On Bologna, Weasels and Creeping Competence

Alberto Amaral and Guy Neave

> *Weasel words: An equivocal word used to deprive a statement of its force or to evade a direct commitment. [From the weasel's habit of sucking the contents out of an egg without breaking the shell.]*
>
> *American Heritage Dictionary of the English Language*

> AMIENS: It will make you melancholy, Monsieur Jacques.
> JACQUES: I thank it. More, I prithee, more. *I can suck melancholy out of a song, as a weasel sucks eggs.* More, I prithee, more.
>
> Shakespeare *As You Like It*, II, 5

1 Introduction

In the sphere of higher education policy, the legal basis for Community intervention tends to be weak (Gornitzka, Chapter 4). Education has always been considered an area of national sensitivity (Gornitzka, Chapter 4) and that for a number of reasons. These range from the obligation of the state to provide compulsory education, "the role of educational institutions as nationally embedded socialising institutions" (Gornitzka, Chapter 4). They include responsibility for central coordination of curricular content in higher education programmes in those countries where legal homogeneity still prevails (Gornitzka et al. 2001). Finally, the outstanding contribution universities have made to building the nation state makes them indivisible from the cultural, historic and innovative settings that permeate and link them to the society that surrounds them and supports them (Neave 2001).

Yet, despite the tenuous nature of the legal basis that gives some substance to policy making at Community level, the European Community is taking on an increasing

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role in education, and particularly in higher education. The main vehicles for re-defining the Community's role in this domain embrace the implementation of both the Bologna process and the Lisbon strategy. In this book, the Bologna process is analysed from two predominant angles: first, from the Community's evolving role, as fascinating as it is convoluted, in the area of higher education. Second, it also examines the reactions of member states themselves engaged in the Bologna process.

Rarely does the European Commission concede defeat. Rather, it returns time and again with new proposals for the same agenda, tirelessly questing for, and alert to, the favourable opening that will allow it to slip past the sometimes low-ered guard of member states whose opposition is neither persistent nor obdurate and still less systematic. The creeping competence of the Community has been sub-stantially bolstered by the way European legal and political documents are drafted. Carefully crafted drafting allied to delicately weighed wording are designed to pass lightly over and around the incapacity of member states to agree on essen-tial goals and priorities (Dehousse 2005). The use of "weasel words", which seek to deprive a statement of its force or to turn a direct commitment aside, allows not only for diverse interpretations of the treaties, it enhances and reinforces the supranational role of the European Court of Justice, a development that certain member states view as increasingly undermining the sovereignty of the nation state.

This book brings together a number of studies, which employ the implementation of the Bologna process as an opportunity to understand the instruments of "new governance" and the working of European policy implementation in an area of high sensitivity to the nation. Higher education is a sphere of permanent tension between the expanding agenda of the European Community and the unsystematic and often piecemeal opposition of its member states.

2 The Bologna Process as Alpha or Omega

Both Guy Neave and Ann Corbett in this volume pose a highly relevant ques-tion: is Bologna the start of something genuinely new or merely the end of some-thing authentically old? According to Ann Corbett, "the Bologna process appears novel to many on the European higher education scene. The Commission President, José Manuel Barroso, maintains that universities have never been so high on the Commission's agenda" (Corbett, Chapter 2).

For Neave, Bologna stands as a continuity to the reforms initiated by member states. In several instances, Bologna has a close kinship to the end phase of those reforms, which themselves represent "a profound shift in the ethical basis that tied institutions of learning to society" (Neave, Chapter 1). These reforms, in their turn, are the consequence that follows from "the rise to pre-eminence of Economics as the prime driving force in the higher education of non-totalitarian societies and very particularly those in Western Europe" (Neave 2004a: 131). For her part, Corbett concludes that the Bologna process and the construction of the European Higher

Education Area, although indeed programmes more ambitious by far than earlier initiatives, are not different from previous Community activities in the domain of higher education.

3 On the Repetition of Political Processes

In her chapter, Ann Corbett suggests that "History does not repeat itself but political processes do". She goes on to analyse two episodes in policy as a way of tracing the unfolding of higher education European policies within two different cycles in policy making. One, in the 1950s, involved the abortive effort to create a supranational European University, which sought "to be a model of excellence for the universities in Europe in general . . . and provide a base for European research that would help overcome the gap with the US and act as a model for innovation" (Corbett, Chapter 2).

It is, however, fascinating that, more than half a century on, Ján Figel, European Commissioner for Education, Training, Culture and Multilingualism, should reiterate this thesis:

> If Europe is to remain competitive, then we must ensure that we improve the relationship between education, research and innovation . . . It is a common perception that in Europe, this relationship does not work as well as it could. Europe consistently falls short in turning R&D results into commercial opportunities, innovations and jobs (European Commission 2006a).

For his part, the President of the European Commission, alarmed that the EU spends considerably less on research and development than the US and Japan, called for the setting up of a "European Institute of Technology (EIT)", which "will be an education, research and innovation operator . . . and will act as a catalyst for reform by inspiring change in existing institutions" where researchers "will work side by side with leading businesses in the development and exploitation of cutting-edge knowledge and research, thereby enhancing research and innovation management skills generally" (European Commission 2006b: 2). The EIT will "disseminate new organizational and governance models" (European Commission 2006b: 7) and will contribute "to bridge the innovation gap between the EU and its major competitors by promoting further the integration of the three sides of the knowledge triangle in a mutually-supportive manner and providing a world-class innovation-oriented critical mass at the EU level" (European Commission 2006c).

This vision looks strangely like a political process repeated, thereby confirming Corbett's assertion if not Marx's famous and even earlier remark in the *Dix Huit Brumaire of Louis Napoleon*.[1] Seizing on the need to close the gap between Europe and the US as a pretext, the commission proposed turning both Europe's universities and its research landscape head over heels by creating a model research institution, expensive, single, supranational, grounded on close ties with industry and blushingly open to the "cash nexus" (Neave, Chapter 1).

As with the initial attempt in the 1950s, so its successor in the New Millennium: the proposal met with the undisguised distrust and dismay of the World of Science, which saw the new institute gulping down money desperately needed to improve existing universities and research centres. The European University Association (2006: 1) questioned the "appropriateness of the proposed legal construction of the 'knowledge communities'" as it did the procedures and arrangements for secondment which, the Association felt, "risked bringing about greater fragmentation of Europe's Universities". Martin Rees, president of the Royal Society, the UK national academy of sciences, was equally forthright: "It is not clear how the proposed European Institute of Technology can achieve its defined aim of having 'its own distinctive place' without eroding the autonomy, funding and expertise of Europe's strongest university departments and research institutes" (cited in Laitner, Bounds and Cookson 2006). Curiously, this opinion found echo in industry which, according to the *Financial Times*,[2] remained unaffected by the optimistic projections and expectations of the European Commission. Michael Treschow (cited in Laitner, Bounds and Cookson 2006), chairman of the Swedish telecommunications group Ericsson which amongst EU companies possessed one of the biggest research and development budgets, did not think the EIT was the way to bridge the gap between Europe and the US.

4 Competence Creep from Rome to Maastricht and Beyond

> One of the greatest concerns has been what many hon. Members in the past few years have referred to as the 'creeping competence' that comes about either by the abuse of articles in the treaty or by judgments of the European Court of Justice (Prime Minister John Major, House of Commons 1992).

> . . . since this Government have been going to Bruxelles, we have been witnessing not creeping competence but galloping competence (Rt. Hon. John Redwood, House of Commons 2000).

Other developments of note and significance have made their appearance, not least of which is a very interesting phenomenon indeed. It is often alluded to as "the creeping competence of the Commission" (Pollack 1994, 2000). It sees the latter corporation enlarging its powers of intervention over an equally expanding European Community agenda. From the late 1960s, such comportment by the commission had brought about the dramatic upsurge in the EU range of activities:

> . . . in the years between the Treaties of Rome and the Treaty of Maastricht, the policy agenda and competencies of the EU expanded, particularly for regulatory policies, so that nearly every conceivable idea of policy is now subject to shared national and EU competence (Pollack 2000: 524).

In the early 1990s, Jacques Delors, the then President of the commission, confidently announced that some 80% of all European regulation would soon take place at European level (Pollack 2000). In Cram's (2001: 783) view "the Commission has historically been most influential when it makes less grandiose claims and acts

quietly and efficiently". As for the future, this same scholar reckoned "the pursuit of 'banal Europeanism', when individuals take for granted the services of the Commission, may be a sufficient goal" (Cram 2001: 783). Whenever the commission sought a more prominent role for itself, frequently it faced the suspicion of member states. A good illustration of this tension was evident in the 1991 presentation of the *Memorandum on Higher Education* (European Commission 1991). For the commission, the memorandum anticipated a more active role in EU higher education policy. The reaction of member states to such ambition was far from welcoming, which implied for some time at least "an end to the EU's ambitions to develop formal responsibility in the area of higher education policy" (Gornitzka, Chapter 4). Cram's studied opinion held that "the Commission needs to learn not simply to act opportunistically in pursuit of its purpose but also how to become a competent 'purposeful opportunist'" (Cram 2001: 783). Duchene, citing Jean Monnet a past master at this gambit of carefully seizing the appropriate opportunity, observed:

> In a crisis, ministers, who are far too busy to act unless forced to do so, face choices which are as unpleasant if they fail to act as if they do. They are temporarily open to, even eager for, advice. 'When ideas are lacking, they accept yours with gratitude – providing they can present them as their own' (Duchene 1994: 347).

The early 1990s saw further expansion of EU competencies driven back by growing criticism levelled against what seemed to be an unlimited erosion of the sovereignty of the nation state (Dehousse 2002: 2). In turn, this reaction brought about the revival of the subsidiarity principle in article 5 of the 1992 Maastricht Treaty. The principle of subsidiarity states that:

> In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member State and can, therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.

However, as Pollack recognised, the treaty did most assuredly *not* rule out future expansion of EU regulation. Indeed, Pollack (2000: 537) concluded: "EU regulation remains an active regulator across a wide range of issue-areas, and will continue to play a role of a regulatory state predicted for it by Delors in the halcyon days of the late 1980s". This is made easier because the notion of subsidiarity "is characterised as a concept by a high degree of fluidity and vagueness" (De Burca 1999: 9):

> European law has, as every EC lawyer knows, a rich tradition of evolving through the aid of such *weasel words*, in the sense of terms which are ambiguous and open, and which are even chosen for these very characteristics. Many other examples can be given of terms which are highly significant within the EU legal and political context, but which remain nonetheless or even deliberately uncertain in scope and meaning: ever closer union, exclusive competence, the internal market, and the acquis communautaire, to name but a few.

In effect, the unfolding of European higher education policies, starting with the 1957 Treaty of Rome, itself bereft of any explicit reference to education, on and up to the present day, is a graphic portrayal of the creeping political power for intervention that the commission has gathered around itself.

Ann Corbett places us before major developments in the area of higher education over 34 years – from 1955 to 1989. She uses two policy episodes: the proposal – stillborn – for a supranational European University outlined in 1950 and in 1987, the effective creation of the Erasmus programme. Initial steps were fraught. Attempts to open up education as a sphere for Community intervention were rejected by national governments and by their leaders. Thus, for instance, the counter proposal laid out in 1961 by De Gaulle that education and culture, like foreign affairs and defence, engaged national sovereignty. As such, they could be treated only on the legal basis of intergovernmental cooperation. The difficulties in implementing the Erasmus programme are equally revealing and led to a battle royal between national and Community interests (De Wit and Verhoeven 2001 cited in Gornitzka, Chapter 4). Enders and De Boer (Chapter 6) take a more detached stance. They consider that the trench warfare between the commission to extend its powers over higher education and the member states to limit the commission's powers, on the contrary, "triggered off a European policy of grass-root internationalization" (Teichler 1998: 88–89).

Yet, as Ann Corbett tells us, it is also a tale of persistence, of smart civil servants and wily bureaucrats seizing every possible opportunity to push the commission's proposals forward, using conditions of crisis to put in place little by little and progressively a small division, a capacity to act and a budget to sustain action (Corbett 2005).

5 Competence Creep and the Principal–Agent Dilemma

That said, friction and conflict in higher education policy cannot be explained simply in terms of national interest and commissioned ambition. There are other perspectives and the presence of policy evolving across multiple levels, across multiple national contexts and constructs provides a rich setting against which to test the power of theories developed earlier and in settings less complex. At the same time, bringing to bear the knowledge accumulated elsewhere and in a different setting to Bologna as a multi-nation strategy gives us further insight into the developing nature of the Bologna process itself. One of the more fruitful of these theories is "Principal–Agent" Theory.

The principal–agent theory aims at analysing contractual and hierarchical relations between actors in a firm (Kassim and Menon 2002). It has been used "to assess the efficacy of strategies and mechanisms devised to ensure agent compliance" (Kassim and Menon 2002: 2). Similarly, it has been used to analyse the role of external parties in overseeing public agencies (Prendergast 2001).

The principal–agent dilemma has been discussed in connection with the emergence of quasi-markets as instruments of public policy. The state no longer serves as a provider. It takes on the role as principal, representing the interests of consumers by passing contracts with competing institutions. This creates a quasi-market in which independent providers compete with each other in an internal market (Le Grand and Bartlett 1993).

Government agencies engaged in passing contracts in the name of consumers face the classical principal–agent dilemma: "How the principal can best motivate the agent to perform as the principal would prefer, taking into account the difficulties [the principal faces] in monitoring the agent's activities" (Sappington 1991: 45 cited in Dill and Soo 2004: 68).

The principal–agent relationship has been used to explore "the motivations that lead principals to delegate functions and confer authority to agents in the political world" (Kassim and Menon 2002: 3). By analogy, this perspective may be extended to include the workings of the EU and the European Commission that are in receipt of substantial delegated power from member states (Thatcher and Stone Sweet 2002). Considerable difficulties of ensuring compliance by the agent plus an awareness of the commission's tradition for creeping competence may serve to explain some of the recent developments in EU policy making. This includes the emergence of both soft law mechanisms and of the Open Method of Coordination (OMC) (Veiga and Amaral, Chapter 5).

That national governments are becoming especially careful – if not downright wary – about further delegating power to the commission, as well the increasing appeal of the OMC in domestically sensitive political areas, both may be explained within this theoretical perspective:

> At least in formal terms the OMC leaves intact the subsidiarity principle, by which competences are to be kept at national level whenever possible. The OMC does not involve any further transference of competences from the national to the EU level (Borras and Jacobsson 2004: 197).

Scharpf (2006) considered that remaining in control is a necessary condition for governments to agree on Europeanisation. Dehousse (2005: 7) argued that the OMC "appeared as a compromise between a desire for common action, on the one hand, and the governments' desire to maintain some degree of control over tools they considered essential for their political future, on the other".

6 Creeping Competence and Bologna

In the sphere of higher education, the Bologna Declaration bade fair to provide the commission with a heaven-sent opportunity to expand its influence. By feigning modesty and assuming a low profile from the very beginning, the commission was able to take on and take over a central role in the Bologna process, a role that acquired a very particular consistency by associating Bologna with the Lisbon strategy. The Lisbon strategy is dominated by an economic rationale. And with the canons of neo-liberalism, the commission occupies the commanding heights.

Martens and Wolf (Chapter 3) see the golden opportunity Bologna presented as the outcome of attempts by some governments to instrumentalise the international level of the EU the better "to manipulate the domestic distribution of power". The ministers of education of France, Germany and Italy signed the Sorbonne Declaration as an intergovernmental process.[3] From this, the commission

was excluded. Clearly, ministerial purpose was to acquire leverage for domestic and national reforms. No reference was made to an economic rationale. Nor, when the Bologna Declaration was signed, did the commission figure as one of the signatories.

It was not long before the "competence" of the commission crept above the parapet and acquired visibility. This it did by providing technical support, financing a few projects related to implementing higher education policy (the Tuning Project is a good example) by paying for both the Bologna meeting and its preparation, though it was not permitted to set its hand to the document. Such largesse brought its own reward: the commission acquired the status of full member of the Bologna process, with the same role and privileges as member states (Martens and Wolf, Chapter 3). Once again the commission's tactical modesty, its discrete lurking in the shadows until recognised as indispensable on account of its expertise, of its capacity for coordination, as Master of the Coffers and provider of Manna and Quails, paid dividends. Thus, the commission was able to "buy in", to become an important partner in the Bologna process for only a minor outlay of resources.

The second golden opportunity came in 2000 with the council's approval of the Lisbon strategy. The strategy set itself the task to transform Europe into the world's most competitive and dynamic knowledge-based economy, capable of sustained economic growth, more jobs, better jobs and greater social cohesion. Eric Froment, former President of the European University Association, pointed out some of the implications: "The current tendency at European level is to look at the Bologna process as an element of the Lisbon strategy. This is the result of the European Commission actions, and has important consequences . . ." (Froment 2007: 12).

The commission was quick to grasp the opportunity by claiming that universities were an indispensable component in the new knowledge society – that construct which would endow Europe with a decisive advantage over its main competitors, at present the US and Japan, in the future China and India as well. The commission insinuated itself into a position of legitimacy that allowed it to intervene in the areas of research, innovation and higher education, the three sides of that self-same triangle the commission proposed to bring together in the shape of that new supranational institution, the EIT. The commission not only leveraged the economic rationale into the policy agenda of higher education by linking the Bologna objectives "directly to economic gains expected from a common education area" (Martens and Wolf, Chapter 3), it also unveiled a model (EIT) supposed to foster innovation in the management and governance of university and research and to point both in the direction of practices in the private sector. The new model exalts a university that "is dynamic and adaptive to consumers and that gives priority to innovation, entrepreneurship and market orientation" (Olsen and Maassen 2007: 4).

The adoption of a decidedly neo-liberal vision of higher education had a second unintended and perverse effect. For its part, the "neo-liberal" vision of how the Bologna process ought to be implemented also clamoured loudly for institutions to be granted more autonomy, a course that if nothing else would move them beyond government intervention and regulation. The commission's "very

model of a modern university" stood in curious – and perhaps unwitting – contrast with the orthodoxies of neo-liberal politicians, who "consider(ed) that government intervention and regulation were excessive, and the mother of all the sins of the welfare state (inefficiency, wastage of money, unfair sharing of resources . . .), the 'market' being the solution of all these problems" (Amaral and Magalhães 2001: 11). In the view of Martens and Wolf (Chapter 3) "by involving the Commission in the Bologna process while trying to control it at the same time, governments paid the double price of making education an economic issue and spreading new modes of governance which weakened their own importance".

Interestingly, the four larger higher education systems in mainland Europe (France, Germany, Italy and Spain) were precisely those operating under a restricted degree of institutional autonomy, particularly in the definition and control over student supply and inflow. A system of state control plus the constraints inherent in the principle of legal homogeneity both held in place a rigid system of study programmes, closely scrutinised by central authority. Such, for instance, was the role of *tabelle* in Italy, of *maquettes* in France and in Spain of the National University Council. In all these systems, pedagogic autonomy[4] was devolved to institutions so they could implement Bologna without having recourse to central state regulation: "national regulators [did] transfer a substantial part of their norm-setting power to university institutions, which accepted their autonomy and made use of it boldly" (Kohler 2004: 10). Nevertheless, in France, for instance, "this left the universities which first implemented the reform rather perplexed as they were accustomed to much more precise and restrictive notices from the ministry" (Musselin, Chapter 7). The final outcome of this initiative lay in two areas: first, "institutions *do* matter once again" (Martens and Wolf, Chapter 3); second, it revived the power of the academic, resuscitated the Italian "barone", re-animated the mandarinate German and French. Higher education institutions in those systems, lacking a tradition of pedagogic autonomy and with no prior reform of the governance structures that had charge of it, were unable to create adequate procedures for coordination, still less to restrain the appetite of full professors for possession of those areas and functions that involved designating the power of academic tribes and the delimitation of their territories (Musselin 2001; Enders and De Weert 2004).

7 Bologna, Soft Law and the OMC

The Bologna meeting (and also its immediate predecessor at the Sorbonne) was an initiative explicitly and knowingly taken outside the inner circles of Bruxelles. Bologna was launched as "an intergovernmental, weakly constraining Europeanisation process" (Musselin, Chapter 7). The ministers, assembled in Bologna, with common accord excluded the commission from signing the initial declaration, to the thunderous applause and even greater relief of the rectors present, all of whom had high hopes of being on the High Table of negotiations and being seated above the salt.

None of those ministers present at Bologna had the slightest intention of allowing the national agenda above all in an area of high political salience, as indeed higher education was, to become hostage to Bruxelles. The declaration was carefully drafted. Every word weighed up to avoid embarrassing any country present. Thus, the term "harmonisation" used in the Sorbonne Declaration was stricken. It might raise the spectre of uniformity. Harmonisation was replaced by "convergence". In the words of the Portuguese Minister of Education who set his hand to the Bologna Declaration ". . . all its words were analysed in great detail to avoid excessive embarrassment to any country . . . Such a document is both remarkable and vague. What is important is to understand that it is a political declaration, each party having surely its own intentions in its own country" (Marçal Grilo cited in Veiga and Amaral, Chapter 5). Bologna was to be carried forward by using "soft law" procedures, which allowed each country to decide how to fulfil the agreed objectives. Each country would draw up a new legal framework that both provided for the implementation of Bologna and at the same time took account of national agendas and the unique characteristics of each higher education system.

That the commission was able, after the ministers' brush off, to infiltrate back to a position of influence in the Bologna process must surely be yet another example of the effective strategy Bruxelles employs to penetrate "in sensitive policy areas, which no member state seems prepared to grant" (Dehousse 2002: 11). Similar behaviour has been observed in other policy areas. In the area of employment, the same tactic was detected by Trubek and Mosher (2001: 11). In their analysis, the commission, by dint of assuming at first a low profile, has progressively increased its influence over employment policies (p. 11), "based on technical expertise and its knowledge of policy issues" (Dehousse 2002: 12).

In the case of Bologna, the commission initially limited its scope to support actions – funding reports and projects associated with implementation, making itself useful in its special capacity to coordinate processes Europe-wide. No great time elapsed before the commission became a major player in the Bologna process. This it achieved by bringing the Bologna Follow-up Group into the process (Veiga and Amaral, Chapter 5), a position reinforced further by the adoption of the Lisbon strategy, in which higher education was held to be an indispensable component in the new construct of the knowledge society. The commission could draw not only upon its strategic centrality in the European decision-making processes, it could also marshal its administrative capabilities, its capacity to act independently and bring to bear on the Bologna agenda the organised networks that revolved around the Directorate-General for Education (Gornitzka, Chapter 4).

Implementing the Bologna process has increasing recourse to the tools of the OMC. Thus, for example, governments were asked recently to draw up National Action Plans for Recognition, a typical instrument in the OMC armoury. Even so, under the influence of the commission (Froment 2007), converging the Bologna process with the Lisbon strategy may well have unintended consequences for the European Higher Education Area. In Froment's (2007) estimation, the Lisbon strategy "takes a narrower view of higher education activities". Mainly, it focuses on "research, innovation and the hard sciences" and will, so Froment believes, result

in the further stratification of the European Higher Education Area. Furthermore, the Lisbon strategy places priority upon vocational training, which "ignores the reform efforts of higher education institutions because the institutions are not party to the discussions" (Froment 2007). The upshot is the presence of two qualifications frameworks for Europe: one the fruit of the Copenhagen process, the other as part of the Bologna process.

If institutions complain they are not party to some of the discussions, what can be said about academics? "When one considers that the ultimate fate of Bologna rests on the good will and enthusiasm" (Neave and Amaral forthcoming) of academics, it is a trifle surprising that this corporation has long been the disenfranchised – the absentee stakeholders – from discussing the Bologna agenda. Students through European Students Information Bureau (ESIB) and rectors through the European University Association (EUA) were present at the process from its very inception, although it did not take long for these two organisations to find themselves relegated to the modest condition of consultative members within the Bologna Follow-up Group and, moreover, denuded of their voting rights! And this despite the vassal's tribute the European University Association paid at the Bologna Conference prior to the signature of the declaration. Yet until recently, academics have been conspicuously absent from the process. Today, they are represented by "ETUC, a Bruxelles-based European Teachers' Trades Union which reveals as nothing else the very surprising view of those who pressed for academia to be 'allocated' to this organisation, namely, the subordinate status of Europe's university professors and research scholars as educational employees" (Neave and Amaral forthcoming).

8 Bureaucratic Networks and Comitology

Gornitzka, following Olsen's (2001: 327) line of reasoning, argues that political integration can be seen as a form of institutionalisation that may serve to assess growth in European integration by examining the development of European institutions and their administrative capabilities (Chapter 4).

Gornitzka plots the progress of European administrative capacity in the area of education, initiated in 1973 with the reorganisation of the European Commission, followed by the launching in 1976 of the *Action Programme in the Field of Education.* The latter is interpreted as marking the institutionalisation of education as a European policy area (Chapter 4). She considers the "Directorate General Education and Culture's structure of committees and expert groups an indication of the networked administrative system that deals with education and training as a policy area".

"Comitology" *strictu sensu* may be defined as "those committees composed of national representatives, which assist or control the Commission in the exercise of its implementing powers". According to this definition, "comitology is part of the Commission implementation function and an expression of the Commission's delegating authority" (Gatto 2006: 12). To this narrow definition, there is also a broad meaning that encompasses "those that provide the opinion of broad socioeconomic

interest groups (interest committees) and scientific expertise and information (scientific committees)" (Gatto 2006: 12).

Sabel and Zeitlin (2006: 12) refer to the narrowly defined comitological committees as:

> Originally established by the member states to ensure that the Commission's elaboration of rules respected political compromises, comitological committees in short order moved from policing the outcome of rulemaking to technical collaboration with the rulemakers. Soon they became as much the artificers of Commission proposals as arbiters of their acceptability.

Such a dynamic may be construed as another instance of the commission's enlarging its sphere of competence by creeps and bounds. However, introducing the OMC entailed adding some new committees – employment, social protection, economic and political, economic and social. In the opinion of Borras and Jacobsson (2004: 198):

> These committees are unique in the sense that they hold a position in between the Council and the Commission. The Commission handles the secretariat and is also a full member of each committee, and the committees are to supply opinions on the request of either the Council or the Commission. This is different from both the implementation committees which are under the Commission (the Comitology) and the preparatory committees which are under either the Commission or the Council.

Despite education's sensitivity as a policy area, the commission was able to establish multi-level connections mainly through comitological and expert committees, which formed the basis for administrative networks. One may well observe "a wider ideational and normative convergence in this sector" which results from "national experts, ministry and agency representatives, meeting regularly in Commission committees and working groups, in seminars and conferences ... [creating conditions] that 'massaged'" the minds of national policy makers and the academic communities involved" (Gornitzka, Chapter 4). This hints at "more of a subtle than an overt challenge to the nation state's prerogative in higher education" (Gornitzka, Chapter 4). This challenge to the nation state may in effect gather force because "generally speaking, networks tend to resist any type of external control – be it hierarchical or democratic – insofar as this, by nature, upsets collective work" (Dehousse 2002: 18).

9 The Tools of Bologna and the OMC

The commission's implementation of policies in areas of political sensitivity does not rely solely on administrative networks. In addition, it uses a number of tools to promote the "activity" of member states. Some of these tools are specific to the Bologna process but there is a move towards the tools derived from the OMC. Amongst them, the production of national action plans, introduced for the first time for the 2007 London meeting of the ministers of education.

Veiga and Amaral (Chapter 5) analyse those tools. They conclude that they are quite efficient in promoting change but lack the capacity to ensure strict convergence around timing and between institutions and concrete solutions at the level of member states (Netherlands Council for Social Development 2004). No one will deny that implementing the Bologna process has brought about significant change to the higher education systems of the signatory states. Yet, it is by no means clear how far Bologna is responsible for change or whether change has simply been used to legitimate ongoing national reforms and still less whether it has served as a lever to urge on the implementation of national reforms without strict reference to the processes of Europeanisation.

10 Bologna: A European Policy or a Scapegoat for the Nation State?

The use of the OMC as a policy instrument rooted in soft law is appropriate in areas of high political salience. Soft law enshrines the wish to show that European integration is progressing. At the same time, it allows national governments "to maintain some degree of control over tools they considered essential for their political future" (Dehousse 2002: 6).

However, the use of soft law as the new approach to European policy making presents serious problems for coordination. It allows national governments to "window dress" and to put up a sparkling façade (Netherlands Council for Social Development 2004). Zeitlin (2005) regards the OMC as little more than governments' repackaging existing policies the better to show apparent compliance with EU policies. No less apparent, the OMC method allows Europe to be held up "as a scapegoat to implement politically sensitive changes at national level" (De la Porte et al. 2001: 19). An alternative gambit has the OMC providing politicians with the "opportunity to shift the blame for unpopular decisions to the EU" (Kröger 2004: 7). Zeitlin (2005: 451) points out that governments may avail themselves of it "as a source of legitimation and blame-sharing in order to advance their own domestic agenda".

These views in turn pose a very interesting issue: how far has the Bologna process set down a convergent European Higher Education Area? To what extent are governments making use of Bologna to address internal problems of the nations' higher education systems whilst paying scant attention to either Europeanisation, to convergence or to both?

It seems clear that the Sorbonne Declaration, which preceded Bologna, was an attempt by the education ministers of France, Germany and Italy to use Europe both as a pretext and as a justification to lever the implementation of national reforms (Martens and Wolf, Chapter 3). In our view, implementing the Bologna process served to legitimise domestic policies of member states. Against this backdrop, it is interesting to note an earlier analysis jointly released on 29 February 2000 by the Confederation of European Union Rectors' Conferences and the Association of European Universities (then the Conférence des Recteurs Européens).[5] The document set out the then current situation of the Bologna process:

Signatory countries are considering or planning legislative reforms and/or governmental action in relevant areas of their higher education systems; *convergent reforms* have already been introduced or are in progress in several European countries. They signal a move towards shorter studies, 2-tier degree structures, credit systems, external evaluation, more autonomy coupled with more accountability. Another trend is towards the blurring of boundaries between the different constituent sub-sectors of higher education.

This confirms Neave's so-called Omega thesis – namely, "the major reforms in re-engineering the task, the resources, the priorities and their verification that governments required of the world of higher education" (Neave, Chapter 1) were already underway when Bologna was signed. Furthermore, Witte (Chapter 10) suggests that in many countries curricular reform was in hand before quality became a serious issue at European level.

The analysis made in some case studies in this book, France (Musselin, Chapter 7), Italy (Moscati, Chapter 8), Germany and the Netherlands (Witte, Chapter 10) and the Czech Republic (Pabian, Chapter 9), confirms that "different re-nationalisation processes are having an impact on the implementation of the Bologna process" (Musselin, Chapter 7). Enders and De Boer (Chapter 6) suggest that "perceptions of policy actors of the changing European context supported national policy change, but only in conjunction with national policy agendas".

The Italian government, elected in 1996, launched a comprehensive reform well before the Sorbonne and the Bologna Declarations. The reform aimed at improving efficiency in the higher education system by tackling some of its lasting shortcomings: very low completion rates, very high level of dropout, excessively long completion times and the low employability of graduates. Apparently, the Italian ministry drew first upon the Sorbonne Declaration and later upon the Bologna process to lever internal reform. Such an approach emphasised the national dimensions in the reform in place of its European dimension. "At first, academia did not realise the Italian reform was inside the Bologna process" (Moscati, Chapter 8), a perception supported by the fact that the major objectives of the reform did not match those of Bologna.

In Chapter 10, Witte analyses the implementation of quality assurance mechanisms in four European countries (UK, France, Germany and the Netherlands). Witte argues reforms were "driven by purely national dynamics and needs", the international context being used more to legitimate reform rather than to address the objectives of European comparability.

In the case of the Czech Republic, similar developments are evident. Pabian (Chapter 9) argues that implementing the two-tier structure followed "an agenda different from simply implementing the Bologna Declaration" which served solely as "an instrumental argument". Further, he reports that implementation saw "various actors at different levels developing varied interpretations of the Bologna process in keeping with their own interests and political preferences".

Finally, Musselin (Chapter 7) concentrates on processes of re-nationalisation linked to the processes of Europeanisation. By doing so, she reveals that "the French ministry used the LMD[6] to achieve other domestic goals and thus re-nationalised the

process". Side effects resulting from implementation "were addressed with 'French' solutions, thus accentuating the re-nationalisation afferent to the Bologna process".

We may conclude that at very least for a significant number of member states, the logic of Europeanisation was under-cut by national political agendas. Frequently, Bologna served as a source of legitimacy for the carrying out of domestic policies. For Enders and De Boer (Chapter 6), Bologna provided "a powerful legitimating framework while the entire process was mainly driven by national reform interests". This also means that European reforms implemented under the OMC, such as the Bologna process, do not imply automatic convergence. Musselin (Chapter 7) whilst taking a different route, arrives at the same judgment:

> Even if the ritual signature of a new communiqué every two years regularly restates the commitment of each country to the implementation of the Bologna objectives, the local adaptations, national translations and side effects attached to each domestic implementation weaken the convergence potential of Bologna.

Jacobsson and Schmid argued in 2002 that the OMC aims at promoting national reforms with convergent objectives, not harmonisation. For Biagi (2000) convergence if it occurs at all is perceived as a side effect of jointly defined reform policies. However, as Armstrong (2003) and Neave (2004b, 2005) both emphasise, the crucial question is how far processes predicated upon the OMC – such as Bologna – can become embedded in the higher education systems of the signatory states?

However, we should be very chary of concluding that the Bologna process does not change national settings of institutions (Musselin, Chapter 7). And still less in dismissing the notion that the national reforms were not at one point or other shaped by perceptions of the European context (Witte, Chapter 10). As Veiga and Amaral (Chapter 5) remind us, "although soft law mechanisms are not efficient for strict coordination, they are quite capable of inducing change".

11 Envoi

Until very recently, most of the reports that dealt with implementing the Bologna process projected a vision of unlimited success and portrayed a march, resolute, relentless and glorious, towards the objectives set for 2010. Reports, though riddled with more than the usual number of weasel words, were an unstinting paen to the converging efforts of governments, institutions and academics, although the latter had rarely enjoyed any contact, let alone close or intimate, with the machinery of implementation.

Implementing the Bologna process has embarked upon a crucial phase. Its detailed implementation at institutional level will provide a decisive test of its "embeddedness", that is, whether "the key features of Bologna are durably set in practice or are simply taken on as lip service" (Neave 2005: 16). A similar demurral was voiced by the Netherlands Council for Social Development (2004: 5) *a propos* the use of the OMC as an instrument for Europeanisation: "the extent to which OMC

processes can be embedded or mainstreamed within domestic institutional contexts. Essentially, this is a question of the Europeanization of domestic structures".

The recent situation report on the progress of Bologna, known as Trends V and prepared by the European University Association for the 2007 London Ministerial Conference, includes for the first time questionnaires and interviews at institutional level. For the first time in a saga of some eight years maturing, a critical assessment of the state of the Bologna process appeared. It set out a number of problems. These ranged from a lack of employability through to the erroneous usage of the European Credit Transfer System, from ever-present barriers to mobility, on to issues involving the recognition of student learning and a worrisome lack of action in the area of national qualification frameworks. Such warnings provide further evidence for the critical analysis which allowed Neave (2004b) to draw a clear distinction:

> between 'the *pays politique*' and the '*pays reel*' – between the world where policy is a matter of intention and statement – hortatory, uplifting or even recriminatory – and the world where statements are made action, in the shape of programmes duly curtailed, reoriented towards 'employability', involving 'readability' of qualifications for employers and attractiveness to our students and to foreigners.

One may detect a permanent tension, on the one hand, between the activities of the commission for ensuring its creeping competence continues to creep and the network of administrative structures and committees (Gornitzka, Chapter 4) which open the way for it to intervene further and deeper in the national higher education systems, by defining a new rationale based on competition, institutional stratification and the cash nexus. On the other hand, stand the member states girt around with their national agendas "with their own logic and purpose, contributing to the persistence of old, and the emergence of new, variations across and within systems" (Enders and De Boer, Chapter 6). The final outcome of the Bologna process does not seem to be on course towards a convergent – let alone a converged – European Higher Education Area. Unless, that is, "convergence" takes on the quality of a new weasel word and by so doing confirms the intense creativity of weasels in the bestiary of Bruxelles!

In conclusion: it is time to re-set our research objectives away from Bologna, analysed as a multi-level political process and which, so far, have centred mainly at the European and nation state levels and to scrutinise implementation at the institutional level more closely. With the recent announcements that it is time to start thinking of a Bologna beyond 2010, this modest proposal is not devoid of justification.

Notes

1. "History repeats itself twice. The first time as tragedy, the second time as farce."
2. The *Financial Times* 18 October 2006 pointed out that "so far the institute has failed to attract private sector cash, with only €310m of its total budget identified. This money would come from existing EU innovation spending, which goes mostly to universities, leaving a €2.1bn funding gap" (Laitner, Bounds and Cookson 2006).

3. The Sorbonne meeting of May 1998 brought together the ministers responsible for higher education of France, Germany, Italy and the United Kingdom. And whilst the UK was signatory to the general conclusion, it was rather less concerned with using the occasion as a lever for domestic policy. For this see Witte (2006).

4. The notion of "pedagogic autonomy" derives from the Humboldtian principle of "Lehrfreiheit" defined as the freedom to teach conferred on individuals – in its original form, on full professors. The notion of pedagogic autonomy in its collective form is akin to the English concept of "institutional self-validation" that is, the right of establishments on their own initiative to develop and to "validate", to confer official recognition on and to accredit, new courses and programmes without requiring the usual external authorisation from the national ministry.

5. These two organisations were to merge originating the European University Association (EUA).

6. LMD – Licence, Master and Doctorate.

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