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The Bologna Process and New Modes of Governance:

Logics and Limits of Arena-shaping

Paper prepared for the EUSA Thirteenth Biennial Conference (2013)

Hyatt Regency Baltimore

Panel 1D, Relations Between the EU and its Member States

Thursday 9 May, 8:30-10:15

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Abstract
The Bologna Process is often portrayed as a unique instance of the effective operation of the techniques of the new modes of governance in a pan-European forum. Yet, despite its apparent 'success' as a policy model, comparatively little attention has thus far been paid to the process in the Political Science and European Studies literatures. The present paper seeks to contribute to the understanding of this neglected governance dimension of the Bologna Process. The main sections of the paper provide a survey of the underlying political logics of the process; examine the nature and limits of the main policy instruments deployed; and assess the overall scope and limits of participation in the policy arena created. This allows for a final balance sheet to be drawn, suggesting the need for a reconceptualisation of the new modes of governance so as better to account for the strategic positioning of actors within and across different policy arenas.

Introduction

The Bologna Process has been widely regarded as a successful instance of pan-European cooperation making use of 'soft law' policy instruments of a type more widely associated with the European Union's Open Method of Coordination or the so-called 'new modes of governance'. The process has established strongly articulated templates for the comparability of university degree structures and attendant policy areas (notably quality assurance), which have been widely diffused across its (now) 47 member states and further afield. Yet, though apparently resting on a wide European-level policy consensus, the Bologna Process has increasingly generated substantial political oppositions. Recent European-level meetings have been greeted with important student demonstrations, while at the national level significant 'anti-Bologna' movements have taken root in a number of European countries.

Against this background, the process has generated a vast literature within the higher education policy community – largely (though not exclusively) concerned with what are cast as issues of implementation and the implications of attendant structural changes for national higher education (HE) systems. Despite its obvious political and policy interest, however, Political Science and European Studies scholars have thus far paid comparatively little attention to the process. Indeed, only in recent years have significant studies appeared which examine the Bologna Process in its governance dimension. Haskell (2009) has, in this vein, produced one of the first systematic analyses of the Bologna Process in relation to models of 'innovative governance'. Ravinet's doctoral work (2007) and related publications (2008; 2011) have sought to explain the emergence of a higher education policy arena surrounding the Bologna Process, with a particular interest in the development of policy instruments. Relatedly, Corbett (2005) has produced a seminal analysis of the historical development of the EU's role in higher education policy, as well as the relationship of this EU arena to the Bologna Process (Corbett 2011). Capano and Piattoni (2011) have similarly tackled the influence of the Lisbon Agenda and its governance architecture on HE reform in Europe, paralleling Piattoni's (2010: 131-173) work on HE reform as an instance of multi-level governance.

The present paper seeks to advance this governance agenda, drawing more of an overall balance sheet of the 'lessons' of Bologna for our wider understanding of the new modes of governance than has heretofore appeared in the literature. Specifically, it presents results from a now concluded two-year research project examining the political dynamics of the Bologna Process and wider issues of

university reform in Europe,[1] in a form intended to serve as the basis for a contribution to a collaborative project concerned with 'Assessing New Modes of Governance'.[2] To that end, the paper adopts a comparatively light touch approach as regards the wider theoretical frameworks associated with the new modes of governance, essentially incorporating salient elements where appropriate in a presentation which privileges the analysis of the Bologna Process itself. An overview of the broad dynamics of the Bologna Process is first presented, before attention is turned in the following two sections to more specific examinations of key governance issues. The first of these sections focuses on questions related to policy instruments, assessing the (in)effectiveness of the techniques of peer review and monitoring adopted. The next section then looks at the wider question of whether the process may be seen to have 'democratised' policy debate in the area – pointing to the opening of participatory possibilities, but even more to the marked presence of what are termed strategies of 'discursive closure'. The conclusion brings these elements together, both presenting a balance sheet and suggesting the need to shift the focus of our analyses so as better to account for the differential impacts of the new modes of governance on the creation and (re-)shaping of policy arenas in a complex system of multilevel governance.

Defining the Process: Logics of Reform and Recognition

The impetus for the Bologna Process may be understood in terms of overarching logics of 'reform' and 'recognition'. It is clear that the initial motivation to launch the process was significantly rooted in attempts to create a European

[1] The author gratefully acknowledges the support of the University of Luxembourg for the 'Euro-Uni' internal research project (2010-2012), undertaken together with Dr. Gangolf Braband.
[2] Coordinated by Prof. Paolo Graziano and Prof. Charlotte Halpern. A special issue of *Comparative European Politics* is currently in preparation.

leverage for the realisation of otherwise difficult, if not blocked domestic reforms in the higher education sector. Many participants, through to the present, continue to see – and use – Bologna in these terms as an external catalyst for (unpopular) internal change. Yet, as the circle of Bologna participants expanded, so too, inevitably, did their core motivations for joining the group. Particularly (though not exclusively) in the case of many late joiners, Bologna was less about reform than about recognition. Here, it is seen as placing (often peripheral) national HE systems 'in the club', so as to derive such benefits as membership may provide in the European context and to enjoy a shared external 'brand' likely to appear as more prestigious or creditable than a strictly national referent. This diversity of designs further accounts for the structures of the process. From the outset, the Bologna Process was a loose intergovernmental vehicle centred on a set of broadly defined, principally instrumental objectives. Although now transformed into the European Higher Education Area (EHEA), it continues to be defined by these characteristics through to the present. This section of the paper provides a brief chronological outline of how the Process took shape, focusing first on the founding Sorbonne and Bologna declarations before turning to a brief account of the later (consistent) patterns of development.

The origins of the Bologna Process are conventionally dated from the 25 May 1998 Sorbonne Declaration, in which the ministers responsible for higher education in France, Germany, Italy and the United Kingdom committed themselves 'to encouraging a common frame of reference, aimed at improving external recognition and facilitating student mobility as well as employability'.[3] For at least three of the four participating ministers, it is clear that the utility of the European declaration was

[3] Available at: http://www.ehea.info/article-details.aspx?ArticleId=80

principally seen as that of an additional means to foster difficult domestic reforms.[4] The host of the gathering, French Education Minister Claude Allègre, was himself an internationally established natural scientist (geochemist), who had come to the portfolio with a strong commitment to redress what he saw as the declining national position in the international research community. This reform impulse had, moreover, been given more tangible form in the January 1998 report of the Attali commission on the reform of French higher education,[5] which had notably proposed the adoption of an 'L-M-D' degree structure.[6] Much the same reform impetus also existed in the German and Italian cases, where the ministers concerned, Jürgen Rüttgers and Luigi Berlinguer, were similarly seeking to overcome domestic reform impediments, notably as posed by the complex workings of the federal system in the former case and institutional corporatisms in the latter. Only British participation finds no ready explanation in a reform agenda at home; Tessa Blackstone's acceptance to attend the Paris meeting perhaps found its rationale in a desire to burnish 'European' credentials in the early years of the New Labour governments.[7]

The initial reception accorded to the Sorbonne declaration was far from globally positive. In particular, many of the smaller EU member states resented their exclusion, seeing the meeting as a rather high-handed attempt by the four big member states to impose their own agenda, bypassing the courtesies and constraints of

[4] See, for example, Corbett 2005: 194-196 and Haskell 2009: 273. Also confirmed in Interview (2) 12.05.2011.

[5] *Rapport pour un modèle européen d'enseignement supérieur : rapport à M. le Ministre de l'éducation nationale, de la recherche et de la technologie*, January 1998. Available at : http://www.ladocumentationfrancaise.fr/rapports-publics/984000840/index.shtml

[6] '*Licence – Master – Doctorat*', following the 'Anglo-Saxon' model of Bachelor's, Master's, and Doctoral degrees. The pre-Bologna French system had a more complicated hierarchy of qualifications, including the 'DEUG' (*Diplôme d'Etudes universitaires générales*) awarded after two years of study, the *Maîtrise* awarded after three years, and the DEA (*Diplôme d'études avancées*) awarded after five years.

[7] In Blackstone's own words: '[I]t did not make a huge amount of difference to what we do in the UK but I saw it as a positive development from the point of view of having a more common framework across Europe'. Interview 15.12.2011.

communautaire processes. That the Sorbonne declaration should lead to that which became the Bologna Process was thus by no means an automatic development – but rather required skillful policy entrepreneurship, while also benefiting from a 'coordination imperative'.

As widely acknowledged in the literature, it was the independent educational expert Guy Haug who played the most prominent role as a policy entrepreneur in building the bridge from the Sorbonne to Bologna (Corbett 2005: 197-199: Ravinet 2011: 32n). Haug was commissioned by the Conference of European Rectors to produce a report surveying the then current state of European HE. The report, the first in that which has become a regular series of *Trends* reports, essentially sought to reframe the debate by underlining the 'extreme complexity' of degree structures across the continent, and the manifold impediments which existed to educational and labour mobility. [8] Even more importantly, however, a brief annex was attached to the report directly addressing the Sorbonne Declaration – spelling out 'what it does say, what it doesn't'. This annex sought to appease those countries that had felt themselves excluded, stressing that the Sorbonne meeting was intended only as the first step in a gradual and open process. It also underlined the generality of the commitments envisaged, pointedly distancing the European process from the Attali 'L-M-D' proposal. The Declaration, it was stressed, did not prescribe a particular degree structure model or a narrow 'harmonisation', but committed states only to move towards a system of internationally recognised and comparable degrees.

Reframed in this manner, the process began to assume a forward momentum, further accelerated by that which Haskell (2009: 276-277) has termed a 'coordination imperative'. In effect, as it became progressively more likely that some form of

[8] Available at: http://www.eua.be/eua/jsp/en/upload/OFFDOC_BP_trend_I.1068715136182.pdf

cooperation would take hold at the European level, the 'rational' response for smaller or more peripheral players became one of 'if so, we had better be in' (Ibid: 277). On the one hand, the reframing of the Sorbonne Declaration had been such as to stress the limited constraints on – and thus likely costs for – states of being 'in'. On the other hand, the risks of being 'out' appeared to be growing; non-participating states would potentially forfeit such educational and labour mobility gains as might be on offer, as well as the stronger international recognition factor which might be offered by identification with the wider arena. The basic calculus of participation had thus changed, with earlier reticence regarding the project (or at least irritation concerning the initial manner of proceeding) giving way to a generalised momentum favouring greater coordination.

It is thus in this context that one must situate the 19 June 1999 Bologna declaration, committing its 29 signatories to a broad agenda intended 'to consolidate the European area of higher education'.[9] The core of the declaration concerned interlocking issues of comparability and mobility – promoting a transition towards easily readable and convergent (though not harmonised) degree structures backed by apposite quality assurance mechanisms, so as to permit a greater facility of movement both as a cornerstone of European integration and as a key factor of growth in modern economies. In doing so, however, the process created no legally binding requirements, and was careful to avoid prescribing overly specific models or parameters. In keeping with the logics previously discussed, Bologna thus set out paths to reform, but left wide spaces of discretion to participating states as to how – or even whether – to pursue those paths.

[9] Available at: http://www.ehea.info/article-details.aspx?ArticleId=80

In the ensuing decade, running from Bologna to the formal launch of the European Higher Education Area with the Budapest/Vienna meeting of March 2010 and beyond, these basic logics have not been fundamentally altered. While no overarching declaration of principles has ever been adopted as regards the process, its core objectives have remained essentially consistent over time (cf. Zgaga 2012) – supplemented by the later additions of action lines concerned with the development of doctoral training and the social dimension of higher education. The 'soft law' character of the process has also remained unchanged, with a marked resistance on the part of the participating states towards any potential 'hardening' of the character of commitments. A possible strengthening of commitments along these lines was, notably, discussed in the run-up to the 2005 Bergen meeting.[10] At this time, the secretariat prepared a working document which explicitly posed the question as to whether, going forward, EHEA principles should continue to be regarded as simple 'guidelines' or assume the form of binding commitments. In this latter case, the document further sketched out a possible 'legal instrument' along the lines of the Lisbon Recognition Convention and also, in the event of a severe and persisting breach, opened the door to a possible suspension or expulsion of the offending party ('the Bologna partners may be free to reconsider the relations to such country'). The proposal quickly became – and has remained – a dead letter.

The development of the process has also been characterised by the deliberate maintenance of a very light degree of institutionalisation. Most notably, neither the Bologna Process nor the post-2010 EHEA has had a permanent secretariat; this function continues to be performed, on a rotating basis, by the incoming of chair of the next (bi-/tri-annual) general meeting. Moreover, proposals over the years to

[10] The present discussion is based on that of Zgaga 2012: 24.

create such a secretariat or to vest it in an existing European institution would all appear to have met a prompt demise. One of the first moves in this direction appears to have been a Franco-German proposal to confer the function on the European Commission in the early 2000s – a proposal rejected by the Commission itself before having had the chance to be put before the wider group of participating states (where other oppositions would likely have manifest themselves).[11] More recently, a similarly negative fate befell a proposal initiated by the Council of Europe's Parliamentary Assembly calling for the establishment of 'a more stable secretariat…*at* the Council of Europe' in conjunction with the formal constitution of the EHEA in 2010.[12] The initiative was greeted by something of a double rejection by the Bologna Follow-Up Group (BFUG). The BFUG reiterated its general position that 'there was no need to change the existing organisational structure' and, for good measure, went on to put the nail in the coffin by stressing that, even were this to be contemplated, 'it would not need automatically to be placed in the Council of Europe'.[13]

Perhaps the most significant change to date has been that of the geographical enlargement of the community of participating states. The original group of 29, composed essentially of EU/EEA states and then EU candidate countries, has become a pan-European grouping of 47 participants. This too must, however, be seen in terms of the basic continuity of the characteristics of the process. In essence, it is the 'looseness' of the commitments that permitted rapid enlargement, while this expansive enlargement then in turn further reinforces the 'looseness'. Most evidently, the level of diversity – as concerns both the nature of the systems represented and

[11] Interview (1) 12.05.2011.
[12] Parliamentary Assembly of the Council of Europe, Recommendation 1892 (2009), para. 16.3 (emphasis mine).
[13] Meeting of the Bologna Follow-Up Group, Madrid, 18-19 February 2012. BFUG (BE/AL) 21_3, para. 13.

their objectives in participating – has dramatically increased. Markedly different levels of engagement may be detected as regards both the inputs and the outputs of the process. Concerning the inputs, the differential levels of participation of member states – at and in meetings – emerged as a consistent theme amongst interviewees in the present research project. It is apparent that only a (somewhat variable) minority of member states actively invests in policy discussions, with a correspondingly large number of bystanders. Similarly, at the level of outputs, Furlong (2010) has identified clusters of member states in terms of their differential implementation of Bologna commitments, broadly relating (with some outliers) to patterns of temporal, spatial, and functional factors. In explicating this differentiation he, moreover, points to the character of Bologna as a 'deliberately intergovernmental association' operating on something of a 'pick and choose' basis, whose inclusiveness proves possible 'not because the costs of exclusion are high, but because the costs of membership are relatively low' (Furlong 2010: 305-306).

Instrumentalising the Process: The Development and Limits of Stocktaking

Peer review in the Bologna Process to date has taken the form of regular 'stocktaking' exercises, feeding into the production of an implementation report surveying national progress produced prior to each biannual (after 2012 triannual) general follow-up meeting. The headline results of these reports appear as a set of 'traffic light' indicators – in which national performance as regards the main Bologna action lines is scored relative to a series of categories running from dark red (serious deficiencies) through amber (some outstanding issues) to dark green (full implementation).

These exercises have become more institutionally formalised and methodologically refined over time. Whereas only some participating countries chose to produce reports prior to the 2001 Prague meeting, this had become a generalised practice by the time of the 2003 Berlin gathering. From the 2005 Bergen meeting onwards this has, moreover, made use of a standardised reporting form. Since Bergen, there has also been a progressive refinement of the indicators used, as well as a growing involvement of professional statistical agencies as a 'check' on national self-reporting. Data gathered by Eurostat, by the EU coordinated educational reporting network EURYDICE and the EUROSTUDENT project concerned particularly with the social dimension thus now all feed into the assessments of national performance.

Ravinet (2008), in her analysis of the policy instruments of the Bologna Process, makes the case for the relative effectiveness of the monitoring mechanisms put in place – arguing that these 'soft' instruments have progressively assumed a more 'constraining' character as regards the participating states. A system of 'voluntary participation' has consequently been transformed into one of 'monitored cooperation', in which 'countries feel increasingly bound by their commitments'. The argument rests on two foundations. First, she argues that the multiplication of sources of information surrounding the process (including stakeholder reports) creates an effective check on the accuracy (or indeed the veracity) of national reports – 'It is increasingly unwise for countries to produce wishful or false reports' (Ibid: 362). Second, she holds that 'shaming' mechanisms then work within the context of the coordination process itself, pushing countries towards effective implementation so as

to avoid the 'political sanction' or the 'embarrassment' of being shown up as 'the bad pupil in the class'.[14]

In contrast, our interviews with European and national officials did not point to such a positive or uniform picture. Rather, something of a strong positional logic emerged, with markedly different points of view expressed by European actors and their nationally based counterparts. On the one hand, the European-level officials interviewed, both in the European institutions and stakeholder bodies, uniformly expressed very critical opinions of the national self-reporting system. On the other hand, their national counterparts tended to regard the exercise as a rather more serious and useful one, but even here expressed this in nuanced or contextualised terms departing from Ravinet's suggestion of a more generalised movement towards a culture of compliance.

As highlighted in the series of quotations below, the 'traffic light' system, at least as it existed prior to 2012, found little support amongst seasoned European observers. The central line of criticism is clear – the mechanism, relying on national self-assessment, produces 'far too much green', and as such fosters a false sense of accomplishment rather than acting as a spur to processes of policy learning and reform. As various officials put the case:

> When the stocktaking was introduced people wanted to have a green light rather than a red or orange light. Again, that had a positive and a negative effect. It was good at the beginning but at the end everybody doctors their answers so that they have green lights.[15]

> The traffic lights are a waste of time because there is an unavoidable move towards the green. Name and shame did not work because it was entirely dependent on national reporting and that came in front of the minister before it came up.[16]

[14] The quoted phrases are taken from interviews with national officials (Ravinet 2008: 362).
[15] Interview 03.05.2011.
[16] Interview (1) 12.05.2011.

> The steering of Bologna has not functioned. It is far too green. There should be deep red in many more places. In an intergovernmental process you don't want to blame. It led ministers to believe that they had achieved what they wanted to achieve…You need a system that goes beyond self-reporting….[17]

Commenting on these shortcomings, another long-serving European official sought to diagnose the underlying problem. As he stresses, the difficulty is one of divorcing 'implementation' from 'prestige'; the pressure of the European arena, insofar as it exists, may simply produce a type of demonstration effect privileging presentational spin (if not misreporting) rather than a genuine concern with change on the ground. This tendency, moreover, may be particularly pronounced for those countries with relatively weak track records and whose participation in the process, to return to the terms of the previous section, is essentially motivated by 'recognition' rather than 'reform'.

> The main challenge is to dissociate implementation from prestige. Very often the more self-critical countries are the countries that have come quite far in implementation. And it may be easier to be self-critical if you know that basically you're OK. It is much more difficult to be self-critical if you are in the lower third. Obviously if you are a minister saying at home that actually I haven't been very successful in implementing European standards it is not necessarily a strong card.[18]

As previously noted, the national officials interviewed had a rather – unsurprisingly – different viewpoint as regards the reporting process. Our limited sample – essentially encompassing only West European officials from countries with a relatively active involvement in the process – produced a rather clearly defined pattern. All officials stressed the seriousness with which data is gathered and the robustness of reporting procedures. As one official rather simply but forcefully put the case: 'We make an effort to answer professionally and honestly. We do not

[17] Interview (2) 12.05.2011
[18] Interview 22.07.2011.

cheat'.[19] Beyond this, however, it is clear that the use of the instruments remains very much nationally defined.

In the German case, for example, it is clear that negative returns are seen as an instrument for promoting domestic change – particularly, in recent years, as regards those remaining parts of the system which have resisted the move towards a reformed BA-MA degree structure. As one interviewee put it, negative results in the Bologna Process are 'awareness raising', helping from the point of view of reformers to overcome the entrenched opposition of 'some tough and exasperating representatives of the faculties'.[20] As another official phrased it, poor results are thus not fought, but rather used as a further 'push' in the context of the domestic reform agenda.[21]

Elsewhere, somewhat different dynamics emerged, again in function of different national contexts. Our UK interviewee, for example, noted that negative scores in the area of student mobility had served to underline a known problem area and spur a degree of action.[22] More generally, however, he commented that the Bologna Process 'is not for us really a process of reform'. Correspondingly, though the reporting exercise was taken 'very seriously', an unexpectedly poor result would demand 'very clearly lines on why that was the case' – i.e. an explanation as to the working of the procedure or the position of the UK system rather than necessarily an instigation of change, in a context (unlike the German) where there is not a direct equation of domestic priorities and European commitments (cf. Capano and Piattoni 2011: 591-595).

The question of this more general linkage between domestic priorities and European commitments – the 'uploading' and 'downloading' of policy preferences in

[19] Interview 18.11.2011.
[20] Interview 18.11.2011.
[21] Interview 21.11.2011.
[22] Interview 23.01.2012.

the terms of the Europeanisation literature – was further highlighted by a long-serving official from one of the smaller West European states. Acknowledging that 'You put something on the European agenda because it suits your own domestic needs', he then went on to explain how the Bologna Process can in this vein serve as a sort of instrument of self-discipline.[23] As he put it, 'The scorecard indicator at the end tells you: are you following up on it or not. In that sense it creates the pressure to endorse and follow up on the commitment you made in the first place. It is a bit of a chicken and an egg question'. Again, at least relative to a core group of states, one may see how the reporting instrument may work positively, but also again in situations where the European process may be reflexively related to ongoing domestic processes of reform.

What then to make overall of the Bologna stocktaking procedures? It is clear that the methodological rigour of data collection has improved over time, and that the process has further benefitted from a significant diversification in the sources of data. The reliability of results has thus correspondingly improved over time. As stressed in the executive summary of the implementation report prepared for the 2012 Bucharest meeting, the palette of colours in the national scorecards has moved away from (an over present) dark green, directly reflecting the progressive refinement of the indicators and reporting techniques used.[24]

At the same time, however, a cautionary note need still be sounded. External sources of information, such as stakeholder contributions, may present shortcomings

[23] Interview 06.06.2012.
[24] *The European Higher Education Area in 2012: Bologna Process Implementation Report* (Brussels: EACEA, 2012), pp. 7-8. Available at: http://www.ehea.info/Uploads/(1)/Bologna%20Process%20Implementation%20Report.pdf

of their own.[25] Even more, the quality of national self-reporting continues to present something of a patchwork. As one moves towards the (geographical) margins of the process, egregious instances of politically motivated misreporting may still be found. In this respect, the Bologna stocktaking process has not escaped from the deficiencies of practice identified by Sabel and Zeitlin (2010: 13) as potentially afflicting forms of experimentalist governance. There are elements here of both 'ineffectiveness' and 'unworkability', as 'in the absence of any sanction or discipline the actors could well choose to limit themselves to pro forma participation or worse yet manipulate the information they provide so as to show themselves, deceptively, to best advantage'.

Ultimately, however, the limits of the policy instrument cannot be attributed solely to such shortcomings of execution. Rather, the operation of Bologna appears to point to a more fundamental limitation insofar as one might have expected – consonant with certain presentations of the new modes of government – a progressive *dépassement* of the initial intergovernmental compact. In effect, going somewhat beyond the Ravinet (2008) analysis cited earlier, the argument here would be that an initially loose form of intergovernmental cooperation should, over time, lead to the development of dense patterns of socialisation and/or a convergence of policy preferences such that the process comes to acquire a progressively more (de facto) binding character. This manifestly has not happened to date, and does not appear to be on the cards in at least the short to medium term future.[26] The initial logic of

[25] See, for example, Geven (2012) for a critical look at the conceptualisation and methodology of the *Bologna through Student Eyes* surveys, seen through the eyes of a former chair of the European Students' Union.

[26] The 2012 Bucharest Communiqué made a move in this direction with the proposed introduction of a system of 'voluntary peer learning and reviewing', as well as a specific pilot project concerned 'to promote peer learning' as regards the social dimension. While (bilateral) peer review of this type may significantly enhance evaluative processes and opportunities for policy learning, it could not reasonably be expected to reinforce the EHEA at a systemic level unless ultimately generalised on the basis of a rigorous protocol. See EHEA Ministerial Conference 2012, 'Making the Most of Our Potential: Consolidating the European Higher Education Area', Bucharest, 26-27 April 2012, p. 5. Available at:

Bologna – with a strong component of 'pick and choose' – remains very much in place, as states continue to pursue differentiated agendas of 'reform' and 'recognition' through the process.

A 'Democratising' Effect?: Discursive Space and Discursive Closure

Beyond an emphasis on soft law and forms of peer review as policy instruments, the new modes of governance are also often associated with agendas concerned to '(re-)democratise' the policy-making process. In more robust versions of the argument, the new modes of governance are seen to create distinctive possibilities for the opening of new channels of participation in the policymaking process. Somewhat more modestly, other accounts emphasise the link between the adoption of transparency instruments as part of peer review and an attendant enhancement of public accountability. Across the spectrum, however, a clear linkage is made between the adoption of particular techniques of governance and wider questions of democratic legitimacy.

It should be noted at the outset that the Bologna Process has never explicitly been conceived in terms of these wider questions of democratic legitimacy. Developed outside of the EU and conceived before the formalisation of the OMC, the process remains essentially self-standing, unrelated in any direct sense to broader agendas of governance reform. Nevertheless, it is equally clear that, by its structure, the Bologna Process raises many of the same questions of democratic accountability as arise in the narrower context of the EU's OMC. More specifically, as detailed in this section, Bologna may be seen to embody much of the 'democratising' potential associated with the OMC (Sabel and Zeitlin 2010), creating a relatively open

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http://www.ehea.info/Uploads/(1)/Bucharest%20Communique%202012(2).pdf

'discursive space' within which Europe-wide debates about the evolution of the HE sector might be conducted. Yet, despite this potential, the broad pattern of development of the EHEA ultimately must be seen as disappointing for advocates of the 'democratisation' thesis. In terms consistent with empirical studies of the practical application of the OMC (de la Porte and Nanz 2004; Smismans 2008), Bologna appears as something of a closed arena – placing a relatively high premium on expertise ('technocratisation') and tending systemically to reinforce the position of a limited range of strategically positioned (principally governmental) actors. Moreover, it is also evident that 'Bologna' has been deployed as a resource by pivotally placed actors in what might be termed strategies of 'discursive closure', where European norms are (selectively) invoked in a bid to stifle opposition to (unpopular) reform agendas.

Bologna, as noted above, creates a comparatively open discursive space. The long-time Bologna participant and observer Pavel Zgaga has, in this regard, described the process rather poetically as having created an 'agora' – a forum which 'has made it possible to formulate and confront ideas on higher education in Europe and worldwide' (Zgaga 2012: 31). Here, it should be underlined that Bologna does not promote a particular model of the university or template of higher education governance. Rather, as discussed in the first section of this paper, the core of the process is limited to a number of 'action lines' defined in essentially instrumental terms. As regards the wider questions of the structuring or purposes of HE systems, the process is essentially neutral – or rather defined in broadly inclusive terms. This inclusiveness may readily be demonstrated by a careful textual examination of the main communiqués, which point to a careful balancing of such key terms as 'competitiveness', 'cultural diversity', 'institutional autonomy', and 'HE as a public

good and public responsibility' (Zgaga 2012: 28). The idea of 'competitiveness', for example, has appeared in different guises and with variable intensity across the years – reaching a high watermark in London in 2007, but actually disappearing entirely from the final document in Bucharest in 2012 (Braband forthcoming). The terms of discussion thus, in themselves, appear very much open.

The Bologna Process has further seen the progressive extension and formalisation of stakeholder participation. Currently, eight organisations have a status as 'consultative members' of the process. This includes the two main international organisations operating in the field: the Council of Europe and UNESCO (the European Commission is a 'full member'; see below). It further encompasses the main pan-European representative associations of the key stakeholder groups: the European University Association (EUA), EURASHE (representing more vocationally oriented higher educations institutions), the European Students' Union (ESU), and ENQA (the European Network for Quality Assurance). Finally, this was rounded out by the later additions of Business Europe and Education International – Pan-European Structure (as the 'trade union' representative of line academics).

The consultative members have recognised rights of participation in the process, and actively take part both in the main meetings and in the work of the follow-up groups. As such, the EHEA represents an important platform for the expression of stakeholder concerns beyond governmental agendas. This portrait of stakeholder qualification is, of course, not without qualification. Here, as more widely in the OMC, questions have been raised as to the representativeness of pan-European representative associations. Equally, there are clearly significant differences in the capacity of the different stakeholders to engage meaningfully with the process. The contrast between the comparatively influential role played by the

EUA as the institutional representative of universities (and thus primarily of their central administrations) and the relatively peripheral presence of Education International in its 'trade union' role is perhaps the most striking instance of such a disequilbrium. Yet, the arena does nonetheless offer possibilities. Most notably, our interviewees (consistent with the wider literature) uniformly highlighted the effectiveness of ESU, which has built a strong institutional culture despite the inherently transitory character of its membership. The development of the process as regards both the social dimension and an emphasis on 'student-centred learning' owe much to this consistently well-articulated advocacy.

Nevertheless, though creating certain participatory possibilities, the overall balance sheet of Bologna points to a relatively closed arena – essentially engaging a limited community of officials and experts, with little deeper penetration into national HE systems. The Bologna Process corresponds, in this respect, to the transversal lessons drawn by Radaelli (2008: 248-251) from the first wave of empirical studies on the operation of the OMC, where important evidence of learning 'at and from the top' did not find, as a counterpart, significant evidence of 'bottom up' engagement with the processes studied. Also in keeping with these wider trends, Bologna may be significantly characterised, 'at the top', by the emergence of a strong discursive community – a 'shared language' being one of the principal *acquis* of the process. This, in itself, is not a negligible achievement. As eloquently argued by a national official interviewed as part of the present project, Bologna has allowed for dialogues to take place across the boundaries of once discrete – and often insular – national HE systems:

> One of the nicest experiences we have had in the Bologna Process is that there is a conversation at all. That did not exist before and we did not understand before what is happening elsewhere…. This has changed due to the 2-3 meetings per year of the senior civil servants of the higher education

> ministries. We have a common language: there are two degree cycles, there is an output orientation.… We simply developed a common language by talking to each other. We are able to place our own system in international categories and we can explain to people what we mean. It simply created an atmosphere for discussion.[27]

Yet, at the same time, one must recognise its limits. The creation of this '*Bolognese*' universe – a term used with a telling frequency by participants and observers alike – points to the existence of a thick 'coordinative' discourse developed largely in the absence of any corresponding 'communicative' discourse (Schmidt 2006). Comparatively little effort has been invested in seeking to mobilise wider support or to foster broader debates around the process.

This absence of an investment in a communicative discourse may, in part, be seen to have been repaid by the growth of significant 'anti-Bologna' movements. Nationally, strong 'anti-Bologna' movements have emerged in a number of European countries, most notably in Austria, Germany and Spain. At the European level, 'Bologna' has, more generally, come to be equated in important academic and student circles with a narrowly defined neo-liberal 'modernisation' agenda – seen as 'ravaging' the continent's universities (Charle et Soulié 2007), or as defiling its long-established university traditions (Schultheis et al. 2008). Both the 2009 Leuven/Louvain-la-Neuve and the 2010 Budapest/Vienna meetings were, in this vein, greeted with major protests, fuelled in part by the 'Bologna Burns' movement. One must, of course, contextualise these protests, which bring together a broad patchwork of concerns including both wider political radicalisms and relatively narrow institutional corporatisms. Nevertheless, it remains striking – and symptomatic – that the principal politicisations of the process to date have tended to take the form of such comparatively radical oppositions or counter-mobilisations.

[27] Interview 21.11.2011.

The growth of 'anti-Bologna' sentiments is not, however, solely attributable to the absence of a strong European-level communicative discourse in support of the process. Rather, most of these oppositions are more directly explicable with reference to the strategic uses which have been made of 'Bologna' by pivotally placed actors with a view to legitimating wider agendas of HE reform. 'Bologna' has, in effect, been used as a resource by actors seeking to curtail or stifle opposition to reform agendas in other arenas. At the European-level, this may be seen in the strategy of the European Commission, which has attempted to mobilise support for a parallel HE modernisation agenda often inaccurately described as entailing the 'Lisbonisation of Bologna'. At the national level, 'Bologna' has been strategically invoked by national governments as entailing wide-ranging 'obligations' which they must 'implement', in terms which seek to cut off domestic debate on the desirability of measures which often range well beyond the limited and flexible action lines actually sketched out by the process. The broad logic is thus one, in each case, where 'European norms' are used in bids to effect forms of discursive closure[28] - prompting, unsurprisingly, 'anti-European' protests in return.

The role of the European Commission in and in relation to the Bologna Process requires explanation. The Commission was initially sidelined in the process – the then French Education Minister, Claude Allègre, in particular being keen to ensure that HE cooperation proceeded on an intergovernmental basis outside of the EU.[29] Although initially somewhat taken aback by this development, the Education DG nonetheless quickly rebounded – coming to see a strategic opportunity in these

[28] The term 'discursive closure' is borrowed from Dostal's (2004) study of the OECD, though used here in a somewhat different vein. While Dostal applies the term to the strategic development of policy positions and attendant communication strategies within an organisation, it is presently applied to the establishment of a dominant discourse by actors within the wider policy arena.

[29] Allègre reputedly remarked that he wished to avoid 'Commission hot air' ('*les usines à gaz de la Commission*'). See Muller and Ravinet 2008: 656. Allègre himself has more generally extolled the virtues of Bologna as an intergovernmental process. See Allègre 2011: 163-167.

developments despite its initial marginalisation.[30] In essence, Bologna made extensive use of the toolkit developed by the Commission in the Erasmus exchange programme,[31] while also creating a much broader space for European-level policy discussions on HE issues than had previously existed. As such, the Commission could readily position itself to assume both expert and brokerage functions (Haskell 2009: 274). Moreover, the emergence of the Lisbon Agenda as a central reference of EU policy from 2000 onwards opened further possibilities. Bologna, in internal Commission terms, could thus be tied to the Lisbon Agenda – being seen as a useful set of instruments in the development of the knowledge economy.[32]

Following this logic, the Commission, in a series of documents beginning in 2003, has set out a strongly articulated 'modernisation' agenda for Europe's universities.[33] The diagnosis in these documents has been a uniformly stark one – arguing that the continent's higher education institutions, despite considerable potential, are not playing the role that they should in Europe's economic development. In order to unleash this potential, it is argued that fundamental structural change is needed. The case is thus made for an increase in both university autonomy and university resources, but in terms narrowly tied to the institutions' economic role. The employability of graduates, together with the (immediate) marketability of knowledge in applied forms, is put in the shop window. Correspondingly, the civic, cultural and wider educational missions of the university – its historic core – are downplayed. Indeed, in the most recent Commission paper, the

[30] Interview (1) 12.05.2011.
[31] Interview (2) 03.02.2011.
[32] Interview (1) 12.05.2011.
[33] The main documents in the series are: 'The Role of the Universities in the Europe of Knowledge', COM(2003) 58 final, 05.02.2003; 'Mobilising the Brainpower of Europe: Enabling Universities to make their Full Contribution to the Lisbon Strategy', COM(2005) 152 final, 20.04.2005; 'Delivering on the Modernisation Agenda for Universities: Education, Research and Innovation', COM(2006) 208 final, 10.05.2006; and 'Supporting Jobs and Growth: An Agenda for the Modernisation of Europe's Higher Education System', COM(2011) 567 final, 20.09.2011.

tellingly titled ‘Supporting Jobs and Growth: A Modernisation Agenda for Europe’s Universities’, these ‘non-economic’ roles disappear entirely from sight, in what may reasonably be regarded as a decidedly ‘neo-liberal’ vision of HE.

The relationship of this agenda to Bologna needs to be carefully delineated. Bologna has not been ‘Lisbonised’ in the sense of being subsumed into the Lisbon Agenda. Similarly, though the Commission has been a full member of the Bologna Process since 2001 and has become an important player in the process, it cannot be said to ‘steer’ Bologna. As detailed earlier, the dominant logic of the Bologna Process continues to be one of loose intergovernmentalism. Rather, by what one senior official describes as a game of ‘ping pong’ (Corbett 2011), the Commission has been able to use the existence of Bologna to develop the EU HE policy arena, drawing on a well-known strategic repertoire. Operating as a ‘purposeful opportunist’ (Cram 1993) the Commission has been able to use limited financial and logistical resources to facilitate the creation of a broadly sympathetic stakeholder community (cf. Batory and Lindstrom 2011), generally in tune with its own agenda and structurally supportive of further ‘European’ action in the area. In this way, the Commission has ‘dominated the discourse’ (Keeling 2006) – forcing other actors, at a minimum, to situate themselves in relation to a ‘neo-liberal modernisation’ agenda. This ‘neo-liberal’ referent then, in turn, also comes to be seen as characterising European-level HE discussions more generally, despite the open-textured character of the Bologna Process itself.

Somewhat different strategies of discursive closure appear at the national level. Here, in keeping with the initial ‘reformist’ impetus behind Bologna, a number of West European governments have sought to use the process as a means to legitimate comparatively wide ranging reforms of national HE systems. Thus, for

example, in Germany a 'Bologna' discourse of European convergence was deployed as something of a bulwark to support comparatively broad reforms of the university system – provoking commensurately widespread protests often invoking the defence of a traditional, Humboldtian model of higher education (Braband and Thumfart forthcoming). Elsewhere, a pattern appears to have emerged in a number of post-Communist Central and East European countries whereby Bologna has effectively been treated as part of the EU *acquis* – consequently enjoying a status akin to 'hard law', though at the risk of falling victim to a more general 'dead letter' pattern of non-enforcement identified in the region (Dakowska forthcoming; Deca forthcoming).

While the broader questions thus raised concerning the implementation or application of Bologna on the ground are beyond the present study, the discursive pattern nonetheless bears underlining. Generally, a strong tendency has emerged in which 'Bologna' is equated with predominately 'neo-liberal' or 'New Public Management' inspired programmes of university reform. A selective interpretation of European norms is used in a bid to close or limit debate, implying the existence of external obligations to which the government is itself obliged to conform. Oppositions, correspondingly, have tended to adopt an 'anti-Bologna' posture – i.e. have assumed the form of a systemic opposition to the European project itself, seen (following the government's rhetoric) as the ultimate source of the unwanted changes. Strikingly – and reflecting the deeper dearth of a meaningful communicative discourse – such oppositions have not, for the most part, significantly questioned governments' often questionable invocations of Bologna norms, nor sought more widely to develop competing agendas in line with alternative readings of European and international developments. Bologna, at the national level, thus appears primarily as an instrument used to close rather than to open discussions over HE policy.

Conclusion

Although the distinctive characteristics of the Bologna Process as a pan-European entity outside of the EU must be borne in mind, the process nonetheless bears a broad resemblance to the OMC as developed within the EU, displaying many of the same relative potentialities and shortcomings. As detailed above, perhaps the single most important achievement of Bologna has been the creation of a 'common language' – a shared, pan-European framework for the understanding of higher education that has both facilitated discussion and provided templates for reform. Bologna has created a meaningful discursive space, and further played a significant, if variable role in processes of broadly convergent HE reform. Nevertheless, as also detailed above, the process exhibits many of the limitations more widely associated with soft law instruments of governance. While reporting procedures have undoubtedly improved over the years, the overall experience of peer review and monitoring remains uneven at best, with no strong sense of obligation or constraint appearing to exist on a systemic level. Equally, insofar as the new modes of governance are equated with a 'democratising' intent, Bologna displays notable – and largely symptomatic – shortcomings. Although allowing for significant stakeholder input, the overall contours of the process nonetheless appear relatively closed – and, even more, appear to facilitate strategies of closure as regards HE policy debates in other arenas.

The response to these shortcomings in the HE policy sector has been much the same as that seen more generally in response to critical assessments of the functioning of the OMC. The tendency has been to see these shortcomings as the inevitable product of the structural failings of the new modes of governance themselves – the

'cure worse than any old governance disease' (Idema and Keleman 2006: 120). This is then further taken to point to the need to return to traditional instruments of legal obligation and parliamentary control as the only means to establish effective and legitimate governance. As regards Bologna, this case has been strongly made by Sacha Garben (2011; 2010) in her critical interpretation of the process from a 'European law perspective'. For Garben, Bologna, resembling 'a deal done in a smoke-filled room', suffers from problems of 'democracy, transparency and efficiency' (Garben 2010: 186). These problems, she further argues, may effectively be addressed by bringing the process within the normal remit of EU law, which would have the effect of providing for both parliamentary accountability (through the EP) and judicial recourse for non-compliance (through the CJEU). Moreover, such a recourse to EU structures and procedures would also, in her view, relieve the tension created by the existence of such an extra-mural process relative to the 'loyal cooperation' demanded of member states under Article 10 TEU.

While much of Garben's diagnosis parallels the analysis developed above, it is difficult to view her proposed remedy as anything other than a politically facile legal formalism. Quite apart from the pan-European dimension now assumed by the process, it is clear that its underlying intergovernmental logic derives from the deep national political sensitivities that surround the policy area. It was only the loose intergovernmentalism of Bologna which, indeed, allowed for the development of a substantial European-level HE policy space – member states having, beforehand, repeatedly rebuffed Commission forays seeking to establish a presence in the area (Corbett 2005). Similarly, the claim, in the area of HE as more generally, that recourse to EU procedures necessarily provides a more effective avenue for addressing issues of democracy and accountability falls rather flat. This, at a

minimum, requires careful reflection against a background in which widely mooted concerns about the democratic deficit show little sign of abating.

Rather than the need for a traditional 'legalisation' or 'parliamentarisation', the principal lesson of the Bologna process, as a practice of governance, appears to be that of the need for a better problematisation of the manner in which the new modes of governance create and reshape policy arenas. To a large extent, we already have the tools to undertake such analysis. It should not be forgotten that Lowi's (2009) seminal statement of a 'policy arenas' framework was embedded in an analysis of American federalism, and more specifically of the evolving role of the US federal government over time. Equally, much of the analysis undertaken above could readily be placed in a framework such as that of Baumgartner and Jones' (1993) account of the emergence of 'policy monopolies', seen through the interplay of institutional venues and policy images. Yet, the distinctiveness of contemporary European experience should also not be lost. In effect, that which we see in the Bologna Process, and more widely with the OMC, is the creation of 'normative arenas', divorced from direct regulatory or (re-) distributive decisions. This creates novel patterns of strategic possibilities and limitations that merit more sustained attention than they have thus far received. The complex relationships between differential participation in different policy arenas and the discursive construction of prevailing policy paradigms will need to be empirically teased out and conceptually modeled. Indeed, as suggested by the present study, it is in understanding the detail of such relationships, beyond bald statements of opposition between 'old' and 'new' governance, that one can best hope to understand the wider challenges of contemporary democratic governance as an integrated whole.

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