



UNIVERSITY OF GOTHENBURG

MASTER THESIS IN
EUROPEAN STUDIES

A matter of democracy: EU soft law in the education area

A study on how Sweden relates and refers to the European
Union in the policy field of higher education

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Abstract

The aim of this master thesis is to shed light on some of the democratic implications of Europeanization through soft law in the education area. The central question is how the national level, in its higher education policy, relates and refers to the EU, and how this can be understood and problematized from a democratic point of view. The country in focus is Sweden, and a critical text analysis is performed on official national documents on education policy, covering the time period between 2001 and 2012.

The results show that the EU, through soft law, plays a significant role in the education policy discourse at the national level. The EU recommendations seem to have an impact on the national policy process and are frequently used to legitimise and strengthen policy proposals. Even though this result indicates that Sweden is a policy-borrower (rather than a policy-lender) in the education field, and that the EU plays a relevant role in this development, this is not sufficiently problematized in the Swedish policy documents. The result is a confirmation of the practical difficulties of separating hard law from soft law, resulting in a 'democratic loophole' where the EU gets un-proportional influence in policy areas, which according to the EU Treaty, are of national competency. The results thus call for a further debate on how this democratic deficiency should be handled.

Keywords: Democratic deficit, Education policy, European Union, Europeanization, Soft law, Sweden

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1. A matter of democracy: EU soft law in the education area

One of the central themes regarding European integration is the growing power and influence of the European Union (EU) in relation to the national states. Following the evolution of the EU it is clear that the Union has grown in power, both in terms of the number of policy areas connected to the Union level, and in terms of the degree of influence which the Union has in these policy areas (Pollack 2000). Moreover, the forms of cooperation have partly changed as the EU increasingly uses *soft law*-instruments (as opposed to *hard law*) such as the *Open method of coordination* (OMC), gaining influence in policy areas where the member states are not willing to let go of their national autonomy (Trubek et al. 2005).

The subject of soft law has become an important research area where its effectiveness and implications are continuously discussed and investigated. There is for instance interesting research concerning how and why soft law can increase or decrease the democratic deficit of the EU (Borrás et al. 2007). As the discussion on the democratic deficit of the EU and how it should be handled is a critical political and social issue, the role of soft law in this context is important. This thesis problematizes some aspects of soft law from a democratic point of view through a qualitative case study of one specific policy area: education.

Education has developed from an area of mainly national concern to an area of increased importance at the European level. However, the EU still has very limited power when it comes to classic hard law instruments. Instead, this is a typical policy area where soft law is used to influence the member states (Massen et al. 2009). The growing EU-involvement and interest in education and research has been evident in recent years, not least within the context of the Lisbon Strategy and its aim of making Europe the most competitive and dynamic knowledge-based economy in the world (Keeling 2006). As part of the Lisbon Strategy, the education area has been increasingly connected to economic policies wherein the EU has significant hard law-power (Walkenhorst 2008). Overall, this makes it possible to question the interaction and demarcation between hard law and soft law. Not least as soft law also may lead to hard law, meaning that even though soft law is not legally binding it entails a normative commitment and may therefore have practical political, and even legal, effects (Jacobsson 2004a: 85). This issue is interesting from a democratic point of view, partly because the democratic justification system of soft law respectively hard law may differ (Scott & Trubek 2002:17).

As a result of this growing EU engagement in the education field, there is also an on-going debate about the effect this has on the education area at the national level. This debate does not only cover the fact that the EU may increase its power at the expense of the nation states, but also that the contents of the policy may shift from having politico-educational goals to having economic-functional goals as a result of the economic turn of the education policy at the EU level (Massen et al. 2009 & Walkehorst 2008). This is not least a topic of concern in the Nordic countries where the development may infringe on the traditional role of education in promoting democratic values (Blossing et al 2014).

2. Aim and outline of the thesis

The aim of this thesis is to shed light on some of the democratic implications of the Europeanization through soft law in the education area. The question of the increasing EU-influence on national education policies has partly been investigated, however, the way the national level perceives this influence, as well as its democratic implications, has received less attention. Therefore, the question at the centre of this thesis, is *how the national level, in its education policy, relates and refers to the EU, and how this can be understood from a democratic point of view*; not least in relation to the questionable demarcation between soft law and hard law. For instance, does the national level interpret the EU recommendations as only recommendations, or are they treated as obligations?

The country in focus is Sweden, and the questions will be answered through a text analysis in form of an ideology critique, performed on official national documents on education policy. In light of the theoretical context, the specific research questions will be further discussed and presented in chapter 5.

Chapter 3 will introduce the theoretical approach of the thesis: the democratic legitimacy of soft law and its connection to the democratic deficit of the EU. In chapter 4 the previous research of interest will be presented and discussed. The focus will be on the growth and development of the EU education policy as well as the Europeanization of the education policy area. This will culminate in a more thorough presentation of the research problem, including aim and specific research question, in chapter 5. Chapter 6 will present the design of the research project, discussing, among other things, ideology critique as a methodological

technique and the empirical materials studied. Chapter 7 will then give the analysis and results of the research conducted. Finally, in chapter 8 the research questions will be answered and conclusions will be made and discussed.

3. The theoretical approach: the democratic legitimacy of soft law

This chapter will look at the democratic legitimacy of soft law, mainly from a theoretical perspective. The purpose of this is to get an idea of how soft law relates to the democratic deficit of the EU.

As noted in the introduction of this thesis, the discussion on the democratic deficit of the EU is a critical issue, constantly present in the discussion on European integration. Even though the notion of a democratic deficit is debated and sometimes criticised (see Moravcsik 2002), the starting point of this thesis is that a democratic deficit is present and poses a threat to the legitimacy of the EU (see Follesdal & Hix 2006). Consequently, the question of interest is what effect the use of soft law and the Open Method of Coordination (from now on referred to as the OMC) within the EU might have on this democratic deficit. That is, does soft law increase or decrease the democratic deficit of the EU?

Interesting in this context is that the emergence of soft modes of governance within the EU may partly be explained by the contested democratic legitimacy of hard modes of policy making (Scott & Trubek 2002:17). Soft law is thus sometimes presented as a solution to the democratic deficit (Borrás & Conzelmann 2007:532-533). However, there are several reasons to be concerned about the risk that soft law may aggravate the democratic legitimacy of the EU (Frykman & Mörth 2004:170). To achieve a better understanding of the democratic legitimacy of soft law some theoretical tools as well as empirical findings will be presented. In the end of the chapter the theoretically presumed demarcation between hard law and soft law will be questioned, as our interpretation of soft law as such may affect how it can be democratically justified.

3.1 The need of input-legitimacy in soft law

It is common to divide the democratic legitimacy of the EU in at least two categories: output legitimacy and input legitimacy. Output legitimacy rests on effective governing and thus result-delivery (government *for* the people), while input legitimacy rests on political participation and citizen representation (government *by* and *of* the people) (Schmidt 2006: 21). When assessing soft law within the EU in terms of democratic legitimacy, some might

say that neither input legitimacy nor any legitimacy whatsoever is necessary as soft law is non-binding and voluntary. However, following the research presented in chapter four and the theoretical arguments below it does seem like soft modes of governance, especially the OMC, are in need of democratic input-legitimacy.

Borrás and Conzelmann (2007:535) argue that even if soft modes of governance were producing results that were realizations of the public interest (output-legitimacy), this needs to be complemented by institutional safeguards on the input side of the political process. Otherwise it will be difficult to get societal oversight and be able to mediate between conflicting public interest. Furthermore, they argue that the OMC may be in special need of democratic legitimacy as its activities often result in quasi-law and in redirecting policy debates into particular directions. The OMC-process is also strongly influenced by unelected and private actors who are not democratically controlled under the traditional parliamentary system, making the lack of input legitimacy even more critical (Borrás & Conzelmann 2007:237). Buchs (2008) reasons in a similar manner, arguing that as the objectives of the OMC are non consensual and may have (re)distributive effects; input legitimacy is important.

3.2 Different notions of democracy and soft law

Even if we decide that input legitimacy is needed within EU soft law, this input may still come in different forms. One way of discussing input legitimacy in soft law is to use different notions of democracy. Frykman and Mörth (2004) as well as Borrás and Conzelmann (2007) use the established distinction between liberal, communitarian and deliberative democracy to normatively assess EU soft law.

Frykman and Mörth (2004: 159-160) ask how soft law can be accommodated within these three notions of democracy. They argue that there is a misfit between soft law and liberal democracy, as the latter requires a clear division of authority as well as transparency, accountability and public debate. By nature, governance by soft law does not fulfil such criteria, as it is a system of vagueness and (democratically) unelected experts. It is also hard to accommodate soft law into communitarian democracy, as common cultural and social values then are needed in the decision-making system (and the struggle to find a single European ‘demos’ is ongoing). They claim that the best chance of a fit exist with the deliberative

democracy, as it is weakly linked to traditional representative democracy and more open to deliberation between actors outside the parliamentary system.

Borrás and Conzelmann (2007) use liberal, communitarian and deliberative theories of democracy to create four yardsticks for assessing input legitimacy which can be used to empirically analyse the democratic potential and problems with soft law in the EU. They claim that (1) *parliamentary involvement* is important to all three notions of democracy, because the ability of the political system to create political contestation based on exchange of different political perspective is crucial in all democratic systems. This may be problematic within soft law as the parliaments are at the margins while the executives are in the centre. (2) *Societal input* is also crucial to all notions of democracy, as it involves equal access and participation of all interested citizens, as well as equal responsiveness to societal demands and the possibility of public debate. This is especially important in soft law as committees and forums play a central role. (3) *Transparency* is important for liberal and deliberative democracy because it is needed for the process of accountability and control of the executives. Therefore, the publicity of decision-making processes and results, as well as the existence of monitoring in the implementation phase of soft law, is crucial. Finally, the (4) *deliberative quality* is of interest from a deliberative democratic perspective as not all deliberation is automatically democratic. The growing influence of experts within soft law might for instance be problematic because the deliberative process needs wide anchorage to be democratically legitimate. It is problematic if the deliberation only exists to give the appearance of societal acceptance while it, in fact, is a process towards an already defined policy.

Frykman and Mörth (2004: 169-170) have also investigated how the different notions of democracy are visible in EU-documents concerning the OMC. When analysing documents from the European Commission, the European Parliament and the European Council, the authors found that the subject of soft law and democracy seem to be a non-issue. In discussing the matter, the EU institutions tend to understand soft law as a complement to representative democracy, rather than as a process of deliberation. Consequently, the authors conclude that the often promoted virtues of the OMC, namely deliberation and inclusiveness, have been put forward more often by academics than by practitioners. In fact, soft law seems to be categorized into the traditional steering system of command and control; however, it is not a subject of the usual monitoring as the rules are not really decided according to the community

method (hard law). This might result in a situation where two parallel systems exist in the EU; government, which is democratically legitimate although sometimes problematic, and governance, built on an even weaker democratic base.

3.3 The questionable demarcation between hard law and soft law

As can be noted, soft law is generally defined in relation to hard law. The two systems of law are often linked to wider systems of government and governance. Government is defined as a traditional system of control where state and public actors generally have monopoly of rule setting, while governance is said to rest upon multiple authorities, horizontally as well as vertically. In systems of government the law is presumably hard; in systems of governance the law is presumably soft. The essential difference between these legal norms is that hard law is legally binding whereas soft law is not (Mörth 2004a: 1).

At first glance it might seem as if soft law and hard law are each other's opposites, however, at a closer look another picture emerges. Trubek and Trubek (2005) question the demarcation between hard law and soft law arguing, firstly, that soft law can be harder than we think, and secondly, that hard law might not be as hard as the name indicates. They point out that despite the lack of uniform rules or formal sanctions; the OMC can make a difference and bring about real change. Likewise, many EU directives (hard law) are relatively open-ended, leaving the member states with significant flexibility in shaping national legislation. Moreover, the enforcement of hard law has sometimes proven difficult. Thus, when putting hard law and soft law in separate corners we might in fact compare two theoretical versions rather than two realistic versions of the two systems of law, leading us to exaggerate their differences.

Similarly, Mörth (2004a: 5-6) notes that hard law is not always attached to legal sanctions and can often be as vague as soft law, while soft law, just like hard law, can be very much specified and detailed. She argues that the problem is not so much how to distinguish soft law from hard law, but rather how to distinguish soft law from law itself. In the EU context, soft law refers to rules which are not legally binding but which are nevertheless intended to influence the member state policy. These rules can for instance be in form of recommendations, resolutions or codes of conduct, and entail neither rights nor obligations for the member states. However, they do entail normative commitment and may as such have practical political, and even legal, effects (Jacobsson 2004a: 85). Is it then reasonable to use

this theoretical separation between soft law and hard law or does it render more harm than good in being too far from the practical reality?

3.4 The democratic legitimacy of soft law: a summary

In conclusion, even though soft modes of governance as such might have a theoretical possibility of decreasing the democratic deficit of the EU, there seem to be some serious flaws with the democratic legitimacy of the current processes. The OMC might for instance be theoretically interesting from a deliberative democratic point of view, however, in practice the process seem to be incorporated into the traditional mode of government, resulting in an uncertainty of what kind of democratic legitimacy that should be sought. The questionable demarcation between hard law and soft law further reinforces this problem and raises the question of whether it is reasonable to even see hard law and soft law as two separate systems of law.

The following chapter will investigate how EU's education policy has expanded through soft law. This will then be connected to the questionable democratic legitimacy of soft law described in this chapter, culminating in a presentation of the research aim and specific research questions of this thesis.

4. Previous research: EU's education policy and soft law

This chapter will start with a basic overview of the development of the European education area. Thereafter, research on the EU, soft law and the area of education will be discussed. The focus will be the growing EU interest as well as the changing contents of the EU education policy. The influence and characteristics of EU soft law, especially the OMC, will also be examined. Special attention will of course be given to the OMC's potential influence on national education policy.

4.1 The European education area – a basic overview

The education field is traditionally thought of as a classic national state competency and has as such not been a natural collaboration area within the EU. Small steps of community cooperation were taken in the 1970s; however, it was not until the Maastricht Treaty (1992), that a clear legal basis for higher education and school education was introduced. Even though the education area was now a subject of community cooperation, it was clearly stated that there would be no harmonisation of national systems (European Commission 2006).

The intergovernmental cooperation outside the EU context took a major step with the Bologna Process in 1999, which was the beginning of the creation of the European Higher Education Area (EHEA) in 2010. The aim of the EHEA is to ensure comparable, compatible and coherent systems of higher education in Europe (European Commission 2006). Simultaneously within the EU framework, the Lisbon Strategy (2000) placed education at a central position when the new economic and social strategy for the EU was “to become the most dynamic and competitive knowledge-based society in the world” (European Council 2000). Furthermore, the OMC (as a form of soft law) was properly introduced with the Lisbon Strategy and for the first time the education ministers agreed both on common objectives and a working method - the OMC - to facilitate convergence of their education systems (Trubek & Trubek 2005: 345 and European Commission 2006).

The Lisbon Strategy was followed by Europe 2020, which further elaborates the importance of education and research to create smart and sustainable growth within the Union (Europe 2020). However, according to the EU Treaty the Union still only has “competence to carry out actions to support, coordinate or supplement the actions of the Member States” in the education area (TFEU, *Principles* Art 6).

4.2 The growth and development of EU's education policy

Looking at the overview presented above, it seems obvious that the interest and engagement of the EU in the education area has grown over the years. But how can we explain this growing interest? And how have the contents and strategies of EU's education policy changed?

4.2.1 The EU and education – from a political project to an economic agenda

One of the most prominent changes in the EU's education policy relates to its expansion - the journey from mainly a political project to (part of) a larger economic agenda.

Up until mid 1990s the European Commission used the European dimension in education to create awareness of the European integration process as a mean to address the legitimacy issues and the democratic deficit of the EU. This was seen as a possible way to create a European identity. In the 1990s it was thus not uncommon to argue that the EU mainly used the European dimension of education as a mean to create a common identity (Hansen 1998). However, as this political dimension failed, the focus changed to the economic value of education. Within the new approach, education is classified as a crucial economic commodity, which the EU education policy should develop and market. As a consequence, education is now less aligned with EU's integration policy and increasingly aligned with EU's competition policy, and it can be argued that it has been a shift in policy aims, from an EU education policy with primarily politico-educational goals to an EU education policy as a supplementary market and workforce creation tool. According to Walkenhorst (2008: 576-577) the reason for this change is that the globalisation and increased economic competition have made tertiary education a crucial competitive factor. He also shows how the EU in parallel has extended its activities in the education area. He finds that EU documentation referring to education has increased from 1 % (1970s-1990s) to 4.7 % in 2000 and 8.2 % in 2006. In 2006 this is compared to documentation referring to agriculture (15.1%) and industry (14.3%) (Walkenhorst 2008: 573-4).

Ertl (2006) argues that the Lisbon Strategy has played an important part in pushing the EU education policy in this, more economic and expanding, direction. The Lisbon Strategy has firmly connected education and economic success by stating that the Lisbon goals only will

be achieved through education as a factor of economic growth, innovation and sustainable employability (Ertl 2006: 16). However, the Lisbon Strategy is not the only explanation of how the EU education policy has expanded; as suggested below, one must not underestimate the role of the Bologna Process, which despite its intergovernmental character (outside the EU context) has proven to be an important tool, mainly for the European Commission, in shaping and expanding the EU education policy (Keeling 2006).

4.2.2 The European Commission and the relationship between the Bologna Process and The Lisbon Strategy

The increasing role of the EU in the education area is in many ways driven by the European Commission, whose main vehicles are the Lisbon Strategy and the Bologna Process (Amaral & Neave 2009: 282). Several researchers argue that the Commission has expanded its role in the higher education discourse through connecting the Bologna Process and the Lisbon Strategy to each other (Keeling 2006 and Martens & Dieter Wolf 2009). Huisman & Van der Wende (2004: 353), even claim that the Bologna Process and the Lisbon Strategy are converging into one single policy framework.

Keeling (2006) states that neither the Lisbon Strategy nor the Bologna Process constitutes a comprehensive basis for EU action in higher education as the Lisbon Strategy is part of EU's wider economic platform, and the Bologna Process goes beyond the EU. However, in combination these actions are stabilising a growing policy framework and significantly broadens the European Commission's basis for involvement in the EU higher education area. Furthermore, she argues that the Bologna Process and the Lisbon Strategy reinforce each other as the former enhances the political legitimacy of the latter and has allowed the Commission's policy discourse to become close to the hegemonic perspective of European higher education. As the Commission propagates a discourse that construct education as economically beneficial for society and individual rather than a creative process which lead to personal enrichment and societal understanding, the Bologna Process becomes a tool for maximising the socio-economic returns of EU-investment in, for instance, research (Keeling 2006: 211- 12).

Amaral & Neave (2009) and Martens & Dieter Wolf (2009) claim that the Commission was able to take on, and take over, a central role in the Bologna Process by feigning modesty and

keeping a low profile from the very beginning, and thereafter consistently connecting Bologna with the Lisbon Strategy. The Commission started early to provide technical support, finance projects and pay for the meetings within the Bologna Process, in doing so insinuating itself into a position of legitimacy, which has allowed the Commission greater power in this intergovernmental collaboration. Unsurprisingly, this has left the Bologna Process with a greater economic rationale than before. Keeling (2006: 208) also underlines that the Commission provides financial incentives for reforms in line with the Bologna declaration and that many of the Bologna initiatives were first developed by the Commission.

Ultimately, this turn of events can be said to strengthen the argument that higher education somewhat falls within the EU's field of economic competencies, allowing the Commission to express open interest in the member states' education policies and becoming an important player in the higher education discourse of Europe (Keeling 2006: 212).

4.3 Is it possible to talk about an Europeanization of education?

As we have seen the education area has not only grown in importance within the EU, but also transformed in contents. However, the EU still officially lacks hard law possibilities and, as a consequence, is devoted to soft law in influencing the education policies of the member states. But how effective is soft instruments such as the OMC in influencing the member states? Is it even possible to talk about an Europeanization of education? And how does this relate to the debate on the globalisation of education?

4.3.1 The potential influence of soft law

There is plenty of research suggesting that soft law, especially the OMC, does have possibilities of influencing member state policy. In *Soft Law in Governance and Regulation*, Ulrika Mörth concludes that soft law may precede hard law, that it has potential for independence, that it can be disguised, that it is closely linked to politics, that international organisations can modernize themselves through it, and that it provides room for flexibility and unintended consequences. Hence, soft law does have concrete effects (Mörth 2004b: 191-195). Jacobsson (2004a: 88) argues that there are several characteristics that distinguish the OMC from old soft law, such as its political rather than legal process (it must appeal to political values and interest rather than legal norms), and that it is a process entailing a refined system of monitoring and follow-up. She has investigated the use of the OMC within the EU employment policy and argues that factors such as the joint language, the building of a

common knowledge base, the strategic use of comparisons and evaluations, as well as the social pressure, together constitutes a system of governance with the potential to transform practices in the member states. She claims that the OMC results in gradual acceptance of new norms through the fostering of a cognitive and normative consensus around common challenges, objectives and policy approaches. According to her, there is a remarkable member state compliance with the OMC procedures, such as reports and peer reviews, within the European Employment Strategy (Jacobsson 2004b).

However, research also suggests that the influence and practical result of the OMC is very much tied to domestic conditions. De la Porte (2002) states the European policies are more likely to be taken on board if the national reform programmes are in line with them. EU-recommendations might also be used as an excuse to implement less popular reforms, which may afterwards be blamed on the EU level, effectively helping national politicians to escape responsibility. Zeitlin (2009) argues that the OMC brings the member states closer together and, at the same time, stimulates new forms of practical diversity, as domestic actors adapt the common principles in ways that suit their specific circumstances. The same could however be said of some forms of hard law, as mentioned earlier EU directives may for instance be implemented differently in different member states (Trubek & Trubek 2005:361).

4.3.2 Studies on EU's influence on national education policies

Empirical studies on the effect the EU has on national education policies constitute a growing research field. There are several studies claiming that the EU does influence the national level, but also that the influences differ among the member states. Some central studies will be discussed, and at the end light will be shed on the Swedish case.

Ertl (2006) claims that the practical legal basis for EU activities in the education area has been substantially extended to the point that it is questionable if it is even compatible with the legal basis as it is defined in the Treaty. However, given the practical development in the member states, he adds that it might be that the member states still have more of a rhetorical than real commitment to the EU guidelines. Still, he predicts that the member states will find it increasingly problematic to justify a lack of progress in line with the Lisbon Strategy. Others state that the soft instruments used in the education area by international organisations such as the EU have turned out to be very effective, though they only work as an accelerator of change under specific conditions. For instance when national policy makers are eager to

change but have had trouble legitimising this change, and when a misfit exists between domestic policies and goals promoted by the international organisations (demanding national adaptation to international goals). It is also noticed that becoming a EU member has a considerable impact on change in tertiary education policies, even though new member states are only obligated to adapt to the EU hard law (Windizio et al 2010).

Alexiadou and Lange (2010: 445-449) focus on policy learning within the OMC of the EU, and argue that direct influence of the OMC can be seen in national education policies. They claim that the regularly reports from the member states to the Commission on the compliance with the EU goals in the education field are an important factor. These reports enable the Commission to identify trends that feed into the development of further initiatives, which makes the process self-reinforcing. Also, it gives the Commission the possibility to serve the member states the (by the Commission) preferred policy proposals. It is thus possible to steer the member states towards greater convergence in education policies at the same time as the member states seemingly are staying in control of this process.

In another article, Alexiadou and Lange (2013) investigate how education policies developed in the EU through the OMC are received in the United Kingdom, concluding that the response can be understood mainly in terms of deflecting EU influence. The explanation seems to be found in UK's history of scepticism towards the political dimension of the European integration project, which underlines the fact that the impact of the OMC has a lot to do with national circumstances. Another researcher (Rinne 2000:139) sees a general globalisation of education in Finland and explains the Finnish compliance with EU's education policy based on a wish to be continuously seen as a 'model student' of the EU.

The Swedish case

Looking deeper into the Swedish case there are two doctoral dissertations to be found tackling the development of Swedish education policies in relation to the EU. Both dissertations are written in the research field of pedagogy.

Unemar Öst (2009) investigates the struggle of defining the purposes and aims of higher education in Swedish education policy between 1992 and 2007. She notices that the closer one gets to 2007 the less variation is found in the definitions, owing to the hegemonic

tendencies of the globalisation discourse. The goal within this discourse is to be a part of the European Higher Education Area and strengthen the competitiveness of Sweden and Europe in a globalised world. This is to be done by focusing on the needs of the labour market when creating policies and institutions in the higher education area. For instance, the goal of research is to result in economic returns, and the varieties of undergraduate education should be adapted to the needs of the labour market, thus making students employable. The student is in general seen as a subject in need of consummating education and knowledge, to thereafter be able to take a place on the European labour market and contribute to economic growth. Words such as employability, flexibility and lifelong learning feed into this discourse (Unemar Öst 2009: Chapter 6).

The hegemonic tendencies is seen when the alternative discourses are forced to incorporate elements from the globalisation discourse into their own logic and when the globalisation discourse incorporates elements from the other discourses, giving them new meaning while eroding their original meaning ('equality' and 'justice' have for example been incorporated from the democracy discourse as something less radical and globalisation only refers to economic globalisation, not political, as in the other discourses) (Unemar Öst 2009: 236-237).

According to the author, the hegemony of the globalisation discourse has turned the struggle over the aims and purposes of higher education into a competition on finding the most effective way to implement a European education policy as it is constructed in the Bologna Process. Furthermore, she states that it is striking how satisfied the national actors seem to be in giving up the possibilities to formulate its own education policy, thus concluding that the EU has significant influence on the Swedish higher education policy (Unemar Öst 2009: 244-245).

In the other dissertation, Nordin (2012) studies the knowledge discourses in Swedish and European education policy with a focus on lower levels of education. The result shows a process of silent Europeanization in Swedish school reform where the European knowledge discourse is being re-contextualised and re-interpreted without any declaration in terms of explicit references.

Trends that can be found both in the Swedish and the European discourse are an increasing focus on learning outcomes and demands of measurability. The term entrepreneurship is emphasised as central in interpreting the goals of the education system. Furthermore, it is shown how the labour market-related competition rhetoric dominating the EU, contributes to an increased sense of crisis in European as well as Swedish educational reforms. Within the Lisbon Strategy the citizenship is increasingly about being integrated in the labour market rather than in the society at large, something that is mirrored in the Swedish education policy when the traditional democratic mission of the education system is becoming less visible over time.

The researcher shows the increasing influence of the European Commission on Swedish education policy and shows how Sweden has gone from being a policy-lender to a policy-borrower in the education area, moving away from the role of an education pioneer. Despite the policy borrowing and the general flow of ideas between the national and the European level, this is a non-issue in the Swedish policy documents. Remarkably, the European origin of the ideas is not presented, discussed or problematized. This is regardless of whether the ideas are embraced in its original form or re-interpreted in a national context. This silence is apparent both under left and right government and the only feasible explanation presented is that policy borrowing collides with the image of Sweden as a pioneer in the education field.

As seen above, there seem to be some evidence of Europeanization in national education policy. However, this is a research field full of methodological problems as it is hard to find solid proof. It is for instance hard to isolate the specific impact of the EU; moreover, the OMC is not an obvious top-down process (Zeitlin 2009: 215). One critical methodological issue is how the Europeanization of the education policy relates to the globalisation of education. Since this is a very valid question some remarks will now be made on the subject.

4.3.3 Europeanization or globalisation?

The term 'the globalisation of education' is well used in research on education policy (Dale & Robertson 2002; Rinne 2000; Lingard & Rawolle 2011) and often refers to the process of increased independence and global movement which has led to a situation where education policy no longer can be said to be solely a national affair. Quite often the globalisation of education is interpreted as a neo-liberal influence on national policy (Blossing et al 2014; Rinne 2000) and associated with two main organisations; the OECD and the EU (Martens et

al 2004; Windzio et al 2010). Naturally, the terms globalisation and Europeanization as well as their main international players, the OECD and the EU, are intermingled to the point where it is hard to know who is influencing what. Thus, it is basically impossible to isolate the influence of each organisation on the national education policy, especially as they partly have the same working methods as well as the same agenda.

Martens et al (2004) compare the governance of the OECD and the EU and conclude that they are both mainly using coordination and opinion formation and thus shape the education policy through the fostering of a common agenda and by moderating the content of policies. The EU does however have greater financial capacities (used as for instance research funding, promoting the research preferred by the Commission) and additional power of influence by the increased use of the OMC. Windizio et al (2010: 273-275) adds that each organisation makes use of its specific instruments effectively and that the EU, accordingly, has use of the larger European integration process.

This thesis will not solve the issue of how to isolate Europeanization from globalisation in the education area, but will at least humbly have it in mind in its further investigations.

4.4 EU's education policy and soft law: a summary

In this chapter it has been shown how the interest and engagement of the EU in the area of education, especially higher education, has grown in recent years and how the contents of EU's education policy has been increasingly connected to economic issues. Also, by connecting the Lisbon Strategy to the Bologna Process, the European commission has been able to increase its influence in this area and strengthen the idea that higher education somewhat falls within EU's field of economic competencies. Furthermore, it has been concluded that soft law and the OMC may have good chances to influence national policy. It has also been concluded that it is in fact possible to talk about some kind of Europeanization of education, even though this process seems to differ among the EU member states and the research field is full of methodological problems. The chapter finally shows that Sweden is not unaffected by EU's education policy, in fact, there seem to be strong signs of an Europeanization of Swedish education policy.

5. Gathering the loose ends: Presentation of the research problem, aim and specified research questions

The issue of democracy is at the heart of this thesis. As we have earlier seen, EU soft law and the OMC are full of potential democratic problems; most importantly, the modes of soft governance seem to have fallen between the cracks in terms of democratic legitimacy. It is often referred to as a system with great potential of deliberative democratic values; however in practice it seems to be treated as a complementary part of the traditional community method (hard law) but without the need for traditional forms of democratic legitimacy. This relates to another mentioned aspect of EU governing, namely, how we can understand the demarcation between hard law and soft law. As we have learned, this theoretical demarcation can be questioned as the line between the two types of law, in practice, is much more fluid than one might imagine. For instance, soft law can lead to hard law, and hard law can be unspecified and implemented very differently in different member states.

This fluidity between soft law and hard law is also notable when policy areas of soft law are connected to policy areas where the EU has significant hard law-power. For instance, viewing education as an economic cornerstone seems to justify increasing EU involvement in the education area even though this is not a EU competency. In conclusion, there seems to be a general lack of clarity in how soft law and the OMC should be interpreted and democratically justified, meaning that the democratic deficit of the EU might be negatively affected.

In relation to the policy area of education the democratic implications of soft law get an additional dimension: in spreading the view of education as an economic cornerstone to the national level, the role of education in promoting and strengthening democratic values and citizens suffers. This view of the democratic function of education has been especially prominent in the education policy of the Nordic countries (Blossing et al 2014 & Dahl 2003), making this potential turn of purposes even more radical in these countries. Consequently, the democratic implications of soft law may be extra prominent in the field of education in a country like Sweden.

The aim of this thesis is to shed light on some of these democratic implications of Europeanisation through soft law in the education area in Sweden. The question of the

influence of the EU on national educational policies has partly been investigated, but how does Sweden perceive this influence? How does the national level relate and refer to the EU within this policy area? And how can we interpret this from a democratic point of view? For instance: Is the lack of clarity in how soft law and the OMC should be interpreted and democratically justified visible at the national level in the education area? The education area is an area of national competency, but how clear is this in the national education discourse? And is the EU influence and its potential democratic consequences problematized in the national education discourse? The research questions are:

1. How does the Swedish education policy relate and refer to the EU?
2. With regard to the answer of the first question: what does this entail from a democratic point of view?

The specific contribution of this thesis will thus be to investigate the Europeanization of Swedish educational policies from a democratic perspective. The hope is to dig somewhat deeper into the case of Sweden and the education field compared to previous research, and from this case expand the understanding of Europeanization and democracy in general as well as raise additional questions for future debates on the subject. In this way, the result might contribute to the greater discussion on Europeanization and the democratic implications of soft law, and might therefore be of interest to other EU member states, as well as to other policy areas where soft law is commonly used. The research is thus naturally linked to the larger issue of the democratic deficit of the EU and how soft law might increase or decrease this deficit. The research may also raise further awareness on how the Europeanization of education affect the democratic purpose of education, making the investigation interesting also from this specific democratic point of view.

6. Design of research project

In this chapter the methodological design of the research project will be presented and discussed. Firstly, the method of ideology critique will be presented and its suitability in answering the research question will be discussed. Thereafter, the delimitations and further methodological choices of the research performed will be explained. Subsequently, the empirical material of the study will be presented along with a discussion on its advantages and disadvantages. The practical approach of the study as well as the method for result presentation will then be presented to give the reader a picture as clear as possible of the study performed. Finally, some additional remarks will be made on the limitations of the study.

6.1 Ideology critique as a method

Ideology critique is a form of text analysis focused on problematizing a text from a specific perspective. A prerequisite for an ideology critique is to understand that the text in itself is insufficient to interpret reality; instead, the relationship between the text and the societal and material context of the text is crucial (Bergström & Boréus 2005: 173). Sven-Eric Liedman (1983: 15) writes ‘the general ambition of the ideology critique is to compare ideas with the tangible reality and understand the ideas in the light of this reality rather than the other way around’. This means that the ideas conveyed in the text need to be understood in relation to the material and social reality of the text. It is therefore important to understand which social and ideological context the text is a part of and compare the picture that is conveyed in the text with an external reality. How does the text interact with the surrounding society?

The method of ideology critique presumes that the text has an ideological function where certain ideas and a specific view of rationality are supported. In this context, an ideology signifies a system of more or less distinct notions and values, which affect the way one sees the world, the society and its inhabitants (Hellspong 2001: 131). In an ideology critique the goal is to expose the social and ideological tendency of the text. In studying the argumentation of the text we can also understand more than the things that are explicitly stated¹. The tendency can thus be more or less pronounced; it can also be about the

¹This can also be referred to as the difference between manifest and latent messages within the text, where manifest messages are relatively clearly stated whereas latent messages are more ‘beneath the surface’, see Liedman 1983.

discovering of conditions that seem to be a natural part of the text (something objective) but really derive from a specific ideology (something subjective). However, the ideological tendency is not necessarily uniform and the analysis can therefore revolve around exposing tensions and contradictions in the text. The central question is how the text contributes to the creation, perseverance and change of social structures and power relations, as well as the ideological tendencies, which justifies and questions them (Hellspong 2001: 132). Typically, the relationship between values, description(s) of the reality and desirable actions is perceived as 'natural' in the text, and therefore convincing. The ideology critique 'exposes' the ideology both by revealing its existence and refusing to accept its expression (Liedman 1983).

Ideology critique is closely related to discourse analysis, however the ideology critique always refers to a material reality while discourse analysis is more focused on the language and its inherent power (Esaiasson et al. 2007: 239). Another advantage of ideology critique is that it clearly permits (as the name indicates) critical studies of ideas and ideologies, something that is crucial for the possibilities to criticise politics and policies (Bergström & Boréus 2005: 177-178).

When performing an ideology critique, the researcher's perspective is not presumed to be neutral. Instead, the researcher is presumed to have a social and ideological position of her own, which might affect the analysis (Hellspong 2001:139). Therefore, it is important to be open with the preconceived ideas of the research performed. It is, however, worth noting that the problem with the researcher's previous experiences and opinions affecting the research he or she conducts, is present regardless the method chosen (Esaiasson et al. 2007:251).

6.2 The suitability of ideology critique in addressing the research problem

The aim of this thesis is to shed light on some of the democratic implications of Europeanization through soft law in the education area in Sweden. The goal of the study is to investigate how the nation state (Sweden) relates and refers to the EU within the policy area of education *and* how this can be understood and interpreted from a democratic point of view. Thus, the study seeks in-depth knowledge and is structured around relatively open questions making a qualitative study more fruitful than a quantitative study. Early on in the research process, some sort of qualitative text analysis emerged as the most suitable method. Not only

because this method allows the researcher to investigate and understand the text as a whole while at the same time explore chosen parts more in detail, but also as a qualitative text analysis has the possibility to expose contents which might be hidden beneath the surface of the text (Esaiasson et al. 2007: 237). I am convinced that the research problem at hand demands a method with this amount of flexibility, so as to increase the possibility of answering the research questions satisfactorily.

As the study asks how the *nation state* of Sweden relates and refers to the EU, I also decided that official sources were desirable. I could possibly have used interviews as research method; however, text analysis of official documents from Swedish authorities seemed like the better way to achieve a comprehensive picture of the issue at hand. These documents have been ordered, written, seen and approved by several officials and politicians and are therefore more likely to give a broader picture compared to interviews with only a handful officials and/or politicians. The selection of possible material also increases substantially, not least the possibility to analyse documents from different points in time.

Within the methodological field of text analysis, ideology critique appeared as a very fruitful choice. The study is clearly driven by a certain normative imperative, the problematic democratic deficit of the EU, and a wish to critically assess the impact that soft law may have on this deficit. Therefore, it seems suitable with a method that aims to problematise a text from a preselected perspective. Ideology critique has by nature a critical perspective, as does the research problem at hand. The research is not, however, about criticising a text as such, but rather about raising awareness of the existing ideological tendencies within texts as well as the impact of these ideological tendencies on the world outside the text (Hellspong 2001: 132). The documents analysed are thus means to discover how we can understand these issues in a wider context. In this case, the texts analysed will help us identify the ideological tendencies which exist in the way Sweden relates and refers to the EU in the education policy, and in doing so allow us to make an assessment of some of the democratic implications of EU soft law. The logic of the ideas found in the empirical material becomes understandable in relation to its material and social context.

6.3 Delimitations

The study has been delimited in several steps, below the choice of policy area, time period, level of education and country will be discussed.

6.3.1 Choice of policy area

The study is limited to one policy area, education. Not only is education an important policy area of soft law within the EU, it also has a special relationship with democratic values, something that especially motivated research in this area. By choosing the education area, the democratic implications of soft law became not only about the democratic legitimacy of soft law as a form of governing, but also about the democratic contents of the education policy as such; making the research especially intriguing from a democratic perspective.

6.3.2 Choice of time period

I decided to set the study after the Lisbon Strategy (2000) as this is the starting point of an intensified EU involvement, as well as the change of contents, in the education policy. Furthermore, the OMC was introduced within the Lisbon Strategy thus putting the use of soft law to a head (Trubek & Trubek 2005: 345). Consequently, if there ever was a time when the member states have been forced to relate to the EU in their national education policies, it is after the year 2000.

It would also have been possible to compare the period before the Lisbon strategy to the period after the Lisbon Strategy, and I did study older reports (written prior to the Lisbon Strategy) to increase my general knowledge in the subject. In my studies of the older texts I looked for the presence of certain words and expressions (the same which are used in the empirical material of the study). I noted that the development in question seems to be an intensification of the EU presence; something that is confirmed in the previous research consulted, which does look into reports written prior the Lisbon Strategy (Unemar Öst 2009). By analysing material after the Lisbon Strategy, the most intense time-period, I hope to put the issue at hand to the test, partly assuming that if it does not exist after the Lisbon Strategy, it is not likely that it existed before either. The relative length of the chosen time period (from 2000 to 2012) does of course open up for discovering a development over time.

6.3.3 Choice of level of education

To make the study possible, it was necessary to limit the studied policy area in terms of level of education. There were several possible levels to study, such as elementary education, vocational education, and higher education. Higher education (as a collective term for tertiary education and research) was chosen for several reasons, many of them related to the chosen time period. For instance, I noted that vocational training, being regarded as closer connected to the common market, was a subject to cooperation relatively early in EU's history and therefore less affected by the Lisbon Strategy than other levels of education (European Commission 2006:56). I also noted that the intensifying EU involvement which can be noted in relation to the Lisbon Strategy seemed to be especially true in relation to higher education, mainly because tertiary education and research here are regarded as areas which could have a great effect on the economic development of the Union (Ertl 2006: 16). Elementary education has so far received less attention from the EU (making it less interesting for this study) even if a growing interest clearly can be seen also at this level (Dale & Robertson 2002). Overall, higher education felt like the most fruitful choice, as this level is the most important in accomplishing the goals of the Lisbon Strategy as well as the following EU 2020. Still, it is clear that the EU does not have any hard law competency here, which makes the use of soft law crucial, something that puts the question of the democratic implications of soft law to a head and therefore makes this a suitable study object.

6.3.4 Choice of country

The study only investigates the Swedish case and does thus not aim at general validity. It would have been interesting to compare several countries, however given the time and scope, the study was limited to only one country. This gives the study greater possibilities of performing in-depth research. The reasons for the choice of the Swedish case are not only practical, even if the knowledge of the Swedish language as well as the easy access to official documents from the public authorities facilitated the research process. Sweden also seemed to be an especially interesting case in relation to the democratic theory and perspective that the study rests upon. As was noted in the previous chapter, the democratic implications of soft law in the education area may be extra prominent in the Nordic countries as the democratic function of education has been especially important in these countries (Blossing et al 2014 & Dahl 2003). Thus, the Swedish case seemed both practical and theoretically motivated.

6.4 Empirical materials

As earlier mentioned, I have chosen to use official documents from the public authorities on education policy as the empirical material of the study. As mentioned, the reason for this is that these documents have been written, seen and approved by several officials and/or politicians and therefor likely to give a relatively comprehensive picture of how Sweden relates and refers to the EU in its national education policy. I have, of course, chosen documents that deal with the field of higher education, as this is the education level in focus. The documents analysed are published between 2001 and 2012. None of the reports have been ordered or written by the public authorities before the drafting of the Lisbon Strategy in March 2000. Worth mentioning is also that Sweden has been governed by social democratic governments (2001-2006) as well as right governments (2006-2012) during this time period.

Ideally, the study would cover all reports of importance within this period of time both with reference to topic and type of document (such as department reports, general public reports and government bills); this was unfortunately not possible given the time frame and size of this research project. I have chosen only to analyse Official Reports of the Swedish Government (in Swedish: Statens Offentliga Utredningar, SOU), thereby excluding department reports, government bills and other publications. I did study several other reports in an earlier phase of the research process, but came to the conclusion that it would be arbitrary to choose material from all the different kind of reports, and as the Official Reports in general are more substantial than the other potential material, I decided to focus on those.

However, even within the group of Official Reports it was necessary to limit the selection. I have tried to choose reports that take a comprehensive approach on higher education policy, as opposed to documents that focus on more narrow subjects within the higher education policy field. The reason for this is a wish to get as many perspective as possible from a, by necessity, limited selection of empirical material. However, I am aware that this method of material selection is in no way perfect.

Below follows a list of the used empirical material. The list includes the titles both in Swedish and English.

- SOU 2001:13 Nya villkor för lärande i den högre utbildningen
(New conditions for learning and teaching in higher education in Sweden)
- SOU 2004:29 Tre vägar till den öppna högskolan
(Three roads to the Open University)
- SOU 2006:7 Studieavgifter i högskolan
(Student fees in higher education institutions)
- SOU 2007:81 Resurser för kvalitet
(Resources for Quality)
- SOU 2008:104 Självständiga lärosäten
(Autonomous Higher Education institutions)
- SOU 2009:28 Stärkt stöd för studier – tryggt, enkelt och flexibelt
(Strengthened support for studies – safe, simple and flexible)
- SOU 2012:41 Innovationsstödjande verksamheter vid universitet och högskolor
(Activities for innovation support at Universities and Colleges)

6.5 Practical approach

The research project is to perform an ideology critique on a number of official documents from Swedish authorities on the national education policy. I will however not study every aspect of the documents in detail, but focus on the way they refer and relate to the EU, as this is my research question. This will then be analysed from a democratic perspective, investigating some of the democratic implications that EU soft law has in the education area. An ideology critique seeks to expose text content which might be only implicitly referred to, which makes it important to both understand the text as a whole and explore certain parts more in detail (Esaiasson et al. 2007: 237). Practically speaking, I have therefore read the documents as a whole, as well as focused more thoroughly on parts especially relevant to my research questions. When speaking of especially relevant parts of the texts I refer to such parts, which refer to the EU and/or its education policy in a more or less explicit way. This can be specified as words, names and expressions such as:

- Those, which refer to the EU such as; EU, European Union and European cooperation.
(Explicit EU reference)

- Those, which are commonly used in the EU education policy and primarily, relate to the economic function of education such as; labour market, entrepreneur(ship), employability and lifelong learning.
(Potential or implicit EU reference)

I have chosen to focus on words and expressions that revolve around the economic function of education as I find this to be the dominating feature of recent EU education policy (see chapter 4.2). If EU is mentioned in the documents in relation to other education issues (such as decentralisation and autonomy) this will also be noted, I will however not look deeper into parts of the documents that mention for instance decentralisation, if EU is not mentioned in relation to this. I have also studied some other parts of the text more carefully, namely those referring to:

- Democracy and democratic values, as this is especially interesting in relation to my research question and also may represent a contrasting view of education compared to the economic-functional one.
- The Bologna Process, as this is highly connected to the EU and its education policy even though the process as such takes place outside the official EU cooperation, which is the focus of this study.

I have then investigated the material through the following predefined themes:

Presence of the EU in the empirical material

Do the documents refer to EU? Explicitly or implicitly (economic function of education)? What does EU signify in these documents? Does the EU have one meaning or several? In what context is EU mentioned (freedom of movement, economic growth, Bologna)?

EU's education policy in relation to national education policy

Is EU described as a part of 'us' (Sweden) or is it described as something alien? How is EU related to the Swedish policy process? Where in the decision making process do the documents put EU? Is EU education policy mentioned as something we have to live up to in Sweden or is it referred to as something voluntary? Does EU-policy seem to be used as a way to legitimise proposals at the national level?

Alternative views

Are other types of policies and perspectives than contest the EU perspective discussed? How does the credibility of the EU perspective manage compared to the credibility of contesting ideas? Which ideas seem to emerge as the most influential?

Finally, the results are analysed and discussed more freely from a democratic perspective through the following questions:

- What does the result tell us about the way the national level refers and relates to the EU in the education policy from a democratic point of view?
- Could the answers be problematic from a democratic point of view? How so?
- What does the result tell us about the democratic quality of soft law?

The goal is that this practical step-by-step approach will help me investigate the social and ideological context of the material, and give me the tools to identify the ideological tendency or tendencies, which exist in the way Sweden relates and refers to the EU, as well as make an assessment of the democratic consequences this might have.

The analytical structure is relatively open so as to allow a certain level of spontaneous observations. For instance, there are no predefined categories, which the answers to the questions must fit into. The point with this is that such categories would narrow down the answers in an undesirable way. However, the choice of the open approach might be problematic as it is more difficult to focus on the research problem at hand. It may also be more difficult to see things that do *not* exist in the material, whereas with predefined categories it is easily noted if one category of answers is not represented in the material. This problem will be handled through a retrospective reflection upon different answers that we might have, but did not, find (see Esaiasson et al. 2007: 245-246).

6.6 Presentation of results

The result will be presented in a mixture of summaries, quotations and argumentative conclusions as is appropriate when performing a qualitative text analysis (Esaiasson et al.

2007: 253). The aim is to achieve a sufficient degree of transparency as to make the result objectively credible.

As this thesis is in English and the empirical material is in Swedish, it has been necessary to use my in no way flawless translations skills when quoting selected parts of the material. All the original quotes can be found in Appendix 1.

6.7 Additional remarks

This thesis does not aim to ‘prove’ the existence of an Europeanization of education policies; nevertheless the research conducted rests upon previous research in this area. Based on this previous research it seems safe to say that evidence of some kind of Europeanization does exist. This belief can be seen as the base for the research problem investigated, as it is hard to argue that there is a potential democratic problem with soft law if soft law has no effect on national policies whatsoever. It is also important to note that the result does not presume to cover all kinds of democratic implications of soft law in the education area, but solely strives to uncover and discuss some of them.

I have already mentioned the difficulties in separating Europeanization and globalisation of education (see page 15). This study does not purport to examine the difference between these two processes and as the focus is how the national level (Sweden) refers and relates to the EU (not the EU *and* the OECD), the issue of separating Europeanization and globalisation may not be as important as it might otherwise be. Although, it is important to have this issue in mind so as not to jump to conclusions about the importance of EU in relation to the OECD as a user of soft law mechanisms in the field of education.

I am aware of the potential problem of referring to Sweden as something separate from the EU when Sweden in fact also is a part of the EU. However, the starting point of the research here conducted is that even though Sweden is a part of the EU, Sweden is also an independent nation state, whose opinions and behaviour does not necessarily mirror the EU’s.

7. Analysis and results

In this chapter the results of the empirical investigation will be presented. The presentation will follow the basic structure introduced in chapter 6.5 (Practical approach) and is thus divided into three main parts: (1) Presence of the EU in the empirical material, (2) EU's education policy in relation to national education policy and (3) Alternative views. The discussion on the democratic implications of the results is found in chapter 8.

7.1 Presence of EU in the empirical material

Here the issue of how and when EU is present in the empirical material will be dealt with. Both explicit EU references, and potential or implicit EU references in form of references to the economic function of education, will be described. Furthermore, the signification of EU in the material will be discussed; does the EU have one meaning or several, and in what context is EU mentioned?

7.1.1 Explicit EU references and the signification of EU in the material

The degree of explicit EU references in the material varies greatly. Generally speaking, the explicit EU references are increasing over time with no mention of EU at all in SOU 2001:13 and a prominent EU presence in SOU 2012:41. However, it is not a totally clear linear relationship between the publication year and the explicit EU presence; the main exception is that the EU is considerably more present in SOU 2007:81 than in SOU 2009:29.

The signification of EU also varies. Before 2007 the EU is mainly mentioned in relation to the Bologna Process and the freedom of movement for students and teachers within the Union (See for instance SOU 2006: 55 and 67). Though the Bologna Process later on is discussed as something clearly intermingled with the EU itself (see SOU 2007: 44-45 and SOU 2008: 69), it is also often mentioned without any comment of its connection to the EU. Below is an example of a Bologna-reference from 2004:

I am of the opinion that the admission system must be characterised by a greater pluralism in terms of selection forms and criteria than hitherto. The international development in general and the Bologna Process in particular also points in this direction. (SOU 2004:267)

From 2007 and forward the signification of the EU, to a higher degree, also includes the EU-institutions, the Lisbon Strategy and different recommendations and political goals deriving

from the EU level (See for instance SOU 2007: 107, SOU 2008: 72-76 and SOU 2012: 14). In parallel with this development EU is increasingly used as part of the argumentation that is brought forward in the material, something that is further investigated in chapter 7.2. EU thus increases in presence and broadens its signification, and may thereby also increase its imprint on the national policy. Below is an example of a typical EU reference in the later half of the time period investigated:

The Council of Ministers is preparing a resolution on what the modernization of universities could mean for Europe's competitiveness in a global knowledge economy. (...) In this context, the Council invites the Member States to promote high quality in higher education and research by developing institutions and networks that are able to compete internationally as well as to contribute to attract the best talent to Europe, whilst providing these institutions autonomy to develop their full potential... (SOU 2008: 72-73)

7.1.2 Potential or implicit EU references

Potential or implicit EU references in form of references to the economic function of education are consistently present throughout the time period represented by the material. There is a notable focus on the labour market and how higher education needs to adapt to demands from, and conditions, on the same. This economic function of education is sometimes discussed with explicit references to the EU, and sometimes without mentioning the EU whatsoever (examples of the first alternative will be presented in chapter 7.2). The focus on the economic function of education does nevertheless mirror the similar focus on the EU level. Examples of the presence of the economic function of education are presented below:

1. Many of the government *directives* providing the frames of the investigations do refer to the labour market-situation and the economic function of education:

In light of the surveys, the investigator ought to suggest how the pedagogical renewal can be promoted through: change in the general objectives of the higher education system given the new skill requirements of working life. (SOU 2001: 242)

2. The framing of the educational issues at hand is often centred on *promoting economic growth* in the society at large. Economic gain is thus presented as a main goal of many of the educational reforms that are promoted in the material. See for instance the following quote,

where the wished amount of educated citizens in the society is dependent on their effect on the economic growth:

Education is often highlighted as part of an economic-political strategy for increased growth. If educational initiatives excessively leads to overeducated citizens this can instead lead to growth inhibition. (SOU 2009: 100)

One recurring topic in the material is also the alleged need to increase the amount of students that move *directly from secondary to tertiary education* without a study break, as well as increase *the throughput* of students within higher education. This issue is continuously framed as in the quotes below:

The relatively high age of Swedish students when starting their university education also means that they are relatively old when leaving the University to establish themselves on the labour market. According to the government's Globalisation council, it is important to strengthen the incentives for students to complete their studies at a younger age than today, as the socioeconomic return of education is directly proportional to the number of working years. Both the society and the labour market have an interest in seeing the students finish their university studies and start working, as soon as possible. (SOU 2009: 25)

And

At least as important as the factors delaying the commencement of a university education is obviously the factors that unnecessarily prolong the education period, as the interesting aspect from a socioeconomic perspective really is at what age a person leaves the university with a degree or equivalent qualification to establish himself or herself at the labour market. (SOU 2004: 127)

The reasons why younger students and increased throughput is necessary is connected to their future labour market establishment and to the economic gain which can be won through this. The economic aspect thus constitutes the main argument in this discussion.

3. The material does also discuss *employability* frequently, and highlight it as an important quality-measure within higher education:

When evaluating the task of interaction, an important aspect is how the interaction between the university and the labour market is strengthened, not only within the education programmes that

have mandatory periods of work placement or internship, but also in other programmes. All education programmes prepare for employment, and employability is thus not exclusively an important quality factor within the so-called vocational training programmes. (SOU 2007: 218)

4. Another trend seem to be to *justify nearly all education goals economically*. Many goals of higher education, such as increased diversity among the students, which do not necessarily need to be connected to economic gains to be motivated, are so anyway:

Increased diversity in higher education gives individuals greater opportunities for development and is also a condition of continued social and economic development. It contributes to better efficiency and productivity in the economy by producing a greater amount of educated people with different backgrounds in the workplace. This is a necessity if we are to compete with other countries, which, for the same reasons, are expanding their higher education sectors. Increased accessibility to higher education is also part of a process of democratization and a prerequisite for increased social equality. It thereby contributes to better social stability. (SOU 2001: 73)

Even if the economic argument here is accompanied by a democracy argument, the economic gain is presented as the main argument and the democratic gain more as a positive side effect.

In the quote below the author even feels the necessity to point out the educational incentive (personal development) that is presumed to be *useless on the labour market*:

The individual's motivations for studies contain many components. It involves a desire to realize dreams and life projects, and to acquire an education that leads to a place on the labour market as well as to future income. It is also about the possibility to immerse oneself in one or several areas of interest. One incentive for education is that it leads to personal development - even if this is non-useful in the labour market. (SOU 2009: 95)

Again, when this kind of non-economic reasons for education is discussed they are often mentioned as a 'bonus' rather than the main argument.

5. The so-called '*third task*'² of the higher education institutions – interaction with the society (as a mean to spread the knowledge gained within these education institutions) – is seemingly growing in importance during the investigated time period. In the interpretation of this third task, extra weight seems to be put on interaction with the business community, rather than

² The other two tasks are education and research, thus very classic main activities within higher education

other parts of the society (like the civil society). In the last report, from 2012, it is for instance argued that the universities should take on a leading role in the regional innovation systems and increase their engagement within the business community:

The constitutional regulation of the mission of higher education institutions should be broadened and clarified. Universities should be given the opportunity and responsibility to move on to be policy-acting entities within the business community, instead of as until now mainly play the object role, directed by all sorts of business actors in their surroundings. The universities should be encouraged to take a leadership role in the regional innovation systems. These specified mandates should be accompanied by resources for their implementation. The so-called third task should be better integrated into strategies and everyday management of education and research – the knowledge triangle needs to be modified / rebalanced. (SOU 2012: 13)

7.1.4 Presence of EU: Conclusion

This chapter has showed that the EU is present in a varying degree in the material investigated, however there is a pattern of increased EU presence over time. EU also seems to have a broader meaning later on in the time period, when the material does not only refer to the Bologna Process but also to EU institutions and EU recommendations. As we will see in the next chapter (7.2) this development seem to correlate with a growing EU presence, and a growing weight of the EU, in the argumentation presented in the material.

The chapter has also shown just how present the economic function of education is throughout the empirical material. This has been done to give the reader a picture of how well the national development mirrors the EU development in relation to the content of the education policy. As we will see below references to the EU is often made to further strengthen arguments promoting the economic function of education. In this chapter the quotes presented have not included such EU references and there is no denying that the ‘economic’ development of the education policy probably is bigger than the EU influence as such. One could however claim that the EU further reinforces this development.

7.2 EU’s education policy in relation to national education policy

Here we will try to understand the EU policy in relation to the national policy in the empirical material. Are the two policies separated from each other making it clear what origins from the European level and the national level respectively? Where in the policy/decision making process do the material put EU? Is the EU education policy mentioned as something we have

to live up to in Sweden or is it referred to as something voluntary? Does EU policy seem to be used as a way to legitimise proposals at the national level?

7.2.1 EU's position in the national policy process

When references to the EU are present in the material, they are basically always referred to as 'recommendations', which is a correct designation based on the competence the EU does have in the education field. However, in a way these EU recommendations seem to constitute an early step in the national decision making process as the national level are confronted with concrete and finished proposals, which demand a response. In practice, this could give the EU level a sort of interpretative prerogative. In the material it is easy to find examples of discussions on how the national level should respond to EU recommendations, it is however impossible (or at least very difficult) to find examples of how the national level should influence the policy discussion at the EU level by creating national education policy proposals or goals. See for instance the following quotes:

In the end of the EU Report, "Giving More for Research in Europe", the expert group outlined how it envisaged the work to continue. First and foremost they welcomed a critical discussion of all the made recommendations. Then they emphasized the importance of an immediate commenced implementation work in the member states. The report's objective is high. They want the majority of the recommendations to be implemented in 2010, so that the effects in terms of increased giving can be registered immediately. So, what can Sweden do to meet these requirements? (SOU 2007: 110)

And

I believe that the normative significance of the EU should not be underestimated. After taking note of some of the answers that the Swedish Government left to the European Commission in 2010 regarding the compliance with the recommendations and the report which later that year was compiled by a special working group (ERAC Working Group), I can conclude that Sweden is lagging behind regarding essential parts of the recommendations, something that my investigative work also confirms. Therefore, it is important for our interaction within the EU and for our national competitiveness that we move up a gear to catch up. An active implementation of the EU Commission's recommendations is in line with the conclusions I leave in the investigation... (SOU 2012: 67-68)

As we can see the national level (Sweden) is expected to react, and even implement the EU recommendations at hand. The question the author of the Swedish report asks in the quote

from SOU 2007 is “what can Sweden do to live up to these demands?” not “should Sweden live up to these demands?” In the quote from 2012 we can read about how Sweden “is lagging behind” regarding the EU recommendations, and that we therefore should “move up a gear” in order to catch up with the implementation. So, even if proposals deriving from the EU level are referred to as recommendations, one can question whether they are actually discussed as recommendations or whether they simply are expected to be implemented at the national level.

In the examples above it is stated clearly that these recommendations derive from the EU level, and in this way they are separated from the national education policy. The practical dynamic between the EU level and the national level do however appear blurry and the general discussion on the economic function of education, which was presented in the previous chapter (7.1.2), is complicated – here we cannot prove if the ideas have an EU origin or a national origin. We can only conclude that the national discussion in these aspect mirrors the EU discussion. As can be seen in the quotes presented in this chapter, also the stated EU recommendations do promote the economic function of education.

It is also obvious that EU is affecting the national preconditions within the higher education area in other ways than through their recommendations. EU investments in the research area create a competition of funds, which the national level inevitably will respond to:

Changes in the surrounding world means that Swedish universities have to find new strategies to cope with the competition. The internationalization itself, increased international student mobility, supported by e.g. the Bologna Process and the liberalization of trade in services as well as new forms of research funding such as the European Research Council and other EU initiatives, together form a new world of competition that Swedish universities have to respond to. (SOU 2007: 144)

Moreover, it seems that the internationalisation goes hand in hand with the Europeanization in creating something that is perceived as new conditions in general for the national education area. In the material, this development is referred to as something that demands change in Swedish higher education system. Often a change in form of adaption to other systems:

In an increasingly globalized world, the conditions of the Swedish universities must be equivalent to their foreign counterparts. This gives the universities possibilities to compete and operate in an

international market, and Swedish higher education and research can provide a basis for a continued strong societal development. (SOU 2008: 284)

7.2.2 The weight of the EU policy

As mentioned above the EU proposals are generally referred to as the recommendations they are. Ironically, they are at the same time referred to as something we do have to live up to at the national level. Not necessarily because the EU ‘says so’, but because the ‘reality’ (as presented in the material) seem to demand that we do follow the recommendations:

... If universities are perceived as important actors in the innovation process, it is urgent that the proposals are implemented so that Sweden's economic growth and competitiveness, in the greatest possible extent, is ensured. (SOU 2012: 108)

And

RUT 2³ believes that a new strategy and a new attitude towards those who want to contribute to strengthening university research must be formulated. This is also advocated by the EU who in the report "Giving more for research" stated 17 recommendations on the steps that the EU Member States must take to promote foundations, non-profit organizations and individuals' willingness to contribute to investments in research and development (...) RUT 2 shares the view of the European Commission and advocates that these proposals are implemented in Sweden. (SOU 2007: 17)

As we can see in the quote above the EU recommendations are indeed also used as a way to strengthen the argumentation in the investigated material. In all the reports where the EU presence is extensive, the EU recommendations are also used as a way to further legitimise the policy changes that are suggested at the national level. In the first quote below ‘European statements’ are presented as one group of argument among other groups, which motivate a policy change at national level, and in the SOU from 2012 the investigation as a whole basically ends in the conclusion that the government need to implement the EU recommendations in question:

Greater autonomy for universities and colleges - what is it good for? After this overview of (1) European statements in favour of greater autonomy, (2) completed and on-going university reforms in various countries, (3) Swedish proposals on new organization forms for higher

³ RUT 2 is the shorter name of the SOU in question (Resurser för kvalitet 2007.81)

education and research, and (4) a few empirical studies, there may be reasons to return to the issue. (SOU 2008: 103)

And

Recommendations from the European Commission are often met with revulsion and contestation. But this Recommendation deserves to be received with full appreciation for its material content. Its code of conduct for the universities consists of three main groups of principles, including one for an internal policy for intellectual property rights, one for knowledge transfer, and one for research collaboration and contract research. The principles are well formulated and strikingly close to my own assessments of what should be done at the universities. It is important for future collaborative research in Europe that the Swedish universities are encouraged to express themselves in the different policy areas. I will later return to the Commission's recommendations and propose in conclusion that the government assigns the universities and other relevant authorities to implement the recommendations. (...) In my estimation, powerful action is of utmost importance to strengthen Sweden's competitiveness and growth. (SOU 2012: 31)

Interestingly enough, this last quote also claims that ‘recommendations from the EU Commission not seldom are met with repudiation and questioning’. After studying the empirical material chosen in this research project, it is hard to identify with this statement. On the contrary, EU recommendations seem to be met with quite some enthusiasm from the national level represented in this material. More often than not, the EU recommendations seem to be seen as an opportunity rather than a threat.

7.2.3 EU's education policy in relation to national education policy: Conclusion

In this chapter we have seen that EU recommendations in theory are referred to as recommendations, and not as absolute laws at the national level. However, the recommendations seem to have a large impact on the national policy process. Firstly, the national level is confronted with finished policy proposals demanding some sort of reaction, this gives the EU a certain degree of interpretative prerogative where the recommendations (only by its existence) steer the discussion in a certain direction. Secondly, even though the EU proposals are referred to as recommendations, the context in which they are presented seem to indicate that national implementation of them is the only sensible action. The impression one gets is that if Sweden does not implement the EU recommendations, a sort of higher education/economic crisis is bound to come.

The EU recommendations are also frequently used as a way to strengthen the argumentation and legitimise policy proposals at the national level. In this way the image of the EU in the material is generally a very positive image where the policy development at the EU level and in other EU member states is highlighted as good examples, which Sweden could and should learn from. It is often indicated that Sweden needs to adapt to the international and/or European development to have a chance to compete in the education field.

7.3 Alternative views

In this final part the presence in the material of perspectives that somehow contest the EU education policy will be presented. The focus will be on such ideas that are directly set against ideas represented by the EU policy. How does the credibility of the EU policy manage compared to the credibility of contesting ideas? Which ideas seem to emerge as the most influential?

7.3.1 Ideas contesting the EU policy

In several of the investigated documents there are more or less pronounced demarcations between what is often referred to as classical ‘old’ education policy principles or the ‘Humboldtian heritage’ and a new entrepreneurial or instrumental dimension, which in the material is connected to the EU education policy as well as to the Bologna Process. The ‘Humboldtian heritage’ is here characterised by independent universities having a strong connection between education and research as well as the intrinsic value of higher education. In the entrepreneurial dimension, the value of higher education is to a larger extent connected to the surrounding society and the economic gain that education and research may result in. These perspectives on education are discussed differently in the different documents, in the SOU from 2008 the demarcation is pronounced in the following manner:

The different ideals described here connects to a historic debate on the purposes of higher education where "outer values" such as the societal impact and satisfying the needs of the labour market, often have been set against the "inner values" related to knowledge improvement and scientific advancement. (SOU 2008: 107)

And:

The Bologna Declaration and its follow-up communiqués provide a more instrumental view of the academy as a tool in the service of society. Concrete and related economic, political and social objectives are emphasised. Research and higher education are levers that can help us achieve

better living conditions. This applies in particular when it comes to providing students with the knowledge and skills they need in an increasingly demanding labour market, where you have to become employable. Harmonization, transparency and mobility within the higher education are necessary conditions for further European progress in all possible areas. The list of the tasks attributed to the European area of higher education is becoming steadily longer (...) In the messages that university leaders convey to actors within and outside the university, Humboldtian principles are constantly mixed with more utilitarian, instrumental and societal-oriented perspectives. (SOU 2008:71)

In the quote above the EU is represented by the Bologna declaration. However, the Bologna Process and the Lisbon process is constantly intermingled in this document, where it is concluded that the Lisbon goal of making Europe the most competitive knowledge-based society in the world is clearly present in the Bologna cooperation (SOU 2008: 69).

In the document from 2006 the conflict between education principles is put in a different manner but still clear:

In this context, our directives represents a balance between, on the one hand, established higher education policy principles, on the other hand, the opening of opportunities for higher education institutions to act on the international education market. (SOU 2006: 52)

Here it is also somewhat hinted that the old higher education principles are insufficient if the universities wish to compete on the international education market.

The most interesting discussion on different education principles is found in the SOU from 2007 where the opening chapter focuses on the collision between the Humboldtian heritage and the entrepreneurial dimension, which is often represented by EU's education policy:

... If one penetrates the European Commission's modernization agenda with the above divining rod, nothing of the Humboldtian rhetoric is really found. (...) In this document it is heavily underlined that higher education and research are nationally regulated in a too high degree, thus limiting competition and accordingly higher quality. Here is a clear plea for the European projects and agencies as solutions to this problem: the Bologna Process, The European Higher Education Area (ELEA), The European Research Area (ERA) and the European Research Council (ERC). In drawing its conclusions in its advocacy for the European higher education's modernization, actions that promote the entrepreneurial university are highlighted: the Member States are given the advice to take action that benefits the universities through their innovation and employment policies; the Universities are encouraged to extend their funding base and brand themselves using "structured partnerships with the business community"; The Commission has pledged to actively support such modernization work. (SOU 2007: 44-45)

The chapter also contains a critical discussion of the entrepreneurial dimension represented by the European institutions:

Neave⁴ points out that the universities' mission not only are to educate consumers, workers and entrepreneurs in a borderless Europe, but also critical citizens and thinkers in the different national cultures and thereby be part of the glue that contributes to social cohesion. In light of this critical voice there is, according to RUT 2's view, every reason to reflect on the education institutions' different roles in a societal perspective. The parts of what is now called interaction, and that is not only about interaction with the business community, but also about the wide social responsibility for democracy, popular education and the common good, deserves to be highlighted even more. (SOU 2007: 53)

A part from a contesting idea in form of this 'Humboldtian heritage', one can also find similar distinctions between typical EU policy values (focusing on the economic gains of education) and other values (such as democratic ones), like in this quote from the 2009 SOU where different reasons to subsidise education are pronounced:

There are a number of reasons for the state to subsidize education. The first is that the state is benefited by the increased productivity of individual's, mainly through increased tax revenues. Through education subsidies, the government can also reduce the risk that people educate themselves less than what would be economically optimal for the society. A third reason is that a higher level of education among the population also have a number of indirect effects, such as reduced crime, better functioning democratic system and better overall health. (SOU 2009: 96)

In this quote, from the same document but in form of a reservation outside the actual text, a plea for a more Humboldtian view is expressed:

We also believe that Bildung⁵ is at least as important as education and that the student aid system also should open up to the former. It must be possible for higher education institutions to offer and even encourage students to take courses that are outside the programme objectives. (SOU 2009: 566)

⁴ As in Guy Neave, a researcher referred to in the SOU.

⁵ This is the German translation of the Swedish word *bildning*, which the English language does not have a specific word for. Instead the word education is often used which in this context make the quote pointless. Sven-Eric Liedman writes in the Swedish national encyclopaedia with regard to the word *bildning* that 'while the goal of education is well defined and limited to a certain professional skill, the goal of *bildning* is the transformation of the human being as a whole'. The term *Bildung* is closely connected to the Humboldtian education ideal referred to in this chapter.

These types of reservations are however very unusual in the material investigated. And overall I also found remarkable few references to the democratic function of education, especially in relation to how many references I found to the economic function of education. When mentioning the democratic function of education, the texts seldom discussed it as a main value of higher education but rather as a positive side effect apart from the economic gain (see for instance in the quote preceding the one above).

7.3.2 The winner of the battle

When openly discussing the demarcation between the Humboldtian view and the entrepreneurial dimension the authors seemed to have a rather balanced discussion of the importance in remembering the value of both the dimensions:

The starting point for RUT 2 is a view of the higher education institutions as multidimensional. The University has a Humboldtian heritage to nurture with a strong link between education and research, with liberty and autonomy as obvious basis for operations. At the same time there is a renewed awareness of the great value of interaction with the surrounding society, which takes shape in the entrepreneurial dimension of the university. (SOU 2007: 15)

However in studying the material as a whole, there is no denying the fact that the entrepreneurial dimension, advocated by the EU, is the winner of this battle. The concrete policy proposals that are presented are often inspired by specific EU recommendations (See in SOU 2007, SOU 2008 and SOU 2012). Furthermore, and what has already been shown in this chapter, this instrumental view on education is noticeably present throughout the time period. In the SOU from 2012 alternative ideas are not discussed whatsoever. Despite the (sometimes) alleged balance between different values there seem to exist an assumption of the Humboldtian view as somewhat out-dated, and the entrepreneurial view as the modern, inevitable, future. Yet again a quote from 2007:

Obviously the higher education area of the world, or at least in Europe, find themselves in an uncertain transition phase from the state governance and financing of the Humboldtian University, which would guarantee academic freedom, to the more entrepreneurial university with a freedom of another kind. (SOU 2007: 88)

And as can be seen in the following quote from SOU 2004, the scenario presented is that we do not really have a choice as to where we are heading. The message is that the national level alone cannot seek another development than the one that is dominating outside the national

state:

The globalization of higher education leads to the adaptation of Swedish higher education to international conditions. This is probably also true when it comes to the admission and selection systems, as it is impossible to maintain unique Swedish rules in an international world. (SOU 2004: 161)

7.3.3 Alternative views: Conclusion

In some of the documents there is a discussion of different higher education ideals, where the Humboldtian view often is mentioned in contrast to the entrepreneurial view, which EU represents. The credibility of the view represented by the EU is however very strong in relation to alternative views. The EU view is discussed as modern and progressive while the alternative views are referred to as the 'old' ones, which in the context do not appear to be a compliment.

The policy changes that are asked for in the material are generally the ones belonging to the entrepreneurial, and not the Humboldtian, view. More than once the different perspectives are presented as contradictions where the policy changes demanded by the international and European development are put against old education principles.

8. Discussion of results: The dynamics between the EU and Sweden within the national education policy and its democratic implications

In the previous chapter the result of the empirical investigation was presented, in this chapter the result will be further discussed and analysed in relation to previous research and theory. The research questions will be answered and viewed in a greater context. Firstly, the question ‘How does the Swedish education policy relate and refer to the EU?’ will be answered, thereafter the plausible democratic implications of this answer will be discussed. The chapter will end with a reflection on how these results may contribute to the field of European studies and with some brief ideas for further research.

8.1 How does the Swedish education policy relate and refer to the EU?

The empirical investigation of this research project consisted of a text analysis on seven Official Reports of the Swedish Government (in Swedish, Statens Offentliga Utredningar or SOU) published between 2001 and 2012. As the issue of the increasing EU influence on national education policies already had been partly investigated by other researchers, the goal was to explore more deeply how the national level seems to perceive the EU influence and discuss the democratic implications of this. It is however worth pointing out that the Europeanization of national education policies, already noted by previous researcher, also is evident in this research project. Unemar Öst (2009) concludes that the EU steadily increases its importance and presence in the Swedish higher education discourse within the time period of her research (1992-2007), and the result of this study confirms that this development has continued after 2007. Thus, the EU presence has not decreased between 2007 and 2012, but rather continued to increase. The focus on labour market-issues and the economic function of education, encouraged by the EU and noted by both Nordin (2012) and Unemar Öst (2009), is also further confirmed in the result.

When moving on to the question of how the national level relates and refer to the EU and its increasing presence, there are several interesting things to note. Nordin (2012) noted in his research that Sweden was becoming a policy-borrower within the lower levels of education. The results of this research project also indicates that Sweden now is a policy-borrower, rather

than a policy-lender, in the higher education field, and that we borrow from the EU-level. The references to the EU and its recommendations when proposing changes in the national educational policies are evident, while the ambition to influence the EU with more independent national policies seems non-existent. As both Nordin (2012) and Unemar Öst (2009) also noted in their research, this development is not really problematized. Rather than discussing the potential consequences of the increased EU influence in the education field, the EU is generally just seen as a positive force and a role model. The emphasised issue instead seems to be the fact that Sweden is lagging behind regarding the implementation of several important EU recommendations, something that often is presented as a threat against the future success of the Swedish higher education-system and, ultimately, the Swedish economy.

Several researchers have proposed that the influence of the OMC is tied to domestic conditions, for instance that the EU policies are more likely to be taken on board if the national reform programmes are in line with them and that EU recommendations may be used as an excuse to implement less popular reforms at the same time as national politicians escape responsibility (De la Porte 2002). In the material here investigated the attitude is however not so much ‘this is unfortunate but we have to implement it’, but rather ‘this is good and necessary and therefore we need to implement it’. The EU education policies are part of a visible change in the Swedish higher education discourse (a change towards a more labour market and economic-functional ideal), whether this change originates from the EU level, the national level or even the global level is hard, if not impossible, to establish. What seems obvious is that the national resistance towards this change is next to non-existent, at least when official material is analysed. The result does not really indicate that the EU recommendations are used as *excuses* to implement reforms, but rather that they are used as part of an argument in favour of reforms which are in line with the EU recommendations. The deflection of EU influence in the education field which Alexiadou and Lange (2013) found in the United Kingdom, and which was explained by the UK’s history of EU scepticism, is not found in the Swedish case within the frame of this research project. The Swedish response rather resembles the Finnish wish to be seen as a ‘model student’ of the EU, which Rinne (2000) detected in the Finnish compliance with EU’s education policy.

The process of ‘silent Europeanization’ which Nordin (2012) discusses in his dissertation, where the European knowledge discourse is being re-contextualised at the national level

without any declaration in terms of explicit references, is however not as clear in the research here performed. In the later part of the investigated time-period, explicit EU references are on the contrary strikingly easy to find. Nordin suggests that the reason for the silent Europeanization he found could be that the policy borrowing collides with the image of Sweden as a pioneer in the education field. Interestingly, this does not seem to be a conflict in the empirical material of this study, the image which is presented of Sweden is not a boastful one, but rather one that portrays a higher education system which lags behind and needs modernising. The view of Sweden as a pioneer seems abandoned, which may explain why the authors use explicit EU references as well as EU recommendations as an argument for the suggested policy changes. Of course, the fact that Nordin's study focuses on lower education and this study on higher education is also relevant when analysing this difference in result. As the EU involvement in the area of higher education is more extensive than the involvement in lower education, it would not be surprising if the national level finds it more natural to take EU into consideration within higher education. In turn, this may say something about the practical influence that the EU has gained in the field of higher education through its soft law methods. It is possible that it simply takes some time for the national states to 'get used to' EU involvement within new policy areas, and that we now can study the result of the EU involvement within the higher education area, but not yet within the lower levels of education. The increased EU presence over time, which was found in the material, also strengthens this theory.

With this said, the result can also be said to confirm the previous research which claim that EU soft law and the OMC do have the potential to transform practices in the member states (See for instance Jacobsson 2004a). Factors such as the building of a joint language and a common knowledge base, systems of comparison and evaluation as well as social pressure should not be underestimated in national policy development. Even though the EU recommendations in theory only are recommendations, they seem to have a major impact at the national level, and a consensus around common challenges, objectives and policy approaches indeed seem to have evolved over time. That is, a consensus that embraces the EU narrative seems to have evolved. Alexiadou and Lange (2010) describes how the communication (in form of reports and recommendations) between the European Commission and the member states enable the Commission to serve the member states the (by the Commission) preferred policy proposals and thus steer the member states in a specific

direction. The result of this research project underlines the power the EU gets with the possibility to deliver finished policy proposals to the national level. As the result shows, these proposals gives the EU a certain degree of interpretative prerogative, demands a reaction from the national level and steers the education discourse in a direction preferred by the EU. In several of the studied SOU:s the EU recommendations frame relevant parts of the text.

8.2 Democratic implications of the results

The results of the study thus confirm the possibility of soft law to precede hard law, and can be seen as a practical confirmation of the theoretical difficulties in separating soft law from hard law. As was shown in chapter 3, several researchers criticise the demarcation between soft law and hard law as this produces a misleading image of the practical influence of soft law - an image where soft law do not have any relevant influence (Mörth 2004a; Trubek and Trubek 2005). As we have seen in this and other studies, it is very probable that soft law has legal effects even though it is not legally binding. For instance, the EU recommendations are in practice not always treated as only recommendations, but are often discussed as a necessity at the national level. The practical result of this may be the creation of a ‘democratic loophole’ where the EU gets un-proportional influence in policy areas which, according to the EU Treaty, are areas of national competency and therefore in no need of democratic legitimacy at the EU level. The risk of such a ‘democratic loophole’ in the education area is potentially especially high, as education is increasingly connected to economic issues wherein the EU does have acknowledged hard law power.

In the theory chapter it was also concluded that even though soft law is theoretically interesting from a deliberative democratic point of view, it seems to be incorporated into the traditional mode of government, resulting in an uncertainty of what kind of democratic legitimacy that should be sought (Frykman and Mörth 2004). The results of this study do not contradict this statement; soft law as such does not seem to have an independent system of democratic legitimacy, however, it is still seen as something separated from hard law and is thus not a subject to the usual monitoring of hard law. One reason why soft law still could be seen as a democratically legit process is the theoretical possibility to ignore the EU recommendations. But how valid is this argument when this rarely happens? Borrás and Conzelmann (2007:535) argue that if soft law result in quasi-law and in redirecting policy debates in particular directions, it *is* in need of democratic input-legitimacy. Hence, it is

difficult to be content with the vague democratic legitimacy that EU soft law holds today within the education field, when we can see how big a role EU seems to play in the Swedish education discourse.

A common argument against the existence of a general democratic deficit is that the EU is in no need of an independent democratic legitimacy as it receives this from the democratic processes of the member states (Moravcsik 2002). An argument of this type could also be used in the case of soft law, as soft law in theory leave the full power of decision to the national level, it gets democratic legitimacy from the democratic processes of the member states. Even though this type of argument may be seen as theoretical viable, it does have big practical limits. The reason why researchers, politicians and the EU still talks about the existence of a democratic deficit is that this deficit (as theoretically impossible as it may be) does seem to pose a real threat to the EU. A lack of confidence, trust and feeling of participation among the inhabitants of the Union is clearly a threat whether it is theoretically motivated or not, and ignoring this is not an option in the long run. This is also way we should take the democratic problems of soft law seriously. This issue deserves more attention and is ultimately linked to the always-present questions of European integration: Which policy areas should be a part of the European project and which should stay at the national level? And how do we make European integration democratically acceptable?

The importance that the EU and its recommendations are given in the empirical material of this study, in combination with an insufficient discussion on what this actually means for the democratic legitimacy of the suggested policy changes, should thus be seen as democratic problem in it self. Within the education area there are also other democratically important issues to consider, like how much the democratic value of education is worth when set against the economic value, and whether it is more important to make people employable than creating active citizens?

8.3 Final reflections

This thesis has aimed to shed light on some of the democratic implications of the Europeanization through soft law in the education area. The focus has been on how the national level, in the form of Sweden, in its education policy relates and refers to the EU, and how this can be understood from a democratic point of view. The results show that the EU

plays a relevant role in the national policy process in the area of higher education and raises questions about whether this is democratically justified or not. The results do not deliver clear solutions or answers to these issues, but rather contribute to further knowledge on the influence as well as the democratic limits of EU soft law within the education area, which hopefully may encourage additional attention to be given to these important questions.

On a practical note, it would be interesting to know more about the differences between the member states in how they relate and refer to the EU within soft law policy areas, and to have a further discussion on what these differences tell us about the democratic implications of soft law. Is EU soft law for example a bigger democratic problem in Sweden than in Great Britain, if Sweden to a higher degree complies with EU recommendations? It would also be interesting to look further into the education area and investigate how the change, driven partly by the EU, from the Humboldtian view to the entrepreneurial view, actually affect the practical every-day life within Swedish higher education institutions; is it possible to detect a practical change as well as a theoretical one? And how does this effect the democratic assignment of higher education?

Finally, the theoretical as well as practical discussion on how the power dynamics between the EU and the national state should look like has always been central in the research field of European studies. The fact that this issue already has received a lot of attention does not, however, make it less important now or in the future. As the EU grows and develops new working methods, the question of the power dynamics between the Union and the national states, as well as its democratic implications, needs to be reinvestigated. Hopefully this study is a contribution to the further revitalisation of this important discussion.

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SOU 2008:104 *Självständiga lärosäten*

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Appendix 1: Quotes in Swedish (original language)

Page 34:

Jag är av den uppfattningen att antagningssystemet måste få präglas av en större pluralism vad gäller urvalsformer och kriterier än hit- tills. Också den internationella utvecklingen i allmänhet och Bolognaprocessen i synnerhet pekar i denna riktning. (SOU 2004:267)

Page 35:

Quote 1

Inom ministerrådet pågår förberedelser för en resolution om vad moderniseringen av universiteten kan betyda för Europas konkurrenskraft i en global kunskapsekonomi. (...) Mot denna bakgrund uppmanar rådet medlemsstaterna att främja hög kvalitet inom den högre utbildningen och forskningen genom att bygga upp institutioner och nätverk som kan konkurrera internationellt och bidra till att de bästa förmågorna lockas till Europa samt ge dessa institutioner självbestämmande så att deras fulla potential kan utvecklas... (SOU 2008: 72-73)

Quote 2

Mot bakgrund av kartläggningarna skall utredaren föreslå hur den pedagogiska förnyelsen kan främjas genom: förändring av de allmänna målen för den grundläggande högskoleutbildningen mot bakgrund av de nya krav på färdigheter som ställs i arbetslivet (SOU 2001: 242)

Page 36:

Quote 1

Utbildning brukar ofta lyftas fram som en del i en ekonomisk- politisk strategi för ökad tillväxt. Om utbildningssatsningarna i alltför hög grad leder till överutbildning kan detta i stället leda till att tillväxten hämmas. (SOU 2009: 100)

Quote 2

Den förhållandevis höga åldern vid högskolestarten innebär att de svenska studenterna är förhållandevis gamla när de lämnar högskolan och etablerar sig på arbetsmarknaden. Enligt regeringens globaliseringsråd är det viktigt att stärka incitamenten för att studenterna ska avsluta sina studier vid en lägre ålder än i dag, eftersom den samhällsekonomiska avkastningen av studier står i direkt proportion till antalet yrkesverksamma år. Det finns ett intresse från såväl samhället som arbetsmarknaden av att studenterna blir klara med sina högskolestudier och börjar arbeta så snabbt som möjligt. (SOU 2009: 25)

Quote 3

Minst lika viktiga som de faktorer som försenar påbörjandet av en högskoleutbildning är rimligen de faktorer som i onödan förlänger tiden inom högskolan, eftersom det verkligt intressanta ur ett samhällsekonomiskt perspektiv torde vara vid vilken ålder en person lämnar högskolan med en examen eller motsvarande kompetens för att söka etablera sig på arbetsmarknaden. (SOU 2004: 127)

Quote 4

I utvärderingen av samverkansuppgiften är en viktig aspekt hur kontakterna mellan lärosätet och arbetsmarknaden stärks, inte enbart inom de utbildningar som har obligatoriska perioder av verksamhetsförlagd utbildning eller praktik, utan även för andra utbildningar. Alla utbildningar förbereder för arbete och anställningsbarhet är således en viktig kvalitetsfaktor inte enbart inom s.k. professionsutbildningar. (SOU 2007: 218)

Page 37:

Quote 1

En ökad mångfald i den högre utbildningen ger individerna större möjligheter till utveckling och är samtidigt ett villkor för fortsatt samhällelig och ekonomisk utveckling. Den bidrar till bättre effektivitet och produktivitet i ekonomin genom att vi får fler välutbildade personer med olika bakgrund i arbetslivet. Detta är en nödvändighet om vi skall kunna konkurrera med andra länder som också av samma skäl bygger ut sin högre utbildning i stor skala. En ökad tillgänglighet till högre utbildning är också ett led i en demokratiseringsprocess och en förutsättning för ökad social utjämning. Den bidrar därigenom till en bättre samhällelig stabilitet. (SOU 2001: 73)

Quote 2

Den enskildes drivkrafter för studier innehåller många komponenter. Det handlar om en önskan att vilja förverkliga drömmar och livsprojekt och om att skaffa en utbildning som leder till en plats på arbetsmarknaden och till framtida inkomster. Det handlar också om att få fördjupa sig inom ett eller flera intresseområden. Ett incitament för utbildning är att den är personlighetsutvecklande – även om den inte är användbar på arbetsmarknaden. (SOU 2009: 95)

Page 38:

Den författningsmässiga regleringen av lärosätenas uppdrag bör breddas och preciseras. Universitet och högskolor bör ges förutsättningar och ansvar för att övergå till att vara näringspolitiskt verkande subjekt i stället för att som hittills i allt väsentligt spela objektets roll, dirigerat av allehanda näringspolitiska aktörer i sin omgivning. Lärosätena bör därför stimuleras att ta en ledningsroll i de regionala innovationssystemen. De tydligare uppdragen bör åtföljas av basresurser för deras genomförande. Den s.k. tredje uppgiften bör integreras

bättre i strategier och vardaglig ledning med utbildningen och forskningen – kunskapstriangeln behöver modifieras/ombalanseras. (SOU 2012: 13)

Page 39:

Quote 1

Som avslutning på EU-rapporten Giving more for research in Europe skisserade expertgruppen hur man tänkte sig att arbetet skulle fortsätta. Först och främst inbjöds till en kritisk diskussion av alla de rekommendationer som man lämnat. Sedan underströks vikten av att medlemsländerna omedelbart påbörjade implementeringsarbetet. Rapportens målsättning är hög. Man vill att lejonparten av rekommendationerna ska vara genomförda år 2010, så att effekter i form av ökat givande ska kunna inregistreras per omgående. Vad kan då Sverige göra för att svara upp mot dessa krav? (SOU 2007: 110-111)

Quote 2

Jag anser att EUs normerande betydelse (...)inte bör underskattas. Efter att ha tagit del av de svar som den svenska regeringen lämnade till EU-kommissionen 2010 rörande efterlevnaden av rekommendationerna och den rapport som senare samma år sammanställdes av en särskild arbetsgrupp (ERAC Working Group) kan jag konstatera att Sverige släpar efter i för rekommendationerna väsentliga hänseenden, något som mitt utredningsarbete också bekräftar. Det är därför viktigt för vårt samspel inom EU och för vår nationella konkurrenskraft att vi lägger i en högre växel för att komma i kapp. En aktiv implementering av EU-kommissionens rekommendationer ligger väl i linje med de slutsatser jag lämnar i utredningen för lärosätenas del. (SOU 2012: 67-68)

Page 40:

Quote 1

Förändringar i vår omvärld gör att svenska lärosäten måste hitta nya strategier för att klara konkurrensen. Internationaliseringen i sig, ökad internationell studentmobilitet med stöd av t.ex. Bologna- processen och avreglering av tjänstehandel liksom nya former av forskningsfinansiering som europeiska forskningsrådet och andra EU-satsningar bildar tillsammans en ny omvärld av konkurrens som svenska lärosäten måste hitta förhållningssätt till. (SOU 2007: 144)

Quote 2

I en allt mer globaliserad värld måste villkoren för de svenska läro- sätena bli likvärdiga med deras utländska motsvarigheter. Därigenom får lärosätena förutsättningar att konkurrera och verka på en internationell marknad, och svensk högre utbildning och forskning kan ge en grund för en fortsatt stark samhällsutveckling. (SOU 2008: 284)

Page 41:

Quote 1

...Om lärosätena uppfattas som viktiga aktörer i innovationsprocessen är det angeläget att förslagen genomförs för att så långt möjligt säkerställa Sveriges ekonomiska tillväxt och konkurrenskraft. (SOU 2012: 108)

Quote 2

*RUT 2 anser att en ny strategi och ett nytt förhållningssätt till dem som vill bidra till att stärka universitetens och högskolornas forskning måste formuleras. Detta är också vad som förordas av EU, som i rapporten *Giving more for research* angav 17 rekommendationer om vilka mått och steg som EU:s medlemsstater måste vidta för att främja stiftelsers, ideella organisationers och individers beredvillighet att bidra till investeringar i forskning och utveckling (...) RUT 2 delar Kommissionens uppfattning och förordar att dessa förslag genomförs i Sverige. (SOU 2007: 17)*

Quote 3

Större självständighet för universitet och högskolor – vad ska det vara bra för? Efter denna översikt av (1) europeiska uttalanden till förmån för vidgad autonomi, (2) genomförda och pågående universitetsreformer i olika länder, (3) svenska förslag om nya organisationsformer för högre utbildning och forskning och (4) några få empiriska studier kan det finnas skäl att återvända till den frågan. (SOU 2008: 103)

Page 42:

Rekommendationer från EU-kommissionen bemöts inte sällan med avståndstaganden och ifrågasättanden. Men den här rekommendationen förtjänar att tas emot med full uppskattning för det materiella innehållet. Dess uppförandekod för universiteten består av tre huvudgrupper av principer, varav en för en intern policy för immateriella rättigheter, en för kunskapsöverföring, och en för forskningssamverkan och kontraktsforskning. Principerna är väl formulerade och ligger påfallande nära mina egna bedömningar av vad som bör göras vid lärosätena. Det är angeläget för det fortsatta forskningssamarbetet inom Europa att de svenska lärosätena stimuleras att formulera sig inom de olika policyområdena. Jag återkommer längre fram på olika punkter till kommissionens rekommendationer och föreslår avslutningsvis att regeringen ger i uppdrag till lärosätena och övriga berörda myndigheter att förverkliga rekommendationerna. (...) Enligt min bedömning är ett kraftfullt agerande härvidlag av största betydelse för att stärka Sveriges konkurrenskraft och tillväxt. (SOU 2012: 31)

Page 43:

Quote 1

De olika idealbilder som här beskrivits ansluter till en anrik debatt om den högre utbildningens ändamål där "yttre värden" som samhällseffekter och tillgodoseende av arbetsmarknadens behov ofta har ställts mot "inre värden" knutna till kunskapens förkovring och vetenskapens framsteg. (SOU 2008: 107)

Quote 2

Bologna-deklarationen och dess olika uppföljningskommunikéer ger en mer instrumentell bild av akademien som ett redskap i samhällets tjänst. Här betonas konkreta och näraliggande ekonomiska, politiska och sociala mål. Forskningen och den högre utbildningen är hävstänger som kan hjälpa oss att nå bättre levnadsvillkor. Inte minst gäller det att ge studenterna de kunskaper och färdigheter de behöver för att reda sig på en alltmer krävande arbetsmarknad där det gäller att bli anställningsbar. Harmonisering, transparens och rörlighet inom den högre utbildningen är nödvändiga förutsättningar för fortsatta europeiska framsteg på alla möjliga områden. Listan över de uppgifter som tillskrivs det europeiska området för högre utbildning blir stadigt längre (...) I de budskap som universitetsledare förmedlar till adressater både inom och utanför högskolan blandas oupphörligen humboldtska grundsatser med mer nyttobetonade, instrumentella och samhällsorienterade perspektiv. (SOU 2008:71)

Page 44:

Quote 1

Våra direktiv representerar mot denna bakgrund en balansgång mellan å ena sidan etablerade högskolepolitiska rättighetsprinciper, å andra sidan öppnande av möjligheter för högskolorna att agera på den internationella utbildningsmarknaden. (SOU 2006: 52)

Quote 2

...Om man med ovanstående slagruta penetrerar den europeiska kommissionens moderniseringsagenda, återfinns egentligen inget av den humboldtska retoriken. (...) I detta dokument understryks med emfas att högre utbildning och forskning i alltför hög utsträckning reglerats nationellt, vilket hindrar konkurrensen och därmed högre kvalitet. Här finns en tydlig plädering för de europeiska projekten och organen som lösningar på detta problem: Bolognaprocessen, The European Higher Education Area (EHEA), The European Research Area (ERA) och det europeiska forskningsrådet (ERC). När Kommissionen drar sina slutsatser i sin plaidoyer för den europeiska högskolans modernisering, pekar man på åtgärder som befrämjar den entreprenöriella högskolan: medlemsstaterna ges rådet att vidta åtgärder som gynnar universiteten via sin innovations- och sysselsättningspolitik; universiteten uppmanas att utvidga sin finansieringsbas och profilera sig med hjälp av "strukturerade partnerskap med näringslivet"; Kommissionen har utlovat att aktivt stödja

sådant moderniseringsarbete. (SOU 2007: 44-45)

Page 45:

Quote 1

Neave påpekar att universitetens uppgift inte endast är att utbilda konsumenter, arbetare och företagare i ett gränslöst Europa utan också kritiska medborgare och tänkare i de olika nationella kulturerna och att därigenom vara en del av det kitt som medverkar till samhällets sociala sammanhållning (social cohesion). I ljuset av denna kritiska röst finns det, enligt RUT 2:s uppfattning, all anledning att reflektera över lärosätenas olika roller i ett samhällsperspektiv. De delar av det som numera kallas samverkan, och som inte bara handlar om samverkan med näringslivet utan också om det breda samhällsansvaret för demokrati, folkbildning och det gemensamma goda, förtjänar att lyftas fram än mer. (SOU 2007: 53)

Quote 2

Det finns ett antal anledningar till att staten subventionerar utbildning. Den första är att staten har nytta av att individernas produktivitet ökar, främst genom ökade skatteintäkter. Genom utbildningssubventioner kan staten också minska risken att människor utbildar sig mindre än vad som vore samhällsekonomiskt optimalt. Ett tredje skäl är att en högre utbildningsnivå bland befolkningen även får ett antal indirekta effekter, t.ex. minskad brottslighet, bättre fungerande demokratiskt system och bättre folkhälsa. (SOU 2009: 96)

Quote 3

Vi menar också att bildning är minst lika viktigt som utbildning och att studiemedelssystemet även ska ge utrymme för det förra. Det måste vara möjligt för högskolorna att erbjuda och t.o.m. uppmuntra studenterna att läsa kurser och ämnen som ligger vid sidan av programmålen. (SOU 2009: 566)

Page 46:

Quote 1

Utgångspunkten för RUT 2 är en syn på universitetet och högskolor som mångdimensionella. Högskolan har ett humboldtskt arv att förvalta med stark koppling mellan utbildning och forskning, med frihet och självbestämmande som självklar grundval för verksamheten. Samtidigt finns en förnyad medvetenhet om det stora värdet av samverkan med det omgivande samhället, som tar gestalt i den entreprenöriella dimensionen av högskolan. (SOU 2007: 15)

Quote 2

Uppenbarligen är högskoleområdet i världen, eller åtminstone i Europa, inne i en osäker transitionsfas från det humboldtska universitetets statliga styrning och finansiering, som skulle

garantera den akademiska friheten, till det mer entreprenöriella universitetet med en frihet av ett annat slag. (SOU 2007: 88)

Page 47:

Globaliseringen av den högre utbildningen leder till att svensk högskoleutbildning anpassas till internationella förhållanden. Detta gäller sannolikt även antagning och urval eftersom det inte är möjligt att upprätthålla unikt svenska regler i en internationell värld. (SOU 2004: 161)