

The Bologna Process on higher education is an unpopular policy decided at the international level but outside the EU framework, circumventing transparent and democratic legislative processes.

Apr 11 2012

*While the EU's institutions provide for relatively transparent and democratic legislative processes, these processes have been circumvented by the Bologna Process, which aims to make academic standards comparable across Europe, argues [Sacha Garben](#). She also calls upon scholars, politicians, policy makers and the wider public to critically analyse the educational policy developments of the past decade which treat education as "an economic commodity".*



EU law is crucial for higher education in Europe. Firstly, it has been the [European Court of Justice's](#) (ECJ) case law that has made student mobility a possibility and a reality, by entitling mobile students to access higher education across the EU on equal terms as nationals. Secondly, legal principles and values provide us with an appropriate framework to critically analyse the policy developments of the past decade, most notably the [Bologna Process](#) (which aims to make academic standards comparable across Europe) and the Lisbon/Europe 2020 Strategy. However, the absence of law in these two policy forums is worrying from a democratic point of view.

The Sorbonne and Bologna Declarations were adopted at two festive meetings, gatherings of the higher education Ministers of European countries at the celebration of the 700th birthday of the Sorbonne, and the 800th birthday of the University of Bologna respectively. At these events, it was decided that all participating countries would adopt a UK-style Bachelor-Master system. There would be no harmonisation of content, and some diversity of lengths of the degree-cycles, but it nevertheless amounted to a structural harmonisation of Europe's higher education systems.

To qualify the declarations as deals done in smoke-filled rooms might go too far, but the Declarations did come into being at elite parties, without any recourse to the institutional framework of the EU, thereby avoiding its built-in democratic safeguards, checks and balances. There was hardly any parliamentary involvement or public consultation, and many reforms were rushed through in only a few years. Although governments proudly speak of Bologna's bottom-up approach, what they mean is that they are happy that the state is in full control as opposed to supranational rule-making. It has been reported that the reforms were often imposed on the actors in the field in a top-down manner with little opportunity for debate. The massive crowds of protesters, especially in Southern Europe, that have consistently been flooding the streets, protesting against the ensuing higher education reforms, serve as a poignant illustration of the dissatisfaction of some with



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the reforms.

A certain loss of democratic control is inherent in international policy-making, as it “redistributes domestic power in favour of national executives by permitting them to loosen domestic constraints imposed by legislatures, interest groups, and other societal actors”, as [Andrew Moravcsik argues](#). The international level can constitute an efficient smokescreen for governments to agree on unpopular reforms which they are unable to achieve “from within”. International negotiations take place between country representatives, which are often far away from the control of their national parliament, the public and stakeholders. Ratification of binding international measures ensures that the national parliaments get a say, but this guarantee is absent with non-binding declarations. International soft law such as the Bologna Declaration does not legally bind the participating states, but there is political pressure to proceed with implementation nonetheless. It has been reported that some of the governmental actors even created, or conveniently did not resolve, the mistaken perception that Bologna was “imposed” by “Europe”, taken to mean the EU.

These findings are however more suitable to describe intergovernmental policy-making *outside* the EU framework than the way of governing *within* the EU legal system, where these concerns have been responded to by the creation of checks and balances. Some call it bureaucracy but the EU, in all its complexity, provides for a relatively transparent and democratic legislative process. The ordinary legislative procedure illustrates the power-balance between the various institutions. The European Parliament has become the expression of a European concept of democracy, the Commission represents the common interest, the governments are still firmly represented in the EU’s most powerful legislative organ the Council, and the ECJ ensures respect for the rule of law and protects the individual. These safeguards are lacking in the Bologna Process. And to a large extent, they are also lacking in the [Open Method of Coordination](#), as introduced by the Lisbon Strategy.

It is problematic *in and of itself* that these two incredibly powerful policy forums are unaccountable and undemocratic. But there is an additional worry. There is a clear development towards the marketization of higher education, treating it as an economic commodity and a tool in creating a knowledge economy. Bologna, with its emphasis on employability of graduates, economic competitiveness, and academic autonomy (meaning less meddling of the government but probably also less funding), and Lisbon/Europe 2020 that actively promotes university links with the business community, financial independence, efficiency and employability, are important facilitators of that development.

These questions are so fundamentally linked to how we see our societies and its relation to the economy and social justice that decisions have to be taken in the most democratic context possible. Ideally, this is within the national context, where the democratic deficit suffered by contemporary societies is the least pronounced. But considering that this is a cross-border, Europe-wide discussion now, it would have to be an EU legal context, and not an intergovernmental one.

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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