

Balancing Expertise, Societal Input and Political Control in the Production of Policy Advice. A comparative study of education councils in Europe

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ABSTRACT

In this paper, we analyse (semi-)permanent advisory bodies in the field of education (education councils) in Europe. Such advisory bodies are often set up by the government to increase policy legitimacy. To the extent that their members are strongly concerned and knowledgeable stakeholders, advisory bodies are expected to contribute to policy decisions that are more efficient and effective (output legitimacy). At the same time, these advisory processes are supposed to contribute to democracy, as they strengthen the input and process legitimacy of policy-making. Stakeholders are provided with a point of access to the policy-making arena (input legitimacy), and the process of advice production is supposed to follow certain norms such as transparency, fairness and deliberation (process legitimacy). However, such advisory bodies operate in a competitive policy environment where advice comes from multiple sources and with different claims to legitimacy. Therefore, they have to be able to gain and sustain access to the policy-making process. Not only the advice itself needs to be of high quality and of high relevance, the advisory body itself also needs to establish and maintain a high status in order for their advice to be taken into account. Advisory bodies are hence challenged to function as "boundary organisations", bridging the worlds of science, state and society, tailoring to the needs of different actors. In this paper, we analyse the role and functioning of education councils as boundary organisations, on the basis of recent comparative research in which six European education councils were studied (the Greek, Spanish, Flemish, Portuguese, Dutch and Estonian councils).

Keywords: policy advice; advisory bodies; education councils; policy legitimacy; boundary work

1. Introduction: Problem-setting

The increasing complexity of the policy environment has been critical for the conduct of advising government on policy (Barker and Peters 1993). Policy advice can be defined as an opinion or recommendation offered as a guide for future policy.

This advice can come from different sources such as experts, businesses, individual citizens, representatives etc. Today, so-called “wicked problems” combining scientific uncertainty with societal dispute, challenge traditional ways of policy-making and of policy advice. Developing legitimate policy in such an environment is difficult. Governments are increasingly dependent upon external information, knowledge, expertise and support in order to successfully deliver policies (Pierre and Peters 2000; Barker and Peters 1993). And whilst seeking policy advice is nothing new in the world, modern democratic governments must contend with these complex policy topics combined with intensive scrutiny from a population where media, interest groups and even individual citizens can monitor every decision taken.

The backdrop of this environment has meant that modern policy-making appears to be at a crossroads between two different paths, one towards professionalisation and the other towards interactiveness (Brans and Vancoppenolle 2005). The road towards professionalisation is a movement towards increasingly academic and scientific policy analysis and evaluation. Thus, this route optimises the government’s capacity for problem-solving by increasing the scientific knowledge base available for policy decisions. Interactiveness, on the other hand, is based upon the need of democratic governments to garner support for their decisions, to appear to be following the wishes of the people or at least acting in their interests. Policy decisions down this path involve direct consultation and interaction with societal parties, bringing them directly into the policy-making process with the assumption that their support will mean that the policy solutions are not only in the public’s interest but are also sustainable.

Internationally, there appears to be a development towards more and more diverse mechanisms of public consultation and participation in the policy-making process (Lowndes et al. 2001; Papadopoulos and Warin 2007; Van Damme and Brans 2008a). In parallel, there has been a development towards a broadening of sources of advice, with an expanding involvement of actors from both within and beyond the governmental system. Not only academic experts and big interests are being consulted, but also individual citizens, specific target groups etc. Advice has accordingly become more competitive and contested. The value of academic or professional expertise is itself contested against the value of those with so-called “experience-based” or lay expertise. One of the consequences of greater advice competition is that the policy adviser is under greater pressure to ensure that the “product” reflects the government’s needs (Halligan 1995; Waller 1992). In other cases, however, there appears to be more of a symbiotic relation between professionalisation and interactiveness, when, for example, academic experts set the scientific boundaries for subsequent interactive policy discussions (Van Damme and Brans 2008b).

But next to professionalisation and interactiveness, a third development can be discerned, a development that focuses on political primacy, with the underlying fear of interest group “capture” of a policy domain. This view posits that political decisions should be taken independently by the government, by those officially mandated, with advice coming from independent experts and not from those with even the smallest possible vested interest in policy outcomes. Clearly, there is direct tension between the governance perspective, in which policy is believed to be increasingly developed in complex policy networks and communities, and the

traditional public-law perspective that ascribes specific powers to the different governmental actors.

In this paper, we look at education councils in Europe as an example of (semi-) permanent advisory bodies. Such councils, which can be considered to be specific mechanisms of consultation or participation, operate at the crossroads of the different challenges to the policy-making process, pressured by the need to contribute to evidence-based policy development, by the need to assist in building policy support, and by the need to deliver advice that does not infringe too much upon the discretion of political actors to make the final policy decision. Whilst advisory bodies are now a common feature of the policy-making process in many countries, recent knowledge of their organisation and functioning and of their development over time is lacking. There is a need to better understand the functioning of advisory councils and to increase the understanding of the ways in which their functioning can be aligned with modern challenges to policy-making. In this paper, we illustrate how education councils as (semi-)permanent advisory structures are confronted with – and deal with – the need to raise policy legitimacy. We look at the way in which education councils are organised and institutionalised. Specifically, we analyse membership and the relationship with government in order to start to develop a typology of such councils. It appears that education councils function as boundary organisations between the worlds of science, society and state. The specific make-up of a council is, however, strongly dependent on a country's dominant political traditions. Nevertheless there are some developments indicating that councils develop similar strategies to maximise their relevance in a competitive policy environment. We draw our empirical data from recent comparative research on education councils in Europe (Brans et al. 2010).

2. Setting the stage

In today's world, there is a strong need to increase policy legitimacy. Policy needs to be effective and efficient, but it is also challenged to be developed in a process that is transparent, open, informed and deliberative (Papadopoulos and Warin 2007). The policy-making process has to abide by certain norms and rules, be developed in a democratic way, where stakeholders can have their voices heard. Policy makers need to motivate their decisions, they have to be accountable for their decisions, and so on. But is policy that is effective and efficient, and that was developed in a democratic way, according to certain rules and norms, legitimate? Maybe from a normative perspective, this question can be answered affirmatively. However, Saward (1993) states that legitimacy is more about the subjective evaluation by different individuals or organisations. The policy-making process and policy outcomes will be perceived and weighed differently by the parties involved. For example, policy makers often have the perception that there has been quite a lot of impact of certain public consultations on public policy, whereas societal stakeholders do not have that perception at all (Van Damme and Joris 2010). If societal stakeholders greatly value impact and they have the impression that impact was limited, they can be expected to be less satisfied and will believe the policy to be less legitimate.

If we turn to education councils as specific mechanisms of generating policy

advice and as institutionalised instruments of consultation and participation, we can see that they are confronted with this need for (more) legitimate policy. On the one hand, they are supposed to contribute to evidence-based policy development and to provide the best available knowledge. On the other hand, they also need to play a role in making the policy-making process transparent, interactive and communicative. Relying on Papadopoulos and Warin, we can differentiate between input, throughput and output legitimacy of advisory bodies (Brans et al. 2010). As for the output legitimacy, advisory councils need to contribute to policy decisions that are more efficient and effective owing to the involvement of knowledgeable actors in the advisory process. If stakeholders have a chance to influence policy and their contributions are (to a certain extent) taken into account, then policy support is supposed to increase, and the implementation of policy can be facilitated. This can be defined as the managerial or the instrumental perspective. However, these advisory bodies also are supposed to contribute to democracy, as they strengthen input and process legitimacy. Stakeholders are provided with a point of access to the policy-making arena (input legitimacy) and the process of advice production is supposed to follow certain norms such as transparency, fairness and deliberation (process legitimacy). This double democratic perspective stems from the literature on participatory democracy and on deliberative democracy (Papadopoulos and Warin 2007).

However, such advisory bodies operate in a competitive policy environment where advice comes from multiple sources and with different claims to legitimacy. Therefore, they have to be able to gain and sustain access to the policy-making process. Not only the advice needs to be of high quality and of high relevance, the advisory bodies themselves also need to establish and maintain a high status in order for their advice to be taken into account. While they are trying to do this, they have to walk a thin line between a number of tensions: act as a countervailing force or as a government add-on? Deliver short-term instrumental or long-term strategic advice? Should that advice be on demand or pro-active? Should the advisory body be closely linked to the “mother” department or at a critical distance? Whatever the answers to these questions be, research indicates that a constructive interaction between government and advisory body is crucial for a successful “landing” of policy advice (Van Damme and Brans 2008b).

In order to be successful, the advisory body needs to function as a real “boundary organisation” (Guston 2000), bridging the worlds of science, state and society, tailoring to the needs of different actors or principals. The concept of boundary stems from comparative research in science and technology studies (STS) and has been picked up in the policy sciences (Hoppe 2002; Halffman and Hoppe 2004). As the relation between experts and policy makers can be seen as a complex and contested division of labour, we can speak of a boundary that “demarcates who can and cannot be considered an expert in various degrees, and articulates the coordination between actors who have come to be considered as ‘experts’ and ‘policy makers’” (Halffman and Hoppe 2004). Crucial concepts are demarcation and coordination as both worlds continuously need to negotiate their boundaries and manage their interaction. Traditionally there was a clear demarcation between science and the state. Scientists were “removed from the messiness of policy and politics” (Pielke 2010), resulting in a gap between experts and policy actors, as considered in the literature on knowledge

utilisation (Weiss 1978; Caplan 1979). In recent years, these boundaries are being challenged by imperatives of accountability, user collaboration and practical utility (Raman 2005). Thus, the traditional high degree of autonomy being awarded to science is reduced. As has been argued earlier, this development is mirrored by the higher demands on policy development, as policy increasingly needs to be “evidence based”, developed in an open and interactive way, and so on.

We find the concept of boundary work particularly interesting as it indicates that even though the worlds of policymaking and science/knowledge follow different rationales and often have different perspectives and goals, they also appear to be increasingly interdependent and need to be coordinated so as to increase their functionality and legitimacy. As traditional boundaries are breaking down, boundary work has become more important (Raman 2005). Typical of boundary organisations is that they are accountable to multiple worlds and thus serve multiple masters (from a principal-agent perspective). Principal-agent theory holds that organisational relations may be understood as a series of delegations of authority from principals to agents within or between organisations. The success of a boundary organisation is determined by principals on either side of the boundary, both of whom rely on the boundary organisation to provide them with the necessary resources (Guston 2001). As Guston puts it, for such an organisation its “dependence is as important as its independence, because its stability is not derived from isolating itself but by being accountable and responsive to opposing, external authorities” (2001, 402). This holds for scientific advisory bodies, but possibly even more so for advisory bodies with representatives of societal stakeholders, as bringing in representatives is a typical bridging strategy.

Indeed, the application of boundary work concepts can be extended to the study of advisory bodies, where three worlds meet, and not just the dichotomous worlds of science and policy-makers, to which much of the boundary literature as well as the more general knowledge-utilisation literature is restricted. In his work, Lindquist provides perhaps the earliest conceptualisation of interactions between science, society and policy-makers. He speaks of the “third community”, which includes societal organisations and organised interests as well as think tanks and consultants. (Lindquist 1990) This third community seeks to “inform and influence policy with information” (31). Their objectives are broader than those of scientific experts, who are primarily concerned with linking objective knowledge from research to policy concerns. Actors from the third community seek to steer policy choices in the directions of their proper interests and perspectives (Lindquist 1990; Brans et al. 2004).

3. Broad variety of education councils

In a recent European comparative research project, national and regional advisory bodies in the field of education policy were analysed (Brans et al. 2010). This project was initiated by Eunec, the European Network of Education Councils and funded via the Jean Monnet funding by the Education, Audiovisual and Culture Executive Agency (EACEA). The main part of the research was descriptive. We have analysed council membership, internal organisation, legal and social status, level of autonomy, funding, institutionalisation etc. We have looked at the contribution of education

councils to the policy-making process and the way in which they deal with current societal developments, such as policy-advice competition. Further we have identified dimensions along which we can typify education councils. The explanatory component of the research has started to explore the influence of institutional aspects on outcome. In order to do this, we have defined different components of the outcome, such as the innovativeness of the advice, policy impact, participant learning and conflict resolution.

In the study, we have used a mix of data collection and research methods. The study consisted of three stages. The first stage, the literature review, was oriented towards developing theoretical insights and a conceptual framework. We started from concepts and research protocols from policy advice literature. Some research has been done, e.g., on the use of scientific policy advice (Brans et al. 2004; Florence et al. 2005; Jasanoff 1994; Mac Rae and Whittington 1997; Oh and Rich 1996; Barker and Peters 1993; Webber 1992). Other relevant streams of literature contributed to the conceptual framework, including network theory and democratic theory (Barber 1984; Fischer 1993; Kickert et al. 1997; Chambers 2003). Different concepts were translated into an analytical research framework. Additionally, dimensions along which to compare different education councils were developed. In the second stage, we analysed a broad range of European education councils, based on specialist databases such as the European Commission's Eurydice network¹ and UNESCO's International Bureau of Education². This information was supported by online information from the relevant councils and questionnaires. As a result of this analysis, we developed 15 council fact sheets with basic information. The third stage of the research focused on six in-depth council case studies. The Greek, Spanish, Flemish, Dutch, Portuguese and Estonian councils were analysed via further document analysis, thirty-four in-depth interviews (with members, staff members and government officials) and a study of one or two pieces of policy advice for each council.

In this paper, we focus on the findings of the six in-depth case studies regarding membership and the relationship of the council with the government, as both appear to be crucial for the way in which education councils are able to function as boundary organisations. In this section, we will first briefly introduce the six councils and give an impression of their variety. In the next section, we will develop two typologies based on membership and relationship with the government.

The *Portuguese council* (Conselho Nacional de Educação) has a long history and consists of 68 members and a solid secretariat. The council was founded in 1982 as a product of Portugal's post-dictatorship period, which sought to incorporate increasing levels of public participation within Portuguese decision-making. After the dictatorship ended, it was accepted that a major education reform was required although there was disagreement on the form such a reform would need to take. An education advisory council would therefore be able to provide both expertise and legitimacy to the reforms. Most council members represent specific groups and interests. It has stakeholders such as trade unions, employers' organisations, parents' and students' associations, and so on, forming the core of its membership. However, there are also

¹ This database can be consulted at http://www.eacea.ec.europa.eu/education/eurydice/index_en.php.

² This database can be consulted at <http://www.ibe.unesco.org/en.html>.

some academic experts present. Another interesting feature is that government representatives from both the national and regional levels are included within the council. Several governmental representatives are members, with both the education ministry and parliament represented.

The *Dutch council* (Nederlandse Onderwijsraad) was established in 1919. The council used to be based upon both the socio-economic corporatism prevalent in the country at the time and upon the denominational pillarisation which was a feature of Dutch politics. The original membership stood at over 80 with a division into chambers depending upon the educational sector being discussed. This all changed in the 1990s when a process of depillarisation gained momentum, and corporatist structures fell from favour with the government of the day (Brans and Maes 2001). This resulted in a shift in the government's preference from representation to expertisation in the advisory sector. In 1997, the council, which had been through many minor reforms over its relatively long life, went through a major change. In this change, the council went from a large body of representatives of interest groups to a small body of academic and technical experts. With the actual council only being made up of 12 members, there are no civil-society or interest-group representatives present. The members are instead recognised experts in the field of education. All are nominated by the government and appointed by the Crown, including the council President. Six are selected for their academic expertise and six for their technical expertise.

The *Flemish council* (Vlaamse Onderwijsraad) was established in 1990 as an attempt to amalgamate the varied advisory bodies in the field of education that existed at the time. It was also set up at a time when education was regionalised and became a competence of the Flemish Community. The council was also meant to take up roles of pacification and mediation between the different educational partners in a society where education was a highly divisive issue. The Flemish council is divided into multiple chambers. Next to the General Council, there are four councils dealing with the different levels of education. The General Council is made up of 39 members coming from the umbrella organisations of educational organisers, heads of institutions of higher education, teachers' unions, educational users (parents and students) etc. External experts can also be drafted if need be to provide their opinions on educational issues, although they have no formal role within the council. The Flemish council numbers a few government representatives; however, they do not play an active role in the discussion. They merely act as observers within the council and sometimes provide information from the government's perspective.

The establishment of the *Estonian Council* (Eesti Haridusfoorum) was a direct product of the instability within Estonia in the post-communist period. Rapid social change was combined with governmental instability leading to policy stagnation in many areas as government failed to keep pace with social development. The teachers' movement stepped into the stagnating policy field to assist the government with education reform. As time passed, the teacher's movement called for the greater involvement of different stakeholders in education, and so in 1995, the Estonian Education Forum was formed. During this period, the council gave highly instrumental advice to the government, and its weight at this stage was considerable. However, for a young democracy, the existence of an independent participatory structure, operating in parallel with the official government structures, was seen as a

threat to the Parliament's representative sovereignty. Thus, in 1999, after criticism from the Estonian Parliament, the Estonian Education Forum chose to reform itself. The council expanded the participatory structure, rebalancing the council away from teachers which had previously still been in the majority. The council also chose to refocus its advice from instrumental short-term advice to long-term strategic advice. Theoretically, the membership of the main body of the council is unlimited, open to individuals as well as representatives. However, the council has very flexible membership regulations and a rather organic structure.

The *Greek council* (Ethniko Symvoulío Paideias) has been around, in one form or another, for about 30 years, with the earliest precursor of the current council dating back to 1982. It has had a chequered past though, never able to isolate itself from the turbulence of Greek politics. The dictatorship led directly to the undermining of the capacity of the Greek state, which consequently led to a relatively weak policy-making infrastructure. It was into this void that the council developed as a support structure to the policy-making capacity of the state. The council rather helps forming policy options directed by the state, more than focusing upon setting the policy-making agenda or providing a direct opinion on government policy. The membership of the council is wide, including representatives from ministries, various professional groups, university rectors, political parties, the Orthodox Church, students' and parents' organisations etc. To a certain extent, the council's use of expert ad-hoc committees appears to favour academic expertise more than lay expertise, contrary to what might be expected from a representation-based council.

The *Spanish council* (Consejo Escolar del Estado) is a large council with a strong representation-based membership structure and an active presence of government actors. The council was founded in 1985, during the period of post-Franco democratisation and has a current membership of 105. The largest group in the plenary are educational stakeholders: teachers' representatives, parents' and pupils' representatives etc. but also regional and local government representatives are present, with membership extending to all 17 presidents of the school councils of the autonomous communities and 4 representatives of local authorities. Also the traditional mandates of socio-economic interests are present in the council, with an equal number of trade union and employers' organisations' representatives. Quite a large but diverse group consists of 12 individuals of recognised prestige in the fields of education, pedagogical reform, as well as from religious and secular institutions that have traditionally been engaged in education. Additionally, there is the direct membership of 8 representatives from the administration of the Education Ministry, directly appointed by the Minister. As political advisors, they function within the council as advocates of the Minister. The council has gradually become more inclusive, as it is now incorporating representatives of women's organisations and organisations representing people with disabilities.

4. Typologising education councils

We have developed two typologies based on council membership and the relationship with the government. The first typology considers council membership. The second typology looks at the relationship of the councils with the government. Both

elements appear to be important for the way in which education councils are able to function as boundary organisations. The two typologies are discussed below.

4.1. Membership

The first typology considers the aspect of membership along two dimensions: membership background and membership style. Figure 1 identifies the quadrants in the typology.

The first dimension considers the members' background on the basis of the expertise they bring to the councils' deliberations. This expertise can be lay or academic. This background will have an impact on the way in which the councils operate, the knowledge generated, the type of advice provided and so on. We can expect academic councillors to weigh more on issue-framing and considerations of the validity of certain policy interventions. Lay advisers are typically more concerned with practical and context-specific considerations.

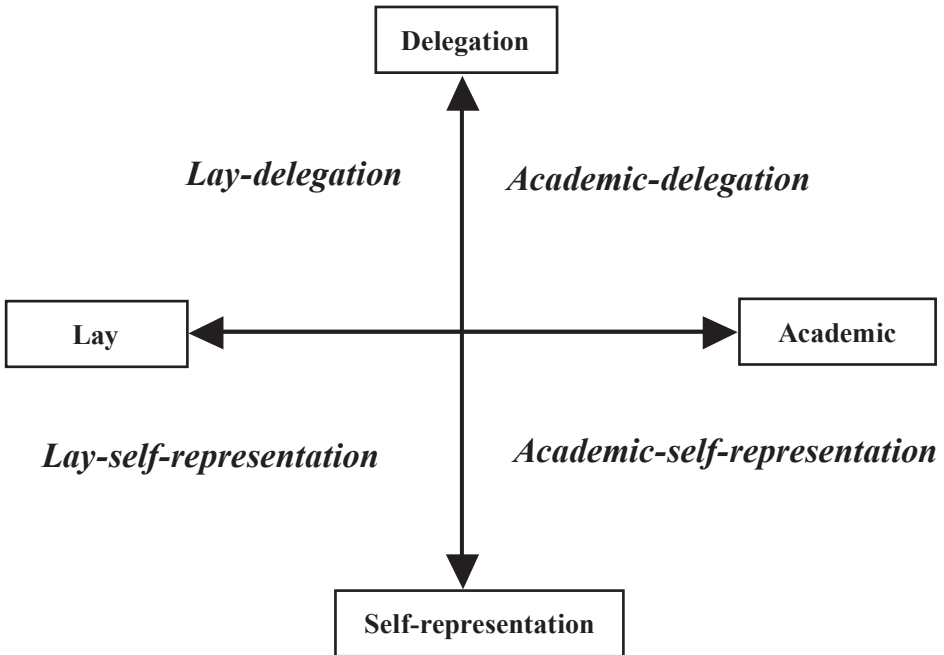


Figure 1: **Membership typology**

The second dimension considers membership styles. We distinguish membership styles based on self-representation on the one hand and those based on delegation on the other. The central aspect here is whether council members are individuals expressing their own personal views or delegates bound by certain organisational instructions. This distinction may have an important impact on the advisory process and outcome. When the council consists of delegates, we can typically expect processes to take a longer time. This is not the case when members are simply speaking

for themselves and out of their own personal expertise or experience. In some cases, we can also expect the advice to carry more weight, when for example delegates from large societal organisations have been intensively involved. This kind of advice could then also be expected to have more impact on policy in general. Of course, the latter depends on the level of legitimacy awarded to delegation and to support from societal organisations in the policy process in a specific socio-political context.

In Figure 2 below, we situate the six councils in our first typology. We find the Flemish, Spanish and Portuguese councils in the first quadrant, marked by lay-delegate membership. The Flemish council consists almost entirely of delegates from various societal organisations. No academic experts are present, although – in theory – they can be nominated by organisations. There are two lay experts whose membership is based on self-representation. This is, however, a rather recent phenomenon resulting from a 2003 reform. Delegation still strongly dominates the council’s membership type. It comes as no surprise that membership is characterised by lay-delegation in a consensus-based political system. Interestingly, advisory bodies in Flanders and Belgium are traditionally also highly formalised and institutionalised into the official policy-making framework, which is again typical of the kind of neo-corporatism that has for long characterised Belgian policy-making in several policy domains (Brans and Maes 2001).

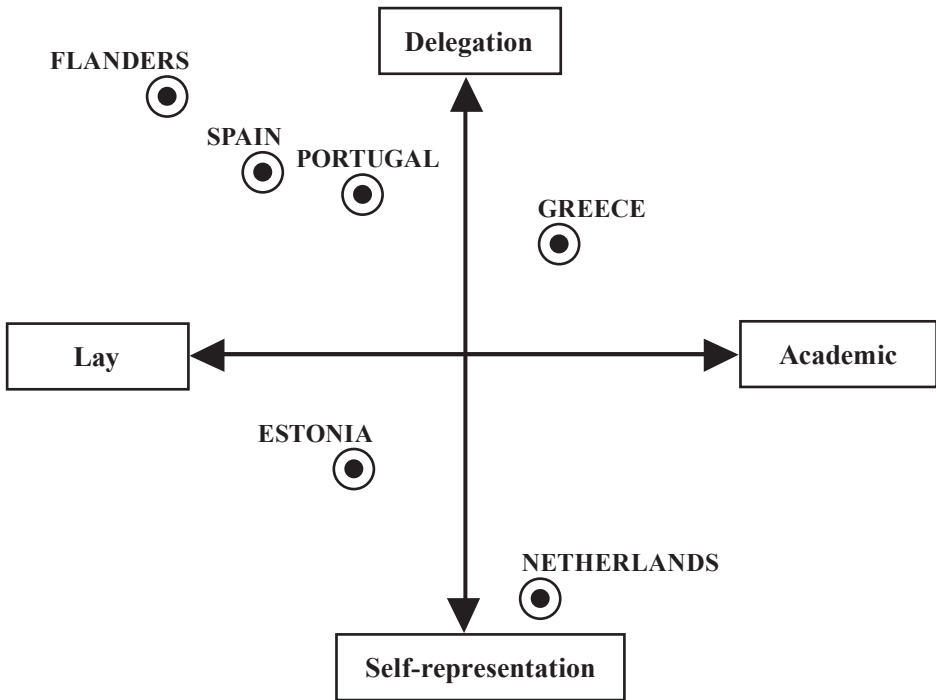


Figure 2: Education councils in membership typology

Situated in the same quadrant as the Flemish council are the Portuguese and Spanish councils. Both councils have strong lay-delegate membership. Additionally, they both consist of about ten per cent self-representatives with a lay background. They

differ, however, in the number of academic experts. The Portuguese council numbers more members with an academic background and a self-representational membership style, therefore placing it more towards the middle on both dimensions than the Spanish council.

Membership in the second quadrant is marked by academic-delegation, a rather uncommon combination. The Greek council is situated here. Although its main structure consists of lay delegates, a rather high number of academic experts dominates most of the council's substructures. These academic members weigh most on the content of policy advice. They are not self-representational and have (party) ideological affiliations. Therefore we placed the Greek council in the second quadrant.

We can position both the Dutch and the Estonian councils in the lower quadrants that are characterised by a self-representative membership style. Members' backgrounds are either mostly lay or academic. We can place the Dutch council in the third quadrant. All members are self-representational, and at least half of them are academic experts. Its membership can therefore be typified as predominantly academic-self-representative. The Estonian education council, in the fourth quadrant, has members with a lay background that speak mostly for themselves and are not bound by specific organisational interest. Membership in this fourth quadrant is considered to be lay-self-representative.

4.2. Relationship with the government

A second typology is based on the relationship of the council with the government. It contains two dimensions. The first dimension in the typology looks at the positioning of the council towards the government. The second dimension deals with the level of involvement between the council and the government.

We characterise our first dimension as the level of integration in the government. We differentiate between the council being positioned inside the central-administrative structure of the government or outside of it. On the one hand, an internal advisory council can clearly be a part of the political-administrative system. Strong integration may possibly increase policy-advice take-up because of formal and informal systems of interaction and cooperation between the council and the government. Its position inside the government may make it more difficult for the council to have an independent budget and to decide on its agenda autonomously. On the other hand, a council can be positioned at a considerable distance from the government. This external position can lead to a tension between government access and council independence. Councils that are positioned outside of government typically have a high degree of autonomy. This can also mean, however, that their connection with the government is weaker and that the policy impact of the advice is limited.

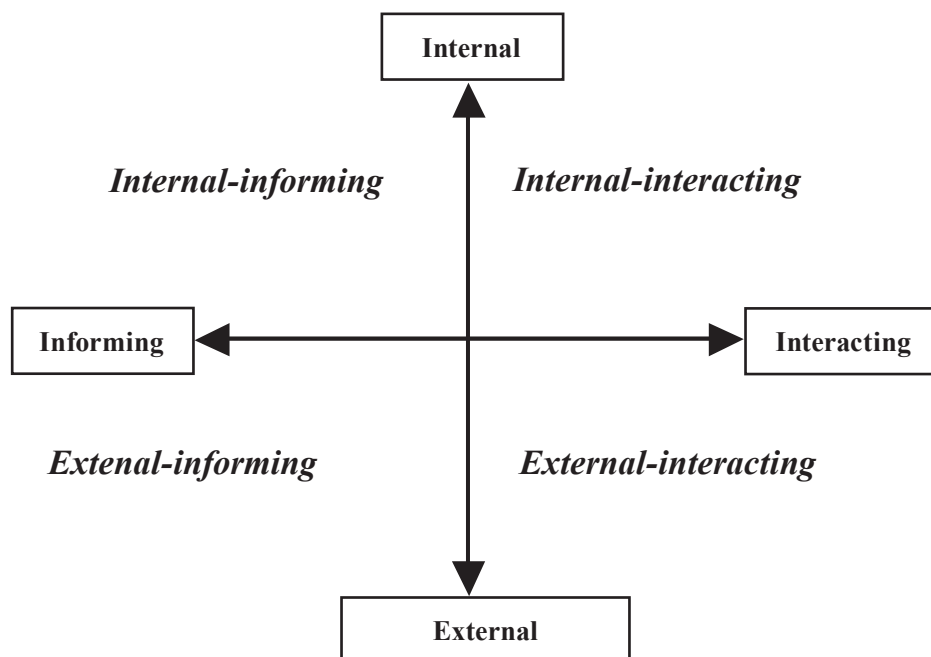


Figure 3: “Relationship with government” typology

The second dimension in our typology deals with the level of involvement of the council with government actors in the advisory process. This element is present in literature on public participation in the policy process. Rowe and Frewer look at involvement as a process that can gain higher intensity, starting with “top-down communication and a one-way flow of information”, possibly reaching “the highest level [that] is characterized by dialogue and two-way information exchange.” (2000, 6). When applied to education councils, we differentiate between two types of involvement of government actors in the advisory process. On the one hand, the education council takes on an informing role, providing the government with a written policy advice. This advice can be requested by the government or not, but it is delivered in a one-way information stream. There is no further interaction between the council and the government. On the other hand, government and council can be involved in a more interactive way. Government representatives can be actively involved in the discussions leading to the advice. They may serve as full members in the council itself or participate actively in the advisory process in any other way, thereby influencing the outcome of the advisory process. Here we see a two-way interaction between government actors and the council. We present the typology with the four quadrants in the figure above.

We can expect the two dimensions to be related, more specifically with councils situated in the second and fourth quadrants. Those councils closer to the government would be expected to have greater levels of government interaction, while externally positioned councils will probably have low levels of government involvement. It is interesting, however, to identify those councils that combine an external position with an open and intensive interaction with government representatives. We present the results of our analysis in Figure 4.

There are no councils situated in the first quadrant, characterised by an internal-informing relationship of education councils with the government. Being positioned inside the government and having a low degree of involvement with government actors appears to be an unusual combination that could not be found in our analysis. The Greek and Spanish education councils can be situated in the second quadrant. Their relationship with the government is typified as internal-interacting. Both councils have a high degree of government involvement in the advisory process. In both cases, governmental representatives are members of the council. They actively engage in the discussions leading to the advice. As members, they are also able to vote. The difference between the Greek and Spanish councils lies in their formal positioning vis-à-vis the government. The Spanish council combines strong interaction of governmental representatives with a certain degree of independence towards government. It is able to take budgetary decisions or to set the agenda independently. However, it is still formally integrated in the governmental apparatus. The Greek council can be placed closer to the government. The council's remit is almost entirely dependent upon the discretionary demands of the administration and the education minister. The Greek minister of Education can also put a hold to the advisory process when he is satisfied with the content of the advice in the advisory substructures.

In the third quadrant, which typifies the relationship of the council with the government as external-interacting, we find the Portuguese education council. It combines a position at some distance to the government with high degrees of government interaction. Finally, the Dutch, Flemish and Estonian councils can all be situated in the fourth quadrant. Their relationship with the government is external-informing. The councils are situated at a (certain) distance to the government, having a (rather) high level of independence with regard to budget or agenda-setting. They combine this external position with limited involvement of governmental representatives while developing advice. Due to the open membership policy in the Estonian council, government officials have the possibility of actively participating in the debates. They have done so at times in the past, placing the council relatively central on the horizontal axis of involvement. In the Flemish council, government officials are invited to the meetings and are sometimes present, but they are not members. They act only as observers or in order to explain a certain government perspective on a policy issue. They do not, however, actively interact during the debates that lead to the advice. The Dutch council, in turn, has no government officials present at all in the council, placing it left on the horizontal dimension. It can be situated slightly higher on the vertical dimension that positions the council towards the government, because of, for example, higher government involvement in setting the council's agenda.

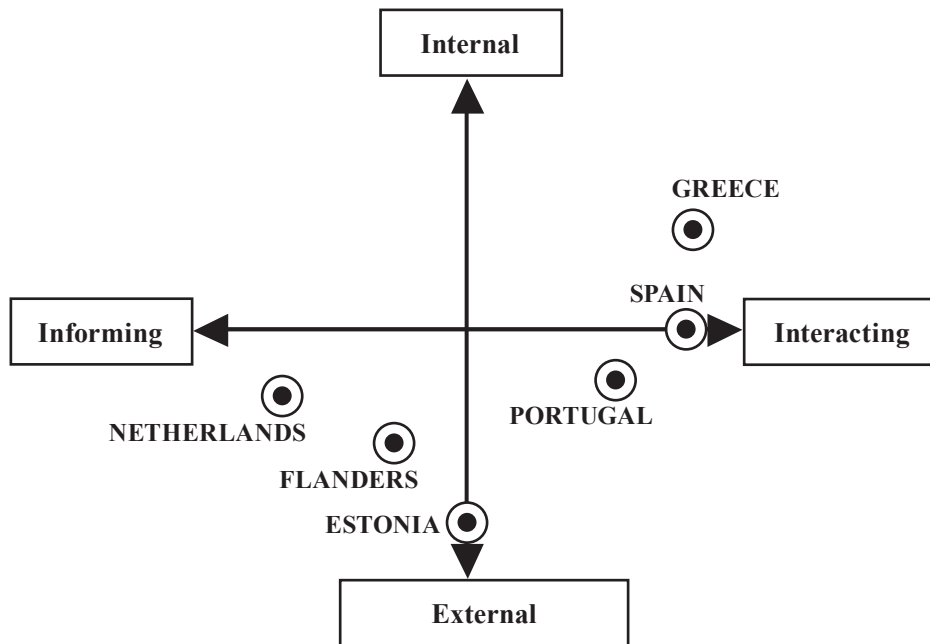


Figure 4: Education councils in “relationship with government” typology

5. Tensions and trends

Today, we observe an increase in the use and diversity of arrangements of public consultation and participation (Van Damme and Brans 2008a; Hendriks 2010). This growing community of formal and informal policy advisers leads to augmented pressure on advisory councils as their input, process and output legitimacy is being challenged. In some cases, this can lead to government-initiated large-scale reform, but mostly the advisory bodies themselves develop strategies to maintain relevance and legitimacy. Membership and the relationship with the government can serve as means of developing these strategies. In the next section, we will reflect on both of these elements in light of a changing advisory context.

5.1. Hybrid membership

First, we look at the membership of the councils. Advisory councils such as the Dutch, Flemish, Spanish and Portuguese ones all shared (neo-)corporatist traits in their origins, based on the assigned role and power of key interest groups in society (Cawson 1986; Lembruch and Schmitter 1977; Barker and Peters 1993; Schmitter 1977; Williamson 1989). Those councils’ members are or were nominated by a limited group of privileged educational stakeholders, such as teachers’ unions and school organisers. The knowledge that these parties bring to the advisory process is mainly based on lay experience. Often they also have the resources to implement or block policy, and sometimes even to coproduce it. In some cases, we found that

public actors coming from the different levels of government are (or were) present. This provides an opportunity for repeated interaction and negotiation on policy between elite stakeholders and/or government officials.

Neo-corporatist policy arenas can be quite functional from the perspective of both government and elite stakeholders. It can and has been criticised, however, on a number of elements. There is a risk, for example, that win-win is limited to those directly involved in the interactions. The costs are then carried by those parties not involved in the policy-making process. Other risks are that of the “capture” of the policy domain by one or more key players and of backroom-dealing connected to a loss of democratic parliamentary control over the policy-making process. Another element of critique is that neo-corporatist structures guard the status quo and are less able to deliver innovative advice. (Neo-)corporatism is challenged because of its lack of inclusiveness, professionalism and political control. Thus, the legitimacy of this kind of advisory structures is being questioned.

This pressure on the councils’ legitimacy is intensified by developments towards more and competing mechanisms of public consultation and participation. In reaction to these pressures, governments have actively sought to reform or even dismantle these advisory arrangements (Van Damme and Brans 2008a), but also councils themselves develop coping strategies. In the case studies, we can see developments that illustrate the pressure on advisory bodies to increase their legitimacy.

In the Netherlands, the education council was reformed by the government, away from a neo-corporatist model to a model based predominantly on self-representation of academic and lay experts. Thus, interest-group representation has been replaced by expertise as a basis for input legitimacy in the Dutch council. Indeed, the reform was part of a large-scale re-arrangement of the entire Dutch advisory system into a collection of expert bodies. The Flemish council has, over time, also expanded its membership, including first parents’ organisations, but then also students’ organisations and NGOs. In the 2003 government-initiated reform, it was stipulated that additionally two lay members (individual teachers) should be included in the council. In this way, delegation as the sole legitimising element for council membership as challenged by self-representation. Thus, in the Flemish case, we can see a combination of government-initiated reform and council coping strategies. The Portuguese and Spanish councils have proactively dealt with the criticism of closed access and capture by means of expanding their membership, including such groups as parents’ or women’s organisations. The Estonian council was initially dominated by teachers’ organisations, but over time it broadened its membership so as to become more inclusive.

With regard to membership, the dominant model is based on lay-delegation. However, we also find councils in the other quadrants. Further, there is evidence of interesting mixes in membership leading to a hybridisation of membership. Several councils strive for a wide membership of delegates (including those from groups with less power), combined with a certain level of academic and lay knowledge. Councils that do not have the legal possibility to expand membership will use more ad-hoc mechanisms for broader consultation. The Dutch council, for example, sometimes consults interest groups during the production of policy advice. Lay-delegated councils, in turn, create access to an external “pool” of experts to whom they can turn

when needed. Mixed membership is not only supposed to increase input legitimacy but output legitimacy as well, as it could stimulate innovative and broadly supported insights to be developed.

5.2. Countervailing force or government add-on?

The second typology tells us something about the way in which the councils take up their role *vis-à-vis* the government. Do they function as a countervailing force or rather as a government add-on? Again, the context in which they were established seems to play an important role here, as does the political tradition and culture within which the councils are active.

Typical of a number of councils is that they were established during times of political turmoil and served as vehicles supporting education-policy reform. The government and important societal parties interacted intensively during the reform period, sometimes even coproducing policy. Councils such as the Greek, Spanish and – to a certain extent – Portuguese ones are therefore historically situated inside or at arm's length of the government. In these three cases, we can also speak of a relatively high degree of involvement of the government within the council. It does not come as a great surprise that the government takes an active, participating role via government representatives as members in these councils. Council relevance can be attained in this political context by assuming a role as a government add-on. There still seems to be a great difference, however, between the Greek council on the one hand and the Portuguese and Spanish councils on the other. The latter two seek to maintain a position of producing independent and critical policy advice, while this is available to the former to a much lesser extent.

In other councils, increasing political control over the policy process is clearly an issue. Political decisions should be taken independently by the government, and policy advice coming from stakeholders should be treated cautiously. In both the Dutch and Flemish reforms of the advice system, the separation of policy makers and advisers served as an important principle as they should not be interacting in the same policy arena. Government officials are not allowed to be full members of the councils. In both cases, this reform away from more intensive interaction between council and government was initiated by the government. The Estonian council, after being criticised as a threat to political control, chose to reform itself towards more long-term strategic advice. This kind of advice might be perceived as less threatening for policy makers.

Thus, the Dutch, Flemish and Estonian councils can be placed at a distance from the government, and the level of involvement with the government is less intensive. In the Dutch council, there is, for example, some interaction during the agenda-setting stage of the council's work, but none during the actual production of advice. This distance can also allow for the councils to provide more independent policy advice, sometimes even to act as a countervailing force. A critical reflection on government policy might, however, prove to have less immediate instrumental impact on policy.

6. Conclusion

Advisory bodies such as education councils are expected to contribute to policy decisions that are more efficient and effective. At the same time, these advisory processes are supposed to contribute to democracy, as they strengthen the input and process legitimacy of policy-making. Stakeholders are provided with a point of access to the policy-making arena, and the process of advice production is supposed to follow certain norms such as transparency, fairness and deliberation.

However, advisory bodies operate in a competitive policy environment where advice is coming from multiple sources and with different claims to legitimacy. Not only is there competition between the different mechanisms, but there is also competition between the different legitimacy perspectives. In some cases, this pressure can lead to large-scale government-initiated reforms of the advisory system, but mostly the advisory bodies themselves develop strategies to maintain relevance and legitimacy. Typically, membership and the relationship of the council with the government serve as means of developing these strategies.

In such a competitive environment, advisory bodies are also challenged to function as real “boundary organisations”, bridging the worlds of science, state and society. In order to be (perceived as) a legitimate means of public consultation, advisory bodies need to sufficiently tailor to the perspectives and needs of the different actors involved. We consider boundary work to be an important concept in explaining the way in which advisory bodies operate. A boundary organisation needs to be accountable and responsive to opposing, external authorities (Guston 2000). Multiple lines of accountability will assure that the boundary organisation produces services that participating parties can use for their own purposes. This might be an explanation why advisory bodies develop such a broad set of goals and activities: reviewing scientific findings; offering instrumental policy advice; introducing public values in the debate; establishing common ground; ensuring a certain degree of policy support; stimulating understanding between actors and/or perspectives; decreasing tensions and conflicts; stimulating reflection and learning (Hallfman and Hoppe 2004).

To what extent can we find evidence of “boundary work” in the councils studied? Most of the education councils analysed indeed have multiple principals, including interest-group representatives, academic experts and government representatives. Even though the objectives of the parties involved are not necessarily in line, the outcome of the work within boundary organisations is useful for multiple “principals”. If we look at advisory councils, state representatives may stress, for example, the council’s task of generating input and developing policy support, whereas the societal representatives may want to stress their privileged access to the policy-making process and the possibility of influencing policy in a way profitable for their principals. Scientific experts can take pride in the objective scientific framing of policy problems and solutions. If these three groups cannot be incorporated through direct membership, alternative “boundary spanning strategies” are used to gather their perspectives, insights, knowledge and interests.

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