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“Saying it softly”

The discursive strategy of the European Commission in higher education policy

1. Introduction

Recent debates on Europeanisation stress the need to take into account a new dimension for investigating political processes at the European level: discourse (Béland/Cox 2011). Although it has been repeatedly pointed out that discursive approaches to Europeanisation yet lack thorough empirical investigation, political theorists insist that discourses can be seen as an opportunity structure for policy change. The Open Method of Coordination (henceforth OMC) and its “soft power” principle (Snyder 1994) have been privileged targets for this kind of argument. Since the OMC is applied in policy fields that fall under the “subsidiarity clause” of the Amsterdam Treaty (1997), it relies on nonintrusive policy instruments (Héritier 2002). In the absence of formal power constraints and straight forward coalition-making, the nonbinding and deliberative nature of EU social policy calls for an analytical perspective that embraces the idea of incremental change through mutual observation, socialisation and gradual adjustment (Risse 2000). The discursive approach to the OMC thus acknowledges the existence of a “soft” strategy, a repertoire of ideas that is intentionally manipulated by agents in order to move things that ought not to be moved, i.e. creating an opportunity for change. It is precisely this strategic dimension of discourse that shall be analysed in this study. What does the strategic dimension consist in? Can discursive strategy impact on the institutionalization of policy paths? The term “discourse” is understood in the sense that it contains both a persuasive (Saarinen 2008; Wodak 2007) and structural dimension (Borrás/Radaelli 2011). This is to say that “discourse” is more than the subtle argumentation in favor of a cause. It is the deliberate repetition, reformulation and diffusion of ideas that lend discourse its character of a strategic device.

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The study relies on a qualitative research project analyzing the development and institutionalization of higher education policy on the EU policy agenda from 2000 to 2011. The empirical data consist in a discursive analysis of 30 EU policy documents and a series of 10 retrospective interviews with EU policy officers, contractual agents and stakeholders that partook in the drafting of these texts.

2. *Theoretical framework*

2.1 *Discourse as strategy*

The “ideational turn” (Blyth 2002) in European Studies has paved the way for interdisciplinary learning and dialogue. Especially sociologists witness this turn as an opportunity for resuming discussion on the normative and cognitive dimensions of policy, politics and polity (March/Olsen 1984). Leaving aside the central insights of Critical Discourse Analysis (CDA), the emerging discourse agenda in European Studies centers around two main themes: First of all, “discourse” has been defined as a possibility to explain policy change at the European and national levels by introducing new argumentative repertoires and ideas (Schmidt 2010; Schmidt/Radaelli 2004; Radaelli 2003): “*Most generally, discourse serves not just to express one set of actors’ strategic interests or normative values but also to persuade others of the necessity and/or appropriateness of a given course of action*” (Schmidt 2008: 312). The availability of alternative interpretative schemes allows for a “reframing” (Benford/Snow 2000; Muller 1995) of research problems along with its solutions, thereby furthering the possibilities of change. Authors of this paradigm adopt an institutionalist perspective that incorporates discourse into the institutional “fabric” that shapes and regulates political decision-making (Borrás/Radaelli 2011). Discourse is thus comprehended as one explanatory variable for policy change among others. Second, studies have emphasized the strategic dimension of discourse by focusing on specific aspects of agency and context-specificity. Hajer (2006) for instance considers discourse a means for “informal governance” and the outcome of a collective interpretative effort. Since the EU is a multinational and polycentric network of institutions, parties and interests, participants need to agree upon rules and practices in order to make joint decisions. It is the increasing interdependency of this policy framework that calls for new forms of decision-making (Neyer 2003) and explains the success of deliberative instruments such as benchmarking (Arrowsmith et al. 2004) and peer learning activities (Lange/Alexiadou 2010). Hay and Smith (2010), on the other hand, observe a strategic use of the concept of

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globalisation in British and Irish politics, whereby “globalisation” is used in two ways: as an instrument to alter political ideology and economic policy or as a justificatory device for the economic progress already achieved. In sum: whereas the first strand of research focuses on the impact of discourse on policy change, the second literature is concerned with the construction and instrumentalisation of discourses at the European level. Indeed, both research fields share a common concern for “causality” (Lyngaard 2011). Since the issue is discussed in detail further down, it can be simply stated that discourse analysts agree that both themes are but the two sides of a coin: Discourse is defined as an argumentative repertoire as well as a regulatory device (or “apparatus”) that articulates, reproduces and activates ideas. With regard to the analytical consequences, it is important to point out that the discursive approach to Europeanisation should not only uncover ‘*what* is being said’ but also ‘*how* it is said’. Although the OMC has become a promising research object for the study of epistemic communities, diffusion and standardisation, there are – at least for the moment – not many attempts to reunite these two perspectives for a procreative empirical analysis.

The body of instruments through which the OMC operates consists of indicators, benchmarking, peer learning and monitoring as formal regulatory devices of the discursive production (Jacobsson 2004). It must be emphasised that the OMC provides for a tightly framed set of rules according to which new policy ideas can be tested and implemented. It is precisely in this context that EU policy officers, stakeholders and experts are provided with a room for maneuver in which they can utilise these tools in order to present, diffuse and perform their ideas. “Discourse” thus becomes “strategy”. The content and form of a discourse merge and become “enacted” (Giddens 1986) through the agents’ conscious choices and intentions. It is important to note that the introduction of the term “strategy” is based on the assumption that agents are aware of their own discursive conditions and use the above mentioned rules and practices to achieve certain results, i.e. to negotiate and institutionalise new policy paths (Pierson 2000). It is this line of enquiry which will be addressed in the analytical section of this paper.

Finally, it is possible to argue that attributing a strategic dimension to “discourse” conflicts with the post-modern heritage of discourse theory. Especially from a Foucauldian perspective, it is difficult to think of an active steering of discourses by agents because of the general scepticism towards the existence of an “outside reality” (Diez 2001). If indeed, everything is discourse and “enlightenment” (Foucault 1971) consists of becoming aware of

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this predicament, it is unlikely that discourse might ever be used as a strategy to achieve political aims. Indeed, Foucault's *oeuvre* lacks an elaborated concept of agency or causality. Although one should be aware of this heritage and the disciplinary debates it has triggered (Howarth/Torfining 2005; Larsen 1997), it is possible to make use of Foucault's generous offer to consider his theory a "tool box" for analytical purposes. This enables the analyst to remain true to the understanding that agents are at least partially aware of the rules that guide the production of discourse and act accordingly. To put it in Schmidt's words, we can pursue a discursive analysis "*stripped of its post-modern baggage*" (Schmidt 2008: 305) in order to focus on ideas and interactions.

2.2 *The Open Method of Coordination and higher education policy*

A first version of the OMC originated with the "European Employment Strategy" in 1997 and has since been applied to other areas characterised by little regulatory competences on behalf of the European Union (i.e. information society, research and development, education, employment, social inclusion and pensions). The original idea was to counter the problem of efficiency and legitimacy in the decision-making processes of the EU by drawing on all instruments the EU possesses (Büchs 2008). The actual OMC, as implemented by the Lisbon process, thus needs to be understood as a single framework for a diversity of instruments developed in different policy contexts (Wincott 2003). Given that detailed accounts on the history of the OMC have been provided by Pochet (2005), de la Porte (2002) and Goetschy (1999), the focus of this analysis shall instead shift to its working mechanisms. The OMC works through a complicated system of "soft" policy tools, comprehending standardizing, benchmarking and peer learning activities. Since the OMC is applied in a variety of policy fields, these policy tools have different connotations values and functions according to the problematic at stake (De Ruiter 2008; Lodge 2007, Gornitzka 2005). However, generally speaking, the coordination process in a policy field begins with the development of comprehensive "primary" indicators, which are then ratified by the European Council before they enter the benchmarking exercise within which all EU countries are regularly mapped against each other. These primary indicators are subsequently backed up by policy-specific "secondary" indicators, which are incorporated into the benchmarking exercise and/or peer learning activities. Empirical evidence suggests that the chain of events can very well differ in order to accommodate contextual circumstances. European Studies scholars have identified a variety of means through which the OMC actually influences national decision-making among which are diffusion, shaming, mimesis, discourse, deliberation, learning and networks

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(Trubek/Trubek 2005). Furthermore, the participatory and deliberative component of the OMC has triggered hopes for a democratisation of EU policy-making (Eberlein/Kerwer 2004). Although critics doubt the overall openness of the procedure, criticise the effects of standardisation (Lundvall/Tomlinson 2001) and question national implementation (Heidenreich/Bischoff 2008), the expectation persists that OMC could bring about a change of mind-sets (Zeitlin 2007). Analysts furthermore concur in their perception of the prominent role of the European Commission which not only structures the content of debate by proposing analytical documents but also selects the experts and stakeholders who partake in the discussion (Lange/Alexiadou 2010; Radaelli 2000). It can be assumed that in its capacity as a gatekeeper to European policy discourse, the European Commission is in the position to play with the rules of the game and to use this discursive asset to impact on the policy process. EU higher education policy is certainly no exception to this phenomenon.

Although discussed by European ministers and EU representatives since the early stages of European integration as being a central target for European action, universities never really managed to become an EU priority (Corbett 2005). Instead, the categorisation of higher education as social policy hindered its establishment as a fully-fledged policy field, as *“European integration has created a constitutional asymmetry between policies promoting market efficiencies and policies promoting social protection and equality”* (Scharpf 2002: 645) – meaning that the economic project to create a single market took precedence over the social protection of European citizens and workers. The redistributive and subsidiary character of national education and research was particularly problematic with regard to the establishment of EU executive power in the realm of higher education (Bache 2006; Banchoff 2002; Ertl/Phillips 2006). In fact, universities did not find their place on the European agenda until the 2000 Lisbon council of European ministers. The declaration on the introduction of the Lisbon agenda urged the European Union to revisit its priorities, as the agenda highlighted the economic value of knowledge and innovation. In their ambitious declaration, European ministers called on Europe to become *“the most competitive and dynamic knowledge based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”* (European Council 2000). All of a sudden, universities became responsible for the realisation of the long-standing, yet complicated goal of a single Europe: to combine an economic agenda with a social policy framework for all European citizens. Certainly, the year 2000 was a turning point for higher education and research policies, which attracted increased political attention. Not only did the omnipresent notion of economic

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competitiveness change the formulation of higher education issues, the incremental introduction of OMC-tools propelled EU higher education policy into a new era of political activity altogether (Ertl 2006; De Ruiter 2010).

The following chapter provides a discourse analysis of EU higher education policy from 2000 to 2011. The aim is to highlight the discursive strategy that lies behind the institutionalisation process of EU higher education policy. Thus, the empirical investigation concentrates on a theme that is considered to lie outside of EU regulatory competences. The OMC has been gradually introduced in EU higher education policy since the Lisbon summit in 2000. European higher education policy represents an “extreme case” (Yin 1994) with regard to our research interest: it is a “pure OMC” (Lodge 2007) in the sense that policy-making solely relies on voluntary member state adjustments and contributions. Furthermore, European higher education policy is characterised by a strong level of “mimetism” (DiMaggio/Powell 1983), as the European-wide implementation of the European Higher Education Area (Ravinet 2008; Heinze/Knill 2008).¹

3. Method and analysis

3.1 Data and Method

The study provides a qualitative analysis of two related data sets: A discourse analysis of 30 EU documents in higher education and a series of ten qualitative interviews with European Commission staff, experts and stakeholders who partook in the drafting and consultation process of these documents. In order to examine the discursive strategy of European policy officers in the realm of higher education, the procedure entails two parts: The first part constitutes an analysis (King 2004, Crabtree/Miller 1999) of 30 EU policy documents dealing with the so called “modernisation agenda”, the official EU paradigm in higher education policy. The selected documents are official sources that are publicly available on the platform of the European Register. The theoretical sample (Keller 2008) contains Council conclusions, communications, parliamentary documents, speeches, commissioned work, green papers, working papers and memos. Hence, a broad spectrum of texts from different institutions of the European Union political apparatus has been used. The corpus encompasses texts from the

¹ The so called “Bologna Process” is an intergovernmental policy process that aims at realising an integrated “European Higher Education Area”. The biannual ministerial conferences became one of the main platforms for the international coordination of higher education policy. Although the Bologna Process is not an EU policy, the European Commission plays an active role in the elaboration and implementation of its agenda. Within 10 years, the Bologna Process and its reform principles has spread to 47 European countries.

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years 2003 to 2011 in order to identify the discursive trajectory of the “modernisation agenda”. The length of the texts varied from 10 to 150 pages. The analytical software Atlas.TI has been used to code and analyse the corpus according to a set of nine broad thematic categories (actors, context, investment, constraints, information asymmetry, organization and governance, social issues, themes of change, economic themes) as well as 140 subcategories. In a second part, the analysis was complemented by a series of ten semi-structured interviews with agents and stakeholders who were involved in the drafting process and the debates on these documents. The interviews lasted from 60 to 120 minutes and focused on the evolution of the modernisation agenda, the production of adequate policy documentation, and the use of OMC tools in higher education policy (i.e. benchmarking, indicators, peer learning activities).

The upcoming analysis is divided in two parts. In the first part, we discuss the nature and evolution of the argumentative structure of EU higher education policy. The focus lies on one of the most important subfields of higher education policy: higher education finance.² The “redistributive” (Majone 1996) nature of this policy theme makes it very difficult to argue its case at the European level. Nevertheless, the European Union - especially the European Commission - advocates the increase and diversification of higher education funding through private investments (i.e. student fees, sponsorship, public private partnerships) since the early years of the Lisbon strategy. The second part shall focus on the structural dimension of the discourse and its strategic use by EU policy officers and contractual agents.

3.2 *Analysing “what is being said”*

It has already been argued that, before 2000, EU higher education policy was characterised by the subsidiary principle implemented in the Amsterdam Treaty (1997) and a limited but effective repertoire of funding programs such as Erasmus, Leonardo and Tempus. EU higher education “policy” was thus a patchwork of different initiatives with little policy-making endeavor. The conclusions of the Lisbon council in 2000, however, identified the “knowledge economy” as an integrative paradigm of the European Union for the years to come, thereby providing EU policy-makers with the opportunity to attune their thematic agenda to a common policy framework. Especially for ill-defined and vetoed policy fields such as education and research, Lisbon provided the possibility to bandwagon their way into the official EU agenda. A former EU policy officer commented on the discursive implications of this policy change with the following words:

² The modernization agenda falls into three sub-themes: modernizing governance, modernizing curriculum, modernizing higher education finance.

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“[education and higher education policies]... they’re there but they’re not serious policies. Environment suffered from this in the early days. I mean, now, nobody denies that it’s different, but there are a range of flanking policies, as they’re called, which were not considered serious policies. So, what you find when you are looking at the way those directors general work, is that they seek to attach themselves to something strong, and the strong motor, this force was Lisbon. And you had to judge, and the commissioner judged a little bit, the director general judged a lot about how far he could go” (EU policy officer 2: 160-170).

The discursive strategy described in this paragraph is one of seizing the opportunity provided by the Lisbon agenda and its emphasis on the economic value of knowledge. The Lisbon agenda thus acts as a “strong motor” or catalyst for a yet embryonic higher education policy by increasing its visibility and legitimacy on the European agenda. The quote further indicates that the political opportunity was not clearly spelled out in its implications for the different policy fields. The last part of the citation mentions the existence of risks, especially the risk to overstretch EU regulatory competence, thereby catapulting EU higher education policy back to zero. It becomes apparent that the challenge to reaffirm higher education policy as a European matter would not have been taken without Lisbon. Since Lisbon stressed the importance of education and higher education for European integration, this otherwise “unserious” policy field gained political importance at the cost of discursive change and adaptation.

It is specific for the overall OMC framework that the themes and vocabularies developed in the Council Conclusions are subsequently adopted and differentiated in all subfields of the European Social Model. By co-opting arguments and language use, the different resorts signal their adherence to the Lisbon agenda and frame their respective policy fields as constitutive parts of the Lisbon strategy. Thus, it is no surprise that the word “modernisation”, which has been introduced by the 2000 Council Conclusions, has been adopted as a Leitmotiv of post-2000 higher education policy. The interviews suggest, however, that the period of transition has been marked, in DG education and training, by a succession of directorate generals who lacked political vision. The position of “Directorate General for Education, Training, Culture and Youth” acts indeed as a trampoline to more prominent political honours at the European or national level. It is possible that the lack of

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policy leadership led to an increasing adaptation of EU higher education policy to the Lisbon agenda, thus leaving aside the more humanist values that have been cultivated in the earlier years. The first central communication of the European Commission in higher education policy “The role of universities in the Europe of Knowledge” has been issued in 2003 and achieves a discursive alignment of the economic paradigm. At the heart of higher education policy lays the triad of competitiveness, qualification and innovation. Subsequent communications, green papers and recommendations invariably touch upon the same issues, yet by providing an incremental differentiation of the argumentative repertoire for economic action in and through universities. The most striking feature of this discourse is the development of concepts that are inherently hybrid, thereby embracing a set of partly contradicting values and echoing the concerns of European social policy to provide economic growth as well as social inclusion. The discursive paradigm enforced by the OMC is thus one that allows higher education policy to ride freely on the economic repertoire of Lisbon, thereby providing room for the development of new activities such as the claim to increase the level of private investments in higher education. The following part will turn to the exemplary analysis of EU policy in the domain of higher education finance, a contradicted yet central aspect of the European modernisation agenda for higher education.

Discussing the possibility of promoting private investments for a common good (i.e. higher education) implies the existence of a common ground which justifies both sides of the investment. In addition to clarifying the expectations of private investors and public investees, the EU investment discourse for higher education needs to embed them in a common frame of reference, a shared “ideological” (Norval 2000) grounding. In the realm of European higher education, this discursive rapprochement is marked by the political ambition to balance the two core principles of the Lisbon strategy “promoting economic competitiveness” and “achieving social cohesion”. The inherent complexity of this task results in a discursive hybridisation that advocates both sides of the investment for a common good, i.e. the economic and the social side. The European investment discourse is thus filled with hybrid constructions such as “socio-economic benefits”, “social efficiency” or “social value of the investment”. An educational investment has to be both “efficient and equitable”, thereby embracing the inherent paradox of the political mission, instead of clarifying it. The central concepts of this discursive hybridisation are the notions of “mutual” and “public benefit”. They frame the positive return of private investments for the public institution in particular and the common good in general. Although they cannot be seen as neologisms, the terms

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“mutual benefit” and “public benefit” need to be understood as figures of compromise in the discursive effort to legitimise private investments in higher education. In the business setting, for instance, return on investment is framed as “mutual benefit”. The mutuality of benefits thereby indicates a situation where both parties experience tangible returns on investment while avoiding cost asymmetry. Hence, this (win-win) situation is characterised by complete cost transparency and symmetry. Much emphasis is put on mentioning the mutuality of bonds and the existence of long term commitments among business parties and universities. Indeed, business investments in higher education are not understood as short-term, one-time transactions. Rather, they are embedded in a transaction framework that promotes successive and repeated exchanges. Borrowing from network theory, we can claim the above-mentioned relation to be a “strong tie” (Granovetter 1973). Business investments thus build on a reciprocal trust relationship of long duration. The words “mutual”, “sustainable” and “trust” become characteristic of this type of situation where the mutuality of benefits is ensured, among others, through clear (or institutionalised) rules of engagement for all parties involved. “Mutual benefits” have a public dimension insofar as they guarantee an optimal trade-off for both the business and the public institution. The term is thus distinct from the notion of “profit”, which does not include the idea of mutual or symmetric benefit sharing. The discourse maintains the complementary nature of private investments with regard to public funding. However, by opening up the field of higher education to private agents and suggesting a new type of synergetic outcome (i.e. a return on investment for all parties involved), EU higher education policy questions the distributional (and social) order of public spending. It is our understanding that by exploring the possibilities of private contributions to higher education, European political institutions are reframing the notion of higher education finance in a way that legitimizes the introduction of private capital into universities. They do so by identifying non-public “investors”, anticipating their interests as well as their expectations and providing rules and norms for capitalist activities in higher education. Looking at the political implications of this “new investment paradigm”, we can state that there is a strong correlation between discourse and political action that concentrates primarily on increasing the visibility of private investments.

The analysis provided evidence that the discursive reframing of higher education policy was part of a strategy to increase the political visibility and legitimacy of EU higher education policy through the adherence to the Lisbon agenda. This discursive shift operates at the cost of the humanist paradigm that dominated policy-making before Lisbon. In essence,

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policy discourse in higher education has been reinvented in the year 2000 and, since then, evolves incrementally by filling out and developing the terms and categories proposed in the Lisbon agenda. In the following part of the analysis, we will discuss how agents use discourse so as to further policy-making in their field.

3.3 *Analysing “how to say it”: developing a strategic vision of discourse.*

It has been argued that the reframing of higher education policy was part of a larger political strategy to enhance political visibility and legitimacy. By drawing on qualitative data provided by interviews with EU policy officers, experts and stakeholders, the intentional use of discourse shall be presented. The argument will unfold in two steps. In a first step, the analysis will focus on agency, thereby considering who produces discourse and under what conditions. The second part envisages more specific discursive strategies such as “irritating”, repeating and emphasizing.

First and foremost, using discourse in a strategic way requires a set of competences that encompasses an instinct for political opportunities as well as linguistic skills that allow the agent to turn an opportunity to his/her advantage. In the following quote, a former policy officer in DG education and Training comments on the discursive reframing of higher education policy in the aftermath of the Lisbon summit:

“[...] the director general at that time was very sensitive to language and the formulations we have in these texts, so very largely [...] they’re governed by his own sensitivities about what he thought he could say and what he thought he couldn’t and where he thought the Germans would boil over.” (EU policy officer 2:170-176)

The passage depicts a situation where EU policy-making risks encountering resistance on behalf of the nation states. As higher education policy has traditionally been considered a national matter, there is indeed widespread concern for the expansion of supranational prerogatives. The development of a coherent policy framework thus depends on the ‘way it is said’, i.e. on the actual “performance” (Goffman 1959) of a discourse. Since EU higher education policy finds itself in the grey zone between legal EU competence and the subsidiary principle of Amsterdam, the institutionalisation of this policy path depends as much on the policy content as on the form of the statement.

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Related to this first issue of agency is the observation, that the participatory structure of EU policy-making in higher education remains, altogether, exclusive. Despite the introduction of OMC tools that were meant to strengthen the participation of external stakeholders, the deliberative exercise is restrained to a self-referential group of experts. This becomes apparent in the following quote of a contractual agent of the European Commission:

A: "In fact, there's a very small group of experts and stakeholders we rely on again and again. So, it's really reinforcing. [...] And so, the problem, we mainly speak with European stakeholder organisations, and I think it's the best approach you can have. Sometimes, we also add public consultations by internet, et cetera, but in practice, you mainly speak with the main European stakeholder organisations.

Q: Why would that be the best?

A: It's the most convenient one, in fact. [...] Because, then, you cover, yeah, quite easily a large group, and while maybe it could be much better to just approach, let's say, a sample of European institutions instead of just the EUA, to just have a better, more practical picture on what is going on. But that's not the way we work, in general. So, it's really the question, and also because we say, 'Well, it's up to these stakeholder organisations to have the links with the field'. So, it's their job to really present...but, yeah, if you see the stakeholders, I have large questions if they really represent the stakeholders." (EU contractual agent 3:229-245)

However problematic this evidence may seem with regard to the participatory dimension of the policy process, we need to take two things into account. First, policy studies suggest that higher education is by far not the only policy field that is concerned by restricting access to policy discussions. Second, the interviewer explicitly mentions that participatory tools have been employed in the realm of higher education policy but have been found to be inefficient and costly. Indeed, if the objective of this "dialogue" is to strengthen the argument and institutionalise a set of economically framed policy ideas, the contribution of too many and heterogeneous stakeholder organisations might turn out to be a barrier to the elaboration and implementation of the Lisbon agenda. Instead, the Commission maintains exclusive and strong ties to a network of likeminded agents functioning as some kind of intermediaries who communicate the messages to their national constituencies without much alteration to the original argument.

Second, the discursive strategy in EU higher education policy consists of three main

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rhetorical instruments that help agents to establish a political claim in a contested policy field: “irritating”, repeating and emphasizing. In the following quote, an EU policy officer comments on the proactive stance of the European Commission concerning the introduction of student fees:

“A: Our job is to irritate. [...] More public money to higher education! Tada: This is what we think! But is it possible? Not really, not always. [...] Our whole idea about introducing fees is just a mean to upgrade the population: More people with better qualifications. [...] But we are very soft, extremely soft in our communications. We do not even say: You should go this way.

Q: Why not?

A: Because it is not our job to decide. But we drop questions marks. Why does the daughter of the Australian plumber access to higher education and why is this not the case in Austria?”
(EU policy officer 5:311-370)

The interviewer describes a situation in which affirmative policy action is not possible. The policy claim of the European Commission is framed as a question. Although the introduction of student fees has become one of the main targets of EU policy-making over the last couple of years and finds a prominent place on the 2011 communication (European Commission 2011), fees remain a highly contested issue among EU member states. EU policy making on higher education finance is tolerated by the nation states on the ground that it is a nonbinding exercise with little consequences for national policy-making. In the case of student fees, however, EU discourse will be backed up by policy action since the implementation of a European Loan System, an EU funded credit scheme for European students, is scheduled for 2011. The façade of the non intrusive EU policy is maintained by euphemising the political claim, i.e. by framing fees as a “*mean to upgrade the population*”. The policy mechanisms at stake are, however, more subtle since they combine the framing of a problem with the development of readymade solutions. In the words of the same policy officer “*we always try to combine blah, blah with practice*” (EU policy officer 5: 606). As a result, policy problems and solutions linger on in European “arena” until the political circumstances change. The repetition of policy principles (i.e. policy problems and solutions) thus represents an important strategy in the development and institutionalisation of a policy path:

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“‘Frappier toujours’, like a python. It did not work three times in a row because we did not have the majority of the votes? We are a patient institution. We did wait for the new treaty that allowed us to try it again. And now, it works. ‘Frappier toujours’ – the time might not be ripe for this kind of action. In this case, we need to wait.” (EU policy officer 5:131-134)

Political circumstances might change in two ways so as to provide an opportunity for EU policy-making in higher education. On the one hand side, the interviewer describes a situation where EU policy-making has become auspicious to the further development of the policy scheme (i.e. the ratification of primary or secondary indicators). On the other hand, overall political circumstances might change so as to allow for the consideration of certain policy action. For instance, the financial crisis, EU policy officers and contractual agents agree, has made the introduction of student fees more likely because of shrinking public budgets. Repeating the arguments thus provides the agent with the possibility to draw on an argumentative repertoire of policy problems and solutions when “the time is ripe”.

A final strategy to further a policy statement consists of emphasizing or “blowing up” the claim by providing either empirical evidence or introducing quantifiable targets. Insightful in this regard is the quote of a former EU policy officer of DG Education and Training who describes the introduction of a quantifiable 2% GDP target for increasing the levels of higher education investments. Note that the target has been introduced as early as 2003 in the policy documentation but has never been properly implemented by the European Council, thereby maintaining a rather symbolic status.

“Well, there was the three percent benchmark and the commissioner at the time wanted a benchmark for higher education so we gave him one [2% GDP for higher education institutions]. Okay? That’s how these things work. That’s the reality of it. [...] This is actually a way of exercising pressure on member states. So, it doesn’t actually matter whether the university sector agrees or not, because they will all agree that they want more money, no problem. Most of them agree that they are under-funded. So, setting a figure for most of them is a very good thing, as a minimum, and it has, among the sort of representative institutions, a certain amount of support. But it’s not the sort of thing anybody’s going to die in a ditch for.” (EU policy officer 2: 295-308)

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The 2% GDP indicator thus directs political attention onto one particular subfield of higher education policy by compressing the political debate on funding issues (i.e. private versus public investments, introduction of student fees etc.) into one “commensurable” (Espeland/Sauder 2007; Espeland/Stevens 1998) target. The Commission, by introducing this target, refers to the common denominator of the debate – i.e. “*most of them agree that they are underfunded*” – thereby bypassing the redistributive and legal problems it entails. On the other hand, the nonbinding nature of this “standard” does not provide the EU with the means to sanction non-conformity (Cherchye et al. 2003). It thus increases the visibility of the EU policy expectations, without committing anyone to act.

4. Conclusion

The study investigated the strategic use of discourse in the contested EU policy field of higher education. By 1) providing empirical evidence on the evolution of EU higher education discourse since 2000 and 2) by examining the agency structure behind it, we provided a systematic account of the discursive strategies that underlie the efforts to institutionalize higher education as EU policy field ‘à part entière’. Discursive strategies refer to the manipulation of discourse ‘content’ and ‘form’ in view of achieving a specific aim. This presupposes, however, that the ongoing debate on the causality of discursive changes is enhanced by the notion of an agent’s intentions. Since the term discourse is defined as regulated practice of producing arguments or statements, we argue that agents are at least partially aware of these rules and act accordingly. In the case of EU higher education policy, the discursive strategy adopted by the European Commission is twofold: On the one hand, discourse serves as a mean to act in politically opportune circumstances. By progressively adapting the higher education discourse to the economic objectives stipulated by the council conclusions of 2000, EU higher education policy gained political legitimacy and visibility. On the other hand, using discourse as strategy requires political intuition as well as fine tuned linguistic competences that allow an agent to judge “how far he [can] go”. Since the political objective of the Commission is to establish a political claim in contested policy fields, discursive strategy consists in advancing this claim without triggering open resistance. As a result, the policy agents avoid blunt or affirmative statements, preferring instead to “ask questions” or to emphasize a given problem frame with compact empirical evidence. The agent may further structure the debate by restricting the deliberative exercise to an exclusive

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group of likeminded stakeholders, an epistemic community (Haas 1992) who contributes to the elaboration and diffusion of policy “packages”.

The discursive strategy we identified may very well result in the institutionalization of a “policy path”. After all, the economic paradigm has dominated EU higher education policy for over ten years, leading to the implementation of a range of unexpected policy activities such as the introduction of a European Student Loan System. Since the institutionalization process operates, however, in the gray zones of EU legal competence, it is difficult to evaluate its stability. With regard to EU higher education policy, the transition from “soft” to “hard law” (Schäfer 2006) encounters many obstacles and very little support. Rather, discursive strategy might prove effective at another level: By cultivating alternative policy options, EU higher education policy might very well develop the “taken-for-granted” quality of institutions that impacts on individual behavior (Zucker 1977).

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