



with the support of RESUP

First International Euredocs Conference

Sciences Po, Paris, June 24th to June 26th

Salle François Goguel, 56 rue des Saints Pères 75007 Paris

“Transformations experienced by higher education and research institutions in European countries”

Thursday June the 24th (1 pm to 5 pm)

4:45 to 5:30

Konstantinos Tzortzis

(School of Politics, University of Nottingham, Great Britain)

*“The institutional framework of the EU in higher education
with specific focus on the Bologna process”*

Discussant : Elena **Dingu-Kyrklund**

“EU Higher Education and the Bologna
Process: policy continuity or change?”

draft version please do not cite

**prepared by Konstantinos Tzortzis for the 1st Euredocs
Conference, Paris 24th-26th June 04**

EU Higher Education and the Bologna Process: policy continuity or change?

Introduction	4
European Union: theory and facts	5
<i>Theoretical approach: multi-level governance and new institutionalism</i>	5
<i>Historical institutionalism</i>	6
<i>EU policy formation and the relevance of historical institutionalism</i>	8
The Evolution of Education policy: “from the margins to the centre”	9
<i>A narrative</i>	10
<i>An account of the outcome</i>	13
<i>Maastricht Treaty</i>	15
The Bologna process	16
<i>A brief narrative</i>	16
<i>Discussion</i>	18
Conclusion	23
Bibliography	25

Introduction

Education matters were not originally included in the European agenda. Shaw (1999) notices that the word education was nowhere in the drafting of the EEC treaty. In fact, in the European Community, there neither were there any provisions about education nor was cooperation in this field an aim. This at the time seemed understandable because education did not fit in the narrow agenda that provided for the economic scopes of the Community. However, in the forthcoming years, education and, even more, higher education, has gradually moved from the margins of the EU interest and competence towards the centre (Shaw 1999). Nowadays education consists a separate chapter in the reformed Treaty and an area that draws increasing interest from the Member States, the EU institutions, and other actors. More specifically, in the firm EU competence, higher education matters are addressed in Article 149 that covers education, and Article 150 that provides for vocational training. In a wider perspective, the EU polity is also involved in the Bologna process through the participation of all its 25 members, as well as the participation of the Commission. From the signing of the Treaty of Rome in 1957, to the Bologna declaration, education has gone a long way. During these years we have witnessed the active efforts of the EU supranational institutions, in many cases 'against' the will of the Member States, to establish an education policy. The whole process has resulted in an incremental development of an EU competence in education issues.

What has always been excluded was anything related to harmonising educational systems. However, as regards higher education systems, such a harmonisation is, in a way, now taking place through the Bologna process. Seen in a schematic way, the Bologna process is a loosely structured arena of intergovernmental bargaining and cooperation that incorporates the related societal actors in phenomenally highly consensual decision-making. Although it draws many similarities as a policy process with institutionalised forms of policy-making in the EU, it falls outside the competence of the EU and constitutes an arena of international cooperation relying strongly in soft law.

Considering the above this paper will try to provide:

- An explanatory account of the development of the EU education policy and how this is related to the Bologna process and to which level has the path development of education in the EU level guided the Bologna process and can 'prescribe' the outcomes.

- A schematisation of the institutional environment and policy settings of the Bologna, in order to examine how institutions and policy options could affect the outcome of the process.

European Union: theory and facts

The EU has developed enough through the years to be conceived as a polity. This has allowed many scholars to shift the interest of study from the 'why the EU exists' to 'what difference does it make'. As Jachtenfuchs (2001) argues, in the governance literature, the Euro-polity becomes the independent variable. Therefore the research focus should be not in the understanding of why the Euro-polity exists, but rather of how, through its existence, it affects policies, both national and Europeans (p.250). In this context, the development of higher education can be understood as an outcome of the institutional environment and the actors interplay. Without neglecting the grand theoretical approaches, we may transcend into a meso-level analysis and deal with education as a policy developed on a day by day basis, and eventually as an outcome of the locus of power of interlocking institutions and norms.

Theoretical approach: multi-level governance and new institutionalism

The analysis of education policy in this paper will very much rely on the consideration that the EU is a multi-tiered, multi-level polity. Within this complex structure, we might approach the empirical evidences both in the context of governance (multi-level governance), as well as in the context of historical institutionalism.

Kohler-Koch and Eising (1999) 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' (p. 5). On the other hand, Jachtenfuchs (2001) prefers to conceptually describe governance as the 'ability to make collectively binding decisions' (p.246). In any case the governance approach looks directly in the policy process. Multi-level governance as developed by Mark et al (1996) attributes more specific characteristics to the policy system. In a typological way Kaiser and Prange (2002, p2) identify the major characteristics as: a) the fact that decision-making competencies are shared by actors at different levels – dynamic dispersion of authority, b) that actors and arenas are not ordered

hierarchically as in traditional intergovernmental relationships and c) that decision-making among states is consensual or non-majoritarian, which requires a continuous wide-ranging negotiation process.

The theoretical approach in this case adjusts to the level of the research. The European governance is associated with the so-called meso-level theory. Lowering a level from the traditional integration grand theories, meso-level theory includes different approaches that are tailored to analyse endogenously EU governance. To do so, meso level theory sets about with the day-to-day politics of the union. The interest is no longer based on the major institutional changes or 'history making' decisions, but on how small steps build up a policy reality.

Within this literature fits the approach of "new institutionalism". The renewed interest of the 90's on institutions and how they affect politics, found a large arena for application in the political research of the EU.

Historical institutionalism

Scholars within new institutionalism have shown a strong interest in historical institutionalism (Pierson 1993, 1996, Bulmer 1994, Aspinwall and Sneider 2001). New institutionalism ranges between the ends of rational and sociological institutionalism (Hall and Taylor 1996). The closer we move to the rational end the more institutions matter in a 'calculus' way and the further we move towards the sociological end, institutions take a 'cultural' meaning (Hall and Taylor 1996). Historical institutionalism is the variance in the middle of the spectrum of new institutionalism. Although there is considerable convergence (Aspinwall and Schneider 2001) between the different institutionalist 'branches', still there is enough space to capture the sole notion of the theoretical framework of historical institutionalism.

The principles

The starting point of any (new) institutional approach is that institutions matter. They matter to the level that they can be seen as a variable in the outcome of decisions of the actors. In the case of the historical institutionalism, institutions are catalytic variables that shape the goals of the actors, not only the strategies, therefore institutions are being reflected on the outcomes (Thelen and Steinmo 1992). Methodologically, historical institutionalism distinguishes institutions as 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-studying political outcomes. Historical institutionalism is not neglecting that. But contrary to other methods it regenerates the need to understand and see the nature of institutions not as a mean to an end but also 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. Following that point and assuming the existence of a strong institutional environment, developments are considered to happen in the 'logic of appropriateness' rather one of 'consequentiality' (March and Olsen 1989). Although these logics are not *de jure* mutually exclusive, historical institutionalism supports the idea that policy evolution or inaction encompasses the effect of the formal structures, procedures, practice, routines and norms; the institutions. Actions within the historical institutionalist framework follow the logic of appropriateness rather than one of consequentiality. This logic derives from the norms and the values embedded in the institutions and the actors, and guides their behaviour. The appropriateness is socially structured (Sweet et al 2001, p.8) and is transmitted through formal structures, which are the institutions. The institutions are the arenas of bargaining and implementation of the decisions. They function as 'receivers' of the beliefs of the actors as well as creators of appropriateness.

The practice

As meso-level theory historical institutionalism is not only perceived in terms of theoretical arguments but also in terms of being an operationalised tool kit for research. Pierson (1996) in his research on EU social policy provides a thorough perception of how to identify the historical institutionalism patterns that emerge in the policy process. Most essential in his work are the ideas of 'lock in effects' and 'unanticipated consequences'. Actions that have taken place once create 'lock ins' and predispose any upcoming developments (Pierson 1993). In a subsequent logic this may generate 'unanticipated consequences', developments that were not part of the original design. The unanticipated consequences breed momentum and are the actual developments. Taking these to two ideas together, a 'path dependency' is constructed; a guide for the follow-up as well as a guarantee of the endogenous character and the lack of change. This perspective is also supportive of the idea of an 'inertia' (Peters 1999) as a direct effect of the path that restricts and controls potential change.

Bulmer (1994) takes a different approach to the issue. Instead of looking directly to the mechanisms and functional explanations he seeks to find the level of application that the approach is useful. He identifies three levels of

analysis, the super-systemic, the systemic and the sub-systemic. The core assumption for the division of these levels is the level of politics, the actors involved and the patterns in use in each case. By understanding and clarifying the 'instruments' (level of politics, actors, patterns) involved it is possible to both see the relevance of the historical institutionalist approach as well as to argue on the methods to advance the analysis. The higher the level of politics, actors and patterns is, the higher the level of analysis. Based on that Bulmer (1994) suggests that historical institutionalism can also explain the normative role that institutions play in the process of policy making. In fact he covers what Pierson has left outside by focusing on the functional logic of the 'lock in'.

What is shown above is that historical institutionalism on its own fits in the juxtaposition of calculus versus cultural. Although this schema used by Hall and Taylor (1996) is in order to explain across the range of new institutionalists approaches from the rational to the sociological, we may argue that it can also be identified within the single branch of the historical. This apart from confirming the convergence that historical institutionalism can have with both ends of the spectrum of new institutionalism, it elevates the importance of understanding historical institutionalism as more dynamic and flexible framework of analysis.

EU policy formation and the relevance of historical institutionalism

As a complex polity, the EU has an equally complex system of policy-making. Within that different models of the policy making process exist. Most important is also to understand that the EU is " a crossroads where subnational, national, supranational and international policy making all intersect" (Stubb et al, 2003 p.139). Therefore it is very common to perceive the EU as an open institutional venue where actors from all these levels meet for decision-making. However this venue is not a mere arena. It is multi-tiered plegma of institutions within which the policy process takes place. As Bulmer (1994, p355) argues, the EC institutions extend beyond the formal organs of government to include standard operating procedures, so-called soft law, norms and conventions of behaviour.

In this institutionalised environment decisions and processes take place under the maximum consensus. The model to so is widely known as the 'Community method'. Long disputes exist on if there is a single community method, or several. In fact the argument evolves around the ability to attribute specific empirical characteristics to the method or if it is more correct to limit the description to normative characteristics such the

consensual character -from the part of the actors- that decisions should have. Leaning towards the second we may argue that policies in the EU are diverse and policy outcomes range substantially across the area of the commonly dealt issues. Therefore we may limit ourselves to saying that in the EU the challenge is to successfully a number of diverse interests in common policies while respecting individual positions and thus achieving maximum consensus.

Of course different policies call for different actions. Also the power and role of the institutions and the actors varies in each case. In order to analyse the education policy, it would be useful to bring forward a categorization of the possible policy types. Sbragia (2003) three major types of EU policies: the market building, the marketing correcting and the polity (non-market) policies. Their naming is quite self-explanatory and therefore we may restrict further analysis to the polity-building type where assumingly the education policy should fit. Defining as a starting point the Maastricht treaty, Sbragia argues that a window opened for further cooperation of the member states in issues 'irrelevant' with the market. Cooperation on this field crystallizes the political character of the Union and affirms that the interest of the Union overpasses the narrow barrier of a common market. In this field cooperation is heavily relied in the willingness of the member states. Not being legally binding, the framework of the policy process is designed to encourage voluntary cooperation. As a result the supranational institutions limit their power and the member states gain increased role through what is been used to call the coordination method.

A historical institutionalism point of view is of the essence is these cases. The path dependant logic and the institutional importance create a safeguard for the policy to proceed in the rules and principles of the institutionalised environment. Therefore a policy that is governed loosely within the EU framework and most decision-making lies with national governments is still not a typical intergovernmental area of decision making. The norms and values embedded in the Community function as the net in which behaviours are shaped and goals are pursued.

The Evolution of Education policy: "from the margins to the centre"

As already mentioned, education as a policy field, was not provisioned in the original Treaty of Rome. Some relative provisions were included only in relation to vocational training (ex art 118 and 128) that as it is understood,

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 historical development of the education policy is better understood through the analysis of the different phases it went from the 60s to today.

A narrative

During the early years of the Community, vocational training and education were considered as totally different fields with little intersection (see also Gori 2001, p.19). Therefore, provisions in the Treaties referred only to vocational training, as well as to Council Decisions. However, the narrow interpretation of vocational training did not include education. From the late 50s to the early 70s education issues were outside the European agenda and reference to education was only made in cases of pre-decisional stage of policy making (Beukel 1994). In this early period most notable education concerns can be traced in the 'Fouchet plan' that promoted the idea for a Council of education ministers as well as for the establishment of a European university. The latter was reconfirmed as an intention in the Hague summit in 1969.

However the first meeting of the ministers of education did not occur before 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 the economic and social integration. From that point onwards, we may consider that a more active period has started.

Creating an educational dimension: 1971 to 1984

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 that would therefore result to legally binding decisions (Fog and Jones 1985). Following this initiative of the Council, the Commission asked the Belgian minister of Education to make a report that would help to set the basis and further the options for cooperation in the field of education. The Jane Report, as it became known, was published in February 1973. The main point of the report was that education had to be pushed forward as a 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 acknowledging at the same time, that harmonization is best achieved by respecting

educational traditions and national structures and that higher education systems should remain in the authority of national governments.

The same year and under the light of the above developments, the restructure of the Commission, provided 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. One of the first things that the DG XII produced was the Action Programme for education. This was presented in the second meeting of the education ministers in 1974. The Resolution of the ministers in 1974 was the first significant step in laying down the policy aims. Most significantly, the Resolution provided for equal opportunities for free access to all forms of educations, as well as for the upholding the diversity and character and Member States education systems. In should also be noted that the Resolution included a separation of the objectives from the aims (Moschonas 1998, p.80). Although they shared common aims, the Member States had the absolute responsibility for achieving them. Furthermore, the Resolution provisioned for an Education Committee that included representatives from the Commission and the Member States to prepare an Action Programme to be adopted in the next Resolution.

In 1976, the ministers of the Member States met again and adopted the Action Programme for education. This meeting was fundamental for the evolution of the education policy and as Shaw (1999) notices, it marked the beginning of the process of moving from the margins to the centre. More specifically the programme included:

- The general development of the educational dimension of social policy, by seeking for better facilities for the education and training of nationals and the children of the nationals of member and non-member countries.
- The promotion of closer relations between educational systems in Europe.
- 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. According to this scheme, Community resources were used to help the development of multi-lateral relationships between staff in higher education of different member states.

In the meantime of the two meetings a very significant directive was passed. Directive 75/362/EEC was covering the recognition of diplomas of doctors and health-associated professions on the basis of the free movement of labour.

This resulted in national action on harmonising study curriculum to coordinate with the EC directive (Hackl 2001, p.8)

In 1981 another action of both symbolic and essence meaning took place. The education moved to DGV where training was already located, consolidating the transition of the character of the policy. Later in 1983 the Education Council met and stressed the importance of the mobility in higher education. Also in the same year, 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. Finally 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

A number of other small steps were taken in this first period. First of all, directive 75/362/EEC was only the start. A number of other directives provided for the recognition of qualifications in other professions (for details see Hackl 2001). Also the commission has taken a number of initiatives that connected education with the existing *acquis communautaire* such as article 49EEC that provides the means to the community to take necessary action for the completion of the market or article 7EEC that covers the principle of non-discrimination.

The road to Maastricht: 1985 to 1993

In 1985 an ECJ ruling marked the starting point for a new era in the education. In the Gravier case the Court used an extensive interpretation of the article 128EEC (vocational training) in conjunction with article 7EEC and decided that EU citizens can seek higher education in universities of other Member States under the same conditions that exist for the nationals. The logic of the ruling lied strongly in the idea that higher education is related to working and in fact consists professional formation. In the following years, two programmes related to vocational training and education, were launched. The Commet and the Erasmus were introduced in 1986 and 1987 respectively. Those programmes initialized a process in which an increased competence of the Community would give further force to the institutionalization of education. Subsequently, a string of programmes were launched from 1988 to 1990 promoting vocational education and the languages (Petra, Youth for Europe, Iris, Eurotectnet, and Lingua). Both of them were exchange programmes and supported the mobility in the Community. Erasmus, which is considered on the biggest successes of the Community both in terms of both in terms of its scope and as a policy entrepreneurship involved the exchange of students between European Universities for a period of time. However the legal basis for this blossoming action was ambiguous. The Council challenged the authority to launch a programme that involved universities on the basis of

128EEC as it felt that it was trespassing in areas that there was no EC competence. The ECJ in its ruling in the case of Erasmus (Commission vs Council) decided that there was legal basis for Community action as universities were in the material scope of vocational training. However since the universities engage in research the Court ruled that the adequate legal basis should include article 235 that provisions that unanimity is needed for actions that are not directly in the EC competence but will help to achieve the broader aims of the Community.

In the light of the Erasmus success and the launching of the exchange programmes a new Directive came aboard. Directive 89/48/EEC dealt with the recognition of diplomas. This time the approach was horizontal instead of vertical (Hackl 2001, p9). Alternatively to regulating sector by sector the Community moved into recognising the qualifications in principle.

Under these circumstances the education evolved further until its consolidation in the Maastricht Treaty in 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;
- 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, Article 149 provides for the co-decision procedure, with qualified majority voting, excluding though any potential harmonization of laws and regulations of the member states.

An account of the outcome

Actors, actions and consequences

The development of education policy up to that point can be evaluated under the prism of two basic parameters. Firstly the arena built for policy innovation and secondly, the actual character that education was given.

As seen, the institutional venue was a hybrid structure that had the aim to protect the intergovernmental character of the area. This was a partial success for the Member States that managed to set education in the sides of the EC. The Council of Ministers has played an important role. The resolutions of 1974 and 1976 set the bases of the education policy. Apart from the clear objectives laid down and the Action Plan, those Resolutions also bear an implied significance. First of all, the meeting of the Council was not as in the strict boundaries of EC competence. It was the “the ministers of education meeting within the Council of ministers”. This is also reflected in the outcome of the events. As Moshonas (1998) notices, although Member States set the common aim, they made sure that objectives and action were left at national level to be implemented. Thus creating a dual institutional venue (Neave 1984), an unsettled institutionalisation (Nihoul 1999). Although Member States have shown a keen interest (for example Fouchet Plan) to move to political levels of integration this was only happening in each one’s terms. Even the procedure of ‘cooperation’ provisioned in 1974 was an innovation with an aim to protect national interests.

On the other hand, the policy entrepreneurship of the Commission coupled with the judicial activism of the Court overturned that by attributing to the EC legal impetus to act in education related issues. The Commission has proved to be the motor of the whole process. The activism of the Commission as policy entrepreneur was catalytic for the process (Corbett 2002). The Commission through specific actions has brought education in the EC field. More specifically the achievement of the Commission was the packaging of higher education with vocational training. In that respect the Commission managed to bring higher education in a grey area of EC competence. The epitomy of this achievement was denoted in the successful establishment of the Erasmus programme. If the Commission took the initiatives, the ECJ made sure of their success. In a number of decisions, with most significant the *Gravier*, the ECJ’s jurisprudence established that education was within the implied powers Lanaerts (1994) of the Community, and with a number of decisions it created hard law in the education field, binding for the member states.

Still a thin line was separating education from becoming part of a full EC policy. Most actions of the Commission, as well as the rulings of the ECJ were based on provisions about vocation training, non-discrimination, free-movement of people. In neo-functionalist terms, what has started as a ‘cultivated spillover’ (Beukel 1994) was now becoming a ‘functional spillover’. And although an EU right to education (Gori 2001) was being gradually established, education, and especially, higher education, was not being

directly defined. Indirectly though, the linkage to vocational training was giving a very specific understanding to what is higher education.

Anticipating the facts

The evolution of EC education has gone a long path from the early 70s. The initial decision to bring education within discussion can be tracked in the early 70s or even earlier. This decision has created the 'lock in effect'. After triggering the process we have witnessed a number of unanticipated consequences –best illustration being in most cases the ECJ rulings- that have established what is now considered as an education policy. Contrary though to the maximalistic declarations that appeared in numerous cases (Fouchet plan, Janne report, Solemn declaration), the development of education policy has been strictly within the normative rules of the EC. Although the policy entrepreneurship of the supranational institutions has driven the process, the direction it took never escaped the normative aspirations of the EC. The linkage of higher education with vocational training can be seen not only as a means to an end but also as the 'appropriate' way forward. The aims and scopes embedded in the Community, functioned as the guideline to the endogenous process of creating a new policy. In effect they consisted the veto points within which the path was constructed. Therefore and as Moschonas (1998) argues, education has been defined in human capital terms rather from its cultural dimension.

Maastricht Treaty

The Maastricht Treaty came to consolidate what had been achieved all these years. The constitutionalisation of education was a reality. With the Articles 126 and 127 (now articles 149 and 150) it made specific 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 have to be made. First of all it is essential to account the introduction of the demarcation between (higher) education and vocational training. Considering Lenaerts (1994) argument that the use of vocational training through the years by the ECJ was a 'detour' to reach competence in higher education issues, we might understand that the demarcation brought an end to this. However judging content wise, the arithmetical demarcation has not proved enough. Gori (2001, p96-97) argues that from what was provisioned, there is no reason to deduce that higher education does not fall under the material scope of article 150. The Maastricht

Treaty does not revise the vocational characteristics of higher education. On the contrary the levelling of education to the same level with vocational training and the similarities in the drafting of the two Articles increase the blurring between the two fields. The second point that needs to be made in relevance to the Maastricht Treaty is in relation to which are the implications for the policy-making. As already seen, the demarcation did not really changed 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 however has been established with the articles on education and vocational training, is a specific policy framework for the future. More specifically article 126 provided for 'incentive measures' with the procedure of co-decision on 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. Barnard (1992) argues that the Maastricht treaty did not bring much more in the agenda –in fact it consolidated what has already been established as hard law through the ECJ rulings- while it created more cumbersome policy instruments and in a way tried to clearly define what was in and what was out of the EU competence. Most importantly article 126 excluded any measures that would harmonise national laws and regulations.

The Maastricht Treaty can be perceived as a critical juncture in the evolution of higher education policy. It symbolises the success of more than two decades of efforts and marks a new start for education. On one hand it reaffirmed the progress made and on the other it set out the new rules. The reconsideration of the policy arena could to a degree be considered a step backwards. Member States could not do things more differently as this would have incurred a high cost. The reassurance that further harmonisation of higher education systems through Community competence would not come, was the biggest intergovernmental success. Still, the exclusion of harmonisation did not remove the ability of the Commission to go forward as it has done in the past. Judging by the later developments and the Bologna process, there was a significant turn in the initiative towards the Member States as well as in more 'controlled' intergovernmental arena.

The Bologna process

A brief narrative

In 1998 the ministers responsible for education of France, Italy, Germany and the UK gathered in Paris and signed the Sorbonne Joint Declaration, sub-headed 'joint declaration on harmonisation of the architecture of the European higher education system'. The Declaration starts by mentioning the achievements of the European process in the economy and calls for efforts to achieve similar success for a Europe of Knowledge on the basis of intellectual, cultural, social and technical dimensions. Elaborating on the above the ministers in charge presented the following aims:

- increased mobility and cooperation
- readability and comparability of degrees
- diversity of programmes, language and IT proficiency

This categorisation is indicative not only of the aims for higher education but also of the perception of a Europe of Knowledge. The declaration closes by an open invitation to the other European countries, 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 members, gathered in Bologna to sign the Bologna Declaration. The Declaration very similar to the Sorbonne Declaration re-manifested the same objectives and called for another meeting in two years time to assess the progress. 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 set the priorities as follow

- Adoption of a system of easily readable and compatible degrees

- Adoption of a system based on two main cycles
- Establishment of a system of credits
- Promotion of mobility
- Promotion of European cooperation in quality assurance
- Promotion of the European dimensions in higher education

Plus

- Lifelong learning
- Higher education institutions and students (involvement)
- 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 (2000) 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 next meeting is to take place in Bergen, Norway 2005.

Discussion

So is the Bologna process an integral part of the EU higher education policy? If so, how this affects the outcome both in terms of policy output and legitimacy?

Following the path

From the constitutionalisation of education in the Maastricht Treaty to the Sorbonne Declaration, higher education politics and policy was in motion.

Contrary to the ambiguity that the demarcation of higher education and vocational training created, the Commission managed to push forward the Socrates programme (the continuation of the Erasmus) on the basis of both Articles, confirming the vocational character of higher education. However, this was not the only action. The Commission pushed forward a number of issues imprinted in Council Resolutions and Decisions such as the establishment of the year 1996 as the “European year of lifelong learning” (Decision 2493/95/EC). Additionally the Commission published two papers about European education (the green paper on the “European dimension of education” 1993 and the white paper on “teaching and learning, towards the learning society” 1995). Although the first paper deals with education in Europe in a social context, the white paper comes to ‘correct’ that. Aligned with the white paper in “Growth, Competitiveness, Employment”, the Commission returns to the more familiar role of the marketisation (Hackl 2001, p 10) of higher education.

Apart though from the Commission, the Member States not only seem to have absorbed the idea of market-driven higher education, but also are ready to take advantage of the EU institutional and policy settings to promote their goals. The Sorbonne Declaration took place in the light of the Amsterdam Treaty reform. Although the latter did not provide substantial ground to trigger a direct effect to educational issues, the introduction of the notion of flexibility has worked as the underlying catalyst for the cooperation of the original four. Built by the Amsterdam Treaty, the flexibility clause was meant to serve the Member States to deal with integration in differentiated ways and provided the institutional and legal framework for member-states to take initiatives to move cooperation forward in a number of diverse aspects. The big France and Germany have expressed their interest in flexibility and have called the other big member states to join their efforts and ideas even earlier than the Amsterdam Treaty (see Ioakimides 1998:272-3). Although the Sorbonne signatories have not based the Declaration in the firm sense of the flexibility principle, they have well taken advantage of the political environment.

The process as such has never been far from the EU as an institution. Not only have the initial four Member States followed the path that was opened through education from the early 70s, till the Maastricht Treaty, but also the Ministers, even from the first declaration in Sorbonne, have shown the relation with the EU progress and have drawn on the achievements such as the ECTS. Moreover the objectives set in Bologna and Sorbonne were mostly topics familiar in the EU context and the Commission.

Therefore the Bologna process is more a change of venue rather than a change of scope. The endogenous character of the development is not seriously affected. The change can be considered more like a continuation of the path, rather than a change of direction. In fact the venue was never clear (Neave 1984). The ECJ jurisprudence, as well as the actions of the Commission, had resulted to the creation of an EU right to education (Gori 2001) and the definition of the EU education in human capital terms rather than constitute the content as of supranational nature. On the contrary, the Maastricht Treaty clearly excluded any harmonisation and left any regulatory measures outside the supranational frames.

Nonetheless the Bologna process moves more towards the EU institutions than away. Even if more and more countries are signing, the process is converging towards the EU sphere; or the EU sphere is converging towards the Bologna process. The description given to the process from the Bologna declaration as “intergovernmental co-operation together with those governmental European organisations with competence on higher education” is very close to the EU perception about the policy frames on higher education. In the European Council (EU) of Lisbon the EU leaders agreed on the Open Method of Coordination (OMC), a new method to approach policies in the EU. Under its use they included education. In the Presidency Conclusions (2000) the characteristics of the new method are presented. More specifically the Lisbon Conclusions explained that OMC involves:

- Fixing guidelines and timetables for the achievement of goals in short, medium and long term
- Establishing the qualitative and quantitative indicators for benchmarking as a means for comparing best practice
- Translating the European guideline in national and regional policies, respecting the differences
- Monitoring and evaluating as a mutual learning process

Additionally the European Council conditions that OMC is with regard of the principle of subsidiarity and acts as decentralised method that involves the societal stakeholders.

The OMC was not an innovation of the Lisbon summit. It was an outcome of the long interest of the EU to find a breakthrough in sensitive, for national interests, areas. In fact, some characteristics of the OMC can be considered to have pre-appeared in Article 126 of the Amsterdam Treaty that provided for a European Employment Strategy (EES); similar practices to the ones used in relation to the OMC, can be traced even earlier. There are obvious analogies between the policy frames laid down for the Bologna process and OMC. This is even more obvious in the Berlin Declaration that directly refers to the Lisbon Conclusions of 2000 and the Barcelona of 2002. Between the material

scopes for education in the Lisbon strategy and the objectives of the Bologna process as developed in Berlin, there is significant convergence. In fact Berlin seems to operationalise the objectives of the Lisbon strategy that relate to higher education in terms of employability, training, lifelong learning and knowledge society. However it does not do the same for the references that cover the societal dimension of education such as social exclusion. For those, a more vague approach is used that is reflected by more general statements about the social role of higher education.

The institutional settings that are schematised delineate, to a certain degree the policy outcome. The intergovernmental arena of co-operation leans towards voluntary policy implementation. From a legal perspective it is closer to soft law measures, non-binding by their nature, which the Members are encouraged to implement in national or regional level. Hackl (2001, p28) describes the Bologna process as a potentially international soft public law area.

The actors and the policy process

There are three main types of actors in the Bologna process: the Member States, the societal actors, namely the HE institutions and the students, and the international/supranational actors. Each of them carries a different role and a different political weight.

At the beginning, there were the countries. It was their governments that initiated the process. They set the agenda and the rules of the game. The importance of the agenda setting, can be seen by the fast response of governments in the Bologna process, as well as by the expression of their dissatisfaction for their exclusion in the initial phase (see also Hackl 2001, p). Apart though from setting the agenda, they also established the intergovernmental rules. Clearly declared in the Bologna conference, they showed no intention for supranational intervention or law-binding commitments.

The societal actors joined 'by invitation' from the governments. Namely, the students-ESIB, the rectors-EUA, the representation of higher education institutions-EURASHE plus a number of other subject specific academic and professionals bodies. It is quite clear that all actors came with the intention to protect their interests. Therefore the EUA, in the Salamanka message (2001) to the ministers, stressed the significance of the autonomy of higher education institutions. The students, accordingly, in the Göteborg Declaration highlighted the societal role of higher education and its importance in equipping students with the essentials for their future civic duties. Still the societal actors endorsed the process and the already set out objectives. During

the process both the ESIB the EUA and the EURASHE were given the status of observers in the Follow-up group and of cooperation members in the process.

The other important actors are the European Commission and the Council of Europe. While the Council of Europe has a significantly undermined role and is a consultative body, the Commission has a full status. The European Commission has strongly endorsed the process and is offering its expertise to the governments and other actors. The Commission undertakes the burden of the monitoring exercises and it is also supporting financially the societal actors in order to express their views or fulfil other tasks such as the progress reports.

The structure of the process is complex and consists of many synergies, in what it appears to be a rather loose hierarchical setting. However the institutional balance of power overturns that situation. Member States are the powerful actors and are not committed in the process much further than their national interests and their ability and willingness to implement the decisions. This is better reflected in the national implementation reports. For example, Greece endorses the scopes and claims to have done serious efforts but still has to deal with internal structural problems in implementing the changes to reach the common goals (national report on implementation of the Bologna process 2003).

On the other hand the societal actors power and role to input in the process is debatable. It could be argued that similarly to the possibility in the OMC process societal actors are there to legitimise the process than contribute in a policy by which their directly affected (Syrpis 2002). The endorsement from the ministers of principle of the University autonomy after the Salamanka declaration cannot serve as evidence for the contrary argument, since it coincides with the necessary developments that are taking place to adapt to the European model of higher education. On the other hand the constant neglecting of forwarding the social anxieties of students adds to the argument that societal actors enhance the platform of legitimisation rather than the one of policy formulation. Additionally the consultative role both institutions and students are limited to, in the follow up process (BFUG), increases the concerns that societal actors are not actively shaping the process.

Finally the Commission is another significant partner in the whole process. The Commission was excluded in the initiation of process, an area that traditionally consists its right and competitive advantage in policy making. However the Commission moved fast enough and by the Bologna declaration it was a full member. Taking advantage of its policy expertise (Hackl 2001) as

well as its possession of resources the Commission undertook a role of higher influence than the societal actors in monitoring, benchmarking and providing feedback to the process. Consequently and by taking advantage of the policy expertise it possesses, the Commission has great potential in influencing the outcomes. Furthermore it has to be considered that the Commission acts a supporting body to societal actors, at least in financial terms. Although there is no clear evidence it can be assumed that the supporting role it plays may affect the positions of the societal actors.

To sum up the role of the actors is of dual meaning. On one hand the participation of actors and the structure of the process define the scopes and the agenda. The 'heavy' presence of governments ensures that harmonisation is not out of intergovernmental control. The societal actors are present and although they do not carry the equivalent weight in political decision making they can definitely provide the views of those affected as well using the mechanisms of monitoring and benchmarking to raise concerns about the ability of implementation. In addition they provide legitimacy to the process. The Commission as policy expert and possessor of resources gives dynamic the process and brings the Bologna Process closer to EU experience.

On the other hand the actors and the settings prescribe policy process and to a certain degree outcome potential.

Conclusion

Higher education policy has gone a long way in international and supranational levels to become europeanised. The active efforts of EU supranational institutions in the early phases of this development have significantly facilitated the transition of education to the European level. During this process a right to an EU education was established. Not only that, but subsequently harmonisation of higher education became an essential need, an unanticipated consequence. The Maastricht treaty did not stop the momentum. Although the exclusion of harmonisation meant confirmed the will of the member states to move to supranational forms of governance in that aspect, at the same time it was the signal for an effort to europeanise in intergovernmental forms. In the sub-systemic level lock in effects and anticipated consequences were pacing the policy while the EU norms and market-driven forces were being imprinted in the norms. Therefore higher education developed in its vocational character and the Bologna process, non-matter the maximalistic declarations, did not break the inertia of the limited designation of higher education.

The Bologna process came to change the venue and open the space to more countries as well to societal actors. But in no case it jeopardised the status quo of education or disturbed the path. On the contrary after setting the agenda it brought in -the familiar policy actor- the Commission to bring the new EUisation to the process.

Still the Bologna process is in process and its ultimate aim is to reach the objective of European Higher Education Area by 2010. The institutions and norms have long been established, far before the launching of the process, and it seems that path dependence shows the way.

Bibliography

Aspinwall M. and Shneider G. (2001) 'Institutional research in the European Union: mapping the field' in Aspinwall M. and Shneider G. (eds) *The rules of integration. Institutional approaches to the study of Europe*, Manchester, Manchester University Press

Barnard C. (1992) " The Maastricht Agreement and Education, One Step Forward Two Steps Back, *Education and the Law*, 4:123-134

Beukel E. (1994) "Reconstructing Integration Theory: The Case of Educational Policy in the EC", *Cooperation and Conflict*, 29 (1): 33-54

Bulmer S.J. (1994), "The Governance of the European Union: A new Institutional Approach", *Journal of Public Policy*, 13 (4): 351-380

Corbett A. (2002),"Ideas, Institutions and Policy entrepreneurs: towards a new history of higher education in the European Union, *European Journal of Education*, 38 (3): 315-329

Fogg K. and Jones H. (1985), "Education in the European Community. Ten Years On", *European Journal of Education*, 20 (2-3): 293-300

Gori G. (2001) "*Towards and EU right to Education*", Kluwer Law International, Hague

Hackl E (2001) " Towards a European Area of Higher Education: Change and Convergence in European Higher Education", *EUI working papers*, RSCAS/09

Hall P.A and Taylor R.C.R. (1996), "Political Science and the three new institutionalisms", *Political Studies*, XLIV: 936-957

Jachtenfuchs M. (2001) "the Governance approach to European Integration", *Journal of Common market studies*, 39 (2): 245-64

Kohler-Koch B. and Eising R. (1999) "Introduction: network governance in the European Union" in Beate Kohler-Koch, Rainer Eising (eds.) *The Transformation of Governance in the European Union*, Routledge

Kaiser R. and Prange H. (2002), "A new concept of deepening European integration? – The European Research Area and the emerging role of policy coordination in a multi-level governance system", *EIoP*, 6 (no 18) *online journal*

Lanaerts K. (1994) " Education in the European Community after Maastricht", *CMLrev* 31: 27

March J.G and Olsen J.P. (1989), "*Rediscovering Institutions: the Organizational Basis of Politics*", Free Press, McMillan, New York

Marks G., Hooghe L. and Blank K. (1996), "European Integration from the mid 80s: State-centric vs Multi-Level Governace, *Journal of Common Market Studies*, 34(3): 341-78

Neave G. (1984), "*The EEC and Education*", European institute of Education and Social Policy, Trentham Books, Benrose Press, Chester

Nihoul G., (1999) " Policy Formation in the European Union the case of Educational Policy" Unpublished PhD thesis, oxford

Peters BG., (1999) "Institutional theory in political science :the 'new institutionalism", Pinter, London

Pierson P. (1993) "When effect becomes cause. Policy Feedback and Political Change", *World Politics*, 45: 595-628

Pierson P. (1996) "The path to European integration: A historical institutionalist analysis", *Comparative Political Studies*, 29: 123-63

Sbragia A. (2003) " Key policies" in Bomberg E. and Stubb A. "*the European Union: How does it work?*", Oxford University Press, Oxford

Shaw J. (1999), "From the margins to the centre: education and training law and policy" in Graig P. and de Burca G. (eds) *The evolution in EU law*, Oxford University Press, Oxford

Stone Sweet A., Fligstein N. and Sandholtz W., (2001) "The institutionalization of European space", in Stone Sweet A., Fligstein N. and Sandholtz W., (eds.), *The institutionalization of Europe*, Oxford University Press, Oxford

Stubb A. Wallace H. and Peterson J. (2003) "The policy making process", in Bomberg E. and Stubb A. (eds) *A the European Union: How does it work?*, Oxford University Press, Oxford

Thelen K. and Steinmo S. (1992) "Historical institutionalism in comparative politics" in Steinmo S. Thelen K. and Longstreath F. *Structuring Politics*, Cambridge University Press, New York

Hellenic Republic (2003) "Greece National Report Implementation of the Bologna process" *official document*