. 508

<sup>153</sup> Hay and Wincott (1998), pp. 955-966

<sup>154</sup> Mahoney (2000)

<sup>155</sup> Aspinwall and Schneider (2001)

according to the importance and the role of institutions. The more institutions are being perceived and portrayed as constraints or limits of the possible bargains, the more the institutionalist approach tends to be rational and lean on the utility- maximising logic as an underpinning of a decision-preference. On the other hand, the more institutions prevail as socio-ontological elements that capture and exhale the norms and values of the polity, the more historical institutionalism tends to draw on sociological (institutionalist) premises. Rational and sociological institutionalism represent the two ends of the historical institutionalism pendulum.

Looking at the empirical applications of the particular approach better reflects the convergence of historical institutionalism. Hence, Aspinwall and Schneider's distinction on the empirical focus of the researcher highlights the point. According to the same authors, while Pierson seemingly 'discounts institutions to power neutrals' engaging to a more structured, biased methodology, Bulmer<sup>156</sup> prefers to reflect from a more cultural perspective that provides a rather different insight into the role of institutions<sup>157</sup>. In fact, the difference above not only confirms the flexibility in empirically understanding historical institutionalism, but also reflects the differences in the pre-assumption of the role of institutions. This genuinely definitional variation highlights the importance of the originally designed theoretical framework, in which the research will fit. In the above case, it becomes evident that while Pierson is concerned with the formally structured institutions, Bulmer leaves more space for a sociological understanding of the term. Historical institutionalism is not a

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<sup>156</sup> Bulmer (1994)

<sup>157</sup> Aspinwall and Schneider (2001), p. 5



concrete framework. It expands to the level and space, on which the researcher wants to drive his/her research. The convergence of new institutionalist views is therefore an issue to be identified in practical work. It is not a theoretical suggestion. Although no sharp categorisation exists, the level of convergence can be discovered in the work of scholars. For example, Pollack<sup>158</sup> in a presentation of new institutionalism, seems to identify the work of Pierson (considered as a historical institutionalist) very closely to that of Scharpf, who is mainly considered a rational choice or actor-centred institutionalist. In fact, Pollack sees a clear theoretical and methodological similarity in between the “joint-decision trap” Scharpf uses to explain the sub optimal outcome of the common decision making process, and the unintended consequences that derive from the same process. Scharpf’s approach to institutionalism is closer to that of actor centred institutionalism. Actors within institutional settings come together for a joint decision, which cannot fully serve their interest, thus resulting in sub-optimal results for the actors involved<sup>159</sup>.

Apart from convergence with the other new institutional branches, historical institutionalism can be perceived as having variances within itself. To the level it does so, it allows the researcher to be theoretically flexible and avoid strict methodological individualism. From a constructivist point of view, ontological and epistemological tools can override methodological individualism<sup>160</sup>. However, it must be kept in mind that in the space of historical institutionalism, the looseness of the theoretical limits is not only an advantage but also a potential trap of the approach. Checkel criticises Sandholtz’s work on exactly

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<sup>158</sup> Pollack (1996)

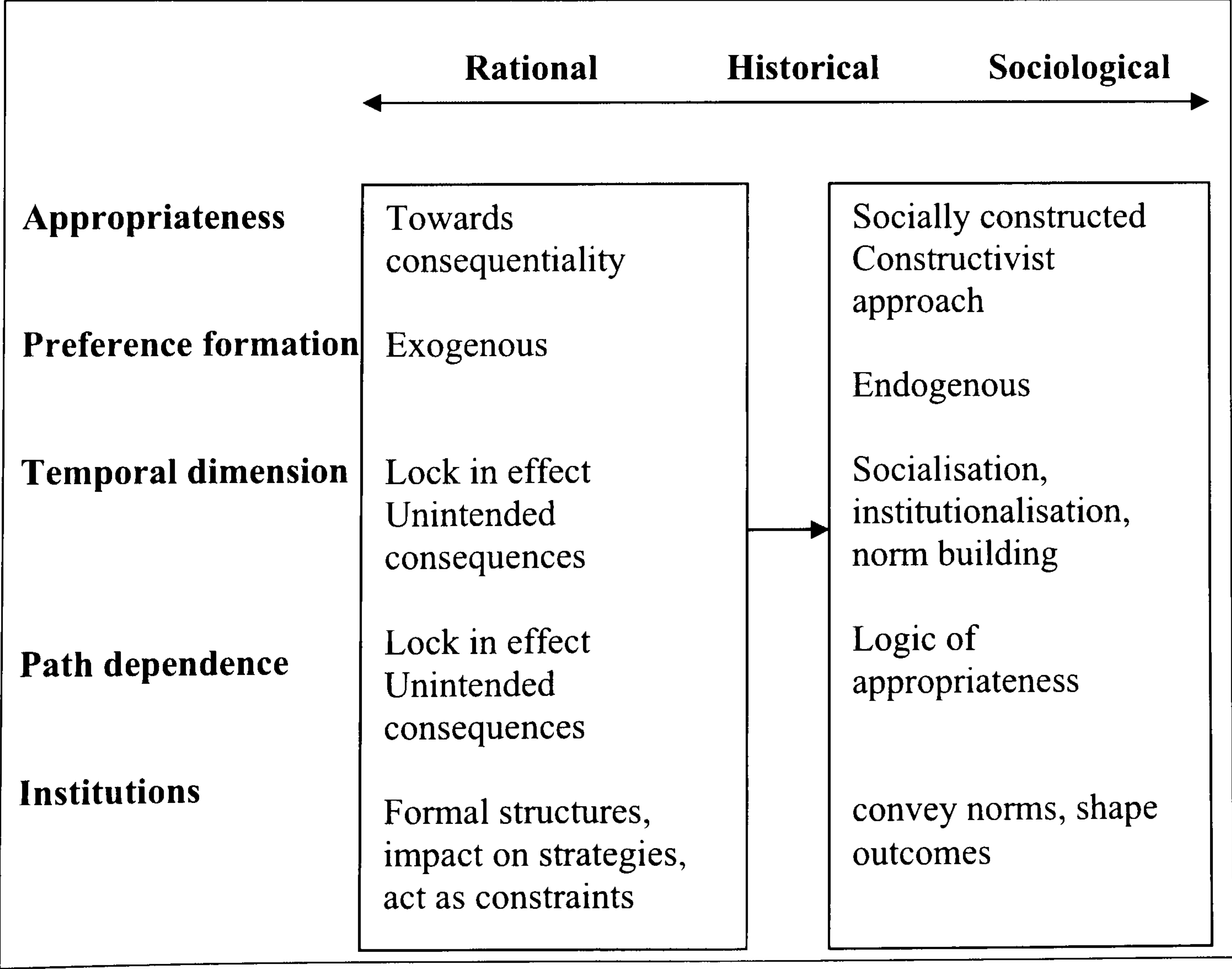
<sup>159</sup> Scharpf (1988)

<sup>160</sup> Checkel (2001), p. 20

that point, the basis of his methodological consistence. Therefore, according to Checkel, although Sandholtz suggests in his work the ‘endogenising’ of the interest formation, he does not attribute an important role to the institutions as he should. In fact he presents institutions from a rational perspective, where institutions impact the individual’s strategy formation rather than the individual or collective interest formation<sup>161</sup>. This critique is a small example of the need for theoretical-empirical consistency in the field of new institutionalism.

In the context of this linear understanding of new institutionalism that has been reproduced in the literature<sup>162</sup> historical institutionalism does not necessarily need to be defined on its own but can well be described as the ‘in between’ of rational and sociological institutionalism.

**Diagram 3.3: a schematic overview**



<sup>161</sup> Checkel (2001), p. 23

<sup>162</sup> see for example Aspinwall and Schneider (2000)

On the other hand, there is also the argument that historical institutionalism covers sufficient ground on its own to be a distinctive social ontology with insights on the structure –agency problem<sup>163</sup>. Wincott and Hay see the potential of institutions’ roles in a historical intuitionist setting, to provide the impetus to transcend the limitations of both rational and sociological institutionalism<sup>164</sup>. Arguing that historical institutionalism can be defined as a structure-agency problem Wincott and Hay suggest that historical institutionalism does not need to be defined within the premises of new institutionalism but can be conceived as a theoretical premise on its own. In a similar argument Hall and Taylor suggest that historical institutionalism scholars ‘emphasized the “structuralism” implicit in the institutions of the polity rather than the “functionalism” of earlier approaches that viewed political outcomes as a response to the needs of the system<sup>165</sup>.

The ‘structuralism’ approach allows capturing historical institutionalism as a theoretical paradigm that can be perceived beyond the linear perception of the rational-sociological ends of new institutionalism.

According to Pierson and Skocpol, the historical institutionalist approach tends ‘[t]o develop explanatory arguments about important outcomes or puzzles, historical institutionalists take time seriously, specifying sequences and tracing transformations and processes of varying scale and temporality. Historical

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<sup>163</sup> Hall and Taylor (1998), p. 958

<sup>164</sup> Hay and Wincott (1998), p. 955

<sup>165</sup> Hall and Taylor (1996), p. 940



institutionalists likewise analyze macro contexts and hypothesize about the combined effects of institutions and processes rather than examining just one institution or process at a time'<sup>166</sup>. Or as the same authors argue 'historical institutionalists analyze organizational configurations where others look at particular settings in isolation; and they pay attention to critical junctures and long-term processes where others look only at slices of time or short-term manoeuvres. Researching important issues in this way, historical institutionalists make visible and understandable the overarching contexts and interacting processes that shape and reshape states, politics, and public policymaking'<sup>167</sup>.

Taking this argument further we may argue that historical institutionalism overcomes the short-termism of the rational end while taking into account not only institutions but also historical process (to overcome sociological institutionalism) to explain policy facts. This structuralist perspective provides a more cohesive argument in the sense that it differentiates historical institutionalism from the other branches of new institutionalism and provides a distinct ground of theoretical premises.

To elaborate on the differences between the different stands of new institutionalism we might build on the parallel Bache and George make between institutionalist theories and the rationalist-reflectivist debate<sup>168</sup>. According to Bache and George rationalistics scholars see the EU as the 'result of conscious action by national governments' while reflectivist scholars 'redefine their

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<sup>166</sup> Pierson and Skocpol (2002), p. 3

<sup>167</sup> Pierson and Skocpol (2002), p. 1

<sup>168</sup> Bache and George (2006) p. 42-43

positions on integration through their socialization with other European actors involve in the process',<sup>169</sup>.

By suggesting that the span of new institutionalism is captured between the argument of the rationalistic and the reflectivist approach it becomes more difficult to maintain that historical institutionalism is just sitting in the middle of new-institutionalism strands or that it is bridging the divide.

In fact the focus of rational choice institutionalism on actors' material interests downplays the importance of institutions as they are defined in the historical institutionalist premises. On the other hand, the reflectivist view, expressed in sociological institutionalism, overstates the role of the socialisation process without leaving much space for an agency role. Still historical institutionalism does not juxtapose the arguments of the other neo-institutionalist strands. It allows both for actors' interests and the socialisation process to co-exist by adding another significant element: the historical dimension.

In the context of time both material interests and socially constructed ideas and preferences can co-exist under the same theoretical paradigm. Without making claims of 'bridging the gap' the historical dimension allows scholars to perceive the same actions and events under different prisms and contexts.

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<sup>169</sup> Bache and George (2006) p. 42

The socialisation process is a process of time. It is in the historical context that actors endogenise their preferences and logics and interests become shared while the logic of appropriateness is developed.

Under this analysis the historical dimension provides a strong differential element to historical institutionalism and makes it sit not only in the middle of the other neo-institutionalist theories but also separately.

### **3.4 Theoretical application**

Historical institutionalism is a meso level theory that provides a fresh approach in studying European integration. As a meso level theory it stands in between being a theory that explains European integration and a theory that elucidates policy outcomes. In a way, its analytical ability to enlighten integration study lies in its potential to explain policy developments.

Following the above analysis of the main assumption made by this theory, it can be said that historical institutionalism is an approach that focuses on the day to day politics. Hence, the temporal dimension, the logic of appropriateness and the path dependence/inertia compose the backbone of the theoretical premises. Looking at the application of historical institutionalism in EU research we might find useful examples of the interpretation as well as the operationalisation of the main concepts.



Pierson provides some interesting arguments derived from a critique of intergovernmentalism as a theory for the explanation of European integration<sup>170</sup>. What Pierson notices is that EC institutions have developed an autonomous role as supranational actors (see also above on the P-A model) and use their authority to increase their autonomy. At the same time, national political decision makers have often ‘restricted time horizons’, being interested in short term effects of decisions. Such circumstances can provide fertile ground for ‘unanticipated consequences’ to occur. Others issues such as the high exit costs, the shifting views and attitudes of actors can have further effects on the path of policy making.

The first argument, which historical institutionalism supports (or at least is expected to support), is that decisions and policy evolution are evolving in a path dependant way, because they are being supported by all actors (including the institutions) on the basis of a normative reflection and a logical appropriateness. The norms and values of the institutions reflect the will of the actors and therefore provide a consensus. From the point of view that actors are driven by polity-ideas or ideals, divergence can only be understood on the level of ‘operational’ disagreements or different understandings, not driven by the representation of fragmented exogenous national preferences. However, this view can be simplistic and sometimes is far from the evidence and only complies with the strictly ‘cultural and normative’ aspect of the approach.

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<sup>170</sup> Pierson (1996)

Sociological institutionalism certainly gets closer to this cultural aspect. Although not many efforts have been made to apply the sociological perspective in the European field, predominant sociological elements can be found in the institutional analysis context. The sociological institutionalism empirical tool derives from an underlying constructivist assumption. From this perspective, the empirical focus turns towards the ideas of loyalty and identity<sup>171</sup>. Based on the empirical focus, the constructivist approach brings insights into the issue of European integration. Checkel identifies the major tools of social constructivism in norm construction. This takes place either under the form of societal mobilisation, or by social learning as a form of diffusion. These dynamics are the variables upon which the constructivist assumption is built. Both of them capture the process of norm construction in terms of time and space.

Methodologically historical institutionalism poses a big challenge. On one hand, it is important to identify and highlight the norm and values that drive a policy decision or, at least, are predominant in the initiation of an institution. On the other hand, it becomes essential to discover all elements that endogenously affect the evolution of the policy over time.

Historical institutionalism can be an essential tool of policy analysis. To make best use of it, it must be understood that it is based on a societal level and has to be utilized as an approach from the endogenous point of view of the polity. As Lindner and Rittberger<sup>172</sup> present, there is high relevance of the distributional issues involved. The latter may determine the level of concern of actors. Based

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<sup>171</sup> Checkel (2001)

<sup>172</sup> Lindner and Rittberger (2001)

on this remark it is possible to distinguish between norm-driven or interest-driven explanations of institutional creation and evolution. Historical institutionalism can be the theoretical framework in both cases (norm-driven or interest-driven evolution). However, it is logical to argue that the approach in each case will be different.

### **3.5 Higher education and historical institutionalism**

In the first chapter we defined the empirical research focus in two sets of main questions:

- How and why has the European Union developed actions in the area of higher education? What was the Community competence and how did the Commission and the other actors agree to bring this issue into the core of EU activities and build a substantive policy?
- Has EU involvement shaped the policy aspects of higher education? If so, how?

Under the prism of historical institutionalism we may seek to identify how institutions matters and how we may operationally adopt this theory to analyse the developments of these processes.

#### ***3.5.1 The logic of appropriateness***

As outlined above, the logic of appropriateness rather than that of consequentiality is the logic that is best suited in the historical institutionalist



context. Nonetheless it was also argued that appropriateness and consequentiality are not mutually exclusive and in circumstances consequentiality can also be an explanatory factor.

March and Olsen have defined the logic in the premises of human behaviour for action<sup>173</sup> but there is scope in a historical institutionalist analysis to perceive appropriateness in the societal sphere. Moreover ‘key behavioural mechanisms are history-dependent processes of adaptation such as learning or selection. Rules of appropriateness are seen as carriers of lessons from experience as those lessons are encoded either by individuals and collectivities drawing inferences from their own and others’ experiences, or by differential survival and reproduction of institutions, roles and identities based on particular rules’<sup>174</sup>.

In the early period of the education policy genesis, policy entrepreneurship and individuals’ action is very dominant and in the un-institutionalised environment such as the period of the 1970s<sup>175</sup>. The logic of appropriateness as identified in actors’ behaviour could be considered of critical importance in setting the scene and defining the path.

Nonetheless the ‘pursuit’ of appropriateness should not be confined to human action or to the origination of the process. In fact appropriateness can be considered as being in parallel evolution with the evolution of norms, rules and culture of the polity and policy system.

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<sup>173</sup> March and Olsen (2004)

<sup>174</sup> March and Olsen (2004) p. 12

<sup>175</sup> Corbett (2002)

While appropriateness can be originally identified as an element of human agency it should also be seen as an element that has been gradually embedded in the institutional nomenclature. Therefore in the first period of policy evolution as identified in this thesis (1970s –1992) appropriateness is a factor that can also be considered in the policy preferences of formal institutions- most notably those of the European Commission and the ECJ- as well as in the rules of behaviour as reflected in the decision making process and the broader governance of the policy. Beyond the actual preferences of formal institutions, appropriateness should also be an element that is embedded or reflected in the polity broader scopes and aims. In this first period this is manifested in the inclusion of higher education in the Maastricht treaty.

The logic of appropriateness should also be considered as an underlying factor in the ‘positioning’ of the policy within the polity. From the formalisation of higher education as an EU policy through the constitutionalisation in the Maastricht treaty, the links between policy and polity could be viewed to be closely in parallel; thus, higher education plays a significant role in the developments of the polity and polity plays a crucial role in shaping the policy.

Finally, the logic of appropriateness may be considered as an element that can be diffused from the institutional setting to actors. While there might be limitations in using the historical institutionalist approach to simultaneously explain developments in different institutional settings (i.e. the European and the national level), the expression of national preferences through the effect of the institutionalisation process is very significant. The distinctive example in the

case of higher education is the Bologna process. In the post Maastricht era and especially after Lisbon, the logic of appropriateness is an element to be directly identified in national actors and their preferences.

Radaelli defines Europeanisation as ‘a process of construction, diffusion and institutionalization of formal and informal rules, procedures, policy paradigms, styles, “ways of doing things” and shared beliefs and norms, which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies’<sup>176</sup>. The case of the Bologna process provides a framework to compare the logic of appropriateness as defined within the European settings and the actions and process of the EU framework to the logic of domestic discourse as this has been re-uploaded to the European level (Bologna process).

### ***3.5.2 Preference formation***

Higher education as mentioned in the start of this thesis was not included in the Treaties and did not appear as an area of interest for Community cooperation with the exception of the very early efforts to establish a European University. This idea did not flourish and was not related to an idea of cooperation in higher education *per se*- or at least as higher education was defined in the early years of Community cooperation.

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<sup>176</sup> Radaelli (2000)



As a non-Community area and field traditionally preserved to national level politics, preferences on higher education did not exist or at least were not part of an endogenous process formation.

From a historical institutionalist point of view the theoretical assumption is that preferences among groups, states and actors form incrementally during the process of institutionalising the policy within the structures of the European Community. Developing the theoretical argument a step further we may seek to find how actors' preferences converge, and as such are embedded and reflected in the institutions. Therefore moving from individual actors' preferences to a 'constitution of actors through preferences'<sup>177</sup>. Moreover in the long period examined it is essential to identify policy preference development and how this compares to the evolutionary nature of the institutional structure.

### ***3.5.3 Temporal dimension***

The time span of the period identified provides an ideal set for understanding the importance of the temporal dimension in its dual meaning.

On one hand the temporal dimension is important to identify the early lock in effects in the higher education area. How or how far did the early action plans and decisions create a lock in effect, commit the Community, the member states and the stakeholders to cooperating in the sphere of education? Were the instrumental decisions of the ECJ in the first period the unanticipated outcomes

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<sup>177</sup> Aspinwall and Schneider (2001) p. 7 (summary table description)

of previous agreements and arrangements in the field of education? Did they, as Shaw argues, create an irreversible effect?<sup>178</sup>

On the other hand the temporal dimension should be seen from its cognitive side. It is therefore important to see how higher education has been shaped over time and how this relates to broader developments of the policy. Although it is difficult to operationalise the temporal dimension effect in a concrete testable hypothesis that would provide clear causal links, it is nonetheless essential to discuss it in the context of the continuity of the process and the argument of path dependency. ‘One needs diachronic evidence about historical sequences to explore and to test ideas about causation directly’<sup>179</sup>. The longitudinal approach suggests that higher education policy outcomes should be seen in relation the institutional development (variation).

The temporal dimension is the underlying factor when bringing together institutions and processes to analyse policies of varying scale and temporality. The importance of events is not only analysed in the narrow scale and context they might seem to occur. From a historical institutionalist perspective it is even more important to track the ‘macro contexts and hypothesize about the combined effects of institutions and processes’<sup>180</sup>

The time dimension in the three decades span of this case study can be seen as the basis for causal inferences both in short period spans -directly related actions and effects- as well as the in the cumulative effect of the evolutionary

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<sup>178</sup> Shaw (1999)

<sup>179</sup> [Rueschemeyer and Stephens (1997) p. 57] in Lieberman (2001) p. 1016

<sup>180</sup> Pierson and Skocpol (2002), p. 3

process in the context of the broader institutional development and the broader context of the integration process.

#### ***3.5.4 Path dependence***

Path dependence in the case of historical institutionalism is more about positive feedback and increasing returns rather than a case of inertia. The continuous development of the policy may make an interesting story of identifying outcomes and investigating how these may have triggered new actions. Have there been consistent links in the thirty year period study or has higher education policy changed from exogenous factors that cannot be attributed to a path dependent framework?

On the other side path dependence may be an element to be identified in the inability to deliver on the cultural side of (higher education) as often declared by actors and institutions involved. From this perspective it may be argued that inertia and policy progress have been two sides of the same coin. They may be explained by the same reasons as ‘an image of social causation that is “path dependent” in the sense that it rejects the traditional postulate that the same operative forces will generate the same results everywhere in favour of the view that the effect of such forces will be mediated by the contextual features of a given situation often inherited from the past<sup>181</sup>’.

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<sup>181</sup> Hall and Taylor (1996) p. 941



### 3.5.5 Institutions

The importance of institutions in their different forms in the development of a higher education policy is apparent. The lack of formal institutional structures in the form of policy processes and decision-making mechanisms is an intriguing issue to discuss. Has the lack of structures impeded or facilitated the development of the policy? Subsequently has the lack of structures shaped the form (the content) of the policy? Bulmer argues that ‘the institutional norms may have a significant impact on how functions allocated to the EU are in fact operationalised’<sup>182</sup>. Considering the institutional settings of the Community as regards higher education we may further assess the argument of ‘how this operationalisation affects the character of the policy’.

Considering institutions as enabling factors of policy development and potentially catalytic for policy outcomes leads us to the discussion of how changes in the institutional structure and physiognomy impacted on higher education and *vice versa*. In this case the question revolves around how a) the institutions and their capacities as actors –supranational, intergovernmental or hybrid- enable higher education policy to develop, b) how the decision making mechanisms –including the judiciary rulings- have affected the policy outcome and c) how institutional norms and ideas have been constructed in the process and have been reflected in policy. Ideas and norms are not confined in the sub-systemic level of the policy specific system but are also elements of the broader Community and governance system, and as such should be view and considered in the analysis.

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<sup>182</sup> Bulmer (1997) he uses for example the argument of neo-liberal values being infused to the European Community through the Single European Act.

In the case of higher education and in the time period studied the role of institutions is diverse and continuously evolving. Agents and actors have changed over time both in form and scope from the early engagement of the European Commission and the national Ministers to the ECJ playing a significant role, to engaging with the sub-systemic level actors directly (universities and individuals) onwards to redefining the presence of national governments and bringing transnational actors into play (i.e. the Bologna process and the role of societal stakeholders).

Similarly, in discussing the policy system we can focus on the lack of a system and remit for decision making to the development of de facto outcomes and the establishment of formal mechanisms directly applying to (higher) education. Moreover higher education in the EU is one of the areas that has kept pace with the new modes of governance and specifically is one of the areas that the Open Method of Coordination has provided. The Bologna process as a distinctive model of governance and different to the mechanism provided within the EU is another area where the significance of institutions as policy processes should be examined.

Finally the norms, values and ideas as developed between the actors and within the institutional structures are an issue that has to be examined *vis a vis* the policy. However the cognitive side of institutions should not be seen in isolation to the ideational level of the polity. Their role in conveying norms and reflect values is not separate to the broader ideational elements infused in the polity. As

important it is to recognise that institutions ‘matter’ because they convey norms and values that are transferred in the policy processes, equally important it is not to forget that in the EU context they are part of broader polity; they are constitutive elements of broader political entity. Therefore institutions themselves carry the mark of the historical polity process as developed over time and are not fixed or exogenous elements of the polity system.

Therefore higher education should be seen under the prism of the EU polity evolution and how ideas in the two levels correlate.

### **3.6 Benefits of the Historical Institutionalism**

Historical institutionalism, although only a meso-level approach, provides the necessary toolkit to discuss and analyse policy processes and outcomes in the field of higher education. Taking advantage of the middle ground, which historical institutionalism occupies in the spectrum of new institutionalism, the theoretical underpinning can grasp both the rational and sociological ends of the spectrum.

In the analysis provided in the previous section (3.5) it has been demonstrated that the components – the principles- of historical institutionalism can provide explanations on both the ‘thin’ and ‘thick’ end of the theory. From the methodological point of view this is explained by the difference in time frames and levels of analysis. On shorter time period and/or sub-systemic level of analysis the ‘thin’ end might provide a useful perspective for discussion.

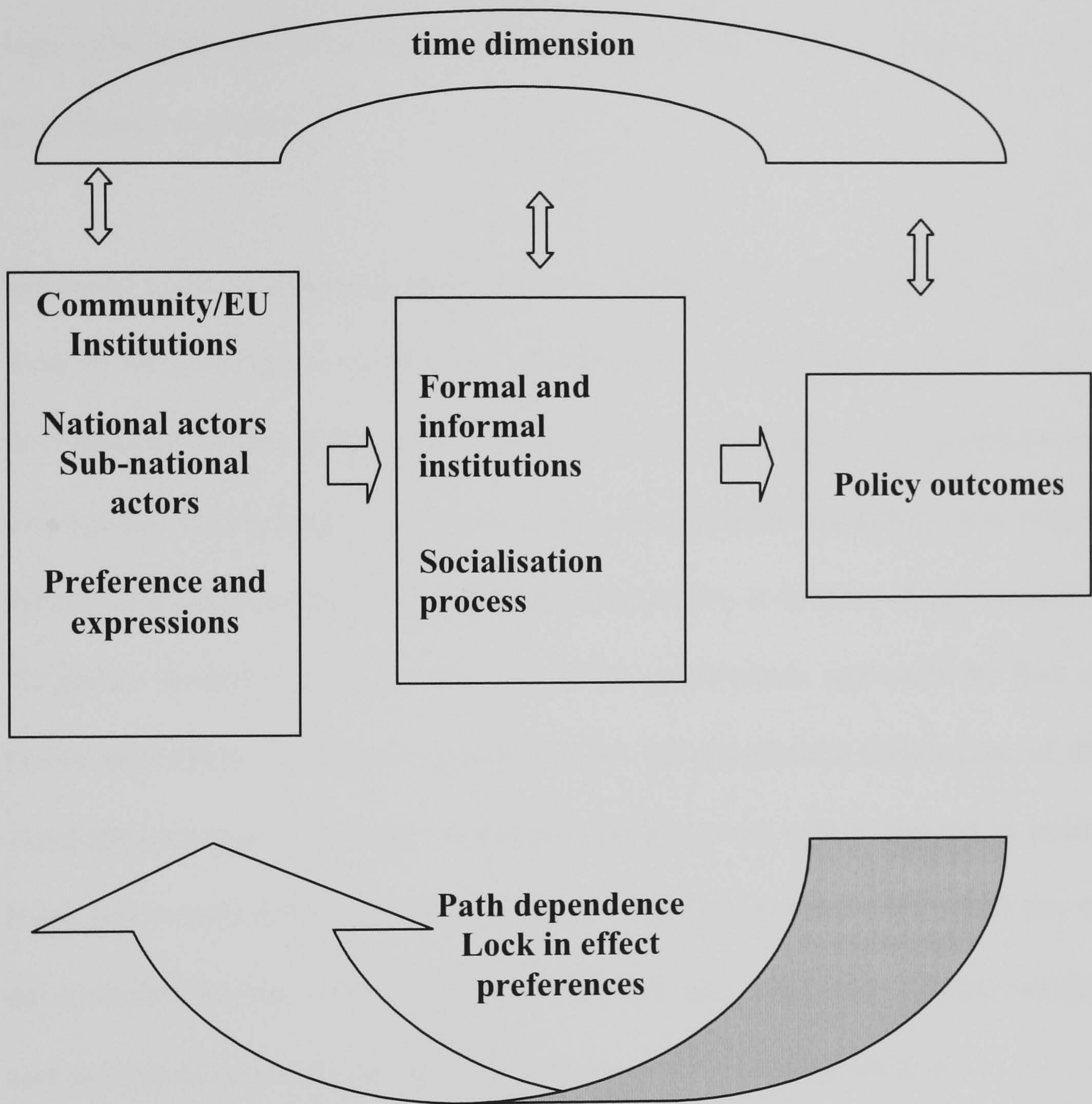


Therefore, an activist pursuit of a supranational institution (a Commission's initiative or an ECJ decision) may, for example, be seen from the perspective of utilising autonomy, but the accumulation of such events or incidents in the sub-systemic level cannot sufficiently account for the outcome at the systemic and super-systemic level.

If higher education has taken a market complementing role, this cannot only be attributed to the cumulative effect of some institutional actions or preferences. The cumulative effect as mentioned earlier in the analysis of the time principle does not only refer to the sum of the parts. The cumulative effect builds upon the policy micromanagement and the polity evolution. The constant interaction between the levels is the mirror of the cumulative effect.

Moreover appropriateness is shared, preferences are shaped endogenously and path dependence is not only ascribed to actions in the sub-systemic level or in the form of lock in effect and unintended consequences.

Diagram 3.6 policy process through historical institutionalism lenses





### 3.7 Conclusion

Above we have argued that historical institutionalism is a meso-level theory that covers both rational and normative elements of the policy making process. Looking through the lenses of governance as discussed in chapter two we may argue that historical institutionalism encompasses the tools to make use of the governance approach.

Similarly to the governance approach (see Chapter 2) which offers a ‘flexible’ view of the governance system and facilitates the understanding of the parallel development of the policy and polity, historical institutionalism provides the tool-kit for an inclusive overview of the development of policy and polity. Although it does not promise to explain integration, it keeps a close rapport to the polity evolution. In a similar way to the governance approach the link of policy and polity are not only parallel levels but interlinked dimensions of the same phenomenon. The logic of appropriateness is not solely defined to polity level, nor is path dependence solely found in the big events or the small day to day politics. Posing no methodological constraints, historical institutionalism and governance provide two complementary tools for policy analysis.

As mentioned earlier in this thesis, governance is neither used as a theory nor does it replace the required theoretical framework for this analysis. It provides however an essential tool to look through the multi-level structure and multiple levels of policy making of the EU; a tool to ‘translate’ the different level actions to fit in the historical institutionalist analysis. The changing role of states, the altering hierarchies, the changing behaviour and the emerging patterns of



interaction is the lexicon to describe the governance of higher education policy in the EU.

The interaction between the policy level and polity and the continuous engineering among the two dimensions of governance corresponds to the historical institutionalist holistic approach to perceive policy developments both in the policy associated structures and within the wider institutional settings of the polity system.

## **PART II**

The chapters in this section will discuss the case study of higher education and the empirical evidence of the policy formulation. Each chapter<sup>183</sup> is divided into five sections which follow the structure:

- **Description**; this is historical narrative that presents the main facts and events of the period in examination.
- **Policy outcomes**; this section summarizes the policy outcomes under the main areas identified: the right to higher education, mobility and programme development and recognition of academic and/or professional qualifications and other developments.
- **Anticipating the facts**; this includes an analysis of the policy outcomes and wider discussion over the policy options, scope and institutional venue. The analysis is under the prism of historical institutionalism but it is mainly geared towards the policy level. The policy discussion provides opportunities to discuss the developments within the policy framework, thus often represents the thinner end of historical institutionalism. However this does not mean that it excludes references to the thick end or more normative construction of ideas as presented in the historical institutionalism framework.
- **Discussion**; this section brings the analysis in reference to the polity level and engages mostly with the normative aspects of the theoretical paradigm. The core concepts of historical institutionalism such as the logic of appropriateness and path dependence are put under the prism of

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<sup>183</sup> Chapter 7 follows a slightly modified structure as it discusses developments on two very close but distinct in terms of governance institutional venues, i.e. the Bologna process and the EU framework



the parallel evolution between policy and polity. How policy options, venue scope have impacted on policy outcomes. In a way it summarises and expands the ‘anticipating the facts’ analysis towards a more holistic historical institutionalist and a contextual representation of the policy developments in the higher education field

- **Conclusion.**

The chronologies and periods identified for separating the chapters are based on main events, ‘big bangs’ at the polity level, for example the SEA or the Maastricht Treaty. This does not necessarily reflect the importance that these events had at the policy level but facilitates methodologically the analysis and helps bring the links between policy and polity level better into context.

## **Chapter 4: The emergence of an EU higher education policy. From the early 1970s to the Single European Act (SEA)**

This chapter analyses the development of higher education in the early years of the 1970s until the mid 1980s and the agreement of the SEA. Mostly in a policy narrative form, this chapter focuses on identifying the emergence of common interests in the field of higher education, the efforts to address common actions and the gradual creation of a Community competence in matters of education as direct or indirect effect of actors' and institutions' actions.

Therefore, this first period consists of the early efforts to find suitable space for common action in the field of education and higher education - when the first 'hard' results regarding higher education were achieved. Moreover, it discusses the efforts in other fields or with a scope to address non-education issues which could potentially have had a role in developing a focus on higher education.

### **4.1 Discovering the European education dimension: 1971 to 1984, a narrative**

As already mentioned, education as a policy field was not provisioned in the original Treaty of Rome. Some related provisions were only made for vocational training<sup>184</sup>. It has since been proven that they were not meant to include matters of education. However, in the process, education has evolved through incremental steps to become a significant chapter in the EU reality. The

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<sup>184</sup> articles 118 and 128 in the Treaty of Rome

historical development of the education policy is better understood through the analysis of the different phases it went through, from the 1960s to today.

Until the early 1970s and the first discussions on the possible cooperation in the field of education, the only related effort regarding activities in higher education was the discussion over the possible creation of a European University<sup>185</sup>. Very few studies have dealt with the issue of establishing a European University. Drawing from the elaborated analysis of Corbett, it could be argued that the establishment of a European University was not an easy task<sup>186</sup>. The initiative was based very much on the undefined willingness of the member states to cooperate. Different visions of the role were on the table. Even within individual member states, the position was not always clear<sup>187</sup>.

Although the effort to establish a European University was not directly fruitful, the engagement of the Commission and of the member states cultivated the idea for a new sphere of cooperation and common action. It is characteristic that the different efforts to establish the institution have been connected to Euratom —as a subordinate research centre for nuclear power— as well as to the EEC, when Commissioner Hirsch was more worried with recognition of degrees in the European Community.

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<sup>185</sup> a very first mention has been made in the Communiqué of the meeting of Heads of State or Government of the Member States in Bonn on 18 July 1961

<sup>186</sup> Corbett (2002)

<sup>187</sup> the French position in the 1950s is a characteristic example of the situation; in Corbett (2002), pp. 51-76



During the early years of the Community, vocational training and education were considered totally disparate fields with little intersection<sup>188</sup>. Therefore, provisions were made regarding the vocational training in the treaties as well as in the forms of Council decisions. However, the narrow interpretation of vocational training did not include education. From the late 1950s to the early 1970s, education issues were outside the agenda and reference to them was made only in the pre-decisional stage of policy making<sup>189</sup>.

The first meeting of the Ministers of Education did not occur until 1971. In this meeting, it was agreed that education should be a matter of co-operation for the member states as a necessary complement of economic and social integration. From this point, a period of increased activity began.

This first step towards an active education policy dictated a rather intergovernmental venue for further development. The preference to the use of the term co-operation worked as an assurance to the member states that efforts to establish an education policy would not move to a supranational level, which could result into legally binding decisions<sup>190</sup>. The following year, and subsequently to this first step of the Council, the Commission asked the Belgian Minister of education to make a report that would help to set the base and further the options for cooperation in the field of education. The report “For a Community Policy on Education” or the Janne report as it became known, was

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<sup>188</sup> see also Gori (2001), p. 19

<sup>189</sup> Beukel (1994)

<sup>190</sup> Fog and Jones (1985)

published in February 1973<sup>191</sup>. The main point of the report was that education had to be pushed forward as Community policy. The suggestions on how to do so kept the balance between the prospects of co-operation on education and the willingness of the member states to do so in the EU settings. Thus, the report suggested the need to build mechanisms for the promotion of cooperation, while at the same time acknowledging that harmonization is best achieved by respecting educational traditions and national structures, and that higher education systems should remain under the authority of national governments. In a way, the report was trying to keep everyone happy. Therefore, while acknowledging the need for cooperation in educational matters, it was also voting in favour of the gridlocks that secured the political control of the area by member states.

The same year, and under the light of the above developments, the Commission restructuring provisioned for the early institutionalization of education. As a result, in the new Commission a new DG was included that accommodated education with research and science policy.

Ralf Dahrendorf the Commissioner who took responsibility for the new DG in his personal statement on the ‘working program in the field of “education research and science”’ outlined the role of education in the European sphere. Among the different views he expressed was that although there was no reason for harmonising educational structures in the Community (much along the lines

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<sup>191</sup> Janne Report EC Bulletin 1973

expressed in the Janne report) he identified the importance for ‘coordination and sometimes harmonization of job orientated education’,<sup>192</sup>.

One of the first things that the DG XII produced was the action programme for education. This was presented in the form of a Communication at the second meeting of the education Ministers in 1974<sup>193</sup>. The Resolution of the Ministers was the first significant step in laying down the policy aims for the future of education. Most significantly, the Resolution provided equal opportunity for free access to all forms of education, as well as upholding the diversity and character of member states’ education systems. In any case, it separated the objectives from the aims<sup>194</sup>. Although the aims were common, the member states had absolute responsibility for achieving them. Further to that, the Resolution provided for the establishment of a European Committee for educational cooperation. The provision for the education Committee was to include members of the Commission and representatives of the member states. It was assigned the task to prepare an action programme and support the meetings of the Ministers.

The Resolution set out priority areas that directly affected higher education which were:

- Increased cooperation between universities and other institutions of higher education;

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<sup>192</sup> Commission of the European Communities (1973) Working program in the field of ‘Research Science and Education’ pp. 5-6

<sup>193</sup> Resolution of the Ministers of Education, meeting within the Council, of 6 June 1974, on cooperation in the field of education, OJ No C 98, 20/8/1974

<sup>194</sup> Moschonas (1998), p. 80



- Improved possibilities for academic recognition of diplomas and periods of study;
- Encouragement of the freedom of movement and mobility for teachers, research workers and students.

At the same time (1974) in a different ‘venue’, the ECJ reached a ruling on one of the most significant cases in relation to rights to education of migrant workers and their families. In the *Casagrande* case<sup>195</sup>, the Court decided that the son of a deceased migrant worker in Germany should be able to access education under the same conditions and benefits that existed for nationals. Thus, the Court interpreted regulation no. 1612/68 on the free movement of workers in a way that affected national provision for education<sup>196</sup>.

Two years later, in 1976, the Ministers of the member states met again and adopted the action programme for education<sup>197</sup>. This meeting was fundamental for the evolution of education policy and, as Shaw notes, it marked the beginning of the process of moving from the margins to the centre<sup>198</sup>. More specifically, the programme included:

- Developing the educational dimension of social policy, generally by seeking better facilities for the education and training of nationals and the children of nationals of member and non-member countries;
- Promoting closer relations between educational systems in Europe;

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<sup>195</sup> *Donato Casagrande v Landeshauptstadt München*, Judgment of the Court of 3 July 1974 ECR 773

<sup>196</sup> Gori (2001), p. 27

<sup>197</sup> Resolution of the Council and of the Ministers of Education, meeting within the Council, of 9 February 1976 comprising an action programme in the field of education OJ C 038 , 19/02/1976

<sup>198</sup> Shaw (1999)

- The compilation of up-to-date documentation and statistics on education;
- Increased possibilities for the recognition of academic qualifications;
- The promotion of foreign languages;
- The equality of opportunity in relation to free access to all forms of education.

Moreover, it has to be mentioned that on the basis of these objectives, the Joint Study Programmes Scheme (JSP) was launched. Under the scheme, the Community would support and fund the development of multi-lateral relationships for the exchange between staff and students in higher education of different member states. There was the expectation that, for students, the period of study abroad would be recognised in the home institution.

At the end of 1976 Ministers responsible for education met again within the Council to adopt a Resolution concerning the measures to be taken to improve the preparation of young people for work and to facilitate their transition from education to working life<sup>199</sup>.

In the meantime and in a related field, the Community had also made significant progress on another topic, that of the mutual recognition of professional qualifications, by passing two Directives in relation to the recognition of

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<sup>199</sup> Resolution of the Council and of the Ministers of Education, meeting within the Council, of 13 December 1976 concerning measures to be taken to improve the preparation of young people for work and to facilitate their transition from education to working life, OJ C 308

doctors' qualifications<sup>200</sup>. This effort was clearly dealt with in the strict legal competence and the scope of the article 57 for the recognition of diplomas and qualifications, as well as the general provisions for non-discrimination on the basis of nationality and the facilitation of the right to establishment. Those Directives were the first that dealt with the issue of recognising certificates that attest professional competences. In the framework of the Council of Europe, a convention on the recognition of academic qualifications<sup>201</sup> had been agreed much earlier, in 1959. This was the follow up from two other earlier conventions that dealt with recognition of periods of study and admission criteria<sup>202</sup>. The focus on the academic side of the qualifications was not in the Community agenda, and was not to be discussed until much later<sup>203</sup>.

In the meantime, from 1975 to 1979, in a separate area with no direct (if any) links to education, the Council of Ministers (with remit on internal market) pursuant to article 57 EEC had adopted four Directives, for the mutual recognition of diplomas, certificates and other evidence of formal qualifications regarding the profession of doctors, nurses responsible for general care, dental practitioners and veterinary surgeons<sup>204</sup>. Although the Directives did not affect education provision per se, they all covered areas in which higher education had

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<sup>200</sup> Council Directive 75/363/EEC concerning the minimum requirements for the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services

<sup>201</sup> European Convention on the Academic Recognition of University Qualifications 1959

<sup>202</sup> European Convention on the Equivalence of Diplomas leading to Admission to Universities 1954 and European Convention on the Equivalence of Periods of University Study 1956

<sup>203</sup> Although a mention for a mechanism of study exchange was in the Jane report and later provisioned in the Joint Study Programme.

<sup>204</sup> Council Directives 75/362/EEC, 77/452/EEC, 78/686/EEC, 78/1026/EEC respectively.



a significant role as the means for training<sup>205</sup>. In fact, as Hackl notes, the implementation of the Directives<sup>206</sup> had an impact in Italy and Austria that had to redesign their courses in dentistry to meet the requirements of European law.

Back to the education field, until the next meeting in 1979, a number of small steps were taken regarding education. In 1977, a Directive was set in order to promote the establishment of educational provisions for the children of migrant workers, on the basis of article 49EEC, related to EU competence for the completion of the common market<sup>207</sup>. Consequently, the next year the Commission passed a Communication regarding equal rights in education and training.

In the Resolution of Ministers in 1979 the issue of linking work to training was brought forward, giving a vocational dimension to education as a whole<sup>208</sup>. Similarly, the following year, the Resolution of the Council laid down the principles for measures to improve the preparation of young people in transition from education to working life<sup>209</sup>. These two Resolutions were quite important, in the view that they positively connected education with issues that were at the core of the Community's interest.

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<sup>205</sup> and they were accompanied by other Directives setting out measures for relative harmonisation of the programmes of study.

<sup>206</sup> Hackl (2001), p. 8

<sup>207</sup> Council Directive 77/486/EEC

<sup>208</sup> Council Resolution of 18 December 1979 on linked work and training for young persons, OJ C001 of 18/12/1979

<sup>209</sup> Resolution of the Council and of the Ministers of Education meeting within the Council of 15 January 1980 concerning measures to be taken to improve the preparation of young people for work and to facilitate their transition from education to working life OJ C 23/1 of 30/1/1980

Community actions were not only limited to generic or overarching scopes of generalised statements. The Commission was looking also at specific areas where action could be taken to facilitate mobility and wider cooperation between member states. One such area was the proposal that the Commission forwarded to the Council with regards to the national admission policies to higher education institutions. The Ministers responsible for education in their meeting within the Council in 1980<sup>210</sup> took stock of the Commission's proposals, but as Neave suggests '[t]o propose outlines for a common admissions policy in higher education is one thing, for them to form part of an active policy is another<sup>211</sup>'.

In 1981, another action of symbolic and essential significance took place. Education matters moved from DG XII to DGV, where training was already located, marking and affirming the transition in the character of the policy<sup>212</sup>.

In 1982, the Education Ministers held a joint session with the Council of Labour and Social Affairs to discuss the problem of the transition from education to working life. As education was becoming a 'popular' item for discussion the Ministers responsible for education joined their counterparts responsible for labour affairs to commonly address the problem. Activities of Ministers continued to be relatively intense in the early 1980s. In 1983, the Education Council met and stressed the importance of mobility in higher education. More specifically the Resolution stressed the role of vocational training as an

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<sup>210</sup> as above

<sup>211</sup> Neave (1984) p. 83

<sup>212</sup> The move was partly a result of internal Commission debate and the outcome of the pressure of Commission officials already involved with educational policy matters, [interview 1]

important social and employment policy instrument with a special emphasis on preparing young people for working life and promoting equal opportunities<sup>213</sup>. With another Resolution they agreed on measures that would help the introduction of new information technology in education<sup>214</sup>.

At the same meeting the Ministers agreed to act on a longstanding proposal of the Commission to establish a network of nationally designated centres responsible for the provision of information on recognition matters. In practice in the next two years this function –at national level in most cases- has been assigned to existing bodies designated with responsibilities pursuant to the conventions of the Council of Europe and the United Nations Educational Scientific and Cultural Organization (UNESCO)<sup>215</sup>.

In the last year of this first period, in 1984, the Ministers of education met again within the Council and stressed the importance of teaching foreign languages. This was not the first time that synergies between education and labour were being identified at the European level.

Moreover and in the meantime, the European Parliament, although limited in role and scope on the issues related to higher education, had twice criticised the Council and the Community, describing allocated funding for the Joint Study

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<sup>213</sup> Resolution of the Council and of the Ministers of Education meeting within the Council of 15 January 1980 concerning measures to be taken to improve the preparation of young people for work and to facilitate their transition from education to working life Official Journal C 023 , 30/01/1980 P. 0001 - 0002

<sup>214</sup> Resolution of the Council and the ministers for Education meeting within the Council of 19 September 1983 on measures relating to the introduction of new information technology in education.

<sup>215</sup> This shows the transformation of the European National Information Centres (ENICs) to National Academic Recognition Information Centres (NARICs)



programmes and the mobility of student and staff as inadequate<sup>216</sup> for the purpose and scope of Community actions.

The latter years of this period saw education moving up on the agenda of higher level politics. Education directly or indirectly was a main subject of the Head of States meetings both in 1983 and in 1984. In 1983 the Head of States meeting in Stuttgart signed the Solemn declaration, a statement pre-occupied with furthering the political dimension of the member states cooperation. The Solemn declaration had also a direct focus on education. It advocated closer co-operation between the institutions of higher education, exchange of teachers and students, more teaching of the languages of the EC, increasing the knowledge and cultural awareness of the Member States and Europe. The Heads of states did not draw a plan for furthering the action on the policy arena nor did their statement bring a new dimension to educational cooperation other than the one being built in the systemic and sub-systemic level of EC action the previous years. Still, the Solemn declaration marked a shift towards the political dimension of European integration that incorporated education.

Equally importantly a year later in 1984, in the Fontainebleau meeting, the Head of States not only did they refer to education in a broad political aspirations mode, but also made specific recommendations for the basis of policy actions. Building on the progress made so far, the European Council recommended to progress with the mutual recognition of academic degrees<sup>217</sup>.

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<sup>216</sup> Resolution on a Community programme in the field of education OJ C 087/90 , 05/04/1982 and , Resolution on higher education and the development of cooperation between higher education establishments O J C104/50 , 16/04/1984

<sup>217</sup> Dalichow (1987), pp. 39-58

## **4.2 Policy outcomes**

Overall, the actions of the early years did not result in a concrete policy for higher education. What was accomplished, however, was the establishment of some clear areas for action as well as what can be considered as a first step towards differentiating higher education from the broader policy field of education. The identified areas (to be discussed below) would make up the primary elements of a Community policy.

### ***4.2.1 A right to education***

As elaborated above, one of the main outcomes in relation to higher education, and education in general on the European level was the ‘establishment’ of a ‘right’ to education for European citizens, i.e. the right of citizens of member states to enjoy educational provision services, unrestricted by their nationality and their residence in other member states. The starting point was regulation 1612/68, concerning the free movement of workers and establishing the right that they (article 7 of the regulation) and their children (article 12) could be admitted to the educational system of the host country under the same conditions as nationals. Although the regulation covered and focused on the free movement of workers at the core of EC competence, in a complementary way it provided rights related to education.

The importance of the regulations was fully illustrated in 1974 in the Casagrande case. As Gori explains, the Court in order to establish the migrant's rights in this case, it went into an extensive interpretation of article 12 of the regulation. It established the obligation of member states to act in support of migrant workers in accessing educational provision in the same way to that of national citizens<sup>218</sup>. By doing so, the Court provided European citizens with extensive rights in relation to education and their free movement as migrant workers.

Regulation 1612/68 did not explicitly provide for higher education, but the grounding of an education right for European citizens was achieved through the Casagrande case. In this first period, from a judiciary perspective, the 'right' to education was established as a complementary element to the free movement of labour. It had not yet been linked to training needs or the right of citizens for equal treatment in obtaining skills and competence necessary for their professional life. At the time the Court had not yet dealt with cases where tertiary or higher education could be directly linked to a European right for professional training.

#### ***4.2.2 Mobility***

The JSP programme was an initial attempt to provide a supportive framework for student and staff mobility within the Community. Although not always recognised as such, the JSP was the first solid programme that provided a supportive mechanism in student and staff exchange. According to Neave, the

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<sup>218</sup> Gori (2001), p. 27. See also Shaw (1999) pp. 559-560



programme was deemed very successful—although in absolute terms the participation was limited in numbers—creating synergies and cooperation between the institutions<sup>219</sup>. In fact, between 1976 and 1985 only 409 programmes were supported by the Commission<sup>220</sup>. Perhaps though more important was the fact that the programme directly addressed the higher education community and engaged them by funding European higher education institutions. In effect, the Commission was bypassing the national governments by engaging directly with sub-national levels of governance. The Commission was keen to promote and praise the inter-institutional type of cooperation for its efficiency. The inter-institutional cooperation helped overcome ‘some of the most intractable problems related to student mobility within the Community, for experience has shown that in many cases such obstacles as high tuition fees, restricted admission quotas and difficulties regarding academic recognition of study abroad can be successfully surmounted through the direct participation of higher education themselves in addressing the problems.’<sup>221</sup>

Under the Commission grants scheme mobility was also aided by direct funding for short study visits for higher education specialists. In the same period with that of JSP, over 1000 higher education staff benefited from grants supporting short study visit periods.

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<sup>219</sup> Neave (1984), pp. 90-91

<sup>220</sup> Report from the Commission ‘Activities of the Commission of the European Communities in 1983 and 1984. A Contribution to the Standing Conference of European Ministers of Education, to be Held in Brussels on 6-10 May 1985’. COM (85) 134 final, 29 March 1985.[pp. 29-30]

<sup>221</sup> as above, p. 30

#### *4.2.3 Recognition of qualifications*

The 1974 Resolution suggested that there could be a system of academic equivalences, and the 1976 Resolution made a call for the mutual academic recognition of qualifications, as part of an action plan. The pragmatic approach of creating mutually recognised qualifications<sup>222</sup> was an important item for the higher education agenda. The issue of academic recognition had also been tackled by the Council of Europe<sup>223</sup> years earlier, in an institutional venue that was much less authoritative. In any case, the recognition of qualifications was not irrelevant to mobility, as principle recognition is a necessary prerequisite for the success of both organised and non-organised mobility (i.e. either supported by an EC programme or in the form of individuals and the free movement of people). Principle recognition is also necessary for pursuing full programmes or shorter periods of study (i.e. studying for a degree abroad or completing part of a programme in an institution of another country).

The Community approach as expressed in the 1976 Resolution opted for a bottom up approach. Instead of imposing a system of equivalence of qualifications among the member states, it encouraged the recognition at the sub-national level. This was termed as ‘increased possibilities for the recognition of academic qualifications’ in the 1976 Resolution, but in fact referred to the direct engagement of institutions and stakeholders in closer cooperation for recognition purposes. A manifestation of this approach was, for example, the expectation of the recognition of period of studies completed in other member states.

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<sup>222</sup> Neave 1984, p 84, characterises the mutual recognition suggested in the 1976 Resolution as a pragmatic approach compared to the potential of a system of academic equivalences suggested two years earlier.

<sup>223</sup> The conventions agreed in the Council of Europe in the 1950s.

The Community efforts were also directed to increased bi/multi-lateral cooperation. The establishment of NARICs had added to this effort and had again provided directly related stakeholders with an opportunity to engage in the process.

In a different institutional venue that had not so far shown direct linkages with the education or higher education field, the Community also pursued similar action through the Directives, regarding the recognition of mutual qualifications. The Directives were not linked to the recognition of academic qualifications although some minimum standards on education qualifications were used for the comparability of competences and the implementation of the Directives' provisions. Nonetheless, the Directives on the recognition of professional qualifications would have a direct impact on higher education through the need to accept degrees as certificates attesting professional competence. Thus, from a different field, and again on the basis of articles related to the free movement of workers, the Community was pushing higher education into the spotlight of the Communitarian arena. However, in this case it is important to note that the actors behind the scenes were not the Ministers responsible for education, nor had they sprung from the work of DG XII or DG V, where education was located. Therefore, the Directives on recognition appeared to work as parallel actions to the recognition of qualifications, as it arose within the emerging education policy field—not, however, in coordination with it.



Overall this first era has given a good indication on the potential common ground for action. The Resolutions of 1974 and 1976, as well as the action plan of 1976 defined a broad area of potential cooperation. Cooperation hovered between intergovernmental and supranational action. The interests of the supranational institutions (to be discussed later in more detail) have forced the creation of a new policy domain and their capacities have, to a certain extent, indicated the areas and forms of potential action.

### **4.3 Anticipating the facts: preliminary evidence**

In these first years of Community action in the field of education, higher education made its elementary steps as a European policy. Although the direct actions, on the Community level, appeared to be limited, the lack of legal framework and of a strong political mandate meant they could not be considered unimportant. This was especially true when considering that, from the mid 1970s to the early and mid 1980s, the Community had slowed in pace and little had been done in terms of further integration<sup>224</sup>.

#### ***4.3.1. Policy options: bringing education in the agenda***

The effort to bring education forward on the agenda was confronted with reluctance. Member states were not prepared to give competence to the Community in order to seek a common educational policy. Nonetheless, the first steps were characterised by a certain optimism coupled with the needed ‘safeguards’ to control the process and leave the decision-making in an

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<sup>224</sup> In the literature this period is often referred to as the years of stagnation.

intergovernmental arena. This idea was evident in both Resolutions of 1971 and 1974, which tried to fence the policy activities to be pursued at the supranational level. Similarly the Janne report, which, in its wording, tried to find a balance between opening new spheres of European cooperation and leaving control and power of decision making with national governments.

Therefore, and although in this first pre-decisional stage the need to address education—even in its cultural perspective—as an area of Community interest is evident, the reservations on how this should be done were also clearly expressed in the form of the increased importance laid on national divergence and authority. In conjunction, it should be noted that the EC modes of dealing with issues were not yet developed in a flexible way. The principle of subsidiarity and the much later logic of the Open Coordination Method (OMC) are areas that were developed much later. At the time, Community action was still by and large in the solid framework of the Monnet method. Issues pulled into the competence of the Community tended to be dealt with in the logic of harmonization. Within this framework political actors would pursue their goals.

However, some early steps were made in the Community to find different ways of bringing issues to the EC level without looking for harmonization. As Banks points out, at the time, there were strong concerns from the member states that the activities of the Commission could push education to be incorporated in the Treaties; this would potentially lead to an increased role for the Commission

and the Community as well as an increased risk of the harmonisation of education structures<sup>225</sup>.

Using Lindner and Rittberger's view over the creation of institutions<sup>226</sup> we may argue that one of the main elements that affects the decision of policy choices is the level of political concern (i.e. the distributive implications). On the other hand what cannot be ignored at this early stage of the institutional formation, is the temporal dimension.

The cooperation method developed for educational matters reassured the Ministers that there was no fear of legally binding decisions<sup>227</sup> and hence of a new competence of the Community in an unclear, in terms of nature, field. The introduction of the cooperation method in comparison to the Monnet logic could be considered a major step forward. Although cooperation did not provide a settled ground for legal action and policy development, its appearance was breaking the in-or-out logic of the traditional Community method. It was paving the way for a 'soft' action period that would, as seen later, create the basis for 'locking in'<sup>228</sup> the process, the intergovernmental and supranational actors rooting interdependencies and increased costs of withdrawals, as well as revealing opportunities to support the economic integration of the Community.

With the reassurances proving (in terms of institutional design) sufficient for the level of concerns anticipated, it could be possible to argue that

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<sup>225</sup> Banks (1982)

<sup>226</sup> Lindner and Rittberger (2001), p. 7

<sup>227</sup> Fog and Jones (1985)

<sup>228</sup> as described by Pierson (1996)



intergovernmental actors would not be concerned over the longer term or the more specific effects of the policy action in the defined political context. In fact, all the necessary ingredients were there to create a new sub systemic institutional venue and to pave the way for action and unintended consequences.

Although historical institutionalism can only offer limited explanations on the genesis of new areas of interest and policy action, the fact that higher education was an area of low level politics (in the policy distributive sense) and the fact that it could be linked to other fields where Community competence was established, provides an initially sufficient explanation for the emergence of the policy interest in higher education.

These first steps brought education onto the map of Community action, and although they did not specify the modes and limits of action, they confirmed the fact that education was an area in which common action should be pursued and mechanisms could be in place to support that.

#### ***4.3.2 Policy venue: building a dual institutional venue?***

The 1976 Resolution being the first meeting of Ministers to produce tangible outcomes in the form of an action plan according to some scholars<sup>229</sup>, confirmed the intention to keep the national competence in the field by separating the responsibilities that fell under the Community level and those under national governments. In effect, what the argument may be that the involvement of the Ministers reduced the scope for Community action. From a similar perspective

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<sup>229</sup> Moschonas (1998), p. 80, Neave (1984)

elaborated by Neave, the 1976 meeting amounted to a two prong strategy. As he points out in the first prong Community, institutions would have to forge links with higher education institutions; higher education institutions from the different member states would have to build links among themselves. The second prong would be established at European level in the EC context; a framework for exchanging ideas and identification of common interests would have to be established, and intra-Community institutional links would have to be strengthened<sup>230</sup>.

Therefore the Resolution of 1976 once again tried to protect the sovereign interests of the member states. The outcome was an amalgam of responsibilities divided between the Community and the member states. This created the dual nature of education<sup>231</sup>. The crystallization of this duality is imprinted in the naming of the Council that, from then onwards, was 'the meeting of the Council of the European Communities and of the Ministers for education meeting within Council'.

The importance of this emerged structural duality and the level at which it could affect the emergence of a new common 'institution' for education and higher education is debatable. On one hand there were the provisions of the action plan that culminated in the proposals of the Education Committee. Although they distinguished to a certain extent the roles of supranational institutions and Community action from the areas preserved for national rule, they provided for direct links at sub national level (i.e. higher education institutions) and between

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<sup>230</sup> Neave (1984), p. 81

<sup>231</sup> Neave (1984), Moschonas (1998)

Community institutions and subnational actors. On the other hand the establishment of the hybrid model of an Education Committee that brought together the Commission with member states representatives in an agenda setting role was in itself of a twofold dimension. While it took from the Commission the traditional advantage of agenda setting it facilitated national perspectives and supranational views to come together under the same roof. It could be argued that the report of the Education Committee –and its balance between national and Community spheres- reflected the development of a more consensual, joined up thinking among the policy actors.

In historical institutional terms, the efficiency of ‘institutions’ is not simply defined by the structural elements associated with the institutions. As demonstrated in different historical institutionalism studies, actors may opt for ‘dysfunctional’ institutions – at the time of their creation - according to the different perceptions of the time horizons they may have<sup>232</sup>. Education, as it has been argued and will be further discussed in the following section over the definition of the policy scope (see 4.3.3.), was not perceived as an area of high level politics. Together with the lack of any major distributional issues this created a situation where cost-benefit calculations on the part of political actors over the expected effect of the institutions were not necessary. In such circumstances as argued by Lindner and Rittberger, norms can ‘feature much more strongly in defining the preferences of political actors and will thus serve

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<sup>232</sup> Lindner and Rittberger (2001)



as *road maps* or *sign posts*<sup>233</sup>. The early evidence of this fact may be identified in the work of the Education Committee.

While ‘enacted institutions are likely to be subject to conflicting interpretations when the actors of the enacting coalition are driven by opposing norms or polity-ideas (‘higher’ level concerns) with regard to the institutional choices they wish to make<sup>234</sup>, the ongoing process of institutionalisation or in Lindner and Rittberger terms, the move from institutional creation to institutional operation may have significant differences and provide the platform for preference convergence or normative building; therefore moving from institutional ‘contestation’ to institutional reproach. Thus the structures such as the Education Committee albeit not ideal for policy action, through the ongoing process of interaction between institutions and interactions, could have provided an ideal setting from preference convergence and institutional norm building.

The emerged landscape of higher education provided a ‘new’ governance within ‘new governance’. The early decisions and the ‘fluidity’ within which education was pushed forward in the Community have lead to overcoming some of the Monnet method limitations and in a way re-defining the hierarchies and structures of the decision making process.

#### ***4.3.3 Policy scope: whither higher education?***

Still, education as a policy would not have gone far on its own. Major developments can be attributed to the multi-tiered system of the Community and

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<sup>233</sup> Lindner and Rittberger (2001)

<sup>234</sup> as above

the relevant developments in other areas of Community competence. The late 1970s and early 1980s saw a turn in the character of the policy. More specifically, a ‘packaging’ of education with vocational training started to become clear. In this period Moschonas identified a turn of content of education from its academic values to its work-related qualities. This turn was forced by both sets of actors (intergovernmental and supranational) even if it was for different reasons<sup>235</sup>. From the part of the Commission, an interpretation of education in work-related terms increased its competence by linking education to existing treaty provisions in which it had competence. This policy choice has been described as a shift<sup>236</sup>. However, it can be interpreted as an incremental development of the effort to bring education to the centre of Community action. In fact, education was brought on the agenda as early as 1971 and had been discussed on a political (and not policy) level long before that. The actions that have followed cannot be considered as unconnected and totally independent of the earlier decision.

On the other hand, it could be argued also that member states were more at ease when discussing education in market terms, rather than in cultural. It is significant to note that issues of the external environment affected this gradual change. A lack of competitiveness in the European economy needed to be addressed in all possible terms. A shift towards a human capital approach was taking place. The ‘new’ character of education was further consolidated by the move of education from DG XII (science and research) to DG V (social), where training was already situated. This gave visibility and institutional founding to

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<sup>235</sup> Moschonas (1998)

<sup>236</sup> Nihoul (1999)

the packaging of higher education and vocational training. The linking of education with training was not kept at a theoretical level, but also materialized in practice. A characteristic example is the nature of the programmes launched in the EC. Most of them combined education and vocational training, and Ertl's categorization defines the content area as vocational education<sup>237</sup>.

The early association of education with employment and the labour market provided the impetus for higher education to be decoupled or at least distinguished in scope from the broader field of education. Overcoming the obstacles of national preferences and sovereignty in educational matters, preference formation has started being redefined in the emerging institutional setting.

While we have already discussed (in 4.3.2) the convergence of norms and polity ideas it might be worth referring to them again in the context of policy scope. The development of a vocational nature for education had a twofold meaning. From a normative point view, it helped overcome the barriers of 'conflicting interpretations' of ideas – a cause for a policy standstill or inertia. From a policy outcome point of view it allowed for actions to potentially produce increasing returns that would eventually feed in the process providing further momentum. While the effects in this period can only be considered as limited, the identification and to a certain extent crystallisation of the vocational nature of education, provided the necessary clarity of the policy scope.

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<sup>237</sup> for the use of the term vocational education see Ertl (2002)



## 4.4 Discussion

As an area of non Community competence it is very difficult to identify a single starting point for education policy and even more for higher education. Nonetheless we could say that the commitment of Ministers expressed as early as in 1974 together with the Court's ruling on the Casagrande case were sufficient evidence that education was there to stay. The engagement at this pre-decisional stage<sup>238</sup>, although it did not have a defined and specific policy goal, was sufficient to create a 'lock in effect'. The 'rules of the game' as decided at this stage were to play a significant role in the development of the policy. The method of cooperation as delineated on the sides of the formal Community procedures has provided an ideal setting for policy action and as Fogg and Jones in 1985 said, the success of the method could not have been envisaged<sup>239</sup>.

### *4.4.1 Policy effects: constructing endogenous preferences and institutional expressions*

The institutional structures of this early period have had a crucial role in the success of the policy. Instead of assigning traditional roles to the institutions and governments, they provided an incremental meshing of the boundaries and roles in the policy making process. The unsettled venue proved an opportunity to trespass the limitation of the traditional actors' roles. Although the Commission had less power than in economic policy areas and national governments were hesitant of initiatives in the specific domain, the early outcomes signalled potential increasing returns.

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<sup>238</sup> Pre-decisional stage again is used in the meaning assigned by Beukel (1994), where it is implicitly defined as the period of engagement/socialisation which does not lead to direct outcomes

<sup>239</sup> Fogg and Jones (1985)

On one hand the Education Committee, the hybrid structure that was designed as a common platform for the Commission and the member states, was providing the fertile ground for a socialisation process between actors that would normally hold different roles. An interesting example is the report of the Education Committee to the Ministers in their second meeting in December of 1976 <sup>240</sup>; this incorporates views of the Commission and the national representations as formed during the preparation period since the mandate had been given by the Ministers (in the February 1976 Resolution). It is very important to notice how the report delivers an analysis of the challenges faced by member states with concrete examples of the diverse national approaches before identifying common areas for action. The cooperation method was offering a new approach to policy making and was providing the ground for endogenous preference formation within the emerging institutional landscape.

On the other hand the direct links that were starting to form between the Community and the sub-national sector were also contributing to the institutionalisation process and the endogenous character of the preference formation. Although at this early stage higher education institutions were only marginally involved in the process - and that in the form of being beneficiaries of policy outcomes (i.e. JSP programme) rather than being engaged at the level of policy formulation - their acknowledgement in the process was most significant for the policy output. The overcoming of barriers in the involvement

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<sup>240</sup> Report of the Education Committee 'From Education to Working Life. Resolution of the Council and of the Ministers of Education...concerning measures to be taken to improve the preparation of young people for work and to facilitate their transition from education to working life' EC Bulletin 12/76

of policy ‘beneficiaries’ had the potential to redefine actors’ roles. An interesting example can be found in the analysis of Neave on the early efforts to coordinate admission policies. The Commission, regarding the role of national admission policies as a vital issue for mobility purposes, devised a set of principles that could be applied at national level and would in effect produce a common framework for admission policies<sup>241</sup>. The principles were targeted at the institutional (higher education) level since it was acknowledged that national practices differed and in some countries responsibility laid on universities and institutions. The Commission could see an ambit for action, but was certainly not remit. Although this case shows the entrepreneurial role of the Commission and the effort to increase the areas of Community actions, it nonetheless provides a good example of the reshuffling of roles and the efforts to engage directly with the end of the policy spectrum. One may argue that the proposal for a common framework of admission systems exemplifies the efforts to engage at a sub-national level and can be understood as result of the positive feedback and increasing returns that the early actions (JSP) have created. At the same time it gave sub national actors –in this case, institutions- the potential to get involved in shaping the agenda by effect of their actions at the European level.

The facts even as described in their historical dimension, provide sufficient evidence of the changing nature of the governance system. Evidence exists in all aspects of governance from the changing roles of political actors, to the changing hierarchies, the emerging rules of behaviour and the pattern of

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<sup>241</sup> For details see Neave (1984) pp. 81-84



interactions. An attestation that the system of EC governance is a *sui generis* system, as described in chapter two. Moreover, not only the Community is a different polity than a national or federal polity but is constantly an evolving polity, a state in flux.

As far as it regards higher education a policy evolution that started at the ‘ground’ level had begun reaching the super-systemic level<sup>242</sup>, crossing systemic levels and creating new perceptions, rules of behaviour and policy pattern interaction.

#### ***4.4.2 Polity link: appropriateness, path dependence and policy choices***

The links between the policy level and the polity are not solely captured in the ‘vertical axis’, i.e. between policy ground level and higher-level politics at the super-systemic level. From a historical institutionalist point of view the polity link has an increased value if discussed in the ‘horizontal axis’, i.e. the continuous interaction between different policy fields, the polity ideas and the policy sub-sectors.

The choice to link education to its training and preparation for working life attributes has so far been explained in part in the context of the abilities of formal institutions and the capacities that the policy system provided at the time. This is also attested by Moschonas, who in his analysis of education and training, criticises the fact that education and higher education in the EU have been defined in the human capital context and not in their cultural perspective;

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<sup>242</sup> Referring to the Solemn declaration and the Fontainebleau summit

or as he puts it the gap between maximalist declarations and minimalist actions<sup>243</sup>.

Looking beyond the limitations of the structural settings, the interesting question that arises is if – and if so under which conditions - higher education (and education) could have been defined and policy oriented towards a different notion? This question is neither trying to identify all possible alternatives nor is it ideologically driven. It is set out to help us identify the less rationalistic and more normative driven explanatory reasons behind the policy choices for higher education.

The early events such as the Casagrande ruling, to a large extent occurred in a non-education specific ‘venue’ and to a high degree established education under the principles of equality of opportunities and non discrimination or, as Gori would argue, paved the way for an ‘EU right to education’<sup>244</sup>. From that perspective the role of the ECJ was catalytic. Nevertheless they did not pre-define the content of the emerging policy. They provided the legitimacy basis for action and have merely offered some very broad lines to be addressed or to be respected within the policy formulation process.

McAllister in a chapter of his book devoted to the ‘mid 1970s: Locust year’ identifies the monetary turmoil and the oil shock as the main underlying factors of the deepening economic crisis<sup>245</sup>. Most importantly he identifies the ‘differential capacities of the economies and societies of the EC to adapt and

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<sup>243</sup> Moschonas (1998), p. 3

<sup>244</sup> Gori (2001)

<sup>245</sup> MacAllister (1997), p. 99

adjust<sup>246</sup> as the central constraint of the Community. The possibility of common action at Community level seemed appealing.

On the monetary front there have been two attempts. As early as in 1969 in a meeting in Den Haag the Head of States endorsed a Commission initiative for ‘greater co-ordination of economic policies and monetary cooperation’<sup>247</sup>. In 1979 the Heads of states in an attempt to confront the shortcomings of the limited fluctuation margins as established after Den Haag adopted the idea of European Monetary Union (EMU) in an effort to reduce the negative impact fluctuation rates had on ‘internal cohesion and investment as well as on trade among the EC countries and between them and their major trading partners’<sup>248</sup>. The monetary problems were closely associated with the energy crisis. The two oil crises in the 1970s have had their toll on the European economies. While McAllister notes that an investigation on the number of Council meetings and the budget allocation shows not significant EC policy activity<sup>249</sup>, the fact was that it led more to joined up thinking and more common action<sup>250</sup>. The reality was that the problems were caused by uproars in the international system and the EC although cumbersome and slow in moving was a preferential area for action. Although the policy level might have been sluggish in responding, the fact of the matter remains that issues were being uploaded even if not tackled effectively.

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<sup>246</sup> MacAllister (1997), p. 99

<sup>247</sup> Commission Memorandum to the Council on the co-ordination of economic policies and monetary co-operation within the Community (Submitted on 12 February 1969) and Final Communiqué of the conference of Heads of states or government on 1 and 2 December 1969 at the Hague

<sup>248</sup> Jean Monnet lecture delivered by the right Hon Roy Jenkins President of the Commission of the European communities Florence - Thursday 27 October 1977

<sup>249</sup> MacAllister (1997), p. 102-13

<sup>250</sup> see 237



Another area affected by the economic sclerosis of the economy was employment. In the unfavourable economic conditions, unemployment had become a problem that tantalised most member states; it was hindering national economies and was becoming a major issue in the European agenda.

Unemployment as a result of the economic recession was also an area of potential action by the European Community. The Education Committee report in 1976 reflected strongly on both the problem of the transition of young people to working life as well as the importance of common action. The joint meeting in 1983 between Ministers responsible for Education and the Council for social and Labour affairs was an attestation of the integration between education policy and other areas better established and closer to the original scope and mission of the Economic Community<sup>251</sup>. Under the circumstances higher education was more closely linked to economic affairs.

However, training and by proxy higher education (and to a lesser extent education) were not the only policy areas that had been linked to the unemployment problem and the labour market. Science and research were often employed to address the economic challenges of the era.

More importantly though, the early 1980s was the period that the Community was setting itself up for a new challenge, the SEA. Bulmer argues that in the years preceding the Milan European Council and the agreement of the SEA

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<sup>251</sup> see above

pact, a gradual process had occurred to create the circumstances for the SEA agreement<sup>252</sup>. Overriding the neo-functionalist and liberal intergovernmentalist explanations on offer, Bulmer shifts the focus on the sub-systemic level and the cumulative effect of small steps. He places an increasing importance on the ECJ jurisprudence<sup>253</sup>, but makes sure not to overemphasize the legal arrangements. Instead he prefers to stress the importance of linkages of the different policy areas and their contribution towards SEM.

In this shifting of policy emphasis towards the internal market we may also identify the shaping of higher education towards a human capital approach. In early 1985 the Commission in its report of activities states: 'whereas in the period from 1976-1982, attention has focused strongly on the links between education and social policy, especially in developing measures to combat growing unemployment, in the past two years [1983 and 1984], a new and growing emphasis has been given to the contribution of education and training to the task of modernising the economies and exploiting the potential of the new technologies'<sup>254</sup>.

It is in that sense that we may argue that higher education policy has followed the logic of appropriateness, with the logic being defined and redefined within the governance system of the EC. The links in the system (at least in the case of

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<sup>252</sup> Bulmer (1998)

<sup>253</sup> One example often quoted in discussion over the agreement of the SEA is the Cassis de Dijon case in 1979. As a result of the ECJ's ruling, the mutual recognition of national standards principle became established and was considered as a prominent element in the free market of the European Union. This case set an important precedent for future non-tariff barriers to trade in regulatory standards of the EU's free movement of goods and services

<sup>254</sup> Report from the Commission 'Activities of the Commission of the European Communities in 1983 and 1984. A Contribution to the Standing Conference of European Ministers of Education, to be Held in Brussels on 6-10 May 1985'. COM (85) 134 final, 29 March 1985

education) as we have seen ran both horizontally (i.e. between policy sub-fields) as well as vertically between the different levels of governance (from the super-systemic to the sub-systemic). As Bulmer argues in explaining the normative dimension of the single market ‘in different policy sub-systems of EC governance, ‘logics of appropriateness’ were re-defined by socio-economic and institutional actors alike’<sup>255</sup>.

The Fontainebleau meeting, where the Heads of states called for the recognition of qualifications, reflected the fact that policy outcomes and other developments in the education field were having an impact beyond the narrow policy frame. They were communicated through various governance channels to the different levels of government and were becoming integrated within the broader scopes of Community action.

To address Moschonas’s criticism we may say that yes, the EC has opted for a human capital approach in the field of education but the institutional settings did not convey any different norms that would have steered policy choices towards the cultural understanding of the educational notion. Or as he himself prefers to say: ‘the gap between maximalistic declarations and minimalistic actions, itself derived from the existing discrepancy between advanced economic integration and loose political construction, leaves education and training with endemic deficiencies and contradictions’<sup>256</sup>. The pre-existing institutional dynamics were strongly entrenched to the economic objectives pursued over a period of more

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<sup>255</sup> Bulmer (1997), p. 18

<sup>256</sup> Moschonas (1998), p. 3



than 25 years, traced back to the years of the European Coal and Steel Community.

The maximalistic declarations referred to the right to education. They were the legitimatisation basis and the engine to start the process, not to define it. It was the period when education was first addressed and, within an unformed institutional setting, institutions had not yet taken 'a life of their own'. Once institutions had started taking shape action quickly followed even if not in the area that overarching statements might have led to believe. The policy capacities and the polity ideas were catalytic in defining the policy scope. All factors were directing to a new policy that could fit in the existing policy frame and that would support the broader institutional aims.

The formation of institutions (and of an institutional setting) has created path dependence in the process of incremental evolution of higher education. Although the relation of education with areas of Community competence such as freedom of movement and non-discrimination were evident, it would be difficult to argue that they were sufficient enough reasons for the establishment of a new policy. Thus a functional logic of spill-over effect cannot fully explain the policy development. On the other hand it can be argued that the success of the JSP and the benefits from linking education to the labour market were creating the positive feedback for further action. Again the limitations of the European policy at national level cannot sustain a strong argument of increasing returns but for the same reason - and to the extent that the cooperation method

allowed for national control over the agenda setting - there was no good reason not to continue and build on the process.

#### **4.5 Conclusion**

Higher education from 1976 to 1984 has gone a long way. Defining the scope of the policy at this first stage was of the essence. Therefore the linkage of education with employment was vital and to a high degree the reason to distinguish higher education from the rest of education policy. The linkage with employment was more than the lowest common denominator. It was the ground that could produce positive results. Further than that, it was the direction that the logic of appropriateness as developed in the emerging institutional setting was pointing towards. In the lack of a pre-existing vision the logic of appropriateness could have only been derived from the norms and the values entrenched in the broader institutions in the existing EC frames. The need to identify areas of synergies can be considered as the result of both the lack of clear remit as well as the need to fit in the larger frame under the same scopes and objectives.

The hybrid system of governance developed, helped transcend some of the traditional boundaries both of the national protectionism of sovereign politics and of the Community decision making process and resulted in a strong enough bottom up approach to enhance the institutionalisation process. In fact the combination of the new governance within the EC governance with lower level

politics, may have proven a more effective mix than policy fields with vested national interests and traditional-established distributive models.

Higher education though was not only linked to employment. As described by the Commission, higher education had started establishing a role in the economic aspects of the Community and as such acquiring its role in the integration process. In this first period, higher education had gradually built its human capital features in parallel to the developing of institutional dynamics. The socialisation process had started producing hybrid policy outcomes. Thus it 'locked in' the agenda and established the basis for future action through unintended or unanticipated consequences.



## **Chapter 5: The road to Maastricht: 1985-1992**

The second period of examination starts from 1985 the year of the agreement of the SEA and goes up to 1992, including the Maastricht treaty. Having already established a scope for policy action in this period, the focus is to see how higher education has further developed. Employing again a policy narrative style, in this chapter we will discuss how EU policy has started having a stronger impact on national and sub national levels and how far it has progressed to become a more autonomous policy, decoupled from the rest of education and if so, from its association with other fields of actions.

### **5.1 Redefining the scope of higher education: a narrative**

In 1985 the SEA brought to the surface a new vision for the Community, the completion of an internal market, with the 1992 being the year to come into force. Despite the lack of reference to education or higher education and only minor amendments to the social policy chapter (under which training was located) the new Treaty was a very significant step towards the new era of the European Community. The SEA was the landmark for a common market.

In the narrower policy frame of education a series of events can be recorded. In 1985 an ECJ ruling marked a turning point for a new era of European cooperation in higher education. The ECJ had to decide if a French national that moved into Belgium to pursue a university course in strip comics had the right not to pay tuition fees (minerval) In this ruling, the Court used an expansive interpretation of article 128 EEC in conjunction with article 7 EEC to decide

that EU citizens can seek higher education in universities of other member states under the same conditions that exist for the nationals. The conclusion attested that paying fees was against the non-discrimination principle. The court extended the notion of vocational training to any form of education that prepares for a particular profession, even if the programme includes elements of general education<sup>257</sup>. The logic of the ruling laid strongly on the idea that higher education related to work, and in fact, was understood to constitute a type of professional formation.

In the following years, two programmes related to vocational training and higher education, were launched. Comett and Erasmus were introduced in 1986 and 1987, respectively<sup>258</sup>. Erasmus was the programme that would practically replace the JSP and bring mobility and exchange for higher education students (mainly) and staff into a new era. The 1976 mandate left much more space for further action than the JSP and the early 1980s guidelines, giving the Commission the signal for a bigger, more comprehensive programme. Even the Heads of State were keen to see some further cooperation in the field in a period when few things were moving in the Community arena<sup>259</sup>. Similarly, Comett was the programme that was launched a year earlier and focused on supporting European research, and for that purpose, mobility in vocational training.

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<sup>257</sup> More specifically the court ruled that ‘any form of education which prepares for a qualification for a particular profession, trade or employment or which provides the necessary skills for such a profession...is vocational training...even if the programme includes element of general education. The term “vocational training” includes courses in strip cartoon art provided by an institution of higher art education’ in Case 293/83 Gravier vs. City of Liege, 1985 ECR 593

<sup>258</sup> Council decisions 87/327 in OJ L166/20 [Erasmus] and Council decision 86/325 in OJ L222/17 [Comett]

<sup>259</sup> See Resolution 1982, 1984 as well the Solemn Declaration from the Heads of states in 1983

The launch of the new mobility programmes has given a strong boost to higher education policy. It was not coincidental, though, that it emerged at a time when European integration was accelerating and moving out of the doldrums of the 70s. The European Commission, under the Presidency of Jacques Delors, has taken a more active role as the policy thinker of the Community, and the member states had agreed to the SEA. The Commission's views were reflected in the 'Completing the Internal Market' White Paper<sup>260</sup> which paved the way for the SEA, or as Bulmer argues it incorporated the gradual change happening and the mandate of the member states to move forward on a more neo-liberal economic and market integration<sup>261</sup>.

Despite both the positive political climate and the national willingness for closer cooperation in educational matters, the proposals of the Commission on the two programmes did not pass unchallenged from the Council of Ministers<sup>262</sup>. The Council of Ministers challenged the legal basis for both programmes. The view of the Council was that both programmes needed to be based on Article 235 EEC, which requires unanimity for the Council decision to be made. Therefore they inserted article 235 in the decision. The philosophy behind that was that both programmes could not be considered actions within the competence provided by article 128 EEC for vocational training. Therefore, the view of the Council was that both programmes should be considered actions – not in the existing EC competence— that would help the broader goals of the member states' cooperation and integration, along the lines of article 235 EEC.

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<sup>260</sup> EC White Paper, Completing the internal market, 14/6/1985 COM (85) 310

<sup>261</sup> Bulmer (1997)

<sup>262</sup> for the proposals see., Proposal for a Council decision adopting Erasmus, COM(85) 134 final and Proposal for a Council decision adopting Comett



In any case, those programmes initialized a process in which an increased competence of the Community would give further force to the institutionalisation of higher education. Both programmes received significant funding from Community resources to establish intra-European links on the basis of mobility. Without underestimating the importance of the Comett programme, Erasmus became the landmark of the change in - Community higher education affairs. Due to its popularity and the bottom-up approach that engaged citizens (students and staff) directly, it became the landmark higher education policy initiative in the Community.

From 1988 to 1990, a string of programmes was launched from 1988 to 1990, promoting technology, science, vocational education and languages.

**Table 5.1: programmes of action 1985-1992**

PROGRAMME	YEAR	AIMS
PETRA	1988	aimed at promoting vocational training and transition to working life
Youth for Europe	1988	promoting youth exchanges
IRIS	1988	supporting vocational training for women
EUROTECNET	1990	aimed at supporting technology as an innovation
LINGUA	1990	Promotion of languages
TEMPUS	1990	Trans-European mobility programme for university level studies aimed at the Central and Eastern European Countries
FORCE	1991	Continuing education

The programmes linked to higher education in different ways. They all attested to closer links between EU public policy and higher education.

Erasmus and Comett were the programmes to have the closest link to higher education and those to be considered as having set the momentum for higher education in the European sphere. Though not all of the aforementioned programmes were directed to mobility; they contributed to the formation of a European space of cooperation in the broader field of education and tertiary education.

By 1989, the new programmes launched just after the SEA were in full motion and the Commission was presenting them as the outcomes of a more holistic and systematic approach for an education policy in Europe. In the Communication to the Council on the 'guidelines for the medium term 1989-1992' the Commission outlined the role of education and training play on the road to achieving an internal market. The Communication also presented the plans to launch the second phases of Erasmus and Comett (to be launched in 1989 and 1990 respectively).

The success of mobility programmes, especially of Erasmus, was creating further pressures for the recognition of academic credentials. The Commission in 1989 launched a pilot project for a European Credit Transfer System (ECTS) that was envisaged to facilitate credit transfer and thus contribute to the recognition of period of studies.

On the front of professional qualifications, the Community continued the practice of Directives regarding the recognition of professional qualifications<sup>263</sup> in other regulated professions. This lasted until 1989, when the Council decided positively on a general Directive to cover all regulated professions and to function as a mechanism to automatically recognise professional competences acquired in one country, with a view to practice in another<sup>264</sup>. The 1989/48 Directive can be characterised as a breakthrough, since it marks the shift of the attention, from individual cases (as were the Directives for each specific profession) to a general system for the recognition of professional qualifications. According to the Directive, member states were obliged to recognise the professional rights of an individual, as adhered to in the country where the qualification was acquired. Therefore, degrees of higher education attesting professional rights would enter the equation of regulatory recognition and could potentially be accepted in all member states for the recognition of individuals' professional rights. The potential synergies between professional recognition, cooperation and recognition in the academic sphere were now more and more identified. The report of the Commission on the 'European activities in the field of education, training and youth in 1990' makes extensive reference to the Directive breakthrough and the implications for higher education and recognition issues<sup>265</sup>.

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<sup>263</sup> for architects Directive 85/384/EEC and pharmacists Directive 85/432/EEC (85/433/EEC)

<sup>264</sup> Council Directive 1989/48/EEC on the general system for the recognition of professional qualifications

<sup>265</sup> Commission report 'Report on the activities of the Commission of the European Communities in the field of education, training and youth' SEC 91, 2409 final



Moreover a year before the agreement in Maastricht, the Commission had produced a Memorandum on Higher Education<sup>266</sup> that ‘summarised’ the achievements of the previous years and was set as a base for future action. In this paper, the Commission overstretched the economic character of higher education and the role it played in the completion of the internal market. The views of the Commission were received with scepticism from the sector, the sub national actors in higher education<sup>267</sup>. Nonetheless, the Memorandum was indicative of both the views developed within the Community and the aspirations for the future developments.

Under these circumstances, higher education evolved in the mid 1980s and early 1990s. It changed from an area of no action to an area of enhanced cooperation through direct ‘positive’ action based on Community programmes. In the following years, higher education was formally addressed as a chapter of Community action in the Maastricht treaty in the article 126 (now 149). The provisions of the article set the aims of the Community as follows:

- developing the European dimension in education, particularly teaching and dissemination of the languages of the member states;
- encouraging mobility of students and teachers, *inter alia* by encouraging the academic recognition of diplomas and periods of study;
- promoting cooperation between educational establishments;

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<sup>266</sup> Memorandum on Higher Education in the European Community, COM (91) 349 final, also of relevance the Memorandum on Vocational Training in the European Communities in the 1990s.

<sup>267</sup> van der Wende and Huisman (2004), p. 20

- developing exchanges of information and experience on issues common to the educational systems of the member states;
- encouraging the development of youth exchanges and of exchanges of socio-educational instructors;
- encouraging the development of distance education.

Moreover, the article provisions the co-decision procedure with qualified majority voting, excluding any potential harmonization of laws and regulations of the member states.

Thus, the Maastricht treaty consolidated developments of more than twenty years of Community efforts and formalised the *acquis communautaire* in the field of education and higher education.

## **5.2 Policy outcomes**

In these eight years or so, higher education policy had progressed and provided more outcomes that could be felt at national and sub-national levels. Keeping in mind the progress that had been achieved in the first period we may discuss and update the policy outcomes in the field.

### ***5.2.1 A right to higher education***

While Directive 1612/68 and the Casagrande ruling had generally established some level of right towards educational provision in the European dimension, the Gravier case in 1985 came to specify further rights towards equal access to higher education through means of professional training. Building on the

extensive use of the vocational notion in the broad field of post secondary education, the Court decision did not only provide the platform for further action, but primarily for establishing a European right for equal access to higher education for mobile citizens. The same concept and principles were re-affirmed in the case of Blaizot, where the ECJ once again favoured the interpretation of higher education from its vocational perspective<sup>268</sup>.

Moreover the overall progress and the intensification of activities and programmes in higher education and related fields had opened opportunities for a much more extensive participation of individuals and institutions. Thus making the policy impact much more felt across the intended segment (students, staff other individuals and higher educations institutions). This, in turn, contributed to a de facto role for higher education in the European sphere. The increased number of participants and allocated budgets<sup>269</sup> was making the policy felt directly to the intended societal group and thus creating a direct link between the European and sub-national level.

### ***5.2.2 Mobility and other programmes***

The launch of Erasmus proved to be (and still is) a huge success story. The Commission raised very high expectations for the success of the programme. It is characteristic that the Erasmus proposal included a target of 10% of the students in Europe to be mobile by 1992. The success was also reflected in the budget allocation, which reached approximately ECU 180 million for the first seven years of the programme (broken down into two periods). Student

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<sup>268</sup> Commission v. Belgium C- 293/85 [1988] ECR 305

<sup>269</sup> Erasmus report 1989



participation was very high and from 4000 students participating in 1987, the number increased sevenfold to 28000 by 1989<sup>270</sup> stretching the resource allocation and risking becoming a victim of its own success. The Commission in the first phase had identified the lack of support mechanisms (by higher education institutions) and was noticing that the success of the programme was the outcome of the commitment and enthusiasm of individual members of staff<sup>271</sup>.

As a much more elaborate programme than its predecessor (JSP), Erasmus also provided a generalised mechanism for the recognition of the periods of study through the European Credit Transfer System (ECTS). The use of ECTS would help students completing part of their studies in an establishment of a foreign country, to transfer the credits earned through a system of quantification of studies and a proportional classification of the student achievement. As such, ECTS was supporting mobility by facilitating the recognition of academic achievement.

Apart from Erasmus, other programmes were establishing the notion of mobility as a predominant element of the European higher education policy. Comett, directed to vocational training and research, also directly affected higher education institutions and pushed forward cross-European mobility. The string of programmes that followed until the early 1990s also significantly impacted on mobility and helped to establish the notion further.

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<sup>271</sup> as above

The importance of the programmes though was not limited to what was naturally becoming a policy target for higher education, mobility. The overall impact of programmes was looking into more areas and, as we will discuss in the following section, it was creating more synergies in the scope of higher education.

### ***5.2.3 Recognition of qualifications***

Directive 1989/48 was probably the most significant outcome in that field. The generalised system had established the need for cross-national comparison of academic qualifications—although in their academic value not directly attributed—to the extent that they were attestations of the professional competences. Interestingly enough, the Directive did not make any mention of the developments in the core of what could have been considered an emerging higher education policy<sup>272</sup>. The Directive provided for a ‘general system’, a mechanism that put minimum thresholds on the training and professional practice experience required to fall under the scope of the provision. For professions that would have normally required an undergraduate degree. The Directive required a degree of a three-year minimum duration. This formed a link between professional competencies and higher education studies. Therefore it was adding to the establishment of education rights in the EU frame, through the field of the internal market, and the different rights regarding employment and labour.

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<sup>272</sup> for example the ECJ jurisprudence or the Council Resolutions on the need for cooperation in the field of higher education.

On the other hand, issues were also raised and addressed on the mobility programme. Recognition of the periods of study was an essential prerequisite for the success of the programmes. ECTS was an instrument for this purpose. Although the extent to which it was addressing the issue of recognition was limited, it still touched on the core of the issue. Some efforts of the Commission to address the recognition of academic qualifications did not find fertile ground, neither in the scope nor in the legal/political mandate<sup>273</sup>.

Therefore recognition of qualifications developed on two distinct grounds. On the education policy ground, the indirect effects of mobility and other instruments such as the ECTS aided recognition. On the internal market ground, the recognition Directives pushed forward recognition through the recognition of professional competences. Although the links between academic and professional recognition are obvious it has to be said that the synergies were not explicitly identified or pursued.

### **5.3 Anticipating the facts**

The period of 84-92 has seen an increased activity in the higher education area. Progress has been made over all the main areas that have been identified as elements of higher education policy. Although not a separate formal policy sector, higher education had in practice developed its own natural policy ground.

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<sup>273</sup> Interview 1. Also another example is the 1985 unsuccessful attempt from the Commission on a 'draft proposal for the recognition academic degrees'.



### *5.3.1 Policy options: implementing the agenda*

In the previous period activities in the area of education had locked an agenda and a co-operative ‘soft law’ mode for action. At this stage higher education was moving from an agenda setting period and from a ‘wondering for a role stage’ to an outcome driven approach. The feeling was shared among officials in the Commission which in the active period of the SEA preparation were seeking to move issues on the agenda forward<sup>274</sup>. The work done in previous years formed the basis on which to build. In DG V, the idea revolving in the corridors – during the preparation stage of Comett and Erasmus - was that they had to work on a bigger plan, a project for mobility of a much larger scale and impact than the JSP. The motto was ‘Think BIG’<sup>275</sup>.

The judicial confirmation of higher education as a form of vocational training in the ECJ ruling of the Gravier case did not limit higher education to a second vocational training policy but rather established the role of the Community in the area and thus gave a new impetus to the policy process. The Court decisions in the cases of Gravier and Blaizot were instrumental in increasing the policy options. As Gori notes ‘[o]nce negative integration was replaced by positive integration due to the court jurisprudence, the judicial policy-making has been structured by interinstitutional litigation’<sup>276</sup>.

The policy options, via the judicial route, have been expanded. The linkages of education with employment and labour have produced an unanticipated

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<sup>274</sup> interview 1

<sup>275</sup> interview 1, see also Fogg and Jones (1985)

<sup>276</sup> Gori (2001) p. 52

consequence over the rights of European citizens to pursue higher education level training for professional purposes.

But it was not only ‘inherently consequential’ events that expanded the policy options of higher education policy. Documents of the Commission<sup>277</sup> even at the very early stage of this period as well as the success of actions (see for example the Erasmus participation) indicate a strong case of increasing returns that translated into a push for further action.

The success of Erasmus had a lot to do with the bottom-up approach the Commission had followed since the JSP. The engagement of the sub national actors, higher education institutions themselves, had created a learning process around mobility. In fact, higher education institutions had played a critical role in some cases, in successfully lobbying national governments about Erasmus. Thus, the policy options (for example programme development) were not only a result of judicial action and/or policy entrepreneurship from supranational institutions that had vested interests in the process but a result of the increasing return and the benefits it had brought to the ‘policy recipients’.

At the same time it might be fair to argue (as described in the narrative section) that the broad political support that the Council has started showing since the early 1980s shows that support for policy action transcended the level of ‘institutional interpretation’ and moved towards a constellation phase where patterns of interaction, loose hierarchies and the changing roles of actors have

brought institutions, ideas and norms closer together among all stakeholders involved.

While the judicial route was once again providing the legal basis for expansion in the policy action, we may argue that it was within the path dependence, the success of policy choices and the shaping of policy actors and settings that have pushed the gradual shift towards the central policy arena and helped transform education from a loose intergovernmental/supranational ‘dialogue’ framework to an active, programme driven policy. As important unintended consequences - in the form of judicial jurisprudence- were in affirming higher education as an area of the *acquis communautaire*, equally important were the increasing returns from policy options that were simultaneously delineating an individual and vital institutional space for education and training.

### ***5.3.2 Policy venue: formalisation of the institutional venue***

The new period has seen the production of more and more outcomes (in the form of programme action) and while no significant changes had been implemented in the decision making procedures related to higher education, an increased budget and an expansive policy scope had moved higher education in the spotlight of policy attention.

Shaw saw in the decision an unprecedented lock-in effect whereby national governments preferred to see the follow up implementation derived from the Court decision through an organised movement, rather than let the Gravier case



create further undesirable outcomes<sup>278</sup>. In fact, the outcomes of Gravier could have expanded in a number of ways that would have proven undesirable for many member states.<sup>279</sup> What this case of ‘damage control’ indicates is not the unwillingness of member states to cooperate in the field. The contestation of the legal basis for the decision reflects the evolving nature of the institutional venue. The Commission, through the programme initiation was reclaiming a more traditional role as a policy initiator. Formal institutions were developing in line with normative developments in the area. It was possibly the fact that the Commission was claiming a more central policy role, which in combination with the ECJ rulings increased the role of supranational institutions. It is in that context that the action of member states through the Council to legally contest the Commission should be seen. Still, policy entrepreneurship was not beyond the institutional formation of the policy. Policy entrepreneurship facilitated or accelerated the pushing of the boundaries, the opening of more vital space. In historical institutionalist terms the changing nature of the institutional structures (increased role of supranational institutions) was an unanticipated effect of the institutionalisation process. An effort to revert the effect would have high transactional costs. Structures had to be developed to support the increasingly central role higher education was acquiring. The culmination of the historical dynamic was not only creating a central role for higher education, but also a central institutional venue to go with it.

The institutional venue was not only shaping in the redefining of the action space formal institutions enjoyed. The bottom-up approach the programmes

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<sup>278</sup> Shaw (1999), p. 564

<sup>279</sup> Shaw (1999), pp. 564-565

employed had also led to an emerged direct engagement of individuals and institutions in different countries. An engagement that in a single European market no higher education institution could afford to neglect<sup>280</sup>.

The Maastricht Treaty came to consolidate all the developments in the field and incorporate them in the *acquis communautaire* by introducing separate articles for education and vocational training. Although first impression may be that the intergovernmental forces reacted to take back the control that they gradually lost in the process and to a certain extent reclaimed the ‘lost sovereign power’, from a historical institutionalist perspective this argument has many limitations. From an initial point of view, the consolidation of the education policy through the Maastricht Treaty provided a clear and formal legal basis for action in the field that established the cooperation as the method to act, thus putting a barrier to any further developments through the day to day politics of the Community. Still, as Gori<sup>281</sup> argues, there are several elements that confirm the continuity of the process. Firstly, it has to be considered that article 126 is consistent with the developments and the decisions of the ECJ. In that sense, it crystallized the outcomes of the process and did not dispute them by trying to revert or alter the outcome through primary law. Of course, an effort to do so may have incurred huge transactional costs and may not have proven to be a realistic alternative. In fact, the options in the Maastricht treaty ranged between the specific action and no action. Of course, a no action approach would have seemed odd as it would mean not acknowledging the developments and activities of more than twenty years. Moreover, no action would potentially have allowed the process to

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<sup>280</sup> Berchem (1989), p. 369

<sup>281</sup> Gori (2001)

continue in an unsettled or activist way, causing concerns to national governments over the final future outcomes. Therefore, we may also argue that the provisions of the Maastricht treaty were the only realistic alternative that, to a certain degree, ‘legitimized’ and crystallised the previous process and transformed the often negative process (in terms of integration) to a positive one.

With the articles 126 and 127 (now articles 149 and 150) Maastricht made specific, separate provisions for education and vocational training, accordingly. On top of that, the articles included the policy instruments available to the EU in order to act on the basis of the objectives set in the two articles.

Considering the Maastricht treaty in relation to the Europeanisation of higher education, two important remarks can be made. First of all it is essential to account for the introduction of the demarcation between (higher) education and vocational training. Lenaerts’ argument is that the ECJ’s use of vocational training through the years was a ‘detour’ to reach competence in higher education issues, and demarcation brought an end to this<sup>282</sup>. In fact, it could be argued that in the Maastricht Treaty, there was a clear effort to separate higher education from vocational training by the means of providing separate articles, thus de-coupling higher education and vocational training. However, judging by the content and leaving aside the demarcation as a fact, the argument is not strong enough. Gori argues that, from what was provisioned, there is no reason to deduce that higher education does not fall under the material scope of article

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<sup>282</sup> Lenaerts (1994)



127<sup>283</sup>. The Maastricht Treaty did not revise the vocational characteristics of higher education. On the contrary, placing education at the same level as vocational training and the similarities in the drafting of the two articles increasingly blurred the line between the two fields. The second point relevant to the Maastricht Treaty is the question of the implications for policy-making. The demarcation did not really change the vocational character of higher education, and therefore, kept the vocational character of higher education untouched and fully available for initiatives in the policy process. What could, to a certain degree, be deducted is that education as provided by the article was seen as a similar function to vocational training. Thus what has culminated in the Treaty as education, was the policy effects that have been seen in the actions mainly in the field of tertiary education.

Similarly to Gori's argument, Barnard poses that the Maastricht Treaty did not bring much more to the agenda<sup>284</sup>. In fact, it consolidated what was already established as hard law through the ECJ rulings. He goes though further to argue that the Treaty created more cumbersome policy instruments, and in a way, tried to clearly define what was in and what was out of the EU competence. This argument, although it may be accurate from a legal point of view, and certainly consistent with other legal scholars' views who ascertain the importance for member states to define the roles of actors and the scope of the policy, downplays the importance of the political dimension. What was undoubtedly brought by the Maastricht Treaty was the consolidation of the historical dynamics and the confirmation that higher education had gradually

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<sup>283</sup> Gori (2001), pp. 96-97

<sup>284</sup> Barnard (1992)

moved to the main policy arenas of the Community. The increase in policy outputs, the evolving roles of actors and the ‘mainstreaming’ of the policy making processes which involved the inclusion of education in the Treaty (in similar terms with vocational training) can only be considered as gradually built and a natural result.

An alternative decision by member states would have incurred a high transactional cost. The lock in effect for the constitutionalisation of higher education has been gradually built over a long period of time through numerous Court decision and continuous policy outputs<sup>285</sup>.

Through the Maastricht Treaty a specific policy framework for the future was established with the articles on education and vocational training. More specifically, article 126 provided for ‘incentive measures’ with the procedure of co-decision in the field of education, excluding any harmonisation of national laws and regulations. From there onward, actions that used to be under simple majority now moved to qualified majority voting (QMV), meaning that a smaller number of member states were needed to block a decision. Most importantly, article 126 excluded any measures that would harmonise national laws and regulations. This was also the view inside the Commission and, to a certain extent, there was a common understanding that getting education into

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<sup>285</sup> This argument will be further analysed in the following section under the prism of path dependence and the logic of appropriateness

the Treaties was a step backwards, which was meant to secure and consolidate the achievements so far<sup>286</sup>.

Another important element of the treaty was the introduction of the subsidiarity principle. According to the subsidiarity principle, the EU does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level. As a principle, it is closely bound up with the principles of proportionality and necessity, which require that any action by the Union should not go beyond what is necessary to achieve the objectives of the Treaty. The notion of subsidiarity was a new idea to give more impetus to Community actions and policy implementation. Groof and Friess regard the subsidiarity principle, as introduced in the Maastricht treaty, as representing the substantive definition of the Community competences<sup>287</sup>. Subsidiarity was a key idea of President Delors and had been discussed for a long time in relation to the achievement and acceleration of single market targets. Still, it was viewed with some scepticism by members of the DG of education, the fact that it could limit the ability for activities, after a long effort, to achieve some type of competence in the field<sup>288</sup>.

On the other hand, the “incentive measures” was a new idea being introduced for the purposes of policy action in higher education. As a non-defined notion<sup>289</sup> it was difficult at the time to see the effect it would have on the ability of the

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<sup>286</sup> interview 1

<sup>287</sup> Groof and Friess (1997), p. 12, ‘to the extent that education and training have become subject of explicit, self standing and enforceable Community competencies, subsidiarity can be seen as the prime criterium for definition – and limitation – of the scope of these competences’.

<sup>288</sup> Interview 1

<sup>289</sup> For more see Lanearts (1994), especially on the idea of how incentive measure can be considered as binding law.



Community to act as a policy entrepreneur for education and higher education initiatives. Especially co-noted with the exclusion of any action that could lead to harmonisation of the national education systems, the incentive measures—in conjunction with the newly introduced notion of subsidiarity—blurred to a certain extent the level upto which the Commission was allowed or anticipated to act and bring new actions to the European table.

The Maastricht Treaty can be perceived as a critical juncture in the evolution of higher education policy. It symbolised the success of more than two decades of efforts and marked a new start for education. On one hand, it reaffirmed the progress made, and on the other, it set out new rules.

### ***5.3.3 Policy scope: consolidating and/or redefining the ground***

Higher education in this period kept and reinforced its vocational character. However, as argued earlier in this chapter the policy was not limited to the judicially confirmed vocational nature.

Scope wise higher education progressed to a more holistic policy that embraced a wider economic scope and supported the economic and market-making mission of the Community. The strong links to innovation technology and hence economy that the Commission identified as early as in 1985<sup>290</sup> were becoming more and more intense and apparent during the years of the period discussed in this chapter. The proclamation of this fact can be traced in the Memorandum of

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<sup>290</sup> Report from the Commission ‘Activities of the Commission of the European Communities in 1983 and 1984. A Contribution to the Standing Conference of European Ministers of Education, to be held in Brussels on 6-10 May 1985’. COM (85) 134 final, 29 March 1985

higher education in 1991, in which the Commission praised the role of higher education in achieving economic integration<sup>291</sup>.

The policy option of a more programme driven approach did not only result in a strong policy impact at the European, and by implementation national level. It started creating a transnational dimension to higher education politics. This has been manifested both through the programme's direct effect at the sub-national level and their success as well as in the increasing role of the sub-national level in policy formulation. Although the status of stakeholders has not been 'upgraded' to a formal partner in the policy process, their increased saying has been demonstrated on numerous occasions<sup>292</sup>.

The economic scope of higher education has been further re-affirmed through the increasing importance of, and the need for, social policy and socio-economic cohesion. The SEA and the neo-liberal turn of the market had given momentum to the discussion for a more social Europe in order to counter-balance the effect of the economic policy shift or as Leibfried and Pierson argue 'the dynamics of creating a single market had made it increasingly difficult to exclude social issues from the agenda'<sup>293</sup>, a social policy which according to the institutionalist account of these authors was not part of an EU welfare state or strategy. It was more the result of spill-overs within a multi-tiered system in the pursuit of economic policies. As such, higher education has often been part the 'social dimension' of economic integration. To the extent that social policy would be

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<sup>291</sup> 'Memorandum on Higher Education in the European Community.' 5 November 1991, COM/91/349FINAL

<sup>292</sup> See for example in 5.3.1 the reference to the lobbying role of the higher education sector for the Erasmus programme

<sup>293</sup> Leibfried and Pierson (1996), p. 44

brought forward to the agenda, to the same extent higher education would expand its scope and become a more central feature of the political discussion and a tool for European policy.

## **5.4 Discussion**

The period examined in this chapter is an adequate period to start looking closer into the historical dimension of the policy process and move from the small unintended consequences towards the dynamics of the temporal dimension and the accumulative effect of the institutional dynamics. These three features – ‘substantive agendas; temporal arguments; and attention to contexts and configurations - add up to a recognizable historical institutional approach that makes powerful contributions’<sup>294</sup>, for holistically explaining policy processes and political developments.

### ***5.4.1 Policy preferences and institutional variations***

The period discussed in the first period concluded with the Fontainebleau summit and the call of the Heads of states for a move towards the mutual recognition of academic degrees and diplomas which did not really make it to the agenda. While the declaration made at the Summit culminated in the progress made in that period analysed – as Pierson could have said-have suffered from ‘lack of information’. The declaration was more pre-occupied with making a grand statement of endorsement of the policy developments rather than dictating the future policy choices.

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<sup>294</sup> Pierson and Skocpol (2002) p. 2



The policy choices observed followed the path of the developing institutional dynamics. The introduction in succession of a number of European programmes under the umbrella of education, training and youth, set higher education in a broader context. The policy preferences as expressed through the policy options for a programme driven approach and the policy scope reflected the combined effect of gradual institutional building and increasing dynamism of the process itself. Policy institutions, settings, practices and beliefs were developed and set in support of soft action process targeted as much as possible at the subnational level. Keeping the policy in an area of soft action outside the regulatory pursues was not just the pragmatic policy choice but in effect the appropriate policy logic.

An interesting example that illustrates both the limitations of regulatory action and the institutionalisation of the policy process is the ECJ ruling on the cases of Commission versus the Council over the legal basis of the Erasmus programme<sup>295</sup>. The Council in its original decisions both for Comet and Erasmus had used article 235 (now article 308 EC) that required unanimity on the basis that action is necessary for the attainment of the objectives of the Community, but the Treaty does not provide the necessary powers for Community action. This was in addition to article 128, which provided the legal basis for action on vocational training objectives.

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<sup>295</sup> ECJ Case 242/87 Commission of the European Communities vs. Council of the European Communities European Community action scheme for the mobility of university students (Erasmus)

The ECJ in its decision favoured the Council's view on the inclusion of article 235 on the basis that Erasmus had some aspects falling within the sphere of research and did not relate to vocational training. The decision, which had extensive references to previous case law and the development of vocational training, can be seen as having a twofold meaning. On one hand the ruling reaffirmed that vocational training fell in the scope of Community action by acknowledging case law from the Casagrande case up to rulings that confirmed that university education might constitute vocational training. In fact, according to the ruling if the research element was not present, article 235 would not have been necessary. On the other hand it is important to note that what was in contestation was the legal basis, i.e. the right of the Commission to pursue action on the basis of simple majority in the Council. In that respect the ruling of the Court kept within the context of the policy gradual progress, which has been so far underpinned by an increased level of consensual policy making and soft action.

Therefore the policy entrepreneurial witnessed in this case supports the arguments of a strong institutional setting. The role of actors-institutions in pursuing their own agendas cannot be ignored but policy outcomes are strongly shaped by institutions and the process of institutionalisation. Understandings appear to be embodied in rules and practices<sup>296</sup>. Hence the outcomes of such actions could not simply derail the policy from the 'path'. A ruling in favour of the Commission in the Erasmus case at this stage may have been more than

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<sup>296</sup> Wincott (1995) p. 607

incremental change. It may have constituted a significant judicial activism that would have lied outside the ‘agreed rules and behaviours’.

At this point it is worth reminding us that higher education is not a market or economic policy per se, nor has it been developed to serve predominantly its own defined purpose (like CAP for example). It has been triggered into the policy arena either as an unanticipated consequence of market priorities (for example cross border migrants and migrant families’ rights to education and training) or to help deficiencies in areas that were at the core of the European project (for example unemployment). As such and despite the progress towards the central policy arena, higher education remained a ‘supporting’ policy, a market building policy.

The lack of ‘distributive elements’ in the policy that left it outside the area of high-level politics and the cumulative effect of actions and activities in the field have allowed the institutional formation and consolidation without significant ‘external events’ that could have created a ‘punctuated equilibrium’. The patterns of change have been continuous rather than discontinuous<sup>297</sup>. As such the policy framework remained outside the regulatory area of politics albeit it has started creating quasi-regulatory effects.

The quasi-regulatory concept can be understood in two ways. Firstly we may consider the move from the dual institutional venue where intergovernmental power preserved the right over policy action. Within time, the policy progressed

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<sup>297</sup> for an analysis of the different types of continuous and discontinuous institutional change see Campbell (2004) p. 31-62



to a more mutually inclusive mode reflected in the increasing actions and the addresses on behalf of the Council for Community action<sup>298</sup>. Secondly the accumulation of activities in conjunction with the judicial outcomes had created self-reinforcing conditions that allowed policy makers to address higher education within more concrete ‘policy rules’<sup>299</sup>.

The quasi-regulatory concept may also fit well within the turn of the polity level politics towards a more regulatory approach. Majone makes the argument that the SEA provided much of the impetus for ‘regulatory state’<sup>300</sup>. He notices that since the early 1980s the Community saw a sustained and rapid growth of regulation aimed at all sectors of Community politics. While education was not an area where the Community had formal competence and the SEA did not bring the benefits of QMV or the co-decision procedure, much of Majone’s description around the importance of litigation and formal rule setting fits well with the picture of higher education policy. Therefore in terms of policy approach, higher education was developing in parallel to the other Community policies.

#### ***5.4.2 Polity context: Appropriateness and path dependence***

In the period 1985-1992, higher education increased its presence in the policy field. As we have argued earlier this has to a large extent been the result of being associated with a broader economical scope. Higher education was not

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<sup>299</sup> For example the legal basis for Erasmus where there are extensive references to past litigation.

<sup>300</sup> Majone (1996)

just a form of a vocational training that could offer some help to battling unemployment. It was being redefined as a polity ingredient with broader application for the achievement of the economic scope of the Community. From the early signs given by the Commission, both in its documents and its initiatives for programme action, to the manifestation of the multiple roles education and training had to play for the economy, higher education was becoming more embedded in the policy structures and the politics of the Community. However, ideas, practices and beliefs were not only being shaped through the policy framework, nor should the argument be limited to inherent consequences and increasing returns of policy action.

While it has been illustrated that unanticipated consequences have caused ‘institutional reproduction’ at policy level both within the policy as well as through synergies with the fields of technology and science, from a historical institutionalist point of view, polity level developments and the interaction between polity and policy provide a very important dimension to understand the causal link.

At the time that higher education was being defined through policy actions in the fields of education, training and technology, the polity level shift towards a common market was providing the underlying impetus. Therefore the logic of appropriateness should be investigated and considered within the polity context.

The steps towards the SEA included a number of preparatory stages. In the previous chapter (chapter 4, especially section (4.4.2) we discussed how

problems of global impact in the 1970s have started becoming Community issues. In the early 1980s this was becoming even more apparent not only in the different policy fields like training and technology that were trying to address the issue but also in efforts that were preparing higher political level action. In the polity context, apart from the agreement of the Heads of states on the SEA, it is worth quoting two distinctive efforts that arguably capture the spirit of the times.

Firstly what needs to be considered is the White Paper on completion of the internal market that was prepared by the Commissioner in charge of the internal market portfolio, Lord Cockfield and presented to the European Council in Milan in June 1985<sup>301</sup> to become the basis for the SEA. The White Paper presented 300 measures that would help achieve the goal of the single market by removing the physical and technical barriers hindering the free movement of products, services, labour and capital, in order to achieve the ‘original vision of the Treaties’. Secondly an ad hoc Committee headed by Pietro Adonnino worked on the concept of People’s Europe<sup>302</sup>. This report followed the call of the Heads of states at the Stuttgart summit in 1983 for the need to work on a European identity and the social aspects of the Community and addressed the importance to build on ‘People’s Europe’. These two documents are reflective of the turn of the Community since the early 1980s towards a more goal specific era.

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<sup>301</sup> White Paper ‘Completing the internal market’ COM85 310 final

<sup>302</sup> Report from the ad hoc Committee on a People's Europe", EC Bulletin March 1985, No 3., It is also worth mentioning that another Committee had worked on the institutional reform of the Community resulting in the Dooge report. It is not of the same importance to our discussion to elaborate further but it is not of less essence for the Community.



Quite intriguing is the fact that, to a certain extent, the two reports can be considered the two sides of the same coin. People's Europe was preoccupied with the more noble idea of citizenship and identity. It had a strong element of social justice; a notion that could be interpreted in different ways. McAllistair quotes President Delors' statement regarding the efforts to establish a SEM 'efficiency and social justice' where he claimed that as the 'EMS had prevented monetary dumping so there should be no social dumping either: hence a minimal harmonization of social rules'<sup>303</sup>. In that sense the approach to the political aspects of integration, as far as they were being followed, did not break the inertia. And as far as the economic experiment was concerned, they did not change the rules of the game<sup>304</sup>.

In that sense the ECJ support for the inclusion article 235 as the legal basis of Erasmus may be considered as illustrative of the situation. While the ECJ did not disassociate higher education from the concept of professional training and in fact once again was emphasising the importance of the economic scope of the Community, it moved forward by suggesting that 'the perfectly legitimate aim that the development of a common policy should be in keeping with the general objectives of the Community, such as the achievement of a People's Europe, cannot lead to a change in the proper legal basis of measures which fall objectively under the common policy in question'<sup>305</sup>.

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<sup>303</sup> McAllistair (1997), p. 165

<sup>304</sup> It should, however, be noted that issues of justice, human rights had excelled in the European agenda without being closely linked to the market – economic sphere.

<sup>305</sup> Commission of the European Communities v Council of the European Communities ECJ C-242/87

The social dimension as a counterbalancing factor to the economic and market driven approach was becoming a prominent element of the European Community and was very evident in many aspects of the economic cooperation. Social policy in its own right had been forwarded on the agenda. The SEA included diverse initiatives to promote integration in the spheres of social rights, research and technology, and the environment; Jacques Delors had made significant efforts to encourage the ‘social dialogue’ between employers, unions and governments<sup>306</sup> which was formally acknowledged in the SEA. The SEA included the establishment of the structural funds, a ‘compensatory measure’ for opening the common market. The increased action in the social policy field continued until 1992 and resulted in the agreement of a social Protocol that had been annexed to the Maastricht Treaty<sup>307</sup>. Without going into the details of the different social policy aspects we might say that from the early 1980s to the Maastricht Treaty, social policy has seen significant development and has become a central element of economic cooperation.

The aspects of social policy were very diverse and although in the formal sense of the policy they had a lot to do with the working environment, gender equality, social security and protection and other directly relevant issues to social policy had been developed in a broader generic sense that was in relevance to many of the activities of the European Community.

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<sup>306</sup> Jacques Delors had invited the chairs and general secretaries of all the national organisations affiliated with EC-level organisations of employers and to a meeting at the castle of Val Duchesse where they agreed to engage in furthering the social dialogue.

<sup>307</sup> Protocol on Social Policy 1992, annex Maastricht Treaty. To be noted that the UK opted out of the obligations resulting from the adoption of this protocol. It is also worth mentioning that the Protocol was based on the work of previous years, most notably the 1989 draft Community Charter of Fundamental Social Rights of Workers, or the so-called Social Charter.

While education and higher education had a natural link with the ideas of citizenship and European identity, the translation of that into policy outcomes was very limited. References to the values of education in building the European citizenship were either out of the policy context or left in the sphere of political rhetoric. The follow up to the Solemn declaration in 1983 was very limited and initiatives that were pushing education towards its cultural values were also limited. For example the joint Resolution between the Council and Ministers for Education in 1988 identified the concept of the European dimension of education as an element that ‘adds value’ to all Community activities but was not something that could be exemplified in the wording of the document nor that could be associated with policy instruments where the Community had competence<sup>308</sup>.

Although in education and training policies there were many elements related to more generic elements of social policy (for example equal access, non discrimination) and occasionally some actions were targeted directly towards these<sup>309</sup>, the reality remained that in terms of policy outcomes the social role of higher education was very much defined by employability, better skills and competences, general preparation for working life. Towards the end of the era it would start becoming a clearer concept of preparation for a society of growth, employment and competitiveness. The same fact is also reflected in other policy initiatives where efforts to address the cultural elements associated with the

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<sup>308</sup> Resolution of the Council and the Ministers of Education meeting within the Council on the European dimension in education of 24 May 1988 OJ C177

<sup>309</sup> see for example the Resolution of the Council and of the Ministers for Education, meeting within the Council, of 3 June 1985 containing an action programme on equal opportunities for girls and boys in education OJ C106, 05/07/1985



more generic purpose of education were being exhausted in existing mobility programmes or on very limited impact initiatives<sup>310</sup>.

On the contrary, higher education had seen increased links to the social dimension of the economic aspects of the Community. An interesting example that exemplifies both the relationship to the dialectic of European citizenship and the links to the broader social aspiration of the Community is the 1989 Communication on Education and Training in which the Commission attests the ‘emphasis on human resources’ as providing an essential bridge between economic and social policies, but also remarks that it is ‘essential of all Europeans to assert the Community’s identity and basic values more effectively in the face of our current challenges’<sup>311</sup>.

The Memorandum on higher education in 1991 provides a much more accurate picture on both policy outcomes and the future aspirations of the Community. This document culminates the progress achieved in making higher education an essential component of the social part of economic integration.

In the context of an evolving Community, the logic of appropriateness should be seen as a logic defined by the parallel evolution of polity and policy. The polity was taking a stronger shift towards a common market and a social dimension was being developed to complement and/or counterbalance the effects of the

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<sup>310</sup> The Commission’s “first progress report on action undertaken by the Member States and by the European Community with a view to strengthening the European dimension in education” in 1991, is reflective of the limited actions that could be associated with the ideas of the “European education dimension”, citizenship and identity.

<sup>311</sup> Communication from the Commission to the Council: education and training in the European Community, guidelines for the medium term: 1989 - 1992 com/89/236final

new experiment. The logic of appropriateness was evolving in parallel and was setting higher education in the social dimension of the SEM. In the previous period higher education and training were circumstantially connected to the potential benefits to individuals training and preparation for working life. In this period higher education was becoming part of the social facet of the market project. On one hand, through recognition of professional rights, it was facilitating mobility and was playing its part for avoiding 'social dumping'. On the other hand it was a work in progress to achieve its human capital role and make its contribution to the economy and the common market becoming the bridge between economic and social policy.

The citizenship and cultural role of higher education has (or has not) developed to the same extent to which such notions have progressed as elements of the polity system<sup>312</sup>. Citizenship and cultural and socio-political understandings have come into educational politics in the same manner they have been discussed in the polity system: as exogenous elements that could not find fit neither in the remit for cooperation nor in the policy interests and instruments of the Community premises.

Therefore higher education policy has been path dependant not only in terms of policy actions and reaction. Path dependence goes beyond the meaning of established patterns and the 'dynamics of self-reinforcing or positive feedback processes'<sup>313</sup>. In light of the discussion in this chapter we may suggest that path

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<sup>312</sup> the ECJ decision on Erasmus where the reference to citizenship and the People's Europe are very important but not sufficient to support the exclusion of the article 235 is again an excellent example.

<sup>313</sup> Pierson and Schopel (2002)

dependence can also be a compelling concept for arguing that higher education policy was not only dependant on past policy options but also to the evolving polity path of a common market; a parallel evolution between policy and polity levels.

The links between the policy and polity levels demonstrate that the higher education policy, in the context of European governance, was more than the sum of its ‘unanticipated’ parts. It was a dynamic historical process that could not only be explained by the sequential and/or consequential nature of events. A substantive part of the explanation lies with the ‘sociological variables’ that are elements behind the normative building of the process. The role in ‘guiding the process’ should not be undermined. Thus, ‘sociological variables’ found across policy and polity levels provided much of the explanatory argument behind the evolution of higher education policy.

Taking into account the polity level, appropriateness and path dependence in higher education policy can only be understood in the context of the SEA and the emerging new rules of a common market and the ‘social dimension’ that was coming with it.

## **5.5 Conclusion**

Overall policy preferences as expressed between 1985 and the Maastricht Treaty have reinforced the vocational and human capital nature of education by opening it up towards broader economic scopes of the Community. The bottom up approach remained predominant although the policy has shifted towards a



more mainstream arena. The co-operative model remained strong and cooperation was producing more and more policy outcomes.

Higher education in a period of increased policy output has expanded through widening, and to an extent, re-inventing its role as an economic related policy that would start transcending the barriers between the levels of policy making (European, national and sub-national). Developing in importance and offering its service to the EC economy, at the end of the era, it found its rightful place in the economic pillar of the Maastricht Treaty.

## **Chapter 6: Higher education in the post- Maastricht era**

This chapter analyses the developments in higher education after the Maastricht Treaty and the establishment of a formal constitutional basis for cooperation in the field. It follows up the events of the 1990s up to the build-up of the Lisbon summit in 2000, which established the notion of the knowledge-driven society.

### **6.1 From Maastricht to Lisbon: a narrative**

As discussed in the previous chapter, the Maastricht Treaty consolidated the educational developments and provided a new platform for policy action in the field of higher education. Towards the end of that period the Memorandum on Higher Education<sup>314</sup> ‘summarised’ the achievements of the previous years and was set as a base for future action ‘investing’ in the economic character of higher education and the role it played in the completion of the internal market. It was possibly the reaction and scepticism of the subnational sector that drove the Commission in 1993 to publish its green paper on the European Dimension of Education that had a different approach from the Memorandum<sup>315</sup>. The paper presented a broader view on European educational matters, highlighting the importance of the European dimension of education for both the social and political aspects of the integration process.

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<sup>314</sup> Memorandum on Higher Education in the European Community, COM (91) 349 final also of relevance the Memorandum on Vocational Training in the European Communities in the 1990s,

<sup>315</sup> Commission Green Paper Green Paper on the European Dimension of Education COM(93) 457, September 1993

In broader EU developments, 1993 was a significant year for another strategy paper. The Commission's White Paper on 'Growth competitiveness and Employment' is a landmark for the post Maastricht era<sup>316</sup> and how to move forward with the single market. The White Paper was pushed forward by the member states that earlier in the year, invited the Commission to look into ways of investing in the competitiveness of the EU. The Commission took the national concerns on board and prepared the ground for the White Paper initiative<sup>317</sup>. The White Paper devoted a chapter to education and vocational training, focusing on the increasingly important role education and vocational training would play, and the changes needed in these fields in order to help combat unemployment.

More specifically, chapter seven of the White Paper dealt with the issues related to the adaptation of the European education and vocational systems in the broader strategy for sustainable growth competitiveness and employment. Taking as a starting point the contribution of the member states for training to become an instrument for the labour market, and the need to invest in human resources in order to increase competitiveness, the Commission defined the general objectives of the needed future reform and action. Therefore, it anticipated that member states would invest further in the training of young people, especially in training related to new technologies. The Commission also developed a system of 'training vouchers' to improve the visibility of the

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<sup>316</sup> Commission White Paper 'on growth, competitiveness, and employment: The challenges and ways forward into the 21st century' COM(93) 700 final

<sup>317</sup> The Commission has introduced the idea for a White Paper on Growth, Competitiveness and employment through a Communication earlier in the same year, 'Promoting Economic Recovery in Europe. The Edinburgh Growth Initiative' Autumn 1993 Review. SEC (93) 1599 final, 20 October 1993



learning competences obtained during training. Moreover, the White Paper expressed the expectation that universities would come closer to society, especially through collaboration with the industry and commercial enterprises. At the European level, it once again affirmed the commitment of the Community in the defined scopes of the mutual recognition of qualifications, mobility for teachers and students and support for innovation in research. Thus ‘framing’ the continuation of the successful programmes launched during the 1980s and early 1990s. Finally, it suggested that the EU should establish a ‘year of education’, suggesting 1995 as the potential date.

The increasing importance of education and training for the market was not just the understanding of supranational actors that were trying to invigorate the agenda. The European Council in December 1994 in Essen in confirming the EU’s commitment to the promotion of employment agreed on five key objectives among which was the development of resources through vocational training.

At the same time, back to the educational matters of the early years of this second period, the Commission was also considering reducing the increased complexity that had been produced by the continuous launch of programmes for education and vocational training. Although it is unclear how the officers in the DG perceived this, it was certainly the view coming from the cabinet of the Commissioner Professor Ruberti<sup>318</sup>.

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<sup>318</sup> Coyne (2004), p. 19

The first outcomes of the new target of the Commission can be traced back to 1994 and the decision for Leonardo da Vinci<sup>319</sup>, the new programme for vocational training that was intended to incorporate the programmes that were launched earlier and had expired<sup>320</sup>. The following year, another decision was taken regarding the follow up of the Erasmus programmes. The new programme was named Socrates and incorporated the activities previously under Erasmus and Lingua<sup>321</sup>. Socrates also provided for Comenius, which catered for school education and horizontal actions, i.e. actions that were separated thematically, not according to education levels.

With the introduction of Leonardo and Socrates, the Commission moved to integrate the multiple individual programmes into two generic umbrella frameworks, facilitating the management of the programmes and making them more visible. Moreover the new programmes aimed at creating some new benefits in the European dimension of higher education. Van der Wende and Huisman argued that the new Erasmus (Socrates) aimed strongly at generating more ground level cooperation into curriculum levels, bringing the institutional parameter into play (i.e. universities and higher education institutions instead of departments) and opening up participation in a number of new countries, especially from the Central and Eastern European region<sup>322</sup>. The Commission in

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<sup>319</sup> Council Decision establishing an action programme for the implementation of a European Community vocational training policy, OJ L340/08, 6/12/94

<sup>320</sup> more specifically it replaced programmes Comett, Eurotechnet, Force and Petra

<sup>321</sup> Council Decision establishing the Community action programme Socrates, OJ L87/10

<sup>322</sup> van der Wende and Huisman (2004), pp. 20-21

this phase was committed to increasing mobility through these programmes and expanding applications to wider geographical areas<sup>323</sup>.

The Commission was also behind another initiative in 1995, the White Paper on Teaching and Learning<sup>324</sup>. This was an effort from the Commission to provide an overarching insight into the role of teaching and learning in its European dimension. Above all, it was the outcome of the Commission's reflections on the previous efforts to address education, higher education and vocational training. Thus the policy position communicated from this paper balanced between the highly economical perspective mainly adopted in the Memorandum in 1991 and the White Paper on growth competitiveness and employment on one side and the Green paper on European dimension of education on the other side. More importantly, though, it introduced the notion of Lifelong Learning in the European sphere of education and training through the establishment of 1996 as the 'European Year for Lifelong Learning'<sup>325</sup>. Lifelong learning<sup>326</sup> embraced all activities of a post-secondary nature and did not distinguish between vocational or broader educational character of the activity or training. Thus, it once again bridged the gap between the two notions. During the Year for Lifelong Learning, more than 2000 projects were submitted to national agencies responsible for the coordination of projects. The Year featured around

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<sup>323</sup> see also Green paper on the Transnational mobility, Education - Training - Research - The Obstacles to Transnational Mobility, COM (96) 462 final, 2 October 1996 .See also Coyne 2004 also comments the aims of the Commission of regaining the ground on international mobility education.

<sup>324</sup> White Paper on Education and Training -Teaching and Learning - Towards the Learning Society COM(95) 590

<sup>325</sup> European Parliament and Council Decision 95/2493/EC of 23 October 1995 establishing 1996 as the European Year of Lifelong Learning. The original idea of a year for education can be traced back in the chapter 7 of the White Paper .

<sup>326</sup> Lifelong Learning was later defined in the Memorandum for Lifelong Learning as the 'all purposeful learning activities whether formal or informal, undertaken on an ongoing basis with the aim of improving knowledge, skills and competence'.



550 projects, representing 5000 events and a total expenditure of 34 million ECU<sup>327</sup>.

The 1995 White Paper was also of great significance for the introduction of the term ‘Learning Society’, a term used to express the important role of education and training in an open market economy driven by knowledge and expertise. The notion of knowledge and the importance the Commission placed on the idea of a knowledge- driven society was further elaborated in a separate Communication<sup>328</sup>, addressing the importance of ‘knowledge policies’ in relation to the goals of the 2000 agenda and the importance of lifelong learning.

In the field of recognising professional qualifications, apart from a complementary Directive on the recognition of professional qualifications<sup>329</sup> in 1992, which provided a second general system for the mutual recognition of professional qualifications, few things had directly been done. The part of the Commission dealing with education still keenly encouraged the recognition of academic degrees, but professional qualifications were part of the internal market and an issue dealt by the DG for competitiveness. However, the Ministers of education, in their 1996 meeting, endorsed the idea of the Commission for a Diploma Supplement, an administrative annex, to enhance the recognition and transparency of European qualifications.

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<sup>327</sup> Commission Report of 15 September 1999 on the implementation, results and overall assessment of the European Year of Lifelong Learning (1996), submitted in accordance with Article 8 of European Parliament and Council Decision No 2493/95/EC, COM (99) 447 final

<sup>328</sup> Commission Communication “Towards a Europe of Knowledge”, COM (97) 563 final, 12.11.1997.

<sup>329</sup> Council Directive 92/51/EEC

The idea of a Diploma Supplement was the outcome of a working group that the Commission established in 1994 to look into the potential relation and synergies between academic and professional recognition<sup>330</sup>. The 1996 Ministerial meeting gave the mandate to the Commission to look further into the issue, and to work with UNESCO and the Council of Europe, who had been working on the same topic for a number of years<sup>331</sup>.

The Council of Europe implemented the diploma supplement in its 1997 Convention for the recognition of qualifications of higher education<sup>332</sup>. Although not of the same legal status as the EU provisions, the Lisbon convention binds the signatory countries into cooperating for the recognition of academic qualifications.

The same year the Commission has tried to give further impetus to the coupling of employment and education by producing a working paper on the role of education and training in employment policies, with an aim to publish it on a yearly basis<sup>333</sup>.

Until 1997, apart from the launch of the new series of programmes, there was extensive activity around the scope and objectives of the White Paper. Employment, education and training were increasingly becoming bound on the

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<sup>330</sup> some further facts on the diploma supplement history provided by the national Latvian ENIC/NARIC <http://www.aic.lv/ENIC/DS/ABOUTWP.HTM>

<sup>331</sup> the recognition of academic qualifications has been on the education agenda of the Council of Europe since the early 1950s.

<sup>332</sup> Council of Europe, Convention on the Recognition of Qualifications concerning Higher Education in the European Region, Lisbon, 11.IV.1997.

<sup>333</sup> Hingel 2001 (Education policies and European governance, Contribution to the interservice groups on European governance, DG EAC, Brussels).

EU agenda. On one hand there were continuous efforts to increase recognition of professional qualifications and on the other hand increased synergies we found between employment and training (Essen Council, and see below for the European Employment Strategy)

This state of affairs has been strongly imprinted in the Amsterdam Treaty in 1997<sup>334</sup>. The Amsterdam Treaty largely served as a tool for the transition to an enlarged EU of 25 member states that would include the Central and Eastern European Countries<sup>335</sup>. However it served as well as a tool to address one very important issue that was becoming even more evident in light of the future expansion of the EU: the idea of flexibility. Flexibility was a term to describe ways of cooperation that did not require or adhere to the existing policy mechanisms of the EU but could be the result of the member states' cooperation in a number of fields including employment policies and training. In a way flexibility was a notion that covered cooperation of Member States on the side of the regulatory mechanisms of the EU.

Employment and training were in the provision of the Amsterdam Treaty under the requirement of Member States and the Community to 'work towards developing a co-ordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce and labour markets responsive to economic change'<sup>336</sup>.

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<sup>334</sup> Amsterdam Treaty 1997. It should be noted that the Treaty changed the numbering of the articles for education and training from 126 and 127 to 149 and 150 respectively

<sup>335</sup> Ioakimides (1998)

<sup>336</sup> Amsterdam Treaty article 109



After Amsterdam and until Lisbon, activities continued taking place in equally quick pace. By the end of 1997 the Commission was reformulating the vision of ‘Towards a Europe of Knowledge’<sup>337</sup>. The purpose of the Communication was to prepare the ground for the changes and the new instruments ahead of 2000 and the new millennium. Once again the dimensions of the European education space were defined as the ‘fund of knowledge’, the ‘enhancement of citizenship’ and the ‘development of employability through the acquisition of competencies’.

In 1998 a more technical issue was tackled through the Recommendation on quality assurance of higher education<sup>338</sup>. It was proposed by the Commission and approved by the Council of Ministers and the European Parliament. The recommendation took into account the strong interest developed in “quality” higher education in a number of EU initiatives since the early 1990s. It has also encouraged the cooperation between the national authorities of the member states, and common initiatives and actions for the establishment of a European network of national bodies responsible for quality assurance.

By 1999 the policy sector was in full swing. On 26 March 1999, at the Berlin European Council, the Heads of Government or States met and concluded on a political agreement for the Agenda 2000<sup>339</sup>. The Agenda 2000 was a new strategy that was originally linked to the Amsterdam Treaty. Among the three

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<sup>337</sup> Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions - Towards a Europe of knowledge COM/97/0563 final

<sup>338</sup> Council Recommendation on European cooperation in quality assurance in higher education, EC 561/98, OJ L 270, 7.10.1998 of 24 September 1998.

<sup>339</sup> The agenda 2000 had also provisions for funding. Education training and employment were assigned approximately 24 billion Euros!

main objectives identified were education and training. The EU Agenda 2000 was placing increased importance on education and on skills and information-related policies, including those which contribute to economic competitiveness and employment in the European Union.

In 2000 the year of the Nice Treaty<sup>340</sup>, at the intergovernmental conference that took place in Lisbon, Heads of states reached a new agreement over the strategic direction of the Community for the future and for the next decade. The Lisbon presidency's conclusions were widely considered a new 'starting point' for the Union's strategy towards a knowledge-based and -driven economy and society. With the Lisbon Conclusion the Agenda 2000 was being materialised.

The European Council made special mention of the role of education and called for the European institutions to act, in order for the necessary steps to be taken in line with their competence, to meet the following targets<sup>341</sup>:

- A substantial annual increase in per capita investment in human resources;
- to halve, by 2010, the number of 18 to 24 year olds with only lower-secondary level education who are not in further education and training;
- to develop schools and training centres, all linked to the Internet, into multi-purpose local learning centres accessible to all, using the most

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<sup>340</sup> The Nice Treaty is not discussed in this thesis not because it is not significant for the EU but for keeping the analysis more contextual, as major changes did not relate to education and training.

<sup>341</sup> Lisbon European Council Presidency conclusions 2000.

appropriate methods to address a wide range of target groups; to establish learning partnerships between schools, training centres, firms and research facilities for their mutual benefit;

- for the European framework to define the new basic skills to be provided through lifelong learning: IT skills, foreign languages, technological culture, entrepreneurship and social skills;
- to establish a European diploma for basic IT skills, with decentralised certification procedures, in order to promote digital literacy throughout the Union;
- to define, by the end of 2000, the means for fostering the mobility of students, teachers and training and research staff, through making the best use of existing Community programmes (Socrates, Leonardo, Youth), by removing obstacles and through greater transparency in the recognition of qualifications and periods of study and training;
- to take steps to remove obstacles to teachers' mobility by 2002 and to attract high-quality teachers;
- to develop a common European format for curricula vitae, to be used on a voluntary basis, in order to facilitate mobility by helping the assessment of knowledge acquired, both by education and training establishments and by employers.

The Heads of states also asked the Council of Ministers to undertake a general reflection on the concrete future objectives of education systems, focusing on common concerns and priorities, while respecting national diversity, with a



view to contributing to the Luxembourg and Cardiff processes and presenting a broader report to the European Council in the Spring of 2001<sup>342</sup>.

In October 2000 the Commission communicated an instrumental paper, the Memorandum on Lifelong Learning. The Memorandum was a first response to the call from the Ministers, asking for action and change in the education field, to provide for the broader scope of the Lisbon strategy. The memorandum had six specific objectives mainly attributing the importance of new skills, technology, innovation in teaching and learning, investment in human resources and opening access to more age groups.

Finally at the end of 2000, the year of the Lisbon strategy, the Heads of states signed the Nice Treaty, another institutional reform to prepare the accommodation of the new member states. The Treaty grew mainly from compromise and bargaining for the new institutional order and for the relevant powers which individual member states and institutions would have in the new phase<sup>343</sup>. Once again, it did not change the agenda of education and training, and therefore did not affect directly the potential policy on higher education.

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<sup>342</sup> The Luxembourg (European employment strategy) and Cardiff processes refer to the processes initiated in the framework of the Community and related to coordinating policies in relation to tackling unemployment.

<sup>343</sup> Duff (2001) comments on the limited positive outcomes of the Nice and the potential for shaping the future of the EU.

## 6.2 Outcomes

### *6.2.1 Beyond the fundamental right to higher education*

In the previous period the Community had established the ‘right to education’ and the ‘right to higher education’ through judicial means. The Maastricht Treaty had made education part of the *acquis communautaire*. Higher education did not need to rely only on its vocational nature. A legal basis existed for education as well in the common chapter for ‘social policy, education, vocational training and youth’.

The new motto came from the Commission with the Guidelines for Community action. In there the Commission clarified its role that it was time for rationalisation and consolidation of the programmes but it was also time to pursue the ‘qualification for all’ policy objective<sup>344</sup>.

Through time the ‘education right’ was established and in this period discussed in this chapter, the interest is towards how this might be exercised or further developed.

### *6.2.2 Mobility and the new programmes*

The second period of higher education evolution saw the launch of the ‘new programmes’ Socrates and Leonardo. The Community action programmes continued to be a long story of success. Under an increasing funding secured

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<sup>344</sup> Guidelines for Community Action in the Field of Education and Training. Commission Working Paper. COM (93) 183 final, 5 May 1993.

through Socrates and Leonardo, it is indicative that only in Erasmus participation was quadrupled from a mere 350000 to more than 100000 students by 1999-2000<sup>345</sup>.

From the policy perspective the first significant issue was that the Commission tried to merge the various pre-existing programmes under two main umbrellas. Socrates, which encompassed the previous Erasmus programme, was again focusing on the encouragement of mobility. This time around, the Commission had a proper and clear legal basis to launch the new generation of programmes. Nonetheless, it provided in its proposal for the two programmes the use of both articles 126 and 127. Although that was rather acceptable by the member states, as regards Leonardo, it was not seen equally positively in the case of Socrates<sup>346</sup>.

Another very significant point was the provision within the Leonardo programme about the role that universities could play in the implementation of the programmes. The aim was for Leonardo to break down barriers preventing university/enterprise cooperation with the view of enhancing vocational training and promoting lifelong learning. The expectation, in regard to the role of universities, has also been communicated through the 1993 White Paper. Its specific goal was cooperation between universities and the industrial sector, especially small and medium enterprises, in order to achieve innovation and support vocational training and the knowledge-driven economy.

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<sup>345</sup> Statistics provided by the EU Commission. For an elaborated analysis of student mobility data. see Teichler (1996)

<sup>346</sup> Gori (2001), p. 107. The author also remarks (p114) that the European parliament was sceptical about the double legal basis, although the legal affairs committee was in favour of the double legal basis.



Overall the programme action continued along the lines it had been developing over the years. It was mainly geared towards mobility and was still engaging mostly with the sub-national sector providing funding directly and encouraging the intra-European sub-national cooperation.

### ***6.2.3 Recognition***

Apart from the complementary Directive on the recognition of professional qualifications, the Commission initiated a softer approach on the issue of recognition. The effort to find synergies between professional and academic qualification recognition, which resulted in the diploma supplement, had a twofold importance.

Firstly, it consisted of a new ‘soft’ instrument serving the cause of recognition. The previous attempt was the establishment of the credit system ECTS that facilitated the transfer of credits earned for periods of study outside the home institution, and was attached to the Erasmus mobility scheme. The diploma supplement would, by various means, facilitate the recognition and transparency of academic qualifications awarded/issued in the EU. The thinking behind this was that following a standardised format for the supplement of a learner’s achievements would make it much easier to compare and recognise academic achievements and qualifications across Europe.

On the other hand, this was a new initiative that engaged in the Council of Europe and the UNESCO through a joint working group. In fact, UNESCO was

the first to make formal use of the diploma supplement in the 1997 Lisbon convention. Through that collaboration, the Commission opened the space towards a broader ‘audience’ of members and found synergies with other international actors and space for common action. The widening of the policy frames can be partly attributed to the ongoing internationalisation and Europeanisation of education which, as Hingel argues, ‘created a strong feeling of “mutual accountability” between Ministers of Education’<sup>347</sup>.

Moreover, the 1998 recommendation on quality assurance is another action that can be considered as a step towards the mutual recognition of degrees. Quality in education and higher education is a buzzword in the European dictionary. The Commission has made numerous previous uses of the term quality to describe the added value of European cooperation in the field of education. In that sense quality derived from transnational cooperation as such. However, the recommendation on quality brought a new sense to the term and had a clear explicit value in relation to ‘assurance’ and the recognition and comparison of national higher education provision.

The different structures of educational systems have had already caused a serious issue in regards to the Directive of the recognition of professional qualifications<sup>348</sup>. The ECJ dealt, on numerous occasions, with a lack of implementation of the Directive, and with the national authorities’ failure to recognise the rights arising from the Directives for individuals. The

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<sup>347</sup> Hingel (2001), p. 18

<sup>348</sup> see for example *Commission of the European Communities v Kingdom of Belgium* ECR C-216/94 and *Commission of the European Communities v Hellenic Republic* ECR C-365/93 .

recommendation on quality assurance was seen as a tool to increase transparency –similar to the diploma supplement—and to support the mutual understanding and building of trust among member states in regards to its other educational systems. Moreover, the recommendation aimed at further reducing the national barriers to the provision of higher education services.

#### ***6.2.4 Other developments***

A number of nationally and subnationally driven projects were the outcome of the Year of Lifelong Learning. Although these projects did not categorically fall under the defined EU higher education policy, in practice they opened funding for higher education activities, coming from different sources in the allocated programme funding. Thus, they have opened EU higher education to even broader interpretation, with more actors and more venues of action. The role and use of structural funds made the connection between higher education, battling unemployment and social exclusion clearer and tangible at the action level<sup>349</sup>.

The allocation of higher proportions of the budget, through structural or other funds, to education and training for national level action (contrary to funding for schemes such as Erasmus) in combination with the new notion of lifelong learning, knowledge society and the common national level targets have created a new level of policy outcomes that had a direct link to national level ‘voluntary’ action. While earlier cooperation in the sides of EU competence, judicial action and programme activities had engaged members states in EU

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<sup>349</sup> Structural funds have supported mainly national and/or regional programmes in line with



higher education policy, the post Maastricht institutional developments were creating a stronger link between the EU and national level that cannot be directly measured through EU activities. Hantrais in her investigation of education and training suggests that ‘[i]n keeping with the spirit of European policy, all member states have invested heavily in the education and training of their young people<sup>350</sup>’. Although each member state had taken different action and certainly an approach related to the national context, the link between EU level and national level had been reinforced.

### **6.3 Anticipating the facts**

The 1990s era started with a much more solid platform, that of article 126 (and 127) of the Maastricht treaty. The expectations for the post-Maastricht years were that education and higher education had a solid base, and that the rights and policy gains were now ‘locked’, there could be a new era of developments.

#### ***6.3.1 Policy options: what is new on the agenda?***

In the earlier periods and up to the Maastricht Treaty the policy options had been remarkably developed leading to a range of programmes and actions affecting many of the ‘social’ and ‘economic’ dimensions of higher education. After the establishment of an EU competence for higher education areas such as training and skills, mobility, recognition of qualifications, innovation, research and technology were all in the ambit of Community action.

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<sup>350</sup> Hantrais (2000), p. 57

The Maastricht Treaty, while not opening more options in the sense that it did not provide the legitimate basis for action much beyond what had been gradually established, provided the basis to ‘legitimise’ further the higher educational activities in the European sphere. This fact was strongly demonstrated by the use of article 126 and the programmes and other actions that were initiated using the new legal basis. The main actions that made use of the article on education were the continuation of the programmes of the previous era, now under the heading of Socrates and Leonardo da Vinci, as well as expanded cooperation with a number of third countries<sup>351</sup>. However the legal basis continued to include the article 127 on training as the legal basis. Higher education did not only fall under the ambit of education but also of training as it had been demonstrated both in the rhetoric and the action over a long period of time. In that sense the character of higher education was not changing.

Moreover what became more evident since the early 1990s, was a more consistent and holistic view over the role higher education should play in the project of European integration. The policy role as assigned to education and training in the White Paper was not only one more affirmation of the importance this policy could play in the EU but also an assignment of a much clearer scope in the EU politics. The White Paper chapter on education, laid importance on education and training in the new vision and touched on higher education by framing the usual issues of mobility and qualification recognition. However it was also building heavily on the role of education as training and was asking for “real training policies” to be developed. Having also clearly assumed the role of

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<sup>351</sup> see for example the Council decisions 95/487 OJ L279/11 and 95/523 OJ L300/18 establishing cooperation agreements with the US and Canada respectively as well as a string of cooperation agreements with the CEE countries.

education and training in the field of innovation and employment, the paper manifested the need for a change in European education. It was also calling universities to directly engage with the common market and the commercial sector to improve competitiveness in the EU.

In the years to follow the expansion of the policy options did not only demonstrate the consolidation of policy action in the field of higher education but also placed training and education at the centre of the political arena, which allowed for more generic action such as lifelong learning programmes and adult education. Such ideas that had traditionally been referenced to higher education policies in the Community, had a supplementary or complementary role<sup>352</sup> and were now becoming more central features.

What the increased policy options indicate is that education and training were becoming central elements of the new Community aims. The question was no longer ‘how education policy activities may be legitimately framed to fit with the economic scope of the Community’, but rather ‘how a main policy area, i.e. education and training, can contribute to the success of the EU’. This change was of essence. Policy options were increasingly expressed through overarching themes rather than specified targets. The Year of lifelong Learning in 1996 or the paper towards the Learning Society was a step back from the solid

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<sup>352</sup> An complementary argument is that lifelong learning and adult education have traditionally been areas of international intergovernmental cooperation in the frames of organisation such as UNESCO and OECD. In fact Dylander (2004) argues that while UNESCO has used the term Lifelong learning in the past focusing on a humanistic perspective of democracy and personal development, OECD has used the term to define education as human capital, while the EU use was somewhere in between – an integration of elements from both perspectives.



programme action approach, but a step forward towards a more open agenda on educational matters in the EU.

Therefore the argument that Maastricht was the intergovernmental response to the uncontrolled policy agents does not find much ground. The further blending of policy options with the integration process and the economic and market developments, points towards a pattern of path dependence. The patterns of ‘social and economic higher education’ were repeated both through the consolidation of programme activities as well as through the new ‘open’ lifelong learning agenda which was increasingly present in the policy options pursued.

### ***6.3.2 Policy venue: from constitutionalisation... to where?***

Though the inclusion of education in the Treaties was a grand moment for the acknowledgement of the efforts to establish a Community policy on education, it appears to provide limited new grounds for the intensification of ground level policy action. At the same time the principle of subsidiarity may well have changed the balance between Community and national level action.

However the institutional venue was also being affected by the broader changes of the EU. Less regulative methods of cooperation were being pursued in different areas of sovereign interests. Even from the very start of this period less regulative and more cooperative approaches were being pursued. A characteristic example is the European Employment Strategy (EES) that was

initiated in 1997, just a few months after the Amsterdam Treaty agreement, and has since been known as the Luxembourg process.

The new instrument for employment policy was the “Open Method of Coordination” (OMC). The principles of OMC as described below in conjunction with the principle of subsidiarity have created a new mode of governance. Most of all, this mode of governance was not limited to employment. Education and training has been the EES agenda and hence under OMC since 1994 and the Essen European Council.

OMC became the official tool for the achievement of the Lisbon goals. The Lisbon conclusion defined OMC as the measures that could entail the following:

- Fixing guidelines and timetables for achieving short, medium and long-term goals;
- Establishing quantitative and qualitative indicators and benchmarks, tailored to the needs of member states and sectors involved, as a means of comparing best practices;
- Translating European guidelines into national and regional policies, by setting specific measures and targets;
- Periodic monitoring of the progress achieved in order to put in place mutual learning processes between member states.

Furthermore, OMC was expected to contribute to:

- Enhanced mutual learning and peer review;
- Identification of good practices and of their conditions for transferability;

- Development of joint policy initiatives among several member states and regions;
- Identification of areas where Community initiatives could reinforce actions at the member state level.

With the formal introduction of OMC as the new mode of governance, the institutional framework of policy making was once again changing. Consistent with the logic of subsidiarity, OMC blurred the roles in policy making. It was re-creating a diffused institutional structure for policy making, as the national level policy making stage was not a mere implementation stage but an active contributor to the policy decision making process. OMC emerged as a new policy paradigm both for education and research<sup>353</sup> and has been perceived as the acknowledgement of the Council of Ministers over the role of education and research in EU affairs<sup>354</sup>.

### ***6.3.3 Policy scope: old wines in new bottles?***

Once again the White Paper of 1993 can be seen as an essential document in the definition of the policy scope for higher education. Having embraced gradually a role closer to the wider economic scope of the Community and under the ‘training disguise’ higher education has its role defined. The start of the period built on the established scope.

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<sup>353</sup> Gornitzka (2005)

<sup>354</sup> ‘Education & Training 2010’ The Success of the Lisbon Strategy hinges on Urgent Reform COM (2003). 685 final.



Although for the policy ground, no significant change can be observed, the fact that higher education could now be directly part of the political debate of the main economic strategy of the EU had an impact on the policy scope. The Ministers as early as 1993 and following the White Paper were already talking about ‘furthering an open European space for cooperation within higher education’<sup>355</sup>. Although this did not mean a change from the social and economic dimension of education it reflected a possible extension of the scope to include some future measures that would further contribute to the aims for growth, employment and competitiveness. It was for example the member states that now identified the need to cooperate on issues, such as access and relevance of subject studies<sup>356</sup>.

Had that changed the policy scope? Not immediately. But it created potential for incremental change in the scope by opening up the policy ground to more topics and areas still preserved at national and sub-national levels to become issues of European cooperation.

## **6.4 Discussion**

### ***6.4.1 Policy link: path dependence beyond inertia***

One of the first observations regarding this period was the effort to consolidate achievements accomplished in previous years using the new legal framework provided by the Maastricht Treaty. The umbrella programmes of Leonardo and

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<sup>355</sup> Conclusions of the Council and of the Ministers for Education meeting within the Council of 11 June 1993 on furthering an open European space for cooperation within higher education OJ C 186.

<sup>356</sup> as above.

Socrates were the step towards that. The gradual build up of the programmes to effective measures that engaged with the European citizens and the parallel development of the policy frames facilitated this development. Even before the Maastricht Treaty programme action was established as core policy option of the Community and there was no good reason for this to be contested. On the contrary and despite some original conflicting views over the legal basis of the Socrates programmes, progress has been significant with increasing levels of funding indicating the growing Community consensus over the importance of such activities. The growth was self-reinforced through the wide acceptance at all levels; a case of endogenous reproduction. Therefore, as regards the action programmes, developments had followed the path of the sequential ordering of actions, and the logic changed over time in a prescribed way.

The consolidation of programme action was also a natural development of the process that was finding full support<sup>357</sup> within the institutional settings. The consolidation was more than a need for process management purposes. In the example of programme action, Socrates and Leonardo did not only serve the much needed simplification and better operationalisation of the system but merged the activities on the basis of the areas they were targeting. Thus Socrates was geared towards the more cultural aspect of education programmes and Leonardo towards the vocational actions<sup>358</sup>. The consolidation of programme activity under two thematic frames allowed for actions to be geared

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<sup>357</sup> It was not just the Commission. See for example the Council Resolution of 17 December 1999 'Into the new millennium: developing new working procedures for European cooperation in the field of education and training' with which Ministers asked for the consolidation of education activities.

<sup>358</sup> However it has to be said that the inclusion of Erasmus under Socrates kept a strong vocational element in the Socrates frame, which in any case had been agreed on the basis of both articles 126 for education and 127 for training.

towards themes rather than be attached to it. Again the debate is how these fields of action could help achieve the Community goals in an integrated manner rather than how they could be legally sustained in order to exist and provide a complementary function to the broader Community goals.

The idea of thematic action is also identified in the broader policy system of education in the EU. The string of policy ideas from the ‘Teaching and Learning’, to ‘Lifelong Learning’ to the ‘Knowledge society’ to the ‘Agenda 2000’ and to the ‘knowledge driven society’ in a short span of five years was unmatched by any previous efforts that had taken place in previous periods through papers and memorandums on education and training. The momentum for such an explosion of policy ‘indoctrination’ cannot solely be attributed to the increasing returns of policy outcomes. The shifting of the rules of the game had a significant role. The introduction of the principle of subsidiarity and the gradually developing notion of OMC<sup>359</sup> had an important role to play. The ‘new ideas’ were not always set firmly in the policy context of education and training, nor were they necessarily associated with a single objective (that being employment or the broader social policy). The introduction of the new formal rules, the changing of the policy legacies, was creating new informal institutions, which were bringing new ideational elements, norms and beliefs onto the agenda.

However the shift of the institutional policy framework is not adequate to explain the shift towards new ideas that could be set directly to policy frames

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<sup>359</sup> It is worth reminding that OMC was existent before the Lisbon Council in 2000 and in a developing form was associated with EES which in turn had strong links with and elements of education and training.



such as lifelong learning and the increased expectation of direct national level action as expressed by the Lisbon targets. The changing institutional environment was not the strict policy setting. Change has to be viewed within the broader polity context (to be discussed further in the following section).

Still in the policy context higher education has continued on the path of inter-linkage with the economy and market. The potential benefits education and training could provide for increasing the skills of young people and preparing European citizens for the transition to working life have been made clear in the first period. The momentum had grown during the SEA era when the introduction of a social dimension to complement the common market had regenerated the scope of higher education policy.

In the continuum of the process, the White Paper on Growth Employment and Competitiveness had from the start in this period signified the importance education and training had to play for the achievement of Community goals. The Essen strategy was manifesting the links between education and employment by introducing education and training objectives. However, the Essen strategy being itself a policy sub-field led by member states on the sides of formal institutional structure may not be reflective of the role higher education could play. The inter-linkage between higher education and the broader Community scopes was evident throughout the period. The new initiatives were stretching the human capital role of education and the means to invest in that had increased beyond the education policy frame (i.e. the

definition of article 126) and the budget. Harmonisation excluded on the basis of article 126 was re-inventing itself through cooperation and national level commitment to common targets and benchmarks<sup>360</sup>. As such, the inter-linkage between higher education and economic aspects of the Community such as employment achieved over the past periods, was developing into an integrated form of a policy linked with wider economic aims.

From a historical institutionalist point of view we may argue that what was changing was not the policy preferences. It was systemic adaptations and development in the policy culture, which in turn affected the policy preference and institutional expressions. Therefore higher education policy was taking part in a new meshing up with the developing policy structures. From the policy perspective the institutional and preference formation remained strongly on an endogenous basis. The Maastricht Treaty had captured in a snapshot, developments up to 1992 but did not change the rules of the game nor did it prescribe future actions. On the contrary higher education policy options and policy scope developed through wider interaction with the areas and objectives they were best suited. The use of article 126 in non-programme action and especially in advocating ideas such as lifelong learning was not a legal basis to provide for measures that did not relate or did not support the policy scope as developed over the years.

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<sup>360</sup> Although it is not in the scope of this thesis it is worth noticing that the progression to a national level engagement in the absence of regulatory measures raises some very interesting questions about Europeanisation and the actions of member states (is there a case for isomorphism?). Bulmer and Birch (2001) provide an insightful discussion on the relation between institutionalism and Europeanisation.

As Banchoff notices in investigating the research policy of the EU over a similar time period, ‘the institutionalisation of the EU has generated a new source of inertia<sup>361</sup>’. Similarly, in terms of policy context higher education was better defined in the policy terms of employment, growth and competitiveness rather than in terms of a European educational policy. Ideas, values and patterns were deriving from the incremental process of policy development and not by a force ‘exogenous’ to the institutions of education force that could have derived from a top down approach.

#### ***6.4.2 Polity link: integrating the logics of appropriateness and normative embedness***

There are two main issues to discuss in relation to the polity level. First is the polity context *per se* and how the relation between polity and policy has developed. The second topic is the polity context as expressed through the systemic (institutional structure) changes.

Having achieved the goal of the SEA in 1992 the Community was in search of a new vision for the future. The White Paper on Growth, Competitiveness and Employment was not a paper limited to specific policy fields. It was a manifesto statement for the future of the EU. While the target common market was on track, the vision had a very inward focus. It was about an internal market and intra-European measures. The idea of competitiveness had a more outward focus. It was a term that was strongly associated with industrial and trade policies in a wider international context<sup>362</sup>. The White Paper section on competitiveness had the subheading ‘Towards global competitiveness’ and the

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<sup>361</sup> Banchoff (2002), p. 18

<sup>362</sup> Oughton (1997)



whole section was devoted to the globalised economy and international competition. The idea of competitiveness in the international arena was not totally new. The discourse of the late 1970s and early 1980s revolved around international competition. Such discussions were more common in fields of industrial policy and trade but also education related programmes engaging in the fields of technology and research had inception elements strongly based on the ideas of international competitiveness often illustrated through the differences in innovation and human capital between the US and Europe<sup>363</sup>. From the White Paper in 1993 to the Lisbon Agenda in 2000, education and training had kept abreast of the changing environment. The integration between education and polity as discussed in the policy process was not limited to process changes. Education and training were not only areas that fit the polity context; they were shaping it. Targets that related to education and training (Lisbon agenda) were becoming central polity objectives.

The White Paper was only the start. The EES that was discussed in the previous section above, as another policy sub-field with synergies to education and training was not just simply a case of natural continuation of the linkage between employment and training. It was also indicative of a new polity approach towards an evolving mode of governance. In an era in which concerns over the expansion of the EU to 25 members were growing, the challenge of producing meaningful politics and policies was ever more present. The emerging modes of an even more decentralised and in flux governance were not a 'privileged' area for education and training. They were the emerging

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<sup>363</sup> see for example the ESPRIT programme.

institutional venue principles for wider policy fields that could better achieve the economic and market cooperation aims.

The Amsterdam Treaty was a transitional mechanism very much concerned with the imminent enlargement with the Central Eastern European Countries and the effects this would have on decision-making and policy processes. However the ideas of flexibility incorporated in the Treaty were characteristic of the new *modus vivendi* that was emerging in the EU<sup>364</sup>. Moreover while the Amsterdam Treaty was pre-occupied with closer cooperation this was not limited to the supranational settings. As Ioakimides illustrates, national parliaments pushed for a higher role in EU politics and achieved an increased role in the introduction and monitoring of secondary legislation in the EU<sup>365</sup>.

What was not made so clear in the Amsterdam Treaty has been clarified by the Lisbon conclusions. The EU had gradually moved to a new *modus operandi* as regards the new vision. While the 1980s show an increase of the ‘regulatory state’, the 1990s show a more pragmatic approach towards achieving goals through positive national and sub-national engagement. Therefore OMC introduced formally in 2000, was the culmination of a shift towards achieving policy goals through diverse national practices rather than harmonisation. In this context higher education has become not only an area of common action but also of common scope.

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<sup>364</sup> Ioakimides (1997), p. 284, identifies seven different types of flexibility and enhanced cooperation as provided by the Amsterdam Treaty and applied to Pillar one of the TEU.

<sup>365</sup> Ioakimides (1998), pp. 247-8

Endogeneity has been transmitted through the polity system to the policy structures. The logic of appropriateness behind the policy, has matured to encompass the idea that achieving policy goals had to do more with the overarching economic and market-oriented scope of the policy level. Moving on from the periods where higher education had to establish itself through its linkage to other sub-policies, the policy scope was becoming the political end and not the political means.

In the long time period policy frames have gone through a process of maturation and the institutionalisation between polity and policy was becoming even more blurred. While in previous periods the logics of appropriateness in the different systemic levels had been parallel, in the post-Maastricht era norms, beliefs, ideas, patterns and structures were being fused into a more coherent and unified framework. The time parameter is critical in helping us understand that the gradual learning process has been an important causal link for the embedding of the policy features and characteristics further into the normative dimension of the polity system.

## **6.5 Conclusion**

Overall what strikes as most interesting in this phase is that although a separate legal basis, the continuous effort was to keep higher education within the broader framework of supporting employment and growth. This led to more transversal action and instead of higher education becoming more a clear and autonomous policy, it has further integrated in the broad framework of



‘education and training’ being policy measures for the achievement of the market aims.

This was the result of both the more central role it had accumulated as policy over the years and of the shifting of the EU vision. Unsurprisingly, structurally favourable institutional developments had facilitated the closer integration between polity and policy values.

## **Chapter 7: The Lisbon strategy and the Bologna process**

This chapter focuses on the events in the post Lisbon period. It investigates the developments in the EU framework as well as in the Bologna process, the separate to the EU intergovernmental process of cooperation in the field of higher education. The chapter engages with each of the institutional venues separately analysing the events and outcomes. The findings are discussed in a comparative context in the latter section of the chapter.

In the first four sub-sections the discussion relates to the developments in the Lisbon agenda and how these have affected the policy and vice versa. The following section discuss the Bologna process. Technically speaking, the Bologna process has been officially launched in 1999, and unofficially in 1998 with the Sorbonne Declaration. Hence during the period studied in the previous chapter. Still for the purposes of this analysis we consider the developments in relation to the post Lisbon era with which it is most associated. Narrowing the analysis by strict timelines would reduce the value of the analysis of the outcomes.

### **7.1 Higher Education in the EU: from Lisbon and onwards, a narrative**

The Lisbon strategy has placed significant expectations on the roles of education and training with regards to the overall strategy of the EU. In similar lines to the White Paper on Growth, Competitiveness and Employment, education and training in the Lisbon agenda were expected to facilitate the

transformation of labour market into being more innovative, technology adapted and knowledge driven.

One of the first main events of this period was the Council response to the call of the European Council had made a year earlier in Lisbon for a reflection paper to the following year with three objectives and a ten-year plan<sup>366</sup> to be monitored in regular intervals. The objectives were broad and set in more open way than the employment/training relation cultivated in the last decade so. Thus the Council of Ministers set the objectives to:

- improving the quality and effectiveness of education systems in the EU;
- facilitating the access of all to education and training systems and
- opening-up education and training systems to the wider world.

Those objectives were presented in the 2001 European Council in March in Stockholm. The same year the Commission presented a Communication to the European Parliament and to the Council regarding lifelong learning<sup>367</sup>. According to the Commission's proposal, lifelong learning should become a guiding principle for education and training. The idea was that lifelong learning could encompass both the notions of education and training. In the European dimension, initiatives of education and training could have a reference to the contribution towards lifelong learning. Thus, making lifelong learning the central concept in relation to EU education and training.

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<sup>366</sup> Report from the education council to the European council on the concrete future objectives of education and training systems, 5980/01, 14 February 2001 and Detailed work programme on the follow-up of the objectives of Education and training systems in Europe OJ 2002/C 142/01

<sup>367</sup> Communication from the Commission of 21 November 2001 on making a European area of lifelong learning a reality COM(2001) 678 final



In another initiative, the Commission had forwarded a Communication to the Council and the European Parliament concerned with raising the international profile of the EU education area<sup>368</sup>. Building on a study for a European response to the globalisation of education and training<sup>369</sup> the Commission was further drawing attention the attention to a more EU holistic approach to the internationalisation of education and training.

The following year (2002) the Commission and the Council jointly submitted a detailed work programme on the follow up of the objectives of education and training systems in Europe<sup>370</sup>. The detailed work programme was expected to support the common policy and it was innovative in the sense that it was formally introducing the OMC as the basis for action for education and training.

At the same time the Commission submitted an action plan for skills and mobility directly addressing many of the issues in the core of higher education policy<sup>371</sup>. Thus, the action plan included a number of potential actions either within the remit of the articles for education and the related actions (for example the Europass initiative which included means to support mobility such as the diploma supplement) or in other fields of competence (such as the Directive on the recognition of professional rights) that supported the targets for skills and mobility as related to the education policy. In parallel the Commission has also

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<sup>368</sup> Communication from the Commission to the European Parliament and the Council on strengthening cooperation with third countries in the field of higher education COM/2001/0385

<sup>369</sup> Reichter and Wächter (2000)

<sup>370</sup> Detailed work programme on the follow-up of the objectives of Education and training systems in Europe OJ C 142/01 , 14/06/2002

<sup>371</sup> Commission's Action Plan for skills and mobility COM(2002) 72 final

submitted a Communication detailing the achievement of the member states in relation to the benchmarks and indicators of the objectives on education and training<sup>372</sup>.

Still in 2002 the European Council meeting in Barcelona had made a call for the adoption of the sixth framework programme (FP6), setting out the specific target for member states to reach the expenditure for research and development in the level of 3% of their GDP by 2010, thus setting a concrete objective for the ERA. At the same the conclusions re-affirmed the commitment of the Council to the role of education and encouraged the Commission to work further on the established objectives. For the recognition of degrees the European Council called for further cooperation with the lines and instruments of the Bologna process. Finally it welcomed the Commission earlier Communication on making a European area for lifelong learning a reality. At the same year in the front of vocational education the European Ministers responsible for the subject, once again acknowledging the importance of the Bologna process for the enhanced cooperation in the higher education field, signed the Copenhagen Communiqué<sup>373</sup>, a declaration on how to enhance cooperation in the field of vocational education and training<sup>374</sup>.

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<sup>372</sup> Communication from the Commission of 20 November 2002 on European benchmarks in education and training: follow-up to the Lisbon European Council COM(2002) 629

<sup>373</sup> Declaration of the European Ministers of Vocational Education and Training, and the European Commission, convened in Copenhagen on 29 and 30 November 2002, on enhanced European cooperation in vocational education and training

<sup>374</sup> the Copenhagen Declaration has been signed by the 25 members states plus four candidate countries and the EFTA members

In 2003, the Commission published a Communication on the role of the universities in the emerging Europe of knowledge<sup>375</sup>, designating universities as main actors for the Lisbon strategy both for the targets set for research and the aim of investing in human capital. The same year and after the proposal of the Commission to the Council and the European Parliament a decision<sup>376</sup> for a new programme called Erasmus Mundus was adopted. The programme supports the establishment of joint degrees between European universities. The new programme would run separately to the Socrates framework. The aim was to support universities to establish joint programmes of study in the postgraduate level, while at the same time support through scholarships students outside the EU to come and study in the specific programmes. The programme design crosses across all policy areas and the effects can be considered at all the policy outcomes areas as identified in this thesis.

In 2004 and 2005 the European Commission has furthered its work with four very important initiatives. The first was the replacement of the Directive on the recognition of professional qualifications with a new one that would replace all previous one and would apply for all regulated professions<sup>377</sup>.

The second was the establishment of a European Qualifications Framework (EQF). The objective of the planned EQF is to create a European framework

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<sup>375</sup> Commission Communication “the role of universities in the Europe of Knowledge” (COM)58 Final

<sup>376</sup> Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) OJ L 345, 31.12.2003

<sup>377</sup> Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications OJ L255 of 30 September 2005



which will enable qualifications systems in sectoral areas and at different levels to relate to each other cross-nationally. To achieve that, the Commission anticipates that the EQF will work as a meta-framework for all post-secondary qualifications. Thus, the expectation is that it could function as an external reference structure that will be used on a voluntary basis and to facilitate the recognition of qualifications held by individual citizens for further study or work abroad purposes.

The third is an initiative aimed at bringing all the facilitating tools developed in order to support recognition of degrees and periods of studies (such as the ECTS, the Diploma supplement, the certificate supplement, the European standard CV and language certificate) under a common framework, increasing the transparency of qualifications and personal skills and competencies.

Fourthly, the Commission had initiated a new action programme in the field of lifelong learning that is currently functioning as an integrated programme<sup>378</sup> comprising sectoral programmes from the existing education and training programmes with the aim to provide the platform for transversal measures.

Finally it is also important to mention that the 31 European Ministers having signed the Copenhagen Declaration reconvened in Maastricht and agreed on a new Communiqué reinforcing the importance of vocational education and

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<sup>378</sup> Proposal for a decision of the European parliament and of the council establishing an integrated action programme in the field of lifelong learning COM(2004) 474 final

making explicit the importance the assigned to vocational education for the purposes of achieving a genuine European labour market<sup>379</sup>.

## **7.2 Policy Outcomes**

Education and training policy have continued to play an active part in the EU political agenda. Activity at all levels has been very evident after 2000 and comparatively to the previous period policy outcomes appear to be growing both in terms of policy output as well as in terms of expanding policy scope.

### ***7.2.1 Mobility & main programmes***

Mobility was as usual on the main outcomes of the higher education policy. The Erasmus programme within Socrates has continued running and provided the main basis for Community programme framework mobility. Erasmus Mundus was also launched as a mobility programme. It will be discussed in the section dealing with internationalisation as the effects of this programme can be considered as less significant in terms of inte-European mobility rather than in relation to the aims of the comparability of degrees and the external dimension of European education.

What is also apparent is that mobility appeared by now as a ‘completed task’ and the focus of the Commission was more in achieving the mobility related benefits such as the recognition of degrees. The Commission has though appeared to coordinate its new programme focus to the emerging agenda of

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<sup>379</sup> Maastricht Communiqué on the Future Priorities of Enhanced European Cooperation in Vocational Education and Training (VET)

technology as a supportive mechanism of the knowledge society. Thus the new generation of programmes launched focused on e-learning and information technologies.

Finally what is becoming very evident is that the Commission is increasingly interested in closing the gap between higher education and training. Thus it has created an overarching framework for qualifications comprising parallel levels of learning outcomes for vocational and higher education, a single framework for increasing the transparency of qualifications as well as transversal framework for education and training programmes, the integrated programme for lifelong learning.

Overall programme action has followed in the path of previous years. Although old programmes have been expanded and new programmes such as Erasmus Mundus have been launched the policy impact has not changed significantly. Or at least the pattern of the impact has remained strongly in the non-regulatory frame where the main effect derived at the level of implementation, often as unanticipated consequences of national and sub-national level implementation. Programme action has been enhanced in terms of budgetary provision but the focus has remained towards complementary action that creates policy effects at the sub-national level. Thus programmes have continued the established patterns of policy interaction developing incrementally along time rather than changing scope and means of action.



### ***7.2.2 Recognition***

The issue of recognition has been directly addressed by the new 2005 Directive for the recognition of professional qualifications. Although the Community cannot move towards the recognition of academic degrees on the basis of the competence in the subject, this Directive could be considered as a big leap forward as it does not limit itself to specific professions but aims at including all liberal professions in any possibly regulated (or unregulated) sector. Building on the effects of previous policy action in the field since the mid 1970s the new Directive is captured not only as generic model of comparability and recognition between Thus the Directive is expected to have a big effect on the issue of comparability and degree recognition.

Equally important for the degree recognition –in a different field of play- is the recommendation on the EQF for lifelong learning. The EQF is a reflection of the Commission’s ambition to bring education related to the training needs of the new generation in a single ground of policy making. By bringing vocational qualifications in par with higher education qualifications EQF, when fully implemented, could facilitate recognition between professional competences beyond the binary divides of education and training. Therefore EQF is anticipated to explicitly facilitate qualification comparability and consequently labour mobility within both national boundaries and the EU.

Finally the initiative of Erasmus Mundus has a significant impact on the recognition issue. The degrees awarded by institutions from more than one country implicitly require a degree of harmonisation or convergence between

the qualification awards of the countries involved in order to make the award recognisable and acceptable in different countries<sup>380</sup>.

### ***7.2.3 International dimension***

Finally in the post Lisbon period an intensification of the international dimension of the European education is being observed. There was a view in the Commission that the European education area should become more visible and competitive in the increasingly internationalised education and training environment. Thus, building on the success of the many programmes and the three decades of policy in the field, have allowed the EU to become a common area vis a vis the challenge of globalisation. Erasmus Mundus can be seen as an operationalisation of this fact since it is the first programme that committed institutions in direct co-operation at programme and degree level. Therefore while supporting the single European dimension of higher education it was also supporting directly students and scholars from outside the EU area to take part in the programmes. Apart from a modest financial support for the establishment of such degrees, the main financial Community contribution is directly channelled in funding for international individuals taking part in Erasmus Mundus programmes.

### ***7.2.4 Objectives and targets as policy outcomes***

Beyond the traditional outcomes as discussed in each chapter of part 2 of this thesis this period introduced the idea of common objectives. As expressed in the detailed work programme the 3 main objectives were:

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<sup>380</sup> the EUA Developing Joint Masters Programmes for Europe (2004) report elaborates on the recognition issue with regards to joint degrees.

- improving the quality and effectiveness of education and training systems in the EU;
- facilitating the access of all to education and training systems and
- opening-up education and training systems to the wider world<sup>381</sup>.

These objectives were followed by 13 more detailed sub-objectives that guided action to more specific targets for all member states. Furthermore they were necessarily always directly associated to specific levels of education exempt in cases there was explicit reference.

The specific targets provide a much better picture of what each objective entailed. Therefore, quality and effectiveness in education included targets such as literature levels in core subjects (maths, sciences and technology) and percentage targets of information technology communication (ICT) penetration in learning environments. Objective 2 on access catered percentages of people in active education and adult education, per capita investment and opportunities for further education and accreditation of prior formal and informal learning<sup>382</sup>. Objective 3 related to directly to the policy options as described in section 7.2.3.

As it will be discussed in the following section those policy outcomes deriving from European cooperation but directly linked to national settings and action.

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<sup>381</sup> Detailed work programme on the follow-up of the objectives of Education and training systems in Europe jointly adopted by the Council and the Commission (2002/C 142/01)

<sup>382</sup> it is worth reminding that as we have mentioned in other parts of this thesis access, in the sense of principles governing issues such admission criteria and selectivity in national systems, was not –or was only marginally- part of EU cooperation (exemption in cases of European law discrimination such as the Casagrande case applies)



### 7.3 Anticipating the facts

In the period after 2000 higher education has continued being in the centre of Community policy action. Policy options have continued along the path, the institutional venue has developed further into a less regulated environment, and policy scope had become more encompassing to the whole of the EU framework.

#### *7.3.1 Policy options: what is new?*

In terms of policy options, the Lisbon era had brought a continuation and expansion of the programme driven approach. Programmes within the Socrates and Leonardo frameworks had continued along the lines in which they have grown during previous periods. In terms of focus action programmes have also shown a stronger emphasis on information technology communications and e-learning<sup>383</sup>. However, Erasmus remained the flagship of Socrates and Leonardo had continued producing results through mobility and vocationally targeted actions. At the same time the term of lifelong learning became ever more present in the scope of the programmes. The Erasmus Mundus programme reinforced the unanticipated effects that other programmes in the past had created (for example academic recognition and transfer of credits). Complementary actions such as the diploma supplement and Europass can also

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<sup>383</sup> Decision of the European Parliament and of the Council of 5 December 2003 adopting a multi-annual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) No 2318/2003/EC

be considered as expanding policy option but again the impact in practice can only be judged as limited<sup>384</sup>.

Programme action has not change direction during this period nor can it be argued that its effects –with the exemption of Erasmus Mundus- were greater than previous period. On the contrary and considering the progress achieved during 30 years, it could be argued that the programme policy option was becoming a smaller part of the sum.

While programme options have reached a stagnation level in terms of policy impact, policy outcomes cannot be judged on the basis of output at EU level. On the contrary the policy options pursued indicate policy action had further shifted at the national and sub-national level. The work on the EQF as well as commitments made by member states in Lisbon were areas that required predominantly direct positive national actions; not just implementation of secondary EU legislation or compliance to ECJ rulings. The emerging policy venue (as we will see in the following section) had a significant role in this development.

The national reports indicate that policy options have been followed at national level and results show a varied level of success. Of course, the starting points were also significantly different among member states.

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<sup>384</sup> Although such actions have seen increased -but varied- application in different national higher education sectors, the voluntary nature in combination with the limited impact by design do not amount to a significant increase of policy options.

The research area was another policy option pursued on this period. While the importance of research has been always in the frame of European cooperation for the benefits of the economy and the market<sup>385</sup> the research dimension had not explicitly been linked to the higher education policy. On the contrary the research role of higher education has been in the past an obstacle in the pursue of common policy and action<sup>386</sup>. In similar terms to the human capital goals the role of research innovation has been a covert element of higher education policy. Although the role of universities and higher education cannot be disputed<sup>387</sup> policy options for research have been diffused to the national level. Overall policy options were diffused and to large extent can only be considered within national context, structures and priorities.

To conclude the discussion in this section we may say that policy options expression has been critically defined by the institutional framework. A framework that in the Lisbon era was more about collaboration, broad principles and national practice rather than harmonisation and/or legislation Programme action has continued being integrated both in terms of policy mode as well as in relation to polity principles. At the same time policy action has shifted towards the national level. Still, following from the period discussed in the previous chapter policy options were no longer dictated by the outcomes produced but by the contribution offered to the polity goals. Policy options once again appear to

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<sup>385</sup> Even from the early 1980s ESPRIT and other initiatives had highlighted the role research and innovation can play in achieving economic objectives.

<sup>386</sup> for further details, refer back to chapter 5 and the dispute of the Council and the Commission over the legal basis of Erasmus.

<sup>387</sup> Communication from the Commission, The role of the universities in the Europe of knowledge COM(2003) 58 final.



be moving from being output driven to becoming action directly linked to the broader scope.

### ***7.3.2 Policy venue: new rules?***

The Lisbon Presidency conclusions have set OMC as the predominant method to pursue the goals of the Lisbon agenda. OMC as described in chapter 6 represented a partition from regulatory and harmonisation methods of policy making strongly developed during the mid and late 1980s. It was geared towards a more comprehensive approach of the principle of subsidiarity. No longer should the Community seek action where the member states or subnational actors can act directly to achieve the goal.

In practice OMC required European goals and national action comparable towards set of indicators and benchmarks. The OMC had been applied in the work programme as submitted by the Commission and the Council in 2002 where a number of indicators have been set and member states had taken the political commitment to act at national level to meet them.

The more cooperative - less regulative method of governance had been tested in the field of higher education over the time span of this case study and had proved fruitful for policy development. Therefore the emergence of a new institutional venue was not against the practices, beliefs and ideas of decision making as constructed during the emergence and development of the education and training policy.

On the contrary the new policy method further bridged the gap between the normative rules designed in the education policy sphere over the years with the main rules for policy action in the economic pillar of the EU. What appears (OMC) to reduce the binding nature of EU policy action, increased the opportunities for action at other levels.

### ***7.3.3 Policy scope: deliberation through devolution?***

The development of higher education in the EU boundaries in the post Lisbon period has followed the path of the earlier 1990s agenda, along the lines of supporting the strategic aims of the market integration project. The instrumental role of the human capital approach has remained predominant and has been reinforced. The Community has continued reaping the benefits of human capital: ‘coherence and complementarity should be further promoted between education and training policies and social and labour policies, to make lifelong learning a reality, the Member States and the Community should aim to develop a specific European angle on such complementarity, strengthening the link between the “Objectives process”, the Employment Guidelines and the Broad Economic Policy Guidelines<sup>388</sup>.’ In terms of actual scope higher education has not change significantly; the term used had changed to knowledge-driven society.

What can be considered though to be of potential value in determining the policy scope is the effect of the OMC model. OMC as argued in the analysis of the institutional venue has created the conditions for shifting policy

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<sup>388</sup> Council Conclusions of 25 November 2003 on the ‘Development of human capital for social cohesion and competitiveness in the knowledge society’ (2003/ C295/05)

development at national level. The increased level of policy mechanism devolution has an impact on the policy scope deliberation.

Although from a historical institutionalist analysis focused at the European level it is very difficult to argue how the scope can be interpreted in the national context, we may nonetheless suggest that the central policy scope as defined at the European level has a significant impact on national. The national reports on the achievements towards the benchmarks and indicators give a good indication of the effectiveness of policy actions at national level.

In historical institutional terms the past years has shown incremental policy learning and a normative convergence over the role education and training should play in the EU. Policy over the years has transcended the levels between supranational and subnational and has created a high degree of institutionalisation – a high degree of shared norms, ideas and beliefs. In policy terms the convergence has been demonstrated with the gradual reduction of the need of judicial action and the increased level of common understanding and common discourse in the different systemic levels of governance. From the need for the Court to intervene to define the rights to training and education (e.g. Gravier case) to the increasingly common discourse between actors at all levels becoming more and more evident in the policy and polity context.

## **7.4 Discussion**



The post Lisbon era has seen higher education becoming an even more integral part of EU life. Both the policy and the policy context had provided for an enhanced role of education and training policy, although the extent to which this has lead to ‘more common policy’ is debatable.

In this section we will discuss the policy and polity context in a more limited scale compared to previous chapters since a more analytical discussion will follow in a latter part of this chapter with an analysis in conjunction with the effects of the Bologna process.

#### ***7.4.1 Policy level: endogenous preference... exogenous effects?***

The analysis of the policy options and the policy scope showed that the preference formation has distinctively continued to be endogenous. Preference choices had consistently shown to support not only the market aspects of the polity but also to be uniquely associated with the ‘state capacities’ of the polity. Having established a role and a scope for education and training, this has not change significantly. The ‘social causation’ between the benefits of education and training and the polity goals has remained strong and illustrative in the policy domain. Policy choices have supported the internal higher education goals (programme action, mobility, and recognition). The target of the actions has followed on the path of established in over thirty years of policy development. Support employment, increase competitiveness (and productivity) build a knowledge driven workforce were the ‘sign posts’ of this journey.

Policy options in this era translated higher education into its capacity to provide the knowledge driven human capital or as it is usually referred to in official EU documents, the ‘skills for the knowledge society’.

The policy arena as developed provides more ambiguity over the constellation of the institutions of education policy. The new policy arena shifted the action to an exogenous setting - that of the national systems. This exogenous turn is not unique. In the previous period we have witnessed exogenous approaches to employment policies where non-regulatory measures had been pushed to non-strictly Communitarian methods. The Essen strategy and the Luxembourg process followed a distinct enhanced intergovernmental cooperation rather than an intra-EU supranational model. Still the exogenous activity does not necessarily prescribe or determine exogeneity in institutional terms. The national reports on the achievements agreed the objectives and benchmarks in the 10 year plan indicate a level of progress they are not sufficient for encapsulating the level to which norms ideas and beliefs have also been downloaded in the national arenas.

In historical institutionalism terms this poses a great challenge since there is putative divide between supranational and domestic level of analysis<sup>389</sup>. So far we have mostly been concerned with the European/supranational level of analysis with domestic politics being of reference as the result of implementation rather than a case of Europeanisation. Or as Jupille and Caporaso refer to in an institutionalist context ‘denying the premise of long-run

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<sup>389</sup> Jupille and Caporaso (1999) p. 438

exogenous preferences and stable domestic institutions, analysts of Europeanization seek to assess changes in domestic structures resulting from the growth of European institutions and politics'<sup>390</sup>.

In that context we will seek to address further the issue of national level policy options in the context of the Bologna process where more evidence over the institutions governing the process exist through national understandings being reflected in a set institutional framework.

#### ***7.4.2 Polity link: contrasting logics of appropriateness***

The Lisbon strategy can be considered as a defining moment for this era. The Lisbon agenda redefined the role of the EU as an economic and as a social project, under the motto of the 'knowledge driven society'. Further to that it redefined the rules of governance which re-shuffled hierarchies and rules affecting the levels of play.

The remark over the relation of uploading-downloading preferences, ideas and beliefs between polity and policy context is unavoidable. However, as easy is to identify the links in the content between policy and polity and to argue that it is more than natural education and training to be combined with new era, equally difficult it becomes to identify how far the policy process had been a critical factor for the shift of the polity.

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<sup>390</sup> Jupille and Caporaso (1999) p. 439



The Lisbon Council brought together all policies under the scope of ‘employment, economic reform and social cohesion’. The scope as expressed did not only refer to education, training or employment. Fiscal and monetary issues were on the agenda; liberalisation of markets such as energy was also part of the vision; creating a favourable environment for small and medium enterprises was another area. Even common security and defence issues (an area of the second pillar of the Maastricht Treaty) had a role in the new vision. The Heads of states themselves identified the benefits of new methods of cooperation. Before introducing OMC the made special mention on the effectiveness of the approaches chosen for employment strategies in previous years (e.g Luxembourg process). The decision for the new mode of governance was made as a provision for the majority of policy areas and targets not directly related to traditionally regulatory means in the EU framework. Irrespective of the policy modes suggested and institutional venues preferred, the Lisbon conclusions offered a holistic approach for polity development and policy action – not a patchwork of policy options.

Higher education through the principles of education and training has been incorporated as a strategic element of the new vision. In the previous period from the Maastricht Treaty to the year 2000 we have argued that education and training having been reinvigorated through constitutionalisation but the policy options did not necessarily followed policy prescriptions of the past. On the contrary we have demonstrated that policy options have been not just focused on continuing the policy legacy but options have strongly focused on opening up education and training to economic and market needs in the post- completion

phase of the common market. Notions of lifelong learning, ideas on teaching and learning and complementarity between competitiveness and modern skills (information technology) that have been on a 'pre-decisional' stage through Commission's Communications and vision statements now were the field of joint action and ground level policy work programmes.

Path dependence of policy evolution is evident. The questions that arise though are: have policy options broken the logic and rules of appropriateness by moving the action to the national level and to a certain extent –and for a large part of the policy area- abandoning policy legacies built in the past? Is it the case of polity norms and policy legacies were developing in opposite directions? Were polity level norms in contrast with policy practice embedded in the higher education field? Finally were logics of appropriateness between policy and polity in opposite ends?

March and Olsen argue that in some cases actors may 'achieve desirable outcomes through methods they recognize as inappropriate',<sup>391</sup>. In national contexts European countries have demonstrated even as early as in the 1980s have shifted their 'emphasis towards results and away from an emphasis on the rules and procedures',<sup>392</sup>.

When are polity norms stronger than policy legacies? What are the critical factors that will make actors opt for 'undesirable' methods to achieve 'appropriate results' and not the other way round (i.e. follow established

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<sup>391</sup> March and Olsen (2004) p. 18

<sup>392</sup> [Olsen and Peters (1996)] in March and Olsen (2004) p. 18

patterns of policy interaction, rules and behaviours irrespective of the potential produced outcomes)?

The answer in this question can only be guided by looking into the role of policy within the broader framework, its purpose and the society it serves. Policy developments at the very early stages were guided by the loose policy framework in conjunction with the ‘legitimisation’ Community problems and scope offered. In such circumstances higher education policy outcomes have been the result of side policy action or indirect effects of implementing EU law governing other policy (or political) areas. The gains of policy action created self reinforcing mechanism, a policy momentum fed by the gains of the policy itself. With the gradual dissemination of benefits, the policy became increasingly a considerable part of the polity with a clearer role over the whole polity project. In the post-Lisbon what is being witnessed is a further move towards education and training becoming a constitutive part of the polity with a role for the achievement of the goals; a vital component of a holistic strategy.

### **7.5 Bologna process: a brief narrative**

Higher education policy in Europe took a major step forward with the Bologna process. As a new initiative, based on voluntary intergovernmental cooperation, it was launched officially in 1999 and brought new developments by ‘pushing the policy making back to the institutional sides of the EU’. Although not an EU process, the Bologna process cannot be ignored because as it will be



demonstrated, both as a process as well as in the way it addresses the need for cooperation sits very closely to the EU notion for education.

The Bologna process as known today was actually launched in 1998 in Paris. With the opportunity of the 800<sup>th</sup> anniversary of the Sorbonne University, the Ministers responsible for education from France, Germany, Italy and the UK signed the Sorbonne joint declaration on the harmonisation of the architecture of the European Higher Education System<sup>393</sup>. By signing the declaration the Ministers committed themselves to cooperate in higher education especially around issues of mobility, comparability and recognition of degrees. Elaborating on the above the Ministers in charge presented the following aims:

- increase the recognition-visibility of the European higher education systems and establishing a system of two cycles (undergraduate and postgraduate level);
- increase the readability and comparability of degrees including the use of instruments similar to the ECTS;
- ensure the mutual recognition of degrees for academic and professional purposes between the signatory countries and
- invest in the diversity of programmes, language and IT proficiency

The declaration closes by an open invitation to the other European countries, EU member states or not, to join the effort. The response did not take long. The following year Ministers from 29 European countries, including all 15 EU

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<sup>393</sup> Sorbonne Joint Declaration 1998

members, gathered in Bologna to sign the Bologna Declaration<sup>394</sup>. The Bologna declaration re-affirmed the Sorbonne targets and re-categorised them in more visible targets. The Bologna declaration has set out specific objectives for a European Higher Education Area (EHEA) which were:

- adoption of easily readable and comparable degrees through the implementation of the Diploma supplement;
- the adoption of two main cycles, namely undergraduate and graduate with undergraduate lasting a minimum of three years and the second cycle leading to a master or doctorate;
- the establishment of a system of credits-such as the ECTS- to promote and widespread student mobility;
- the promotion of mobility for both student and teachers by overcoming the recognition and valorisation problems;
- the promotion of European co-operation in quality assurance with a view to developing comparable criteria and methodologies and
- the promotion if the necessary European dimensions in higher education particularly with regards to curricular development.

From there, the official journey of the Bologna process started with an aim of achieving the goal of a European Higher Education Area EHEA by 2010

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<sup>394</sup> Bologna Declaration of 19 June 1999

### *From Bologna to Bergen and beyond*

The next Ministerial meeting took place in Prague in 2001. However in the meantime three seminars took place with thematic priorities the Credit Accumulation and Transfer System (CATS), the Short Cycle University Degrees and finally a seminar on transnational education. After the seminars and before the Prague meeting the representatives of over 300 European universities met in Salamanca. The outcome of the Salamanca Convention was a message towards the Prague meeting that introduced a number of principles accounting for the Bologna issues from the Universities' perspective. Therefore apart from 'endorsing' the scopes and aims of the Bologna declaration the message promoted the principles of autonomy and accountability of institutions, education as a public responsibility, research-based education and organisation of diversity. In similar respects the representatives of the students in Europe (ESIB) met in Göteborg in March of 2001 and signed the Student Göteborg Declaration. As with the case of the universities representatives, the students endorsed the Ministers' aims and objectives about a European Higher Education Area (EHEA), but in contrast they redefined the social implications through their civic and social attributes.

The Prague meeting took place in May 2001. The Ministers re-affirmed their devotion in the process and reorganised the objectives in six (existing) plus three (new). More specifically they new priorities were<sup>395</sup>:

- Lifelong learning;
- higher education institutions and students (involvement);

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<sup>395</sup> from the Prague Communiqué 2001



- promoting the attractiveness of the EHEA.

Moreover the Prague communiqué made specific provisions about the preparatory stage of the next Ministerial meeting to be held in Berlin in 2003. For the structure of the Follow up group (BFUG, Bologna Follow Up Group) it stipulated the inclusion of two EU and two non-EU members, the participation of the country that held the Ministerial meeting as well of the country that will host it, the EU presidency and the Commission. The European Association of Institutions in Higher Education (EURASHE), the National Union of Students in Europe (ESIB) and the Council of Europe were given a consulting role (observer status).

Two years later the Ministers met again in Berlin. The outcome of the meeting is imprinted in the Berlin Communiqué titled ‘realising the European Higher Education Area. In the Berlin Communiqué the Ministers start by acknowledging the importance of the Lisbon Presidency Conclusions and the outcome of the Barcelona Summit (2002) for the EHEA. Moreover the Berlin Communiqué makes an account of the progress in the pre-specified objectives so far. Most importantly the Ministers make an official claim for the connection of the EHEA with the European Research Area (ERA). Finally the communiqué made the usual provisions for the follow up which this time was a bit more EU-centred.

The 2005 Ministerial meeting took place in Bergen, Norway. Of the most important elements was the stocktaking exercise that measured implementation

in the national level half way through the 2010 target. The exercise resulted in a report submitted to the Ministers<sup>396</sup>. The stocktaking exercise undertaken by the BFUG focused on three items, the degree system, quality assurance and the recognition of degrees and periods of study. These items sum up in a way the main objective of the Bologna process and are indicative of the interest of the Ministers. What can be considered of great significance -during the Bergen meeting- is the endorsement of the two documents, the European Standards and Guidelines (ESG) produced by ENQA and the Framework for Qualifications for the EHEA. The first document laid out the common principles for quality assurance in all its phases (internal and external) while the qualifications' framework laid out the structure of the three cycles and assigned expected learning outcomes<sup>397</sup> and indicative credits (ECTS) for each cycle.

## **7.6 Policy context in brief**

### ***7.6.1 preliminary comments***

From the point it has started and as it has developed, the Bologna process has produced a clear agenda of the common issues of discussion. In a generalised way the main concern of Bologna is to create a common reference between the higher education structures of the participant countries', or as contested from the early beginning, to 'harmonise structures'. The specific targets developed for the achievement have been highlighted in the stocktaking report for the

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<sup>396</sup> Bologna process Stocktaking Report 2003 and 2005

<sup>397</sup> In July 2004 in Edinburgh hosted a Bologna follow up seminar on the notion of learning outcomes and how they should be used to define expectation deriving from qualifications.

Bergen meeting and can be regarded as the underpinnings for the harmonisation prospect.

Thus the Bologna process within the overall aims and objective being developed, has and still is generating actions that affect directly national structures. The cycle structures, the quality assurance and the credit system, underpin the effort to have comparable systems where degrees can be compared and students and graduates can be mobile within the EHEA region having their qualifications not only formally recognised as expected by the agreements but also comparable and understandable within the national context of the country they choose.

From the convergence of the different system and the increased visibility of the EHEA, the international dimension has become a more prominent element of the process. Often referred to also as the attractiveness of the EHEA signatory state have committed altogether to increase the international attractiveness of their national educational systems through achieving the aims of the EHEA.

Overall the agenda can be seen as having two dimensions. Firstly, the internal strongly focused on the comparability and relation of the educational systems and secondly the external, looking to attract student and researchers in the EHEA.

As a policy process, the Bologna process can be described as an intense intergovernmental cooperation based on the consensus of the national



governments, which also engages the societal stakeholders that are being represented by supranational/international bodies. Since the beginning, the main actors are the national governments. However the process is based on an open method of cooperation and includes, with somehow differentiate levels of authority and power, societal stakeholders. The stakeholders are mainly represented through European associations, although national level actors are also involved, into a lesser extent.

The structure of the process is based on bi-annual Ministerial meetings. The Ministerial meetings (up to now four: Bologna, Prague, Berlin and Bergen) have resulted in a Communication or declaration of the aims of the process and declare the consensus of the parties to move towards common specific objectives. In the interim time the process is continued in two levels. In the international level, there is a Bologna Follow Up Group (BFUG) that comprises representatives from the signatory countries as well as representatives from the societal actors. Currently the European University Association (EUA), the organisations of the National Union of Students in Europe (ESIB) the European Association for Quality Assurance in Higher Education (ENQA) and the European Association of Institutions in Higher Education (EURASHE). These four members are often referred to as the E4 group. Finally the Commission is participating as consultative body.

The contribution of the participatory countries and the societal actors in the international level is also being reflected in a number of seminars, conferences and other similar activities that have as a prime aim to feed in the process

outcomes on what should be done and how specific issues that occur should be dealt. In the national level (or regional depending on the country), countries are in the process of implementing the reforms that are agreed in the Ministerial agreements. The levels of implementation between the countries are very different and largely depend on national capacity and the level of political commitment of governments.

### ***7.6.2 Bologna actors and outcomes***

#### *The actors*

The main actors in the Bologna process are national governments, translational actors representing stakeholder interests (mainly the E4: EUA, ENQA, ESIB, EURASHE) and to a certain extent the European Commission. The latter although not always directly involved in processes of interest representation nonetheless has a significant part as a policy expert. In fact, the role of the Commission as a policy expert has been instrumental and it has been argued, it would have been extremely difficult to support the process without the involvement of the Commission .

As an intergovernmental process the balance of power remains with national governments and their political expression and commitment to the process. The Bologna participation is a diverse environment of different countries ranging from EU member states, to candidate members, EFTA countries and countries as far as the Black Sea including international actors such as Russia.

Societal stakeholders are organised transnationally and have a significant impact through their role as representatives in the process. Interestingly enough societal stakeholders at transnational level appear to express coherent views of their representing sector. EUA consistently stresses the need for autonomy of higher education institutions and the responsibility role they institutions should be assigned for achieving the goals of Bologna. EURASHE, representing non-higher education institutions, has been arguing for the role these institutions should play in achieving the goals and overcoming the obstacles deriving from the segregation or divide of type of education present in most European post-secondary education systems. ENQA has been the outcome of national agencies pressing the need for quality assurance and accountability to be embedded in the process. More importantly they have taken an increasingly important role through the establishment of common European standards (ESG) for quality assurance and accreditation. Finally student associations (through ESIB) have endorsed the European approach towards transforming national higher education systems with a strong interest on the social dimension of the whole project.

The role of the Commission as a policy expert is very significant both as a coordinator and to a certain extent for the formation of opinion/preferences of participant countries. The Commission does not only have the expertise and a clearer view on the potential outcomes but also possesses the resources to achieve the objectives. During the whole process the Commission has made its presence visible through the support of a number of related activities mainly



funded under the Socrates programme. Most prominent examples are the EUA trends reports, the supportive documents that the association of universities submit in time for each Ministerial meeting which provide an update on the level of implementation of the Bologna objectives at institutional level. Other projects such as Tuning, selected funded actions for the enhancement of the EHEA and many other smaller type projects compose a puzzle of the Commission's contribution.

Policy actors can be considered very similar to those engaged in the process of education and training policy making at the EU structures. All EU member states participate along with other non-EU members (many of whom have traditionally benefited of the EU programme, i.e. EFTA countries and candidate members). The presence of societal stakeholders has also been evident in the EU context, though in a less formal - lobbying styling presence.

### *The policy outcomes*

The narrative part of this chapter has provided a preliminary overview of the policy targets followed in the Bologna process and an account of policy goals as pursued at international level. In terms of policy outcomes the picture is two sided. On one hand there are the concrete outcomes at European level and on the other hand national governments have forwarded reforms in their national systems.

At European level what is most interesting is that policy outcomes often take the shape of specific tools and guides which can often be characterised as proxy

harmonisation measures. More specifically the cycle (level) structure of qualifications framework, the use of ECTS as an accumulation system rather than a transfer system, the diploma supplement and the common ESG for quality, all follow a very prescriptive model of cooperation. Signatory countries do not have much room for manoeuvring at the implementation level. For achieving the agreed actions lines national governments may take different national policy-making approaches but the results to be achieved are not just common in principle but same in outcome (specific level of higher education with the common learning outcomes, a single system of credits for all and common standards for assuring and enhancing quality).

At national level governments appear to have pursued different strategies (reflected in the national reports) and have achieved different level of implementation. However many EU member states have in common action pursued in the EU framework thus representing even closer policy options. For example most EU member states report on Erasmus statistics and Erasmus Mundus participation for achievements in the fields of mobility and joint degrees accordingly.

## **7.7 Anticipating the facts: Explaining the emergence of the Bologna process**

### **- The “new” vision**

#### ***7.7.1 Getting together***

The Bologna process started with the initiative of the Ministers responsible for higher education matters of France, Germany, Italy and the UK. The idea for a common initiative to introduce the transformation of the higher education

system is attributed to France. As, the at the time Minister for higher education, Claude Allegre, was puzzled by ineffectiveness of the French higher education system and was reflecting on the potential future changes. However, he did not have a specific agenda. The issue of change was reflected on the paper he commissioned to one of his close colleagues Attali. Officially titled “Pour un modele d’ enseignement superieure”, or the so called Attali report<sup>398</sup> was not a technocratic document describing the problems of the higher education it made the call for the necessary changes. Most prominent element was the cycle system and the suggestion to abandon the traditional long undergraduate studies in favour of the shorter first cycle and the introduction of second cycle before the research/doctoral level. The idea revolved around a “3-5-8” model, three years of undergraduate studies, two years for the specialisation on the postgraduate level and three year for doctoral research. Thus mainly changing the licence –maitrise – to a three-year bachelor type degree plus a master degree.

Although Allegre was keen on reforming the French higher education system he did not have a clear idea of the changes he wanted to introduce<sup>399</sup>. The Attali report was a political manifestation rather than a technocratic document and contained many inaccuracies in the description of the European higher education<sup>400</sup>. Still it served to provide the necessary impetus –an ignition- to and to draw the attention on the first critical element of the agenda: the introduction of the two main cycles.

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<sup>398</sup> Attali J 1998

<sup>399</sup> interviews 4 and 5

<sup>400</sup> interview 4 and 8



The other original partners, Germany, Italy and the UK had also thoughts for the necessary changes in their national higher education systems. The choice of Germany and Italy for launching the initiative was not a coincidental selection. Allegre was in very good terms with his German and Italian college and shared similar views on the need to reform education<sup>401</sup>. In fact Germany had already accepted the bachelor/Master structure as an internationally recognised structure and made space for the potential future introduction of such system in Germany through the amendment of the framework law – Hochschulrahmengesetz- in 1998<sup>402</sup>. Italy was also a country known for its problems in higher education and especially the long delays for graduation and the high student dropout rates. At national level Italy was seeking to reform the higher education structure and was reflecting on potentially introducing an earlier exit point than the minimum of four years in the university system. Although Beringuer –the at the Minister for education in Italy- intentions to commit Italy to a new European agenda for reform were not clear, during his attendance in the Sorbonne meeting he was convinced of the potential of two cycle structure and he has been on binding Italy to this reform<sup>403</sup>.

The UK was not from the start one of the discussants<sup>404</sup>. However judging from the agenda set, the UK did not have much to loose. The UK had traditionally a two-cycle system based on the Bachelor/Master structure and the aims of international recognition and mobility were ideas that have been already operationalised at national level. In fact, for the UK a commitment to the

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<sup>401</sup> interview 4

<sup>402</sup> see also Hackl (2001), p.21

<sup>403</sup> Ravinet (2005)

<sup>404</sup> interview 4

Bologna principles was not a commitment for change but a reinforcement of pre-existing principles.

### *7.7.2 further remarks on the agenda setting*

As already mentioned the agenda has not raised issues that could be characterised as new in the European sphere of higher education policy. The underlying logic was to a certain degree to escape from chronic domestic problems through an international route. At the same time the agenda was concealing aspirations to increase the international status and profile of the educational systems<sup>405</sup>. In fact the option for a three year first cycle degree was made by also looking across the Atlantic and accounting for the earlier age of entrance to higher education in the United States<sup>406</sup>. Although at least three of the four original signatories were facing problems in their national settings – similar to a certain extent- it is difficult to argue that there was a share vision about higher education. In fact Ravinet argues that there was no pre-existing shared vision between the four countries<sup>407</sup>. It was more about recognising the domestic need for change. The wording of the Sorbonne declaration and to a certain extent for the Bologna declaration, add to this argument. Both maximalistic in their scope, they nonetheless provided for specific mechanisms of cooperation such as the ECTS which contradict the idea of a ‘new vision’ and strategic view. What was the clearest element of the intentions of the Ministers

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<sup>405</sup> interview 5

<sup>406</sup> Allegre 2000, p260 The German minister had argued that 3 year of first degree should be sufficient in the logic that European students exiting higher education would have had the same total years of studies if accounting for the fact that secondary education in the US is a year shorter than in Germany and France.

<sup>407</sup> Ravinet (2005)

was the commitment to deal with various national issues in a common way through ‘harmonisation’ of the structures.

Building on Ravinet’s argument that there was no clear pre-existing shared vision between the Ministers in the Sorbonne meeting, we might further add and argue that the outcome did not either produce a genuinely new agenda. It reshuffled EU goals for higher education and vocational training. Still there was critical a difference: the Ministers set a new venue and to a certain degree brought the national of power of decision making at international level.

Moreover, and although the agenda was an already existing one, the lack of an EU formal input and the Commission’s policy expertise were significant. As a Commission’s agent notices<sup>408</sup> the lack of the Commission’s expertise could be seen right from the first phrases of the Communiqué where it introduced the notion of ‘harmonisation’, a word that the Commission carefully had avoided for the higher education sector since it has traditionally generated a knee jerk reaction from the member states. Still, what that indicates is a lack of policy expertise and not necessarily a divergence of policy scope. This can only be seen after analysing the governance modes and the policy options in a more comparative context.

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<sup>408</sup> interview 8



## 7.8 Bologna in the context of EU

The similarities and differences between the EU policy context and the Bologna process is an essential discussion in order to further understand the level of commonality of institutions between the two processes.

### *7.8.1 Bologna and the EU as institutional venues*

Although Bologna is delineated as a separate and different institutional venue for policy making in the field of higher education, it is nonetheless decisively connected to the EU. The preliminary evidence on that is the increased cross-reference in the activities between the two institutional settings. The role of the Commission as a policy expert has been instrumental and it has been argued that it would have been extremely difficult to support the process without the involvement of the Commission<sup>409</sup>. Moreover the agenda as it has been set and as it has further evolved did not left the Commission either uninterested or unrelated as an actor. The parallel evolution has also been acknowledged and welcomed during the monitoring of the process. For example, the follow up report for the Berlin 2003 conference stated the convergence of the Bologna process to the EU framework for higher education and characterised the Bologna process as an item of various agendas.<sup>410</sup> The report drew heavily on the Lisbon agenda and post-Lisbon developments in the EU field of education and training to argue for the close relation and the potential synergies between the two institutional venues. Even before that the Trends II report was open

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<sup>409</sup> Interview 3, Interview 8

<sup>410</sup> Zgaga Report, (2003), p 12

enough to state that the Bologna process was both a consequence of, and a contribution to the process of integration of European higher education<sup>411</sup>.

The role of the Commission as a policy expert is very significant both as a coordinator as well as by being influential on the opinions (opinion formation) of the participant countries<sup>412</sup>. The Commission does not only have the expertise and a more clear view on the potential outcomes but also possesses the resources to achieve the objectives. During the whole process the Commission has made its presence visible through the support of a number of related activities mainly funded under the Socrates programme. Most prominent examples are the EUA trends reports, the supportive documents the association of universities submit in time for each Ministerial meeting which provide an update on the national implementation of the Bologna objectives.

Overall the Commission has the resources to stir the agenda and push the process forward. The Commission has during the years supported a number of projects, it has ‘borrowed’ its insight on setting objectives and has played a dominant role in taking the activities of the process forward.

Generally speaking the Bologna process mode of governance shares many characteristics with the OMC. In fact the principles of OMC can be identified in the Bologna setting. Signatory members used *fixed timetables for achieving short, medium and long-term goals. Quantitative and qualitative indicators and benchmarks are used as means of comparing best practices. Periodic*

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<sup>411</sup> Haug and Tauch, (2001), Trends II

<sup>412</sup> Balzer and Martens (2004)

*monitoring of the progress* achieved takes place in order to facilitate *mutual learning processes* between member states; for example the stocktaking exercise. *Translating European 'guidelines' into into national and regional policies is also a major action*; for example the qualification framework and the ESG. All that supported by an environment promoting enhanced mutual learning, identification of good practices and development of joint policy initiatives.

What decisively distinguishes the Bologna process from the EU framework is the participation of a large number of countries that are not EU members. As an open intergovernmental voluntary process the Bologna process does not exclude any European country from expressing an interest and joining in. In fact the only prerequisite for joining the Bologna process is for the party to be a member of the European Cultural Convention <sup>413</sup>.

The divide between EU and non-EU states is multi-faceted. On one hand, EU members benefit from EU action in a range of action lines such as joint degrees, mobility targets and familiarity with tools such as the ECTS and the Diploma supplement. As such EU members (especially 'older' members) have also benefited from a longer period of convergence in practices and goals. On the other hand the effects at the domestic level, the benefits and drawbacks of implementing the courses of the Bologna process, are different between EU and non-EU. The underlying benefits of skills and competence free mobility are restricted within the EU geographical area. For the rest of the countries and

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<sup>413</sup> The European Cultural Convention was opened for signature in Paris on 19 December 1954, and entered into force on 5 May 1955. It currently involves 48 countries of Europe.



migration rules and national laws are of essence when accounting the potential outcomes. Moreover it can argued that due to the very different socio-economic background and political situation of a number of countries it would be difficult to expect that achieving comparability and recognition among degrees will have significant effect among those countries.

The Bologna process has never been extraneous to the EU institutional venue context. All the way from the start, it was seen that the process could have a catalytic effect in the formation of the European common labour market<sup>414</sup>. The policies goals pursued can be directly linked to the EU aims expressed through education and training policies.

#### ***7.8.2 EU and Bologna: ‘common’ actions***

The similarities between the EU and the Bologna process as institutional venues for policy developments can also be observed in the policy outcomes. Following the argument that the closeness of the two processes has resulted in shared values and mutual learning processes, policy outcomes have developed very similarly as a result of the likeness of governance modes and policy scopes. In the agenda level the two dimensions –external and internal- have a lot of similarities but some significant differences can be noted.

While in the internal dimension both policy processes have a significant focus on the comparability and recognition of degrees, the Bologna process has moved into it with direct efforts to support the harmonisation of higher

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<sup>414</sup> interview 8

educational structures. Thus while the EU had moved into this sphere as an unintended consequence through its competence on issues of recognition of qualifications, the Bologna process agreements have made a leap forward by deciding on the two originally –three later- cycles of higher education study. Thus the comparison between the degree structures can become more direct. The Qualification Framework for the EHEA, making use of the ECTS encapsulates the development on the higher education level structure as agreed by the Ministers.

Although the direct official links between EU and the Bologna process remain limited, the policy actions bear strong similarities and appear to be parallel in many aspects. Apart from the tools like ECTS and the diploma supplement that are common in both venues, overlap exists in broader policy goals and policy scopes. The Bologna Ministers have for example made the call through the Communiqués for linking EHEA to the ERA, an EU funded space. Another example is the endorsement of the EU Communiqué on vocational training<sup>415</sup>. Moreover, new EU initiatives often act in parallel for the achievement of the same objectives. The recommendation on the EQF for lifelong learning is a characteristic example as it builds on the idea of the EHEA qualifications framework. The EQF's eight levels of education and training are developed to be compatible to the EHEA qualifications framework. However the EU framework retains the principle of education and training being coupled notions and the idea of lifelong learning as the principle that defines the character of the policy actions. As such the EQF has kept a strong rapport between the skills and

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<sup>415</sup> Maastricht Communiqué on the Future Priorities of Enhanced European Cooperation in Vocational Education and Training (VET)

competences achieved in the higher education sector and the skills and competences accomplished in vocational environments.

The Bologna cycle system has an impact on the different disciplines of study. The main concern comes from countries unfamiliar with new cycle system and the efforts in the national level to implement and adapt to the Bologna process requirements. Again the EU is not left uninterested by this fact. With other initiatives such as the Tuning project<sup>416</sup>, a thematic network with the aim of finding common reference across a number of subject disciplines in the way they are being taught in the various European countries. Thus, addressing and supporting the objectives in both the Bologna and the EU level.

Finally, the support EU programmes provide towards the objective of the EHEA should not be considered as being an exemption or coincidence to the whole programme design. In fact the Commission as a policy entrepreneur initiating programme action, has paid significant attention to the outcomes of the projects supported in relation to the aims and objectives of the Bologna process<sup>417</sup>.

In the external dimension the Bologna process has defined as major objective to increase the attractiveness of the EHEA. The same topic has been an issue for the Commission that has long seen the need to increase the understanding of the European Educational area as common area. The attractiveness of the EHEA is an objective strongly endorsed and supported by the Community means. Apart from Erasmus Mundus, a programme directly concerned with the image of the

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<sup>416</sup> officially titled 'Tuning Educational structures in Europe'

[http://europa.eu.int/comm/education/policies/educ/tuning/tuning\\_en.html](http://europa.eu.int/comm/education/policies/educ/tuning/tuning_en.html)

<sup>417</sup> interview 7



European higher education in the rest of the world, other actions support the same objective<sup>418</sup>.

## **7.9 Discussion**

The policy era forming after Lisbon proves a very interesting and challenging period of study. The reformation of institutional venues and the integration of educational politics with the central economic/political aims of the Community pose a intriguing questions for the institutionalisation of the policy.

### ***7.9.1 Preference formation and institutional variation***

In this third period examined what appears as most interesting is the re-appearance of the dual institutional venue. The policy making process has been ‘divided’ between the EU and the highly institutionalised environment it provided for further policy action and the Bologna process, a new intergovernmental forum for cooperation. Still judging by both the agenda and the policy actions, higher education has not drifted in scope and focus.

The ‘vagueness’ of the original Bologna agenda did not prove a serious issue in terms of threatening the *acquis communautaire* of higher education. In fact what has been set as original objectives –apart form the maximalistic declarations of the Sorbonne document- was along the lines the EU agenda, possibly an effect

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<sup>418</sup> some EU actions are directly associated with EU higher education, such as programmes supporting cooperation with countries like the USA, Canada and Australia. Other actions are necessarily EU focused and can be considered as actions that provide simultaneously for the EU image and the EHEA, for example a pilot project for Tuning and ECTS in Latin America.

of the europeanisation of the national levels. Thus, re-uploading the national interests the agenda if not EUised did not certainly contradict the established EU policy notions in the field. In fact Allegre has suggested that it was the incapacity of the EU and the Commission to push forward more dynamic change that has driven the Ministers to the Bologna initiative<sup>419</sup>. On the other hand it can be argued that it was the lack of willingness to deal with national issues that triggered this form of Europeanisation<sup>420</sup>.

Most interesting was the use of the EU experience to support the objectives. From the early reference to EU tools –which have been long incorporated in the sub-national levels of governance, i.e. the higher education institutions- and to the engagement of the Commission that has acted both as a norm conveying mechanism as well as policy expert, the Bologna process has shown an extremely compatible and complementary role to the EU settings.

In terms of governance the Bologna process cannot be really distinguished from the EU. With the exemption of the open participation of countries outside the EU the Bologna process draws a lot in the OMC and as such it could be argued that there could have been adequate institutional space to accommodate the whole process within the “official” EU structures. In any case, the Bologna process has been part of the complex and multi-tiered structure of the EU polity that has allowed members states and transnational actors to come closer together in the policy process. The complex governance structures have not changed the policy preferences regarding higher education. To the contrary the emerged

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<sup>419</sup> Allegre 2000

<sup>420</sup> Duclaud-Williams 2004

structures have provided the opportunity for a fusion in a single level of the ideas and the entrepreneurs of the field.

### ***7.9.2 transcending political arenas while keeping on the path***

Higher education in the EU context has gone a long way. In the post Lisbon era higher education has made another leap forward both in the policy and the polity context. In the policy-polity discussion of the EU framework we have already argued that higher education politics have kept abreast with developments at both levels. However we have witnessed two distinctive -if not contradicting- trends. As regards the policy content and options, actions have become even more outcome driven and more interrelated to the polity aims. As regards the policy mechanisms as defined by the decision making choices and policy frames, options have been further diffused and devolved to member states. Therefore while the policy scope has been further embedded to the economic and market aims of the Community while the policy mechanisms have been 'decentralised'- following the emerging paradigms of many non-regulatory in nature policy areas.

A historical institutionalist approach focused at the European/EU level cannot provide much insight on national level implementation; however the Bologna process sits as an excellent example providing insight on how perceptions, understandings, norms and beliefs have been transposed to the national level of governance before being re-uploaded to an international setting. The Bologna process is certainly an interesting case study of Europeanisation and from the



angle of this thesis makes a substantial contribution for understanding how far policy learning and norms developed have been diffused.

After discussing and analysing the Bologna process and its links to EU policy on the same field we may continue addressing the questions of endogeneity, institution dynamics, appropriateness and path dependence. To what extent is the Bologna process an exogenous element of EU policy? Are there different institutions and institutional dynamics steering the process? Are logics of appropriateness different and if so how?

Having already argued that the Bologna vision was not entirely a new vision we left open the question of the role of pre-existing views and ideas in shaping the new vision. The closeness of policy tools and policy aims makes the argument of shared ideas more compelling. While the effort to coordinate national higher education systems at European level may strike as an intergovernmental approach that steamed from national concerns, the closeness of the paradigm to OMC gives supports further the argumentation of a mutual endogeneity between the two spheres. The endogenous nature is not solely defined by the strict policy boundaries but can certainly be an element that is being diffused through policy actions. Therefore endogenous preference formation in this case is a feature identified beyond the policy frames.

Using Bulmer's systemic level approach we may develop the argument to include the re-definition of the logic of appropriateness. Acknowledging the importance of time as a cumulative parameter we have demonstrated that policy

ideas have move up from the sub-systemic level to the super-systemic level. While keeping the bottom up approach as regards the pursue of the policy options, the ideational formation of the policy scope appears to have been diffused to all system levels. On one hand the day to day politics have created the policy effects and on the other hand the strong institutionalisation has informed and equipped the super-systemic level into becoming a more visible and scope-attached political arena for policy purposes.

Actions and ideas at all levels of policy and politics appear to be more homogenous than ever in the past. The logic of appropriateness that classifies higher education in the policies that are essential for achieving the market and economic objectives of the Community emerges as a shared value not only between systemic levels but also between institutional arenas. The logic of appropriateness has been transformed in the context of new policy paradigms, emerging political themes and new arenas; ‘the multiplicity of cognitive frameworks that are predominant in society, provid[e] a basis for actors to adopt new subjective evaluations and moral codes concerning appropriateness’<sup>421</sup>.

The Bologna process, although a case of Europeanisation on its own right, in the historical institutionalist context of this thesis provides the evidence of the degree that learning processes have taken place over the years. The EU vision, being re-uploaded to new European policy structures through the Bologna process, attests to the fact that the logic of appropriateness cultivated within the

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<sup>421</sup> Mahoney (2000), p.525

EU premises has not only been embedded to the formal structures but had shaped actors and their preferences inside and outside the EU arena.

In that sense the logic of appropriateness that stipulates the need for a ‘knowledge driven economy’ is the underlying factor of path dependence. Evolution (and devolution) of higher education politics is not just the unintended consequence of power neutral institutions but the maturation of policy and polity concepts that constantly redefined the logics behind actions.

### **7.10 Conclusion**

The ‘Lisbon process’ brought integration between policy and polity level for education and training. An era in which dynamics of education policy in the field of higher education have transcended the institutional structures of the EU and appear to have been embedded not just to the ‘European suits’ of actors but also have shaped domestic norms.

Although it is debatable the level to which the policy has informed the politics and the extent to which EU policy outcomes have affected the launch of the Bologna process what is clearly obvious is the constant interaction between the institutional venues. While with the Bologna process higher education politics might have gone outside the EU framework, they have not gone beyond the EU<sup>422</sup>.

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<sup>422</sup> Bache (2004), p.11



The turn towards a new governing approach (Bologna process) of Europeanised higher education politics on the basis of a national level initiative may have been unanticipated, but the institutional dynamics building up for over 25 years stipulated the potential for more action at all levels. Therefore constructing on the norms and ideas of the EU polity could well have been anticipated and expected in the context of policy continuity and adaptation to new modes of governance of a polity in flux.

**Part III**

## **Chapter 8: Higher education and historical institutionalism: a summative review**

In Part 2, we have analysed the development of higher education policy in the EU. Each of the four chapters focused on a distinctive time period looking into education, training and other policy and polity related developments. Although each period has its distinctive nature and policy outcomes, overall they present a case of continuous, interrelated and path dependant story of policy evolution.

Bringing events under the light of historical institutionalism and the principle that “institutions matter” we have demonstrated that the sequence of the four phases is not just a case of sequential historical narrative, but also a story of strong inter-linkages and increased interdependence between policy outcomes and polity developments. Underlying causality was identified both in the policy context, i.e. consequential evolvement of feedback on the basis of previous action(s) as well as in the polity context, i.e. ‘sociological variables’ of the polity (Community, EU) playing a part in shaping the means, goals and objectives of the policy. Above all, what has been demonstrated so far, using the historical institutionalist too-kit is that developments over one period –mainly in the sub-systemic level- have been fed in the next period. Super-systemic level actions have been more the reflection of the accumulation of sub-systemic level action rather than the defining or exogenous factor that would change/shape the policy.



## 8.1 In order of sequence

The four phases analysed have been separated by main super-systemic events. Each phase represents a different stage of the institutional development with its institutional characteristics and its elements of institutional continuity.

### *8.1.1 Phase I: The 'Lock in' case, 1970s-1985*

The first phase was characterised by the uncertainty of the policy scope and the limitations of the European Community as a fertile institutional ground for the field of education. It was the phase of institutional creation when policy frames and potential scopes were defined on the basis of actors' distributional and other interests.

The 'unsettledness' of the institutional creation phase is partly the reason behind the 'unsettledness' of the institutional venue. The other important factor is the lack of a 'path' or of previous actions and elements that could, in an 'unanticipated' way, define the policy options or scope. At this early stage, the lack of substantive agendas, clear preferences and process sequences could not result in a something more structured or substantive. Still Lindner and Rittberger argue that an 'appropriate polity based on normative reflection' may have some explanatory value<sup>423</sup>. In that sense and considering the lack of sequential evolution at policy level in the particular period, we may argue that the polity's normative elements of cooperation (and integration) have been the instigating factors for the policy decisions.

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<sup>423</sup> Lindner and Rittberger (2001), p. 5

Alternatively in a more calculus approach, we may seek to find the substantive policy preferences under which policy actors design institutions. Again borrowing Linder's and Rittberger's argument of low distributional interests we may suggest that this allowed for the initial policy progress and the institutional design in the specific manner. So even if the temporal argument cannot shed much light at this early stage, the rationalistic approach directs towards the same conclusion.

Under the prism of both insights there was certainly not a clear path at policy level. The main elements that were supporting evolution at this early stage was a commitment to cooperation and a lack of substantive agendas.

Under both logics, the option of a dual institutional venue with a loosely defined policy scope and even looser policy options seems to satisfy the historical institutionalist assumptions over the creation of institutions.

The prologue of higher education in the EC sphere created an open agenda but with veto points to the level up to, supranational politics would not be the sole rules of the game. The vocational role of education presented the appropriate basis for common action and cooperation. Thus, addressing vocational education needs in the EC sphere created a 'lock in' effect in a process where higher education would have to be further discussed and addressed as an EC policy.

### ***8.1.2 Phase II: The ‘unanticipated’ stage, 1985-1992***

The period onwards of the SEA is characterised by two main elements. Firstly is the interpretation of institutions. The previous period had ‘locked in’ higher education in the European agenda but apart from a) vocational role of education for battling unemployment and b) the general rhetoric statements about the importance of education for the European Community, it did not specify or clarify the policy scope. Therefore, in this period, institutions had to be more expressively interpreted in terms of policy options and scope. The pre-decisional stage had provided adequate ground and in this phase, ‘unanticipated consequences’ occurred. The judicial ‘activism’ of the ECJ and the policy entrepreneurship of the Commission provided a firmer expression of the institutional creation. Higher education started taking shape.

Secondly, we argued that the polity developments were providing an additional ‘legitimation’ dimension for higher education. On one hand, the social dimension of the SEA offered additional basis for education and training action. On the other hand it confirmed that the logic of appropriateness of the institutions for higher education policy was developing in parallel to the norms and values of the wider polity system.

Under these circumstances higher education did not only produce policy options with concrete polity outcomes but aligned further and better with the polity system. Preference formation had started taking shape closer to the policy institutional settings. The institutionalisation of the process allowed for more endogenous preferences to be expressed. Not only did preferences appear to be shaping within institutional settings but better links between different systemic



levels were expressed which in turn provided more opportunities to combine higher education with other policies in a more substantive - less superficial way.

### ***8.1.3 Phase III: Constitutionalisation, 1992-2000***

The institutionalisation of the policy process moved into a constitutionalisation phase with the Maastricht Treaty. The attestation of education and hence higher education as a policy field was not just about consolidating achievement. Institutional constellation was one side of the coin. The normative embedness of the role of education and training opened up opportunities and linkages that had started appearing from the start of process. The appearance of education and training in the forefront of the policy scope of the Community confirmed that higher education could play a big role, bigger than what may had been envisaged even by the policy entrepreneurs originally forwarding education on the agenda. In an era focused on ‘growth, competitiveness and employment’ a constellated higher education was finding a natural link.

While in the introduction of education in the Treaties under article 126 the Community action on educational matters was confirmed and accepted, higher education was much better defined in the context of education and training. Besides the potential of increasing returns within the policy context that provided the impetus for policy action over and beyond the constitutional principles for education, the logic of appropriateness developed brought policy and polity levels even closer together. The concept of lifelong learning was an ideational vehicle bridging the policy and polity levels.

The post-Maastricht era did not bring institutions in the form of the formal structures that would impact on strategies as constraints; it brought forward an institutional setting with stronger convening norms about the market and the economy of the EU and need to act for a knowledge society.

#### ***8.1.4 Phase IV: Institutional evolution and policy devolution, 2000-onwards***

The Lisbon Conclusions marked the full integration of higher education in the aims and goals of the EU. Having not only integrated in the institutional structures but also having come closer to the overall economic and market scope of the EU, higher education developed the potential to ‘behave’ as a main and core EU policy. The norm and frame maturation have provided the foundation for building the polity scope on the basis of policy capacities and achievements. Of course education and training have remained the defining parameters for a higher education policy.

The maturation of institutions and the socialisation process have been further attested through the Bologna process. The ‘institutional devolution’ demonstrated by the emergence of a new political arena provided sufficient evidence that the institutional elements of the EU policy were not confined to the EU premises but have been transferred through the actors to national and other settings. The endogeneity of the preference formation was shared and diffused in different political settings.

In the context of more than 30 years of policy evolution, higher education has not only rightfully found a place in the EU institutional order but also started inputting in redefining the polity.

## **8.2 In historical institutionalist order**

In chapter 2 we discussed the theoretical premises of historical institutionalism and the importance this theory attributes to institutions and the day-to-day politics for explaining the occurrence of policy facts and political developments.

For methodological reasons we identified the main elements of historical institutionalism and analysed the theoretical assumption they provide for the case of EU higher education. In this section we can re-discuss the higher education policy under the prism of these elements and review the assumptions made in the first part of this thesis.

### ***8.2.1 Preference formation***

From a historical institutionalist point of view, the basic argument regarding preference formation is that this happens endogenously. In the early stage of the institutional creation this is something more difficult to establish. However, taking as a starting point the minimum areas of agreement for cooperation as delineated in the Council agreements in the 1970s we may argue that a firm base for the development of institutions that could shape actors' goals had taken place.



The association with employment has provided the common ground for thought. While the second period showed a divergence between supranational and intergovernmental perceptions (manifested through legal confrontation in cases such as the Gravier and/or the Erasmus ruling), the continuous institutionalisation process was creating more references for higher education policy. The SEA with the notions of harmonisation and the ‘social dimension’ were proving useful references for defining the policy scope and shaping actors’ preferences. It was not just the entrepreneurship of supranational actors that were pushing towards specific policy options. Member states, intergovernmental expression and Council decisions were showing an increased acceptance of the ‘social’ role of higher education.

By 1994, forwarding higher education on the agenda was not just the privilege of the Commission. Employment strategies pursued by member states (for example the Essen strategy) were incorporating the vocational role and nature of education. The post-Lisbon period and the Bologna agenda may be the strongest evidence of the collective shaping of preferences. Opting for an EU agenda in the Bologna process shows that policy preferences developed in a strongly institutionalised setting were deeply shaping actors’ preferences.

### ***8.2.2 Path dependence***

Path dependence was discussed in the theoretical chapter as a concept that is central to the historical institutionalist assumption. Path dependence is observed in time as institutions create patterns, which in turn generate dynamics of self-reinforcing and positive feedback.

In the early years the case study demonstrated a series of unintended and unanticipated events that occurred on the basis of repeating pattern or self-reinforcing sequences. Very often these have been characterised as negative forms of integration in the sense that they have been the outcomes of ‘judicial enforcement’. In the years to follow (and especially after the Maastricht Treaty) path dependence appeared to escape the idea of ‘unintended’ and show a strong link of positive feedback to the more ideational elements of the institutional setting. The contextual premises of a modern liberal market economy (growth, competitiveness, knowledge driven economy) have taken a stronger role in showing the path for policy development.

As such the evolutionary state of the policy has been path dependant not only within the narrow institutional premises of the policy level, but the more it integrated in the polity context the more the polity was becoming a the lighthouse of the path.

### ***8.2.3 Temporal dimension***

In the theoretical chapter we argued that the temporal dimension is a critical factor for illuminating the causal links both in terms of unintended direct (short-medium term) consequences as well as the long term effect that are not just unanticipated but also not prescribed.

Having made some original decisions in the pre-decisional and early decisional stage, the 1980s was a period when the effects of the original action started

showing clearly in the policy domain. The effects, unanticipated or not, have created the conditions for further institutionalisation and reproduction of politics in a wider polity framework. While at the start of the process the time parameter held its explanatory value in specific decisions and actions that were the underlying reasons of follow up events (for example the success of the JSP in inspiring/supporting the launch of new mobility programmes in the mid 1980s), in latter stages ideas and frame maturation over time have held a distinctive explanatory value. Without undermining the importance of the ‘medium term’ perspective of time, in longer periods of study the concept of normative maturation has been very appealing.

Interestingly we may argue that policy outcome remained rather static. Policy options as more or less defined from a very early stage of the process (right to education, programme action/mobility and recognition) did not change dramatically. From the constitutionalisation of higher education and onwards policy options have not really been the critical factor in enhancing the policy scope. Still the evolving nature of higher education becoming more and more bound to the EU economic market aims has been the more evolutionary part of the process.

#### ***8.2.4 The logic of appropriateness***

The logic of appropriateness was presented and discussed as an overarching element of the historical institutionalist theory; an element that conveys the importance of why ‘institutions matter’ and in practice, the defining parameter of policy choices.



In the logic of appropriateness lies the answer to the ‘why’ has the policy developed in the way it has. Consistent with the historical institutionalist principles, appropriateness is not defined exogenously and encapsulates a cultural rather than calculus understanding of the institutions’ importance.

At the early stages of the policy process we have argued that apart from the reluctance of member states to commit to cooperating in a traditional sovereign area of politics, few were the potential distributional implications of the political activity in the educational field. From the very early stage, the human capital role of education has been a critical factor in directing actors’ thinking. The limited distributional benefits were contributing to the more cultural and less calculus logics behind policy action. The logic behind the policy efforts was also imprinted in Court decisions in the mid 1980s, in a period that the rational for action was being perpetuated between the logic of appropriateness and the logic of consequentiality.

The parallel progression of the policy and polity and the relative consensual manner of evolution indicate an acceptance of a shared ideational background for higher education. The consistent addressing of higher education in its human capital nature reveals that the underlying logic of appropriateness laid strongly in the qualities of higher education to provide for the market aspirations of a modern, liberal economy.



**Diagram 8.2: a historical institutionalist illustration**

Periods of study				
	1970s -1984	1985-1992	1993-2000	2001-
<b>Preference formation</b>	-Minimum level agreement -Institutional structure important for common preference formation at the pre-decisional stage	-Preference meshing and concretisation of institutional parameters	-Expressed solidly -Convergence	-Embedded in actors' policy thought and actions
<b>Path dependence</b>	-Emergence stage - mix of ideologic and pragmatic -institutional structure biased	-Unanticipated consequences -Negative integration	-Normative embedness -positive integration	-Normative embedness
<b>Temporal dimension</b>	Not applicable	-direct causality -negative integration -increased social construction	-Causality closer to the normative level - socialisation process	-Causality closer to the normative level - socialisation process
<b>The logic appropriateness</b>	-Need for common action -low distributional interests -Employment and training have a link	-Ideational clarification -Better association with the polity scopes	-Natural link between employment and education -Integration between polity and policy scopes -logic of appropriateness diffused in the different systemic levels	-Continuation of the link between employment and education -further integration between polity and policy scopes -logic of appropriateness diffused in the different systemic levels



### **8.3 Reviewing historical institutionalism**

In this thesis we have consistently applied a holistic approach of the historical institutionalism theoretical paradigm as discussed and developed in the first part of this thesis. We have opted not to use a pre-existing interpretation of the theory, i.e. use it in the same way as it has been applied in other case studies. On the contrary the aim of this thesis was to present the different approaches of historical institutionalism. Being a theory in the middle of the new institutionalism spectrum we have tried to bring insights of both ends and test the limits without resorting to methodological individualisms.

Having consistently used the theory in the analysis of all phases of higher education policy we may now assess the strengths and weaknesses this theory provided as identified in this thesis.

#### ***8.3.1 Strengths of historical institutionalism***

Being a meso-level theory, one of the main advantages demonstrated in the policy history of higher education is that it provided a theoretical insight with a strong explanatory power in terms of causality in a period and policy area when and where politics were not existent. The strong focus on the sub-systemic level provided us the tool-kit to look on how small policy activities produce political outcomes. The ideas of a lock in effects and unanticipated consequences have been adequate tools for capturing the ‘ignition’ stage of the process and the early steps towards establishing the policy.



At the same time, the sociological end of historical institutionalism has been beneficial for introducing the explanatory variables of the normative dimension of the institutionalisation process. Hall and Taylor notice that historical institutionalist scholars 'seek to locate institutions in a causal chain that accommodates a role for other factors, notably socioeconomic development and the diffusion of ideas. In this respect, they posit a world that is more complex than the world of tastes and institutions often postulated by rational choice institutionalists'<sup>424</sup>. Consistent with this view we have also used historical institutionalism to explain how the sociological – 'socioeconomic development and diffusion of ideas'- factors have impacted on the process. In that sense we have opened up the notion of institutions to include not only the policy level but also the political environment of the Community, the EU polity. The benefit of that in a long term case study is very important as it allows to constantly keeping explanatory variables in place rather than adding up a series of unintended consequences. Additionally we may argue that the thicker end of historical institutionalism has been critical in explaining phases where policy outcomes are either limited or are not sufficiently explained by reinforcing dynamics. For example the shift of higher education towards lifelong learning in the aftermath of the policy consolidation/constitutionalisation (Maastricht Treaty) has not been so much the positive feedback of the (r)evolution in mobility programmes but the infused dynamic of the sociological variables of a market driven polity over a newly established policy field.

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<sup>424</sup> Hall and Taylor (1996), p. 945

Following and related to above is the advantage of the historical institutionalist framework to provide the basis for the discussion over the relation between policy and politics and how these two interrelate in an evolutionary political environment. Using the idea of norm building and norm diffusion the theory provided the lenses to see policy and polity development in parallel and how the EC politics created and framework for higher education policy to evolve as well as how the latter has impacted on the former. From this latter point of view historical institutionalism can be understood as a theoretical framework that although set in a meso-level can provide helpful insights on the more systemic level politics, a macro-view of the political/policy process.

Expanding further on that point, the value that historical institutionalism is that by considering the diffusion of ideas and employing the vehicles of 'logics' it can provide insights into the shaping of actors' goals and values outside the firm settings of the institutional context. In this case study this has been the story with the Bologna process, a separate intergovernmental process that –re-uploaded EU vision in an intergovernmental arena through the ideas and norms carried by national actors.

Finally we may say that the multidimensional value of the elements of historical institutionalism has provided a strong advantage for this research analysis. The temporal dimension has proved useful both for explaining consequential events as well as the long-term effect of institutional maturation. Similarly path dependence has been the story of both lock in effects and norm guidance in the wider polity context. And as regards the logic of appropriateness the March and

Olsen argument that appropriateness does not exclude logics of consequentiality<sup>425</sup> has proven to be the case for higher education in the EU.

### ***8.3.2 Limitations of historical institutionalism***

The higher education has shown that the theoretical model of historical institutionalism has also its limitations.

The main limitation that can be identified in this thesis is in the area that have been previously discussed as one of the main advantages: the dual perspective between the closer institutional setting and the broader socioeconomic developments; or the links between the policy and polity. While the policy-polity angle that can be theoretically framed by historical institutionalism has provided insightful elaborations of the interaction between the two levels, it may still be the weak link of the theoretical paradigm. In a similar fashion we might argue that the although historical institutionalism brings together ‘substantive agendas, temporal arguments and an attention to contexts and configurations to provide powerful contributions’ to provide the ‘discipline’s understandings of government, politics, and public policies’<sup>426</sup> it is rather difficult to distinguish the extent to which each level has played a role. Among the ‘shortcomings of historical institutionalism is its failure to integrate the effects of institutions over time at these two levels. As it becomes increasingly difficult to disentangle the mutual influences of the member state and EU levels, historical institutionalist research should endeavor to examine the interaction of institutions between the supranational and national polities’<sup>427</sup>.

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<sup>425</sup> March and Olsen (2004)

<sup>426</sup> Pierson and Skocpol (2002), p.3

<sup>427</sup> Aspinwall and Schneider (2000), p. 18



In the higher education story we have often argued that the polity level has been a catalytic factor in shaping the policy scope and facilitating policy progress. In the 1980s the social dimension of the SEA had encompassed the human capital role of higher education. Similarly in the 1990s we have demonstrated the links between employment, growth and competitiveness through the practices of the employment strategy. In both periods we have consistently argued that polity norms were fit and parallel/integrated to policy values, beliefs...a shared logic of appropriateness. Still it is also possible to argue that while institutional structures and mechanisms appeared to be shifting in parallel (harmonisation, flexibility, OMC) at both areas the past policy choices were not necessarily pointing to the same direction. More specifically we may trace this argument on the policy options for mobility programmes. While indirectly they were well suited to the polity principles (i.e. mobility and recognition for free movement of labour) they were primarily established without the strict notional elements of employability, labour and/or common market. Should they therefore have produced more or different outcomes on the basis of their internal values? How historical institutionalism can explain the differential impact of policy paradigms and political realities? Which is the most important driving force?

The questions are partly of rhetoric nature but they also highlight a potential weakness in meaningfully judging the differential impact of the two governance levels. These questions implicitly challenge the advantage of the mid-way theoretical paradigm (in between rational and sociological institutionalism) – the incorporation of elements of both ends. Are the two ends of new institutionalism complementary or antagonistic explanations?

Another limitation that we may discuss in this section is Moravcsik's criticism of the constructivist theoretical hypotheses, which in our case fits to the normative end of historical institutionalism. Moravcsik's main argument is that the use of ideas and norms for providing a theoretical framework to explain policy choices, is too meta-theoretical to allow the use of testable hypotheses<sup>428</sup>. In the context of historical institutionalism we have demonstrated that there is strong link between ideational level and policy choices. Still it has often been with a build up of policy level analysis. And in many cases the link between the ideational and normative level is a case of demonstration/observation rather than tested separately. It might further be argued that the normative side of historical institutionalism is something that is better explained in the context of long time evolution rather than sudden policy change. However, in our case the lack of testability has been limited as ideas were not dealt separately to policy realities and institutional settings that embedded them in a demonstrable way.

#### **8.4 The governance approach lenses**

From the start of this thesis it was clarified that the governance approach is not the theoretical underpinning of this thesis. Still it is worth considering its contribution to the particular thesis. The governance approach was introduced as a 'vocabulary', a way of facilitating the description of the policy and polity developments by capturing governance characteristics of the EU. Drawing on the vocabulary developed in the literature by studies that have focused on the

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<sup>428</sup> Moravcsik (1999)

governance, the use of the governance approach has been a useful compass for this research.

The endorsement of the idea that Euro-polity is the independent variable and the discussion of the case study under the terms of the changing actors' role, the system with clear lack of hierarchies, the changing of behaviour and the EU patterns of interaction have facilitated to focus on the policy development and have provided the tools to articulate the policy discussion from the sub-systemic and the systemic levels. The application of the governance tools has been critical for the discussion of policy actions and process both in the narrow context of the policy field as well as in the broader framework of an evolving polity system.

The governance approach captures the idea that the polity system is an evolving political organisation. In the timeframe of more than thirty years this has been crucial in order to capture the changing nature of structures and behaviours under which higher education policy has developed.

However the governance approach has not been used as a theory with explanatory powers on its own. Part of the reason behind that can be found in Jordan's assertion about multi-level governance, i.e. that it 'lacks a causal motor of integration or a testable set of hypotheses'<sup>429</sup>. Nonetheless this does not devalue the power of the governance approach to be provide useful lenses that can guide research and discussion, especially on policy case studies. In fact as

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<sup>429</sup> [Jordan (2001)] in George (2004), p. 113



George's argues multi-level governance may be a productive partner for historical institutionalism<sup>430</sup>.

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<sup>430</sup> George (2004), p. 118, commenting on Jordan's (2001) approach to combine multi-level governance with historical institutionalism

## 9. Conclusion

Over a period of more than 30 years higher education has been developed as an EU policy. Along the thirty years or so discussed in this thesis the policy has been through a number of critical junctures that can be seen as milestones of the policy development.

The first critical juncture can be identified in the meetings of the Ministers in 1974 and 1976. These early meetings have set the original agenda close to the ideas of training and the need for higher employment, as it was perceived in a period of high unemployment and economic recession. The initial effort to discuss education and training with the Community structures was unprecedented event that created the lock in effect, the momentum for new policy domain.

While developments took on a path, it was not until the mid 1980s that another stepping stone was achieved in the ECJ decision on the Gravier case. The Gravier case as discussed in chapter five culminated the small steps of progress that have been taking place over the ten-year period. The Gravier case imprinted not only the progress in higher education politics but also the fact this progress was a Community matter strongly linked to rights of European citizens. The Gravier case paved the way for what another stepping stone on the development of higher education policy: the launch of the Erasmus programme (and the other education and training programmes). The Erasmus programme that sprung from the commitment of the Commission was a critical juncture for the Community

education policy shift to programme driven action. So by 1987 not only higher education was in the EU competence area but was also being promoted beyond the regulatory politics often seen in other policy areas.

The Maastricht Treaty consolidated developments in 1992 but it was the White paper on Growth, Employment and Competitiveness that set education at the core of the market building policies. The White Paper did not only envisage a new role for education in the emerging polity system. It also captured many of the elements of change and set new rules for the games under which higher education policy could flourish.

The Lisbon Conclusions in 2000 only reinforce that fact. The new open method of coordination and the approach of indicators and benchmarks was more than suited for a higher education policy which was committing member states to a process of national practice and European standards.

In the meantime the Ministers have taken further their willingness to enhance their cooperation through a new institutional venue. The commitment of originally four Ministers, to the Bologna process very much replicated the values, ideas, mechanisms that have been developed in the EU sphere. Still the Bologna process is another critical juncture the higher education policy story as it provided a new momentum and brought national actors closer to the decision making table.



All these critical junctures have been catalytic in the policy process. However their value has often been as the signpost or the culmination of progress rather than the cause of change. They have certainly provided new impetus each time but the day to day politics being the building blocks of the process are the critical factors that better explain the policy development in historical institutionalist terms.

Higher education has mainly been defined through the education and training needs as those were identified for the purposes of employment, growth, competitiveness and the creation of a knowledge driven economy. While policy options pursue at EU and national level had changed over time often as result of systemic capacities of the polity and policy structures, the role of higher education has remained consistent to the needs to professional equip the European citizens.

What appeared, in the early years, to be a vocationalisation of higher education became a quest for responding to the human resources needs of the EU economic and market aspirations. Not surprisingly some scholars have used the term marketisation<sup>431</sup>. Aspects of the social dimension of tertiary education such as finance/funding, access and equity have remained outside the formal and informal agendas. Higher education has developed in consistence to the polity economic aims and the policy field capacities. The combination of these factors describes the logic that is deemed appropriate in the European context.

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<sup>431</sup> Bache (2004), Hackl (2001)

In any case higher education has made a giant leap in the policy priorities of the European polity. The firm Treaty provisions were not barriers for this evolution. The policy framework has been most significant for the shaping of the policy outcomes. While the Treaty interpretation and the legal framework have provided the platform for the original recognition of the policy area and the Community ability to act, the most significant outcomes have derived in the process of the evolution by engaging actors and actions beyond the strict frameworks. The Bologna process has become the clearer attestation of the real effects education and training agendas in the EU level had in the member states.

From a complementary tool for battling unemployment, higher education has become –in the Lisbon era- a policy scope on its own. Critical junctures have been the signposts of the policy development.

Now not only higher education is the front of policy/polity activity but there is also a common European higher education area which has been developed. Through the EHEA and the Bologna process the EU higher education dimension has entered the international and the EU and member states have started looking outwards using their ‘EU credentials’. What will be the next step?

What the future holds for EU higher education can only be (un) anticipated.

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interview 2 Bastian Baumann, ESIB Bologna Process Committee 02/07/04

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Interview 6 Kate Geddie, EUA, project officer 01/02/2005

Interview 7 Ruurd Wallis van der Vries European Commission Higher Education Unit 02/02/2005

Interview 8 Guy Haug, Bologna process expert, European Commission, Higher Education Unit 02/02/2005

*Plus informal discussions with:*

Peter Williams, CEO, Quality Assurance Agency for Higher Education (QAA) UK and President of the European Association for Quality Assurance in Higher Education (ENQA)

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