

**Liberalisation and the public sector:  
the case of international students' policy  
in Britain and France**

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## **Abstract**

The spread of liberalisation across both developed and developing countries has become an increasingly important policy trend over the last thirty years. This thesis examines how liberalisation has occurred, at different speeds and in different ways, in the same sector across two different countries. It seeks to explain why, in the market for international students, liberalisation occurred to a greater extent in Britain than in France. This was despite the fact that both countries' governments had espoused very similar policies towards international students from 1979 onwards, promoting a reorientation of recruitment away from developing countries and towards developed and emerging economy countries, and encouraging higher education institutions (HEIs) to compete against each other for international students.

The thesis attempts to explain this cross-national difference in the extent of liberalisation through examining which actors pushed for liberalisation, and which factors conditioned their ability to do so. In this case, governments played the most important role in propagating liberalisation, and higher education institutions generally attempted to resist liberalisation, rather than promoting it. Governments' ability to push forward liberalisation was constrained, however, by the extent of coordination of HEIs in sectoral associations, which enabled them to resist government proposals.

Whilst in some cases, French governments were able to create new institutions which encouraged a commodification of international students, they proved unable to create new institutions which incentivised HEIs to compete against each other for the recruitment of international students. In contrast, British governments managed to create new institutions which led to both the commodification of international students, and competition for their recruitment. The thesis thus also counsels a more nuanced approach to liberalisation, which recognises that it can consist in different elements (in this case, in both commodification and competition),



rather than representing a uniform, and unified, process across countries and sectors.

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(Confidential - to be removed from copy for Senate House library)

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## **Introduction**

### **1 The problematic**

Theorists of comparative political economy have become increasingly concerned with explaining the mechanisms aiding the spread of economic liberalisation, which has become an important current within public policy. As Streeck and Thelen note, liberalisation is “[t]he dominant trend in advanced political economies”. Recent years have witnessed “the steady expansion of market relations in areas that under the postwar settlement of democratic capitalism were reserved to collective political decision-making” (Streeck and Thelen, 2005: 30).

This thesis examines how liberalisation has occurred, at different speeds and in different ways, in international students’ policy, a difficult case for recent theories of liberalisation to explain. It seeks to explain why, in the market for international students, liberalisation occurred to a greater extent in Britain than in France. This was despite the fact that both British and French governments had espoused very similar policies towards international students from 1979 onwards, promoting a reorientation of recruitment away from developing countries and towards developed and emerging economy countries, and encouraging higher education institutions (HEIs) to compete against each other for international students.

How can this cross-national difference in the extent of liberalisation be explained? The thesis attempts to do so through examining which actors pushed for liberalisation, and which factors conditioned their ability to institute it. In this case, governments played the most important role in propagating liberalisation, and HEIs generally attempted to resist liberalisation, rather than promoting it. Governments’ ability to push forward liberalisation was constrained, however, by the extent of coordination of HEIs in sectoral associations, which enabled them to resist government proposals.

Liberalisation is here defined in behavioural terms, as the existence of competition between HEIs for international students, and of the commodification of international students (whereby international students are viewed as of immediate or indirect monetary value, rather than as important for their contribution to foreign policy goals, such as links with former colonies, or to international development). Whilst in some cases, French governments were able to create new institutions which encouraged a commodification of international students, they proved unable to create new institutions which incentivised HEIs to compete against each other for the recruitment of international students. In contrast, British governments managed to create new institutions which led to both the commodification of international students, and competition for their recruitment. The thesis thus also counsels a more nuanced approach to liberalisation, which recognises that it can consist in different elements (in this case, in both commodification and competition), rather than representing a uniform, and unified, process across countries and sectors.

These findings run counter to recent attempts by political economists to explain how the phenomenon of liberalisation occurs. They suggest that more research is required into the mechanisms of public sector liberalisation, and especially into the role of governments in promoting liberalisation, and of regulatees in resisting it.

## **2 Recent theories of liberalisation**

Liberalisation constitutes a contested process for comparative political economists, with rival explanations of its development being expressed within different theoretical perspectives. This thesis constitutes a modest attempt to examine how liberalisation has proceeded in a 'critical' case.

One new, groundbreaking approach to explaining how liberalisation occurs is provided by Wolfgang Streeck and Kathleen Thelen. Their recent book (Streeck and Thelen, 2005) purports to explain why liberalisation appears to be occurring more quickly than theories of comparative economic advantage, such as those motivating the 'varieties of capitalism' perspective, would suggest.



Streeck and Thelen maintain that liberalisation's "asymmetric" progress (compared with the apparent erosion of collective economic arrangements) can be explained by examining the reaction of economic actors (individual people, elites, firms or associations)<sup>1</sup> to opportunities for competition. In particular, Streeck and Thelen suggest that liberalisation occurs when economic actors defect away from existing, collective institutions, towards market-based arrangements. For Streeck and Thelen, actors defect in this way because they have greater incentives to participate in the market compared with their incentives to participate in collective arrangements.<sup>2</sup> Streeck and Thelen have suggested that their approach can be applied to explain the progress of liberalisation in both the private and public sectors. It is, hence, important to examine how liberalisation occurs in the public sector, and whether existing theories are adequate for this purpose.

### 3 The case study

The case of the liberalisation of international students' policy in Britain and France constitutes a particularly difficult one for most recent analyses of liberalisation to explain. Both countries appeared remarkably similar at the start of the period in terms of their approach towards international students. Up to the late 1970s, international students' policy in both countries was led by the perceived need to maintain links with their respective empires, and to aid economic development. In both countries, such international students were overwhelmingly educated in the public sector, in universities, polytechnics and colleges in Britain and in universities and public *grandes écoles* in France. International students were not 'recruited' but 'accepted', by a relatively small number of HEIs, mainly located in Paris and London. Governments in both countries started to alter their approach towards international students at almost exactly the same time, around 1979, and continued

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<sup>1</sup> Although Streeck and Thelen do not delimit their use of the term "actors", the concept appears to cover these four types of actor given the examples of liberalising change which they describe (Streeck and Thelen, 2005).

<sup>2</sup> As a result, Streeck and Thelen's approach suggests that, contra many works within the 'varieties of capitalism' perspective, economies are inherently more likely to liberalise than to develop collective institutions. Consequently, following Streeck and Thelen's argument, collectivist (or coordinated) 'varieties of capitalism' may be unable to persist through time to the same extent as liberal 'varieties of capitalism'.

to promote both the commodification of international students and competition between HEIs for international students throughout the period. The thesis attempts to explain why, despite such similar starting-points, and such similar government strategies, a far greater extent of competition and commodification has occurred in Britain than in France in the area of international students' policy.

#### **4 The argument**

In both Britain and France, governments have attempted to create institutions that would lead HEIs to compete against each other for international students, and to 'commodify' international students, i.e. to view international students as valuable for their direct or indirect monetary worth, rather than as valuable for reasons of international development or foreign policy. The ability of governments to create such institutions rested on their roles as rule-makers. Governments' legal and bureaucratic capacities, as the executive, provide them with a unique ability to create new, binding rules. Collections of rules defined by governments either facilitated liberalising behaviour, or militated against it, depending on the sets of constraints and incentives which they provided for regulatees.

Streeck and Thelen suggest that regulatees often promote liberalisation, by opting out of collective institutions in order to participate in market institutions instead. Yet, these HEI regulatees coordinated resistance to liberalisation (rather than individually promoting liberalisation by opting-in to the market) through their own collective organisations, HEI sectoral associations. Both British and French governments tried to liberalise, through creating liberalising institutions, but the greater extent of fragmentation and division between HEIs in Britain, compared with their better coordinated French counterparts, led to liberalisation occurring to a greater extent in Britain than in France. In France, the HEI regulatees were often able to force changes in the structure of such institutions while they were being created, and in their operation once they had been set up, by coordinating resistance through their sectoral associations. This occurred less frequently in Britain, where HEIs' sectoral associations were often divided by factions.

## **5 The operationalisation of liberalisation**

The thesis examines governments' role in liberalisation through investigating their ability to create institutions that set up particular incentives and constraints, which can lead to liberalisation. Overall, the research presented here suggests that liberalisation must be strictly defined and examined on a case-by-case basis if its progress is to be properly understood.

Streeck and Thelen have defined liberalisation as "an expansion of market relations... significantly beyond the limits (of) the organized capitalism of the postwar 'mixed economy'" (Streeck and Thelen, 2005: 2). 'Liberalisation' is here defined as a type of behaviour: as the existence of competition and of the commodification of international students. Liberalisation is present where regulatees compete against each other, and/or treat international students as commodities. In contrast, liberalisation is absent where regulatees do not behave in this way; where, for example, they cooperate rather than compete with each other, and treat international students as important for foreign policy reasons (for example) rather than for commercial ones. A government is successful in instituting liberalisation where, after it has defined and implemented new rules (and thus, cumulatively, installed new institutions), actors compete against each other, and treat international students as commodities, where they did not before.

The two components of liberalisation are defined as follows. Competition between actors is defined as competition between HEIs for international students, with the goal of recruiting as many international students from target markets as is consistent with other existing institutional strategies. The commodification of international students is defined as the viewing of international students as of monetary value, either directly (through, for example, charging them fees), or indirectly (through, for example, viewing them as valuable for their likely future purchases/trade with France or Britain). This commodification contrasts with the

traditional views of international students being valuable as a means of international development, or to maintain links with ex-colonies.

Liberalisation, therefore, has occurred when the regulatees switch towards competing amongst each other for international students, and when international students become commodified, with HEIs seeing them as useful for income purposes. Where liberalisation is broken down into separate processes, governments may be able to institute certain elements of liberalisation and not others. For example, in this case, French governments were on occasion able to successfully promote the commodification of international students, but they were generally unable to promote competition between HEIs. The thesis thus suggests the need for a more subtle analysis of liberalisation, which recognises that it can consist in different types of behaviour which may occur to greater or lesser extents.

## **6 The chapter structure**

Each chapter examines a different type of institution across the two countries. Four such institutions are examined: promotional institutions (created to promote domestic higher education to potential international students), evaluation institutions (created to evaluate the quality of provision at different HEIs), financial institutions (created to fund higher education institutions), and visa institutions (created to regulate the presence of international students on the national territory). These were identified as the key institutions for the liberalisation of international students' policy in both countries, following analysis of the available primary and secondary sources, and interviews in both countries with policy-makers, HEI representatives and other important individuals.

Each chapter first describes the existing institutional context, prior to the creation of the new institutions in each of these four areas. It is shown that in no case did pre-existing institutions provide incentives for HEIs and other regulatees to compete against each other for international students, nor did it provide incentives to commodify international students. Each chapter then moves on to consider the

strategies of successive governments and of HEIs towards the creation of the new institutions. It indicates how governments provided the impetus for the creation of all the new institutions. HEIs were on occasion opposed to the creation of the new institutions, or, attempted to change the new institutions such that they would not lead to a liberalisation of international students' policy.

Having thus indicated the positions of both government and HEIs, and described the existing institutional context, each chapter describes how the process of institution-making progressed.

Firstly, the creation of each institution is examined, detailing how government and HEIs interacted during this process. Secondly, an analysis of the institutions' operations is offered, noting how both government and HEIs attempted to control them. Finally, each chapter assesses the extent to which the new institutions led to liberalisation. It details whether the incentives and constraints which they set up induced HEIs to compete against each other for international students, and also, whether they induced HEIs and other sectoral actors to adopt a view of international students as commodities.

Chapter one details the theoretical framework. It examines existing theories of liberalisation, and in particular those from a 'varieties of capitalism' approach. Whilst these offer a useful corrective to overly-generalising 'globalisation' theories of convergence, they fail to explain the increasingly prevalent trend of liberalisation in all developed countries. Thelen and Streeck's approach is examined, and is seen to constitute a genuine attempt to explain liberalisation. However, a number of problems with it are identified. Chapter one therefore emphasises the role of governments and the importance of intra-sectoral coordination in affecting the progress (or otherwise) of liberalisation. The chapter then explains why this case study has been chosen, giving the context (previous policies towards international students), and explaining how liberalisation can be seen as a sea-change compared with existing policies. Finally, the chapter provides a number of

definitions for the terms used throughout the thesis, including “international students”, “liberalisation”, “institutions”, and “coordination”.

Chapter two details the institutional context for the processes of liberalisation examined here. First, it sets out existing policies towards international students in both countries before 1979. It shows that in both countries, international higher education policy was dominated by the concern to maintain links with former colonies and to promote international development. The chapter then provides some background on the nature of the higher education sector in each country. In particular, it details the manner in which degree-awarding status was conferred on HEIs in each country, how quality standards were controlled, and how HEIs were funded. Finally, the chapter analyses the strength of sectoral associations in each country. It indicates that French sectoral associations were stronger than their British counterparts, due to their lesser degree of factionalism.

Chapters three to ten analyse liberalising institutions in the field of promotion, evaluation, funding and visas, looking at the British and French cases in turn.

Chapter three examines attempts by British governments to create a new institution for the promotion of British higher education abroad, the Education Counselling Service (ECS). The ECS broke with the approaches of the existing organisations in the field of international higher education (the British Council, Interdepartmental Group of Officials, Round Table and Inter-University Council), all of which had focused on links with developing countries. Instead, the ECS led to a commodification of international students (through focusing on the recruitment of students from ‘target’, developed and emerging economy countries) and to competition between HEIs (as the ECS differentiated between HEIs in its delivery of services). The chapter indicates how the ECS was proposed not by HEIs themselves, but by the then government. HEIs were concerned that ‘their’ approach to international higher education would be lost with the incorporation of the Inter-University Council into the British Council, and its eventual transformation

into the ECS. However, HEIs were split over their exact approach to the ECS, with only a few intermittently resigning, and then re-joining, the agency. Government thus dominated the creation of the new agency and its operations, especially the creation of the 'EducationUK' brand under the aegis of the ECS.

Chapter four examines the French counterpart of the ECS, EduFrance. It examines the existing organisations operating within the international higher education sector (the SFERE, CNOUS, Egide and ARIES), and describes how EduFrance adopted a very different approach from these previous bodies. The SFERE had focused on the promotion of French educational technology abroad, and the others had focused on building links with developing countries. EduFrance was created by the Ministries of Education and Foreign Affairs, with little reference to these existing organisations and with a different ethos and goals. Indeed, the new agency's commercial approach led quickly to conflict with existing organisations over EduFrance's commodification of international students (notably through its focus on the recruitment of students from developed and emerging economy countries, rather than from developing countries, and its charging of potential international students for its services). As with the ECS, the creation of EduFrance was driven by government. However, French HEIs did manage to get the then Director General of the agency removed and replaced, following coordinated resistance to his promotion of a liberalisation of international students' policy.

These promotional institutions created by governments led to a commodification of international students in both countries. However, in France, HEIs were able to coordinate resistance to such commodification through their sectoral associations, leading to a change in leadership of the new promotional organisation EduFrance, with the removal of the original, pro-liberalisation, Director General. In contrast, the British ECS was able to divide between HEIs in its operations, which became more commodifying throughout the period, as a new brand for British higher education was introduced by the ECS with the support of the Prime Minister.

Fig.1: The arguments made in chapters three and four: promotional institutions

Institutions		Britain	France
Previous institutional framework	Government-led organisations /rules	British Council; Interdepartmental Group of Officials; Round Table	SFERE; CNOUS; Egide
	HEI-led organisations /rules	Inter-University Council	ARIES
Government strategies		Set up ECS	EduFrance pushed personally by Ministers of Education + Foreign Affairs
HEIs' strategies		Concern over incorporation of IUC; heterogeneous responses to creation of ECS	Opposition to first Director results in his dismissal; concern over expansion of EduFrance's role
Major issues during the operation of the new institution		New 'brand' created following Prime Minister's initiative	Commercial approach adopted. Conflict with existing organisations and attempts at coordination
Did the new institutions lead to liberalisation?	Did the new institutions lead to commodification?	Yes: Focus on recruitment of 'well off' students	Yes: Focus on recruitment of students from developed countries and also charging of international students for services
	Did the new institutions lead to competition?	Yes: ECS differentiated between HEIs in delivery of its services	No

Chapter five analyses the creation of British evaluation organisations, and specifically, the adoption of an assessment-based approach to evaluation. Assessment facilitates competition between HEIs for international students, as it facilitates the production of ranked comparisons between HEIs which are accessible by such students. In contrast, other forms of evaluation, such as enhancement and accreditation, do not promote intra-sectoral competition in this way. Existing organisations in the field of higher education evaluation in Britain, such as the Council for National Academic Awards, Her Majesty's Inspectorate, the Academic Audit Unit and External Examining system had used either accreditation or enhancement-based methods of evaluation, rather than assessment.



The new Quality Assessment Units, the Higher Education Quality Council, and the Quality Assurance Agency (QAA) all adopted an assessment-based approach. These new organisations and their pro-assessment approach was promoted by government, which had been encouraging the use of assessment as a means of differentiating HEIs, for both competition and funding purposes, from the early 1990s. HEIs were opposed to the adoption of an assessment-based system, but their resistance to this was fractured, mainly because the different factions within their sectoral associations disagreed over the costs and specificities of the existing evaluation systems. HEIs were particularly opposed to the extension of assessment to cover overseas collaborative provision (whereby the evaluation organisations travelled abroad to examine joint programmes between British HEIs and foreign HEIs) but to little effect. Where HEIs did achieve change in the evaluation system, this was generally on the basis of lobbying by a small group of powerful HEIs (such as the 'Russell Group' of research universities), and the resulting change was not always supported by all HEIs. The resulting evaluation institution facilitated liberalisation, through aiding the ranking of HEIs according to Quality Assessment Units', Higher Education Quality Council and then QAA reports. The quantitative nature of the organisations' reports helped to structure competition between HEIs, as had originally been governments' professed intention when introducing the assessment-based evaluation system.

Chapter six considers the creation of a new French evaluation organisation, the *Comité National d'Evaluation* (CNE). Unlike the existing organisations covering French higher education, the CNE adopted an enhancement- (rather than accreditation-) based approach to evaluation. This was partly prompted by pressure from HEIs when the CNE was created in 1984. The chapter details how the new agency did not lead to an increase in competition between HEIs, as its reports were not produced in a fashion which aided ranking. Indeed, the CNE eschewed such an approach. Nor did the CNE's activities lead to a commodification of international students. Although the number of international students per HEI was reported by the CNE, HEIs were not ranked on the basis of

this, nor were the CNE's reports used to inform funding decisions. This chapter shows how, whilst government was responsible for the initial creation of the CNE, HEIs were able, through coordinated action, to maintain its enhancement-based approach and avoid the use of evaluation for purposes of assessment (and ultimately, the cultivation of competition).

Neither of the new evaluation institutions had a perceptible impact on the degree of commodification of international students. In Britain, however, the assessment-based approach of the new organisations intensified competition between HEIs for international students. Although British HEIs had attempted to resist the introduction of assessment, they were unable to articulate an alternative through their sectoral associations. In contrast, French HEIs were able to collectively engage in both the creation and operations of the CNE, and thus prevented it from adopting an assessment-based approach (with the CNE performing enhancement-led evaluations instead).

Fig.2: The arguments made in chapters five and six: evaluation institutions

Institutions		Britain	France
Previous institutional framework	Government-led organisations /rules	CNAA and Her Majesty's Inspectorate	Cour des Comptes and IGAENR
	HEI-led organisations /rules	Academic Audit Unit and External Examiners	CGE
Government strategies		Create assessment-based system as means of differentiation for funding and/ or competition purposes	CNE created by Savary as a means of balancing HEIs' autonomy
HEIs' strategies		Fractured resistance compromised by cost concerns and differential impact of assessment	Creation of CNE supported, to extent that it added to autonomy from government
Major issues during the operation of the new institution		Extension of assessment to OCPs; universal visits renounced by Education Minister	Extension of evaluation to cover quadrennial contracts
Did the new institutions lead to liberalisation?	Did the new institutions lead to commodification?	Not significantly.	No.
	Did the new institutions lead to competition?	Yes: Assessment-based reports facilitated ranking which structured competition between HEIs	No: Reports were qualitative and resisted attempts at comparison

Chapter seven examines the introduction of full-cost fees for international students studying at British HEIs from 1979 onwards. The funding methods used before the introduction of full-cost fees, both for the higher education system as a whole (unpredicated grants) and for international students in particular (the use of quotas and differential fees) did not lead either to competition between HEIs or to a commodification of international students.

In 1979, the then Conservative government proposed the new fees as a means to remove public subsidy for international students, and to induce HEIs to take an entrepreneurial approach to international student recruitment. HEIs attempted to resist the introduction of the new fees, but to little effect. HEIs were, similarly, unable to significantly affect the implementation of the new fees, and specifically, whether they were assessed on the basis of marginal or average cost, and how international students were defined for fee purposes. The new fees system led to a commodification of international students, as they encouraged HEIs to adopt a view of international students as useful for revenue rather than international development or foreign policy purposes. They also led to competition between HEIs in the recruitment of international students, with this competition resulting in an extensive differentiation of HEIs according to the revenue they earned from international students and the fees they charged them.

Chapter eight considers the introduction of the contractual funding system in France and its effects on policy towards international students. It finds that, as with the new British funding system, the contractual system enjoyed few precedents in the existing funding arrangements, with funding allocated according to factors such as the number of students and size of faculties, with no differential fees for international students, and with only limited existing use of contracts to structure the relationship between HEIs and government. The new contracts were promoted by Lionel Jospin as a personal project, which would allow him to start a new period as Minister with a bold policy proposal. The proposal was supported by HEIs, although only to the extent that it promoted autonomy from government and did not

encourage competition between HEIs. The engagement of HEIs at the beginning of the process appears to have secured these two objectives. The new contractual system can be seen as leading to a commodification of international students, since it provided individual HEIs with extra funding where they had committed to increasing their recruitment of international students. However, it did not lead to an extension of competition between HEIs.

In Britain, the introduction of a new funding institution led to both an intensification of competition between HEIs, and an increased extent of commodification of international students. Although British HEIs attempted to prevent the introduction of the full-cost fees system, and to control its subsequent implementation, they were unable to collectively articulate an alternative approach through their sectoral associations. In contrast, French HEIs engaged in the definition of the new contractual funding system from the start and prevented the extension of competition between HEIs.

**Fig.3: The arguments made in chapters seven and eight: financial institutions**

Institutions		Britain	France
Previous institutional framework	Government-led organisations /rules	Unpredicated grants; differential fees; quotas	Formula-based funding; no differential fees; limited existing use of contracts
	HEI-led organisations /rules	None.	None.
Government strategies		Fees introduced to remove public subsidy and promote entrepreneurial approach amongst HEIs	Contracts promoted by Jospin as a means of marking his new role as Minister
HEIs' strategies		Attempts at resistance but little impact. Lack of coordination concerning parameters of the new system.	Attempt to ensure contracts led to increased autonomy from government, and avoided commercial approach
Major issues during the operation of the new institution		Pym Package; assessment of full cost; classification of students for fee purposes	Evaluation of contracts; non-fulfilment of contracts by government; government control over the content of the contracts
Did the new institutions lead to liberalisation?	Did the new institutions lead to commodification?	Yes: Poorer students unable to afford high fees; students seen as of immediate value	Yes: Commitment to increase international student numbers rewarded with extra funding
	Did the new institutions lead to competition?	Yes: Increasing market differentiation (although competition not just over price but other factors).	No.

Chapters nine and ten consider the development of new visa rules in Britain and France. Unlike the preceding chapters, these rules were not clustered in organisations, and so these chapters are structured slightly differently to the others.

The British chapter, chapter nine, examines the creation of new rules by the British government concerning international students' visas. It first describes the existing institutional landscape, which was framed by the 1971 Immigration Act. It then details how governments first concentrated on the reduction of "overstaying" by international students following the completion of their course. HEIs resisted the links made by governments between international students and illegal immigrants. However, their response was compromised both by mutual suspicion among HEIs concerning the extent to which fellow HEIs upheld the rules, and through HEIs

adopting different approaches to matters such as the use of immigration advisors. British governments also introduced new visa rules which facilitated the charging of international students, and which would improve the image of British higher education abroad, through avoiding high-profile examples of allegedly 'unfair' treatment. British HEIs largely supported the last raft of rules, as they were felt to aid recruitment, but resisted the others. This chapter details the only case where British sectoral associations were able to coordinate resistance to liberalisation (against visa extension charges), without factions diluting the impact of this. However, the impact of this was reduced by the previous intra-sectoral conflicts referred to above, and by the fact that the HEIs' campaign against the charges occurred too late to affect decision-making. All the new visa rules were both introduced and operated by government, and led overall to a commodification of international students, by promoting a view of them as of monetary value.

The final empirical chapter, chapter ten, considers French governments' new rules concerning international students' visas. These new rules were introduced within the context of a previously relatively permissive approach towards international students' visas. The first attempt by government to change students' visas rules involved the restriction of access to visas for students from developing countries. HEIs coordinated their resistance to this policy by refusing to implement some of its requirements, and it was eventually annulled.

However, in the succeeding period additional rules were introduced which had a commodifying impact on international students. A 1989 decree on the obtention of *cartes de séjour* (permission to stay for a specified time) was introduced, and the *lois Pasqua* were passed, which reduced the ability of international students to stay in France if they had failed examinations. Both sets of rules were designed by governments to reduce the burden on the public purse from 'overstaying' by international students. A final set of rules were introduced from 1998-2000 which aimed to improve the image of French higher education overseas; the *loi Reseda*, the *guichet unique* (single office) policy and the grouped visa requests policy.

HEIs largely supported the last set of rules, as, in common with their British counterparts, they saw these as improving recruitment, but opposed the other rules. French HEIs proved, generally, better able to coordinate campaigns against the other rules, due to the lack of intra-sectoral conflict which marred British HEIs' approach to visa policy. Despite such coordination, however, HEIs were unable to prevent the implementation of the *lois Pasqua*, reflecting the fact that their impact was localised (which militated against a national campaign), and the power of central government to impose legislation, especially where HEIs were not involved in its implementation. Overall, the new French visa rules led to a commodification of international students, but did not have any perceptible impact on the extent of competition between HEIs.

In summary, whilst both British and French HEIs resisted the introduction of these new rules concerning international students' visas, aside from the partial flexibilisation occurring from rule-changes to remove high-profile anomalies for promotional purposes, HEIs' ability to change these differed. French HEIs were able to coordinate a campaign against some of the rules, which resulted in their annulment, although most other campaigns against the rules were relatively small-scale and localised. In contrast, British HEIs were generally (if not always) unable to mount a consistent front in debates on visa policy, due to their internal suspicions and differences over the implementation of existing rules.

Fig.4: The arguments made in chapters nine and ten: visa institutions

Institutions		Britain	France
Previous institutional framework	Government-led organisations /rules	1971 immigration act; free administration; work permit restrictions.	Non-restrictive regime for students.
	HEI-led organisations /rules	None.	None.
Government strategies		1979 White Paper concentrated on control of illegal immigration	Imbert focused explicitly on reduction of students from developing countries
HEIs' strategies		HEIs attempted to break link between international students and illegal immigration, but response fractured	Imbert opposed during implementation through non-compliance; lesser degree of coordinated resistance to other degrees
Major issues during the operation of the new institution		Attempt to restrict illegal immigration, charge admin fees and remove work restrictions, and aid recruitment of international students.	Amendments to Imbert; 1989 law and <i>lois Pasqua</i> ; <i>loi Reseda</i> , <i>guichet uniques</i> and grouped visa requests
Did the new institutions lead to liberalisation?	Did the new institutions lead to commodification?	Yes: See above; rules led to restriction of visas to those who would provide immediate monetary value, with exception of cases which could give British HE an 'unfair' reputation	Yes: Against students from developing countries, restriction of overstaying, reduction in cases which could give French HE an 'unfair' reputation.
	Did the new institutions lead to competition?	No	No

The concluding chapter provides an overview of the arguments made in the thesis, and suggests further areas for examination. It concludes that whilst French governments were, on occasion, able to introduce new institutions which led to a commodification of international students, their ability to foment competition between HEIs for the recruitment of international students was limited. In contrast, British governments proved able to introduce new institutions which both led to a commodification of international students and to increased levels of competition between universities and colleges for such students (see Fig.5).



Fig.5: The extent of liberalisation (commodification and competition) in Britain and France following the creation of new institutions

Institutions	Commodification		Competition	
	Britain	France	Britain	France
Promotion	Yes	Yes	Yes	No
Evaluation	No	No	Yes	No
Financial	Yes	Yes	Yes	No
Visa	Yes	Yes	No	No

The conclusion notes that this differential picture of the extent of liberalisation contradicts many previous analyses which have depicted liberalisation as a uniform phenomenon. It also contradicts theories which have claimed that liberalisation occurs due to the actions of individual actors within collective institutions, who decide to defect into market institutions instead. Rather than liberalisation being promoted by those operating within existing institutions, the regulatees, instead the latter often resisted liberalisation through sectoral associations. Government, not regulatees, attempted to instil liberalisation, being able to do so through its ability to create new rules which cumulatively constituted new institutions. The conclusion underlines the importance for comparative political economy of examining the role of government in pushing forward liberalisation, and of investigating the role of regulatees in resisting this liberalisation.

## **Ch.1 Liberalisation, coordination and international students**

### **1 Existing theories of liberalisation**

#### **1. a Liberalisation and the public sector**

Public sector liberalisation has become an important policy trend. Such liberalisation, compared with its private sector counterpart, is under-theorised and under-explained. The methods which have been used to examine and theorise the liberalisation of the private sector have infrequently been used to help understand public sector liberalisation. In particular, as Pierson notes, “neither students of the welfare state nor students of political economy have considered the welfare state an integral part of national economies” (Pierson, 2001b: 5). In a recent work, Wolfgang Streeck and Kathleen Thelen suggest that their analysis of liberalisation, and that of others working within their perspective, applies equally in sectors where governments have traditionally enjoyed extensive, and sometimes exclusive, rule-making authority (Streeck and Thelen, 2005: 5-6, 32; Hacker, 2005; Levy, 2005; Palier, 2005). Peter Hall and David Soskice have also maintained that their approach, which attempts to explain continuing differences between countries in the face of generalised moves towards liberalisation, can equally be applied to “social policy” (Hall and Soskice, 2001: 51).

#### **1. b Convergence towards liberalisation?**

Many works within the ‘globalisation’ field have suggested a uniform, and ineluctable, progression towards liberalisation across developed countries. ‘Strong’ globalisation theorists such as Kenichi Ohmae have described a worldwide spread of liberalisation, as of other economic policy trends, partly precipitated by the power of trans-national corporations to relocate to low-regulation economies (Ohmae, 1990). Similarly, Currie has suggested that ‘marketisation’ has proceeded in the higher education sector in a uniform fashion across developed countries (Currie, 1998).

#### **1. c Varieties of capitalism**

In contrast, one of the most influential recent perspectives in comparative political economy, the 'varieties of capitalism' perspective, suggests that there has not been a convergence of economic institutions as might have been expected. Such institutional convergence has been prevented by the particularities of societal and economic institutional frameworks in different countries (Berger and Dore, 1996; Gourevitch, 1996: 241; Hall, 1999: 147; Hall and Soskice, 2001; Iversen 1999a; Kitschelt *et al.*, 1999; Zysman 1996b). This perspective suggests that certain types of economic behaviour are aided by the existence of coordinated industrial relationships, whilst others are hindered by this. Economies can, from this perspective, broadly be divided into types, for example, coordinated or 'Rhenish' economies, non-coordinated (or liberal, or 'Anglo-Saxon') market economies (Albert, 1993; Hall and Soskice, 2001), and, for some authors, statist (Schmidt, 1996), and state-enhanced (Schmidt, 2001) economies.

Most importantly for the analysis of liberalisation, 'varieties of capitalism' theorists maintained that coordinated market economies (CMEs) need not necessarily converge onto the institutional pattern of liberal market economies (LMEs). CMEs continue to possess institutions which promote a coordinated response to economic challenges. Whilst there may recently have been a proliferation of institutions within CMEs which have given actors the incentives to engage in particular types of behaviour (such as the promotion of shareholder value rather than long-term growth, following moves away from managed capitalist institutions), 'varieties of capitalism' theorists maintain that these institutional changes have not been significant enough to invalidate the distinction between CMEs and LMEs.

However, this perspective has failed to explain why CMEs have increasingly become characterised by market rather than coordinated methods of exchange. Empirical evidence appears to confound the notion that the institutional structures of CMEs can persist through time as those of LMEs have (Howell, 2003: 109).

Some writers within the 'varieties of capitalism' perspective have acknowledged the fact that liberalisation appears to be occurring more quickly in CMEs, certainly when compared with the almost non-existent creation of collective arrangements in LMEs in recent years. Hence, Hall and Soskice maintained that it was 'common knowledge' that successful strategic (coordinated) interaction between economic actors entailed an asymmetry between LMEs and CMEs. The creation of the conditions for a coordinated market economy involves a long and slow process, whereby actors are drawn into collective arrangements. In contrast, Hall and Soskice claim that there are no "common knowledge" constraints on CMEs deregulating to become more like LMEs (Hall and Soskice, 2001: 63).

Hall and Soskice thus appear to accept that the erosion of coordination is inherently more likely than its creation and consolidation. However, as Pontusson notes, such 'asymmetry' appeared to have had little theoretical impact on 'varieties of capitalism' theories (Pontusson, 2005: 172-3).<sup>3</sup> 'Varieties of capitalism' theories thus appear unable to explain why convergence, in terms of CMEs liberalising to become more like LMEs, *is* occurring - if to a limited extent.

#### **1. d Streeck and Thelen's challenge to varieties of capitalism**

Wolfgang Streeck and Kathleen Thelen have offered a new theoretical analysis which appears to tackle the problems inherent in 'varieties of capitalism's attempts to explain creeping liberalisation (Streeck and Thelen, 2005). Their analysis considers why liberalisation is occurring in developed countries, and at a faster rate than predicted by theories that reject convergence, such as 'varieties of capitalism'.

Streeck and Thelen's approach draws on a variety of existing literature which has proposed a more detailed and long-term analysis of institutional change.<sup>4</sup> Unlike works by these existing authors, however, Streeck and Thelen's theory proposes a holistic explanation of institutional adaptation and change, rejecting claims that "the

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<sup>3</sup> See also Streeck, 2001: 36.

<sup>4</sup> see, for example, Campbell, 2004: 33; Deutsch, 1961; Ertman, 1996; Goldstone, 1998; Heclo, 1974; Immergut, 1992; Locke and Thelen, 1995: 360-1; Pierson, 2003: 199; Skocpol, 1992; Steinmo, 1993; Stephens, 1979; Weir, 1992.

processes responsible for the genesis of an institution” might be different from “the processes responsible for the reproduction of the institution”, as maintained by Pierson (Mahoney, 2000; Stinchcombe, 1968; Thelen, 2004: 26).<sup>5</sup> Their approach emphasises the “dialectical manner in which institutional reproduction and change condition one another”, with change being sometimes “produced by the very behaviour an institution itself generates”, i.e., being endogenous to the institution (Streeck and Thelen, 2005: 18).<sup>6</sup> Apparently peripheral developments may have significant effects for the future of institutional structures.<sup>7</sup> In addition, as Thelen has noted elsewhere, apparent stability may sometimes require “a major dose of institutional adaptation” to cope with changed circumstances (Thelen, 2003: 225).

Streeck and Thelen maintain that their model of incremental, endogenous change is particularly relevant to analysing the spread of liberalisation across countries and sectors. Hence, they claim that “an essential and defining characteristic of the ongoing worldwide liberalisation of advanced political economies is that it evolves in the form of gradual change that takes place within, and is conditioned and constrained by, the very same postwar institutions that it is reforming or even dissolving” (Streeck and Thelen, 2005: 4).

Gradual liberalisation is, for Streeck and Thelen, more likely than rapid liberalisation because of the differential incentives for coordination as compared with competition. Specifically, they claim that actors will more readily exit coordinated institutional arrangements than they will engage in the creation and maintenance of collective institutions. In particular circumstances, all “that may be needed for liberalization to progress” is for people to be given “a market alternative to an existing system based on collective solidarity, and then give free rein to the private insurance companies and their sales forces” (*ibid.*: 33). Liberalisation may,

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<sup>5</sup> In his claim that: “retrenchment is a distinctive and difficult political enterprise. It is in no sense a simple mirror image of welfare state expansion.... Retrenchment advocates must operate on a terrain that the welfare state itself has fundamentally transformed” (Pierson, 1994: 1-2).

<sup>6</sup> See also Jackson, 2005: 250; and Seo and Creed 2002.

<sup>7</sup> See also Orren and Skowronek, 1994; and Weir, 1992b.

therefore, be “achievable by default: by letting things happen that are happening anyway” (*ibid.*).<sup>8</sup>

In contrast, the creation of collective institutions is more difficult. Whilst liberalisation “can often proceed without political mobilization, simply by encouraging or tolerating self-interested subversion of collective institutions from below, or by unleashing individual interests and the subversive intelligence of self-interested actors bent on maximizing their utilities”, “non-liberal” reforms “seem to require ‘political moments’ in which strong governments create and enforce rules that individual actors have to follow, even if they would on their own prefer not to do so” (*ibid.*: 33). Competition is thus, for Streeck and Thelen, more likely than coordination, which they maintain helps to explain the allegedly slow but inexorable progress of liberalising institutional change across industrial countries.

Streeck and Thelen explain the different ways in which liberalisation occurs by invoking five different mechanisms of “gradual yet transformative change” (*ibid.*: 33). Firstly, new institutional arrangements can be created through displacement. This occurs where “traditional arrangements are discredited or pushed to the side in favour of new institutions and associated behavioural logics”. Such new institutions may result from the “reactivation” or “rediscovery” of existing, if defunct, historical institutional examples, or alternatively from the example or invasion of institutions from other countries (*ibid.*: 20-1; Quack and Djelic, 2005: 276). Displacement can occur through foreign ‘invasion’, but not, it appears, through concerted action by governments.

Secondly, institutional change can occur through ‘layering’. This occurs where new institutions grow up alongside old ones, and gradually degrade existing institutional systems. This occurred when, for example, a parallel system of shareholder-led financial companies and banks grew up alongside cooperative capitalism in

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<sup>8</sup> See also Howell, 2003: 109.

Germany, and where new institutional layers on the margins of French social policy institutions started to undermine existing systems (Deeg, 2005; Palier, 2005: 140).<sup>9</sup>

A third mechanism of liberalising change for Streeck and Thelen comprises the 'drifting' of institutions away from the relevant social context. Rather than old institutions being consciously removed, instead decisions can be made (or decisions can be avoided) to let them 'drift', which over time renders them increasingly redundant. Hence in the US healthcare sector, the inability of the existing institutional framework to adapt to new risks reduced its long-term viability, by encouraging the growth of private provision (Hacker, 2005: 44; Streeck and Thelen, 2005: 24).

'Conversion' is also, Streeck and Thelen maintain, a mechanism of liberalising change. In this case, institutions can, formally, remain the same, whilst the actors operating within them change (Trampusch, 2005: 204; Thelen, 2004: 36); or, conversely, institutions can be turned to new tasks without any alterations to their structures (Levy, 2005: 104).

Finally, and related to institutional drift, old institutions may gradually become incoherent with their institutional context, as institutions dependent on new logics of action proliferate, and hence old organisations can lose long-term viability or become 'exhausted'.

For Streeck and Thelen, none of the five mechanisms of change are purely exogenous; even displacement from foreign institutions requires a degree of support from actors involved in existing institutions. All processes of liberalising change thus require economic actors to defect from existing, collective institutions towards new, liberalising ones.

## **2 A critique of Streeck and Thelen's analysis**

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<sup>9</sup> See also Deeg, 2001, for a consideration of how such layering could be analysed by theories of path dependence.

As a timely and prescient contribution to the debate, it is important to engage with Streeck and Thelen's perspective on economic liberalisation. They have offered a thorough and interesting attempt to explain why existing theories of political economy have failed to explain contemporary developments, and especially why they cannot explain apparent convergence towards liberalisation across a variety of sectors and national settings. However, their analysis displays two significant lacunae.

## **2. a The role of governments in liberalisation**

Firstly, it downplays the role of governments in pushing liberalisation. Overall, Streeck and Thelen maintain that the key factor promoting liberalisation is not the political will of governments or the ability of targets of liberalisation to resist new policies, but the logic of liberalising change, which proceeds mainly "only slowly", through the mechanisms described above (Streeck and Thelen, 2005: 30).

It might appear that their "displacement" mechanism could encompass the imposition by governments of liberalising institutions. However, Streeck and Thelen maintain that displacement can only occur either "endogenously through the rediscovery or activation of previously suppressed or suspended possibilities" or through "invasion", through the "importation and then cultivation by local actors of 'foreign' institutions and practices" (*ibid.*: 21). Nationally-bound exogenous factors, such as pressure from governments, are ruled out by Streeck and Thelen as a means of creating liberalising institutions.

However, as Weiss has explained, governments "do not simply support accumulation in an undifferentiated way", but "actively channel and mould economic activity into particular forms" (Weiss, 1988: 3), thus generalising "distinctive patterns of industrial ownership and organization that society-centered forces alone would very likely not have produced" (*ibid.*: 9). It was just such a creation of new institutional patterns by government which characterised the liberalisation of international students' policy in both Britain and France.



Government can play a key role in conceiving of and institutionalising change, which is often in the face of widespread resistance, rather than quiescent acceptance.

This inability to explain rapidly imposed liberalisation is evident in Streeck and Thelen's analysis, and that of other writers working within their perspective, of the British Thatcher and Major governments' successful and extensive liberalisation of public services from the early 1980s until the mid-1990s. Streeck and Thelen appear forced to accept that the Thatcherite reforms constitute a counter-example to the view that liberalisation constitutes a gradual and continuous process. In contrast, the Thatcherite period constituted an "occasional but short-lived episode [...] of turmoil". Streeck and Thelen attempt to salvage their overall perspective by maintaining that the Thatcherite reforms were enabled by institutional continuity with an allegedly "rediscovered neoliberal model" (Streeck and Thelen, 2005: 30).<sup>10</sup> Yet, Thatcher's actions in Britain offer a prime example where government acted to impose competition-based reform before other actors proposed this (Schmidt, 2002: 21; 74-8). This again appears to contradict any view that liberalisation occurs in a continuous and gradual fashion, and that it is pushed by regulatees rather than by government.

Streeck and Thelen's approach can also be challenged by works which have emphasised the continuing role of the state in liberalisation. Authors such as Schmidt have maintained that a 'state-enhanced' model of capitalism can still be differentiated from Rhenish and Anglo-Saxon models. Whilst successive French governments have begun to "dismantle state power and control", "the state continues to exercise leadership, albeit in a more indirect and often supply-side way ... [including] through state support of industry in a more centralized and active way than in Germany", and in a significantly more interventionist manner than Britain, which according to Schmidt has moved "even farther in a market

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<sup>10</sup> see also Crouch and Keune, 2005: 88; Hall, 1992; and Hay, 2001.

capitalist direction from its original market capitalist starting point" in the early 1980s (*ibid.*: 117).

Whilst economic liberalisation has certainly occurred in France, Schmidt maintains that relatively recent changes did "not seriously challenge the traditional relationship between government and business..." (Schmidt, 1996: 3). For example, French governments' attempts to instill privatisation were tightly controlled and regulated by governments (*ibid.*: 52). Although the state may have retreated from some areas of activity, Schmidt maintains that it "continues to intervene, albeit in a more limited, supply-side way, through laws and incentives intended not only to make the economy more competitive but also to 'moralize' business and labour relations - even though as often as not its intervention has served only to further marketize those relationships" (Schmidt, 2002: 142). The continuing extensive involvement of governments in the direct and indirect control of the economy is, for Schmidt, sufficient grounds to differentiate the French politico-economic model, as 'state-enhanced capitalism', from that of managed capitalism and of market capitalism (*ibid.*: 191).

Rather than governments possessing a limited role in liberalisation, with this process mainly being propelled by sectoral actors as Streeck and Thelen suggest, governments can play a very significant role in this area of economic policy. This is due to their ability, as the makers of rules, to design new institutions, which provide the incentives and constraints within which sectoral actors operate. In this way, governments' rule-making can lead to changes in sectoral actors' behaviour, either in favour of or against liberalisation (where sectoral actors are given incentives towards or constraints against competing with each other, and commodifying particular factors).

## **2. b The role of coordination amongst regulatees resisting liberalisation**

Secondly, Streeck and Thelen's analysis also fails to consider the importance of coordination amongst regulatees (who may resist regulation), as opposed to the

role of competition between them. It fails to acknowledge the possibility of such resistance to liberalisation from regulatees, and the importance of coordination of this. Instead, Streeck and Thelen concentrate on regulatees' possibilities of exit from existing collective institutions to new or revitalised liberalised institutions. Yet actors may not choose to defect in this way, but instead collectively attempt to prevent change.

Some work by Kathleen Thelen, along with Kume, has offered an interesting consideration of the role of collective associations in liberalising processes more generally, which could help fill this gap in Streeck and Thelen's analysis (Thelen and Kume, 2005). However, Thelen and Kume's analysis emphasises the role of coordinating institutions in promoting, rather than resisting, the liberalisation of collective bargaining. Thelen and Kume stress that coordination amongst actors can destabilise rather than shore up existing collective institutions. In a survey of labour market policies in Germany, Sweden and Japan, they maintain that intensified coordination between particular employers and particular labour organisations has undermined existing pan-sectoral arrangements rather than consolidated them.

As such, their analysis challenges much work within the 'varieties of capitalism' school which has generally described feedback in coordinative systems as positive and stabilising. Soskice noted earlier that the "case for improved coordination across business...is very strong in any long-term strategy of improving international competitiveness" (Soskice, 1990: 60), and much of the 'varieties of capitalism' perspective constitutes an attempt to offer a theoretical framework for this assertion (Hall and Soskice, 2001: 45-50). Thelen and Kume's analysis usefully counsels a more subtle approach to coordination, which recognises the possible deleterious effects of coordination on maintaining some types of collective arrangements.

However, the coordination relevant to the liberalisation of international students' policy concerns not coordination between HEIs *and other bodies*, but *intra*-sectoral coordination. Hence, it is important to look not only at the relationship between regulatees and external bodies, but also between regulatees themselves. Thelen and Kume claim that the continued viability of collective bargaining is "not really a question of labor's successful defense of the system". However, they have not considered the effects of intensified coordination within labour representative institutions, but only between labour and capital. The impact of coordination amongst regulatees has not, therefore, been extensively considered by Thelen and Kume, yet is shown by the analysis presented here to help explain comparative differences in the progress of liberalisation in this case.

Another author within the Streeck-Thelen perspective, Jonah Levy, has examined the impact of intra-sectoral coordination on liberalisation. However, he has maintained that the "state-led liberalization" that has occurred in France has been diluted by the inability of the state to cede powers to non- or quasi-state bodies, which, he claims, are insufficiently coordinated to receive them. According to Levy, regulatees "have little incentive to organize and bargain with each other if the state is calling all the shots" (Levy, 2005: 117, 120, 122). Hence, for Levy, a lack of intra-sectoral coordination has prevented liberalisation rather than aided it; implying that the presence of intra-sectoral coordination would have facilitated liberalisation.<sup>11</sup>

Levy's argument has many similarities with corporatist arguments on the importance of incorporating collective associations in industrial adjustment.<sup>12</sup> These have attempted to specify how corporatist systems of interest intermediation have facilitated adjustment to change, through enabling the state to manipulate and indeed, to lower demands, within the context of a generalised sharing of the

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<sup>11</sup> See also Levy, 2000. In addition, see Culpepper's claim that the French state's inability to "build up the associations of civil society that allowed for non-market coordination in Germany" weakened its ability to adjust to new economic circumstances (Culpepper, 2004: 2).

<sup>12</sup> See, for example, Harrison, 1985; Ionescu, 1975; Manoilescu, 1936; Reader, 1985: 95; Rowthorn and Glynn, 1991; and Shonfield, 1965.

costs of adjustment. These costs are shared not only amongst producers and labour, but also with the state; as Atkinson and Coleman summarise, as “a distinctive policy network corporatism promises to deliver consensus on the goals and instruments of policy and to be a vehicle through which the state can share responsibility for implementation as well as policy direction” (Atkinson and Coleman, 1989: 23, 27).<sup>13</sup> Levy’s analysis appears to draw on these analyses by emphasising the importance of coordinated institutions for government-led economic adjustment.<sup>14</sup> However, as with many corporatist analyses, Levy’s analysis underestimates the importance of conflict between regulatees and government in explaining the progress or otherwise of public policies.<sup>15</sup> Coordination between regulatees can hinder the progress of industrial policy, where the implementation of such policy involves governments creating new, liberalising institutions.

*Contra* both Thelen and Kume, and Levy, this research indicates that coordination between regulatees has actually helped prevent liberalisation, rather than consolidated the chances of it being instituted.

### **3 The research question**

The research question driving the analysis presented here concerns why liberalisation has occurred to a different extent in two countries, in the same sector, despite similar institutional starting points and government strategies. In both countries, before 1979 policies towards international students were largely driven by the perceived need to maintain links with former colonies, and by international development concerns. From 1979 onwards, governments in both countries promoted similar, new policies towards international students (the recruitment of

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<sup>13</sup> For a criticism of this argument, see Teulings and Hartog (Teulings and Hartog 1998: 17). For other assessments of corporatism’s role in the economy, see : Baccaro, 2003; Berger, 1981; Bruno and Sachs, 1985: 222; Cawson, 1985a; Cawson, 1985b; Elgie and Griggs, 2000: 160; Grant, 1985; Harrison, 1984b; Jobert and Muller, 1987; Muller, 1992; Offe, 1985; Panitch, 1979; and Schmitter, 1974: 93-4.

<sup>14</sup> See also Levy, 1999.

<sup>15</sup> One important exception to this claim is Claus Offe’s work, which has explicitly recognised the power imbalances inherent within corporatist arrangements, and the continuing importance of class conflict within corporatist regimes (Offe, 1985).

more students from developed and emerging economy countries, as against students from developing countries), by attempting to set up similar institutions (in the field of promotion of domestic higher education abroad, the evaluation of HEIs, the funding of HEIs and the visa rules governing international students' access to the national territory).

Yet, liberalisation of international students' policy occurred to a greater degree in Britain than in France. British HEIs competed against each other to a greater extent for the recruitment of international students from developed and emerging economy countries, and international students were commodified (treated as useful for monetary rather than foreign policy or international development purposes) to a greater extent in Britain than in France. This thesis asks how this apparent anomaly can be explained.

The liberalisation of international students' policy in Britain and France cannot be explained within Streeck and Thelen's framework. It does not appear that liberalisation was caused by individual economic actors (HEIs) defecting towards the market. Furthermore, the new institutions created from 1979 which encouraged liberalisation did not draw on pre-existing institutional precedents, as Streeck and Thelen would suggest. It is necessary to search for new actors who could have pushed liberalisation, and also factors which might have held it back or compromised it.

#### **4 The choice of this case study**

This case study offers a hard case for existing analyses of liberalisation, both in terms of the sector chosen and the countries examined.

Firstly, as detailed above and in the introduction, this case offers an interesting example of eventual difference despite initial similarity. Britain and France offer a useful comparison because governments in both countries have attempted to institute similar liberalising institutions - governing promotion, evaluation, financial

incentives, and visa delivery. In addition, both countries' governments have had similar goals in international students' policy, which has increasingly prioritised the development of competitive relationships between HEIs and the encouragement of international student flows from developed and emerging economy countries. France and Britain have traditionally been two of the most important 'importers' of international students worldwide, with 165, 437 international students attending French HEIs in 2002 and 227,273 in the United Kingdom that year (OECD, 2004: Table C3.7).<sup>16</sup> Yet, liberalisation of international students' policy has occurred to a greater extent in Britain than in France.

In addition, the case examined here is also important because it covers a part of the public sector which has traditionally been subject to extensive government control. Governments have "used instruments such as funding, regulation, planning sometimes and evaluation occasionally" to coordinate their higher education systems in both countries (Huisman *et al.*, 2001: 4). In comparison with industries in the private sector the British higher education sector is still extensively controlled by governments, hence Tapper's comment that the British system of higher education can be seen as "our last nationalised industry" (Tapper, 2005: 200). If Streeck and Thelen's analysis of liberalisation can, indeed, be applied to the public sector, then higher education offers a hard example for their perspective to explain.

Thirdly, in addition to the British and French cases offering a useful combination of initial similarities and eventual differences, the two countries have also often been opposed to each other in comparative analyses of industrial policy. Many analyses have suggested that French governments would be better able to engineer change

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<sup>16</sup> It is not possible here to analyse exactly how the two countries have managed to recruit differing numbers of international students. As Williams notes, the precise relationship between policy and trends in enrolment is "not always easy to judge" (Williams, L., 1987: 20, footnote), with a number of additional variables complicating attempts to adduce a direct causal chain (such as: the impact of linguistic factors; the economic and political situation obtaining in particular countries; and the exchange rate for the national currency). This thesis does not, therefore, attempt to assess whether Britain or France was 'better' at recruiting international students. Instead, it attempts to describe how governments in each country attempted to liberalise policy towards international students, and how the coordination of regulatees led to them being able or unable to resist such liberalisation.

in the public sector, given their greater apparent leverage through a 'strong state'. In contrast, British governments would be expected to struggle to achieve wide-ranging change, given their relative lack of formal controls over the higher education sector, as with the rest of the state. Indeed, differences between Britain and France concerning the extent of state intervention has formed a staple of comparative public policy analyses dating from Andrew Shonfield's comparison of the two countries in 1965 (Shonfield, 1965).<sup>17</sup> For Shonfield, in "the history of capitalism Britain and France supply the convenience of sustained polarity", with France subject to an "*Étatist* tradition" contrasting with the British pattern of "arm's length government" (*ibid.*: 71, 171).<sup>18</sup>

As Schmidt notes, "on the surface", the "state-centered approach....would appear to have been devised with France in mind". Rather than the state being seen as merely one other element of a pluralist or corporatist interaction of interests, instead, the state "became an independent, autonomous agent" during the Fifth Republic (Schmidt, 1996: 38). The French state was able to dominate decision-making to the extent that "peak organizations [in France were] more like pressured groups than pressure groups" (Hayward quoted in Page, 1985: 100). It was "capable of mobilizing public and private energies in the support of its own conception of the national interest to an impressive degree when compared with the situation in Britain" (Grant, 1995: 66).<sup>19</sup>

In contrast, the British state has traditionally been portrayed as weak and as exercising a limited role in industrial policy; a "spectator state", with rather "tenuous" connections between governmental policy-makers and economic interests (*ibid.*: 80, 91).<sup>20</sup> When the British state did attempt French-style "heroic" policymaking, its efforts were, Schmidt claims, generally doomed to failure. Governments adopted a "hands-off" approach to business, generally restricting

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17 See also Albert, 1991; Boyer, 1997; Touraine, 1969.

18 See also Hayward, 1973: 152.

19 See also Coleman, 1989; Hayward, 1995; and Suleiman, 1987.

20 See also Hayward and Lorenz, 1990: 65; and Zysman, 1983.



their role to manipulation of macro-level economic variables (Schmidt, 2002: 151-152).

Yet, apparently in contrast to these existing comparisons of British and French industrial policy, in the case of policies towards international students it was easier for British governments to create liberalising institutions than it was for French governments. This was due to the greater extent of coordination amongst French HEIs through their sectoral associations than their British counterparts.<sup>21</sup>

## 5 Definitions

It is necessary at this stage to define a number of concepts used throughout the thesis, before developing the argument presented above. The following section therefore operationalises the terms “liberalisation”, “institutions”, “coordination” and “international students”.

### 5. a The definition of liberalisation

Liberalisation is defined here as the existence of two types of behaviour amongst regulatees: competition and the commodification of international students. This definition of liberalisation fits within Streeck and Thelen's minimalist definition of the term, as relating to an “expansion of market relations”... “significantly beyond the limits (of) the organized capitalism of the postwar ‘mixed economy’” (Streeck and Thelen, 2005: 2). It also coheres with their claim that liberalisation constitutes a

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<sup>21</sup> It should, however, also be noted that one of the main explanations for the allegedly continuing strength of government in France may be less applicable in the case examined here. It has been suggested that one of the routes through which the capacity of French governments has been retained, is through networks of elites in both the public and the private sector, which have connected business to government. The state's “institutional leadership capacity” was enhanced through links between elites built up through the *grandes écoles* system, and employed variously in business and in government (Schmidt 2002: 184-5). Hancké has also claimed that these networks led, in France, to “the state, banks, and large firms [being] intertwined through a complex elite network” (Hancké, 2001: 313), which facilitated state control, at least concerning some economic matters, if not all. However, this focus on elite networks, whilst useful for analysing private sector liberalisation, may have limited applicability for the analysis of public sector liberalisation. Although the role of the *grandes écoles* is pivotal in producing the elite networks in the first place, there is no coherent elite network linking the management of French HEIs (either universities or *grandes écoles*) and the rest of the state. Whilst the elites produced through the *grandes écoles* system do indeed go on to important jobs in industry or in the bureaucracy, few of them stay in academia, and especially few of them go on to work in universities (as opposed to *grandes écoles*).

type of behaviour, which is either fostered or militated against by the institutional context. Liberalising institutions are those institutions which provide the incentives for liberalising behaviour (here, competition and commodification), and constraints against non-liberalising behaviour (cooperation and the viewing of international students as valuable for non-monetary purposes, i.e. international development). The definition of liberalisation used here is, finally, also consistent with the conceptions of liberalisation mentioned in Streeck and Thelen's edited volume, which includes some detailed investigations of liberalisation within the public sector. However, through specifically defining liberalisation as constituting two, identifiable, types of behaviour, the thesis attempts to refine the concept of liberalisation and offer a more subtle analysis of how liberalisation occurs. The rest of this subsection details how 'competition' and 'commodification' are operationalised for the purposes of this thesis.

#### **5. a. i Liberalisation as competition**

'Competition' amongst HEIs is here restricted to competition for the recruitment of international students. "Competition" thus intimates the conflictual relationships resultant from different organisations attempting to reach a goal that they cannot all achieve in equal measure.<sup>22</sup> in this case, different HEIs attempting to recruit as many international students from developed and emerging economy countries as was possible, consistent with other institutional imperatives.<sup>23</sup>

Competition amongst HEIs for students in general has always been a feature of both systems, albeit to a lesser extent in France. Hence, Veblen's claim that it was "one of the unwritten, and commonly unspoken commonplaces lying at the root of modern academic policy that the various universities are competitors for the traffic of merchantable instruction in much the same fashion as rival establishments in the

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<sup>22</sup> To adapt Bok's definition (Bok, 2003: 159).

<sup>23</sup> Certainly, as Van der Wende *et al.* note, HEIs may need to cooperate in order to compete, through, for example, developing international promotional networks. However, this thesis is concerned with competition between HEIs at a national level, not an international one, and within this context, "cooperation and competition" cannot be seen as "two sides of the same coin", as Van der Wende *et al.* suggest (Van der Wende *et al.*, 2005: 202).

retail trade compete for custom" (Veblen, 1918: 139). More recently, Bok noted that universities "do compete vigorously with one another" for a variety of goals, which included the attraction of high-performing students (Bok, 2003: 159).<sup>24</sup> The extent of competition between HEIs for international students has not been so frequently analysed.

This thesis does not consider competition as a coordinating process, nor does it consider markets as coordinating institutions.<sup>25</sup> Instead, it restricts the analysis of coordination by only analysing the degree of coordination provided by sectoral associations. It follows Hall and Soskice in delimiting market 'coordination' from what they termed "strategic coordination", this involving "forms of strategic interaction supported by non-market institutions" (Hall and Soskice, 2001: 33). In this case, the non-market coordinating institutions comprise HEIs' associations, their strength buttressed by non-competitive funding arrangements and common standards. HEIs' associations may of course be in existence at the same time as HEIs compete against each other. However, on any particular issue dimension, coordination and competition are taken as opposite ends of a hierarchy of greater or lesser strategic coordination.

Therefore, rather than competition being seen as a *type* of coordination, this thesis places both concepts at the opposite ends of a spectrum of increasing cooperation.<sup>26</sup>

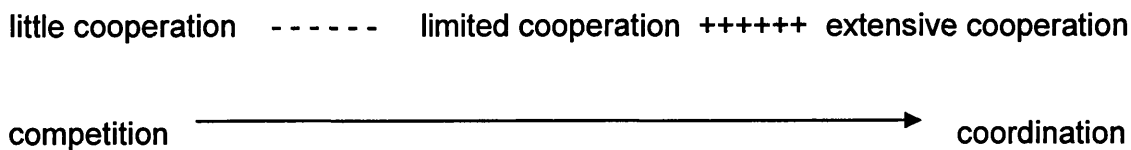
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24 On the issue of the extent of competition between HEIs, see also Bargh *et al.*, 1996: 14 and Klein, 1979.

25 Some have maintained that competition can provide coordination, and that therefore, markets are coordinating institutions. Market coordination has previously been counterposed with state-imposed hierarchy and self-organisation by Jessop (who has developed a typology of "the anarchy of exchange [i.e. market forces], the hierarchy of command [i.e. imperative coordination by the state], and the 'heterarchy' of self-organisation [i.e. networks]" (Jessop, 1999: 351)), and with hierarchy and academic oligarchy by Burton Clark (who has defined three "ideal types of integration"; "state authority, which can be either political or bureaucratic; academic oligarchy, and the market" (Clark, 1983) , as one of 'three modes' of coordination. For more general claims that markets can constitute "non-interactive...modalities of coordination", which could be functionally equivalent to interactive modalities, see Scharpf, 1978: 350; and for a discussion of the role of markets as coordinating institutions or otherwise, see: Alexander, 1995; Hall *et al.*, 1977; Hollingsworth and Boyer, 1997; and Litwak and Hylton, 1962.

26 This is in line with Walsh's claim, that "[m]arket and organisation [can be] seen as being the ends of a continuum rather than the binary opposites" (Walsh, 1995: 46).

Fig. 6: The relationship between coordination and competition



#### **5. a. ii Liberalisation as the commodification of international students**

“Commodification” is here defined as a view of international students which restricts their value to its monetary worth; as “a commodity to be valued mainly for the income they generate”, as Williams described the international student body in Britain (Williams, 1987: 10).

Such “commodification” occurs either where the recruitment of international students is encouraged for the funds that can be immediately extracted from them; or, where it is encouraged for the funds that will eventually flow from their visit, where this is seen as leading to increased economic benefits for the host country.

International students can, therefore, be seen to be commodified where new charges have been imposed on them as a means of generating income for HEIs (as through tuition fees) or for other actors (such as the Home Office in the case of visa extension charges, or EduFrance in the case of the EduFrance pass)<sup>27</sup>.

International students can also be seen as commodified where they are valued not for foreign policy or international development reasons, but for their commercial worth. Such a new, commodified view of international students is evident in both Britain and France, where the recruitment of international students is increasingly a matter for industrial policy (where the state has the possibility of adopting selective measures to alter the structure of organisation to the long-term advantage of the

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<sup>27</sup> A pass for new international students which enabled them to access special services, on payment of a fee to EduFrance.

economy).<sup>28</sup> Policies towards international students can affect each country's international market position within what had become a "major service industry" (Walker, 1997: 21). Within this perspective, higher education is viewed by governments as an important industry,<sup>29</sup> with international students categorised as an "invisible export", and international education "represented as an export industry" (O'Leary, 1990; Overseas Student Trust, 1992: 66).<sup>30</sup> Such "financial considerations" have increasingly "overshadowed" international development and foreign policy considerations (Sherlock, 1988).

This restriction of the scope of 'commodification' to refer to the changed status of international students is more parsimonious than the more general, sometimes merely 'metaphorical', unqualified uses of the term by a number of authors (Walker, 1997: 381).<sup>31</sup> Commodification here is also distinct from the concept's meaning as developed by Esping-Andersen (Esping-Andersen, 1990).<sup>32</sup> Although such 'commodification' can be linked with the expansion of markets (Pierson, 2001a: 426), it has a specific meaning for Esping-Anderson referring to the extent to which workers can opt out of sublimating their labour value, which is not relevant here.

Nor does commodification here refer to the educational process itself,<sup>33</sup> as used in perspectives which maintain that education has become itself a "saleable commodity" (Leonard and Morley, undated; Clare, 1987: 85-6). As Patel has noted, categorising education as a commodity entails a number of problems given that the 'consumption' of education requires customers to take up residence in a new country, thus involving considerable income-costs, and, inevitably, the purchase of

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28 This definition of industrial policy is drawn from Atkinson and Coleman's definition (Atkinson and Coleman, 1989: 60), which in turn draws on Whiteley's work (Whiteley, 1986: 175-8). It is also consonant with that used by Kassim et al. (1996), Oatley (2004:110), and Reich (1992).

29 And sometimes as the most important export industry; see Reading University's receipt of the Queen's Award for Industry in 1989, for its recruitment of international students (Walker, 1997: 78). See also Williams and Evans (2005: 90)

30 See also Warner and Palfreyman, 1999: x.

31 See, for example, Edwards, 1998: 263; Frølich and Stensaker, 2005: 46; Jameson, 1991; Miller, 2003; Schuller, 1992: 33; Walker, 2001; Welch, 1988; Whitfield, 1999; Willmott, 1995 and Winter, 1995.

32 see Room (2000) for a critique of such uses; see also Ebbinghaus and Manow, 2001: 8.

33 For claims that government policies have led to education being "marketed like any other commodity", see Bacchus, 1987.

goods in addition to the required primary good, in order to derive maximum benefit from the purchase (Patel, 1998).<sup>34</sup>

To summarise, liberalisation here is defined in a relatively restricted manner, as referring to the extension of market relations to encompass increased competition between HEIs, and the commodification of international students.

### **5. b The definition of coordination**

As noted above, the examination of regulatees' attempts at coordination is restricted to their sectoral associations. Specifically, the thesis examines the impact of the relative strength of French sectoral associations compared with their British counterparts. Although coordinated resistance through sectoral associations need not always lead to the withdrawal or alteration of government policies, in almost all the cases examined in this thesis it has had this effect. Such examples of coordinated resistance preventing the creation of liberalising institutions, or leading to changes in their operations, are generally confined to the French case, with comparatively few examples of British sectoral associations being able effectively to resist government policies.

Associations are defined as encompassing coordinating structures which are durable through time, and which have been created through repeated interactions between members. As Brown notes in relation to British higher education sectoral associations, in a comment which could equally be applied to their French counterparts, such organisations "were - and are - in effect trade associations, making representations and lobbying government on policies, disseminating advice and guidance to members, and delivering certain functions on their behalf..." (Brown, 2004: 11).

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<sup>34</sup> The restriction of 'commodification' to refer to international students only could be challenged by claiming that it is only after education has been commodified, i.e. become 'saleable', that international students have been able to purchase it, and thus could themselves become commodified. Whilst such an argument may have some purchase in relation to the British introduction of full-cost fees, it is less relevant to the French case, where HEIs were financially rewarded specifically for recruiting more international students. Nor does this perspective help explain changes in visa rules which have had a direct effect on the origins of international students, rather than on the nature of education.

The associations examined here were identified by a process of induction, as the main encompassing organisations covering British and French HEIs. At the beginning of the period, in Britain these constituted the Committee of Directors of Polytechnics (CDP), and to a lesser extent, the Association of College Principals (ACP), representing the 'public sector' of higher education; and representing the university sector, the Committee of Vice Chancellors and Principals (CVCP). From 1992 onwards, most of the public sector HEIs joined in with CVCP, which was renamed 'UniversitiesUK' in 2002, and a small number joined the Standing Committee on Principals (SCOP).

In France, the two associations examined are the *Conférence des Présidents d'Université* and the *Conférence des Grandes Ecoles*. As with UniversitiesUK, not all HEIs are members of these associations, but, as in Britain, the vast majority of international students attend HEIs which are covered by one of these sectoral associations.<sup>35</sup>

The strength of sectoral associations is assessed by examining the extent of 'factions' within each association. Such factional groupings were restricted to a sub-section of the higher education sector, compared with the associations examined here, which involved coordination across all HEIs in a certain category (universities/*grandes écoles*; universities/public sector). Although factions might potentially be categorised as constituting coordinating associations, they can also be seen as reducing the strength of the relevant encompassing, sectoral association. As this thesis considers the coordination of policy across the entire higher education sector in each country, partial coordinating organisations are described as diluting sectoral associations' authority and thus weakening the associations.

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<sup>35</sup> For example, in 1984-5, 90 out of 100 international students in France attended public universities (who were members of the CPU), and 7 out of 100 of them attended grandes écoles (who were members of the CGE). Only 2-3 in 100 international students attended private university establishments (Weil, 1991: 230) which may or may not have been members of the CPU/CGE.

As detailed in chapter two, the extent of coordination of regulatees through British sectoral associations was much less than through French sectoral associations.

### **5. c The definition of institutions**

“Institutions” are defined here according to North’s definition, as “the humanly devised constraints that shape human interactions”, and specifically the “rules that human beings devise” (North, 1990: 3-4).<sup>36</sup> Such rules here are restricted to formal rules. A collection of rules, or even a single rule on its own, can constitute a liberalising institution if it provides regulatees with the incentives and constraints which lead to them competing amongst each other for international students, and/or adopting a commodified view of international students.

As North maintains, organisations can be distinguished from institutions through the latter’s greater scope and overall importance in defining the possibilities of action (North, 1990).<sup>37</sup> For North, organisations are those (collective) actors who are governed by the rules which constitute institutions (*ibid.*: 4).

My analysis indicates that the institutional change required for liberalisation may not involve the incorporation or manipulation of existing institutions, but rather the

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36 My definition of institutions according to North has some similarities with Streeck and Thelen’s description of institutions as “building-blocks of social order” (Streeck and Thelen, 2005: 9-10). However, it has adopted North’s more restrictive conceptualisation due to a number of potential problems with Streeck and Thelen’s definition. They maintain that, through differentiating institutions from patterns of behaviour, they allow “a gap between the institution as designed and the behaviour under it” (*ibid.*: 10). Certainly, failing to allow for such a gap could lead to accusations of vacuity in the definition of institutions (so for example, their definition laudably excludes claims such as “an institution consists in the patterns of behaviours which operate within it”). It appears that considering only formal, as opposed to informal, rules as institutions, as here, would also avoid such problems. However, Streeck and Thelen are keen to maintain that institutions must also be socially sanctioned, by a third party (to the regulatee and the ‘rule maker’), if they are to be classified as anything more than just interrelationships between individuals, or between collectivities. Streeck and Thelen do not appear to adequately explain who this ‘third’, societal, party is, leading to problems with their definition, hence my use of North’s definition instead of Streeck and Thelen’s.

37 See also Zysman, 1994: 259.



creation of entirely new ones with little existing institutional precedent.<sup>38</sup> In particular, four new institutions were created in each country: new promotional, financial, evaluation, and visa systems. These institutions were identified in both countries following the use of an inductive strategy from the available evidence.<sup>39</sup>

This thesis examines institutional, rather than organisational, change. Hence, it examines a number of organisations which were more or less important in the creation of new institutions, but which should not be construed as institutions in their own right. For example, a new, liberalising institution for evaluation has been created in Britain. This new institution comprises the rules embodied in three organisational groupings; the funding councils' Quality Assessment Units, the Higher Education Quality Council, and the Quality Assurance Agency. A variety of rules, embodied in the structure and activities of these organisations, led to a move away from inspection and enhancement, and towards assessment. The development of the new assessment-based evaluation institution thus occurred over a number of years and involved a number of organisations. The switch from evaluation being mainly based on inspection and enhancement, towards evaluation being mainly based on assessment, has led to an increased level of competition between HEIs, as the assessment-based rules provide HEIs with incentives to compete rather than to cooperate with each other.

In contrast, the French *Comité National d'Evaluation*, although comprising only one organisation, can be seen as leading to the creation of a new institution, since the rules it embodied and put forward have had such a significant effect on structuring individual HEIs' activities, that they have defined the French 'evaluation system'. Overall, they have led to French evaluation of HEIs being based on enhancement rather than on any other approach. Similarly, both the British ECS and the French

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38 Streeck and Thelen define institutions as "formalized rules that may be enforced by calling upon a third party". I share their rejection of cultural elements as constituting institutions (Streeck and Thelen, 2005: 10).

39 Hence, the research, to use Norman Blaikie's terms, uses an 'inductive strategy' to answer 'what' questions (what policy instruments exist and are relevant; what coordinative institutions exist and are relevant) as part of an overall deductive, theory-testing research design (Blaikie, 2000: 122).

EduFrance led to significant changes in the manner in which international students were viewed, in favour of a 'commodification' of international students.

It should also be noted that, as well as being embodied in organisations, the rules examined here can also 'stand alone', although the extent to which individual rules can constitute institutions depends on the extent of their effects on regulatees' behaviour. In both Britain and France, governments created new rules governing international students' visas in the late 1970s, which were sufficient to mark a significant change from the existing legislative framework. However, both governments also introduced a range of other rules following the initial change. The combination of these rules over time produced a visa institution which was liberalising in its effects. In other cases, just one rule can be enough to significantly alter HEIs' behaviour, through providing them (for example) with strong incentives to compete against each other in a situation where they previously did not compete. This occurred within the financial system in Britain, where the adoption of full-cost fees for international students immediately led to competition amongst HEIs.

#### **5. d The definition of international students**

Exactly how to describe students who have come to Britain or France from foreign countries has proved a contentious matter. As Humfrey maintains, those "who were in the 1970s described as foreign students were the overseas students of the 1980s and the international student of the present decade" in Britain (Humfrey, 1999: 154). Most French analyses, however, still use the term *étudiants étrangers*. Some interviewees were opposed to the term "international students", seeing it as imprecise (such students are no more inherently 'international' than anyone else; it is their activities which are international). However, 'international students' appears to be the least offensive and most frequently used term in English-language discussions of such students, so it is adopted here.

Policies towards two categories of international students have not been extensively examined here. Firstly, scholarship policies have not been detailed in this thesis.

The proportion of scholarship students to international students as a whole is limited in both countries, and, as Williams notes, scholarship programmes have failed to have any perceptible impact on the general trend away from students being recruited to western universities from developing countries (Williams, P., 1981b: 30).

Secondly, this thesis has not examined in detail policies towards European students in each country. Such policies have been considered in great detail elsewhere (Corbett, 2005; Mangset, 2005; Ravinet, 2005). Most institutional parameters relating to European students' mobility have consisted of EEC/EU rules, rather than rules defined by British and French governments in isolation. In addition, it is arguable whether there has been a liberalisation of EU students' policy (given the continuation of at least the pretence of 'equal exchange'), in comparison with the undoubted liberalisation of non-EU international students' policy. Therefore, given these differences between the two policy areas, it was felt that analysing EU international students as well as non-EU international students would overcomplicate the analysis.

For the purposes of this thesis, "international students" are, therefore, defined as non-EU, non-scholarship-holding foreign students attending British and French HEIs.

## **6 Methodology**

This research design driving the thesis is the analysis of a 'hard' or 'critical' case study, within the framework of historical institutionalism. This research design has led to the choice of documentary, interview and statistical analysis as research methods (Crotty, 1998: 3).

### **6.a The research design**

The thesis has adopted a 'hard' case study research design, as a means of testing existing theories which have attempted to explain why liberalisation occurs. The

case study was used here, as opposed to any other methodology, due to the fact that it facilitates a “more rounded, holistic, study than...any other [research] design” (Hakim, 1987: 61). In particular, the use of case studies allows the use of a variety of techniques of data collection and analysis, which can provide a thorough and detailed examination of a selected political phenomenon (Yin, 1984). As in this study, case studies have frequently been used for cross-national comparative analyses (Gospel and Littler, 1983; Heclo, 1974).

### **6.b The use of comparison**

The thesis adopts a comparative method for the analysis of liberalisation (Przeworski and Teune, 1982; Ragin, 1987). Specifically, it has chosen two cases where the initial situation was similar (government liberalisation strategies) but where outcomes differed substantially (the extent of liberalisation). It has linked this difference in outcomes to one feature of the institutional context (the extent of coordination between HEIs). The existence of such similarities and dissimilarities allows a deeper understanding of how the process under consideration (liberalisation) has occurred.

The very existence of dissimilarity in the extent of liberalisation disproves the ‘convergence thesis’, whilst the similarity of other factors which might otherwise have explained the progress of liberalisation suggests that a new theoretical approach is required. As noted throughout the thesis, HEIs did not defect from collective institutions towards the market, which Streeck and Thelen have maintained might explain liberalisation. The extent of coordination between regulatees emerged from analysis of the data gathered as an important factor which could help explain why liberalisation occurred to a greater extent in Britain than in France.

Of course, the mere fact that both countries’ governments professed similar goals at the start of the period, but that different outcomes resulted, need not in itself justify a comparison. In particular, it could be claimed that this comparison, as with

any other, has failed to acknowledge additional differences between the nations than those isolated here, which could be of causal relevance.

However, as DeFelice notes, any comparison of two nations requires some degree of abstraction from national context; crucially, any contextual features not deemed to be of causal significance must be shown to be genuinely irrelevant, rather than merely appearing so (DeFelice, 1980).

Any research project must adopt a particular starting point for analysis, beyond which any additional causal factors are assumed rather than explained. The thesis has not, therefore, examined why British sectoral associations are weaker than their French counterparts. It has measured their relative strengths and weaknesses from the evidence presented in the data (in terms of the extent of internal factionalism), but has not attempted to explain why there were more, and more powerful, factions in Britain than in France, for example.

The thesis has identified one particular factor (the strength of sectoral associations) as significant in explaining the difference in outcomes between the two countries. This factor was discovered inductively from the evidence. In contrast, alternative factors which have previously been used to explain differences between British and French public policy fail to explain this case. For example, as noted above, many analyses of British and French industrial policy have maintained that French governments will be better able to engineer change through their greater control over the economy. Yet, the opposite occurred in this case. The fact that French university academics are employed by the government rather than by the universities themselves has also often been adduced as setting the French system apart from others. However, this feature had little impact on the ability of universities and colleges to coordinate their opposition, and during the political contestation concerning the new policies towards international students there was little reference to industrial relations issues.

Nor can the differences between Britain and France be explained within the framework of traditional comparative politics. Firstly, partisan politics cannot explain the differential progress of liberalisation in this case. Both countries were governed by right-wing executives when the first reforms to international students' policy occurred (in France, the government of Raymond Barre; in Britain, the government of Margaret Thatcher); and both by centre-left executives when the last reforms examined here occurred (in France, the government of Lionel Jospin; in Britain, the government of Tony Blair). In addition, opposition to changes to international students' policy resulted in comparable degrees of student protest in both Britain and France, judging from press coverage throughout the period examined. It was, therefore, necessary to look for another explanatory variable which might explain the difference in outcomes; and this was discovered in the extent of sectoral coordination.

#### **6.c The adoption of historical institutionalism**

The thesis adopts a historical institutionalist approach, to the extent that it does not "depict [...] institutions primarily as static entities – either structuring the rules of the game that help determine actors' political behaviour, as in game theory and rational choice models, or setting the organizational roles and routines that set the limits of the political system, as in organizational theory", but rather "takes institutions as historically evolving entities, the products of ongoing political processes and particular events" (Schmidt, 2002: 10).

It has attempted to explain how institutional rules have structured the context of political decision-making and -implementation (Weaver and Rockman, 1993). It follows Hall and Immergut in noting that institutional features (here, the strength of sectoral associations, reflecting the degree of coordination between HEIs) can affect the possibilities for change, as well as accounting for policy stability (Hall, 1992; Immergut, 1992b). As with Immergut's analysis, it identifies how an initial situation where the strategies of government and of sectoral actors were similar

across countries, nevertheless led to very different outcomes cross-nationally (*ibid.*).

As noted above, the thesis explicitly confines its definition of institutions to formal rules. These rules “structure the constraints and opportunities of decision-makers”. In this way, they “affect, but do not determine, how a policy sector operates” (John, 1998: 43-4).<sup>40</sup> As noted by Streeck and Thelen, the incorporation of informal elements into the definition of institutions can lead to vacuity, as institutions become identified with the behaviour that they lead to. It is therefore necessary to reduce the scope of institutions to their formal elements. However, this does not invalidate the fact that institutions can create conditions which make it more or less easy, or desirable, for regulatees to engage in certain types of behaviour. In the case examined here, institutions such as the full-cost fees regime in Britain led to an increased degree of competition between HEIs, through providing incentives in favour of HEIs engaging in competition against each other, and penalties against them not doing so.

By adopting a comparison between nation-states, the thesis uses historical institutionalism to its full capacity (*ibid.*: 65). This is because historical institutionalism aids the explanation of differences in behaviour across two or more countries (here, primarily the lack of competition between French HEIs compared with the British counterparts) through tracing such differences back to the institutional context of that behaviour (in this case, to the constraints and incentives which liberalising institutions provided in Britain, which were present to a lesser degree in France).

#### **6.d The sources chosen and the methods used to analyse them**

As noted above, the case study method allows the adoption of a variety of methods of data collection and analysis. In order to gain a rounded view of the process of liberalisation in this case, attempts were made to analyse all the relevant material

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<sup>40</sup> See also Freeman, 1985.

which referred to the role of governments, HEIs, and other sectoral actors concerning international students' policy, from 1979 to 2003.

The thesis is, therefore, based on an analysis of documentary sources (government documents, legislation, sectoral associations' documents, press releases and press sources), interviews with over twenty representatives from the British and French higher education sectors, promotional agencies, evaluation agencies and government departments, and statistical analysis of funding levels and evaluation reports.

Legislative sources were derived from the BLPES government collection and the French National Archive. Documents from CVCP, CPU and the CGE were consulted at the British Library, Bodleian Library, Warwick Modern Records Centre, and the *Bibliothèque Nationale de France*. They were also obtained through personal communication, from the British Companies House, and from each association's website. Press sources consulted include *The Times*, *The Times Higher Education Supplement*, and *Le Monde* for the period studied, and selected time-periods for diverse French-language publications accessed from Science Po's press clippings service. Documents were also obtained from the Overseas Student Trust archive at the BLPES, the London Institute of Education, the *Centre International d'Etudes Pédagogiques*, Sèvres, and the Centre for Documentation of the *Comité National d'Evaluation*.

A full list of the twenty-seven interviewees is given at the beginning of the thesis. As a number of interviewees asked for confidentiality I have complied with their wishes, and no quotes are attributed throughout the text. Fourteen interviews were conducted in Britain. These included interviews with employees from HEIs, from the ECS, from the British Council, from Trade Partners UK, from the Education and Training Export Group, from the Quality Assurance Agency and from UKCOSA. I also interviewed former employees from the British Council and the Overseas Student Trust. Thirteen interviews were conducted in France. These included



interviews with a number of employees from the various departments of the Ministry of Education's *Direction des relations internationales et à la coopération* (including from the American, Asian, African/Middle-East and European offices), from EduFrance, from the *Conférence des Présidents d'Université*, from the *Société française d'exportation des ressources éducatives*, from the *Conférence des Grandes Ecoles*, and from a Parisian HEI. I also interviewed a former employee of ARIES.

Interviews were conducted in English and French, following a semi-structured format. Almost all interviews were recorded onto dictaphone and then transcribed into English; two interviewees preferred their comments not to be recorded, but extensive notes were taken during the interviews.

Both the interviews and the documentary sources were analysed using traditional methods of content analysis, in an attempt both to develop a narrative of what had occurred in each country, and also to identify which pressures had led to liberalisation (and to resistance to liberalisation) in each country.

Statistics for international student numbers and finance were obtained from the Universities Statistical Service, the Higher Education Statistics Agency, and the French Ministry of Education. Reports produced by the British and French higher education evaluation agencies were consulted via the web and through archives held at the Institute of Education in London and the Centre for Documentation of the *Comité National d'Evaluation*. These sources were analysed statistically using the SPSS computer programme.

## **7 The argument of the thesis**

### **7. a The role of governments**

My analysis highlights the role of governments, as rule-makers, in promoting liberalisation. It contrasts the approach of governments with that of regulatees, those sectoral actors who operate within institutions created by governments. The

regulatees in this instance are HEIs, who are subject to the rules defined by governments as rule-makers (or, alternatively, 'institutional designers' as posited by Streeck and Thelen (2005: 14, 16)).

From the beginning of the period, governments in both countries displayed an increasing commitment to the liberalisation of international students' policy, and created institutions in an attempt to instill competition between HEIs for international students, and to commodify international students.

Such an approach to international students was evident in both countries from the start of the period. Alice Saunier-Siété, then French Higher Education Minister, stated her criticism of what she called "*universités dépotoirs*" (university 'dumping grounds') for international students in 1980, counselling what the *Figaro* described as "an end to solidarity with the most disinherited" (Le Matin, 1980; Le Figaro, 1983). Her policy of *refus d'habilitation* (refusal of state recognition of courses) was specifically aimed at reducing the numbers of international students from developing countries (Le Monde, 1980a; Le Nouvel Observateur, 1980; Le Quotidien de Paris, 1980). Similarly, British governments were keen to encourage universities to develop an "entrepreneurial approach" towards international students from 1979 onwards, particularly those who could access British higher education through the payment of fees (Her Majesty's Government, 1980a: 7). In this way, they hoped to avoid the subsidy of international students by the British taxpayer, and reap such students' "immediate value", rather than encouraging traditional flows of students from developing countries (Her Majesty's Government, 1985a).

Support for such a liberalisation of international students' policy has also pervaded governments' discourse concerning international students in more recent years. Hence, Tony Blair stated in his Romanes Lecture at Oxford University in 1999 that "[u]niversities are wealth creators in their own right: in the value they add through their teaching at home; [and] in the revenue, commitment and goodwill for the UK

they generate from overseas students, a market we need to exploit as ambitiously as possible” (Blair, 1999a).<sup>41</sup> The previous focus on developing countries as the source of international students has been gradually abandoned, as “technical cooperation training” was withdrawn, and the number of education and training awards in Britain for nationals of developing countries was cut by four fifths over the ten years up to 2001 (Council for Education in the Commonwealth, 1999). HEIs were instead urged to refocus recruitment on students from emerging and developed economies.

Similarly, at the ‘First World Investment Conference’, the then French Prime Minister, Jean-Pierre Raffarin, claimed that “foreign students are the future elite and decision makers of tomorrow’s economic and industrial world. It’s an asset for our country to be able to train them. This is why France must become the European country of choice for foreign students” (Raffarin, 2003a). He later claimed that the policy of increasing the attractiveness of France would aid the French people to ‘profit from globalisation’ and the ‘wealth and investment’ it brought, and that this policy involved the ‘reception of foreign researchers, students and workers’ (Raffarin, 2003b). The need to attract more students from “emerging economies” who were “economically interesting” was increasingly described as a goal for the Ministries of Foreign Affairs and of National Education (Egide, 1999b).

In contrast to their governments’ approach, British and French HEIs were critical of governments’ creation and operation of liberalising institutions with regards to international students. For example, French university presidents were concerned that government plans for international student recruitment, and especially the creation of the EduFrance agency, treated higher education as “merchandise” (Trupin, 2001: 37). Similarly, British HEIs were concerned about the effects of the new liberalising institutions, especially the introduction of new full-cost fees,<sup>42</sup> and of charges in the visa delivery system.

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<sup>41</sup> For an opposing view, see Ashworth, 1998.

<sup>42</sup> See pp.199-202 of chapter seven.

HEIs in both countries received considerable funding and direction from national government. Indeed, some might claim that French HEIs, in particular, formed part of the state, if not of the government. However, distinguishing between rule-makers and regulatees allows a clarification of the respective roles of HEIs and governments during the creation of institutions and the controlling of their operations. Governments can sometimes develop rule-based frameworks to regulate themselves, rather than external bodies (James, 2000: 327).<sup>43</sup> However, even in these cases, it is still possible to distinguish those setting rules (possessing legal authority) from those subject to the rules (the regulated) (James, 2000: 328). As Streeck and Thelen themselves note, even where rule-makers and regulatees are identical, i.e. where an organisation is self-regulating, the “relations and interactions between the two [roles] are crucial for the content and the evolution of the regime [here synonymous with institution] as such” (Streeck and Thelen, 2005: 13).

In this case, governments possessed the ultimate authority to impose binding legal measures on HEIs. This distinction between HEIs as regulatees and governments as rule-makers draws on existing literature on regulation which has investigated the relationship between the regulators and the regulated (Black, 1997). Zysman, for example, has noted how the state’s role “as the maker of rules” is a “crucial element” for the “institutional structure” (Zysman, 1994: 245).<sup>44</sup> Governments’ roles as rule-makers have been crucial for the development of modern markets, a point which is equally applicable to the current case-study of liberalisation. In newly marketised areas, governments “define [...] the rules of competition” and the

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<sup>43</sup> See also Hood *et al.*, 1998; 1999.

<sup>44</sup> However, Zysman’s assessment of the state’s role in achieving institutional change is rather limited. He notes two mechanisms of development; the “sheer force of dramatic crisis”, and “mismatches between capacities and tasks”. Although he accepts that matching capacities to tasks may require “continuous political and technical adaptation”, he does not explain where the “tasks” are defined (Zysman, 1994: 259). In this particular case, for example, the task has been set as increasing the recruitment by domestic HEIs of international students from developed and emerging economy countries. However, this task did not arise organically from existing institutional structures, but rather from conscious political choice on the part of government.

possibilities of cooperation (Fligstein, 1992: 358-9). This thesis thus examines the interaction of HEIs as regulatees with governments as rule-makers.

The rules examined here constitute new institutions which were intended to aid the liberalisation of international students' policy, through setting up new incentives and constraints. Each chapter examines how, firstly, the rules were implemented, and the importance of the coordination of resistance to the definition of the new institutional structure. It follows Schmidt in noting the ability of societal actors to change such institutional structures, during the process of implementation of rules, even in the presence of a traditionally 'strong state' (Schmidt, 1996: 40, 58). Secondly, it examines how the new institutions thus created affected subsequent institutional developments and, ultimately, the behaviour of regulatees (specifically, whether they induced competition and/or the commodification of international students).

#### **7. b The importance of intra-sectoral coordination**

The research presented here indicates that liberalisation does not derive from the exit of individual actors from collective arrangements, but rather from the imposition of new institutional structures. In this case, HEIs saw government policies promoting competition and new student flows as threatening established relationships, both between HEIs and with existing bodies of students.<sup>45</sup> They did not, generally, attempt to defect from existing collective arrangements, in order to participate in liberalised markets for international students. Rather, HEIs in both countries attempted to coordinate common positions to prevent government attempts to institute liberalisation. Their success in preventing the creation of new, liberalising, institutions, and in affecting the way in which these subsequently operated, depended on the extent of such coordination. Coordination between French HEIs was strengthened by a stronger associational structure. Such

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<sup>45</sup> It thus parallels Hancké's analysis of processes of liberalisation in the French economy. Hancké has noted that, where coordinated business interests have seen government policies as threatening their preferred path of industrial adjustment, they have been able to use their collective organisation to subvert state policies (Hancké, 2002).

coordination was less evident in the British case, and resulted ultimately in a weaker degree of resistance.

The most obvious and relevant indicator of coordination between regulatees is the existence or otherwise of sectoral associations, and the relative strength of these. Associations provide regulatees with a means to “cooperate with one another” through providing the “capacity for deliberation”. Such associations “encourage the relevant actors to engage in collective discussion and to reach agreements with each other” (Hall and Soskice, 2001: 11). They can also “enhance the capacity of actors in the political economy for strategic action when faced with new or unfamiliar challenges” (*ibid.*: 12). Associations, as “supportive institutions”, can aid regulatees to “share information, improve [...] their ability to make credible commitments, and alter [...] their expectations about what others will do” (*ibid.*: 46). The weakness or strength of associations will affect their ability to perform these functions. Hence, for example, when associations fail to encompass all actors, their ability to mount effective resistance to external demands weakens (*ibid.*: 64-5).

Associations provide a number of benefits to participating organisations: the organisation and enforcement of cooperative behaviour amongst members, the mobilisation of and/or influence on public policy in the interests of members, and the provision of opportunities for organisations to exchange information (Hollingsworth *et al.*, 1994b: 7). Associations have been examined by a number of theorists for their coordinating properties. For example, as Schmidt has noted, the extent of coordination amongst employers’ associations can have a significant effect upon the “direction of reform” in different economies (Schmidt, 2002: 127). For Streeck and Schmitter, ‘association’ refers to all organisations which are “formed among specific categories of actors in identical, similar, or adjacent market positions that define and promote public (or categorical) goods”. Such associations are able to organise and enforce cooperative behaviour amongst members, engage in collective contracts with other institutions, and influence public policy to their own and their members’ advantage (Hollingsworth *et al.*, 1994b: 7). This is

echoed in Hollingsworth *et al.*'s contention that associations are often able, through collective action, to affect public policy (Hollingsworth *et al.*, 1994a: 7). Culpepper has illustrated the effects of coordination through business associations on training systems, wage coordination and corporate collaboration, with such activities involving information circulation, deliberation, monitoring, and sanctioning (Culpepper, 2001: 279). Grief *et al.* have described the role of an early form of association, the guild, in providing "the leadership and the information transmission mechanisms required for coordinated action" (Grief *et al.*, 1994: 755). Finally, Hollingsworth has summarised the coordinating functions provided by associations for their members as including "gathering information about product markets, advertising products, conducting research, aggregating and articulating member interests, establishing codes of fair competition, developing industry standards [and] sharing information about production costs and industry output" (Hollingsworth, 1991: 40).<sup>46</sup>

The analysis presented here follows these authors in emphasising the importance of sectoral associations for the analysis of economic policy. Specifically, it contrasts the relative impact of the French sectoral associations, which enjoyed a relatively low level of internal factions, with the lesser impact of the British sectoral associations, which suffered from a greater number of internal factions.

## **8 Conclusion**

Overall, the thesis indicates that governments were the key actors, in both countries, in attempting to create new institutions which would give HEIs the incentives to compete against each other for international students from developed and emerging economy countries, and to give HEIs and other sectoral actors the incentives to commodify international students. Despite their common attempts, however, British governments were more successful both at creating liberalising institutions in the first place, and at controlling their operation. The thesis suggests that the reason for the greater success of the British government can be explained

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<sup>46</sup> Galambos has detailed the development of a 'policy shaping' role amongst such organisations (Galambos, 1966: 292).

by analysing the activities of HEIs. Specifically, French HEIs enjoyed relatively strong sectoral associations. These allowed HEIs a greater role in defining both the characteristics of institutions while they were first being created, but also in controlling the parameters within which the institutions subsequently operated. In contrast, there was a lesser degree of coordination between HEIs in Britain through their sectoral associations, due to the greater extent of intra-sectional factionalism. As a result, HEIs were less able to engage with government when it was creating institutions, and less able to prevent the new institutions, and their operations, from creating the incentives and constraints necessary for a liberalisation of international students' policy. These findings contradict recent theories of liberalisation, which have downplayed the role of government and of resistance to liberalisation amongst regulatees.



## Ch.2 The institutional context

### 1 Introduction

This chapter attempts three tasks. Firstly, it introduces the regulatees (HEIs) and the institutional framework within which they operate (the British and French higher education sectors). It indicates that, in both countries, central government has dominated the formal institutional framework, through its ability to make rules which constrain regulatees' behaviour. The chapter details the formal characteristics of the higher education sector in each country, including the manner in which HEIs were provided with official recognition as universities, colleges, or *grandes écoles*; how the quality of HEIs' provision was controlled; and how HEIs were funded. It indicates that both countries' higher education systems were subject to an extensive degree of government control, making the liberalisation of policies towards international students a 'hard case' for existing theories of liberalisation to explain.

Secondly, the chapter shows that intra-sectoral coordination, through sectoral associations, was stronger in France than in Britain, due to a lesser degree of factionalism. This gave HEIs in France a greater capacity to resist liberalising initiatives than their British counterparts.

Finally, the chapter provides the starting point for the changes examined in the rest of the thesis which have occurred since 1979. In both countries, up to the late 1970s policies towards international students were dominated by foreign policy concerns (whether these were linked to imperialism or to international development), and HEIs did not compete against each other extensively for the recruitment of international students. The chapter underlines the fact that the liberalisation of policy towards international students occurred only after 1979, with the attempted introduction of new, liberalising institutions by governments in both countries.

## 2 The British and French higher education sectors

In both countries, higher education has been extensively driven by governments, which have dominated the definition of educational standards and the funding of HEIs. This section offers a brief summary of the main characteristics of the British and French higher education sectors, as the formal framework for the rest of the analysis.

### 2. a Britain

As in France, in Britain university status can only be obtained following governmental approval (by Royal Charter).<sup>47</sup> Rather than HEIs' degree quality being assessed *ex ante*, as in France, it is assessed *ex post*, by the QAA; and research quality is also assessed *ex post*, through the 'Research Assessment Exercise' (Brown, 2004: 11).<sup>48</sup> The only cases where *ex ante* control of quality has occurred, is where professional associations, as in medicine and engineering, have accredited courses (Neave, 1994).

Compared with French HEIs, British HEIs are required to derive a much larger proportion of their funding from private sources. However, very few universities and higher education colleges do not receive any public funding.<sup>49</sup> As Figure 7 indicates, around two thirds of funding for British universities and colleges is still derived from central government.<sup>50</sup>

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47 The relative ease of obtaining such status has differed over the years, being easier in the early 1990s following the abolition of the so-called 'binary line' between the public sector and university-based higher education in 1992, and in 1998, becoming more difficult following attempts by the Department for Education and Science to restrict access, which has significantly reduced the rate of conversions towards university status (Brown, 2004: 144-5).

48 See also HEFCE/SHEFC/HEFCW/Department for Employment and Learning, 2003.

49 With one notable, if isolated, example being the private University of Buckingham (Seldon, 1980: 316).

50 It should be noted that these OECD figures include funding for further education colleges, which often derive a larger proportion of their resources from the private sector than HEIs.

Fig.7 The relative proportions of public and private funding in tertiary education

	Year	Public funding	Private funding	Private funding: of which subsidised by public funding
France	1995	84.3%	15.7%	2.6%
Britain	1995	63.9%	36.1%	16.0%
France	2000	85.7%	14.3%	2.3%
Britain	2000	67.7%	32.3%	4.6%

Source: OECD, 2003: Table B3.1

Until 1972-77, universities were funded through a stable, “unselective” flow of unpredicated quinquennial funding grants, disbursed through the University Grants Committee (the UGC, later renamed the UFC, Universities Funding Council) (Merrison, 1980: 287). These grants were based roughly on the planned numbers of students for each university, “which in turn was based to some extent on the capacity of institutions’ buildings” (Cave *et al.*, 1995: 93; Trow, 1996: 3).<sup>51</sup> In the mid-1970s, however, the UGC’s provision of capital funding diminished (Kogan and Hanney, 2000: 148; Moore, 1987), and a triennial funding system was established. By the end of the 1970s the idea that HEIs should be allocated block funds only, rather than resources being hypothecated, was increasingly questioned by policy-makers (Kogan and Hanney, 2000: 85).

This reached its apogee in 1989-90, when the (renamed) UFC attempted to establish a “full-blown internal market” in the higher education sector. This required universities to bid against each other for funded student places, with the expectation that they would under-bid the official guideline figures. The attempt failed however, as universities found out others’ bid figures and engaged in cartel-like behaviour (Bargh *et al.*, 1996: 17; Cave *et al.*, 1995; Kogan and Hanney, 2000: 92). Whilst HEIs did not, thus, engage in price competition with each other, they did compete with each other when attempting to attract domestic students, since

<sup>51</sup> See also Reynolds, 1984: 95; and Scott, 1980: 308, concerning the role of the UGC in the university system.

any addition to the number of students at an HEI would lead to it gaining additional funding (*ibid.*: 76). This competition for numbers was prevented with the introduction of a system of planning of student numbers known as the MASN (Maximum Aggregate Student Number), which set quotas for student numbers (Bargh *et al.*, 1996: 17).<sup>52</sup> Although local funding councils ('local education authorities' (LEAs)) did pay universities for the education of individual students, and hence universities benefited from recruiting a certain number of students, they did not benefit from exceeding their overall quota (Cave *et al.*, 1995: 91).

Overall, therefore, British governments have possessed a significant amount of influence in the domestic higher education sector. Central government controls the allocation of degree-awarding status, and its agencies (such as the QAA) control the quality of education offered. Although universities and colleges also attract private funding, to a greater extent than their French counterparts, they still receive a significant proportion of their funds from central government. As described above, government has controlled the methods in which this funding has been delivered in a variety of ways.

## 2.b France

As in Britain, French governments control the attribution of university status. The *loi Faure* of 1968 introduced, for the first time, a legislative framework for universities, as opposed to faculties, which was compounded in 1984 by the *loi Savary's* emphasis on the creation of coherent universities rather than collections of faculties.

Although French governments lack *a priori* power over all *grandes écoles* (in contrast to their control over universities), their control over the most prestigious *grandes écoles* is extensive, particularly over those which come under the aegis of the Minister of Education (as opposed to '*consulaire*' *grandes écoles*, those connected with local Chambers of Commerce). As Deer notes, the "original

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<sup>52</sup> See also National Committee of Enquiry into Higher Education, 1997: Summary, 11.

purpose of the *grandes écoles* system was to serve the interests and needs of the state machinery through the rational selection and vocational training of its administrative, political, technical, academic and, ultimately, social elite” (Deer, 2005: 37). From a pedagogical system designed specifically to inculcate “*service public*” in future top French civil servants, *grandes écoles* such as the *École Nationale d’Administration* have begun to admit growing numbers of international students, and to widen their curricula significantly (Maus, 1997: 74). These changes have mainly been due to changing government attitudes towards the role of the *grandes écoles*.

French governments’ control over the quality of degrees is also extensive. French universities, and state-funded *grandes écoles*, must acquire Ministry approval before entering into joint programmes with foreign HEIs (interviews with DRIC employees). The award of national qualifications is governed by an ‘accreditation’ procedure drawn up and administered by commissions of specialists and a directorate of the Ministry for Higher Education (Bertrand, 1994: 58).<sup>53</sup> Such *ex post* evaluation as occurs, is organised by the CNE (see chapter six).

Governments’ *ex ante* control applies not only to university degrees, but also to all degrees delivered in *grandes écoles* which are recognised by the state. As Neave puts it, French governments “formally underwrote the quality of ...degrees which, if they might vary in reality, were theoretically deemed to be of a similar standard”. This “setting of ‘standards’ through accreditation in [a] system of higher education adhering to ‘national’ diplomas” reflected a “relationship between [the] state and higher education” whereby the Ministry was in control (Neave, 1994: 118).

The proportion of French public funding for HEIs is greater than in Britain, both concerning public universities and public (and even some private) *grandes écoles*

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53 Although individual HEIs have been allowed, from the *loi Faure* onwards, to develop their own degrees, this did not coincide with any abolition of state degrees. As a result, as Musselin notes, “very little in the way of university-specific degrees were developed” (Musselin, 2004: 42), as HEIs were unwilling to lose the stamp of quality conferred by state approval. For most of the period studied, HEIs frequently ceded decisions concerning degree structures and institutional plans to the Education Ministry (*ibid.*: 38), rather than taking such decisions themselves.

(see Figure 1 above). Universities are almost entirely publicly funded and teaching posts are directly distributed by the state, with many university teachers being classified as civil servants (Musselin, 2004: 44, 47). The French university funding system is mainly formula-based.<sup>54</sup> The current system is based ultimately upon the *loi Faure*, which devolved greater powers to individual HEIs, but which maintained an overall focus on central government as the most significant funder of higher education (*ibid.*: 34, 42). In recent years, as noted in chapter eight, a proportion of universities' budgets has been allocated through the contractual system. The legality of universities' budgets is regulated by chancellors representing the Ministry of Education in each educational district (Decker, 1998: 220-2).

Overall, therefore, French governments are extensively involved in regulating and funding universities and many *grandes écoles*. The Ministry of Education exercises *ex ante* control over the content of degrees, and has continued its role as the main source of funding for the universities and for many *grandes écoles*.

To summarise, both French and British higher education systems are subject to cleavages, between universities, (ex-) polytechnics and colleges in Britain, and universities and *grandes écoles* in France. Nonetheless, in both countries, the attribution of degree-awarding powers, the control of quality and the funding of higher education are all dominated by central government. In particular, governments' abilities to set rules governing standards and the allocation of resources have been particularly important in both higher education sectors. This peculiar characteristic of the British and French higher education sectors, as part of the public sector, makes the liberalisation of international students' policy particularly difficult to explain using existing theories, which have generally downplayed the role of governments in encouraging liberalisation.

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<sup>54</sup> Until 1993 the government utilised what was referred to as the "Garaces"-model, which incorporated measures of the number of square-metres per HEI, contact hours, and complementary hours. In 1993 that model was replaced by the "San Remo" (*système analytique de répartition des moyens*) model based on student numbers, which was subsequently applied to determining funding levels for the public *grandes écoles* as well (Martin and Verdaguer, 1999). Universities also receive substantial grants intended to cover the costs of maintaining buildings and grounds.

### 3 Sectoral associations in Britain and France

This section explains why French sectoral associations can be described as stronger than their British counterparts. Although a number of different sectoral associations existed in both British and French higher education sectors, the extent to which these were subject to international factionalism was much more marked in Britain. Internal factions prevented British HEIs from coordinating resistance to liberalisation through their sectoral associations. In contrast, the more unified French sectoral associations were able to play a more influential role in preventing the introduction of liberalising institutions, and in controlling the operations of new institutions. Although even well-coordinated campaigns by HEIs were not always sufficient to block government proposals,<sup>55</sup> overall they significantly conditioned governments' capacities to liberalise policies towards international students. As a result, French universities and *grandes écoles* were better able to prevent liberalisation in this area than were British universities and colleges.

#### 3.a Britain

British HEIs' sectoral associations were initially divided into those representing the polytechnics and colleges (the 'public sector') and those representing the universities, prior to the abolition of the binary line in 1992.<sup>56</sup> The two representative bodies for the public sector, the Committee of Directors of Polytechnics (CDP) and Association of College Principals (ACP) initially came under the aegis of the Council of Local Education Authorities, before responsibility for the public higher education sector was transferred in 1981 to the new National Advisory Body for Public Sector Higher Education (NAB). From 1992 onwards a number of former colleges and polytechnics obtained university status and joined the CVCP. Some others formed the Standing Conference of Principals (SCOP), which as at 2003 had 34 non-university HEI members in England (and three associate members from the private sector).

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<sup>55</sup> See limited examples of this in chapters nine and ten.

<sup>56</sup> First proposed in the 'Higher Education: A New Framework' White Paper of 1991 (Department for Education and Science, 1991).

SCOP's activities concerning international students have not been extensively examined for the purposes of this thesis. This is for two reasons. Firstly, the numbers of students generally, and international students in particular, attending SCOP member institutions is very low compared with that of the CVCP as a whole.<sup>57</sup> Secondly, where SCOP has attempted to influence policy towards international students, this has generally been in alliance with the CVCP/ UniversitiesUK.<sup>58</sup> The following section therefore refers only to the CVCP and CDP, which were merged in the early 1990s and which became UniversitiesUK in 2001.

The CVCP has been a registered company from the mid-1990s onwards, after being founded as an association in 1918. It is supported through subscription by its member institutions. The members of CVCP elect a Chairman, two Vice-Chairmen and a Treasurer for two years. The CVCP is directed by an Executive Committee, which carries out most of its operations, a Council, which meets seven times a year, sector groups and sub-groups,<sup>59</sup> and plenary meetings (the 'Main Committee'). On occasion decision-making has also been delegated to the leadership.<sup>60</sup> The 'Main Committee', the whole body of Vice-Chancellors and Principals, has a relatively limited role compared with that of all university presidents in the French CPU. Overall, the 'main committee' meets only four times a year (CVCP, 1997b), aside from at an annual conference at which all HEIs are represented (CVCP, 2001: 19). As noted above, the CVCP altered its name to UniversitiesUK in 2001.<sup>61</sup>

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57 31 out of SCOP's 34 institutions in 2003 accounted for just 4.7% of the income received by the higher education sector as a whole (Watson, 2003: 16). In addition, almost all SCOP member institutions "show lower participation by international students than other groupings" within UniversitiesUK (*ibid.*).

58 See, for example, UKCOSA/British Council/Universities UK/SCOP, 2004.

59 Such as the General Purposes Committee and then the Longer Term Strategy Steering Group (LTSSG) (CVCP, 1995: 16; 1996: 11; 1998: 27; Howell, 1993; Tapper and Salter, 1997: 119).

60 Occasionally, the leadership of the CVCP has been given the ability to speak for member institutions on contentious issues. This was, however, generally limited to cases where policy was developing quickly and an immediate response was required. Hence, in 1979, the Main Committee recommended that the "Chairman and the Secretary General should have full authority to make immediate public comment on any issues requiring it", in the context of major changes to the British higher education system being mooted by the then government (CVCP, 1979: Item 3).

61 The name change was intended to reflect the "changing focus of the organisation" (CVCP, 2001: 1), with the former title being perceived as old-fashioned and inappropriate. The CVCP had already attempted to alter its public identity through the



The CDP, which originally coexisted with the CVCP, was established in April 1970, when twenty out of the proposed thirty polytechnics were first officially recognised by the Ministry of Education. The sectoral association had its own secretariat from October 1972. The CDP was to provide a forum for the discussion of matters of common interest and to contribute to the evolution of policy for the future development of polytechnics. Following negotiations between February and September 1992, the organisation was formally disbanded in 1993 with the end of the binary division between universities and polytechnics. At this point, most members of the CDP joined the CVCP, and the organisations effectively merged.

In the years approaching the merger, the CVCP and CDP increasingly worked together on matters of common concern.<sup>62</sup> In the early years of its existence, however, the CDP was keen to develop a distinct identity from the CVCP, and to define a separate role for the polytechnics within the British higher education system.<sup>63</sup> There were a number of informal groupings within the CDP's ranks. These loosely fell in to the categorisation of types of polytechnics which had been described by the then Minister of Education Tony Crosland in 1972; polytechnics which: tried to "behave like universities" by concentrating their main efforts on the provision of a wide range of undergraduate and postgraduate courses; which concentrated upon meeting regional needs in technical subjects and had not widened their provision to include the arts, humanities and social sciences; and which concentrated upon realising the polytechnic ideal of collaborating with local industry and commerce to provide a wide range of distinctive courses (Crosland, 1972).

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development of a "new corporate identity framework" in 1996. It was hoped that this would improve communication with members (CVCP, 1997a: 26), who would henceforth perceive the universities' sectoral association as a more coherent, unified association.

<sup>62</sup> For example, in 1992 they produced a joint code on the "management of higher degrees undertaken by overseas students" (CVCP/CDP, 1992). See also CVCP/CDP/SCOP, 1991.

<sup>63</sup> See Bethel, 1979.

Despite the merger of the CDP and CVCP in 1993, the division between the former public sector HEIs and universities, which some had thought would be eroded by the ending of the binary line, continued. Hence, the CDP was effectively renewed as the 'Coalition of Modern Universities' (CMU) in 1995, and has become one of the main factions within the CVCP. Recently renamed the Campaign for Mainstream Universities, the CMU continues to represent many (but not all) of those former polytechnics who had formerly been members of the CDP before amalgamation with the CVCP. Much of the CMU's lobbying has concentrated on opposition to the concentration of resource and the emphasis of the role of universities in teaching and learning (Tapper and Salter, 1997: 127-8). As at 2003, the CMU consisted of 34 institutions in England, Scotland and Wales (Watson, 2003: 16).

A number of other groups have also begun to form within the CVCP from amongst its original constituency of universities. These factions have diluted the strength of the CVCP/UniversitiesUK and constitute the main reason why it has lacked the strength of the French sectoral associations.

Two such factions have aimed to emphasise their extensive research focus, the Russell Group of elite universities and the 94 Group (research-intensive universities without a medical school). As at 2003, the Russell Group was composed of nineteen universities (Watson, 2003: 16). It has promoted the concentration of research capacity in a small number of elite universities (Tapper and Salter, 1997: 127; Tooley, 2001). It has also been seen as promoting the introduction of top-up fees, although its membership is actually divided on this question, with some opposed to the new fees whilst others support charging for the full economic cost (Theisens, 2003: 39). The 1994 Group consisted of 17 institutions in England and Scotland in 2003. Its membership overlapped slightly with that of the Russell Group, with two members adhering to both (Watson, 2003: 16).

Finally, another group, which commentators have described as ‘non-aligned’, could be seen as “at least as internally coherent as the [other groups] recognised” above, according to some indicators (*ibid.*: 2). This ‘non-aligned’ category includes both pre- and post-1992 universities, and as at 2003, composed 38 HEIs (*ibid.*: 16).

Some have maintained that this fracturing of the CVCP is at least partly due to former polytechnics having joined the association, rather than staying with their existing representative body. For example, Brown maintains that “UniversitiesUK in its present form is capable of representing institutions’ interests only to a limited degree”, when new HEIs are also taken into account (Brown, 2004: 160). UUK could only effectively represent all British HEIs if it “recognize[d] and celebrate[d] the plurality of institutions and interests, something UniversitiesUK in its present form clearly cannot” (*ibid.*: 170). Brown further maintains that the older universities were less “ready to act in a corporate fashion or to respond positively to the need for collective agencies, particularly if it meant some curtailment in their own freedom of institutional action”, compared with polytechnic directors, who “accepted that there were certain purposes for which they needed to act collectively” (*ibid.*: 45).<sup>64</sup> Certainly, as early as 1980, Sir Alec Merrison, then the chairman of the CVCP, stated that the CVCP was already a “terribly unwieldy body”, when considering whether the polytechnics might join the CVCP if they were to become universities (Merrison, 1980: 292).

However, divisions between the various parts of the British higher education system were evident even before the ending of the binary line. In particular, there was a long-running war of words between the CDP and SCOP in the early 1980s, with the SCOP claiming that the CDP was proposing to government that SCOP member colleges should be closed (O’Leary, 1980c; THES, 1980i). As noted above, the CDP was also subject to internal divisions between different types of polytechnics. Claims that the CVCP has lacked “inter-university cooperation” and

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<sup>64</sup> It has, indeed, recently been claimed that UniversitiesUK has recognised its inability to represent all British universities, given the diversity of groupings which have formed within its ranks (Whitby, 2006).

“leadership” (Dainton, 1980: 301) reflect long-running divisions between British universities and higher education colleges, which have on occasion coalesced into more or less formal factions.

It has been suggested that, as a result of such fracturing, it has been difficult for the CVCP to arrive at common positions (Kogan and Hanney, 2000: 212). Court has claimed that the “unofficial interest groups [formed] of old universities” have “reified” the stratification of status of the British higher education sector (Court, 1998: 119). Maurice and David Kogan have noted the proclivity of high-profile vice-chancellors to forward their own HEIs’ interests what they describe as a “narrow” way, and to make little attempt to “protect the weaker institutions”. As a result, they state that governments have found it easier to implement their policies as these were “not resisted by those with the status and prestige to put up effective opposition” (Kogan and Kogan, 1983: 117). The CVCP’s approach was essentially, for the Kogans, that of managing change rather than challenging it (Kogan and Kogan, 1983: 150). Similarly, Peston and Ford have detected “little unity” in the British higher education sector, with major divisions existing between “prestige” universities and those in other parts of the higher education sector (Peston and Ford, 1981: 396).

Overall, therefore, British sectoral associations, from the CVCP and CDP to UniversitiesUK, have suffered from the development of a number of politically-influential internal factions. This internal disunity has diluted their ability to mount effective resistance to government attempts to liberalise international students’ policy.

### **3.b France**

In comparison with the British case, French HEIs do not suffer particularly from the development of factions within their sectoral associations. Two such associations perform most coordination of French HEIs’ interests and activities; the *Conférence des Présidents d’Université* and the *Conférence des Grandes Ecoles*.

In addition to these two organisations, the *Conférence des Directeurs d'IUFM* (CDIUFM) groups together the directors of the thirty-one directors of University Institutes for Teacher Training (as at 2006), and the *Conférence des Directeurs d'Écoles et Formations d'Ingénieurs* (CDEFI) groups together the 128 public engineering schools coming under the aegis of the Ministry of Education. The following analysis mainly concentrates on the involvement of the CPU and the CGE in decision-making concerning the liberalisation of international students' policy. This is for three reasons; because the number of international students at HEIs outwith the CGE and CPU were comparatively small; because the CDIUFM and CDEFI tended to work together with the CGE and CPU in the definition of their policies towards international students;<sup>65</sup> and because a number of members of the CDEFI were also members of the CGE.

The *Conférence des Présidents d'Université* (CPU) was created by decree in February 1971 (Gouvernement de France, 1971), and its structure was given statutory recognition in January 1984. The impetus for the development of the CPU came from the then Minister for Higher Education, following extensive reorganisation of the state higher education sector in 1968 after the *loi Faure* (Kaiser, 2001). The *loi* gave university presidents a much greater role in managing the new, multi-faculty universities. The CPU has, since then, been formally presided over by the Minister of Higher Education, although it often meets in the absence of its President, with the three Vice-Presidents discharging most routine organisational responsibilities. Despite promptings from the Ministry of Education, the Vice-Presidents have remained acting vice-presidents of universities, rather than leaving CPU responsibilities until after retirement (as with many of their British counterparts in the CVCP/UniversitiesUK) (Allègre, 2000).

Similarly to the CVCP's central administration, the CPU's office coordinates the association's activities, but it has a more limited independent decision-making role

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<sup>65</sup> As with the definition of their policies more generally, where, for example, the CDEFI and CGE have produced a joint response to the Bologna process and have worked together on issues such as social inclusion and the recruitment of women students.

compared with the CVCP. As with the CVCP's sub-groups and sector groups, the CPU utilises sectoral commissions, of which there are six with permanent status, to draw up issues for debate in the plenary sessions. The entire *Conférence* meets very frequently, on the third Thursday of every month, whilst the Permanent Commission meets on the first Thursday of every month. The frequent plenary meetings are attended by many presidents out of the CPU's 102 members, and cover a range of issues. There is thus a greater degree of formal interaction between HEIs in the CPU than is the case with the CVCP. Most importantly, there are no separatist factions within the CPU which have attempted to articulate their own strategy to government or the media in opposition to that being propagated by the sectoral association.

The *Conférence des Grandes Ecoles* was also created in the 1970s; in 1973, under the 1901 law (*Conférence des Grandes Écoles*, 1973: art.1). From its twelve initial members, membership has grown to 219 of which 175 members are directors of French *grandes écoles* (the rest comprise associate or correspondence members). The plenary of the CGE elects its President, who is the director of a member HEI. Unlike in the case of the CVCP, the President of the CGE is not allocated any individual decision-making power, even within parameters set by the organisation itself (*ibid.*: art.11).

The President of the CGE is aided in his/her activities by an office composed of eight to twelve members elected by the Administrative Commission, and is supported by the *Délégation Générale*. The Administrative Commission is composed of forty directors of *grandes écoles*, of varying types, management and regions, with members of the twelve founding *grandes écoles* attending as of right, although they can and often do delegate their mandate to another *grande école* for two years (*ibid.*: art.9). The other members of the Administrative Commission are elected for a two year period of office by the general assembly of the CGE. The Commission defines the general direction of CGE policy and takes important decisions, sitting at least four times a year. Most of the work of the CGE is

undertaken in its commissions and working groups. These include teachers as well as the directors of HEIs. The composition of the groups, and their remits, are decided by the Administrative Commission (*ibid.*: art.4). In addition, the CGE has recently promoted the creation of regional conferences, which have been conceived as 'think tanks' for the national *Conférence* in its development of complex policies (Cadix, 2002).

As with the CPU, the CGE's general assembly possesses a considerable amount of power. The General Assembly is composed of all the active members, who each possess a vote, alongside the non-active members, who can attend and speak but do not possess any ultimate decision-making power (*Conférence des Grandes Écoles*, 1973: art.8).

Unlike in Britain, there are very few factions within either the CGE or the CPU. Some 'networks' of HEIs have been grouped together as *grandes écoles* (for instance, the ENSAM: *École Nationale Supérieure d'Arts et Métiers*, which includes eight HEIs), to offer a particular type of education (such as the *Fédération Gay-Lussac*, comprising seventeen *grandes écoles*, or the *Universités de Technologie*, comprising three universities), or as regional networks (as with that between the presidents of twelve HEIs from the Rhône-Alpes region (Le Monde, 1990b)). However, unlike in the British case, such groups have not developed into distinct lobbying factions within their respective sectoral associations. The sectoral associations have been able to develop unified positions even concerning sensitive matters. For example, in 1995 the CPU offered to act as a go-between for students and the government, following extensive student protests. Despite widespread debate over the legitimacy or otherwise of the protests, the CPU was able to take unilateral action in offering itself as an arbiter (Le Monde, 1995c; 1995b).<sup>66</sup>

To summarise, in contrast with the British HEIs' sectoral associations, the French university and *grandes écoles* sectoral associations (the *Conférence des*

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<sup>66</sup> The CPU's involvement did not, ultimately, help resolve the conflict, however (Le Monde, 1995a).

*Présidents d'Université*, and the *Conférence des Grandes Ecoles*) are relatively strong, albeit bifurcated between the two organisations, and also between, to a lesser extent, the CDIUFM and the CDEFI. Whilst in Britain a number of factions have formed which have divided the membership of the CVCP (such as the Russell Group, 94 Group and Campaign for Mainstream Universities), no such associations have formed in France. As a result, French HEIs have, generally, been better able to coordinate resistance against liberalisation through their sectoral associations than their British counterparts.

#### **4 Previous policies towards international students**

This section reviews existing policies towards international students. It indicates that, prior to 1979, these were focused on the maintenance of traditional international ties and the encouragement of international development, rather than on the monetary benefits which could accrue from recruiting international students from developed and emerging economy countries. Before 1979, therefore, policies towards international students in Britain and France did not lead to the commodification of these students. In addition, before 1979, HEIs were not required to compete against each other extensively for the recruitment of international students.

Some have maintained that international student policies, before 1979, constituted a prime example of disinterested cultural policy. For Poujol, a civil servant at the French Ministry of Education, the very term student “exchange” was inappropriate, as it suggested that “cultural” reasons for international student flows were outweighed by “economic and financial” ones. The reception of international students in France, he maintained, involved the offering of “a gift without reciprocity or hope of even indirect benefit” (Poujol, 1965: 237).

Despite Poujol’s claim, however, international student policy up to 1979 was driven by a number of very ‘interested’ motives. Historians have noted the impact of colonialism in particular on international student flows to both countries. Some



have claimed 'altruistic' motives for British universities' acceptance of students from the former colonies. Hence, Sherlock maintains, for example, that the flow of students to the West allowed an assuaging of the post-colonial conscience.<sup>67</sup> Even by the time of the publication of a major report on higher education in Britain, the Robbins report in 1963, international student policies were still often conceived in terms of substitution, whereby British universities could provide students from developing countries, and especially from previous colonies, with an education which they could not access at home (Robbins, 1963).<sup>68</sup>

Others have detected more directly political motives underlying governments' decisions to allow international students to attend domestic HEIs, noting that most international students admitted to British universities were "hand-picked aspirants to a place in the local order of government" (Niven, 1988). As Braithwaite notes, "the problems of colonial administration within a liberal imperial framework were such that the creation of an educated African class, able and willing to profit from higher education, was almost a necessity" (Braithwaite, 2001: xviii). In the West Indies, the sending of 'promising' students to the metropolis was viewed "as a means of furthering the development of the colony along sound lines" (*ibid.*: 1). Similarly, French governments and diplomats attempted to lure international students from African and, latterly, South American countries in order to maintain political ties with these continents (Poujol, 1965: 245).

The linkage between international student flows and the maintenance of ties with the ex-colonies was symbolised by the administrative arrangements governing

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67 Sherlock claimed that British universities' acceptance of Commonwealth students in particular allowed them to "assist the process of development in those countries to which Britain was indebted after centuries of colonialism" (Sherlock, 1988). Given the continuing paucity of higher education facilities in most developing countries, subsidisation continues to be a powerful motive for many developing country students to seek entry to western HEIs, although their relative ability to gain acceptance has become more difficult over recent years. This is in contrast with the relative ease for students from developed countries which operate *numerus clausus* regimes (in disciplines such as medicine) to gain access to HEIs in neighbouring countries which do not (Smith *et al.*, 1981: 124).

68 Robbins' claim that the numbers of international students would decline as domestic institutions expanded has, of course, been thoroughly contradicted in recent decades, both in terms of the continuing growth in numbers of international students in both countries, but also in terms of the lack of growth of indigenous HEIs in developing countries (Williams, P., 1981b: 26).

scholarships and student placements in each country up to the late 1970s. In Britain, Welfare and Student Departments were created in the Colonial Office, to aid international students with any problems they incurred whilst in Britain (Braithwaite, 2001: 1-2, 99; Livingstone, 1960: 147-8; Wallace, 1981: 121; White, 1965). Indeed, in the immediate postwar period, all international students in Britain were required to register through the Colonial Office, which then assigned them to different universities.<sup>69</sup> The eventual shedding of the Colonial Office's roles in international students' policy to the Victoria League<sup>70</sup> and British Council (Braithwaite, 2001: 100) allowed the link between international students' policy and national cultural policy to be maintained. Similarly, in France, the *Direction Générale des Affaires Culturelles et Techniques*, located in the Foreign Ministry, eventually alongside the *Département de Coopération*, handled the bulk of the administration of international students' applications, and was responsible for providing information to prospective students (Poujol, 1965: 239).<sup>71</sup> This emphasis on the (ex-)colonial aspects of international student policy was maintained until very recently. Hence, the predominance of students from the previous French colonies as a percentage of international students in France actually increased between 1964 and 1976 (Smith *et al.*, 1981: 196).

In addition to these general features, recent studies have uncovered a number of direct links between policies towards international students and foreign policy-making. Braithwaite maintains that international students' fears of surveillance by the Colonial Office were mainly fictional, as "[e]ven with the worst will in the world, it would have been impossible for the Colonial Office to have taken such a dossier of all the students and their activities" (Braithwaite, 2001: 106). Nonetheless, historians such as Michael Lee have provided evidence that policies towards

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69 In only a very limited number of cases, individual students managed to bypass such arrangements and obtain admittance in individual universities themselves. Such cases aroused suspicions with regards to the Colonial Office's impartiality between different students (Braithwaite, 2001: 98-9).

70 A charity promoting "friendship" amongst the peoples of the Commonwealth.

71 See also Klineberg and Ben-Brika, 1972.

international students were used to forward British imperial and post-imperial foreign policy strategies (Lee, 1998).<sup>72</sup>

Most analyses of international students' policy written between the 1950s and the late 1970s have, therefore, linked the subsidy of international students with foreign policy; either as a means of maintaining colonial or ex-colonial links, or, later, in promoting the national political interest abroad.<sup>73</sup> International students' policy, to the extent that it was conceived as a discrete policy area,<sup>74</sup> was, up to 1979, generally conceived in terms of British and French imperial, and then foreign policy, interests.

As noted above, up to 1979, HEIs were not required to compete for the recruitment of international students in either country. Rather than international students being recruited to British and French HEIs, they were "accepted" (Humfrey, 1999: 8; Kinnell, 1990: 13). Prospective students did not choose between competing HEIs, but, rather, had their choice extensively made for them by the colonial and foreign affairs administrations. In addition, most international students in both countries were concentrated in a small number of HEIs; in Britain, in London University in particular, and Oxford and Cambridge to a lesser extent; and in France, in the

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72 These studies are echoed in a number of studies in the US, which have indicated extensive links between international students' policies and covert foreign policy from as early as 1967 (Kotek, 1996; see also Paget, 2003).

73 It should be noted, however, that international students' experience of higher education in both Britain and France did not always lead to them developing a positive image of either country, and may indeed have harmed relations with the ex-colonies (or at least, have aided political processes towards decolonisation). As Braithwaite notes, the extreme racial discrimination suffered by numerous black international students studying at British universities may have led to their higher education weakening rather than cementing their ties with Britain once they returned home (Braithwaite, 2001: 1), and a similar point is made with respect to African students based at Parisian universities by Klineberg and Ben Brika (Klineberg and Ben Brika, 1972). In addition, Williams notes that the temptation to consider post-war international students' policy merely in terms of "cultural imperialism" ignores the fact that "many of the ideas about national independence were learned in the lecture rooms of the LSE" (Williams, G., 1987: 10; but see Blackstone and Hadley, 1979: 473-4 for the reaction of the LSE management to political activism by international students). Furthermore, international students were not always keen to immediately return home and fulfill the roles expected of them by British and French policymakers (as suggested by the Political and Economic Planning report (Political and Economic Planning, 1955; see also Braithwaite, 2001: 3)). Many preferred to stay in Britain or France amongst the extensive ex-colonial diasporas which had developed in London and Paris.

74 Chandler maintains that international students were not considered as a distinct policy 'problem' until the early 1970s (Chandler, 1989).

universities of the Paris area (Braithwaite, 2001: 70; Humfrey, 1999: 8; Klineberg and Ben Brika, 1972). Rather than constituting "clients paying for services", international students were in a "relationship...of dependency", "which evoked paternalistic responses from the host nation" (Kinnell, 1988; Elsey and Kinnell, 1990: 3).<sup>75</sup>

## 5 Prospective

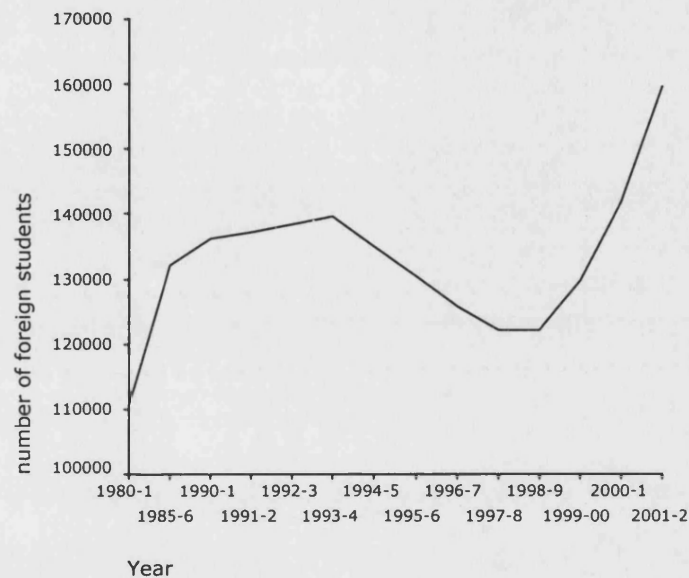
The rest of this thesis constitutes an attempt to explain how policies concerning international students altered rapidly from those described above, in a relatively short space of time. The change away from the traditional approach towards international students, in favour of a liberalisation of international students' policy, has been remarkable in both countries. Figures 8 to 11 illustrate the extensive alterations in the complexion of international student flows into both Britain and France. While the number of international students has grown in both countries (Figures 8 and 10), that of international students from Africa has dropped precipitously in Britain, and to a lesser extent in France, compared with students from other continents (Figures 9 and 11).<sup>76</sup>

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<sup>75</sup> It should not, however, be assumed that the bulk of such international students were of a low social status. Most international students were recruited from a social elite, even when they originally came from developing countries. Indeed, "some of the poorest students [came] from the richest countries and vice-versa (Williams, P., 1981c: 232; see also Blaug and Woodhall, 1981: 259). The liberalisation of international students' policy examined here may have led to a proportionate increase in the numbers of the very poorest students, compared with their richer counterparts, from developing countries attending British and French HEIs. This is due to the greater concentration of government scholarships in both countries on the poorest students from poor countries (Williams, L., 1987: 24), in comparison with the previous, more generally permissive, arrangements.

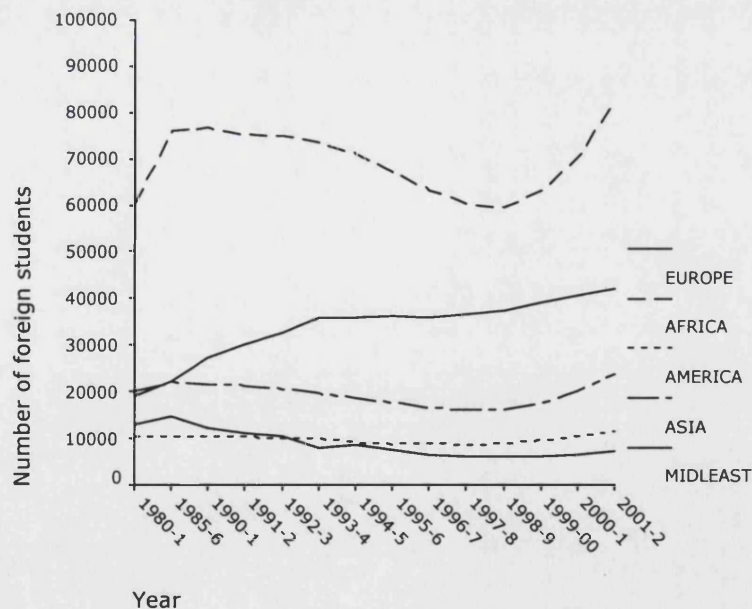
<sup>76</sup> It should be noted that the French figures are calculated on a different basis from the British graphs, as the children of immigrants are counted as international students even if they have lived in France for all their lives. This helps to explain the apparent increase in numbers of African students in France represented in Figure 9, which would not be counted as such using British conventions.

Fig.8: The number of international students in French HEIs, 1980-1 to 2001-2



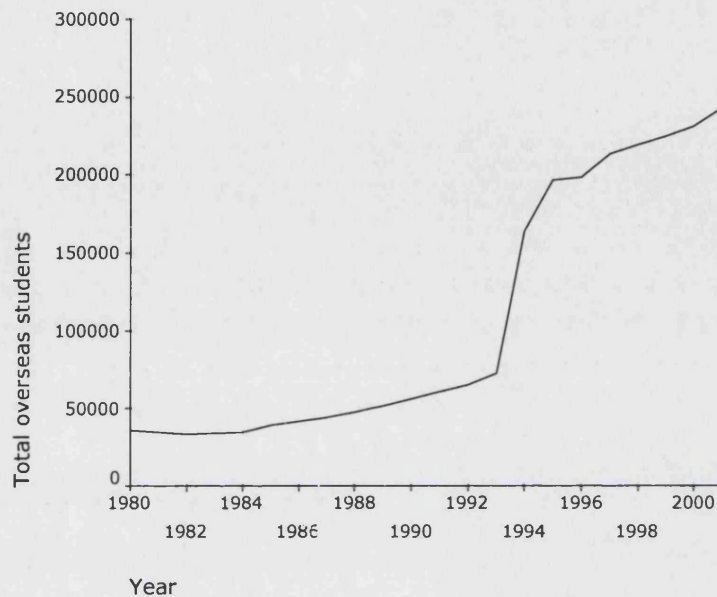
Source: Data from « Répartition des étudiants de nationalité étrangère inscrits dans les universités France entière », 1971-2 to 2001-2, *Délégation aux relations internationales et à la coopération*, Ministry of Education (personal communication)

Fig.9: The number of international students in French HEIs from particular geographical regions, 1980-1 to 2001-2



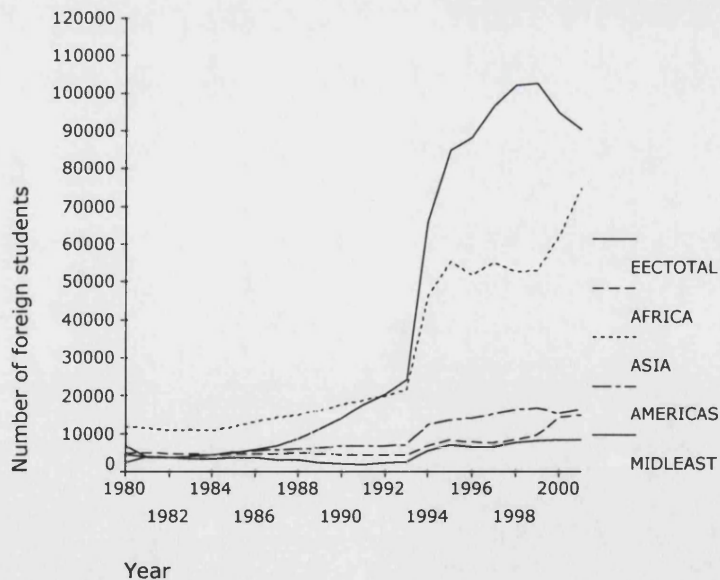
Source: Data from « Répartition des étudiants de nationalité étrangère inscrits dans les universités France entière », 1971-2 to 2001-2, *Délégation aux relations internationales et à la coopération*, Ministry of Education (personal communication) NB : The Ministry's categories for geographical areas were used for Europe, Africa and America. A new category, Middle East, was created by removing the following countries from the Ministry's 'Asia' category: Arabie SAO, Bahrein, Emirats AU, Iran, Iraq, Jordanie, Koweit, Liban, Qatar, Syrie, Yemen and Yemen Sud.

Fig.10: The number of international students in British HEIs, 1980-1 to 2001-2



Source: Statistics from the Higher Education Statistical Service and the Universities Statistical Record

Fig.11: The number of international students in British HEIs from particular geographical regions, 1980-1 to 2001-2



Source: figures are calculated from the Higher Education Statistical Agency statistics and the Universities Statistical Record. NB: "Africa" constitutes Nigeria, Kenya, Zimbabwe, Zambia, Tanzania, Ghana, Malawi, Uganda, Sudan, South Africa, Libya, Cameroon, Ethiopia, Botswana and Egypt. "Asia" constitutes Malaysia, Hong Kong, Singapore, India, Sri Lanka, Mauritius, Brunei, Bangladesh, Japan, Thailand, China, Indonesia, South Korea and Taiwan. "Americas" constitutes the USA, Venezuela, Mexico, Canada and Brazil. The "Middle East" constitutes Iran, Iraq, Jordan, the United Arab Emirates, Saudi Arabia, Kuwait, the Lebanon, Oman and Israel. "Europe" is as given in the HESA and USR "Europe" category.

As Figures 8 to 11 show, and as Barnett and Wu note, African countries have increasingly been displaced by students from developed and emerging economy countries (Barnett and Wu, 1995: 359-61). This thesis seeks to examine how such an extensive commodification of international students occurred, if to a greater extent in Britain than in France; and how HEIs in Britain, rather than in France, came to compete extensively against each other for the recruitment of international students from developed and emerging economy countries.

## **6 Conclusion**

This contextual chapter has examined three elements of the background to the development of liberalising institutions concerning international students: the institutional parameters of the higher education system, the extent of coordination through sectoral associations of the regulatees, HEIs, and traditional policies towards the recruitment of international students. It has indicated that both countries' higher education systems exhibited an extensive degree of government control over degree-awarding status, the quality of courses, and funding. It has also detailed how French sectoral associations can be described as stronger than their British counterparts, due to the greater extent of factionalism in Britain. Finally, the chapter has detailed how, in both countries, governments historically viewed the subsidisation of international students as a means of maintaining ties with former colonies, and furthering international development, and did not attempt to encourage competition between HEIs for the recruitment of international students. As the rest of the thesis indicates, governments in both countries quickly changed their approach from 1979 onwards, attempting to impose institutions which would lead to a liberalisation of international students' policy.

## **Chapter 3: Promotional institutions in Britain**

### **1 Introduction**

The creation of new promotional institutions for British and French higher education has been highly significant for the liberalisation of international students' policy. These new institutions have promoted a further commodification of international students, through focusing their recruitment efforts on developed and emerging economy countries. In both Britain and France, such promotional agencies replaced agencies previously run by HEIs, which had been based on educational cooperation with developing countries. Both the British ECS and French EduFrance included HEIs as members within their structures, although British HEIs were less able to coordinate resistance to liberalisation in this context, due to the relative weakness of their sectoral associations, compared with their French counterparts.

This chapter examines the creation of the Education Counselling Service (ECS) in 1984, which marked a striking departure from the existing institutional infrastructure for the promotion of international higher education. Whilst previous British organisations operating in international higher education had all linked international students' policy with foreign policy and international development concerns, the ECS was explicitly created by central government as a means of increasing the recruitment of well-off students, which could provide extra income for HEIs. The operations of the ECS reflected this commercial orientation, especially its development of a 'brand', EducationUK. The ECS was seen as important in improving British higher education's position in an "increasingly competitive" international marketplace (Education Counselling Service, 1999). Although HEIs themselves would be encouraged to develop their own marketing systems, the ECS led "the professional development of the international student recruitment business", latterly within the context of the new EducationUK brand (Barnes, 1999: 16).



Overall, the ECS can be seen as leading to a liberalisation of international students' policy in two ways. Firstly, it promoted a view of international students as commodities, especially through its focus on well-off international students rather than on students from developing countries (who had provided the focus for the previous organisations examined here). Secondly, the ECS promoted competition between HEIs, by dividing between HEIs in its operations (through, for example, offering some but not all HEIs access to its promotional fairs and access to its offices for overseas collaborative provision).

HEIs were initially divided concerning the creation of the ECS. Many had opposed the absorption of their own organisation, the Inter-University Council (IUC), into the British Council. The IUC had fostered cooperation between British HEIs and African universities. Some HEI representatives even threatened non-participation in aid programmes if the IUC were closed. However, once the IUC had been incorporated within the British Council, and eventually within the new ECS, HEIs were unable to have a significant effect on its operations. Many complained about the ECS' approach, which some perceived as overly focused on traditional universities in London and the South East. However, such complaints resulted in very little coordinated action, and the higher education sectoral associations failed to represent a united position in discussions concerning the ECS' activities.

## **2 The pre-existing situation**

The institutional structure prior to the creation of the ECS was composed of organisations led by HEIs (the Inter-University Council (IUC)) and those led by government (the Inter-Departmental Group of Officials (IDG), Round Table, and the British Council). Rather than leading to a competitive, commodifying approach to international student recruitment, the existing institutional structure promoted coordination between HEIs and a view of international students as important for foreign policy reasons, for maintaining links with former colonies, or for international development purposes, rather than as of immediate or indirect monetary value.

## **2. a HEI-led organisations: the Inter-University Council**

As in France, British HEIs created a specific organisation to manage their international relations. Unlike French HEIs, however, the British universities' sectoral association, the CVCP, created the IUC relatively early in its history, in 1946. The IUC was created as a representative body which would help manage British HEIs' African links (Maxwell, 1980). The IUC itself did not provide services, as the ECS was to. Instead, it acted as a coordinating organisation, facilitating enduring relationships between foreign and domestic academics and HEIs (Boyle, 1980). Crucially, the IUC's activities were focused on the developing countries of the ex-colonies. The IUC's main emphasis was, therefore, on developing long-term links with universities in Africa and the rest of the developing world. It did not attempt to build such links with developed countries.<sup>77</sup>

The IUC's creation did not lead to a liberalisation of international students' policy. It neither promoted the commodification of international student flows, nor induced competition between HEIs for international students, with its activities restricted to bilateral relationships between British and African academics and HEIs.

In 1981, the IUC was incorporated into the British Council (Inter-University Council for Higher Education Overseas, 1946-1981), a process which is examined below.

## **2.b Government-led organisations**

### **2.b.i The British Council**

The British Council is the British government's agency for cultural relations. It had been associated with the reception of international students since this function was devolved to it by the Colonial Office in the 1960s (see Introduction). The British Council provided a number of facilities for international students, from meeting new

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<sup>77</sup> This focus on developing countries was reflected in the fact that most of the IUC's relatively restricted amounts of funding came from the then Overseas Development Administration (ODA) (with, for example, £2,500 being allocated in 1978-9), although HEIs also made ad hoc contributions to specific programmes (Pliatzky, 1980: 152). Despite this funding mechanism, the IUC was significantly insulated from government control, and its grants from the ODA were not hypothecated.

arrivals at the airport and organising transport to HEIs, to organising accommodation (initially often with host families), and providing 'British life' induction courses (Livingstone, 1960: 150). The Council was supported in these functions by other bodies such as the Victoria League and, in London, the London Conference on Overseas Students and its component committees (*ibid.*: 151). As HEIs developed such functions in-house, the Council gradually withdrew from such detailed involvement in international students' services. Nonetheless, it remained responsible until the mid-1990s for a number of international student centres in various British cities (*ibid.*: 149; Buchanan, 1999: para.134-5). The British Council also published various pamphlets and books for potential international students, which it continues to produce up to this day.<sup>78</sup>

Traditionally the British Council had been treated as separate from the rest of government. Intended to serve the national interest, its internal management was insulated from the usual procedures of government control soon after its creation, apparently in order to prevent partisan interference (Donaldson, 1984). However, the Council's overall funding levels were tightly controlled by central government. Changes to financial resources constituted the main lever of control by governments over the British Council, with budget cuts being used as a means to alter the Council's focus and activities.

The British Council did not encourage a liberalising approach to international student recruitment. International students were treated by the Council as important for foreign policy or international development purposes, rather than as of immediate or indirect monetary value. This approach continued even as attempts were being made to set up the ECS, which explicitly adopted a view of international students as valuable for monetary purposes (hence, as commodities). The British Council retained a significant role in the use of higher education for international development purposes, even after the creation of the ECS. From April

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<sup>78</sup> For some recent examples, see the British Council's "Studying and living in the United Kingdom" series (British Council, 1997; British Council, 1998; British Council, 1999b).

1981 onwards, with its absorption of TETOC (the Technical Education and Training Overseas Corporation), the British Council administered those elements of international higher education policy which concerned developing countries (Overseas Development Administration, 1982: 20). The British Council performed a variety of advisory and executive roles in the aid programme under the tutelage of the then ODA (Overseas Development Administration, 1984: 17). The Council continues this role up to the present day, with its Higher Education Links scheme under the tutelage of the Department for International Development (Marsden, 1999). Such international development work received little support from the Department of Education or the Foreign Office. For example, HEI staff were not paid for work within the Higher Education Links scheme, which constituted only a small (if allegedly “powerful”) part of Britain’s overall aid effort (*ibid.*).

Overall, therefore, the British Council’s effect on international students’ policy was to reinforce the existing view of such students as important for foreign policy purposes and for international development, rather than as constituting important units of revenue.

#### **2.b.ii The Inter-Departmental Group of Officials and the Round Table**

Another governmental body concerned with policies towards international students was the Inter-Departmental Group of Officials (IDG). Created in 1983,<sup>79</sup> the IDG was intended to improve coordination of policy within Government (Overseas Student Trust, 1987: 2). The IDG kept the government’s various scholarship schemes under review. It was chaired jointly by the Foreign and Commonwealth Office (FCO) and the Department of Education and Science (DES), and also included officials from the Overseas Development Administration (ODA), and individual representatives from the British Council, Treasury, Home Office, Department of Trade and Industry, and the regional departments (Clarke, 1987: 100; Cultural Relations Department, FCO, 1987: 73). The IDG provided the only

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<sup>79</sup> There is some disagreement over the exact date of inauguration of the IDG. Clarke, for example, has maintained that the IDG was established in 1980. It appears most likely that the IDG may have operated as an informal grouping before 1983, at which point it was given formal status (Clarke, 1987: 100).

official contact between the British Council and the Department for Education and Science, a relationship which had become more significant following the lack of communication between these bodies during the decision to charge full-cost fees to international students examined in chapter seven (Clarke, 1987: 100).

The so-called 'Round Table' was created as a complement to the IDG. The Round Table allowed for informal discussions between representatives from central government and from non-governmental organisations (Overseas Student Trust, 1987: 2). The Round Table only met occasionally; just three meetings were held between 1983 and 1987 (Cultural Relations Department, FCO, 1987: 73). It had no formal relationship with the IDG, although they were seen as complementing each other, and no role in service provision (Hartley, 1987: 96).

As with the British Council, the deliberations of the IDG and Round Table embodied a view of international higher education as important not for immediate commercial purposes, but rather for maintaining links with the ex-colonies, for more general foreign policy purposes, and for international development.

### **3 Government strategies**

The ECS was created as a result of two decisions by government. The first was to follow the recommendations of the Pliatsky review, which had proposed the abolition of a number of organisations working in the international development field, including the IUC. The second was to follow civil servants' suggestions to create an ECS out of the British Council's Higher Education Division, following the full-cost fees decision. This section reviews these two processes and the role of government within them.

The Pliatsky review was commissioned by the then government, to examine the full range of 'British quangos'. It proposed the abolition of a number of these, and

recommended that the IUC be absorbed into the British Council.<sup>80</sup> The review maintained that the IUC's initial task of supporting the creation of universities in the emergent Commonwealth countries had mainly been accomplished, and that the IUC's then activities were beginning to impinge on those of the British Council (Overseas Development Administration, 1982: 20-1; Pliatzky, 1980: 77). As a former British Council employee maintained, the incorporation of the IUC was presented as "a sweeping up, a sort of making tidy" (interview with former British Council employee). The IUC's original budget from the ODA was maintained when it was subsumed under the British Council.

However, despite descriptions of the move as a technocratic matter of 'tidying up' institutional loose ends, the incorporation of the IUC into the British Council was opposed by HEIs, as well as by the staff of the IUC. Richard Griffiths, a former director of the IUC (from 1970-80), stressed his opposition to the move (The Times, 1985). A number of HEIs' representatives were also critical of the change. For example, the Vice-Chancellor of Leeds University maintained that the "remarkable effectiveness of the IUC has in no small way depended on its insulation from direct government control", which existed despite the fact that it was significantly funded by government (Boyle, 1980). He was particularly concerned about the effects of the incorporation of the IUC on relationships with "overseas academics" who might be "sensitiv[e]...to British Government control" (*ibid.*).

Once subsumed under the British Council, representatives of the polytechnic sector were added to the IUC, which was renamed the Inter-University and Polytechnic Council (IUPC). In 1982, as noted above, the Technical Education and Training Overseas Corporation (TETOC) had also been incorporated into the British Council. A 'Higher Education Division' was then created to amalgamate the IUPC and the TETOC into a "recognizable unit" which could "coordinate and

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<sup>80</sup> It has also been claimed that the reorganisation of the IUC had been proposed in the Swann and Berill reports (see THES, 1979b).

execute programmes of work hitherto the responsibility of the British Council and the inter-university council” (Humphrey, 1999: 10).

The ECS was, then, created in 1984, under the aegis of this new Higher Education Division within the British Council. Rather than the idea for the ECS coming from individual HEIs, however, it was civil servants within the British Council who first proposed the new organisation should be created.<sup>81</sup>

The British Council civil servants suggested the idea of an ECS to the IUPC soon after its incorporation into the Council (interview with former British Council employees). However, the ECS’ role was to differ significantly from that of the university-controlled IUC. As the ECS’ name suggests, it was intended to offer potential international students from developed and emerging economy countries advice and information on higher education opportunities in the UK, whilst aiding British HEIs to promote themselves to these students (THES, 2000c: 17; 1993a: 10).

The civil servants suggested that, given the recent changes to funding for international students, the new organisation could allow HEIs to recoup some of the income they had lost when government stopped subsidising international students. With the advent of full-cost fees, the civil servants suggested to HEIs that the ECS would provide them with a “shop window” to attract more international students, which might help plug the gaps left by cuts in government funding. In addition, the ECS would move beyond the existing work of the IUC, promoting British higher education beyond Africa and the ex-colonies to people “who weren’t going to get any government scholarships ...but who were wealthy” (interview with

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<sup>81</sup> It should be noted that the Overseas Student Trust also claims responsibility for first coming up with the idea of the ECS “during the pre-Pym Package campaign” (Overseas Student Trust, 1987: 38), and a private consultant, James Platt, had also suggested the creation of a marketing unit to promote British higher education courses abroad in his report ‘Education for the World’ (O’Leary, 1980b). Regardless of the provenance of the original idea, however, it was British Council civil servants who first suggested the idea to HEIs and asked for financial support for it from the Foreign Office.

former British Council employee). It would require minimal additional funding, since it could capitalise on the existing global network of British Council offices.

As a former British Council employee maintained, “it took a certain amount of proselytising” before the idea of an ECS was accepted by HEIs and other sectoral actors. Before the ECS could commence operations, the British Council had to secure sufficient financial support through subscriptions from HEIs to cover the costs of the operation (Humphrey, 1999: 14). The provision of ring-fenced, “matching” funds by the FCO, to equal HEIs’ contributions, was seen by some interviewees as key to securing the consent of HEIs (interview with British Council employee). This funding was provided from the Pym Package, which re-allocated funding from the FCO and ODA to programmes for international students, following the full-cost fees decision (Walker, 1997: 92). This new funding programme allocated £100,000 to the ECS as a ‘pump-priming’ grant (Cultural Relations Department, FCO, 1987: 76).

The British Council also hoped to garner HEIs’ support for the initiative through setting up three pilot projects in important areas for international student recruitment, which would have demonstrable results for UK HEIs’ recruitment programmes: Malaysia, Singapore and Hong Kong. The decision to begin the projects was taken in April 1984, with the hope that British HEIs would experience increased applications from the target countries in time for entry in autumn 1985 (Humphrey, 1999: 10). The pilot projects were to be “market-oriented”, and designed “to meet the needs of both British and overseas clients” (*ibid.*).

As with the creation of EduFrance, the creation of the ECS occurred within the context of an increase in the overall number of agencies operating in public policy (Ling, 2002: 618). However, there were few agencies which shared the ECS’ unique structure of membership and form of managerial oversight. The one ‘promotional’ agency whose structure and goals could be seen as analogous to



those of the ECS, British Trade International, was created after the latter rather than offering a precedent for it.<sup>82</sup>

As with its creation, the parameters within which the ECS operated were driven by government. This is particularly clear in the case of the 'branding' of British higher education. Rather than the branding operation building on HEIs' own, existing, efforts, the new brand model reflected the concerns of government to further develop the profile of British higher education overseas. Overall, therefore, the British government was pivotal in the creation and institutional design of the ECS.

#### **4 HEIs' strategies**

Just as some British HEIs were opposed to the incorporation of the IUC into the British Council, a number were also sceptical about the British Council's proposals to create the ECS. The major Scottish research universities tentatively supported the proposal, as did most of the Russell Group, the faction of the CVCP which represented the old research universities. However, Oxford and Cambridge strongly opposed the new plan, feeling that it would not sufficiently improve their existing promotional efforts (interview with former British Council employee).

Most importantly, the creation of the new agency reflected a move away from the IUC's stress on Africa. Some HEIs were concerned that this change in focus would have a deleterious effect on existing links between British HEIs and those in developing countries. A number of Vice-Chancellors who were members of the IUC

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<sup>82</sup> British Trade International was established in May 1999, and was intended to federate the DTI and FCO's efforts at export promotion. It was established following the Wilson review, which proposed the establishment of an organisation with "internal coherence and external clarity of identity and purpose, underpinned by strong branding" (Foreign and Commonwealth Office, 1999). Although the majority of members of the BTI board are from the private sector, it is chaired alternately by a DTI and an FCO minister, and includes representatives of the devolved administrations. As with the ECS, BTI was re-branded, although in this case relatively soon after its initial launch. Two other points of contrast with the ECS are notable. Firstly, BTI's funding was provided entirely by the FCO and DTI, rather than relying on a partnership between government and those served by the agency, as in the case of ECS. Secondly, both BTI and the TradePartnersUK brand were created significantly later than was the ECS and its EducationUK brand, which at the time constituted institutionally novel devices in British public administration (Foreign Affairs Committee, 2000). It is not, therefore, the case that the ECS could have been modelled on BTI (Interview with Trade Partners UK employee), although the reverse may be (at least partially) the case.

threatened to “withdraw cooperation with the government on overseas aid projects” unless the IUC was retained as a separate organisation from the British Council (albeit as a “unit attached to the British Council”) (O’Leary, 1980e). Ultimately, however, the Vice-Chancellors did not carry out their threat. Although in theory the IUC could have resisted any attempt at closure due to its status as a limited company, it was heavily reliant on state funding and the use of government services overseas, and was unable to operate without these (*ibid.*).

The creation of the ECS marked a move away from the IUC’s stress on educational cooperation. The ECS’ general relationship to HEIs was defined, as with EduFrance, by universities’ and colleges’ membership of the agency. This relationship was described by a British Council interviewee as a “matching partnership”. The Foreign Office was required to ringfence the ECS grant within its grant to the British Council (Interview with British Council employee), whilst affiliation fees from HEIs provided the rest of the agency’s funding.

The CVCP, the universities’ sectoral association, did not play a major role in defining the ECS’ approach. The extent of competition between the ECS and British HEIs was more limited than between EduFrance and French HEIs. However, the ECS was able to effectively divide between HEIs, by offering some (and not others) the use of its offices and special promotional services. This occurred without any coherent opposition from the universities’ sectoral association. Such criticism as did occur was limited in scope and had little effect, being generally expressed only by a small number of HEIs leaving the ECS, rather than being mediated through the sectoral association.<sup>83</sup> Oxford and Cambridge in particular “have now and then elected to go their own way outside ECS” (Humphrey, 1999: 117). In comparison with HEIs’ extensive control of the IUC, their ability to affect the ECS’ institutional design and operations was limited.

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<sup>83</sup> Although the membership of the ECS has stayed relatively stable; in 1989 all but two universities, all polytechnics and some colleges of higher education and central institutions participated in the scheme (Walker, 1997: 92), whilst in 1999, 286 members paid annual subscriptions of between £6000 and £18000 per year.

## **5 How the ECS operated in practice**

### **5.a The ECS' structure**

The ECS' Director is appointed by the British Council, on the advice of the ECS' Board (Humphrey, 1999: 146). The Board comprises a mixture of HEI and British Council representatives.<sup>84</sup> By 1987, "virtually all universities and polytechnics in Britain" had joined the ECS (Cultural Relations Department, FCO, 1987: 76), although as noted above, particular HEIs slipped in and out of membership, especially Oxford and Cambridge universities. The ECS soon became self-sufficient, being funded entirely out of HEI subscriptions (Overseas Student Trust, 1987: 38).

Since its inception, the ECS has been led by British Council staff, with the ultimate political responsibility for the agency resting with the Ministers for Education and Foreign Affairs. The development of the EducationUK brand was, however, especially associated with the leadership of the Prime Minister. The EducationUK brand constituted an attempt to coordinate all HEIs' and ECS' promotional activity towards international students under a generic name (EducationUK), slogan ("Be the best you can be") and corporate image. The EducationUK brand was created under the aegis of the "Prime Minister's Initiative" (PMI). The PMI constituted an attempt to coordinate HEIs, their sectoral associations, and specialist groups such as UKCOSA (the HEIs' organisation working on international students issues) with the ECS and the various departments with an interest in international students' policy (the Home Office (and its visa agency, UKVisas), the Department of Education and Skills, and the Department for Trade and Industry). The PMI followed an inter-departmental review of international students' policy conducted by the Cabinet Office, which was made public in June 1999. The review report maintained that there was a lack of coordination between the various British organisations working on international student matters, including the ECS,

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<sup>84</sup> The ECS' board comprises: three elected members from HEIs; two elected members from Further Education institutions; one elected member from the private and schools sector; two vice-chancellors who have been nominated by the CVCP (now UniversitiesUK); three senior British Council staff; and the Director of the ECS, who acts as the secretary (Humphrey, 1999: 145).

proposed the creation of new coordinating structures, and encouraged the creation of the new, encompassing brand.

## **5.b The EducationUK brand**

### **5.b.i The role of the Prime Minister**

The bearing of the PMI on visa procedures is discussed in chapter nine. It is important to note here that the PMI's emphasis on branding was explicitly linked with Blair's leadership. The British Council officially maintained that the PMI had been prompted by the Prime Minister's encounter with the Mayor of Shanghai, who was a former Chevening Scholar. This led, allegedly, to Blair's public recognition of the importance of international students (British Council, 1999a: para.44). In addition, the Brand report which followed the launch of the PMI linked the new policy towards international students explicitly with Tony Blair, claiming that:

"For 'tomorrow's world citizens', Blair's Britain is a positive step-change .... They see a move towards a more outward-looking modern-minded country with a desire to be involved with the world. Evidence of this would be a newly positive attitude to Europe, a feeling that Britain is once again open for business and the public focus on, in Tony Blair's words: 'Education, Education, Education'. This provides an unmissable opportunity to redress the negatives in their minds" (Education Counselling Service, 1999).

The PMI was announced in June 1999 at the London School of Economics. Alongside the branding exercise and new coordinating structures, the PMI involved setting a target for an increase in the UK's market share for international students to twenty-five percent by 2005. This was described as leading to an extra £500million in export earnings per year (*ibid.*: Introduction).

The Chair of the British Council, Helena Kennedy, maintained that the EducationUKbrand would allow "British universities and colleges to market themselves professionally with an image and standards of service which reflect our high standards." It was recognised that the branding operation would be

challenging given the “diversity of the UK education (*sic.*) and the courses on offer”. Nonetheless, it was hoped that it would “attract potential students who have the means to seek an international education and the ability to benefit from the quality and opportunities offered by UK institutions” (Her Majesty’s Government, 1999a).

The EducationUK operation to “brand British education as the first for quality and choice” was funded for its first three years of operation by £5million from government, coming from six government departments, which represented the full recurrent costs of the programme (Ratcliffe, 1999: 46). Twenty “priority markets” were identified which received £3.7 million in ECS grants in 1999-2000 and received “strategic planning support, policy guidance, performance monitoring and, where necessary, intervention” from ECS. Student recruitment events in “target markets” were also supported financially, at a rate of around £1 million a year, by the Department for Trade and Industry. The British Council maintained that whilst sufficient funding could probably be found within existing budgets to maintain the branding exercise for the following two years, it was necessary for longer-term funding to be secured “if the strategy is to succeed and the UK is to remain a major player in the international student market” (British Council, 1999a). In 2001-2 additional funding was indeed provided by government to sustain the initiative (Foreign Affairs Committee, 2002). This extra support from government for the ECS coincided with a reduction in funding for the British Council’s services for international students, which was reduced from the mid-1990s onwards.<sup>85</sup>

In 2000, the ECS’s Director, Allan Barnes, set out the agency’s mission. The ECS was to aim to become “the world’s leading national education and training

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<sup>85</sup> In particular, the British Council’s regional offices, which had formerly provided a number of facilities for international students, were reduced in number and resources, with a 23% reduction in staff from 1996-7 to 2000 (Vyatt, 2000). Whilst some of the British Council’s previous operations were maintained through “implants in universities and other institutions”, these were at a “much reduced level” compared to the previous system (Buchanan, 1999: para. 134-5). Attempts to further rationalise the existing system were made through the “Welcome to the UK” programme, following a “time immediately after the cuts when [the British Council] had to reconcile and reorganise when there was some concern about the quality of services” (*ibid.*: para. 140).

marketing organisation”, through implementing its “core values” of “pioneering professional standards for the international student recruitment business”, and a “creative, dynamic and flexible” approach focused “on the needs of the market and member institutions”, with “professional[ism] and consisten[cy] in all activity” (Barnes, 1999).

The ECS’ roles included the provision of information on studying in the UK to potential international students, through British Council offices and the ECS website; the provision of counselling to individual potential students at particular British Council offices; the organisation of a British presence at educational fairs; and the provision of information to HEIs on market opportunities and trends (Foreign Affairs Committee, 1998; Marsden, 1999; Targett, 1998a).

#### **5.b.ii The EducationUK brand and commercialisation**

The EducationUK brand was developed from research undertaken by ECS when it was commissioned by the UK Government to examine “the relative attractiveness and the actual and perceived costs of studying in the UK compared with other developed anglophone countries” (Wicks, 2000). Financial support for the creation of the brand was provided by the Departments for Education and Employment and Trade and Industry; the Ministry of Defence, the Foreign and Commonwealth Office, and the three devolved administrations (Education Counselling Service, 1999).

The adoption of this new brand involved the use of private-sector methods of marketing. During the development of the brand, the ECS coordinated the work of four private agencies which had been commissioned to undertake research and to evaluate possible approaches: MORI, a polling company; LD&A, a US-based business consultancy; Shandwick, PR consultants; and the advertising group, McCann Erickson Manchester. The brand was developed from research amongst potential international students. A summary of this research, presented in the report “Branding British Education”, was discussed with British Council officers and

educational sector representatives in May 1999 (*ibid.*). According to the research, British higher education was seen as insufficiently “cutting edge”, as lacking in innovation, not always competitively priced, and out-dated.

A second set of proposals were then discussed with another group of potential international students. These discussions informed the drafting of a final strategy. The brand was finally launched at the end of 1999, with marketing campaigns using the brand operating from January 2000 at the British Council's 110 offices (*ibid.*). The brand was defined using the advertising group McCann-Erickson's “proprietary brand planning tool” of the “Brand Footprint”, which was intended to capture the brand's “impression in a consumer landscape”. The new “desired brand footprint” involved British higher education being seen as “meaning” “[a] dynamic tradition”, “[t]he new world class”, “[b]eing the best I can be”, “being” “[r]esponsive”, being “[w]elcoming”, and “[a]live with possibilities”. The brand was also to be “sold” through McCann-Erickson's “selling strategy”, which constituted “a discipline that is single-mindedly focused on generating brand building ideas that create marketplace dominance” (*ibid.*).

Concomitantly, the ECS urged HEIs to adopt a more professional marketing approach. This was reflected in its commissioning of the “Gilligan report”, a report on the marketing of British higher education. This advocated that HEIs should adopting private sector methods of marketing, following an “authoritative benchmarking” on the marketing of British education (Gilligan, 2000: Sect.5.0; Barnes, 2000: 3). Colin Gilligan, a professor of marketing, advocated a number of changes to HEIs' current practices. He maintained that HEIs were, amongst other failings, not sufficiently focusing “the marketing spend and marketing activity upon key markets”, being “[r]elatively unambitious” in their “recruitment targets”, not sufficiently “understanding...the potential of current and future markets”, and not sufficiently segmenting or targeting specific markets (Gilligan, 2000: 6). He also criticised the ECS itself for lacking “detailed or strategic marketing expertise” (*ibid.*: 7). The ECS adopted a number of Gilligan's recommendations, and proposed that

HEIs should view “the international student base as a core element of the institution’s marketing effort”, commit “to the professional training and development of international marketing and recruitment staff”, and “[c]arefully segment[...] and select[...] markets for active promotion that are appropriate to the institution’s products and aspirations”. The ECS was also engaging, according to its Director Allan Barnes, in a “[d]etailed study of possible applications of modern e-business relationship marketing techniques” (Barnes, 2000: 12).

Currently, the ECS manages the EducationUK brand on behalf of the Departments of Education and Skills and of Foreign Affairs. The ECS’ role in this area has appeared to be relatively popular politically, with an Early Day Motion on the subject in 1999 attracting forty-four signatures from all parties except the Conservatives (Fitzsimons, 1999).

## **6 To what extent did the ECS lead to a liberalisation of international students’ policy?**

As with EduFrance, the ECS was created as a means of reorientating policy towards international students in a liberalising direction. Similarly to EduFrance, this is most evident from the agency’s impact on increasing the commodification of international students. Unlike EduFrance, however, the ECS can also be seen as leading to liberalisation through its encouragement of competition between HEIs for international students.

### **6.a Commodification**

The ECS can be seen as promoting the commodification of international students through targeting its promotional programmes on students from developed and emerging economy countries (rather than on developing countries), and through urging HEIs to recruit international students for their monetary value rather than for purposes of international development or for foreign policy reasons.



Particular countries were picked out for special marketing campaigns by the ECS on the basis of their perceived importance to the UK (Trend, 2001). The students recruited by the ECS were seen as likely to constitute the “future elite” in target countries, acting as “movers and shakers when they return to their own country” after a British higher education (Education Counselling Service, 1999). This focus on targeting students on the basis of their perceived future benefits to the UK is evident in the ECS’ focus on south-east Asia, and in its increased educational links with China (at least during the early years of its operations), compared with its lack of any focus on developing countries (Pickard, 2000; Wyatt, 2001).

In addition to itself promoting the commodification of international students, the ECS also urged HEIs to adopt a similar position. Firstly, it suggested that HEIs should change their courses in order to attract international students from “target markets”. Hence, both Colin Gilligan and Allan Barnes advocated that HEIs change their degree courses to improve marketing possibilities.<sup>86</sup> Currently, Gilligan claimed, “[f]ew courses” were “tailored to the specific needs of target markets overseas”, whereas a “cost-benefit” analysis of “students from different target markets” would indicate the advantages of a “more strategic approach to market development” (Gilligan, 2000: 6-8). A “shift” was required from the “product focused ethos that dominates institutions currently” to “a far stronger customer focused and market oriented approach” (*ibid.*: 7). This was echoed in Barnes’ comment that HEIs should seek to “ensure a degree of differentiation in the product offer”, through offering “[a]ttractive and innovative programmes with high added value that meet the market need” (Barnes, 2000: 13-4).<sup>87</sup>

Secondly, the ECS offered HEIs advice on how they could improve their share of important international student markets. For instance, in the mid-1990s the ECS

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<sup>86</sup> See Klein, 1979: 307, for an acute prediction of the likelihood of this type of activity following increased competition between HEIs for students.

<sup>87</sup> It also reflected the Brand Report’s contention that the concept of “quality education” had become “tired”, and should be redefined in the British case to “include quality of student experience, facilities, welcome and liveability as well as education *per se*”.

advocated that HEIs discount their fee levels in some geographical areas; and in 1998 it proposed that HEIs create special arrangements to aid students hit by the South East Asian currency crisis (Authers, 1995; Targett, 1998c).

## **6.b Competition**

The ECS did not significantly compete with individual HEIs in the provision of services. Unlike EduFrance, it did not provide generic products to potential international students.<sup>88</sup> The ECS did, however, effectively divide between HEIs in its promotional activities. It has not followed the practice of commercial recruiting agencies (which in some countries have broken the British Council's monopoly on educational counselling services and which advocate particular universities to potential students for a fee).<sup>89</sup> However, in practice one can discern differentiation between HEIs on grounds of perceived quality. The Russell Group of old research universities has been the main beneficiary of this differentiation.

Hence, for instance, the ECS' Dubai office is used by Strathclyde University as the focal point for delivery of the latter's MBA, although the ECS still purports to offer "even-handed advice" on other providers' MBAs; it offered its offices "for the use of the better UK universities" following the imposition of a strict registration process by the Hong Kong authorities, including allowing British Council staff to "help with registrations or examinations"; and it allowed Oxford University to use its offices for holding the examinations required by its distance learning programmes (THES, 1996c: 7; Financial Times, 1996b: 15; Targett, 1998b).

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<sup>88</sup> This contrasts with the activities of the British Council (the ECS' parent body), which did often involve competition against British HEIs, especially concerning attempts to win multinational or European educational contracts. Some interviewees felt this led to "a potential conflict" between the British Council's "public service functions for its grant in aid, and in [the British Council's] commercial revenue functions where indeed in some areas, it might be actually competing against the institutions that it's helping" (interview with Trade Partners UK employee; see also Financial Times, 1996a). Throughout the 1980s and 1990s a number of large educational businesses became critical of the fact that the British Council appeared to benefit from a 'quasi-official' status which they lacked. In some cases, these businesses were almost as large as the British Council, and resented what they felt was an unequal playing field. Whilst the British Council was "removed from government,...at the same time on certain matters" it was "an important arm of government" (interview with HEI employee). Such concerns have led the Council to alter its operations; in the 1980s the Council formally separated the income from the expenditure elements of its budget, in order to demonstrate that its commercial activities were not being cross-subsidised by government funding.

<sup>89</sup> As in Israel (THES, 1996b: 8).

The ECS has also, on occasion, decided to limit those institutions attending its educational fairs in order to prevent perceptions of 'over-eager' promotion, as at an education fair in Cyprus (THES, 1999d: 12).<sup>90</sup> Finally, in some cases the ECS has required HEIs to opt-in to promotional schemes through paying extra fees. For example, membership of the ECS' Japan Club enables HEIs to participate in special missions for around £2500 per year above the ECS subscription.<sup>91</sup> The development of such differentiated programmes has occurred despite the fact that the ECS formally committed, during the development of the EducationUK brand, to working with all members and even non-members of ECS, in order to promote British higher education (Financial Times, 1996a).

More recently, the ECS has ceased to work with only one HEI in any particular country, in order to show its "even-handedness". Whilst it continues to advise HEIs to collaborate where otherwise they might risk 'swamping' the market and thus wasting their own resources, the ECS has no ability to alter the "strategic marketing judgement[s]" arrived at by individual HEIs, even where the ECS feels that these might damage 'UK Plc' as a whole (interview with British Council employee).

However, the Gilligan report advocated that the ECS should again attempt to differentiate between HEIs in the provision of its services. It should work "far more closely with member institutions in order to understand in much greater detail their capabilities and expectations of individual markets" such that it could introduce "a segmented approach in [its] relationship with member institutions with the service level and fees reflecting this" (Education Counselling Service, 2000: Section 3.2). This has paralleled calls from a number of ECS outposts which have promoted the

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<sup>90</sup> Special guidelines had already been introduced, to ensure that only British HEIs could participate in such exhibitions, and to govern HEIs' conduct during the exhibitions (with sanctions applied if Codes of Conduct were broken). Participants were expected to "behave in a professional manner, consistent with the integrity and dignity of their institutions" (Humphrey, 1999: 61).

<sup>91</sup> The additional fees are necessary, according to the ECS, due to the extra costs of operating in Japan (Walker, 1997: 256).

development of “pilot schemes along the lines of placement agencies” (Walker, 1997: 256).<sup>92</sup>

In contrast with EduFrance, the ECS has, therefore, differentiated the services it has provided to different HEIs in the past, and may well do so increasingly in the future if the Gilligan recommendations are implemented.

Such a differentiated approach has not, however, led to extensive coordinated action by HEIs. Criticism of the ECS by British HEIs has generally concerned its emphasis, rather than its general approach. Hence, the Brand report reflected comments from HEI staff, who felt that the ECS should place greater emphasis on British HEIs’ value for money and high quality teaching, and should devote greater efforts to overseas visits by HEI staff rather than organising exhibitions (Education Counselling Service, 1999: sect.16). There was little criticism by HEIs of the ECS’ leadership in comparison with the situation in France, despite the similar prominence of figures also working in or originally from the private sector such as Colin Gilligan and Allan Barnes in the agency’s management (Education Counselling Service, 2000: Appx.1, p.18).

Where British HEIs did significantly oppose the ECS’ activities, this opposition was not coordinated through the universities’ sectoral association, but was expressed through universities opting out of the ECS’ membership, particularly Oxford and Cambridge. Aside from this, although numerous HEIs have criticised the ECS for its focus on particular universities to the detriment of others (and to Higher Education colleges), this has resulted in little change to the ECS’ activities. The Brand report, the report which launched the EducationUK label, noted that some institutions in Scotland and Wales felt that the ECS was overly focused on English HEIs, and sometimes even only on those HEIs based in London and South-East England (Education Counselling Service, 1999). The ECS has also been criticised

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<sup>92</sup> At the time of writing it is not exactly clear how and whether any restructuring of the ECS will occur (interviews with HEI representatives).

by some elements of the HE sector for focusing its efforts on large, prestigious HEIs to the detriment of the newer universities (Williams and Evans, 2005: 86). A number of HEIs felt that the ECS was attempting to be “all things to all people”. However, despite the British Council’s attempts to “bring [HEIs] together” (Kelly, 2000), the lack of formal coordination between HEIs has resulted in an individualised relationship between HEIs and the ECS, which has prevented HEIs’ sectoral associations from being able to engage with the ECS as representative interlocutors for the sector.

## **7 Conclusion**

This chapter has examined how the ECS agency created a new promotional infrastructure for British higher education overseas. The ECS did not continue existing institutional patterns, which had promoted cooperation between HEIs, and a view of international students as useful for international development and foreign policy purposes. Rather, the ECS’ creation and operations provided HEIs with incentives to commodify international students (through a concentration on students from developed and emerging economy countries) and to compete against each other for the recruitment of such students. The ECS was not created by HEIs but by civil servants within the British Council. HEIs were opposed to the incorporation of their existing organisation, the Inter-University Council, into the British Council. The IUC’s emphasis on links with developing countries was not adopted by the new ECS.

Throughout the period examined, the higher education sector has been divided over both whether the agency’s creation was a welcome development, and over the way in which the agency has carried out its promotional functions, especially where these have involved certain HEIs being favoured over others.

Overall, this chapter indicates that, at least in the field of international student recruitment, the creation of liberalising institutions did not proceed as Streeck and

Thelen would have predicted. The example of the ECS instead exposes the importance of the role of government and of intra-sectoral coordination.

## **Chapter 4: Promotional institutions in France**

### **1 Introduction**

As in Britain, the creation of a new agency by government to promote French higher education overseas has had a significant impact on the extent of commodification of international students, although it has had a lesser impact on the degree of competition between HEIs for the recruitment of such students.

Rather than arising out of HEIs' own efforts at promotion, EduFrance was created in 1998 by government with minimal HEI involvement, as a joint project of the Ministries of Foreign Affairs and of Education. Indeed, the creation of EduFrance occurred only two years after the effective abolition of the HEIs' own agency for international higher education, ARIES, following a withdrawal of government funding. HEIs had attempted to resist the closure of ARIES, but, as with the incorporation of the IUC into the British Council, they were unable to prevent this occurring due to the agency's reliance on government funding.

In addition to ARIES, three other organisations, the SFERE, CNOUS and Egide were all also active in the field of international higher education before 1998. However, EduFrance adopted a significantly different approach from all four organisations. In particular, it adopted a view of international students as economically valuable, which led to clashes with the existing organisations which had generally viewed international students as important for foreign policy or international development reasons, or which, in the case of the SFERE, had generally worked in the area of educational technology only.

Overall, EduFrance led to a liberalisation of international students' policy, as it explicitly adopted, and propagated, a view of international students as commodities. It both charged international students for its services, and also attempted to reorient the promotion of French higher education abroad to developed and emerging economy countries. HEIs resisted this new, liberalising approach to

international students' policy. Collectively, working within the *Conférence des Présidents d'Université* (CPU), French HEIs were able to force a change in the management of EduFrance, when its original head, François Blamont, who had extensively promoted a liberalisation of international students' policy, was removed. However, they were unable to alter its re-orientation of French higher education promotion towards countries which had greater economic, as opposed to colonial, links with France.

## **2 The pre-existing situation**

A number of organisations existed prior to the creation of EduFrance in 1998, within the field of international higher education. These included ARIES, which was created and managed by HEIs, and the *Société Française pour l'Exportation des Ressources Educatives* (SFERE), *Centre National des Œuvres Universitaires et Scolaire* (CNOUS) and Egide, which were created and managed by government. The activities of ARIES, the CNOUS and Egide did not lead to HEIs competing against each other for international students, nor did they lead to sectoral actors viewing international students as commodities. While the SFERE adopted a much more commercial approach, it had little contact with HEIs and mainly worked on the promotion of educational technology.

### **2.a HEI-led organisations: ARIES**

The only previous organisation in international higher education not to have operated directly under the Education Ministry was the ARIES agency. Rather than constituting a basis for the development of EduFrance, ARIES performed a significantly different function, and was formally separate from government. ARIES was not designed to promote a liberalisation of international students' policy. Rather than providing HEIs with incentives to compete against each other, or to commodify international students, the organisation encouraged coordination amongst HEIs, within the framework of a development-based approach to cooperation in international higher education. Due to the removal of government



funding, however, ARIES was forced to close two years before the creation of EduFrance.

ARIES pursued a significantly different approach to EduFrance. EduFrance was described, in comparison with ARIES, as taking “the politically supportable part of the [international higher education] agenda”, i.e. as concentrating on the promotion of French higher education to potential international students, but failing to encompass ARIES’ other work, such as facilitating staff exchange and other forms of higher education internationalisation which did not involve liberalisation (interview with former British Council employee; interview with former ARIES employee). Whilst ARIES was involved in developing long-term links with universities and colleges abroad, including links with academics from developing countries, EduFrance concentrated on developing concerted promotional campaigns which targeted well-off potential international students living in different geographical areas.<sup>93</sup>

ARIES was formed out of one of the Commissions of the *Conférence des Présidents d’Université*, that concerning Exterior Relations (the ‘COREX’). From 1990 onwards, COREX had organised an annual meeting of universities’ international relations staff. The new meetings coincided with the inclusion of international issues in the funding contracts struck between universities and government, which had raised the profile of international students within universities’ strategies (Interview with CPU employee and with former ARIES employee). After two years, it was decided that if COREX’s annual meetings were to be used to develop policy concerning international students, it would need to hive off its operational activities to another body. ARIES was thus intended to deal

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93 Indeed, EduFrance was initially criticised for a ‘short-term’ approach towards the promotion of French higher education to particular geographical regions. Hence, for example, some ambassadors were critical of EduFrance for inconsistency, with the French ambassador for India reported as stating that “the number of Indian students in France has doubled in two years, mostly thanks to EduFrance, but the agency hasn’t done anything this year (2001). It needs work for five or six years, otherwise the initial investment is lost” (Davidenkoff, 2001). In contrast, ARIES’ early activities have been described as attempts to build up long-term cooperation between the French higher education sector and that of other (both developed and developing) countries.

with the 'operational' aspects of international higher education on behalf of French HEIs (interview with CPU employee; Le Monde, 1992b).

Additional support for the creation of ARIES in 1992 came from the *Conférence des Grandes Écoles* (CGE), many of whose members also became involved in the new agency. The CGE also contributed significant funding.

The then Education Ministry was also supportive of the new agency, although central government lacked any formal control over ARIES. Jack Lang as Education Minister pronounced himself "very much in favour of ARIES" (interview with former ARIES employee) and his ministry contributed to the running costs of its four to five staff. Additional staff were seconded to ARIES on an *ad hoc* basis from HEIs. The organisation developed a range of publicity materials for French higher education, attempted to improve French HEIs' ability to win European and multinational educational contracts, and acted as a peak association for French HEIs' international staff.

Under Lang, the Education Ministry provided the new agency with a non-hypothecated grant. In December 1995, however, the governmental portion of its funding was removed by François Fillon, then the new Minister for Higher Education following the right's victory in legislative elections in 1993. Interviewees claimed that this may have been linked to the fact that the agency was an *association* according to the 1901 law, with its leadership personally financially liable for any losses. ARIES had attempted to change its organisational framework in a more formal and transparent direction, and from 1994 had proposed that it should become a *groupement d'intérêt public* (GIP) or similar. GIPs were semi-autonomous agencies mainly used as a means of coordinating universities with research groups, and EduFrance was given GIP status when it was created. However, interviewees claimed that the Ministry filibustered these attempts to place the agency on a more solid organisational and legal footing. The withdrawal

of government funding in the face of considerable staff and operational costs, led to the agency having to cease operations.

## **2.b Government-led organisations**

### **2.b.i The SFERE**

The only existing explicitly promotional body for French educational services was the SFERE. This organisation was created in 1984 by Alain Savary, then Minister of National Education, as a private company which would promote French educational technology abroad. It has continued to operate throughout the 1980s and 1990s. Although some of its work has involved international students, this has generally centred around organising special training programmes for groups chosen by foreign governments, rather than promoting French HEIs to potential international students without any governmental intermediary, as is EduFrance's role. The SFERE's role was mainly confined to the promotion of French educational technologies rather than that of French higher education as a whole. The organisation has had only very limited links with EduFrance from its inception (interview with SFERE employee).

### **2.b.ii The CNOUS and Egide**

Two other organisations have been active in providing services for international students (as opposed to promoting French higher education abroad); the CNOUS and Egide.

The CNOUS was created as a public establishment in 1955, with the task of improving students' living and working conditions. Managed by the Ministry of Education, the CNOUS operated regional outposts called the CROUS. In this role, the CNOUS was involved in providing services for international students provided with state bursaries from around 130 countries.

Egide was created in 1960 by the Minister for Cooperation as the *Association pour les stages et l'accueil des techniciens d'Outre-mer*. As its role expanded from a

focus on Africa to cover the European Community as well, and it came under the control of the Ministry of Foreign Affairs, the body was renamed the *Centre International des Stages* (CIS). In 1980 the CIS became the CIES, with the inclusion of students in its programmes following merger with the *Office de coopération et d'accueil universitaire* (OCAU). Its role was further increased in 1998, when it merged with the *Agence pour l'accueil des personnalités étrangères*, an agency which organised transport and accommodation for guests of the central government.

Neither the CNOUS nor Egide shared EduFrance's liberalising emphasis. Both agencies lacked any explicit role in the promotion of French higher education to potential international students, and both had mostly confined their activities to scholarship students. Indeed, both came to see themselves as competitors with EduFrance at an operational and political level (interview with EduFrance employee). As detailed below, EduFrance was obliged to demarcate itself from both agencies as they increasingly came to resent its attempts to control French policy towards international students. EduFrance did not constitute a natural outgrowth of either existing organisation, and its commercial approach clashed with the more traditional approach of CNOUS and Egide.

### **3 Government strategies**

EduFrance was created in 1998 and became operational from the start of 1999. It was a joint project between the then Minister of Education, Claude Allègre and the Minister of Foreign Affairs, Hubert Védrine. Both the Education and Foreign Affairs ministries had been attempting to improve France's presence at international higher education events, sometimes in conjunction with the *Conférence des Présidents d'Université*, the universities' sectoral association, from the mid-1990s (Bloche, 2000: Sect.2; interview with DRIC employee). The new agency was intended to further improve France's position in the "international higher education market" (Davidenkoff, 2000a). EduFrance was to promote French higher education

to potential international students, to advertise French educational technology, and to improve the French share of international higher education contracts.

As noted above, EduFrance did not grow out of existing organisations. In particular, it was not created on the basis of HEIs' existing promotional efforts. In comparison with the HEIs' ARIES, "an association of people", EduFrance was "an organisation created by the minister of international affairs and the ministry of education, so it was quite an official governmental-type agency" which had a membership not of "people [i.e. of individuals] but institutions [i.e. HEIs]" (interview with HEI employee). Both in its institutional design, and its operations, EduFrance differed significantly from ARIES. EduFrance was, instead, explicitly created as a joint project between the Ministers of Education and Foreign Affairs. In particular, the then Minister of Education, Claude Allègre played a pivotal role. Allègre had a strong interest in international higher education (Davidenkoff, 2000b) and was concerned to quickly demonstrate the "crucial importance which the new Government place[d] on the matter of international students" (Gérard, 1998).

EduFrance's liberalising operations were mainly led by government. It was funded jointly by the two ministries (Bloche, 2002: 1B2b) with the agency's budget amounting to 8.6million euro in 2003 (EduFrance, 2003). The Foreign Affairs Ministry also provided EduFrance with access to staff in the cultural and cooperation sections of French embassies (Estrosi, 2001). Over the years since EduFrance's inception, the number of international students attending French HEIs has increased considerably, although the agency did not meet Allègre's target to double the numbers in four years (L'AEF, 2000).

Aside from the government's financial influence on the agency, perhaps the most significant indicator of government control over EduFrance was the appointment of its first director, François Blamont, who was a strong supporter of the liberalisation

of international students' policy.<sup>94</sup> Blamont was concerned to develop EduFrance's commercial operations which, through charging prospective international students fees, and through targeting students from developed and emerging economy countries, intensified the commodification of international students. The change in EduFrance's directorship after four years resulted from coordinated political activity by HEIs to change EduFrance's orientation away from its previously liberalising approach.

Overall, EduFrance's creation and its subsequent operations were subject to a significant degree of direction from the French government, rather than the organisation being led by HEIs themselves.<sup>95</sup> As early as 2000, both Allègre and Védrine maintained that their creation of EduFrance, along with other initiatives, had allowed France to "meet the challenge" of the international market in Higher Education (Allègre and Védrine, 2000). Certainly, by 2001, EduFrance was credited by both its managing director (Rotman, 2001) and the Minister of Foreign

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94 Blamont's appointment appears to have proved controversial even within government; his previous business dealings had twice attracted interest by the Inspector of Finances, and his appointment allegedly resulted in conflict between the Ministry of Finance on one side, and the Ministers of Education and Foreign Affairs and the Prime Minister on the other (Delberghe, 1999; Renaud and Thoraval, 1999).

95 It might be questioned whether EduFrance was genuinely under the control of government, given the fact that a prime ministerial agency, the Superior Council for the French Language, had been highly critical of EduFrance's activities but failed to achieve any change in these. The Superior Council for the French Language was created to ensure the implementation of the 1994 law on the use of the French language, and was presided over by the Prime Minister (Conseil Supérieur de la Langue Française, 1999). By 2000 the Council was cautioning EduFrance against promoting courses offered in English, which would "marginalise international students, create distortions in degree structures and offer international students unfair advantages" (Conseil Supérieur de la Langue Française, 2001). By 2001-2, EduFrance offered 23 (non-language) degrees in its catalogue which were taught entirely in English (Deforno, 2002: 34); thus, the comments of the Council appear to have had little effect. However, it should not be surmised from this that the government as a whole lacked control over EduFrance's operations. EduFrance's approach to the use of English was consistent with the approach of the government, at least as expressed by the then Minister for National Education, Claude Allègre. Allègre had claimed even before the creation of EduFrance that "the French must cease considering English like a foreign language" (Allègre, 1997), and that English "had become a commodity...which should be taught....from nursery" (le Figaro, 1997). EduFrance's activities were thus coherent with the overall approach of the then Education Ministry, if not with particular elements of the executive, on some dimensions.

Affairs (Bourg-Broc, 2001) as having achieved a significant increase in international student numbers since its inception.<sup>96</sup>

#### 4 HEIs' strategies and coordination

HEIs were rather sceptical concerning the creation of EduFrance. The withdrawal of funding for ARIES had reduced HEIs' trust in government when it came to policies in international higher education (interview with HEI employee). Such suspicion was heightened by the fact that the first figurehead for the new organisation, François Blamont, had a notorious reputation for his business dealings, and explicitly promoted the commodification of international students.

Interviewees maintained that pressure from HEIs, with the backing of the CPU, had led to Blamont not being re-employed as the head of EduFrance after its first four-year period, with the position instead being taken up by the less controversial (and more academic) figure of Thierry Audric (interview with CPU employee). Although Blamont's removal coincided with a review of the agency (all *groupements d'intérêt publique* were reviewed after their first four years of operation), it does not appear that Blamont had hoped to retire at this point (interview with HEI employee).

HEIs were also "circumspect" concerning EduFrance's scope of action. They were particularly concerned about EduFrance's provision of services to international students, due to the fees required to access these. A report by the former academic Albert Prévos report articulated this concern, and was supported by many members of the CPU (Prévos, 1999). Prévos, then the National Education Inspector, suggested that decision-making on the subject of international students

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<sup>96</sup> It is interesting that such a marked process of commodification was accompanied by significant attempts by government to disown the process, on occasion, despite the fact that it had originally promoted it. Hence, the Minister of Education maintained in 1998 that "in the great global education competition, France must make its voice heard: rather than jump into the market, we must promote public service, which is a better guarantee of education than any private system" (Gérard, 1998). Similarly, in 2000 the Minister of Education again insisted that "[t]his is not to do with selling in its normal sense, but of regrouping the forces of our educational system to promote it, against a liberal offensive which is worrying us" (reported in Guibert, 2000). This conflict between rhetoric and the concrete activities of engagement in the world higher education market was noted by the newspaper *Libération*, which summarised the government's position as that between postcolonial and neoliberal *mauvaise foi*, mediated by negative references to the influence of the United States (*Libération*, 2000a).

should be devolved wherever possible to individual HEIs. Similarly, the parliamentarian Alain Claeys reported HEIs' concerns that the new agency might prevent them from "export[ing] their offer of education abroad". HEIs, Claeys maintained, were resisting EduFrance's attempts to "become a new operator", through itself offering international students services (Claeys, 2000). HEIs were concerned that they would be ultimately penalised for "playing the game" and cooperating with EduFrance (Claeys, 2001a). In 2000, Claeys described universities' suspicion of EduFrance as so serious as to potentially lead to them "turning away" from the agency, and renouncing their membership (Claeys, 2000).

This contrasted with EduFrance's then position, as articulated by Blamont, that "today, experts maintain that universities should rely on professional organisations [for the reception of international students] who understand what "welcome" and "service" mean, so that teachers can remain teachers and universities can remain preoccupied with diffusing knowledge", rather than following Prévos' "idealist" suggestions (l'AEF, 2001b).

Once under its new leadership, EduFrance appeared less concerned to centralise services for international students under its own brand. In 2000, Bernard Raoult, the new President of EduFrance, drew together a team of academics, former university presidents and former directors of *grandes écoles* to advise EduFrance, stressing that the "coordination of know-how of our HEIs" was an indispensable condition for EduFrance's success (Unknown author, 2000a). Henceforth, EduFrance limited its provision of generic services. The HEIs' campaign against François Blamont thus does appear to have led to a reduction in the commodification of international students, through a reduction in EduFrance's provisions of these charging services for prospective international students.

## **5 Establishment of the new institution**

EduFrance's structure was defined by its status as a *groupement d'intérêt public* ('GIP'), a new organisational form recognised by the French government, which



allowed public sector organisations to work with private sector ones. The agency enjoyed a membership of both universities and *grandes écoles*, with the Foreign Affairs and Education ministries also represented on its governing board. By March 2001, EduFrance had 145 HEI members, of which 68 were universities and 77 were *grandes écoles* (Bourg-Broc, 2001).

The use of GIPs was initially confined to regional research partnerships, where universities or *grandes écoles* collaborated with other public bodies (Conseil d'Etat, Section du rapport et des études, 1997; Muzellec and Nguyen, 1993). GIPs were seen as a method of encouraging partnership between the state and outside bodies through a cooperative organisation (Cauville, 1999). The law of 1982 which created GIPs in research and technological development stipulated that the French government had to periodically review each GIP in order to decide whether its GIP status should be renewed (Gouvernement de France, 1982: Ch.2, sect.2, art.21).

Aside from its frequent use as the organisational framework for '*Poles Universitaires Européennes*' (associations of HEIs in particular regions), as noted above the use of GIPs was mainly restricted to networks of research institutes until relatively recently. Most such GIPs had a relatively low political profile, being used only to further the operational coordination of regionally-based research programmes. As a result, such GIPs excited relatively little comment in the press and media.<sup>97</sup> In contrast, the fact that EduFrance's creation as a GIP allowed it some operational independence, and enabled it to engage in commercial operations, was highlighted as a significant change in the field of international students' policy. In the past, most attempts to promote French Higher Education abroad had been non-commercial, and were coordinated explicitly through the Foreign Affairs and/or Education Ministries, often with the support of the HEIs' sectoral associations. EduFrance marked a change from this previous approach.

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<sup>97</sup> For an uncommon exception, see Le Monde, 1991b.

The structure of EduFrance, as a GIP, allowed the government much more control than would have been possible over ARIES. ARIES' structure as an *association loi 1901* was highly informal; as an interviewee noted, "you can organise an Association very easily, you need a President, a Vice-President, a treasurer, and it's finished, you [need only] go to the Prefecture and lay down the statutes" (interview with former ARIES employee). EduFrance's more formal structure as a *groupement d'intérêt public* has allowed much greater control by the executive, as the GIP's status must be renewed every four years, allowing for an extensive assessment of its performance to date. The status of EduFrance as a GIP also allowed the government to formally participate in the choice of officers of the GIP, a key role evident from the political disagreements arising from the initial choice of Director General, François Blamont.

More broadly, EduFrance was created during a period of expansion in the use of agencies (as well as of GIPs as a subset of agencies) in France from the mid-1990s onwards (Pollitt and Bouckaert, 2000: 230), as part of a general process of *déconcentration* (Mordacq, 2001: 2). However, the EduFrance agency was the only agency of many proposed by the then Education Minister which has survived.<sup>98</sup> The use of agencies with an arms-length relationship to the state formed part of a wide-ranging administrative "modernisation" programme by the French Prime Minister which was initiated in June 1998 (Gouvernement de France, 2005). The *programme pluriannuel de modernisation* classified EduFrance as one, novel, element of a reform agenda promoting decentralisation and functional autonomy (Gouvernement de France, 2001a, 2001b).

## **6 The operation of EduFrance**

### **6.a EduFrance's approach to higher education promotion**

EduFrance had a variety of operational roles. Firstly, it acted as a "point of entry into the French education system" (Auffray, 1999) for potential international

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<sup>98</sup> For example, Allègre also proposed that agencies should be set up to deal with competitive civil service exams and staff recruitment (Cole, 2001: 711), but these proposals did not result in significant institutional change.

students. It thus provided information and advice on the French higher education system and the practicalities of staying in France (Cova, 2001; Lengagne, 2001) to interested individuals. This involved a number of initiatives: the production of a catalogue of different courses, which individual HEIs could use to advertise themselves; the creation of a website promoting French universities and *grandes écoles*; and presence at various 'trade fairs' for international higher education (Deprez, 1999b; Le Monde, 2000a). The agency also developed a number of 'Espaces EduFrance' in different countries, which offered a "tailored portal" into EduFrance's services for different nationalities. These were often operated in conjunction with embassies (as in Hong-Kong, Taiwan, Venezuela and Colombia), or with *Alliances françaises* (as in Brazil, Mexico and China) (Deprez, 1999b).

Secondly, as examined in more detail in the section below concerning EduFrance and the commodification of international students, EduFrance developed a range of services for which prospective international students were charged. These included the 'EduFrance Pass' and the provision of a range of summer schools, both in France and overseas.

EduFrance's activities were comparable to those of other agencies operating along commercial lines,<sup>99</sup> and were modelled on the existing practices of France's "anglo-saxon competitors".<sup>100</sup> As with the British Education Counselling Service (if to a lesser extent), EduFrance attempted to "brand" (*labelliser*) the French higher educational offer, and to develop awareness of this brand (Johsua, 2002),<sup>101</sup> in conjunction with French HEIs and other public and private operators (Deprez, 1999e).

François Blamont, the first Director of EduFrance, was particularly concerned to promote the involvement of private agencies and HEIs in international student

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99 As was claimed by Australian Education International, in its assessment of the role of EduFrance (French Embassy in Australia, 2002).

100 As claimed by the then Minister of Education (Gilbert, 1999).

101 See also Le Monde, 2000a.

recruitment. Hence, for example, he maintained that the “enemies of EduFrance are those professors who think that the provision of education must be 100% public”, with “the ‘*franco-français*’ debate about the public and private sector” being “old fashioned” and irrelevant (Johsua, 2002). Blamont maintained that the existence of private schools in France, delivering degrees, suggested the inevitability of progress towards a commercial approach to international student recruitment, where degrees could be explicitly “sold” (Boulangé, undated). As he claimed, the objective of EduFrance, at least under his Directorship, was to “sell French universities like one would sell champagne and perfume” (Les Echos, 1999). In order to facilitate this, EduFrance developed a number of services which potential international students could pay for, which are examined in the next section.

In addition to promoting French higher education to potential international students, EduFrance also developed a role in the promotion of French educational technology, with a special sub-group being set up to coordinate this under the guidance of a vice-president from the *Chambre de Commerce et d'Industrie de Paris* (Deprez, 1999a). In addition, the agency acted as a ‘broker’ for HEIs to respond to international contract offers, as with the contract between the universities of the Côte d’Ivoire and the University of the Mediterranean (Marseille). EduFrance also, on occasion, acted to coordinate all its members in relation to international organisations, as with the World Bank’s partnership agreement with the 165 universities and *grandes écoles* which were members of EduFrance, to offer training to its officers, journalists and/or academics from developing countries (Libération, 2000b). Despite this, EduFrance’s work as a “federating axis” for French HEIs was criticised by the government in 2001 for failing to “convert [...] operators to the new methodological exigencies of international action by consortium” (Gouvernement de France, 2001b).

Finally, in addition to the services it provided directly to potential international students and to HEIs individually and collectively, EduFrance also acted to

promote change in HEIs' approach to international student recruitment. Hence for example, it attempted to help HEIs develop their international activities in the framework of their quadrennial contracts.<sup>102</sup> EduFrance offered to provide guidance for HEIs on how to internationalise their curriculum, how to welcome and support international students, how to send French students abroad, how to arrange the co-supervision of theses with foreign HEIs, and how to respond to international projects (Blamont, reported in Cauville, 1999). It also encouraged HEIs to create Vice-Presidents charged with international affairs and with the recruitment of international students (Les Echos, 1998). Overall, the government saw EduFrance's role as "contributing, through a dynamic and incentivising action towards HEIs, the improvement of [the French] system of recruitment and follow-up in comparison with [France's] foreign partners" (Gilbert, 1999).

## **6.b EduFrance and other organisations working in international higher education**

Some of the existing organisations operating in the field of international higher education resented EduFrance's commercial approach to international student recruitment. EduFrance's introduction of "welcome fees" for international students, in particular, created some tensions, as the reception of new international students (albeit on a non-charging basis) was "exactly" the traditional "work of Egide and the CNOUS" (interview with EduFrance employee). This led to the conclusion of an agreement between EduFrance and existing bodies in July 1999, which maintained that "EduFrance cannot have a monopoly over overseas presence", and that a contractual basis would be sought for relations between the organisations (Egide, 1999a). EduFrance was also required to sign a contract with Egide which provided for an explicit division of responsibilities concerning the provision of services to Chinese students. Egide had traditionally managed the processing of such students, and EduFrance contracted out the recruitment and administration of Chinese bursary students to Egide (Egide, 2000).

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<sup>102</sup> See chapter seven for a discussion of the role of the quadrennial contracts in promoting liberalisation of international student recruitment.

In 2001, an attempt was made to better coordinate EduFrance's operations with the other organisations operating in the field, including the CNOUS and Egide. A new National Council on the Recruitment of International Students was established in 2001, following the publication of a report on international students by the academic Elie Cohen. This new body was created to improve the coordination of EduFrance's activities with HEIs and government as well as with other agencies in international higher education (Cohen, 2001). It included representatives of the relevant ministries, of EduFrance, of the HEIs' sectoral associations, and of the existing agencies such as the CNOUS and Egide.<sup>103</sup> The new Committee on Foreign Students added another layer of decision-making above EduFrance.<sup>104</sup>

Overall, EduFrance supplemented rather than supplanted the existing institutional framework in international higher education, and it differed significantly from existing organisations both in its institutional design and its operations. It adopted a view of international students as commodities, both through charging prospective international students for the services it offered, and through promoting a reorientation of international student recruitment towards developed and emerging economy countries, and away from the traditional catchment countries of the developing world. This approach clashed with that of agencies such as Egide and

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103 The National Council for the Recruitment of International Students included eight representatives of the ministries (of which four represented the minister of higher education, and four represented the minister of foreign affairs); any other interested ministers who had been invited; eight members representing HEIs (of which four represented the CPU, one represented the CGE, two represented the *Conférence des directeurs des écoles et formations d'ingénieurs*, and one represented the Directors of IUFM); three representatives of those organisations involved in the management of the recruitment of international students (one of these represented the EduFrance agency, one the CNOUS and one Egide); and fifteen otherwise qualified people. These members were in position for four years. The president of the Council was appointed by joint decision of the Higher Education and Foreign Affairs ministries, and EduFrance provided the secretariat of the Council (Gouvernement de France, 2002).

104 It was suggested by interviewees that yet another additional layer of decision-making might be added on to EduFrance in the near future, with Thierry Audric, the new Director General of EduFrance, being commissioned to examine whether EduFrance, Egide and the CNOUS could be federated together for the start of the next GIP term. This new agency would significantly expand EduFrance's role to cover the management of international students, including scholarship students (interview with EduFrance employee).

the CNOUS, that had prioritised the development of links between France and developing countries, and especially African countries.

This lack of coordination between the agency's objectives and existing initiatives was noted in a number of reports on the French approach to international promotion (Claeys, 1999; Hugon and Winter, 2002). Yet, such reports failed to highlight the most important cause of disjuncture between EduFrance and other organisations. Conflict between EduFrance and existing organisations occurred because of EduFrance's commercial approach to international student recruitment, compared with the other organisations' approaches which were based on a view of international students as important for foreign policy or international development. Hence, the Cohen report referred to above rather delicately states that the "plurality of organisations which intervene in the administrative and logistical elements of recruiting foreign students" should be preserved as it "constitutes a factor of gentle competition and of dynamism and not a structural cause of redundancies and dysfunctions", even although it "imposes a greater effort of coordination between organisms and clarification over the respective fields of intervention of the various actors involved carrying out missions of general interest" (Cohen, 2001). Such missions were, however, being conducted with reference to very different goals. This becomes evident from a survey of the extent to which EduFrance promoted a commodification of international students.

## **7 EduFrance and the liberalisation of international students' policy**

### **7.a Commodification**

The fact that EduFrance's creation was explicitly linked to a commodification of international students was recognised by one of its creators, Claude Allègre. Allègre maintained that the agency's role in bringing more international students to France was part of a larger movement towards the commodification of "intellectual grey matter":

"We suddenly realise that this intellectual grey matter carries with it the same consequences as every primary material: commerce, money, power, temptation to

monopoly, in brief what transforms every object- whether or not it is an intellectual object- into a commodity. It is in the same spirit that we search to improve the international profile of our intellectual profile: the creation of the EduFrance agency to bring more international students..." (Allègre, 1999).

This view of EduFrance was shared by one of the Education Ministry civil servants interviewed, who maintained that EduFrance "is an agency with a commercial goal", which explained the fact that "the African public are not targeted by EduFrance". The goal of EduFrance was thus "to search for the rich and very good students, and to make them come here. It is a policy which one absolutely cannot use in Africa" (interview with DRIC employee).

EduFrance promoted the liberalisation of international students' policy, to the extent that it facilitated a view of international students as commodities. It particularly focused on new, commercially lucrative international student flows, and on the charging of potential international students for specific services. The creation of EduFrance has been cited, alongside other changes, as underlining the priority given to the training of foreign elites in France (Estrosi, 2001; Perrut, 2001). EduFrance put into practice governmental plans developed as early as 1993 to re-focus international student recruitment on particular developed and emerging economies seen as key growth markets for French high-end products, particularly in South-East Asia and Latin America (Raymond, 1994). The geographical zones prioritised by EduFrance were reported by Blamont, apparently in order of preference, as "western, central and oriental Europe, south and south-east Asia as well as Japan, much of Latin America, that is to say Mexico, Chile and the Mercosur countries, a 'common market' grouping together Argentina, Paraguay, Uruguay and Brazil, and finally, South Africa and other African countries, in particular those with Mediterranean coasts" (Blamont reported in Cauville, 1999).

EduFrance also attempted to develop commercial relationships with potential international students. This involved a variety of measures (Les Echos, 1999).



Perhaps most importantly, EduFrance developed a system of individualised services for potential international students. EduFrance's services for potential international students were initially offered as part of a "welcome package", for which separate fees were payable (Cauville, 1999; Les Echos, 1999; Unknown author, 2000). Potential students could choose a minimal package, which included help from the airport, tickets for travel to the HEI and a night in Paris if timetables required it, and the designation of a "partner" (*parrain*) for each student, in the city where they would be staying. They could add additional services "*à la carte*", which included access to housing, to social cover, language training, cultural trips and educational tutoring (Deprez, 1999b). EduFrance thus attempted to present itself as the "*guichet unique*", the all-encompassing point of contact, for international students (Blamont reported in Cauville, 1999), rather than this role being performed by HEIs themselves.

By 2001, 1086 students had used (and paid for) such services (rising from 359 students at the end of 2000) (Gouvernement de France, 2001b). Such services generally involved the payment of around 5000 francs per student as "welcome fees". These fees, through encouraging "solvent students" to attend French HEIs, were described as having "a global effect on the French economy" (Le Monde, 1999).

From 2001 onwards, EduFrance's services for potential international students were consolidated under the "EduFrance Pass" (Deforno, 2002). This was produced in conjunction with the Office of University Tourism, and allowed reductions on cultural and language holidays; access via the CNOUS to all 480 university restaurants, for 14,90 francs; and access to the ISIC international student card. It was intended that the EduFrance Pass would be extended into a "veritable electronic wallet", with simplified access onto urban and national transport through the Paris metro and French railways. The then Director of EduFrance, François Blamont, hoped that the new services would enable the agency to "clothe" the courses proposed [by HEIs] by selling, key in hand, the services which allow one to

live well in France” (Unknown author, 2000b). Blamont suggested that there were a range of other potential commercial opportunities for EduFrance to explore, given the existence of “considerable markets” in educational CDROMs and distance learning, and the possibilities of creating new universities and professional schools (Guibert, 2000).

Another service operated by EduFrance which enabled the charging of international students, and thus their commodification, was the provision of summer schools in France. These were designed “to allow a first personalised contact with students who would like to engage in French higher education” (Unknown author, 2000a). They were developed both in France and in other countries, with the first summer schools outside France occurring in Australia in 2001. These summer schools were later adapted into longer-term training programmes (French Embassy in Australia, 2002). However, although these courses were intended as a means to the agency becoming financially self-sufficient by 2002, they were not an unmitigated success. The first specialised training programmes attracted only 75 candidates (out of the 8,000 hoped for) (Les Echos, 1999).

The development of such services was intended to enable EduFrance to become self-sufficient. It was hoped that 80% of EduFrance’s income would come from the sale of educational materials, and 20% from the sale of expertise for international projects, with HEIs being refunded the surplus revenue when EduFrance “won a project”, minus the agency’s commission of 8% (Guibert, 2000). A target was set for the agency to raise 50 million francs by the year 2000 through new international students’ purchase of the EduFrance Pass and of other services (Deforno, 2002). More substantially, Cécile Deer has maintained that EduFrance’s development of chargeable services enabled the government to “recover part of the extra cost incurred by the acceptance of foreign students into the French system” (Deer, 2000: 323). However, as noted above, since the employment of Thierry Audric as the new Director General of EduFrance, the agency has begun to scale back its

commercial services for international students, thus halting the trajectory towards commodification begun by François Blamont.

## **8 Conclusion**

To conclude, Claude Allègre's comment that the EduFrance organisation was inextricably linked with commodification appears to have been confirmed by this examination of its creation and operations. Rather than continuing the stress on international students as a means of maintaining links with the ex-colonies and with developing countries (as did ARIES, Egide and the CNOUS), EduFrance adopted a view of international students as of both immediate and indirect monetary value. This can be seen as similar to the SFERE's approach to educational technology promotion, but as the SFERE had few operational links with EduFrance, and had a very limited role in the promotion of French higher education to potential international students, it would be inappropriate to view the new agency as merely a recreation of the SFERE in a new setting. EduFrance was the first agency operating in the French higher education sector to attempt explicitly to boost the recruitment of international students into French HEIs from developed and emerging economy countries, rather than to try to build and consolidate links with developing countries.

The creation of EduFrance reflected the strong political commitment, by both the then Education and Foreign Affairs Ministers, to a liberalised approach to international student recruitment. This was further indicated by the Ministers' appointment of EduFrance's first, pro-liberalisation, director general. HEIs attempted to resist EduFrance's commodifying approach through putting pressure on this first Director General, and it appears that their coordinated lobbying was responsible for the adoption of a new head for the agency. Although this appears to have led to EduFrance scaling down its commercial operations, it has not altered the focus on international student recruitment under the agency, which has remained focused on developed and emerging economy countries.

## Chapter 5: Evaluation institutions in Britain

### 1 Introduction

Evaluation has been defined as the generation of feedback (Ruddock, 1981: 9) and the creation of data “so that worthwhile judgments can be made” (Kogan, 1990: 244). The evaluation of individual HEIs has been seen as an important element of international students’ policy in both Britain and France. There is a general perception amongst policy-makers that a visible and transparent process of evaluation gives domestic higher education a comparative advantage in the international HE ‘market’, allowing HEIs to “sell themselves as the ‘quality option’ ”.<sup>105</sup> Other nations, such as Australia, have attempted to copy countries like Britain and France by moving to introduce a new evaluation framework, thus signalling “to the community and the rest of the world that the quality of the higher education system is assured...” (Kemp, 1999).

However, the evaluation of HEIs has proceeded in very different ways in Britain and France, which have had differing implications for international students’ policy. Rather than evaluation playing a functionally equivalent role in each case,<sup>106</sup> two distinct methods of evaluation were adopted (assessment in Britain, and enhancement in France), which in the British case created the incentives for HEIs to compete against each other for the recruitment of international students, and in the French case did not.<sup>107</sup> By measuring HEIs’ performance along particular criteria, assessment allows the comparative ranking of HEIs, which can be used by students (both international and domestic) to help them choose between universities and colleges. In contrast, enhancement does not explicitly compare HEIs against external criteria, but evaluates the extent to which HEIs have been able to fulfill their own priorities. Reports from enhancement are not publicised as a

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<sup>105</sup> As has been argued concerning the effect of the QAA on British HEIs (THES, 1999i).

<sup>106</sup> As has been claimed in many comparative analyses of evaluation, such as those under the aegis of the European Network of Quality Assurance agencies, such as Hämäläinen *et al.*, 2001; see also Toulemonde, 2001: 100.

<sup>107</sup> Indirectly the provision of reports which could be used to ‘rank’ HEIs may also have led to a view of international students as customers, thus furthering their commodification, the second element of liberalisation considered in this thesis; but there is less evidence of this as a direct consequence of the new institutions within the sources examined here.

resource for students to help them choose between HEIs, and thus do not aid the growth of competition within the higher education sector.

This chapter examines the creation of a new, assessment-based evaluation institution in Britain, in the face of opposition from HEIs, who instead lobbied for the adoption of enhancement-based evaluation. The institution of an assessment-based approach to evaluation facilitated the liberalisation of international students' policy in Britain, as it increased competition between HEIs through aiding their comparative ranking.<sup>108</sup>

The new, assessment-based evaluation institution comprised, initially, the Quality Assessment Units and the Higher Education Quality Council, and was eventually consolidated with the creation of the Quality Assurance Agency (QAA).<sup>109</sup> The adoption of assessment-based evaluation differed significantly from existing organisations' approaches, which had either used evaluation as a means of quality enhancement (as with the HEIs' Academic Audit Unit and External Examining System), or as a means of accreditation (as with Her Majesty's Inspectorate and the Council for National Academic Awards (CNAA)).<sup>110</sup>

The adoption of this assessment-based approach, as promoted by successive British governments, facilitated the growth of competition between HEIs for

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108 Some have maintained that evaluation is still 'pre-professional' rather than being fully institutionalised (Pollitt, 1996: 221; Toulemonde, 1995). That is clearly not the case in higher education, where two distinct evaluation institutions have developed in Britain and France, especially from the mid-1980s onwards.

109 Although the Quality Assessments Units, Higher Education Quality Council, Academic Audit Unit and Her Majesty's Inspectorate were often abbreviated to 'QAUs', 'HEQC', 'AAU' and 'HMI' respectively, the author has not done so here, in order to aid comprehension by avoiding an abbreviation overload.

110 Such arrangements were distinct from those governing the accreditation of courses. As in France, the government, rather than the QAA, is ultimately responsible for accrediting HEIs, which then automatically confers accreditation on courses. University and degree-awarding status are conferred either through Royal Charter or an Act of Parliament. Although the QAA is required to report to the privy council or, in the Scottish case, the Scottish executive, before HEIs are deemed suitable to upgrade to University or degree awarding status, the ultimate decision remains with government (QAA, 1999a; QAA, 1999b; QAA, 2002d). Previous to the ending of the binary line, such activities were undertaken by the CNAA in consultation with the Her Majesty's Inspectorate. The Higher Education Quality Council had also played a role in advising the Department of Education and Science on whether colleges should be allocated university status. This involved deciding on twenty-three applications for a change of status from various university and higher education colleges (Brown, 2004: 70).

international students. An enhancement-based approach does not encourage competition in this way, as its findings are intended for the HEIs evaluated only, and not for the consumption of potential students.

There is, therefore, a “basic difference between...ratings-oriented processes that seek to measure and report comparative quality [assessment], and...self-based processes that seek improvement and a betterment of the system [enhancement]” (Kells, 1992: 92). The use of assessment-based evaluation can lead to increased competition between regulatees, whilst enhancement-based systems are more likely to lead to collaboration between HEIs than to competition.<sup>111</sup> Assessment-based evaluation facilitates liberalisation to a greater degree than does enhancement-based evaluation, primarily since it allows product differentiation on grounds of quality and/or status (Brennan and Shah, 2000: 15-6).

To the extent that the two types of evaluation can be described as leading to accountability (assessment) and improvement (enhancement), Middlehurst maintains that there is no necessary connection between them; “they may each serve a range of different purposes and interests, some of which are likely to be in conflict with each other...” (Middlehurst, 1997).<sup>112</sup> Although both assessment and enhancement are types of evaluation, there is thus a fundamental difference between them which can have a significant impact on the extent of liberalisation within the higher education sector.

In the case of Britain, assessment-based evaluation facilitated the liberalisation of international students’ policy. The use of assessment, rather than enhancement, as a means of evaluation provided HEIs with the incentives to engage in competition against each other. This was because assessment-based evaluation led to the ranking of HEIs across particular quality criteria. The reports produced by British evaluation organisations allowed comparative ranking of British HEIs. This ranking

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<sup>111</sup> For similar distinctions between two types of evaluation, see Pollitt, 1987; Scriven, 1991: 20; and Scriven 1967.

<sup>112</sup> See also Kells, 1992; Middlehurst and Woodhouse, 1995; Vroeijenstijn, 1995.

was publicised to potential international, and domestic, students as a means of discriminating between HEIs. As the chapter indicates, the adoption of an assessment-based evaluation system was mainly led by government, as a means of promoting competition between HEIs for students (and, initially, for funding). The fractured British higher education sector was unable to resist this development, with its sectoral associations often divided over which approach to take in the face of government proposals.

All British HEIs' sectoral associations were against the use of assessment. In 1986, a report (the 'Reynolds Report') was produced by the CVCP, the universities' sectoral association, concerning its approach to evaluation. This report claimed that "to make the statement 'This system is better than that one' requires an explicit and exclusive determination of the purposes of higher education and a universally-applied blueprint of entry criteria, of teaching and assessment processes, and of classification procedures" which would be to adopt an unacceptably "extreme position" (Academic Standards Group, 1986: 3). Similarly, the then chair of the CVCP, Sir Alec Merrison, had agreed in 1980 that hierarchical ranking was 'wrong' due to its effects on the inter-relationships between HEIs.<sup>113</sup>

Yet, British HEIs and their sectoral associations failed to take control of the evaluation agenda and prevent the use of assessment. With the creation of the Quality Assessment Units, Higher Education Quality Council and then the QAA, HEIs became subject to an assessment-based regime which facilitated comparative ranking and thus intra-sectoral competition. While HEIs were formally involved in the Quality Assessment Units, Higher Education Quality Council and QAA as members of these organisations, the extent to which they were able to prevent them from promoting increased competition between HEIs was limited.

This chapter examines the existing organisations in the field of higher education evaluation, government approaches to evaluation, HEIs' approaches, the creation

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<sup>113</sup> See Peston, 1980: 292.

and operation of the new assessment-based evaluation organisations, and the extent to which they led to a liberalisation of international students' policy. The chapter makes reference, where relevant, to QAA institutional audits produced between April 1997 (when the agency was created) until December 2003 (see figs.12 and 13, pp.170-1).<sup>114</sup>

## **2 The pre-existing situation**

Two types of evaluation organisation operated before the creation of the Higher Education Quality Council (Higher Education Quality Council) and Quality Assessment Units.<sup>115</sup> Firstly, some evaluation organisations were directly controlled by the British government, and used for the evaluation of HEIs in what was then known as the 'public sector'; the Committee for National Academic Awards (CNAA), and Her Majesty's Inspectorate. Secondly, some evaluation organisations were controlled by the CVCP, the universities' sectoral association, which evaluated universities; the system of external examiners, and the Academic Audit Unit.<sup>116</sup>

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114 Unfortunately it has not been possible to conduct a comparative analysis of the Quality Assessment Units' and Higher Education Quality Council's institutional reports, as I have undertaken with those of the QAA, due to problems with the availability of and access to the older institutions' publications. However, it has been possible to access, and to analyse, all QAA institutional audits from April 1997 to December 2003. Overall, 227 QAA reports were analysed, which comprised reports both on HEIs (143) and on HEIs' individual Overseas Collaborative Provision arrangements (84). Clusters of comments from the reports were coded and assessed for their frequency across the period as a whole. Analysis was aided by a discussion of how to compare reports across time with Dr Peter Cairns from the QAA. Comparison of the reports concentrated on their assessment of international students' matters, and of OCPs. It should be noted, however, that my findings are not identical to those produced within the QAA, which used quantitative database searches rather than quantitative and qualitative content analysis as employed here.

115 There appears to be some ambiguity concerning the exact term for these units, as Salter and Tapper describe HEFCE's evaluation unit as the Quality Assessment Committee (QAC) (Salter and Tapper, 2000: 77).

116 One other, increasingly prevalent form of evaluation in operation in British higher education was that undertaken by private peer accreditation schemes such as EQUIS (the European Quality Improvement System, run by the European Foundation for Management Development) and AMBA (the Association of MBAs, set up by former MBA graduates). Certainly, to the extent that these schemes adopted an assessment-based approach, with the provision of information to prospective students as their main goal, it could be argued that they constituted liberalising institutions. Other regulatory organisations such as Investors in People were also used by different HEIs as a means of marketing themselves (Brennan and Shah, 2000: 75). However, these private systems were only instituted after the publication of the 1991 White Paper which led to the creation of the Quality Assessment Units and Higher Education Quality Council. They could not, therefore, be seen as institutional precedents for the new, liberalising, evaluation institutions, the Quality Assessment Units, Higher Education Quality Council and the QAA.



The existing institutional landscape did not encourage the liberalisation of international students' policy. Previous evaluation organisations were not tasked with assessing HEIs, which would have facilitated competition between them (as promoted by the new organisations, the Quality Assessment Units, Higher Education Quality Council and QAA). Nor did the existing evaluation organisations lead to a commodification of international students. Instead, existing evaluation organisations either required compliance with basic standards, in the case of government-led organisations, or were based on enhancement, in the case of HEI-led organisations. These two systems of evaluation, based on accreditation/inspection and enhancement, enabled HEIs to identify areas for quality improvements, but did not publicise HEIs' failings or successes to potential students. The previous institutional system did not facilitate comparative ranking, and thus did not facilitate competition between HEIs.

## **2.a Government-led evaluation organisations**

### **2.a.i The CNAA**

The Council for National Academic Awards (CNAA) was established in 1964, following the recommendations of the Robbins Report, a wide-ranging review of British higher education (Robbins, 1963: 254). The CNAA was designed to ensure "that artificial differences of status among the [non-university] institutions should be eliminated" (*ibid.*: 266).<sup>117</sup> It has been described by Harris as a "guardian of academic standards in the non-university sector" (Harris, 1990), and by Silver as a "national network for quality assurance" (Silver, 1990).<sup>118</sup>

The CNAA's regulation of polytechnics, and the rest of what was then known as the 'public sector' of higher education, initially consisted in relatively detailed and intensive course reviews (Merrison, 1980: 288; THES, 1979j). The CNAA's role became more important as prestigious universities such as the University of

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<sup>117</sup> See also O'Leary, 1980f.

<sup>118</sup> See also Moodie, 1991.

London and Bradford University began to withdraw from their previous role in assuring the quality of degrees offered by certain colleges of higher education (THES, 1979o). In the late 1970s, the CNAA lessened the extent to which it examined courses, settling instead into a pattern of periodic reviews of HEIs, conducted in a “non-inquisitorial” manner (Jobbins, 1979). This regulation was coupled with control by the CNAA over HEIs’ abilities to award degrees. Once, however, HEIs had obtained “accredited status”, the extent to which the CNAA subjected them to detailed examination diminished (Brown, 2004: 30). This was particularly the case with the “stronger polytechnics” (Cave *et al.*, 1995: 111). Therefore, although the CNAA’s accreditation system required aspiring HEIs to demonstrate that they had fulfilled certain criteria, it did not submit HEIs, once accredited, to continuing assessment. Overall, the CNAA aimed at the achievement of minimum standards, rather than at producing information for potential students to enable them to discriminate between HEIs.

#### **2.a.ii Her Majesty’s Inspectorate**

Her Majesty’s Inspectorate also examined educational provision in the public sector of tertiary education, along the same lines as its reviews of primary and secondary education (*ibid.*). This involved both a formal inspection process at either HEI or subject level, and the provision of information and advice to HEIs (Brown, 2004: 37). Decisions concerning the accreditation of tertiary education courses as new higher education courses were largely made by the CNAA with additional advice from the Her Majesty’s Inspectorate.

Neither the CNAA nor the Her Majesty’s Inspectorate publicised the information resulting from their site visits. Indeed, both organisations are best described as performing accreditation or inspection. They were more concerned to guarantee basic standards than to provide information to the public, such that a choice could be made between competing HEIs. Evaluation by the CNAA and Her Majesty’s Inspectorate can thus be separated from attempts to instill greater competition between HEIs.

## **2.b HEI-led evaluation institutions: external examiners and the Academic Audit Unit**

Unlike the non-university sector, universities were not subject to any formal evaluation regime<sup>119</sup> until 1984, when the CVCP, the universities' sectoral association, codified the external examining system, which it followed in 1989 with the creation of the Academic Audit Unit. Neither external examiners nor the Academic Audit Unit published institutional reports. Instead, both evaluation organisations were aimed at the enhancement of quality rather than its public assessment.

The system of external examiners can be traced back to the involvement of Oxford University examiners in Durham University's examination process in the 1880s. The system remained relatively informal until the CVCP issued a code of practice for external examining at undergraduate and masters levels in 1984. Through a circulation of academics between different degree programmes, the system aimed to ensure some comparability of degree standards across the sector (Silver and Silver, 1986: 15). Although the system has been criticised as inefficient,<sup>120</sup> it has continued in similar form over the last 120 years.

The other evaluation organisation created by the CVCP, the Academic Audit Unit, started operations in 1990 (Cave *et al.*, 1995: 110). The creation of the Unit appears to have been prompted by concerns that a lack of action by HEIs could result in governmental regulation (Coopers and Lybrand, 1993: 2; Neave, 1994: 126). Indeed, a number of Ministers and Secretaries of State had "remarked upon" the "absence of...regulation of the universities' core activity" (Brown, 2004: 35). Up to 1990, the CVCP had embarked on a number of studies of different types of evaluation. In 1983, it created an Academic Standards Group (ASG), which

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119 Aside from in certain professional areas including Teacher Training (see Neave, 1994).

120 The Higher Education Quality Council considered recommending its abolition, due to its allegedly inefficient use of resources (Brown, 2004: 66).

reported in 1986, offering universities 'points of reference' for self-comparison (CVCP, 1986).

In 1988 the CVCP inquired into the extent to which universities had implemented the recommendations in the earlier report by the ASG. Although most universities had adopted most of the ASG's recommendations, the Department of Education and Science continued to voice concern publicly over the higher education sector's lack of public accountability, unmitigated by a robust system of evaluation. As a result the ASG was re-established in 1988 and recommended the creation of an Academic Audit Unit in 1989, to scrutinise HEIs' quality control systems. The Unit commenced operations the following year (Brown, 2004: 36). By creating the Academic Audit Unit, universities attempted to prevent government attempts to assess HEIs through creating their own, enhancement-based, evaluation organisation.

The Academic Audit Unit's approach rested entirely on HEIs' own priorities being used as the reference for quality standards. Rather than the Academic Audit Unit developing an overall ranking, therefore, it offered HEIs "points for commendation" and "points for further consideration", when attempting to fulfill their own priorities (*ibid.*: 51). As a matter of policy, no overall judgement was offered (CVCP, 1992), which would have offered a basis for comparison between HEIs, and thus facilitated competition between them.

Both the system of external examining and the Academic Audit Unit adopted an enhancement-led approach to evaluation. Most significantly, neither the external examiners nor the Academic Audit Unit anticipated an external audience for their reports, which were intended for the consumption of the HEI concerned only. Indeed, external examiners' reports were largely confidential. While international student matters were on occasion mentioned in their reports, comments on this were not presented in a rankable form, nor, indeed, were they accessible to audiences outside HEIs.

The role of universities in creating and then controlling the operations of both the external examining system and the Academic Audit Unit was far greater than the universities' role with respect to the new organisations, the Higher Education Quality Council, Quality Assessment Units and QAA.

Neither the CVCP-led external examining system nor the Academic Audit Unit prompted an increase in competition between HEIs, nor did their activities lead to a commodification of international students. None of the four existing organisations (the CNAAB, Her Majesty's Inspectorate, external examining system and Academic Audit Unit) could thus be deemed to have promoted the liberalisation of international students' policy.

### **3 Government strategies**

From the early 1990s, governments began to publicly call for an assessment-based evaluation system to replace the existing system based on accreditation/inspection for non-university HEIs and enhancement for universities. Governments argued that an assessment-based system would allow comparative assessment (ranking) of HEIs, both aiding funding decisions and enforcing competition amongst HEIs for students. More "arrangements [were] needed to assess the quality of what is actually provided and these assessments should continue to inform the funding decisions of the Funding Councils" (Department for Education and Science, 1991: 28-9).

#### **3.a The 1991 White Paper and the adoption of assessment**

The first attempt by government to institute an assessment-based scheme was reported in a White Paper in 1991 (Department for Education and Science, 1991). The White Paper's proposals eventually led to the creation of the Higher Education Quality Council and the Quality Assessment Units.<sup>121</sup> The White Paper also

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<sup>121</sup> In addition to proposing the creation of a new, statutory, quality assurance regime, the White Paper was also highly significant for proposing the abolition of the binary line between universities and the public sector of higher education.

proposed the creation of new funding councils, within which the Quality Assessment Units would be based, which were to replace the Universities' Funding Council and Polytechnics' Funding Council created in 1988 (Salter and Tapper, 2000: 74).

The then government proposed the creation of the Quality Assessment Units as a means of ensuring that expansion was cost effective, which it felt could only occur if there were greater competition for funds and students, which would be facilitated by a common quality assurance regime for teaching (Department for Education and Science, 1991).

This new regime would involve audit of HEIs' quality control systems by a new agency, the Higher Education Quality Council, which would be formally owned by the HEIs' sectoral associations: the universities' sectoral association (the CVCP), the Committee of Directors of Polytechnics, and the Standing Conference of Principals. Following its creation in 1992, the Higher Education Quality Council adopted an assessment-based approach to evaluation, albeit for only one segment of its evaluations (overseas collaborative provision).

The White Paper also proposed that the new Higher Education funding councils<sup>122</sup> should be required to assess the quality of courses as well as allocating funding to individual HEIs. This quality assessment role was to be performed by new organisations in each funding council, the Quality Assessment Units.

The Quality Assessment Units explicitly utilised an assessment-based methodology. The Polytechnics and Colleges Funding Council's Quality Assessment Unit was created in May 1991, with the Universities Funding Council setting up its Unit soon after (Brown, 2004: 10). The Quality Assessment Units' approach to evaluation, from their creation until 1995, was detailed in HEFCE circular 3/93. Under the circular, HEIs were required to classify their own provision

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<sup>122</sup> Which were formally created under The 1992 Further and Higher Education Act (Her Majesty's Government, 1992).

as 'excellent' or 'satisfactory'. The Quality Assessment Units would then visit those HEIs claiming excellence, those HEIs where provision was expected to be unsatisfactory, and a sample of HEIs which had claimed their provision was satisfactory. Around half of the self-assessments submitted to the Quality Assessment Units were followed up by an evaluation visit (Brown, 2004: 73-5). The system thus rested initially on self-assessment by HEIs, backed up by inspection by the Quality Assessment Units, and was entitled "Teaching Quality Assessment" (Salter and Tapper, 2000: 78).

The Quality Assessment Units and Higher Education Quality Council were seen as operating acceptably by government until the mid-1990s. This is shown by the confirmation by the then Minister for Higher Education, Alan Howarth MP, in Spring 1992 that the Government did not intend to take up reserve powers proposed in the 1991 White Paper which would have facilitated the creation of a more powerful external assessment body (Brown, 2004: 43). However, in the mid-1990s, the then Secretary of State for Education, Gillian Shephard, began to push for a new, consolidated organisation which would make the evaluation process more transparent and which could promote competition more effectively. This political pressure resulted in the creation of the QAA, examined in section five of this chapter. As Brown notes, the decision in 1997 to create the QAA, amounted "to the invocation of the reserve power" (*ibid.*: 48, footnote 2).

### **3.b The Quality Assessment Units and Higher Education Quality Council, and competition between HEIs**

Initially, assessment was used to differentiate between HEIs to facilitate competition between them for government funding. In 1992, the then Secretary of State for Education, John Patten, reiterated the requirement that assessment by the Quality Assessment Units should facilitate a differentiation between HEIs' funding levels, when he sent an initial letter of guidance to the funding council for higher education (Department for Education and Science, 1992). The parameters according to which the assessment system was to operate were outlined in a

HEFCE circular in 1993. This circular introduced a classificatory scheme of excellent, satisfactory and unsatisfactory provision (HEFCE, 1993: 4), which facilitated the ranking of different departments.

Government then proposed assessment as a means to facilitate competition between HEIs for students. Hence, in 1994, the Secretary of State again stressed that assessment should be used to differentiate HEIs. However, rather than implying that assessment was necessary to inform funding decisions, he instead maintained that assessment should lead to “effective and accessible public information on the quality of education” (HEFCE, 1994: 7, paragraph 23). Henceforth, less emphasis was placed on assessment as a means of allocating differential levels of funding, and more emphasis was placed on assessment as a means of fostering competition between HEIs for students.

The rationale for differentiation had, thus, changed (from informing government decisions to reward ‘excellent’ providers with extra student places, and thus extra funds, to enabling students to choose between different HEIs). The Quality Assessment Units’ “emphasis on being able to discriminate between providers, [was] now primarily to inform the ‘market’” for students, both international and domestic, following such government prompting (Brown, 2004: 77).

The new assessment-based evaluation system was changed again in 1995, following a critical report, released in late 1993, commissioned from the Institute of Education, which had noted problems with the reliability of the assessments when compared across HEIs (*ibid.*: 77). The report’s recommendations of a change in the Quality Assessment Units’ schedules, towards a system of universal (rather than selective) visiting and to a more complex assessment scheme, were quickly implemented. The resulting scheme (in England and Scotland<sup>123</sup>) employed quantitative indicators for the first time, across six ‘core’ aspects of provision.

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<sup>123</sup> The Welsh funding council did not move to a more numerical scale, but maintained the classifications of excellent, satisfactory and unsatisfactory (Brown, 2004: 99).



Brown maintains that these changes directly “stemmed from [the] requirement of discrimination between providers”, i.e. HEIs (*ibid.*: 78). The new system facilitated the reorientation of assessment towards facilitating competition between HEIs for students (*ibid.*: 73),<sup>124</sup> through enabling the quantitative ranking of HEIs.

By the mid-1990s, however, as noted above, central government had begun to explore plans for a unified evaluation organisation. The process of creation of the new QAA is examined in section five of this chapter.

#### **4 HEIs’ strategies and coordination**

The engagement of British HEIs in policy-making concerning the creation of the new liberalising evaluation organisations indicates the fractured and uncoordinated nature of the British higher education sector. The Quality Assessment Units, Higher Education Quality Council and QAA treated HEIs as merely one part of the audience for their reports, with groups such as potential students being seen as much more important (*ibid.*: 330). Although HEIs and their staff have been heavily involved in implementing the new procedures, Brennan has maintained that “their status has been rather that of the ‘hired help’ of the agency rather than the leaders and definers of the process” (Brennan, 2002). Certainly, HEIs’ influence on the Higher Education Quality Council, Quality Assessment Units and QAA has been limited compared with that of successive governments.

##### **4.a HEIs and the Academic Audit Unit**

The CVCP, the universities’ sectoral association, engaged in attempts to control the quality agenda itself from the mid-1980s. As noted above, it created its own agency, the Academic Audit Unit, in 1989 following extensive discussions within its Academic Standards Group from 1983 onwards. The Academic Audit Unit was partly conceived as a means of preventing central government control over quality evaluation.

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<sup>124</sup> The link with funding was maintained, however, in Scotland; but problems of consistency were, Brown maintains, less widespread given the greater validity of results (inspection could be carried out across most HEIs by the same group of people).

The Academic Audit Unit's operations were based on an audit methodology which utilised HEIs' own quality control systems, rather than attempting to create quality criteria itself, and used these as a basis for assessment. The CVCP also released two Codes of Practice to its members concerning international students, before the creation of the new organisations: "The management of higher degrees undertaken by overseas students" (1992) and "International students in the UK: CVCP code of practice" (1995) (Bruch and Barty, 1998: 23).

#### **4.b HEIs and the 1991 White Paper**

The positions of different HEIs concerning the creation of the Higher Education Quality Council and Quality Assessment Units varied considerably. Most HEIs were opposed to assessment being adopted as the dominant approach to the evaluation of British higher education. However, the CVCP prioritised lobbying against those other provisions in the draft legislation that would have facilitated direct intervention by the Secretary of State in individual HEIs, rather than lobbying against assessment as such. Although successful in having the former provisions rescinded, the CVCP was unable to prevent the passing of the new provisions concerning assessment (Brown, 2004: 41).

Particular groups within the CVCP did, however, attempt to launch a stronger lobbying effort against the measures. The Committee of Directors of Polytechnics (CDP) negotiated with the CVCP and SCOP, the higher education colleges' sectoral association, to present a united front against an increase in the scope of assessment. The sectoral associations maintained that quality assurance should include the monitoring of HEIs' own quality systems, within an enhancement-based approach (*ibid.*: 42). They hoped that any new body would be overseen by a steering committee with HEI representatives in the majority. The CVCP, CDP and SCOP also agreed to promote a "pluralistic assessment of quality in higher education" (CVCP/CDP/SCOP, 1991: para 5.vi).

Even within CDP, however, there was disagreement over which approach to take. Some CDP members hoped that the new evaluation system might allow them to demonstrate their superior teaching compared with the old universities. Others, however, maintained that the old universities would come out above CDP members in any ranking, due to the former's greater resources (Brown, 2004: 41), and that this would give old universities an advantage in the market for students, both international and domestic. As Brown notes, whilst some HEIs could accept assessment, if it "was modified to allow for a greater degree of internal involvement", others greatly favoured a more audit-based approach (*ibid.*: 106).

The number of delays and disagreements during the creation of the CVCP's Academic Audit Unit were seen as militating against the CVCP further developing its own evaluation capacity (*ibid.*: 45) as a substitute for the development of a government-led organisation.

#### **4.c HEIs and the Higher Education Quality Council**

The creation of the Higher Education Quality Council indicated the failure of the CVCP to maintain control over the evaluation of its members. The CVCP's own evaluation organisation, the Academic Audit Unit, was assimilated into the Higher Education Quality Council soon after its creation (De Groof *et al.*, 1998: 122) in 1992. The Academic Audit Unit had opposed many elements of the Higher Education Quality Council's approach.<sup>125</sup> All HEIs had to join the Higher Education Quality Council, on pain of reduced funding from the funding councils.

Initially, the Higher Education Quality Council's operations were extensively debated with the higher education sector. Its set of Guidelines on Quality Assurance, released in 1994, were, for example, drawn up by a working party chaired by Dr Ann Wright, Vice-Chancellor of the University of Sunderland (Brown, 2004: 63). Similarly, HEIs' requests for the Higher Education Quality Council to

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<sup>125</sup> For one view of the reasons for the lack of coordination between the Academic Audit Unit and Higher Education Quality Council, see Brown (Brown, 2004: 48).

place its 'points for further consideration' in institutional reports in order of importance, successfully led to changes in the Higher Education Quality Council's operations.

#### **4.c.i HEIs and the Higher Education Quality Council's audit of overseas collaborative provision**

The Higher Education Quality Council's approach to overseas collaborative provision, in contrast, involved an explicit breach with the CVCP. Numerous British HEIs had begun to cooperate with foreign higher education providers as a means of increasing their recruitment of fee-paying international students. However, concerns had been raised about the quality of education offered at these new educational establishments. The Secretary of State for Higher Education had made some representations concerning overseas collaborative provision following a visit to Malaysia and Singapore in January 1994. In April 1995, the then Secretary of State asked the Higher Education Quality Council to place more emphasis on the 'broad comparability' of standards between HEIs (*ibid.*: 50). The Higher Education Quality Council quickly decided that it should be able to evaluate overseas collaborative provision, through visiting joint programmes and judging their standards against sets of quality criteria. The Higher Education Quality Council's attempt to increase its role in this area encountered significant resistance from the higher education sector (*ibid.*: 58), which was only overcome through invoking government approval.

Some figures in CVCP were 'opposed root and branch to overseas collaborative provision audits'. Roger Brown, the then head of Higher Education Quality Council, reports that the proposal to undertake audits of overseas collaborative provision ran into considerable resistance from the CVCP, and especially from its then Chair, Professor (now Sir) Gareth Roberts, Vice-Chancellor of the University of Sheffield.

To overcome this resistance, the Higher Education Quality Council consulted a number of different governmental departments, all of which supported the Higher

Education Quality Council line apart from the DES, whose caution was belied by the Education Minister already having proposed such an approach in public speeches. Brown maintains that following these consultations, he “was therefore able to inform the CVCP of the overall Whitehall view, and this enabled them [the HEIs] to change their attitude” (*ibid.*: 58). Although the Higher Education Quality Council was notionally run by HEIs, its adoption of assessment followed government pressure.<sup>126</sup> HEIs were forced to accept the Higher Education Quality Council's proposal to extend audit to overseas locations, despite the opposition of their sectoral associations.

The Higher Education Quality Council initially adopted a standards-based approach involving judgments of ‘excellent’, ‘satisfactory’ or ‘unsatisfactory’, on the basis of HEIs’ own quality assurance machinery. From 1996 onwards, however, the system was changed to incorporate universal visits to HEIs and classification via numerical grades (*ibid.*: 46), similar to those adopted by the Quality Assessment Units.

The Higher Education Quality Council's audits of overseas collaborative partnerships were based on the ‘Notes of Guidance for the Audit of Collaborative Provision’ (Higher Education Quality Council, 1995e) and ‘Some Questions and Answers for Participants in Higher Education Quality Council Collaborative Audit

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<sup>126</sup> The Higher Education Quality Council's assessments of OCPs were based on a Code of Practice for Overseas Collaborative Provision in Higher Education, drawn up by the Higher Education Quality Council in 1995, with a second edition appearing in 1996. The Higher Education Quality Council Code was prepared following a ‘fact finding tour’ involving the Higher Education Quality Council and a steering group including seven Vice-Chancellors. The Code was approved by Higher Education Quality Council's Board, which was seen by Higher Education Quality Council as representative of the higher education sector. The Higher Education Quality Council also expanded its role to examine HEIs’ promotional material. Again, this appears to have been prompted not by HEIs themselves but by the Department for Education and Science (Brown, 2004: 55), although as it had less effect on promoting competition between HEIs it is not examined here. It should also be noted that the Higher Education Quality Council had received a ‘valedictory dispatch’ from the CNAA in 1993, which had also recommended the regulation of off-campus provision, especially franchising. The CNAA had previously been involved in advising the Hong Kong authority whether courses in non-university institutions there ‘attained and continued to attain an academic level at least comparable to that of courses approved by the CNAA in the United Kingdom’ (Silver, 1990: 198). However, the Higher Education Quality Council does not appear to have proposed its OCP audit series until after prompting by central government, despite the CNAA's letter.

Visits' (Higher Education Quality Council, 1995f). Between April and June 1996 audit teams visited twenty overseas partners in Greece, Hong Kong, Malaysia, Singapore and Spain; and the following year, audit teams were engaged in ten countries to examine British HEIs' partnership programmes. 'Learning from Collaborative Audit: An interim report', published in April 1995, set out the findings of the first fourteen collaborative audits (Brown, 2004: 57-9).

The Higher Education Quality Council's reports were published and often had a significant impact on the commercial fortunes of different HEIs. One particularly prominent example of this is the closure by the Swansea Institute of all of its overseas collaborative programmes, following a very critical report by the Higher Education Quality Council in 1996 (QAA, 2002b). As Brown notes, the "decision to extend audit to overseas collaborative programmes... and to publish the resultant reports required considerable courage on Higher Education Quality Council's part [because i]t did not endear the Council to some members of CVCP" (Brown, 2004: 59-60). Aside from the CVCP's objection to the Higher Education Quality Council being able to expand its operations overseas, which it saw as an illegitimate extension of its authority, HEIs also objected to the fact that the quality criteria used for the Higher Education Quality Council's overseas collaborative provision assessments were developed by the organisation itself, rather than the Higher Education Quality Council adopting HEIs' own criteria.

The new QAA, created soon after, adopted the Higher Education Quality Council's assessment-based approach towards the audit of overseas collaborative provision, and also continued the Quality Assessment Units' assessment of HEIs in Britain.

## **5 The QAA**

### **5.a Government and HEI strategies towards the QAA**

In 1994, Gillian Shephard, the then Secretary of State for Education, announced a review of possible approaches to evaluation, including a consolidation of the activities of the Higher Education Quality Council and Academic Audit Unit into one

organisation. The review was to be carried out by the Chief Executive of HEFCE, one of the funding councils (Brown, 2004: 104). At this stage, the CVCP presented its own view on how a new system should operate. The CVCP's prototype largely rested on the Academic Audit Unit model, and adopted its enhancement-led approach. Whilst Gillian Shephard accepted some of the CVCP's proposals, she nonetheless maintained that "in respect of assessment at least, [she] could not contemplate a system which relied mainly on self-regulation" (*ibid.*: 110).

The CVCP was included in a joint planning group, with HEFCE, in an attempt to define the parameters for the new organisation (*ibid.*: 110). However, HEIs' attempts to retain enhancement as the main method of evaluation had little effect on the eventual design of the QAA.

In theory, HEIs could have significantly altered the role of the QAA towards a more enhancement-based, rather than assessment-based, approach in the period leading up to its establishment. However, the Chief Executive of the CVCP was concerned that if the proposed QAA undertook institution-wide review, this could lead to an illegitimate expansion of its role. As such an expansion would involve the QAA undertaking enhancement work, the CVCP's Chief Executive opposed this being included under the QAA's remit (*ibid.*: 114). This was despite the fact that the CVCP had originally proposed that the new agency be given a wide remit in quality enhancement (as opposed to assessment) (*ibid.*: 108). However, rather than the QAA's lack of involvement in enhancement allowing HEIs a greater role, it effectively led to an abandonment of enhancement as a means of evaluation, with assessment being the only type of evaluation being actively undertaken.

Further attempts by the CVCP to increase HEIs' influence over the QAA, such as its request to be able to send observers to the QAA's board, were refused. In contrast, positive responses were received to requests from other bodies such as the National Union of Students (*ibid.*: 154).

The creation of the QAA indicated the inability of British HEIs to coordinate a strong position on quality assurance in the face of government demands for increased competition between HEIs. The QAA was eventually accepted by HEIs as a 'least worst' option given the threat of government intervention. Many HEIs felt that the QAA had led to a diminution of institutional autonomy, as its reports were designed for potential students rather than for HEIs themselves. Some interviewees from the QAA itself questioned this view, pointing out that QAA evaluations were undertaken by academics not bureaucrats, and noting that the QAA did consult with HEIs on some matters, as when it created regulatory guidelines such as the '*Code of Practice*' (see pp.158-9). However, most interviewees from HEIs claimed that the QAA did restrict their autonomy, and certainly promoted competition between HEIs for new students, both from abroad and from domestic constituencies.

One of the main reasons for a lack of coordinated resistance to the creation of the QAA, as an assessment-based organisation, was the existence of conflicting objectives within the CVCP. The costs of undergoing both assessment and enhancement-based evaluation were beginning to prove prohibitive for some HEIs. When it appeared that government would not abandon its commitment to assessment, some HEIs began to lobby for the removal of enhancement simply because of the costs of running the two systems in parallel.

As a result, the CVCP found it difficult to argue for a continuation of enhancement alongside assessment. Even though many of its members opposed assessment as the sole method of evaluation, in the short term it appeared most expedient to reduce the overall quality burden on HEIs (Amaral, 1998: 131). The CVCP had thus started to lobby for a single quality system from 1993, despite its formal opposition to assessment (Brown, 2004: 1, 44). Government proposals for a single system released in 1995, mainly focused on assessment, were rejected by the CVCP, but it became increasingly difficult for the CVCP to reject a single system as the costs of the parallel systems were subject to extensive criticism by its members.



There were also different views within the British higher education sector concerning the advantages or otherwise of an assessment-based system. Some elements within the CDP, the former polytechnics' sectoral association which became a faction within the CVCP with the abolition of the binary line, maintained that HEIs should have taken the lead in establishing an assessment-based system, but one which they themselves controlled. However, the experience of the CVCP in setting up the Academic Audit Unit, which had caused considerable disagreements over approach within the sectoral association, meant that this approach was not seen as a realistic possibility. Whilst some older universities maintained that the quality of their intake was the best guarantee of general standards, ex-polytechnics had a greater experience of, and willingness to undergo, formal control of quality from external sources (*ibid.*: 45).

Finally, the CVCP's ability to criticise assessment and the creation of the QAA was also undermined by the differential impact of the assessment system. All assessments by the Quality Assessment Units had consistently given the old universities better scores than the new universities and higher education colleges (*ibid.*: 76-7). 'Excellent' quality was concentrated in the relatively more prosperous HEIs, with only 2% of assessments in the 20% of HEIs with the lowest resource levels leading to judgments of Excellent (*ibid.*: 94-5).

### **5.b The Creation of the new QAA**

The QAA was incorporated in March 1997 and took over the functions of the Higher Education Quality Council in August 1997. Those staff within the English and Welsh Funding Councils who had operated the Quality Assessment Units were also transferred into the QAA in October 1997 (*ibid.*: 101).

Whilst the QAA was being set up, the report of the Dearing Committee Inquiry concerning the British Higher Education system was released (National Committee of Enquiry into Higher Education, 1997). Dearing's recommendations only fleetingly

covered policies towards international students. The Dearing Committee did, however, propose extensive changes to the new quality assurance framework. This mainly had the effect of compounding Shephard's emphasis on standards, by proposing the institution of a new quality 'infrastructure'. This infrastructure was composed of precepts and guidance, resting on quality standards (Brown, 2004:1). The Dearing recommendations further consolidated an assessment-based model of evaluation, especially concerning overseas collaborative provision.

The political impetus for the agency's creation came from government, and the agency's emphasis on assessment rather than enhancement derived from the same source. As Brown maintained, the QAA, unlike the Higher Education Quality Council, derived the majority of its board members from outside the higher education sector, and as a result could not be viewed as "the sector's own body" (*ibid.*: 169, footnote). Successive British governments thus dominated the process of creation of first the Quality Assessment Units and Higher Education Quality Council, and then the QAA. As Brown states, in so doing, governments consistently "attempted to move the regulation of higher education in the competitive market direction by improving the quantity and quality of information for students" (*ibid.*: 23). This approach fostered the development of competition between HEIs, according to their QAA assessments. It also differed significantly from the enhancement-based approach proposed by British HEIs.

### **5.c The QAA's operations**

Whilst formally the QAA was required to report to HEIs, most parameters within which it operated were set by government. Firstly, the head of the QAA, appointed by government, was, at least initially, from outside the higher education sector. The first Chief Executive, John Randall, had been Head of Professional Services at the Law Society (*ibid.*: 116). Randall was a strong supporter of increased assessment as opposed to other methods of evaluation, concerned to increase the power of what he saw as the "consumers" of higher education (i.e., prospective students), as against the "providers" (HEIs) (Randall, 2001). The fact that he was appointed

rather than a member of the Academic Audit Unit or another supporter of enhancement-based evaluation indicated the government's commitment to assessment above other forms of evaluation.

It was under Randall's leadership that the first assessment-based evaluations were undertaken. Two processes of evaluation were to be undertaken; "subject review" (similar to the Quality Assessment Units' Teaching Quality Assessment programme) and the audit of institutional quality assurance systems (similar to the Higher Education Quality Council's approach in Britain) (Salter and Tapper, 2000: 81).

In 1998 the QAA introduced a new rule, whereby those HEIs which had reported low scores, with three or more grade twos, had to report back to the QAA and explain how they would make improvements (QAA, 1997b). Brown describes this development as lacking any previous consultation with HEIs, and "almost certainly in response to Departmental prompting" (Brown, 2004: 78).

However, in March 2001, such graded assessments at subject level were abolished, after David Blunkett, the then Education Minister, dramatically announced a complete change in the QAA's approach (*ibid.*: 98). Blunkett announced a reduction by 40% in the amount of external review activity, with universal visiting abandoned, and with no departments being visited two years in a row which had achieved three scores of three and three scores of four ('good scores'), apart from a small sample for benchmarking purposes. As noted above, this change appears to have resulted from the lobbying of a small number of elite universities (*ibid.*: 131-2).<sup>127</sup>

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<sup>127</sup> A number of additional factors may also have fed in to Blunkett's change in policy. It was closely preceded by a report by PA Consulting, published in August 2000 (PA Consulting, 2000), which maintained that assessment was proving excessively costly for the higher education sector. In addition, some economists from the University of Warwick had written an article in the Guardian newspaper criticising the existing system, which gained a high profile (Harrison *et al.*, 2001).

HEFCE was required to consult with the QAA and HEIs on a new system with a reduced level of visiting. In July 2001, in its response to Blunkett's announcement, HEFCE announced that external subject reviews would continue, if on a less frequent basis, and that assessment should move overall to an evaluation of entire HEIs (rather than of individual departments).

The rapid changes in approach counseled by the government and then by HEFCE led to the resignation of John Randall as chief executive and considerable disruption to the QAA's proceedings (O'Leary, 2001). It was not until 2003 that the new audit system was brought in, with institutional review and subject review continuing in parallel in the interim period (Brown, 2004: 122, 126). The new system was, the QAA maintained, based upon "lightness of touch" and "differential intensity of scrutiny" (*ibid.*: 127-8). However, the new method still utilised assessment rather than enhancement-based methods. Concomitantly, it made no attempt to engage in enhancement.<sup>128</sup>

#### **5.d The QAA and international students**

The publication by the QAA of information concerning the treatment of international students, as well as concerning the general quality of education provided, made their reports particularly important as a means of differentiating between HEIs for the purposes of competition for international students.

The main development concerning the QAA's consideration of international students in domestic institutions was the creation of the *Code of practice for the assurance of academic quality and standards in higher education* (the Code), published by the QAA in response to the Dearing report of 1997, between 1999 and 2001 (Humphrey, 1999: 42).

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<sup>128</sup> Instead, efforts to improve educational quality through evaluation were devolved to a new body, the Institute of Teaching and Learning (later renamed the Higher Education Academy), which was to disseminate best practice and aid institutional development (Whitby, 2006).

In January 1999, Section 1 of the Code was published, concerning postgraduate research programmes. This section singled out the needs of international students in interviews and language matters. Section 10 of the Code, on recruitment and admissions, published in September 2001, required HEIs to consider their procedures for international students' applications.

The numbers of international students at individual universities and colleges were generally detailed by HEIs in their submissions to the QAA, although these were very infrequently compared with the national average. The QAA often commented in its institutional reports on the numbers of international students attending different HEIs. For instance, the large international student population at the University of Manchester Institute of Science and Technology (amounting to almost a quarter of all its students) was described as resulting from a commendable effort on the part of the HEI to cater for their needs.<sup>129</sup> The high number of international students at the University of Wales College of Medicine, however, was criticised as "the prevalence of particular cultural mores amongst specific groups within teaching situations" could "inhibit" learning opportunities (QAA, 1999c). The QAA also advised HEIs on the creation of new degrees for international students. Hence, it counselled Henley Management College, concerning its 'DBA', to "take into account national guidance concerning the quality assurance of research degree level education" (QAA, 1998a: 109).

A small number of HEIs were criticised in QAA reports near the end of the period for failing to sufficiently coordinate international activities with other institutional actions. Furthermore, in a number of reports the QAA commented favourably on the services available to international students, but in others it claimed that changes should be made to improve or create such services. Hence, the University of Paisley was counselled to ensure that it enhanced "support services for international students as their numbers increase" (QAA, 2002a: 109); and St

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<sup>129</sup> In contrast, the coherence or otherwise of HEIs' international policies with the rest of their strategies was not frequently noted by the CNE (QAA, 2003a).

Andrews University was urged to take care that international students' services should not be oriented too exclusively towards its large proportion of North American students (QAA, 1999d: 62).

### **5.e The QAA and overseas audits**

The Higher Education Quality Council Code concerning overseas collaborative provision was adopted with minor changes by the QAA in July 1999, as the *Code of Practice Section 2: Collaborative Provision*. This was soon followed by recommendations by the National Audit Office concerning overseas collaborative provision, following the discovery of extensive irregularities in the overseas operations of the Southampton Institute (SHEFC, 1999), and by the recommendations of the Public Accounts Committee following revelations concerning the Swansea Institute of Higher Education (Public Accounts Committee, 1997).

The HEFCE, following these reports, set out a series of further "guiding principles" for collaborative activity (Fender, 1999). These re-emphasised the Dearing Committee's recommendation that all overseas collaborative programmes should have been evaluated by the QAA by January 2001, with reference to the QAA Code, but added a number of other financial and management requirements. In particular, it was stated that collaborative "activity with overseas partners should come within a published institutional policy for international education", and that it should also be possible to "illustrate a clear connection with the institution's plans for the recruitment of overseas students to study in the UK". Overseas collaborative programmes were required to be "self-financing" rather than involving the use of public monies from the funding councils. Finally, HEFCE's guiding principles stated that degree certificates should record the location of the delivery of the course and the language of instruction. Such guidelines and codes were officially for advice only. However, the QAA also made clear that in certain HEIs, its guidance was to be seen as good practice. The QAA's role in defining this

guidance was often resented by HEIs, as the example of the debate over the content of degree transcripts (detailed above) indicates.

The QAA undertook an extensive programme of overseas audits, following the Code and HEFCE guidelines. These tended to centre upon HEIs operating in particular geographical areas, such as the UAE, Oman and Bahrain, audited in October 1997, India (in October 1997), Israel (in Spring 1998), Malaysia (in Spring 1999), China (in Spring 2001), Egypt and Cyprus (from August 1999 to March 2001), and Denmark, Germany and Switzerland (Spring and early Summer 2002). HEIs were required to write a commentary on their activities, taking into account the successive codes' requirements, and then particular HEIs were chosen for audit.

The QAA's audits of overseas collaborative provision continued on broadly the same lines as under the Higher Education Quality Council (Brown, 2004: 145). The QAA's approach, as that of the Higher Education Quality Council, was driven by objectives drawn from the financial sphere, such as ensuring compliance with legal requirements and brand maintenance.<sup>130</sup> Hence, the QAA was especially concerned to regulate HEIs' financial and legal arrangements, through counselling the need for more formal relationships between HEIs and their overseas partners,<sup>131</sup> and for the coherence of HEIs' overseas collaborative programmes with their overall missions.<sup>132</sup> It also attempted to advise HEIs on commercial strategy, often through counselling against expansion, as in the case of Thames

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<sup>130</sup> As Michael Power has suggested, the growth of audit outside its original, strictly financial, sphere takes with it a presumption of potential risk of moral hazard by an agent, against a principal's wishes, and thus explicitly embodies a notion of external control, rather than formative development (Power, 1997).

<sup>131</sup> This was especially the case at the beginning of the QAA's OCP evaluation programme, where all OCPs examined were advised to change their quality assurance arrangements, mainly through increasing their oversight of overseas partners. The less critical injunction to continue to develop quality assurance procedures fluctuated, as did the QAA's reporting of action taken since the last audit, and of the extent of coordination across international activities by HEIs.

<sup>132</sup> Hence, the University of Warwick was praised for its links with a South African HEI, these being coherent with its stated intention to improve access to higher education for non-traditional students (QAA, 1999g), but Liverpool John Moores University was asked whether its "recently augmented International Strategy" required a consideration of "the impact of these developments on its well-established mission to widen participation" (QAA, 1999e).

Valley University, where the QAA criticised both the envisaged scale of expansion and the countries this was aimed towards (QAA, 1998b).

### 5.f HEIs and the QAA

The creation of the QAA has been described as leading to a more direct form of governmental control of HEI funding and management. Despite its part funding by HEIs, the QAA's role is often perceived as *ex post* control, rather than as part of an iterative process of auto-evaluation (Morley, 2003). Salter and Tapper have gone so far as to describe the QAA as a "pliable instrument of ministerial will" (Salter and Tapper, 2000: 84), with the creation of the QAA leading to the "collective responsibility of the academic community" being "defined and implemented by a body it does not control: a significant loss of power by the academic profession" (*ibid.*: 78).

At least under its initial head, John Randall, the QAA did not pursue a collaborative approach with its member HEIs. This was despite the fact that the QAA lacked any sanction against HEIs that it found wanting aside from the publication of critical reports.<sup>133</sup>

Reflecting the barriers to coordination detailed above, HEIs' responses to the new, assessment-based evaluation system were often organised by individual factions rather than by the CVCP as a whole. The CVCP had little impact on the QAA's structure and operations. Only the elite HEIs, from the Russell Group faction of the CVCP, were able to affect the QAA's approach. For example, lobbying by the Vice-Chancellors of Oxford University and the London School of Economics appeared to have prompted the reduction in assessment of previous high-scorers, which formed a surprise announcement by David Blunkett, then Minister of Education, in 1998 (Department for Education and Skills, 2001). These Vice-Chancellors argued that the government's refusal to introduce top-up fees had resulted in a shortage of

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<sup>133</sup> It should be noted that the arrangements in Scotland and Wales differed slightly from those operating in England. For a review of these arrangements see Brown, 2004: 98-99, 136.



revenue for traditional universities, which necessitated a reduction in the costs of assessment (Brown, 2004: 131). Rather than shifting the QAA away from an assessment-based approach, the elite universities' lobbying led to a reduction in the burden of assessment for their members only (as consistently high scorers in assessments), rather than achieving change for the higher education sector as a whole.

As another example, in 1998 the thirty-four universities of the Russell and 94 Groups declared the QAA's proposals on benchmarking and external examiners to be unworkable. Finally, Oxford, Cambridge, Edinburgh and Glasgow universities rejected QAA requests for institutional audits in 1998 (Russell Group and 94 Group, 1998; Salter and Tapper, 2000: 81; Tysome, 1998a).

Additional change to the institutional framework, as with the creation of the Better Regulation Review Group, a group set up to reduce the regulatory burden of assessment on HEIs, arose not from lobbying by the CVCP, but rather from outwith government, when recommendations from the Cabinet Office's Better Regulation Task Force<sup>134</sup> were implemented (Better Regulation Task Force, 2002; Brown, 2004: 136-7).

Overall, the only campaign to achieve any change in the QAA's operations was that organised by the Russell Group. The CVCP failed to articulate any coherent approach towards evaluation in opposition to the QAA's assessments.

#### **5.g HEIs and the QAA's audit of overseas collaborative provision**

As with the initial creation of the QAA, HEIs were split over a number of features of the new evaluation framework, especially as these referred to audits of overseas

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<sup>134</sup> The Better Regulation Task Force, recently renamed the Better Regulation Executive, was a unit within the Cabinet Office which examined different types of government regulation and recommended ways of reducing it. Not all proposals to change the evaluation system from outside the Higher Education sector were as successful as those from the BRTF, however. A suggestion from the National Audit Office, that the kite mark be adopted by the QAA in order to prevent quality 'scandals', does not seem to have been seriously considered (Tysome, 1998b).

collaborative provision. The ultimate decisions over controversial matters- such as whether or not including the place of study on the degree certificate, should become a precept of the *Code*, the quality criteria used for assessments- were made by the QAA acting as arbiter between different HEIs' preferences, rather than through negotiation with the HEIs' sectoral association.

A number of British HEIs did not require mention of the place and language of study on their degree certificates, and used this fact as part of their marketing campaigns. Others felt that this action was illegitimate and misleading. As the rector of Middlesex University noted in his reply to a QAA report, "within British higher education there [was] a singular lack of unanimity on the question whether relevant award certificates should refer to the language of instruction and/or assessment" (QAA, 1998d).

The QAA was able to impose a rather uncomfortable compromise on HEIs, requiring them to follow the precepts on disclosure of location to the letter, rather than, as in other cases, being able to implement the QAA's 'principle' as they saw fit, given guidance from the 'precepts'.<sup>135</sup> There was some confusion over the exact import of the *Code*'s phrasing on this matter. As another QAA report noted, the failure to include such information on the certificate (placing it instead on the transcript), while "not inconsistent with the letter of QAA's *Code*, [may not be] keeping with its spirit, and [may not assist] third parties" (QAA, 2003c).

Overall, therefore, HEIs were unable to prevent the introduction of an assessment-based approach to evaluation. Although all the HEIs' sectoral associations were opposed to the introduction of the new system, their inability to organise collectively (rather than by faction) prevented them from presenting a united front in the face of government support for assessment.

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<sup>135</sup> Eventually a compromise was reached that certificates should state the availability of a transcript which would contain information of the language of instruction, but even this was rejected by some HEIs.

## **6 The new organisations and the liberalisation of international students' policy**

Overall, the liberalising operations of the Quality Assessment Units, Higher Education Quality Council and QAA have created an evaluation system which is focused on “comparative quality judgements [and] differential funding”, with “less focus on collaborative efforts to cause program improvement that in other systems” (Kells, 1992: 129). The development of this assessment-based system is one element of a general programme of evaluations of “academic and teaching performance” in British higher education which, as Schmidt notes, have facilitated the introduction of competition (Schmidt, 2002: 78). The Quality Assessment Units, Higher Education Quality Council and QAA facilitated the liberalisation of international students' policy through providing HEIs with the constraints and incentives to compete with each other for better scores, both overall and specifically concerning international students' issues. They were one element of the regulatory context which helped provide “a foundation for a freer higher education market (Stoddart, 2004: x-xi).

The use of assessment, with its encouragement of the ranking of HEIs, was frequently noted by policymakers as key to promoting British higher education overseas. Quality assessment was increasingly described as a means of maintaining “UK Plc's” reputation, within an international higher education market which was “tolerant, but...not infinitely forgiving” (Humfrey, 1999: 44). In 1995, the then Parliamentary Under-Secretary of State for Further and Higher Education maintained that “...a dissatisfied customer can do immeasurable harm, and reputations- once lost- are extremely hard to win back” (Walker, 1997: 256). The Under-Secretary maintained that this provided a justification for extensive quality regulation. Similarly, a British Council representative promoted quality assessment as a means of maintaining British market share; “[j]ust as an airline would never skimp on safety- not if it wanted to stay in business- so a university should never skimp on quality”, the parallel being that both ‘industries’ needed to prioritise

consumer satisfaction.<sup>136</sup> As indicated below, the reports produced by the organisations frequently referred to matters which were of concern to potential international students, and enabled them to differentiate between HEIs.

The **Quality Assessment Units'** assessments, which the Units publicised, were explicitly linked to the attraction of international students to British HEIs, and to increasing competition between HEIs for such students. Initially, some HEI representatives maintained that the inclusion of an 'unsatisfactory' category in classifications might damage Britain's ability to attract international students.<sup>137</sup> Others, however, were keen to note the potential "marketing opportunity" represented by the new evaluation system (Watson, 1995: 330). Regardless of the exact impact of the new system on the recruitment of international students, decision-makers had promoted the new system as a means of increasing competition between HEIs and of facilitating access to information for prospective students.

Similarly, the **Higher Education Quality Council's** audits of overseas collaborative provision, and those of the QAA which followed them, indicated an emphasis on evaluation as a guarantor of the quality of British higher education. The Higher Education Quality Council's, and then the QAA's, audits of HEIs' overseas collaborative programmes emphasised brand maintenance, cross-site quality control and the formalising of potentially litigious "partnership" arrangements<sup>138</sup>. These criteria were designed with a view to maintain the image of British higher education abroad, through publication of the reports, and thus can be viewed as a part of the promotion of British higher education.

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136 James Kennedy of the British Council speaking at a Thames Valley Council for Student Affairs training workshop at Rhodes House Oxford in May 1988, reported in Walker, 1997: 89.

137 This approach was put forward by Dr (now Sir) Clive Booth, Vice-Chancellor of Oxford Brookes University, in a speech after the opening of Hong Kong's British Education Exhibition in early 1994 (reported in Watson, 1995).

138 Issues of the incidence of liability were more pronounced where responsibility for a course was split between different HEIs, as in the case of overseas collaborative provision, especially where two different national legal systems were involved.

Finally, the QAA's assessments have also consistently reflected Patten's focus on the provision of information in order to enable product differentiation. As with the Quality Assessment Units' reports, the fact that the QAA publicised its findings was often seen as a means of aiding recruitment, both domestically and overseas, and facilitating competition between HEIs. The institutional reports were described as "a source of reliable and independent information for potential students and their advisers" (Sizer, 1993: 80), a "valuable resource for students" (Clark, 1998: 2-3) and a "unique set of information which is made freely available to" prospective students, amongst others (Williams, 2002). HEIs themselves were "quick to react to the marketing potential of high ratings" (Watson, 1995: 335).

Brown has maintained that the QAA's approach, using external monitoring of compliance with benchmarks, differed "profound[ly]" from that of the Higher Education Quality Council. Certainly, the QAA's extension of this type of audit to British-based programmes did mark a change in British evaluation of higher education (Brown, 2004: 69). However, the fact that both the Higher Education Quality Council and the QAA used assessment as a means of evaluation (albeit only concerning overseas collaborative partnerships in the case of the Higher Education Quality Council) must not be overlooked. All methods of evaluation undertaken by the QAA, with their emphasis on assessment, facilitated a liberalisation of international students' policy. This reflected, rather than contradicted, much of the activities of the Quality Assessment Units and of the Higher Education Quality Council. The new method did not result in a significant diminution of the burden of assessment (*ibid.*: 127-8). Governments' approach to evaluation had, from 1991 onwards, been consistently focused on adopting assessment as the main means of evaluation, as a way of fostering competition between HEIs for international students. The creation of the QAA was merely the latest stage in this development.

Some authors, such as Simeon Underwood, have however highlighted the findings of the consultants Segal Quince Wicksteed, which suggested that far from QAA

reports constituting the main source of information about HEIs for prospective students, very few people saw the reports as the “single most important source of information about quality”, compared with “the institutions themselves, league tables and schools careers advisers”. However, as Underwood also notes, league tables, prospectuses and institutional websites have often made extensive reference to QAA findings. In addition, the QAA website has consistently received over 12,000 hits per week, “including many from overseas” (Underwood, 2000: 87). Overall, the new evaluation institution has been described as leading to a greater “accountability of higher education”, to potential students as to other audiences (Salter and Tapper, 1994: xi).

The three organisations’ reports were explicitly presented as an aid to international students when deciding which HEIs to attend. Hence, as Humfrey notes, “British Council Offices overseas make available on request copies of the most recent Research Assessment Exercise and the Teaching Quality Assessment”. These coexisted with “[o]ther ratings, such as those of the Times and the Financial Times”, which were “frequently widely read” (Humfrey, 1999: 79). Such ratings prepared by broadsheets were extensively based on the assessments of individual HEIs provided by the organisations examined here (Underwood, 2000).

## **7 Conclusion**

In summary, it can be concluded that governments’ original focus on assessment-based evaluation won out decisively over HEIs’ preferences for a greater use of enhancement-based evaluation. The new organisations (the Quality Assessment Units, Higher Education Quality Council and QAA) did not continue the approach of the enhancement-based Academic Audit Unit and External Examining system, nor that of the accreditation-based Her Majesty’s Inspectorate and CNAAC. Instead, each adopted an assessment-based approach (albeit only with regard to evaluations of overseas collaborative provision in the case of the Higher Education Quality Council).

HEIs had attempted to prevent government control over evaluation, and the adoption of an assessment-based approach, with their creation of the Academic Audit Unit. However, they were unable to prevent the incorporation of the Academic Audit Unit into the Higher Education Quality Council. Despite its formal ownership by HEIs, the Higher Education Quality Council was able to impose an assessment-based evaluation model for overseas collaborative programmes, through invoking government support in the face of resistance from the CVCP. When central government began to promote an assessment-based system, located in a single organisation (the QAA), HEIs were unable to effectively resist the removal of enhancement and imposition of assessment. Not only did the various factions within the CVCP have different views towards assessment (with some standing to benefit from increased assessment, whilst others would stand to lose out), the continuation of two systems of evaluation (if enhancement was retained) was seen as too expensive for HEIs to bear. The QAA was thus largely created in the face of resistance by HEIs. Nor were HEIs able to control the new agency's operations. Where change was achieved by HEIs, this was by a small group of elite universities, and did not result in a turn away from assessment as the exclusive method of evaluation.

The new organisations, from the Quality Assessment Units and Higher Education Quality Council to the QAA, all promoted a liberalisation of international students' policy. Their reports facilitated the ranking of British HEIs against each other, which enabled potential international students to choose between competing universities and colleges. This approach to evaluation, as a means of promoting intra-sectoral competition, differed substantially from that originally proposed by the HEIs' sectoral associations.

Fig.12: QAA Institutional audit reports: the frequency of comments on international student issues, per report per year

	97	98	99	00	01	02	03
OCPs noted	2= 100%	3= 18.75%	1= 5.26%	8= 34.78%	8= 40%	8= 34.78%	8= 20%
Withdrawal from OCPs since last audit				1= 4.35%	3= 15%	3= 13.04%	1= 2.5%
University expanding OCPs		1= 6.25%		1= 4.35%	1= 5%	3= 13.04%	2= 5%
Audit vs OCP expansion			1= 5.26%				
Criticism of OCP quality	2= 100%	3= 18.75%		1= 4.35%	5= 25%	2= 8.7%	2= 5%
Improvement in OCP quality required				3= 13.04%	2= 10%	2= 8.7%	5= 12.5%
Praise of action since last audit				1= 4.35%	2= 10%	2= 8.7%	4= 10%
Praise of coordination of international activities					1= 5%	1= 4.35%	
Good IS arrangements		2= 12.5%	4= 21.05%	2= 8.7%	2= 10%	3= 13.04%	1= 2.5%
Inadequate IS arrangements			2= 10.53%		2= 10%	3= 13.04%	1= 2.5%
Certification accords with HEQC/QAA code							2= 5%
Certification does not accord with HEQC/QAA code				1= 4.35%	1= 5%		
IS strategy accords with HEI's overall strategy						1= 4.35%	
IS strategy not in line with overall strategy			1= 5.26%	1= 4.35%			
Number of reports	2	16	19	23	20	23	40

Source: Data was obtained from the institutional reports available on the QAA website, from April 1997 to December 2003.

I.S.: international student



Fig.13: QAA Overseas Collaborative Provision Audits: the frequency of comments on international student issues, per report per year

	97	98	99	00	01	02	03
Recent withdrawal from OCP arrangements noted		1= 6.25%	3= 17.65%				
Acceptable quality arrangements on balance	4= 50%	2= 12.5%	8= 47.06%	3= 25%	3= 33.33%	4= 30.77%	3= 33.33%
Degree standards equivalent to UK	1= 12.5%	3= 18.75%	1= 5.88%	1= 8.33%	2= 22.22%		
Degree standards not equivalent to UK	1= 12.5%	1= 6.25%	2= 11.76%	1= 8.33%	1= 11.11%		
Care required before OCP expansion	1= 12.5%	2= 12.5%	4= 23.53%				
Problems with assessment		1= 6.25%				2= 15.38%	2= 22.22%
Reference to the QAA/HEQC code				1= 8.33%	1= 11.11%	3= 23.07%	1= 11.11%
QAA/HEQC code compliant		1= 6.25%	2= 11.76%	1= 8.33%	2= 22.22%	2= 15.38%	6= 66.66%
Reference to QAA/HEQC code concerning certification	1= 12.5%	1= 6.25%	2= 11.76%		1= 11.11%		2= 22.22%
Scheduled approval followed changes					1= 11.11%		
More oversight needed	3= 37.5%	4= 25%	9= 52.94%	3= 25%	3= 33.33%	4= 30.77%	3= 33.33%
Praise of action after previous audit			2= 11.76%			1= 7.69%	
More formalised relationship with partner required		3= 18.75%	1= 5.88%	3= 25%		3= 23.07%	
Number of Reports	8	16	17	12	9	13	9

Source: Data was obtained from the overseas collaborative provision reports available on the QAA website, from April 1997 to December 2003.

## Chapter 6: Evaluation institutions in France

### 1 Introduction

The evaluation organisation examined here, the *Comité National de l'Évaluation des Établissements Public à caractère scientifique, culturel et professionnel* (CNE), was created in 1984.<sup>139</sup> The CNE's creation marked a break with existing methods of evaluation in the French higher education sector. Previous evaluation organisations (the *Cour des Comptes*, *Inspection Générale de l'Administration de l'éducation nationale et de la recherche* (IGAENR) and the *Conférence des Grandes Ecoles*, had all adopted an accreditation-based approach to evaluation. They had only evaluated HEIs on the basis of certain basic criteria, rather than explicitly comparing them against each other (assessment) or using their evaluations to aid HEIs to improve their fulfillment of their own objectives (enhancement).

During the creation of the CNE, French HEIs, working through their sectoral associations, collectively put forward a view of evaluation as enhancement-based. Although the creation of the new evaluation agency was mainly pushed forward by the then Education Minister as a means of balancing HEIs' autonomy, the agency retained the HEIs' focus on quality enhancement. Throughout the period examined, HEIs continued to play a role in defining the parameters of operation of the CNE, through, for example, involvement in the definition of quality indicators. The influence of HEIs on the CNE was mediated through their sectoral associations.

The CNE refused to rank HEIs, and its institutional reports were not produced with this outcome in mind. As a result, the CNE did not contribute to a liberalisation of international students' policy, as it did not lead HEIs to compete against each other. Indeed, an interviewee specifically noted that the CNE's reticence concerning the ranking of HEIs had helped prevent the liberalisation of international student policy,

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<sup>139</sup> As the CNE's approach defined the sector's overall use of evaluation, it is warranted to describe the CNE's rules as themselves constituting an (enhancement-based) institution.

as HEIs could not differentiate themselves from the rest of the French higher education sector on the basis of their quality scores, as in Britain (Interview with SFERE employee). The chapter also reviews whether the CNE could be seen as having commodified international students. Although a small number of HEIs were advised to reorient their recruitment policies towards developed and emerging economy countries, rather than developing countries, others (albeit a smaller number) were also advised to build up links with developing countries, to the extent that the CNE did not lead to a significant commodification of international students.

This chapter examines the existing organisations operating in the evaluation of French higher education, before considering the strategies of central government and of HEIs concerning the creation of the CNE. It then details how the CNE operated, before examining whether it could be legitimately be described as leading to liberalisation. Where relevant, the chapter refers to an analysis of the CNE's institutional reports produced between 1986 and 2003.<sup>140</sup>

## 2 The pre-existing situation

Three different organisations can be identified which possessed an evaluating function before the creation of the CNE; the *Cour des Comptes*; the IGAENR; and the CGE's accreditation system (Mérindol, 1994: 40). All the organisations adopted an accreditation-based approach, resting on the assurance of basic standards rather than the assessment of comparative quality which could have encouraged the development of competition between HEIs.<sup>141</sup>

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140 117 CNE reports were examined, which constituted all institutional reports available in the CNE's Centre de Documentation and on the CNE's internet site, up to summer 2003.

141 Two additional types of organisations also operated in parallel with the CNE; the *Observatoire des Coûts* and private accreditation agencies. The *Observatoire* was created in 1991 as an aid to HEIs' attempts to control costs, and a means of increasing the transparency of resource allocation in higher education. The *Observatoire* also carried out audits of HEIs, albeit with the help of HEIs themselves (Bornarel and Lévy, 1994: 69). Private accreditation schemes included international peer systems such as the EQUIS group of engineering schools or the AMBA scheme for business education (see p.138 footnote 116). Thus far their coverage is still patchy (Halimi, 1996: 97). For example, no programme evaluates all MBAs delivered in France (dos Santos, 2002: 100). In both cases, however, these organisations were only created after the CNE. Both the *Observatoire des Coûts* and private evaluation agencies therefore cannot be seen as providing institutional precedents for the CNE.

## **2.a Government-led evaluation organisations**

Both the *Cour des Comptes* and the IGAENR focused explicitly on the use by HEIs of public monies. Neither organisation had any specific focus on HEIs' policies towards international students. They both worked on a mainly *ad hoc* basis (*ibid.*: 40), as and when inspection was felt to be necessary.

### **2.a.i The Cour des Comptes**

The *Cour des Comptes* was created in 1807 to control the expenditure of what were then royal monies. Since then, the *Cour's* responsibilities have been extended such that it audits all the modern state's public spending and its management of resources. The *Cour des Comptes* was responsible for auditing HEIs' resources and management (Bertrand, 1994: 58), as part of its overall assessment of the use of public finances across the French public administration. In particular, the *Cour des Comptes* was required to produce annual reports concerning HEIs' use of public funds. Such reports were not, however, made publicly available (Neave, 1988: 8).

### **2.a.ii The IGAENR**

The IGAENR was created in 1965, with the mission of monitoring higher as well as primary and secondary education, and research, under the direct oversight of the Minister of Education. The IGAENR was required to ensure the probity and efficacy of financial as well as institutional management, through an examination of "conformity and management control". The IGAENR was often commissioned by the government to look into severe management problems in particular HEIs. As a result, its reports tended to be critical, concentrating on the "shadowy areas in colleges and universities" (Le Monde, 1993a was c).

The IGAENR, in contrast with the CNE, was "viewed as an instrument of control and 'policing' (*flicage*)," with HEIs "not liking it if the IGAENR's reports are done well" (Demichel, 2000). The IGAENR's staff were explicitly described as

“inspectors”, rather than as evaluators (Claeys, 2002). Overall, therefore, the IGAENR’s operations, as with those of the *Cour des Comptes*, were mainly confined to inspection rather than evaluation. Rather than encouraging competition between HEIs for international students, or aiding HEIs to improve the quality of their courses, they examined HEIs’ adherence to basic managerial and financial standards.

## **2.b HEI-led evaluation organisations: accreditation by the CGE**

In a number of cases, the only accreditation received by some private HEIs consisted in the peer accreditation conferred by being admitted to the *Conférence des Grandes Ecoles* (Le Monde, 2002). The CGE required applicants to demonstrate conformity to a number of basic standards before they would be considered for admission, which was controlled by the *grandes écoles* already admitted into the CGE. Just as HEIs were not ranked within the CGE, with all possessing an equal role at a formal level,<sup>142</sup> so the CGE did not rank applicants when they were admitted into its association.

## **3 Government strategies**

The CNE was created under the Higher Education Guideline Law (popularly known as the *Loi Savary*), which was promulgated in 1985 (Cazenave, 1990; De Groof *et al.*, 1998: 123; Staropoli, 1987). The new evaluation agency was one of the least controversial aspects of this new law.<sup>143</sup> The law’s prohibition on access restrictions drew protests from right-wing students and from law faculties, with some newspapers describing the scale of the protests in spring 1983 as “May ’68 in reverse” (reported in Bernard and Lepagnot-Leca, 2002: 233).

The CNE appears to have been largely created in isolation from the rest of the law. This perhaps explains the appointment of the mathematician and *Parti socialiste*

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<sup>142</sup> With the one exception of the fact that the founding members had permanent rather than rotating positions in some decision-making structures, although in practice they often devolved these to non-founding members.

<sup>143</sup> The law’s proposals relating to the prohibition of selection caused wide-scale protests and counter-protests by right-wing and left-wing students.

supporter Laurent Schwartz as president of the CNE by Jean-Pierre Chevènement, the then Minister of National Education, in 1985 (Vanlerberghe, 2002). This was despite Schwartz' documented criticism of the law as a whole in 1983, at the head of the '*qualité de la science*' movement opposed to the law.<sup>144</sup>

However, whilst university presidents and other commentators may have viewed the CNE in isolation from the rest of the *loi Savary*, Savary himself saw the creation of the CNE as an integral part of the new legislation, forming an important counterweight to the increased institutional autonomy which it provided. In particular, it would balance the impact of the new contractual system, which Savary saw as aiding HEIs to develop their own institutional policies (Savary, 1983: 2407) (but which in effect had a minor impact on HEIs', as against faculties', strategic capacities; see p.233). In particular, Savary maintained that the new evaluation committee would prevent "autonomy [from] leading to nepotism and mediocrity" (Bernard and Lepagnot-Leca, 2002: 232). Hence, it was claimed that the CNE would "prevent the possibility of having centres of excellence and of mediocrity in the same HEI, without any 'relationship of solidarity' between them". For Savary, "just as coherence need not signify uniformity, autonomy does not exclude that the public sector should play its role fully" (Savary, 1983: 1346, 1352). The proposed new agency was criticised by deputies from the right as alternately leading to an extension of government control over HEIs,<sup>145</sup> or lacking sufficient powers (Bourg-Broc, 1983: 2407).

Various actors have claimed responsibility for inclusion of the creation of the CNE in the law. René Rémond has maintained that the CNE was developed from the CPU's proposal for an independent evaluation organisation. This organisation was to "articulat[e] between the autonomy of HEIs and the responsibilities of public power and aid[...] institution's own efforts" (Rémond, 2002: 309). However, the

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<sup>144</sup> Schwartz had signed the Appeal of the fifty-five to President Mitterand, criticising the law. See Bernard and Lepagnot-Leca, 2002: 235.

<sup>145</sup> Raymond Barre, an RPR deputy, even described the CNE as leading to "polysynodie" (Barre, 1983: 1379), the bureaucratic and time-consuming eighteenth-century decision-making regime instituted by Philippe d'Orléans.

proposal for such a body was one of many made by the CPU, which had often led to little action on the part of government. If the CNE was modeled directly on the CPU's proposal, it had taken ten years for this proposal to be recognised by government. Similarly, both Jean-Louis Beffa (Beffa, 2000) and Roger-Gérard Schwartzberg (later Minister for Research) also both claimed responsibility for creating the CNE (Schwartzberg, 2000).

Regardless of who may have first suggested the creation of an independent evaluation body, it was Alain Savary as Education Minister who urged the inclusion of the matter in the draft of the *loi Savary*, when it was being prepared by Georges Dupuis (a professor of public law at the *Université de Paris I*) (Bernard and Lepagnot-Leca, 2002: 228). Savary also appears to have been the first actor to articulate the view that the CNE was necessary as a check on HEIs' increased autonomy resulting from the new law (*ibid.*: 236).

#### **4 HEIs' strategies**

HEIs' criticism of the creation of the CNE was muted by the fact that the new agency was consistently presented as a necessary corollary of increased autonomy by Alain Savary.<sup>146</sup> In addition, the CPU and CGE were able to contribute to the detailed elaboration of the CNE's structures and role, through the negotiations held between Alain Savary and the higher education sector over the *loi Savary*. These negotiations allowed the CGE and CPU to propose modifications to the proposed evaluation agency, which appear to have been taken on board by Savary. In particular, they allowed HEIs to restrict the new organisation's role to enhancement rather than assessment.

HEIs contributed to the new *loi* in three ways. Firstly, they responded to a questionnaire sent out to all HEIs' presidents. Secondly, a number of representatives from HEIs met with Savary privately during the drafting of the *loi*,

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<sup>146</sup> This claim has been repeated by successive Education Ministers; see, for example, Jack Lang's claim that his government hoped "to refound university autonomy...[through] developing evaluation and in particular that of courses, through a good use of the competencies of the CNE" (Lang, 2000).

including representatives of the CPU and CGE. Finally, HEIs also fed in to the reports on the *loi* drafted by the *Commission des Affaires Culturelles, Familiales, and Sociales*. Some HEI representatives had formed a lobbying group, “*Qualité de la Science*”, against the main thrust of the proposals in the *loi Savary*. However, even this group did not oppose the creation of the CNE, but supported it. Their only challenge to the proposals for the CNE in the *loi* was to ask for it to review HEIs every five years, rather than annually as was originally proposed. When the *loi* was passed through Parliament, Savary struck a compromise with the group of “periodic” reviews, which would occur more frequently than every five years, but less frequently than annually (Savary, 1983: 2407).

Once the CNE's role had been defined as enhancement - as aiding HEIs to fulfil their own priorities - the creation of the new organisation was supported by the HEIs' sectoral associations. The CNE was seen as a way for universities and *grandes écoles* to buttress their own credibility and legitimacy, in a context of increased institutional autonomy (Bertrand, 1994: 56). This can be contrasted with the higher education sectoral associations' extensive criticism of much of the rest of the proposed *loi Savary* (Bernard and Lepagnot-Leca, 2002: 230).

The linkages made between the new agency and the promotion of increased autonomy for HEIs from government was also important in explaining HEIs' (muted) support for the CNE. Evaluation has been described by the CNE as “above all destined for the evaluated establishment and its leadership” (Vie Universitaire, 1998). The CNE was to analyse all “the actions and means put in place by establishments in the framework of their scientific and educational policies” (Gouvernement de France, 1985). The CNE was not, ostensibly, to provide information for potential international and/or domestic students but rather to aid on-going processes of institutional improvement.



As Bertrand maintains, the CNE was seen as “part of the move towards greater autonomy for each institution” (Bertrand, 1994: 57).<sup>147</sup> The then Vice-President of the CNE maintained that any extension of its powers beyond the ability to “note, to suggest and to recommend” would lead to “distrust”, which would “distort” the information thus garnered from HEIs, and prevent the agency from properly uncovering “the facts, ...detect[ing] discrepancies and....try[ing] to understand their significance and consequences”.<sup>148</sup> HEIs appear to have accepted this enhancement-based approach, while they have remained hostile to assessment-based evaluation.

## 5 The establishment of the CNE

The CNE was founded relatively early, both in French public policy terms and when compared to other evaluation institutions for higher education across Europe.<sup>149</sup> However, whilst the CNE was, from the perspective of other uses of evaluation in France, a novel institutional form, the extent to which it could be characterised as ‘liberalising’ was limited. In particular, the CNE’s enhancement-led approach militated against it being used as a means to compare HEIs and thus to facilitate competition between them.

The agency’s mission was defined as the evaluation of scientific, cultural and professional institutions (thus including research institutions as well as universities and the *grandes écoles* under the tutelage of the Minister of Education) (Gouvernement de France, 1984: Art.65). The CNE would be able to recommend measures to improve the functioning of HEIs as well as the effectiveness of their teaching and research, especially with respect to courses, student welfare and

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<sup>147</sup> Whilst such a view seems to suggest that evaluation complemented autonomy, less mention has been made of how this might be the case. Leduc, for example, maintains that “[e]valuation of higher education institutions is a logical corollary of their autonomy” (Leduc, 1994: 61), but it is difficult to specify how the two concepts could be necessarily (as opposed to empirically) related.

<sup>148</sup> Gabriel Richet, Vice-President of the CNE, reported in Kells, 1992: 223.

<sup>149</sup> This contradicts claims that evaluation is not heavily institutionalised in “the areas of education, teaching, institutional and management organisation” within higher education compared with in research, as maintained by Abécassis (Abécassis, 1994: 31).

other student affairs (*ibid.*). In July 1989, the CNE became an independent administrative authority, which gave the agency financial and, to an extent, operational autonomy (Gouvernement de France, 1989b: Art.27).

Even before 1989, the CNE enjoyed a relatively autonomous role from the rest of the administration, certainly in comparison to the *Cour des Comptes* and the IGAENR. For example, the CNE has described the fact that it reports directly to the President rather than to the Ministry of Education as one element of its autonomy from government (CNE, undated).<sup>150</sup> The awarding of independent administrative authority status to the agency buttressed such autonomy. Independent administrative authorities are characterised by their lack of subordination to government, despite formally constituting part of the bureaucracy. In particular, independent administrative authorities are guaranteed independence from government. The CNE's status as an independent administrative authority marked a rupture with existing modes of organisation within the higher education sector. Although the category of independent administrative authority was first used in 1978, only thirteen bodies have been specifically classified as independent administrative authorities by legislators (Migaud, 2001). Although a larger number of independent administrative authorities have been created informally, out of the thirty such organisations none, apart from the CNE, have been created within the higher education sector, or in the education sector more broadly. The CNE thus differed significantly from other public sector organisations involved in the assessment of HEIs, both in its role and its institutional design.

## **6 How the CNE operated in practice**

The CNE's seventeen members were chosen by the Minister of Education, but were mainly drawn from a list drawn up by the *Conseil national de l'enseignement supérieur et de la recherche* (CNESER), a consultative body including representatives of HEIs, students and education trade unions. The CNE also

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<sup>150</sup> See also Harman's description of the CNE as autonomous (Harman, 1998); and Neave's claim that the fact that the CNE reports directly to the president was of "considerabl[e] important[ce]" (Neave, 1988:14).

included four people chosen for their qualifications in the field of evaluation, a member of the *Conseil d'Etat* and of the *Cour des Comptes*. Between its creation in 1985<sup>151</sup> up to 1997, the CNE evaluated all the universities of France, and has since evaluated a number of engineering schools, and, more recently, teacher training colleges (IUFM) (Claeys, 2002).

HEIs' involvement in the definition of the CNE's operations can be seen as mainly linked to attempts to maintain its enhancement-based approach. Coordinated and sustained support by the CPU and CGE appears to have been successful in preventing the development of a more assessment-led system, at least within the CNE if not within government as a whole (see p.186 footnote 155).

The first universities to be assessed by the CNE, in 1986, volunteered to be evaluated by the new committee. A number appear to have been motivated by the CNE's claim that its visits would facilitate internal processes of self-evaluation (Le Monde, 1986). The CNE's focus on aiding HEIs' own evaluation, with little emphasis on producing information for public consumption, was maintained throughout its operations, partly due to pressure from the HEIs' sectoral associations. University presidents played an important role in the creation of the indicators which guided evaluations, which, as Bertrand, a former member of the CPU maintains, differed from the usual conception of "performance indicators", since they [were] intended simply to 'indicate', and because the Committee considers that an evaluation of teaching and research has to be a qualitative judgment ('peer appraisal') (Bertrand, 1994: 57).

The CPU's role in the elaboration of indicators was maintained throughout the period examined (Denis, 2001). Indeed, an attempt by government to impose a new set of indicators appears to have been unsuccessful. In 1990, Lionel Jospin asked Michel Crozier, a sociologist, to "reflect on the choice of quantitative and qualitative indicators which could measure the educational performance of

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<sup>151</sup> The CNE did not, however, produce any institutional reports until 1986.

university establishments" (Crozier, 1990: 9; see also Le Monde, 1990d and Massicotte, 1995). Crozier recognised that rather than being a neutral procedure, as it may have appeared, the creation of indicators required tackling existing patterns of power (Crozier, 1990: 9). The problem was not the putting into place of "indicators which were perfect on a technical level, but rather of removing any obstacles to their introduction" (*ibid.*). Rather than creating indicators, Crozier instead elaborated a policy of evaluation, and "reflected on the necessary measures to make sure that its implementation was truly effective" (*ibid.*:10). The definition of indicators was thus retained as a matter for the CNE, in consultation with HEIs.

#### **6.a The CNE's definition of its role**

The CNE's first framework for institutional evaluations, published in October 1986, required systems of "international cooperation", including policies towards international students, to be described by the heads of HEIs in their initial submissions to the CNE before the formal evaluation process began (CNE, 1986a: 4). The CNE then created a working group on the methodology of evaluation with the universities' sectoral association, the CPU (CNE, 1988a: 4). The group proposed a number of "*rubriques*" to guide evaluation, under which specific indicators were classified. The number of international students and researchers was classified as "indispensable information for an evaluation" (CNE, 1988b), and as an indicator within the context of the universities' policies. These indicators were apparently accepted by the HEIs themselves (CNE, 1988c). However, the indicators were not referenced to benchmarks, nor were particular scores on any indicator associated with a more or less positive assessment of the HEI concerned. As a result, the indicators were not used as a means to rank HEIs and thus could not be used to facilitate competition.

Despite the change in the CNE's status to an independent administrative authority, accompanied by a declaration by the Minister of Education that its role should increase in December 1988, no changes were made at this point to the evaluation

criteria (CNE, 1989b: 1). The CNE's approach continued to be guided by the indicators described above (Le Monde, 1989d). In 1993, however, the CNE's approach changed, following the introduction of the four yearly contracts between HEIs and the state to deliver a proportion of institutional funding (see chapter eight). This new policy was described by the CNE as leading to a "strong need for self-evaluation" (CNE, 1993) which required less time-specific indicators. In January 1995, the CNE published a new set of guidelines, which this time included the numbers of international students only as necessary information for evaluations (CNE, 1995b: 2), not as indicators.

#### **6.b The CNE and quadrennial contracts**

The largest change to the CNE's criteria occurred in 2000, when the evaluation time-table was altered to actually coincide with the four yearly funding contract cycle. The extension of evaluation of the contracts was seen as adding to the credibility of the contractual process (Claeys, 2001b). The CNE's calendar was coordinated with that of the contractual funding system from 2001 onwards (Claeys, 2002). The CNE made efforts to indicate that this change was technical rather than substantial; the "contractual aspect" was to be only one of the many evaluated by the CNE (CNE, 2000a: 2). Nonetheless, the new timetable significantly increased the salience of the evaluation process.

The coordination of the CNE's calendar with the contractual calendar appears to indicate the importance of government proposals for the CNE's operations. By 2000, the Ministry of Education was publicly suggesting that a process of evaluation should be introduced to assess the fulfillment of the contracts (Migaud, 2000b). The Ministry itself, it was claimed, did not "have the necessary means of evaluation to do so" (Claeys, 2000a). This followed a report from the *Mission d'évaluation et de contrôle*, which had criticised existing procedures (Claeys, 2002).

However, the CNE maintained that the decision to integrate its evaluations with the contractual process had been taken by the CNE itself rather than by the Minister of

Education (CNE, 2003c). It noted that whilst involvement in the contractual system might require it to work with the Minister, the IGAENR or the *Cour des Comptes*, “it acts within a methodological framework which has been freely chosen, with experts who have been freely appointed and produces its reports in complete freedom viz. the authorities and institutions”. The CNE maintained that it would “not itself participate in the contractual process”, but only evaluate the fulfillment of the contracts (*ibid.*). It thus distinguished its evaluative role from that of control, as rather than verifying “conformity to an established rule”, the CNE evaluations involved a “notion of value” or worth, thus requiring “appreciation and judgement” (*ibid.*). The CNE’s institutional reports have been described as enabling HEIs to prepare their own agendas for the contractual negotiations (Abécassis, 1994: 31). Such evaluations were explicitly not “punitive”, nor did they involve “compar[ison] and competi[on] between institutions” (*ibid.*: 33).

To the extent that the CNE’s evaluation procedures did attempt to measure performance rather than merely illustrate it, this was done against the indicators presented in annexes to the HEIs’ contracts (Claeys, 2002). These indicators had been defined by the HEIs themselves, in conjunction with government (see chapter eight). As with the initial creation of the CNE, this expansion of the agency’s role was described as necessary given the extension of institutional autonomy produced by the contractual system (Denis, 2001).

According to an interviewee from the universities’ sectoral association, following the change to the CNE’s schedule, institutional reports could, in theory, lead to government action if an HEI showed itself as having failed to comply with the contract (interview with CPU employee). However, this does not appear to have occurred up to the time of writing.

Most of the burden of evaluating the contracts was actually placed on the IGAENR rather than the CNE. The CNE’s procedures were seen by government as “slow”, and as very much “centred on pedagogical issues” (Demichel, 2000), which were

not necessarily as high priority for the Ministry as were management-based issues. In contrast, it was hoped that the IGAENR's evaluations would allow HEIs to "benefit from its expertise on those matters concerned with the management of HEIs" (Migaud, 2000a).

### **6.c Limited government control over the CNE: funding and nominations**

The extent to which governments were able to control the operations of the CNE was limited. Claude Allègre's complained that, because the CNE reported to the President of the Republic, the Ministry of Education only had "one link to it: we [the Ministry] pay for it!" (Allègre, 2000).

Nonetheless, the provision of government funding for the CNE did constitute one area where the Ministry of Education was able to exert significant influence on the agency's operations. Between 1994 and 1996, the CNE's funding was reduced by 14.3%. This was seen as directly preventing a more thorough analysis of the contracts during institutional evaluations, and as reducing the calibre of personnel which the organisation could employ.

In 2000, coinciding with the government's new stress on evaluation of the contracts, the CNE's budget was restored to its 1994 level. Indeed, the two factors were explicitly linked by Alain Claeys, when he maintained that "the coordination of the evaluation of the contractual policy between HEIs and the state has been achieved thanks to an increase in the resources of the CNE" (Claeys, 2000b). The budget was increased again in 2001 (Claeys, 2002).

It has also, finally, been suggested that the Ministry of Education's power to nominate the president of the CNE allowed it to achieve change in the agency's operations (Lang, 2001).<sup>152</sup> This choice was, however, only from a short-list drawn

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<sup>152</sup> It should be noted that some other changes proposed by the Education Ministry do not, however, appear to have been instituted. This was the case with Claude Allègre's suggestion of a move towards the US system of small visiting committees, including parliamentarians, being used instead of the CNE's system (Allègre, 2000); and Roger-Gérard Schwartzberg's suggestion (as Minister of Research) that the CNE should be merged with the CNER, the evaluation committee for research

up by the CNESER (see p.180). Overall, HEIs continued to play a significant role in the agency, often through the medium of their sectoral associations.<sup>153</sup>

## **7 To what extent did the new institution lead to a liberalisation of international students' policy?**

Unlike the new British evaluation organisations, the CNE's activities did not encourage competition between HEIs for the recruitment of international students. Nor did they lead to any significant commodification of such students.

### **7.a Did the CNE promote competition between HEIs?**

As would be expected given the CNE's enhancement-based approach, its reports were intended mainly for the use of the HEIs concerned. The CNE did, on occasion, produce amalgamated results which attempted to provide an overall picture of French HEIs; hence, in 1992, it published the conclusions of its reports on seventy-five HEIs (Le Monde, 1992a).<sup>154</sup> However, sources other than the CNE's reports were used when the press attempted to rank different HEIs against each other (such as students' assessment of teaching quality and facilities (Le Monde, 1992d)).<sup>155</sup>

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(l'Office parlementaire d'évaluation des choix scientifiques et technologiques, undated). However, as these ideas appear to have only been mentioned once in parliamentary debate, they may have been personal suggestions of each minister, rather than constituting policy formulated through the Ministry and enjoying wider support within government.

153 I have found little evidence that HEIs saw the CNE as an instantiation of "centralized government power" (Kells, 1992: 123).

154 The CNE also attempted to publicise a new initiative involving the regional assessment of HEIs, as when it conducted a joint evaluation of the HEIs of Aix-Marseille. The press conference held following the evaluation was supported by the three university presidents concerned (Claeys, 2002). In a limited number of cases, the press attempted to draw critical conclusions from the CNEs' evaluations, as with Le Monde's coverage of the CNE's Report on Paris III university (Le Monde, 1992e) and on Lille-III university (Le Monde, 1990a). However, these universities were not compared against any national average, or against other universities, in the CNE's reports, nor were they assessed quantitatively, and so were not 'ranked' in any way.

155 Unlike the CNE, French governments, specifically the Ministry of Education, have been willing to assess HEIs, in the face of opposition from HEIs. The rankings derived from these assessments facilitated competition between French HEIs, as in Britain. However, they were not produced by the CNE but by the Ministry. Such an approach has not been supported by HEIs. Claude Allègre noted that the University of Evry went on strike following the internet publication of twelve indices, with the University scoring last in one of these (Allègre, 2000). The indices were not based on data from the CNE (which was not in a form that would facilitate comparison), but rather from data provided by the Ministry itself.



The CNE explicitly avoided an assessment-based approach which could have facilitated ranking between HEIs, and thus promoted competition. As the government's own review of evaluation in higher education maintained, "...if evaluation sought to give prominence to detailed results, the teams would be" engaged on a "suicidal" path which would defeat the original purpose of the CNE's institutional evaluations (Crozier, 1995: 20).

The CNE was explicitly debarred from ranking HEIs on the basis of quality assessments, or even from explicitly comparing universities and *grandes écoles*. The evaluation agency itself maintained that such a process would be impossible, given the diversity of French HEIs and their various activities. Whilst the agency did not rule out a "comparative evaluation" of "departments within a single discipline", the only "ranking" which was suggested was a "grouping into major categories", apparently not on a quantitative basis (Leduc, 1994: 66). It indicated that the "evaluation of higher education is above all a qualitative matter; this is why it does not think it is possible to have recourse exclusively to performance indicators" or to other quantitative approaches (Jacobs, 2001: 49).

Rather than its reports facilitating comparison between HEIs for the purposes of differentiation by prospective students, the reports were designed to aid HEIs themselves. Hence, the CNE's remit was "less to set benchmarks of a quantitative nature than to provide a qualitative assessment which will enable universities to check and where necessary to refine their institutional strategies and objectives" (Neave, 1994: 122). As a result, it allowed individual HEIs "to assume a substantial degree of latitude and initiative in determining [their] own developmental profile" (*ibid.*: 122). Overall, the CNE's approach led to a "strengthen[ing of] central institutional authority...as the results of individual assessments are mediated through the whole institution's context of assessment" (Brennan and Shah, 2000b: 344).

Hence, unlike the QAA, the CNE offered HEIs advice on strategies which they could take to enlarge their recruitment of international students. For example, a faculty of the *Université de la Réunion* was urged to choose between “stagnating” or opening to the rest of the region (CNE, 1989a: 51), and its efforts to do so were praised in a later evaluation (CNE, 2002: 87). Similarly, the University of Reims was urged to increase student exchanges (CNE, 1999b: 41). Other HEIs were praised for their efforts to increase international student recruitment, as with INSA Toulouse’s special programmes for international students (CNE, 2001: 18). A limited number of HEIs were urged to cooperate with other HEIs, as a means of facilitating their attempts at internationalisation.

The QAA had only suggested particular strategies to HEIs concerning ways to reduce their financial or legal liability in overseas collaborative programmes. Although the CNE reported the existence of a large number of overseas collaborative programmes managed by the HEIs it examined, it was only critical of one such overseas collaborative programme, that of the *Université de Perpignan*.<sup>156</sup> Interviewees suggested that this university’s lack of quality control constituted a relatively extreme case. Uniquely, the French embassy had been required to force the University to disclose to employers the location of study of its former students, after the University had refused to do so itself.<sup>157</sup> Overall, therefore, whilst the CNE did offer HEIs advice on how to develop their own recruitment of international students, this advice was focused on HEIs’ own strategies rather than on more generic financial or legal standards.

## **7.b Did the CNE encourage the commodification of international students?**

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<sup>156</sup> The University was rebuked for a “disequilibrium” between its metropolitan and delocalised faculties, and for an apparent “numerical inferiority complex” which had induced it to augment the number of students at its delocalised antennae without consideration of the consequences. Whilst claiming that the “market” in OCPs was a reality and that the University of Perpignan was admirably attempting to engage in this, the CNE affirmed that the “degrees dispensed still have the label of a national French degree; the quality of teaching, the control of information and its supervision, the local providers, the recruitment of staff, all required an extreme rigour and the organisation of regular missions of a significant duration” by the University (CNE, 2003b: 20, 29, 42).

<sup>157</sup> An interviewee from the DRIC also claimed that this policy may have lapsed with the end of Jack Lang’s period in office.

Although a number of the CNE's reports did mention the numbers of international students attending particular HEIs,<sup>158</sup> none attempted to analyse comparatively the services provided for international students in a way that could be used by potential students to differentiate between them. Only eleven out of the 117 institutional reports examined counselled HEIs to target particular countries as part of their recruitment strategies. Although attention was drawn by the CNE to the allegedly large numbers of African students attending a number of HEIs in nine reports, in two of its reports the CNE suggested that a small number of HEIs' intakes were overly oriented towards European and/or North American students, directly going against the general tenor of government policy and against the commodification of international students. Overall, therefore, the extent to which the CNE's reports could be described as promoting a commodification of international students was limited.

## 8 Conclusion

The creation of the CNE and its subsequent operations did not lead to a liberalisation of international students' policy. This was particularly clear from its reticence to adopt quantitative indicators which could have been used to rank HEIs, which prevented its reports being used as a means to facilitate competition in the higher education sector. The extent to which its operations could be described as leading to a commodification of international students was also limited. Whilst the

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<sup>158</sup> Not all institutional reports mentioned international students; in three institutional reports they were not mentioned at all (CNE, 1996a; 1996b; 1996c), and in another, the only time when international students were mentioned was to note that there were none on a particular programme, with no accompanying commentary (CNE, 1999a: 49). The extent to which international student numbers were detailed by the CNE appeared to peak in the mid- to late 1990s before diminishing to around two thirds of reports mentioning this by 2003. A number of HEIs were criticised by the CNE for a lack of sufficient information concerning the numbers of international students (CNE, 1991a; 2003a; 2003b), but not for the particular policies they had taken towards such students. The extent to which the numbers of such students were noted as either above or below average by the CNE also fluctuated over the period. Indeed, the CNE appeared to take a rather contradictory approach to international student numbers at times. In some reports it claimed that low international student numbers in relation to French student numbers indicated the operation of a strong degree of selectivity, rather than a lack of international attractiveness (CNE, 1991b: 139). In other reports, high numbers of international students, especially in doctoral programmes, were taken to suggest that insufficient efforts were being made to attract French students (CNE, 1995a). Even where very low international student numbers were noted, the CNE did not always recommend measures to improve the situation (CNE, 1992).

QAA's reports had a similarly limited impact on the commodification of international students, the publication of its more quantitative and comparative reports, and their availability to international students, allowed them to be used as a means of increasing competition between HEIs for the recruitment of international students.

The different approaches taken in the two evaluation systems can be explained by reference to the engagement of HEIs in defining the parameters of the new organisations, which itself depended on the extent of their coordination in sectoral associations. French HEIs, through the CPU as well as individually, played an important part in the definition of the CNE's terms of reference, and its subsequent activities, from the first consultations over the *loi Savary* onwards. They were able to present a coordinated position against the use of assessment by the CNE. The CPU and CGE continued to support the CNE and to participate in the definition of its indicators and other matters. This contrasts with British HEIs' fractured response in the face of assessment being adopted by the QAUs, HEQC (for OCP audits) and QAA. In contrast with the coordinated engagement of French HEIs, this lack of coordinated resistance amongst British HEIs persisted despite the opposition of many HEIs to the assessment-based approach of the QAA towards institutional evaluations.

Fig. 14: CNE Institutional Evaluations: The Frequency of Comments concerning international Student Issues, per report per year.

	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03
Number of IS mentioned	1= 50%	1= 33.3 3%	4= 66.66%	3= 42.86%		5= 35.71%	5= 45.45%	9= 81.81%	12= 80%	6= 75%	8= 72.73%	2= 100%	6= 100%			2= 100%	4= 57.14%	4= 66.67%
Above average numbers			2= 33.33%				2= 18.18%		4= 26.67%		1= 9.09%		1= 16.67%				1= 14.29%	1= 16.67%
Below average numbers	1= 50%		1= 16.66%	1= 14.29%		2= 14.29%	1= 9.09%	1= 9.09%	6= 40%	3= 37.5%	3= 27.27%					1= 50%	1= 14.29%	1= 16.67%
International approach praised						1= 7.14%	1= 9.09%	2= 18.18%	1= 6.67%	1= 12.5%	1= 9.09%	1= 50%	1= 16.67%		1= 100%		4= 57.14%	1= 16.67%
Lack of international approach criticised						2= 14.29%	2= 18.18%		2= 13.33%	1= 12.5%								1= 16.67%
Special degrees for IS noted						3= 21.43%	3= 27.27%		5= 33.33%	1= 12.5%	2= 18.18%						2= 28.57%	1= 16.67%
Origin of IS noted		1= 33.3 3%	1= 16.66%	1= 14.29%		2= 14.29%	4= 36.36%	5= 45.45%	4= 26.67%	3= 37.5%	2= 18.18%	1= 50%					2= 28.57%	3= 50%
OCPs noted							1= 9.09%	2= 18.18%	4= 26.67%	2= 25%	2= 18.18%			1= 25%	1= 100%	1= 50%	1= 14.29%	
Not enough IS																	1= 14.29%	
Not enough French students going abroad								1= 9.09%					1= 16.67%			1= 50%		
Intake too focused on developed and emerging economies									1= 6.67%		1= 9.09%							
Not focused enough on d.+ e. economies	2= 100%		1= 16.66%			1= 7.14%	2= 18.18%	2= 18.18%		1= 12.5%								
Consolidation Required				1= 14.29%		2= 14.29%	2= 18.18%										1= 14.29%	
Number of Reports	2	3	6	7	1	14	11	11	15	8	11	2	6	4	1	2	7	6

Source: CNE evaluation reports available on the CNE website and at the CNE's Centre de Documentation, from 1986 to Summer 2003.  
IS: international students.

## **Chapter 7: Financial institutions in Britain**

### **1 Introduction**

The introduction of full-cost fees for international students in 1979 marked a significant break with existing methods of higher education funding in Britain. Unlike the existing overall funding systems, it involved the predication of funds on international student numbers; and unlike existing attempts to control the extent of state expenditure on international students (differential fees and quotas), it had a substantial impact on both international students' flows and on HEIs themselves. Most importantly, it gave HEIs an incentive to recruit more fee-paying international students.

The decision to institute the full-cost fees was made exclusively by the Department of Education and Science. The new fees were seen by the Department as a means of ending the public subsidy of international students, and of promoting entrepreneurialism amongst HEIs, through competition for the recruitment of international students. Although the full-cost fees decision was opposed by HEIs, they were unable to prevent the introduction of the new system, nor to alter the way in which it was operated (for example, to persuade central government to adopt an average rather than marginal cost figure, or to maintain high minimum fee levels). Different groups of HEIs had differing views over the appropriate parameters for the new system, which were not reconciled within their sectoral associations, and which diluted the impact of HEIs' lobbying of government against the fees. The new full-cost fees system led to a liberalisation of international students' policy, as it both commodified international students (giving them an immediate monetary value for HEIs to recruit), and gave HEIs incentives to compete against each other for the recruitment of full-fee paying students.

### **2 The pre-existing situation**

None of the existing funding systems gave HEIs incentives to compete for international students, nor to treat international students as a commodity. Up to the mid-1960s, international students were linked to HEIs' funding only to the extent that they were included in the calculation of student numbers which

helped inform HEIs' overall grants. From 1967, however, international students were required to pay differential fees, and in 1977 a quota system was introduced to control the numbers of international students. The following section reviews the existing institutional landscape, both in terms of the overall funding system for HEIs, and the specific arrangements for international students.

## **2.a The General funding system: unpredicated grants**

Before 1979, government funding of HEIs consisted in unpredicated grants. The Universities Grants Council (UGC), and then, from 1989, the Universities Funding Council (UFC), which included representatives of HEIs and of central government, were used to decide on the exact distribution of these grants to universities. Initially, a number of polytechnics and higher education colleges were funded through Local Education Authorities (LEAs). In 1981, the LEAs' provision of funding was centralised, with the creation of the National Advisory Board for Public Sector Higher Education, and in 1989, the NAB's functions were transferred to the Polytechnics and Colleges Funding Council (PCFC). As a result, non-university polytechnics and colleges were now funded in a similar way to the universities, through unpredicated grants distributed by the funding councils.<sup>159</sup>

Rather than resting on incentives, as later used by the full-cost fees system, the existing funding system for HEIs was based on bureaucratic, formula-based criteria which had enabled a relatively stable flow of funds from government to HEIs from year to year.

## **2.b The limited introduction of differential fees**

A system of differential fees for international students operated from 1967 until 1979. This, limited, differential fee system did not have a significant impact on international student flows. Nor did it offer sufficient incentive to induce competitive behaviour between HEIs, or change the approach of HEIs towards viewing international students as commodities.

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<sup>159</sup> See Kogan and Hanney, 2000 and Moore, 1987 for surveys of higher education funding before 1979.

Until 1967, all costs for international students in British HEIs were covered by central government. The Robbins Committee, a wide-ranging review of British higher education published in the mid-1960s, had advised against differential fees for international and domestic students. However, it had noted the existence of a subsidy for international students, which it estimated at £9 million for the 20,000 international students attending British HEIs at that time. The Committee counselled a more “rational” approach to fee calculation for both international and domestic students, proposing the introduction of an increased fee for both home and international students, with no differential. It also recommended that a fund be created to help needy international students (Williams, 1981b: 33-4).

The Robbins report viewed international students as useful for foreign policy and international development purposes, rather than seeing them as possessing a direct or indirect monetary value. The report stated:

“In our judgement this expenditure [on international students’ fees] is well justified. It is a form of foreign aid that has a definite objective and yields a tangible return in benefit to the recipients and in general goodwill. It is however an open question whether the aid is best given by subsidising fees; and it is a further question to what extent Parliaments of the future will permit it to grow without limit” (Robbins, 1963: Para.175).

Three years later, the then Secretary of State for Education and Science, Anthony Crosland, introduced differential fees for international students, to apply from the academic year 1967-8. The fee for 1967-8 was set at three and a half times the nominal British student’s fee (Walker, 1997: 53); £250 in higher and advanced further education compared with £70 for home students (Williams, 1981b: 35). Between 1967 and 1980, the level of the differential fee was increased six times.<sup>160</sup>

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<sup>160</sup> Dr Rhodes Boyson, DES, quoted in Foreign Affairs Committee (Overseas Development Sub-Committee), 1980: 117.



The number of prospective international students applying to undertake a first degree in a British HEI through the university-run Universities Central Council on Admissions (UCCA)<sup>161</sup> system fell from a record number of 9643 for 1967<sup>162</sup> to a low point of 7068 in 1969. Applications did not fully recover their 1967 level until 1972 (Williams, 1981b: 35). However, half of the decline in numbers in 1967-8 was a result of a legal reinterpretation of the concept 'normal country of residence', which shifted students previously defined to be overseas into the category of home students (Blaug, 1981: 52 footnote). In addition, inflation and a weak pound resulted in a real fall in the cost of fees payable by international students (Elsey and Kinnell, 1990: 2; Williams, 1981a: 7), with the fee of £250 set in 1966 actually higher in constant money terms than the international undergraduate fee level in 1979-80 before full-cost fees were introduced (Williams, 1981b: 35). Attending a British HEI was, therefore, relatively cheap for international students, even given the requirement to pay differential fees (Cultural Relations Department, FCO, 1987: 70).

Increases in international students' differential fees were sometimes quite large in proportional terms: in 1977-8, the fee doubled for postgraduates and was increased by 50% for undergraduates. However, the fees charged to international students still constituted a relatively small element of the costs of their education, and the macroeconomic factors mentioned above further reduced the relative costs of the fees. The low level of the fees is, perhaps, reflected in the fact that even proportionately large increases (in the still minimal differential fees) had little effect on the overall numbers of international students, which increased from 31,000 in 1967-8 to 86,000 ten years later.<sup>163</sup>

The differential fee system was intended as a short-term expedient, rather than a fundamental alteration in policies towards international students. The then government stated that it hoped to be able to remove the differential

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<sup>161</sup> Renamed the Universities and Colleges Admissions Service in 1994.

<sup>162</sup> Applications for entry had mostly been lodged before the announcement of higher fees in December 1966.

<sup>163</sup> Mark Carlisle, Minister for Education and Science, quoted in Foreign Affairs Committee, 1979: 194.

altogether, when the economic climate permitted (Williams, 1981b: 36).<sup>164</sup> The fees were seen as a method of quickly improving the public finances, rather than a means of introducing entrepreneurialism into the higher education sector. They did not lead to extensive competition between HEIs, as the differential fee levels were too low for the recruitment of extra international students to be financially rewarding.

## **2.c The use of quotas**

In 1977, the then Government abandoned attempts to regulate demand from international students through differential fees levels. Instead, it required HEIs to limit their numbers of international students to their levels two years earlier. A number of HEIs failed to heed this advice, generally the more established universities (Foreign Affairs Committee, 1979: 72). As the per capita funding system was not altered in line with the new policy, HEIs which had obeyed the government policy were effectively penalised (Education, Science and Arts Committee, 1980b: 153-4). Quota-breaking HEIs were not punished for recruiting extra international students, but were rewarded with extra funds. In effect, quota breaking HEIs were able to take "an independent stand on fee levels", and even to refuse to "differentiate between categories of students", as did Bradford University (THES, 1979I). Clearly, the quota system did not give HEIs incentives to compete against each other for international students, nor to treat international students as commodities. Indeed, given the widespread incidence of 'quota breaking', the new system had negligible overall impact.

By 1978, the UGC, the universities' funding council, was publicly expressing its doubt about the possibility of numerical limitation, and advocating a 'rational basis of contribution' from international students (Universities Grants Committee, 1978). The Labour Government then switched back to supporting a limited increase in international student fees, at least to the extent that this policy was included by Shirley Williams, the then Minister of Education, in her 'thirteen points', a memo indicating possible cost-cutting ventures drawn up

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<sup>164</sup> See also comments by Christopher Price, then a Parliamentary Under-Secretary of State for Education, concerning the introduction of the fees (Price, 1979).

after a meeting with the UGC and CVCP (Kogan and Hanney, 2000: 146-7). However, neither the previous Labour government, the UGC nor the CVCP were in favour of international students being charged the full cost of their courses, and all three organisations opposed the policy when it was introduced by the incoming Conservative government in 1979.<sup>165</sup>

### **3 Government strategies**

In 1981, the British government removed all subsidies for international students, and required HEIs to charge them for the 'full costs' of their tuition. This provided HEIs with incentives to compete against each other for international students, and to view international students as commodities. The full-cost fees system, like any incentives-based institution, relied "on tangible payoffs...to induce compliance" (Schneider and Ingram, 1990: 515). HEIs could receive additional funds from international students themselves, especially once the determination of fee pricing was entirely left to individual HEIs from 1993 onwards.

The decision to introduce full-cost fees for international students was made by one part of the then government (the Department for Education), with no consultation with HEIs. In November 1979, the Government's Expenditure Plans for 1980-2 announced that new "overseas students or their sponsors will be expected in future to meet the full cost of their tuition" (Her Majesty's Government, 1979a: 6). The government officially eschewed previous justifications for subsidising international students such as their merit for foreign policy or for international development.<sup>166</sup>

Rhodes Boyson, then a Parliamentary Under-Secretary of State for Education and Science, made this clear when he stated that:

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<sup>165</sup> I have found little evidence for Walker's claim that Williams' decision constituted a "turning point in overseas student... policy", especially compared with the far more wide-ranging actions of the subsequent government, and the fact that Williams' policy had little perceptible impact on international student numbers (Walker, 1997: 53). Commentators from this period more frequently suggested that international students should be more extensively subsidised by the state, rather than the reverse (see, for example, Klein, 1979: 310-1).

<sup>166</sup> These arguments were particularly strongly articulated by British diplomats, some of whom broke precedent to appear in front of Select Committees considering the full-cost fees decision (O'Leary, 1980d; THES, 1979c).

“All the groans [concerning the introduction of full-cost fees for international students] have come from the university lobbies and not from the general populace. Two out of five overseas students are from Iran and Nigeria. We do not seem to have gained much advantage from Iran, nor from Nigeria, who nationalised our oil without paying for it. If that is investment, it seems to be the worst we have ever made. The British universities are funded by the British rate and taxpayer, not from outer space” (THES, 1979m).

Henceforth, there was an increasing “pressure on higher education institutions to recruit (as opposed to receive) international students” (Walker, 1997: 72). The Government maintained that the decision was justified by the level of savings to public expenditure expected from introducing full-cost fees.<sup>167</sup> Government, rather than HEIs, also recognised that the new fees system would lead to a commodification of international students, and publicised its support for such an approach. The possibility of HEIs acting entrepreneurially towards international students was a significant element in the government’s decision to introduce the fees. Hence, Sir James Hamilton, then the Permanent Under-Secretary of State, Department of Education and Science, having noted the apparently strong demand for British higher education, claimed that the LSE was preparing to use its “very good saleable asset....and go out and sell it”. According to Hamilton, there was “a market economy in operation here”, with some HEIs “going to be able to charge higher fees because they are attractive” (Education, Science and Arts Committee, 1980a, paras.742, 779 and 789). Again, the then government noted in its reply to an Education, Science and Arts Select Committee report that a policy “of encouraging institutions to behave in an entrepreneurial manner in generating income from overseas students should be given greater

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<sup>167</sup> It should be noted that there was some ambiguity over the exact magnitude of these savings. Baroness Young, the then Minister of State at the Department of Education and Science, had claimed £130 million would be saved whilst in the House of Commons the Government had claimed the saving would be closer to £100 million. Mark Carlisle, then the Secretary of State for Education and Science, claimed that the £130 million was a rounding-up of the £127.5 million expected to be saved in 1978/9, and another DES representative claimed that the £100 million referred to a ‘steady state’ saving following an initial reduction of international student numbers in the three years taken after the decision (Education, Science and Arts Committee, 1980a: 297, para.720. See also Education, Science and Arts Committee, 1979: viii, para.17).

emphasis" (Her Majesty's Government, 1980a: 6). The government also noted that the UGC's "guidelines recommended to universities, which set only minimum fees, gave them some scope for an entrepreneurial approach and there is evidence that several are taking advantage of this" (*ibid.*:6-7).<sup>168</sup> Government was thus instrumental in pushing the view that HEIs should use the full-cost fees system to adopt an entrepreneurial approach to international student recruitment, thus viewing international students as valuable for monetary purposes, and ultimately leading to their commodification.

Government also defined the parameters of the new system by setting minimum rather than maximum fee amounts. By 1981-2, the average fee level per student was varying by up to £600 over the amount recommended by the funding council, the UGC, for students who had started in that year, and by £1,100 for those students who had started their courses the previous year (Committee of Public Accounts, 1982: 41). If government had set a higher minimum fee for international students' education, less price differentiation downwards would have occurred.

#### **4 HEIs' strategies and coordination**

Most HEIs were critical of the predicted effects of the fees on their existing international student intake, and all HEI sectoral associations opposed it,<sup>169</sup> with the then Chairman of the CVCP maintaining that universities were "unanimous" in opposing the plans (Education, Science and Arts Committee, 1980c: 92). As Williams notes, a "good part of the opposition to the overseas student policy came from Vice-Chancellors and principals who could not see how their institutions were to remain solvent when faced with a withdrawal of part of their grants" (Williams, 1981c: 225). Although high-profile academics, such as Randolph Quirk, then Vice-Chancellor of London University,

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<sup>168</sup> See also Kinnell, 1990: 13.

<sup>169</sup> For evidence of the sectoral associations' opposition to the full-cost fees proposal, see their memoranda to the Education, Science and Arts Committee; the CVCP (universities' sectoral association) memorandum (Education, Science and Arts Committee, 1980c: 80); the Association of Principals of Colleges' memorandum (*ibid.*: 105); and the CDP's (Committee of Directors of Polytechnics) memorandum (*ibid.*: 134-5); and also comments from Dr Bethel, then chairman of the CDP, reported to the Committee (*ibid.*: 127).

continued to make their opposition to the full-cost fees well known,<sup>170</sup> as did many HEI representatives throughout the early 1980s (Walker, 1997: 53), HEIs were unable to get the measure rescinded.

There appears to have been some disagreement over whether the CVCP was against the proposal in principle, or merely in detail. Sir Alec Merrison, the then chair of the CVCP, admitted that he did not “think that the actual aim [of reducing international students’ numbers] is a disaster” (Merrison, 1980: 286). Indeed, Merrison appeared to agree that the resource implications of the overseas fee decision could be absorbed by other sources of funding, such as the extra funds proposed in a review of engineering education (the Finniston report) (Peston, 1980: 292). However, the widespread perception of the CVCP was that it had failed to engage in any strategic analysis of the problem, and to coordinate an alternative position. Certainly, on occasion Merrison also suggested that the CVCP was merely reacting to government proposals, rather than developing its own, as in his comment that the CVCP was “throwing up a great stone wall to what the Government is doing” (Merrison, 1980). Hence, the CVCP was criticised for an un-“statesmanlike response”, which merely “defend[ed] established practice (Gardner, 1980), and for proving unable to “give leadership (other than that of saying that things are very well as they are, thank you) in a matter in which they running should have been made by them” (Tolley, 1980: 302).

Eventually, the CVCP did propose two alternative strategies which, however, appear to have had little impact. Firstly, the CVCP supported and arranged a support scheme for outstanding overseas student research postgraduates. Perhaps due to the hasty introduction of the scheme, it did not prove a success, at least initially, and concerned a very small proportion of postgraduates compared to the numbers affected by the full-cost fees policy (THES, 1980e). Secondly, the CVCP followed the example of the Association of University Teachers, one of the higher education trade unions, and drew up a report on the full benefits accruing to the British economy and its society

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<sup>170</sup> Quirk described the decision as “a disaster resulting in a deterioration in relations with friendly countries” (Cited in Williams, 1990).

from international students (THES, 1979I). Again, this report appears to have had little effect on government policy.

The Committee of Directors of Polytechnics (CDP), for its part, also called for a scholarship scheme to be created from the profits of the full-cost fees (THES, 1979g). The CDP was criticised for articulating an overly moderate position in relation to the introduction of the fees (THES, 1979I), although, as its then chair, David Bethel, maintained, this was as a result of trying to articulate an alternative, and realistic, position. Bethel was concerned to situate the full-cost fees proposal within the context of existing cuts to higher education funding, claiming that a longer-term perspective was needed on the part of government (*ibid.*).

The heterogeneous nature of the HEI sectoral association memberships made it difficult for HEIs' sectoral associations to mobilise against the decision, despite the opposition of HEIs to the proposal.

As a representative of the Association of Principals of Colleges noted, it was "not easy to get a consensus of opinion from 6 to 700 institutions operating at different levels with different numbers of overseas students ranging from nil to many hundreds". As a result, he said, HEIs had tended to work "individually" on the full-cost fees decision.<sup>171</sup> The number of international students even just amongst pre-1992 HEIs ranged from three in 1980 at St David's College Lampeter (HESA statistics) to 75% of intake for the same year at the London School of Hygiene and Tropical Science (National Union of Students, 1980: 189, para.25).

HEIs adopted a variety of responses to the full-cost fees policy, despite their sectoral associations' attempts to articulate a coordinated position. Hence, although Manchester University attempted to subvert the new fees, by giving international students an extended deadline for payment (THES, 1979I), its action was not extensively supported by other HEIs. There was a certain

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<sup>171</sup> Evidence from Mr Farnsworth from the Association of Principals of Colleges, Foreign Affairs Committee, 1979: 105.

amount of intra-sectoral conflict concerning the consequences of the new fees, with the Vice-Chancellor of London University being particularly keen to criticise polytechnics, who he claimed were “benefiting unfairly out of fees” (THES, 1979h),<sup>172</sup> and to warn that universities of lesser prestige than his own might reduce the standards of their admissions in order to gain more fee revenue (David, 1979). Differences over the merits of the fees even existed within the same HEI. Hence, although supported by its governors (THES, 1979f), an occupation at North London Polytechnic by international students against the fees was criticised by its Director (O’Leary, 1979) and eventually dispersed by police (THES, 1979k). Sheffield University also took action against their students protesting against the measure; whilst the acting Vice-Chancellor of Lancaster University actually took part in an occupation of his own senate chamber, against the fees (*ibid.*).

As discussed below, the lack of coordination between HEIs was even more pronounced concerning the institutional parameters of the fees policy. HEIs differed over the question whether the minimum fee level should or should not be abandoned, as well as what amount of additional fees should be charged over and above the minimum level.

## **5 Establishment of new institutions**

Although full-cost fees for international students were heavily criticised by HEIs the government refused to rescind its decision. Hence, for example, the Foreign Affairs Select Committee proposed that international students from the Commonwealth should be charged the same fees as European students, but this was rejected by the Foreign and Commonwealth Office (FCO). The FCO claimed that the let-out for European students from full-cost fees, compared with other international students, was justified by the reciprocal exchanges of British students attending European HEIs (Her Majesty’s Government, 1985b: 7), and that it was therefore impractical and unfair to subsidise Commonwealth students in the same way. The idea that student exchanges between Britain and the rest of Europe are conducted on a

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<sup>172</sup> A rather surprising statement given the subsequent precipitous decline in the numbers of international students at polytechnics, and then ex-polytechnics, compared with those at traditional universities (see p.211).



reciprocal basis has become increasingly untenable as British students have become proportionally less mobile (Corbett and Footit, 2001). Rather than leading to attempts to extend the subsidy for European students to non-European international students, perceptions of the imbalance were at one point adduced by civil servants as warranting the introduction of differential fees for European students.<sup>173</sup>

Over the next three years, the public subsidy to HEIs was gradually withdrawn in respect of their international students, as were quota restrictions on the numbers of international students. Almost immediately afterwards, Malaysia began a 'Buy British Last' campaign in an attempt to change Government policy,<sup>174</sup> but this had little effect. From September-October 1980, the implementation of the full-cost fees policy began, with no qualifications.<sup>175</sup> A minimum fee level was set by government (which was higher for non-university HEIs in England and Wales), at different levels for laboratory and classroom-based subjects.

Initially, most HEIs suffered a cut in total funding as a result of the full-cost fees decision. As Kogan and Hanney note, the reduction in recurrent grant for

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173 This proposal was, however, quickly disowned by the Minister, Baroness Blackstone. See minutes of evidence for, and recommendation 108 of, the House of Lords' Select Committee report on Student Mobility in the European Community (House of Lords' Select Committee on Europe, 1998).

174 A title chosen to parody the Buy British First catchphrase of the time (Walker, 1997: 62).

175 There is some ambiguity over the exact origins of the full-cost fees decision. When Mark Carlisle, the then Secretary of State for Education and Science, was asked whether the fact that the Junior Education and Science Minister Rhodes Boyson had called the decision a "financial" decision implied that it has been proposed by the Treasury, he replied in the negative. Carlisle claimed that he had meant "financial decision" to indicate a decision "taken in the context of looking at public expenditure....a collective decision taken in the context of a collective Cabinet decision in which each Department is represented" (Mark Carlisle quoted in Education, Science and Arts Committee, 1980a: 295, para.710). However, an interviewee claimed that a Treasury civil servant made clear during a meeting held by the Overseas Student Trust in 1978 that she had drawn up the plans for introducing full-cost fees (interview with former Overseas Student Trust employee). This appears corroborated by claims of a lack of inter-departmental consultation before the full-cost fees decision, especially with the Foreign Office. The Government refused to reveal the details of its discussions leading up to the decision on grounds of ministerial confidentiality and responsibility, after these were requested by the Education, Science and Arts Select Committee (Her Majesty's Government, 1980b: 4). The Select Committee then suggested that this reticence breached recommendations of the Procedure Committee concerning the provision of information to Select Committees (Education, Science and Arts Committee, 1980e: 1-2), but to little effect. I have found no evidence for Walker's claim that the "key players" during the full-cost fees decision "were the Treasury and the Cabinet" in opposition to the DES and the FCO (Walker, 1997: 59).

international student fees and the 1981 funding cuts resulted in a loss of about 13-15% of individual universities' income over the three years up to 1984 (Kogan and Hanney, 2000: 86). Nonetheless, whilst in 1979-80 the fee payments for 13,122 people were £11.088 million, by 1981-2 the fees received for 12,417 people were £18.687 million (Foreign Affairs Committee (Overseas Development Sub-Committee), 1983c). By 1983-4 the income from full-cost fee paying international students amounted to £90.3 million for the university sector as a whole (UKCOSA, 1986: 145, para.9). By 1985, the Central Statistical Office's UK Balance of Payments book showed a return to UK HEIs of £250 million from international students' fees (Limerick, 1987).

It has been claimed that the impact of the decision was slightly diluted by the introduction of the so-called 'Pym Package' of Foreign and Commonwealth Office scholarships for international students.<sup>176</sup> However, all of the funds for the package were re-allocated from existing international development and foreign policy funds, and as a result, as the Overseas Student Trust noted, the Pym Package contained "very little 'new money'" (Overseas Student Trust, 1987: 2).

In addition, the funds provided through the Pym Package and through other scholarship schemes are minor compared to those from full-cost tuition fees for international students. By 1997, the Committee of Vice-Chancellors and Principals estimated that scholarship support for international students amounted to around £115 million (Back *et al.*, 1997: 4). Johnes has calculated that the higher education sector as a whole received £1257.8 million in fee revenue from international students in 2003-4, *after* scholarship funding and other costs had been subtracted (Johnes, 2004: 10).<sup>177</sup>

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<sup>176</sup> The Package was introduced in February 1983 following extensive lobbying by the Overseas Students' Trust and other interested parties, such as Lord Deedes, the editor of the Daily Telegraph (interview with former Overseas Student Trust employee). The new measure was described by interviewees as an attempt by the FCO to mitigate the consequences of the Department of Education's original full-cost fees decision. This £46 million package was composed of £21 million reallocated support from the Overseas Development Agency and £25 from the contingency reserve (Foreign Affairs Committee (Overseas Development Sub-Committee), 1983c).

<sup>177</sup> See also British Council, Universities UK and IDP Education Australia, 2004.

## **6 How the full-cost fees system operated in practice**

It was not until 1993–4 that the government stopped setting minimum fees for international students (Back *et al.*, 1997), and allowed HEIs complete freedom in this area. Until this point, government continued to dominate the manner in which the full-cost fees system was implemented. Its influence was particularly marked concerning three issues; the determination of the ‘full cost’ of an international student; the imposition of a ‘minimum’ fee; and the classification of international students for fee purposes. Although HEIs were generally opposed to central government’s position on these matters, they were unable to mount coherent opposition to it through their sectoral associations.

### **6.a ‘Full cost’ as ‘average cost’**

The decision to set the fees for international students at the average, rather than marginal, cost of their education was taken by government, and opposed by HEIs.

Mark Carlisle, the then Secretary of State for Education and Science, claimed that when only ten to twelve per cent of the student population was involved, the “only fair basis is unit costing rather than marginal costing”, but accepted that this might result in the UGC having to decide to close some courses (Education, Science and Arts Committee, 1980a: para.744). The ‘cost’ of educating an international student was initially specified not by individual HEIs, but by the Universities Grants Committee (the UFC from 1988), the Polytechnics and Colleges Funding Councils, and, before 1989, the Council of Local Education Authorities, the bodies which managed the distribution of funds to the higher education sector (all of which were replaced from 1992 by the Higher Education Funding Councils for England, Wales and Scotland).

A number of representatives from HEIs claimed that some of their courses were only viable due to the attendance of international students.<sup>178</sup> Charging international students the average cost for their studies did not reflect the true

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<sup>178</sup> This was the case, for example, for the industrial knitting course at Leicester Polytechnic (Education, Science and Arts Committee, 1980c: 127–8).

cost to the HEI of hosting the student, which could be considerably less due to economies of scale. Despite this opposition, HEIs were unable to charge fees which reflected marginal costs until the total deregulation of international students' fees in 1993.

#### **6.b The use of 'minimum fees'**

As previously noted the fee was set as a minimum; HEIs were allowed to charge international students more but not less than this average cost figure.

The figure was initially based on the "true costs" of courses in arts, science and medicine at the "cheapest" HEIs. However, in 1980 the exact basis of fee calculations was changed, from reflecting the level of their studies at university, to the subject of study (arts, sciences or medicine). By 1981-2, the average fee level per student was varying by up to £600 over the UGC-recommended amount, for students who had started in that year, and by £1,100 for those students who had started their courses the previous year (Committee of Public Accounts, 1982: 41).

As a result of the 'low' minimum charge, HEIs charging the minimum fee were unlikely to recoup all the costs arising from educating their international students (*ibid.*: 7). The UGC actually counselled HEIs not to use the minima as recommended fee levels, since if all HEIs charged the minimum fee, this would significantly reduce the amount of funds entering higher education and threaten the viability of many HEIs (Universities Grants Committee, 1981). The Department of Education and Science threatened HEIs which undercut the minimum fee with the withdrawal of their exemption from the Race Relations Act 1976. This threat was rather paradoxical, as the Act was intended to prevent discrimination between persons of different races when accessing services (the original exemption had been introduced in 1967 to enable the charging of differential fees) (Crequer, 1980a).

Despite the UGC's advice, the vast majority of HEIs charged their international students the minimum fees; £2000 for arts, £3000 for science and £5000 for medicine and allied subjects- the minimum fees.<sup>179</sup>

From 1983 onwards, a number of HEIs argued for the abolition of the minimum fee, claiming that this was holding them back from attracting more international students. Peter Williams from the Institute of Education noted that the appropriateness of the minimum fee differed according to the specific situation of the HEI, and that hence a more flexible fee-pricing regime was required (Foreign Affairs Committee (Overseas Development Sub-Committee), 1983b (was c): 42, para.127). In some cases, HEIs were effectively "making a profit" on international student fees due to low marginal costs, whilst others were making a loss due to high marginal costs.<sup>180</sup> UKCOSA, the Council for International Education, also argued for the abolition of the minimum fee.<sup>181</sup> UKCOSA claimed that the removal of the minimum fee level "would be welcomed as a step towards removing the cost deterrent effect of the current fee structure". Nonetheless, it claimed that 'complete' price competition would make it more difficult for potential international students to choose their HEI.

However, not all HEIs supported a reduction in the minimum fee level. As Mr Parker from UKCOSA acknowledged, "this particular question is one that does raise, certainly, a lot of anxiety amongst institutions about the possibility of competition for students on numbers as well as quality, whereas other institutions have a greater degree of enthusiasm".<sup>182</sup> In particular, the then umbrella body for the supervisory organisations for the non-university sector, the Council of Local Education Authorities (CLEA), was opposed to the abolition of the minimum fee. It argued that its removal could lead to destructive competition. As Dr Rickett from Middlesex Polytechnic noted, the

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<sup>179</sup> According to information collected by the CVCP and reported in THES, 1980f.

<sup>180</sup> Noted by Mr Merritt with respect to his own institution (quoted in Foreign Affairs Committee (Overseas Development Sub-Committee), 1983a: 66, para.218).

<sup>181</sup> This organisation had been set up in 1968 by HEIs, student associations and other interested bodies, to coordinate international students' welfare services across the UK.

<sup>182</sup> Mr Townsend and Mr Parker, from UKCOSA, quoted in Foreign Affairs Committee (Overseas Development Sub-Committee), 1983b: 33-4.

CLEA was less concerned about flexibility upwards than about flexibility downwards (Foreign Affairs Committee (Overseas Development Sub-Committee), 1983b: 56, para. 178). Abolishing the minima would distort international student enrolments. Firstly, LEAs might, they claimed, be unable to “stand the loss of fee income which would be a likely consequence of such a move into open competition” (Council of Local Education Authorities, 1983: 70). Secondly, low fee levels might allow courses to remain open which should have been shown up as unviable. Finally, reducing fees might have no perceptible effect on enrolments, if international student enrolments were relatively price-inelastic, and only lead to a reduction in resource for LEAs and thus for polytechnics and higher education colleges.

The CLEA also argued against allowing HEIs to vary the fees they charged international students beyond the then current levels. They claimed that such a policy would contradict the CLEA’s policy of “rationalising and harmonising fee levels with minimal regional variations” in order to reduce price competition between LEAs (*ibid.*). In addition, the introduction of competition between HEIs for international students appeared, to the CLEA, to run against overall Government policy, with the British HE system generally “moving much more to central control and direction”. “Having set up the National Advisory Body<sup>183</sup> and then saying to the institutions, ‘You can charge different fees’, it just is not in line with the present Government’s thinking”, claimed a CLEA representative.<sup>184</sup>

Overall, the question of the level and desirability of minimum fees attracted a range of views from British HEIs. A survey from the Overseas Student Trust maintained that 50% of HEIs contacted preferred a system for the setting of international students’ fees which relied on “minimum recommended guidelines”, but others preferred complete deregulation. Not all HEIs “universally welcomed” the idea that “institutions should be given total freedom to charge whatever rates they wished” (Fielden and Dalrymple, 1987:

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<sup>183</sup> See p.73.

<sup>184</sup> Mrs Harrison, Council of Local Education Authorities, quoted in Foreign Affairs Committee (Overseas Development Sub-Committee), 1983a: 75, para.246.

116). This was reflected in the lack of any coherent CVCP or CDP position on this matter.

### **6.c The classification of international students for fee purposes**

In addition to altering the amounts of fees paid by international students for attending British HEIs, governments also attempted to change the scope of coverage of the new fees system, through classifying new groups of students as 'international', rather than domestic, for fees purposes.

A number of court cases were brought in the early 1980s by aspirant students attempting to have rescinded decisions made by local councils that they could not be held responsible for paying their fees. The complainants in question were not born in Britain, or were the children of diplomats.<sup>185</sup> The cases were brought after a letter from the Universities Grants Council redefined "overseas students" in terms of their "ordinary residence";<sup>186</sup> any student was classified as "overseas" where she or he had not been "ordinarily resident" in Britain (Parker, 1980). However, the exact meaning of "ordinary residence" was unclear, and the Department of Education and Science (DES) was apparently unwilling itself to offer a definition of the term until after the court cases (THES, 1980d; 1980b). During this period the DES came under heavy criticism by some academics, who asked the government to "make up its mind" (THES, 1980c), although the CVCP did not appear to take up a position on the matter. It was two years before Lord Scarman definitively ruled that anyone who had lived permanently in Britain for the previous three years had been "ordinarily resident".

However, in 1994, Westminster City Council was challenged in court by the World University Service,<sup>187</sup> when fourteen refugees were refused grants on the ground that they had not been granted indefinite leave to remain for at least three years prior to the start of the course. Before this point, any stay of

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<sup>185</sup> See Hodges, 1982; The Times, 1981; 1982.

<sup>186</sup> The concept was originally used for the determination of tax liability (THES, 1980b).

<sup>187</sup> An organisation contracted by the then Government to offer educational opportunities to refugees, and often involved as an 'advocacy' organisation on issues concerning asylum seeker and refugee education.

three years' length in Britain had been sufficient to obtain a mandatory award, as codified in Scarman's 1982 ruling. Westminster City Council justified its position by claiming it had lost significant sums through bogus claims (THES, 1993b). Some local councils, however, adopted a contrasting approach, by drawing up an 'educational entitlement' for asylum seekers.<sup>188</sup>

Following the Westminster Council case the DES started to consider changes to student fees and awards, such that HEIs could charge asylum-seekers a higher rate for part-time courses (THES, 1994c). The DES' consultation process aimed at the production of a new set of Fees and Awards Regulations. The way in which HEIs were consulted was criticised by some interest groups. The consultation document asked HEIs whether they would "be prepared to offer fee concessions to part-time overseas students who have applied for refugee status". The World University Service claimed that because the consultation document avoided the term "asylum seeker", it suggested that such students had come to study rather than to flee persecution (THES, 1994a; 1994b; 1995a). As a result, asylum-seeking students were henceforth classified as international students for fee purposes, although HEIs were, the government maintained, not "obliged to charge a higher fee, and would be free to use their discretion" (Davies, 1994).

## **7 Did the full-cost fees system lead to a liberalisation of international students' policy?**

The full-cost fees system led both to a commodification of international students, and to competition between HEIs for the recruitment of international students. The new financial institution can, therefore, be described as 'liberalising' given the definition used in this thesis.

### **7.a Commodification**

The new regime immediately 'priced' a number of potential international students, especially those from poorer countries, out of being able to access British higher education. As a result, the numbers of international students

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<sup>188</sup> Lewisham, Woolwich, Southwark and Lambeth (see THES, 1993c).



from richer countries immediately increased compared to those from developing countries. HEIs were also required to market their programmes to potential international students if they were to use the new full-cost fees as a method of subsidising cuts in government funding.<sup>189</sup> This resulted in international students becoming treated as customers and consumers of British higher education.

The largest initial drop in the number of international students occurred in the non-university sector, and was mainly attributed to its higher minimum fee level (Bethel, 1983: 128). Up to the mid-1980s, the numbers of international students at non-university HEIs dropped from 13,800 to 12,100 (Taylor, 1985: para. 2). The non-university sector was also subject to cuts in its funding for exceeding predicted international student levels. In contrast, the university sector was, at least in theory, able to compensate restrictions in domestic student levels by increasing numbers of international students, which were not restricted (National Union of Students, 1980: 188).

The full-cost fees decision also led to a decline in international students' numbers in the university sector, albeit to a lesser extent (THES, 1979i, 1979e). The World University Service noted a drop in the number of international students of approximately 30,000 between 1979-80 and 1982-3, affecting universities as well as higher education colleges and polytechnics. The British Council claimed that there had been a fall of 38% in the numbers of international students from 1978-9 to 1984-5 (British Council, 1987: 149).

However, following a dip in numbers or slow growth for most areas up to the mid-1980s, numbers then increased greatly especially from 1993 onwards. Interviewees noted that even some populations like Malaysia which had been most affected initially by the full-cost fees decision, picked up in later years (interview with Trade Partners UK employee; interview with former British Council employee).

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<sup>189</sup> For more information on the marketing of British and French higher education abroad, see chapters three and four which consider the creation and operation of promotional agencies in each country.

One group which was not affected by this upturn was students from developing countries. The WUS claimed that the first year of full-cost fees, 1980-1, saw a decline of 3,042 in students coming from poor countries, a more significant drop than that occurring in richer countries (Foreign Affairs Committee (Overseas Development Sub-Committee), 1983c). UKCOSA claimed that the decline in numbers “was sustained almost entirely by the developing countries which suffered a 40% drop” between 1979-80 and 1982-3 (UKCOSA, 1986: 145). Figures three and four in chapter two indicate graphically how this decline continued throughout the period examined.

Such a drop did not necessarily affect the poorest potential students, as most of these had already been screened out by the domestic education system and other processes. Hence, many students coming to Britain even through the “aid and development” programmes were “rich kids” (Interview with British Council employee). However, an interviewee maintained that “[a]t least before, you could base your selections on needs....[w]hereas now [i.e. following the full-cost fees decision], it's all dictated by the market” (interview with British Council employee). From 1980 onwards, international students were able to attend British HEIs if they could afford the fees, rather than if they had been successful in scholarship competitions or were able to participate in joint educational programmes. This is especially clear in the relative decline of students coming from African countries (see p.88).

In addition to commodifying international students, through prioritising those students from countries seen as economically advantageous to Britain- away from developing nations and towards developed and emerging economy countries- the full-cost fees decision also led to a commodification of international students as customers and consumers of higher education. The introduction of full-cost fees led to a number of HEIs developing their own marketing strategies, in an attempt to limit the impact of government funding cuts through recruiting more full fee-paying international students.<sup>190</sup> Initially,

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<sup>190</sup> It is not the case that such “professional commercialized marketing of UK higher education began” only in the run-up to the introduction of tuition fees in 1998, as appears to be suggested by Williams and Evans (Williams and Evans, 2005: 77).

some commentators (particularly from the National Union of Students) described these strategies as rather “embarrassing”<sup>191</sup> and as threatening academic standards.<sup>192</sup> However, as successive cuts in the unit of resource further reduced institutional income, increasing numbers of HEIs attempted to increase their numbers of international students (as previously noted, international students did not count towards the Maximum Aggregate Student Number (the MASN)). Hence, the University of Stirling attempted to tackle a reduction in government funding by “increasing the number of overseas students, particularly through the provision of new courses attractive to the overseas student” (Education, Science and Arts Committee, 1982: 4), with the University “devoting a very considerable amount of effort to publicising the programmes we already have...” to potential international students.<sup>193</sup> As one faculty leader interviewed by Williams and Evans rather bluntly put it, “[I]et’s be quite frank, we want the money, we want international students” (Williams, and Evans, 2005: 75). In line with such an perspective, the Education, Science and Arts Committee proposed that “entrepreneurial” promotional efforts might be supported by the Export Credit Guarantee Department (Education, Science and Arts Committee, 1980d: 1, para.140).

The full-cost fees decision also required HEIs to market their courses overseas in a manner which they would not otherwise have done.

As Professor John Ashworth, then Vice-Chancellor of Salford University, maintained, prior to 1981

‘the very idea of simply ‘marketing’ higher education would have struck most dons in Britain’s universities as demeaning and certainly conduct unbecoming to the scholars and gentlemen so many of them aspired to be... Now the universities are marketing themselves...with a vigour that reminds one of Johnson’s wry

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191 Quote from Mr Phillips, NUS President, concerning the LSE’s policy to “tout for students in the United States which I frankly think any Government ought to find a bit embarrassing” (Foreign Affairs Committee, 1979: 72).

192 Mr Watson of the NUS claimed that “whilst the grades required of home students have increased the educational qualifications of overseas students have probably fallen” (Foreign Affairs Committee (Overseas Development Sub-Committee), 1983a: 24, para. 64).

193 Prof. Timms of Stirling University, quoted in Education, Science and Arts Committee, 1982.

observation of the way in which the prospect of hanging concentrates the mind' (reported in Shotnes, 1987: 101).

This was formally acknowledged in the Jarratt Report, which noted that international student recruitment could represent a "valuable source of income" in the context of "restricted funding [being likely] for some time" (CVCP, 1985: 16). From the first introduction of the full-cost fees, a number of HEIs developed revenue-raising programmes for international students (as at the LSE (Crequer and Hempel, 1980), and at Essex, Bath and Keele universities (Crequer, 1980b; THES, 1980g; 1980j)). HEIs such as Manchester Business School began to target specific international students who would be able to afford the new fees, with the US being especially popular (Cookson, 1979). As Cave *et al.* succinctly summarise, "[e]ducating overseas students...became a more commercial activity as the exchequer subsidy was ended" (Cave *et al.*, 1995: 93).

International students were thus increasingly being recruited for their contribution to HEIs' revenue levels, rather than for pedagogical or development objectives, and were thus (according to the definition used here) increasingly commodified. As a result, the creation of the full-cost fees system aided the liberalisation of international students' policy in Britain.

## **7.b Competition**

Unlike the original differential fees system introduced in 1967, the full-cost fees system stimulated competition between HEIs, as the sums involved were sufficient to justify HEIs taking on additional international students to boost income, especially in a context of reduced government funding.

Many commentators have described the recruitment of international students as analogous to, or even directly constituting, a market, involving competition between HEIs as well as between countries.<sup>194</sup> It is important, however, to specify the dimensions along which competition between HEIs occurred. Whether or not HEIs competed over price or over the numbers of international

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<sup>194</sup> See, for example, Williams, G.L., 1992: 66.

students recruited is seldom made explicit, nor are the implications of such competition made clear. Hence, a recent White Paper on the Future of Higher Education in Britain notes that currently, HEIs charge “overseas students...market rates for fees” (Her Majesty’s Government, 2003: para.7.2), without specifying how such a ‘market rate’ might have been determined.

To consider whether the full-cost fees decision led to increased competition between HEIs, and what type of competition might have been induced, the fee levels and numbers of international students at forty-six pre-1992 universities were compared from 1980-1981 until 2001-2002. This covers the period since the introduction of full-cost fees in 1980-81, through the removal of the minimum on international students’ fees in 1993-4. These forty-six HEIs were chosen as the only universities and higher education colleges which had continued with a roughly similar structure and identity throughout the period, and for whom there were no significant data errors.<sup>195</sup> This obviously excludes all previously non-university HEIs, many of which became universities soon after 1992. Unfortunately there is no adequate data set which includes these HEIs for the duration of the period studied.<sup>196</sup> Data from UniversitiesUK’s annual survey on international students’ fees is also used to provide some additional contextual detail. As the Northern Ireland Office did not raise international fees to full-cost fees, but left the subsidies in place (McGill, 1979), Northern Irish HEIs are not considered in the analysis below.

### **7.b.i The numbers of international students recruited to different HEIs**

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<sup>195</sup> Although there was considerable consolidation and reorganisation in the Welsh higher education sector over the period studied, it was possible to track most institutions even although some changed title. I adopted the following conventions: University College of Wales Aberystwyth was treated as equivalent to University of Wales, Aberystwyth; University College of Wales Cardiff was treated as equivalent to University of Wales Cardiff; Bangor University College was treated as equivalent to University College of North Wales- Bangor; University College of Swansea was treated as equivalent to University of Wales, Swansea. In addition, Loughborough Institute of Technology was treated as equivalent to Loughborough University. The University of London was initially treated as a single category in statistics on fee levels, before being differentiated into its component units. As a result, I was unable to treat institutions continuously and had to remove the University of London colleges from the analysis. Continuous data was also unavailable for the Manchester Business School. Finally, London Business School was excluded due to an error in the collection of its fee data which HESA was unable to account for (and which LBS apparently does not hold in-house).

<sup>196</sup> This is unfortunate since, as indicated above, the full-cost fees decision had a disproportionate effect on maintained sector HEIs.

The numbers of international students attending particular HEIs changed greatly from 1979 to 2002. By examining the distribution of international students attending particular HEIs, it is possible to assess whether all HEIs gained equivalent levels of revenue from the new fees, or whether the increased revenue was concentrated amongst a small number of HEIs. Figure 15 details the yearly changes in the distribution of HEIs concerning their numbers of international students paying fees classified as “other fees” (i.e., non-domestic fees)<sup>197</sup> from 1980-1 to 2001-2<sup>198</sup> for the forty-six HEIs examined.

The relative stratification of HEIs according to their numbers of international students can be shown by calculating the standard deviation of their distribution on this measure for succeeding years. Initially, the distribution of international students attending different HEIs appeared to converge slightly. However, by 1982-3 this convergence was replaced by increasing divergence between HEIs, with the difference between HEIs' intakes of international students increasing year on year (with the exception of a small increase in convergence during 1986-8). By 2001, the HEIs in the sample ranged from St David's university college with fifty-four international students to Nottingham University with 2651 international students.

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<sup>197</sup> It should be noted that the definition of 'other' fees changed during the period. Until 1998-9, fees for students of overseas domiciles were included within the category 'full-time fees- other rates'. This category included fees charged to UK students who were charged full-cost and other fees, but whose numbers were limited. Until 1998-9, the category of 'full-time fees- other rates' was the only HESA measure to approximate overseas fee income. From 1998-9 onwards, however, HESA began to use a separate category for 'overseas domicile (non-EU) fee income'. This category has been used from this period onwards. It should be noted that there is thus the potential for discrepancy between the figures up to 1998-9 and those from this point onwards. In adopting this approach I follow that advocated by the University of Edinburgh's Planning Department (University of Edinburgh, undated).

<sup>198</sup> Data is compiled from published reports by the Higher Education Statistics Authority (HESA), from data the author ordered from the HESA, and from printed reports of the Universities Statistical service.

Fig.15: The distribution of forty-six pre-1992 HEIs according to their numbers of foreign students, 1980-1 to 2001-2

Total number of students paying 'other' fees in...	1980-1	1981-2	1982-3	1983-4	1984-5	1985-6	1986-7	1987-8	1988-9	1989-90
Standard Deviation	311.7	273.7	263.0	275.4	293.2	327.8	342.7	339.8	358.2	358.9
Skewness	.533	.547	.510	.563	.802	.599	.642	.639	.625	.506
Kurtosis	-.641	-.553	-.584	-.578	.056	-.352	-.110	.213	.096	.075
Minimum	3	4	10	13	14	8	7	10	2	12
Maximum	1220	1059	1025	1088	1255	1323	1434	1513	1550	1590

Total number of students paying 'other' fees in...	1990-1	1991-2	1992-3	1993-4	1994-5	1995-6	1996-7	1997-8	1998-9	1999-00	2000-1	2001-2
Standard Deviation	402.5	433.6	453.1	504.7	513.0	530.7	542.9	564.5	584.0	563.5	608.1	685.8
Skewness	.661	.650	.631	.696	.767	.832	.792	.926	.948	1.028	.918	.824
Kurtosis	.179	-.073	-.239	-.286	-.139	-.174	-.118	.083	.198	.490	.188	-.042
Minimum	9	15	25	29	22	25	25	41	40	34	31	54
Maximum	1804	1850	1880	1983	2027	2053	2139	2263	2361	2347	2379	2651

Source: Data from the Higher Education Statistics Authority and from the Universities Statistical service.

It is also possible to examine what the pattern of recruitment of international students was in consecutive years, following the introduction of the full-cost fees policy.

The shape of the distribution of HEIs according to their numbers of international students can be measured through considering skewness. Skewness is a measure of the extent to which distributions cluster around low or high values. In this case, it measures whether most HEIs had relatively low numbers of international students (with a few 'high recruitment' outlier HEIs pulling up the average number of international students per HEI), or alternatively, whether most HEIs had relatively high numbers of international students (with a few 'low number' outlier HEIs pushing down the average number of international students per HEI).

Most years' distributions were positively skewed, and to an increasing extent, i.e. there was a significant concentration in the 'market' for international students over time. Hence, increasing numbers of HEIs were to be found at the *lower* end of the distribution (such as Keele University, Stirling University and University College of Wales Aberystwyth), with relatively fewer international students attending their courses, whilst a decreasing number of HEIs were clustered at the *higher* end of the distribution (such as Cambridge, Oxford and Nottingham Universities), with relatively larger numbers of international students. Therefore, as the period advanced, there was an increasingly large proportion of HEIs which had relatively few international students. These HEIs were being balanced out by an increasingly smaller number of HEIs who were able to attract much larger numbers of international students than the average HEI.<sup>199</sup>

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<sup>199</sup> Another measure of the shape of the distribution of HEIs according to their international student numbers is provided by kurtosis. A leptokurtic distribution of HEIs according to their intake of international students would indicate that HEIs were more similar in the numbers of international students they recruited, than would a platykurtic distribution of HEIs. Unfortunately, the extent to which the distribution of HEIs is platykurtic as against leptokurtic fluctuates over time to the extent that it is difficult to draw firm conclusions as to whether HEIs' numbers of international students were increasingly or otherwise clustering around the mean. It is therefore difficult to draw any firm conclusions from this measure of distribution as to the pattern of competition that developed between HEIs and international students.



The only clear distributive trend is that HEIs were becoming less similar over the period in terms of their numbers of international students. A limited number of HEIs were recruiting disproportionately large numbers of international students, with most attracting much lower numbers of these students. This might suggest that some HEIs proved more successful at developing an entrepreneurial approach than others, and that this trend intensified over time.

#### **7.b.ii The fees international students were charged at different HEIs**

An analogous stratification occurred in terms of the revenue accruing to different HEIs from international students' fees, at least until the late 1990s. Again, trends in fee revenue from international students can be compared across the period studied for the sample of forty-six HEIs.

In every HEI examined, there was a marked increase in the extent of institutional income derived from international student fees of at least 4.27% over the period studied (see figure 16), controlling for inflation.<sup>200</sup> The average fee per international student<sup>201</sup> increased by at least £4270 in 2001-2 prices. Although the differences between fees paid per student per HEI increased over most of the period, there was a slight decrease in variation among institutions after 1997. It is difficult to discern any other enduring patterns of variation amongst HEIs across the period as a whole, in terms of the fees they were able to charge international students (Figure 17). However, a survey by the CVCP involving over one hundred HEIs showed that, from 1999 until 2003, the distribution of classroom-based fee levels per HEI was positively skewed, i.e. most HEIs were clustered to the left of the mean fee per student, whilst there were a few high-charging outliers. A small number of HEIs were, therefore, able to charge considerably higher fees than the bulk of the higher

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<sup>200</sup> All monetary values used were discounted for inflation, using the levels reported for December of each year, rounded up from .5, in Office of National Statistics, 2004.

<sup>201</sup> This has been calculated by dividing the amount of institutional income derived from 'other' fees by the number of 'overseas students' (as they were classified in the USS statistics) and 'full-time equivalent overseas students' (from HESA statistics). Clearly, this is an inexact measure, which fails to capture differences in HEIs according to the proportions of postgraduate and laboratory-based international students they recruited. However, in the absence of any other way of measuring average fees, it has been adopted for the purposes of comparison over the time period.

education sector. For example, the Universities of Leicester and Strathclyde charged relatively high average fees, compared with the Universities of Birmingham and St Andrews, who charged relatively low average fees.

Fig. 16: change in income percent of fees and change in fee per student

Higher Education Institution	Change Y% fees	Chge FPS
University of Aston (Birmingham)	22.57	8.73
University of Bath	31.65	9.82
University of Birmingham	20.37	4.27
University of Bradford	24.19	6.14
University of Bristol	34.80	8.33
Brunel University	19.73	9.49
University of Cambridge	38.71	7.60
City University	16.41	7.44
University of Durham	24.97	9.53
University of East Anglia	26.22	7.92
University of Essex	39.70	6.16
University of Exeter	29.18	7.65
University of Hull	25.67	6.89
University of Keele	13.55	5.87
University of Kent at Canterbury	36.96	7.35
University of Lancaster	39.30	8.09
University of Leeds	28.06	8.52
University of Leicester	45.11	11.54
University of Liverpool	29.78	8.91
Loughborough Institute of Technology *	25.25	6.73
Manchester University	25.46	7.85
University of Manchester Inst of Tech.	47.06	7.91
University of Newcastle Upon Tyne	29.51	7.03
University of Nottingham	35.04	8.15
University of Oxford	32.92	5.77
University of Reading	30.61	7.21
Salford University	19.11	5.69
University of Sheffield	28.56	7.72
University of Southampton	17.96	8.00
University of Surrey	28.64	9.08
University of Sussex	32.02	7.50
University of Warwick	26.17	5.60
University of York	22.99	6.91
Uni. College of Wales Aberystwyth*	14.73	7.61
Uni. College of North Wales- Bangor*	4.27	5.66
University College of Wales Cardiff*	30.50	6.12
St David's College*	25.41	7.73
University College Swansea*	11.93	7.16
University of Aberdeen	29.99	8.77
University of Dundee	17.14	7.72
University of Edinburgh	33.62	9.41
University of Glasgow	24.11	8.96
Herriot Watt University	42.38	9.93
University of St Andrews	43.22	5.44
University of Stirling	11.72	7.17
University of Strathclyde	21.44	10.42

\* please see footnote 195 for an explanation of conventions used.

Fig.17: The distribution of average fee levels per foreign student, by HEI, for forty-six pre-1992 HEIs

Average fee per student during....	1980-1	1981-2	1982-3	1983-4	1984-5	1985-6	1986-7	1987-8	1988-9	1989-90	1990-1
Standard Deviation	.11833	.09856	.24791	.31782	.24252	.21594	.25765	.28010	.34585	.36836	.50544
Skewness	-.138	.058	2.034	1.461	.287	.207	-.442	-.963	-.322	-.838	-.554
Kurtosis	2.512	.148	8.577	7.161	4.670	1.691	1.034	1.651	1.183	.615	.205
Minimum	.25	.85	.72	.58	.96	1.41	1.37	1.38	1.68	2.01	2.18
Maximum	.95	1.31	2.33	2.67	2.59	2.56	2.68	2.81	3.51	3.73	4.43

Average fee per student during....	1991-2	1992-3	1993-4	1994-5	1995-6	1996-7	1997-8	1998-9	1999-2000	2000-1	2001-2
Standard Deviation	46	46	46	44	44	44	44	46	46	46	46
Skewness	20	20	20	22	22	22	22	20	20	20	20
Kurtosis	.185	-.767	-.607	1.089	1.892	2.638	3.139	-1.304	.132	.470	.160
Minimum	2.561	.704	.269	2.258	5.533	9.747	13.670	6.819	-.392	.143	-.011
Maximum	.688	.688	.688	.702	.702	.702	.702	.688	.688	.688	.688

Source: Data from the Higher Education Statistics Authority and from the Universities Statistical service.

In addition, the distribution of HEIs here examined in relation to the fees they charged per international student became markedly platykurtic from 1999 onwards. The distribution was thus more 'spread out', with fewer HEIs clustered around the mean value. This suggests that the extent of 'clustering' by HEIs was gradually decreasing over the period as a whole, and that HEIs were increasingly deciding to charge international students different fees than were their 'peer' HEIs.

This appears to be corroborated by the CVCP surveys of international student fees from 1999 to 2003.<sup>202</sup> Most HEIs' fees for classroom-based subjects were within £250 of each other. Even with clinical courses, where fees were generally higher than for other courses, most HEIs still clustered within £250 of each other in the fees they charged international (mainly) medical students. In comparison with laboratory-based courses, there was only one major 'peak' for clinical-based subject fees, with only a very small number of HEIs using the same fee structure for clinical as for classroom-based subjects.

It therefore appears that despite the ending of government guidance to HEIs in the setting of fees, many HEIs continued to set their fees at least loosely in line with the previously-recommended minimum fees.<sup>203</sup>

One interviewee suggested that although HEIs might "reduce their fees for a year or two" if they were "feeling threatened", most had little idea of the real "market value" of their courses (interview with HEI employee). Interviewees suggested that most HEIs set their fees in accordance with inflation-upgraded previous levels coupled with at least a rough awareness of other HEIs' fees (interview with two HEI employees and with British Council employee). According to Fielden and Dalrymple, HEIs consciously avoided price-based competition, given that this would lead to a situation whereby "those with higher reputations could command higher fees, whilst others lost out, or

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<sup>202</sup> It should be noted that the sample of responses to the CVCP survey included post- as well as pre-1992 institutions, and that the composition of respondents differed from year to year. The survey results should therefore be interpreted with caution.

<sup>203</sup> This 'clustering' has also been noted in Back et al., 1997: 4, 32.

where price-cutting by some institutions could lead to lower overseas student enrolments elsewhere” (Fielden and Dalrymple, 1987: 115).

This tallies with Kinnell’s view that

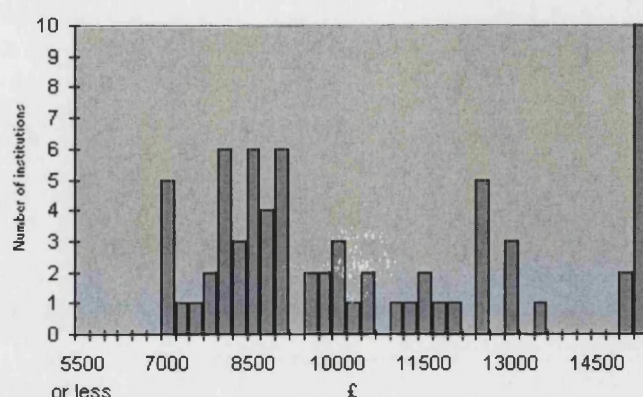
“In setting fee levels each year universities undertake no detailed costing of students’ variable use of services, nor on the cost of administering overseas student recruitment, as a means of assessing realistic fees. Pricing is very much related to fees charged elsewhere and the perception that keeping the cost to the student down as far as possible will enhance recruitment” (Kinnell, 1990: 40).

There was a general perception that, almost ‘despite’ HEIs’ lack of knowledge of the market, potential students were price-sensitive- HEIs would avoid charging ‘over the odds’ in relation to their peers.

However, one particular course fee departs from the previous generalisations, that for the MBA (see figure 18). Although most HEIs’ MBA fees were, as usual, generally around within £250 of each other, the distribution is markedly less normal than for other courses. Rather than being arrayed around one mean value, a variety of peaks are in evidence for the distribution of UK HEIs according to the fees they have charged international MBA students. The 2002-3 CVCP survey suggests the existence of no fewer than five mini-peaks, indicating a very differentiated market.

Fig.18: MBA pricing structure, 2002-3

Chart 10: MBA (master of business administration) courses



Source: UniversitiesUK, 2003

This apparently greater differentiation by price, and thus greater scope for price competition, can be explained by two factors. Firstly, unlike other course fees, British MBA fees were generally cheaper than those charged by comparable HEIs in the US (Back *et al.*, 1997: 32). This gave British HEIs an incentive to charge just below comparable US HEIs to gain market advantage. Secondly, the marketable value of MBAs appeared to be closely related to whether or not they were accredited by particular bodies. One interviewee noted that achieving AMBA accreditation would allow his/her HEI to add a quantifiable premium to the fees payable by international students for its MBA course. Such a process of external accreditation (i.e., aside from QAA quality assessments) is unique to MBAs and results in a highly-differentiated pricing structure.<sup>204</sup> HEIs offering MBAs, especially those targeted at international students, may, therefore, be involved in a greater degree of competition than those which do not.

### 7.b.iii International students' fees and HEIs' income

Finally, as well as examining the distribution of HEIs according to the number of international students they recruited, and the average fees they charged international students, it is also possible to assess the relative importance of

<sup>204</sup> Interview with HEI employee. See also chapter five for analysis of British non-governmental accreditation schemes.

international student recruitment for individual HEIs, through comparing the percentages of their income which derived from international students' fees. The initial losses and then gains from the full-cost fees policy were increasingly differentially distributed amongst HEIs. This helped to further weaken sectoral associations' negotiating capacities on behalf of all their members, as whilst some HEIs were very successful in the recruitment of international students, others had proved less successful in the content of a highly competitive market.

The extent of variation between HEIs in terms of the importance of international student fees for their overall income levels increased greatly over time, especially between 1993-4 and 1994-5 (from a standard deviation of 4.26 to one of 8.78) (see Figure 19). Initially, the ratio of international students' fees to overall income was, for the majority of HEIs, less than the mean amount, with a relatively small number of HEIs receiving a relatively large income from international students' fees in comparison with their overall income. However, this gradually altered such that, from 1997-8 onwards, a comparatively large number of HEIs had a relatively large income coming from international students' fees (such as the University of Leicester and Heriot Watt University), with a smaller number of HEIs (such as University College of North Wales Bangor and Keele University) receiving comparatively little income from international students' fees. Whilst, over most of the period, the majority of HEIs clustered around the mean, in terms of the ratio of their income from international students' fees to their overall income, they became increasingly less clustered after 1994, this coinciding with fee deregulation. This suggests that whilst initially most HEIs received similar income from international students' fees as a proportion of their overall budgets, by the end of the period the ratio of student fee income to overall income was varying widely across the higher education sector. The full-cost fees system thus led to an increasing differentiation between HEIs, following increased competition between them for international students.

This degree of intra-sectoral competition had an impact on HEIs' future capacities to collectively organise resistance to liberalisation. The competitive



relationships instilled by the full-cost fees decision further prevented HEIs from acting together and developing common policies towards international students. Competition between HEIs for international students “allows for very little collective consideration and deliberation of a way forward even when nearly all institutions are facing similar issues” (Journeaux, 2004). The CVCP’s own Long-Term Strategy Group acknowledged this problem, stating that “[c]ompetition between institutions has meant that co-operation and the pooling of resources are not well advanced.... Yet without such co-operation it is difficult to see how the economies of scale can be generated to... compete in a global marketplace” (Brown, 1999). The full-cost fees decision thus ‘locked-in’ competitive relationships between HEIs, with little possibility of HEIs individually or collectively challenging this. As Walker notes, there “has been no identifiable move since those days [of the introduction of full-cost fees] on the part of Vice-Chancellors to modify this policy” (Walker, 1997: 53).

Fig.19 : 'Other' fees as a percentage of income for forty-six pre-1992 HEIs, 1980-1 to 2001-2

'Other' fees as a percentage of income during....	1980-1	1981-2	1982-3	1983-4	1985-6	1986-7	1987-8	1988-9	1989-90	1990-1	1991-2	1992-3
Standard Deviation	2.09572	2.65469	2.76563	3.01590	3.42559	3.15130	3.01263	2.96100	2.69300	2.76399	2.91207	3.96772
Skewness	.784	1.032	1.146	1.198	1.068	.442	.485	.318	.193	.352	.603	3.460
Kurtosis	.832	1.192	1.644	2.021	1.395	.429	.393	.747	.439	1.343	1.117	17.229
Minimum	.10	.36	.58	.56	.97	.66	1.55	1.34	.99	.71	1.28	1.59
Maximum	10.38	13.62	14.55	16.02	18.19	16.90	15.72	16.32	13.76	14.83	15.36	28.04

'Other' fees as a percentage of income during....	1993-4	1994-5	1995-6	1996-7	1997-8	1998-9	1999-2000	2000-1	2001-2
Standard Deviation	47	46	45	45	44	47	46	47	47
Skewness	4.25732	8.78450	8.52523	13.99602	9.12018	10.29505	9.48751	9.43349	10.43617
Kurtosis	.347	.350	.354	.354	.357	.347	.350	.347	.347
Minimum	.681	.688	.695	.695	.702	.681	.688	.681	.681
Maximum	1.79	8.98	10.43	10.75	2.52	3.51	9.97	8.61	1.87

Source: Data from the Higher Education Statistics Authority and from the Universities Statistical service

As noted above, however, it would be illegitimate to claim that HEIs only competed against each other on the basis of price. In over three quarters of the HEIs considered (36 out of 46 HEIs), there was a positive and significant correlation for the relationship between the fee per student and the number of international students per HEI. As the cost of fees for international students increased, their numbers at the HEI in question also generally increased. This suggests that demand from international students for British higher education was inelastic, i.e. it did not diminish as prices rose. The most complete correlations were at the Universities of Oxford (correlation .985), Cambridge (correlation .969) and, perhaps surprisingly, Surrey (.969).<sup>205</sup> The price elasticity for British higher education is, thus, very limited. When HEIs increased fees, the numbers of international students increased, often almost in line with the increases. However, whilst the extent of price competition was limited, there was an increase in competition between HEIs for international students along other dimensions such as quality (see chapter five).

## 8 Conclusion

The introduction of full-cost fees for international students has played an important role in British governments' liberalisation of international students' policy. The new system provided HEIs with incentives both to compete against each other for international students, and, obviously, to charge these students high fees, although competition appears to have occurred along dimensions other than price alone<sup>206</sup>.

The new fees system did not represent a natural outgrowth from existing practices in the higher education sector. It cannot be seen as a continuation of existing rules towards international students, which had involved the imposition of quotas and of differential fees. Nor does it easily fit with existing methods of government funding for the higher education sector. Instead, the full-cost fees

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<sup>205</sup> Increases in fees and international student numbers were negatively related at only one HEI (the University of Aston), and in nine HEIs the (positive) correlation was not significant. Interestingly, most such HEIs (whose intake did not increase in a regular manner with increases in fee levels) were located in the 'celtic fringe', perhaps suggesting a more erratic demand from international students for non-English British Higher Education. In all other cases bar one (the University of Reading, with correlation .489), the pearson product moment correlation coefficient was above .5, indicating significant covariation between the amount of fees per student and the number of international students per HEI.

<sup>206</sup> Except perhaps in the market for MBAs; see p.225.

was consciously imposed by government as a means of fundamentally altering the higher education sector, through removing any public subsidy for international students, and also to promote an entrepreneurial approach to international student recruitment amongst HEIs. In addition to being responsible for the initial introduction of the fees, government continued to control the operation of the fees system, until deregulation in the mid-1990s.

Despite all HEIs' sectoral associations opposing the new fees, this opposition had little effect. The manner in which each sectoral association attempted to prevent their introduction reflected their internal weaknesses. HEIs were also unable to have any significant effect on the implementation of the fees, where, again, their sectoral associations were unable to provide any clear leadership in order to challenge government policies. Once introduced, the full-cost fees system further entrenched divisions within the higher education sectoral associations, as it encouraged an extensive differentiation between HEIs, in terms of the numbers of international students they could recruit, the fees they could charge, and the proportion of institutional funding which they could raise from international students.

Overall, the full-cost fees system constituted a government-driven initiative, which was relatively easily implemented due to a lack of coordinated resistance amongst HEIs.

## Chapter 8: Financial institutions in France

### 1 Introduction

Unlike in Britain, international students were not charged differential fees, and the previous funding systems in higher education sector had not allocated funds specifically according to the numbers of international students attending HEIs. In 1989, a new funding system was introduced by the then Education Minister, Lionel Jospin, which predicated substantial funds on the recruitment of additional international students. The new system, which involved a proportion of HEIs' funding being delivered through contracts negotiated between central government and HEIs, marked a significant break with existing funding systems in French higher education. Most institutional funding had previously been allocated on the basis of formulae which took into account the numbers of students, the characteristics of institutional buildings, and other static features, but did not specifically allocate funds for the recruitment of international students.

Overall, the contractual funding system came to form an important element of overall funding levels.<sup>207</sup> International relations, including the recruitment of international students, formed a particularly significant element of the contractual budget which reached €521,000 in 2000.<sup>208</sup> In particular, the contracts supported HEIs which, amongst other goals, increased the 'attractiveness' of their own courses for potential international students (Hénart, 2003). An analysis of a sample of the contracts is referred to throughout the chapter, which indicates that the new funding system provided HEIs with additional funds where they made commitments to recruiting more international students from developed and emerging economy countries.

The new system gave HEIs incentives to recruit more international students, and so are, on that dimension, comparable with the British introduction of full-cost fees, both constituting systems of financial incentives. However, although

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207 Some ambiguity exists between different assessments of the magnitude of contribution of contractual funding. Whilst one report noted that on average, funding from quadrennial contracts amounted to 15% of HEIs' overall funding whose contracts covered the period 1998-2001 (Hénart, 2003), another suggested that funds from contracts covered "nearly a third of the total funds given to higher education institutions" (Claeys, 2001a: IIA1).

208 From information in table supplied in Claeys, 2001a: IIA2.

the system led to a commodification of international students (through prioritising flows of international students from developed and emerging economy countries, rather than from developing countries; and through providing extra funds for the recruitment of international students), it had little effect on the extent of competition amongst HEIs for international students.

HEIs engaged collectively in attempts to shape the new funding process, and were particularly concerned to ensure that the new system would result in increased autonomy for individual institutions, and that it would not be used merely to encourage them to compete for restricted funds. HEIs also resisted attempts to use the evaluation of the contracts as a means of comparatively ranking them. Their coordinated resistance to the use of the contracts as a means to foment competition appears to have been highly successful.

## **2 The pre-existing situation**

The existing governmental funding system for HEIs mainly rested on non-hypothecated, formula-based grants. HEIs thus had a considerable degree of discretion in how they spent this funding. Existing systems failed to provide significant incentives for the recruitment of international students. Neither French nor international students were charged significant tuition fees in French universities. The charging of differential fees for international students is legally proscribed in France,<sup>209</sup> with many interviewees seeing this as an important dividing line between the British and French approaches; “above all, all the international students in France do not have to pay different fees” (interview with DRIC employee).

Although increases in the costs of *frais d'inscription* (admissions fees) did sometimes elicit press comment (Le Monde, 1991c), the sums involved were negligible. In contrast, some *grandes écoles* charged very substantial fees, from which they sometimes derived the bulk of their income. However, such fees were not differentiated between French and international students. Although there were some attempts to introduce contracts as a way of governing the financial relationship between governments and HEIs, few such attempts succeeded, and those which did were confined to the coordination of regional

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<sup>209</sup> With this prohibition on differential fees having been confirmed by the loi Savary of 1986 (Hénart, 2003).

research programmes, or only involved departments rather than entire HEIs contracting with government. None had a perceptible impact on international students' policy.

## **2.a Formula-based funding**

The existing funding system for universities was based on formulae set by the Ministry of Education. These tied institutional allocations to features such as the existing number of students and the physical area of university facilities. The 'San Remo' (*Système Analytique de Répartition des Moyens*) system, introduced in 1993 to replace the former "Garaces" model, was the latest attempt to codify this criteria-based approach, and intended to achieve a fairer allocation of resources among HEIs and to correct historical variations (Martin and Verdaguer, 1999). Even following the introduction of the contractual system, up to 90% of HEIs' funding continued to follow per capita formulae like the San Remo system.

San Remo indirectly promoted attempts to recruit international students, to the extent that they were counted within student totals. However, given existing domestic student demand for higher education for most of the period studied, such systems did not privilege international over domestic recruitment. The prioritisation of international students as meriting additional funding did not occur until the introduction of quadrennial contracts in 1989.

## **2.b Previous use of contracts**

Some French universities and *grandes écoles* had used contracts as a method of codifying their relationships with public institutions (mainly research institutions) from the mid-1970s onwards (Minot *et al.*, 1984: 158). These contracts had not been used as a means of regulating public policy concerning international students until the adoption of the contractual funding system in 1989. Nor, indeed, were they used as a means of connecting the central government to HEIs before 1989. The extent to which they can be seen as offering a precedent for Jospin's contractualisation policy is, therefore, limited.

Contracts were seen as a means of coordinating government policies with HEIs' priorities as early as the mid-1970s. Despite being supported by the *Conférence*

*des Présidents d'Université*, the universities' sectoral association (which gave its support to the proposal at its annual meeting), a contractual 'experiment' along these lines begun in 1975 was opposed, and stopped, by the then new Higher Education Minister, Alice Saunier-Seït . Musselin notes that the 1975 project could theoretically be "credited with disseminating ideas favourable to university-central administration contracting". However, she maintains that the 1975 experiment was never viewed as an example for the development of Jospin's new system in 1989, nor, indeed, was it ever mentioned at all in discussions, meetings and publications concerning the new contractual policy (Musselin, 2004: 69).

Another contractual 'experiment', begun in 1983, was equally unsuccessful. This involved the use of contracts to direct the government funding of HEIs, based on four-year funding-need projections. This new contractual programme was given statutory recognition in the Higher Education Act of 26 January 1984 (the *loi Savary*) (Ab cassis, 1994: 13; Bernard and Lepagnot-Leca, 2002: 231).

However, rather than the contracts being used by HEIs as a way of developing their autonomy from central government, it was actually departments, rather than entire HEIs, which adopted the contractual system as a means of funding themselves. As a result, this contractual system could only be used to provide the funding for limited, departmental goals, rather than, for example, the definition of an institutional policy towards international students. Musselin maintains that this focus on component departments sharply divides the 1983 programme from the 1988 contractualisation (Musselin, 2004: 69). The 1983 system lacked the emphasis on HEIs as collective negotiating units which was one of the key novel elements of the 1989 system.

Overall, the existing funding systems, both in terms of formula funding and the limited use of contracts in higher education, failed to offer an institutional precedent for the introduction of quadrennial contracts in 1989.<sup>210</sup>

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210 Whilst contracts have increasingly become a method of regulating relationships between governments and other bodies within higher education, all such developments post-dated the introduction of Jospin's contractualisation, and hence cannot be seen as laying the institutional precedents for the 1989 initiative. For more analysis of the use of contracts outside Jospin's quadrennial contracts system, see Lorrain, 1991; Sot, 2002: 41-2; and Walsh, 1995: 111.



### 3 Government strategies

The idea of extending the use of contracts to cover the central executive's relationship with HEIs was initially promoted by Lionel Jospin,<sup>211</sup> who discovered in the contractual method a new policy initiative which could be announced to HEIs in time for the start of the new academic year (interview with former ARIES employee; see also Musselin, 2004: 72). In September 1988, he presented a quadrennial contract framework to the *Conférence des Présidents d'Université* (CPU). A wide-ranging reorganisation of the Higher Education administration within the Ministry of Education followed, which created a new department (the Direction for the programming and the development of universities) to implement the new contractual policy (Musselin, 1997: 52).

Although Jospin's initiative cohered with general government policy on the modernisation of public services,<sup>212</sup> it was not explicitly connected by Jospin to this more wide-ranging policy trend. Instead, Jospin maintained that the new funding system would enable a genuine engagement between government and HEIs, which would promote "autonomy and innovation" (Le Monde, 1989d).

Rewarding the recruitment of international students from developed and emerging economy countries (rather than from developing countries) was a key priority for government in its introduction of the contractual system. The '*Politique Contractuelle*' circular of March 1989 (Jospin, 1989) defined the parameters of the first contracts. This 'circular of contractualisation', a type of procedural guideline,<sup>213</sup> from the Higher Education Ministry specified which elements the *projet* should cover. This first circular stated that "institutions' international actions, where these constitute durable projects, fall very naturally into the domain of contractualisation". The circular made clear the government's view that proposals for items in the contracts which would "aid[...] personal mobility: exchange of students, teachers, and researchers, on the basis of

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211 It should be noted that contracts were only used to mediate the relationship between government and HEI where government already funded the HEI in question. Hence, whilst a number of grandes écoles were covered by the contractual policy, it did not extend to those funded entirely through private sources.

212 As codified in the circular on the Renewal of Public Service by the then Prime Minister Michel Rocard (Racine, 2002: 2).

213 As one interviewee put it, "[t]he circular of contractualisation, it is a kind of 'procedure book', it's a series of directives, of operations and requirements, for the universities, in order to help them provide their own strategic framework..." (interview with DRIC employee).

principles of reciprocity and the spread of the French language” would be favoured, at least in relation to other industrialised countries (as opposed to developing countries).

There was a strict division within this first circular of contractualisation, between which policies were appropriate for students from developed and emerging economy countries and which (different) policies were appropriate for students from developing countries. This was consistent with the French government’s overall policy to promote a commodification of international students, by prioritising the recruitment of students from countries seen as immediately or indirectly economically beneficial to France. With regard to developing countries, the circular maintained that the “essential point to retain was the bringing of our scientific culture and technological know-how into the perspective of economic and cultural development”. Projects with developing countries should be conducted jointly with partner countries, and could include the training of teachers, and aid for economic, scientific, and technological development, with the diffusion of the French language “being the cement of this cooperation”. No mention was made of the recruitment of international students from developing countries. In contrast, student mobility from ‘industrialised’ countries was described as an important goal in the circular of contractualisation (*ibid.*).

The distinction of developing from developed (and emerging economy) countries’ international students was thus a key element of the contractual policy from its initiation. This focus was maintained throughout successive circulars of contractualisation. Whilst proposed increases in international student enrolments from developed and emerging economy countries would be rewarded within the contracts, this did not apply to increases in international student numbers from developing countries.

#### **4 HEIs’ strategies and coordination**

The role of French HEIs in the creation of the contractual system was extensive and coordinated through the universities’ sectoral association. Although some HEIs were initially sceptical about the contractual process, the CPU used its negotiating capacity with the government to attempt to shape the nature of the new contracts, and especially to develop the contracts as a means of increasing

HEIs' autonomy from government. This action was successful in preventing the contracts from resulting in extensive competition between HEIs for funding. Overall, the extent of French HEIs' coordination, especially through the CPU, had a significant effect on the creation of the contractual funding system, and could be described as moving this system away from a potentially liberalising model.

The French HEI sector had traditionally viewed governmental reform with suspicion. The first, failed, contractual experiment of 1975, although supported overall by the CPU (Abécassis, 1994: 13), elicited stringent criticism from some university presidents even before government abandoned support for it. Hence, the then president of Burgundy University maintained that the then contractual system was unlikely to lead to genuine institutional autonomy, and gave it as one of the reasons for her resignation (Bertrand, 1994: 45).

Concerns amongst HEIs about the genuine motives of government for introducing contracts motivated a distrust of the contractual system even during Jospin's introduction of the quadrennial contracts in 1989. However, the emphasis of Jospin's contractual policy on the role of HEI presidents was seen as a guarantee that government would not use the contracts simply as a method of 'divide and rule' between HEIs (*ibid.*: 45). The CPU had consistently favoured an augmentation in the role of the university president, as a means of increasing HEIs' autonomy from government. As the major decision-making and coordinating role within the new contractual process was to be performed by university presidents, it was seen as furthering the CPU's policy.

The CPU also attempted to gain assurances during its discussions with the Ministry of Education that the contractual system would not be used as a means of managing cuts in higher education funding. Furthermore, the CPU was also involved in negotiating the contents of the questionnaire which was sent out to HEIs by the ministry at the beginning of the process as a basis for the formation of institutional *projets* (interview with former ARIES employee). The CPU thus had a significant impact on which issues were chosen to be covered by the new contracts. In particular, the CPU lobbied for, and obtained, the inclusion of funding for new staff within the contracts. Funding for additional staff was

viewed as especially important by the CPU, given the surge in student numbers which was forecast for 1989-1990, the next academic year after the beginning of the contractual process. As one interviewee noted, initially some University Presidents refused to participate in the contractual process, given their distrust of government, seeing it as akin to “signing a contract with the devil”. However, the interviewee recalled “saying I’m ready to sign with the devil! For ninety personnel [staff], anybody would sign this” (interview with former ARIES employee).

## **5. The operation of the contracts**

### **5.a The contracts and international students**

Governments continued to use the contracts throughout the period examined to further their policies towards international students, and especially to encourage the recruitment of more international students from developed and emerging economy countries. However, the manner in which they did this changed slightly throughout the period.

The section of the contracts dealing with international students and other international issues, the “*volet international*”, constituted a crucial element for negotiation between the Ministry and HEIs (interview with DRIC employee). Until 2001, HEIs were required to prepare a separate dossier concerning their international activities. Hence in 1993 it was stipulated that HEIs had to present three documents, the first presenting the medium-term objectives of their international policies, the second indicating the organisational resources intended to support such policies, and the third detailing those internationally-oriented projects upon which the HEI placed a particular priority (Prévos and Bardet, 1994: 2).

The “*volet international*” was then isolated by an office of the *Délégation aux relations internationales et à la coopération* (DRIC), part of the Ministry of Education, and disseminated to its different geographical region offices for comment. The comments made were generally informational only, for example, pointing out existing schemes or potential problems with proposals. The comments were then gathered and submitted to the HEI, with the document

sometimes then undergoing a number of revisions (interview with DRIC employee).

However, the requirement for a separate “*volet international*” was removed when a new Director of the contracts division stated that international issues should be made “*transversaux*” in the contracts; that is, they should permeate all elements of the contracts. For instance, the section on the *habilitation des diplômes* (the accreditation of degree programmes) should note whether current degrees were sufficiently accessible for international students; and the section on physical infrastructure should note whether there was an office for international students on campus (interview with two DRIC employees).

In theory, the new policy was designed to increase the importance of international issues, by ‘mainstreaming’ them in all aspects of the contracts. Some interviewees did maintain, however, that the lack of a separate section on internationalisation made it more difficult for the Education Ministry to track international activities. The change, according to some, resulted in a loss of information (interview with DRIC employee). Certainly, it considerably complicated the role of the *Délégation aux relations internationales et à la coopération* during the contractual process. Elie Cohen, in a report for the Prime Minister on improving France’s ‘attractiveness’ for international students, maintained that the new approach resulted in a diminished “visibility of international policies and their overall coherence” (Cohen, 2001: 117).<sup>214</sup> Cohen suggested that a separate report should be produced by all HEIs to increase the visibility of international issues. Whilst the “transversality” of international matters should be maintained in the contracts, he suggested that HEIs establish a “declaration of international policy” presenting their objectives, priorities, activities and provisions, as well as the resources they would use to reach the specified objectives” (*ibid.*).

## **5.b The evaluation of the contracts**

By the time of Cohen’s recommendations, however, HEIs had already been obliged to set out their international policies in more concrete detail, by including

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<sup>214</sup> However, it should be noted that a small number of universities continued to prepare a separate dossier on such matters, effectively ignoring the new requirement.

them in “indicators” annexed to the contracts, after the *Comité National d’Evaluation*<sup>215</sup> was asked by government to evaluate the contracts. This followed recommendations from the *Mission d’évaluation et de contrôle* in 1998, which suggested that increased monitoring of HEIs’ compliance with the contracts was required. As an interviewee from the CPU noted, this required a university to “do what it has said it will do” in the contract. Henceforth, representatives of the *Inspéction Générale de l’Administration de l’Éducation Nationale et de la Recherche* would be “systematically involved in the contractual process” (see pp.174-5); the general thrust of the contracts (in terms of actions put in place by HEIs, and financial undertakings by government) would be presented to the *Conseil National de l’Enseignement Supérieur et de la Recherche*;<sup>216</sup> the *Comité National d’Evaluation*’s programme would be made to coincide with the calendar of contracts; and the contracts were required to include indicators such that compliance with them could be measured (Claeys, 2001a: IIB2; Gérard, 2003a, 2003b). HEIs, under the leadership of the CPU, were willing to accept the evaluation of the contracts as an allegedly ‘necessary’ concomitant of the extra operational autonomy they were granted by the new contractual system.

### 5.c The contracts and HEIs

By December 1989, the first contracts had been signed, and most eligible HEIs had signed a contract with the government after four years of operation of the contractual system. By April 1993, one hundred contracts had been signed (Le Monde, 1993c). The new system was seen as resulting in a reduction in the number of circulars from the Education Ministry to HEIs, and an increase in informal as well as formal contacts between representatives of central government and university officials (Abécassis, 1994: 27-8). The contracts were consistently presented at the beginning of the period as a means to promote HEIs’ autonomy from government and the modernisation of their management (Le Monde, 1992b; 1992c).

When increased funds began to flow through the new system, resistance to Jospin’s contractual system declined further (interview with former ARIES

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<sup>215</sup> See chapter six.

<sup>216</sup> See p.180.

employee). By 2001, 198 HEIs were taking part in the contractual process, which had been extended to cover engineering schools and regional grouping of HEIs, the '*pôles universitaires*' (Claeys, 2001a: IIA1).<sup>217</sup> At least initially, the contractual system was seen as a means of reinforcing "universities' independence", with universities developing their own, collective, "strategies and action plans" (Abécassis, 1994: 25). As the then CPU Vice-President noted, the development of contractualisation had allowed "engagements to be maintained" and "institutional management to become perennial rather than constrained in yearly budgeting" (Saint-Girons, 1998).

Overall, the CPU supported the contractual process. The contracts constituted a "meeting ground" between "the state's and the universities' goals" (Abécassis, 1994: 21). This view of contractualisation as increasing HEIs' autonomy is supported by much research. The new, contractual system has been described as contributing to the development of institutional identity and of clearer lines of accountability through requiring "public establishments to negotiate as equal partners with the central state" (Friedberg and Musselin, 1992).<sup>218</sup> In addition, given previous analyses of the French higher education system as characterised by a diffusion of authority (Cerych and Sabatier, 1985: 256),<sup>219</sup> the contractualisation process facilitated the integration of faculties within the university under the leadership of the university president. By making the latter the "sole legitimate institutional representatives of the university *vis-à-vis* the state", the role of university presidents was considerably strengthened by the contractual process (Abécassis, 1994: 19,13), just as the CPU had hoped. Although, for Bellet *et al.*, some universities have failed to move beyond the "*système facultaire*", the division of responsibilities by faculty rather than the adoption of a cross-university strategy, overall the contractual process has reinforced HEIs' 'corporate' identities (Bellet *et al.*, 2000: 44). For Minot *et al.*, Jospin's contractualisation offered a 'realist' approach to international issues, but one which "recognised the autonomy of universities" (Minot *et al.*, 1984: 154).

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217 The university 'poles' were groups of universities and *grandes écoles* which were clustered in particular economic regions.

218 See also Champagne, 2001: 493; Finance, 2003; Minot *et al.*, 1984; and Musselin, 1995.

219 See also Champagne, 2001: 489; and Neave, 1992.

Contractualisation has been presented by a previous Vice-President of the CPU as means to make “operational institutional plans, starting from the idea that the institution makes its own future with regard to its educational facilities, research development or management modernisation, and that these orientations are validated by the Minister who also helps to support their putting into practice” (Saint-Girons, 1998). He further maintained that contractualisation constituted the “spinal cord” of university autonomy, which facilitated internal debate and unity in HEIs in a process of coordination between the Ministry and individual HEIs (*ibid.*). The creation of the *projet d'établissement* in particular gave HEIs “an impulse to engage in a strategic process” and enhanced the “efficiency of systems of internal governance” (interview with DRIC employee). The process was described by an interviewee as reinforcing institutional identity, with the HEI's President as the key figure in negotiations with the Ministry (interview with former ARIES employee).

In the mid-1990s, however, it appeared that such support from HEIs for the contractual system might diminish. In 1993, a change in administration led to budget cuts and the new Minister of Education refused to honour the parts of the contracts which referred to the creation of new posts (Musselin, 2004: 84). This led to resentment in many HEIs, which had initially supported the contractual policy because of its promise of additional staff to deal with a surge in student numbers (Abécassis, 1994: 13, 24; Musselin, 2004: 59, footnote), and who had resisted the contracts being used as a means for “negotiating restrictions” rather than providing extra funds (Le Monde, 1991a; 1994a). In February 1993, the CPU made clear in an official statement that it would only support the contractual system to the extent that government honoured its commitments; “the University Presidents confirm their support for the contract policy between the State and the universities, whose effectiveness they have observed in practice, *provided that the two partners make an equal commitment*” (Abécassis, 1994: 32). As Bertrand noted, failure by government to provide the resources allocated by the contract could also have a negative effect on HEIs' internal management, as the fortunes of the contract were often identified with the university president (Bertrand, 1994: 49). HEIs especially resented the failure of governments to honour their commitments in the contract, since such behaviour was generally not replicated by HEIs, especially once the



contracts included specification of measurable indicators which were to be evaluated by the IGAENR and the CNE (Abécassis, 1994: 31).

From this point onwards, however, the contracts' contents and objectives became more formalised (Musselin, 2004: 64). Importantly, the contractual system was relaunched by central government in 1998, in an attempt to rebuild the confidence of HEIs in the process following their former criticism of it. Claude Allègre, the then Minister for National Education maintained that the contracts would, henceforth, give universities "autonomy rather than the hold of the yoke [*carcan*], responsibility rather than carelessness, initiative rather than standardisation, freedom to create rather than uniformity, and will rather than abandonment" (Allègre, 1998). As the Director of the contractual division, Francine Demichel stated, if less colourfully, the contractual system had "no meaning except within the framework of an increased level of autonomy for institutions: it is grounded upon the evaluation of results obtained by the institution and the quality of its project. It gives back some space to the contractual negotiations and bets on confidence.... [a]nd it leads to the putting into place of a negotiated management of our higher education system" (Demichel, 1998: 7).

## **6 Liberalisation**

Unlike the introduction of full-cost fees in Britain, the use of contracts in France did not intensify competition between HEIs. However, it could be seen as having encouraged the commodification of international students, and to that extent, could be seen as a liberalising measure. Indeed, quantitative analysis of the correlation between different commitments made by HEIs in the contracts indicate that, with respect to international issues, a promised increase in international students' numbers was the only commitment that was significantly correlated with increases in the government resources allocated to international issues through the contract.

### **6.a Competition**

The use of a contractual device could be seen as an adoption of market methods, due to the frequent use of contracts to induce competition between providers. In this manner, the use of contracts in the public sector has often

been linked to the expansion of market relations beyond their traditional role as defined by the post-war economic consensus.<sup>220</sup> In a number of countries, contracts have been used to open “up to competition a set of economic activities which were previously immune from it”, thus involving “competition for the market as opposed to competition in it” (i.e., involving *ex ante* competition) (Domberger and Jensen, 1997: 68). For many analysts, contractualisation involves, at least in theory, a move away from hierarchical management (Martin, 1995: 37) to a “market-based approach”, whereby the roles of government as “principal” and service-provider as “agent” are “clearly separated and property rights more explicit” (Walsh, 1995: 110). In this way, contracts between HEIs and the French Ministry of Education might be seen as liberalising institutions.

However, the use of contracts here departed significantly from their common use in other countries, as a means of fostering competition. This was because the contracts were not used as a means of introducing alternative providers into higher education (as with the use of contracts to procure services from the private sector (Savas, 1982: 61)), but rather as a means of regulating central government’s relationship with pre-existing providers. Hence, the contractual system was not used to enable private HEIs to ‘contract’ for the recruitment of international students. Instead, existing, publicly-recognised HEIs tried to coordinate their policies on international student recruitment with those of the government, within the contractual system. This use of contracts was relational rather than classical, as contracts were used as a means of reconciling governmental and university priorities.<sup>221</sup> This case thus supports Kaiser and

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220 The introduction of contracts as a method of mediating the relationship between government and service providers has been described as a key element of new public management by Hood (Hood, 1995: 95). Other authors have characterised the proliferation of contracts as leading to an “enabling state” which has withdrawn from its previous role in service provision in favour of private providers (Deakin and Walsh, 1996; Greve, 2000: 153; see also Davis and Rhodes, 2000; Racine, 2002). Contracts have frequently used in the development of ‘quasi-markets’ in the public sector (Organisation for Economic Cooperation and Development, 1999: 68), and whilst contracts can be used to further ‘social’ objectives such as the securing of agreement, they are generally struck for ‘economic’ reasons, being understood as operating at “an intermediary level between the organization and the market” (Musselin, 2004: 74).

221 These ‘relational’ contracts rested on existing relationships between HEIs and central government (Organisation for Economic Co-operation and Development, 1999: 47). Such ‘relational’ contracts (Martin, 1995: 39) depart from the more legalistic notion of contracts as spot or classical contracts (Atiyah, 1986). Relational contracts rely on the negotiation of goals between departments and service-providers (Greve, 2000: 158), and could be used as a “means of quality improvement” rather than as a “bureaucratic instrument for keeping exact records” (*ibid.*: 159). Due to the supposed inefficiencies of punishment as a method of dealing with failure, and the tendency of classical contracts to inhibit information flows (Martin, 1995: 40), a relational contract is “based on the assumption that there can be a degree of trust

Neave's contention, that the difference between the French and British attempts to implement 'market forces' lies in the fact that in France, "market forces are those defined as such by central administration and the ways in which they are linked into higher education are set down by that same source" (Kaiser and Neave, 1999: 123). However, it also highlights the importance of coordination between HEIs, given their involvement in the initial definition of the policy and its parameters through the universities' sectoral association, the *Conférence des Présidents d'Université*.

The only element of the contracts which might be seen as likely to stimulate competition is the development of indicators for their evaluation. The requirement for such indicators could, conceivably, have facilitated competition between HEIs for international students, through enabling the ranking of HEIs according to the resources they provided for international students, and more general quality standards. However, as discussed in chapter six, within the context of an enhancement-based evaluation system, the indicators were used as a means of gathering information about HEIs, rather than as a means of ranking different HEIs against each other. In particular, the numbers of international students attending particular HEIs were not subject to extensive comment by the CNE, even when such numbers had been explicitly singled out within the contracts as an indicator of quality.

## **6.b Commodification**

In contrast to the contracts' lack of impact on HEIs' relationships with each other, the contracts did lead to an increased commodification of international students, to the extent that they promoted the recruitment of international students from developed rather than from developing countries, and gave international students a direct monetary value (through rewarding HEIs which committed to expanding recruitment).

This section refers to an analysis of twenty-two contracts, comprising all those negotiated for the period 2003-6. These present a broad picture of the

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between client [government] and contractor [service-provider]" (Walsh, 1995: 114; see also Greve, 2000: 163). To the extent that the contracts used by the French government in the higher education sector did not rely on the threat of legal sanction (by either side), they are therefore most usefully categorised as relational contracts. (For more analysis of the distinction between classical and relational contracts, see Boston, 1995).

importance of international student recruitment within this new funding stream. These contracts represent the sum total that were available for inspection through the *Délégation aux relations internationales et à la coopération*.<sup>222</sup>

As might be expected given the circular of contractualisation's<sup>223</sup> distinction between policies appropriate for students from developing as against from industrialised countries, there was virtually no mention within the contracts of cooperation with African HEIs or recruitment of African students unless within the context of economic development. Countries were generally divided into scientifically developed and non-developed categories, with attempts being made to increase the numbers of international students recruited from the former only.

The new contractual system commodified international students through the allocation of specific funds according to both proposed recruitment levels (from developed and emerging economy countries), and institutional commitments towards international students. Independent of the existence (or otherwise) of a specific '*volet international*', the issue of HEIs' activities in the international arena was a consistent and financially important element of most contracts. As the contracts increasingly included indicators against which their fulfilment could be measured, proposals concerning the numbers of international students to be recruited and concerning institutional policies towards them were increasingly prioritised as an feature of institutional performance.

A number of specific claims referring to international issues were made in the contracts. These included: the recruitment of more international students; the focusing/consolidation of incoming international student flows; the setting up of overseas collaborative programmes; and working with EduFrance.<sup>224</sup> For example, the *Université Michel de Montaigne* of Bordeaux stated that it wanted to recruit 1440 international students during the next four years, "if finances permitted"; the *Ecole Normale Supérieure* indicated that it saw its recruitment of

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<sup>222</sup> As the contracts were introduced in 1989, a significant number have been excluded from this analysis.

Unfortunately, the full set of contracts held at the Direction for the programming and the development of universities is not accessible to researchers.

<sup>223</sup> See p.235.

<sup>224</sup> For discussion of this agency, see chapter four.

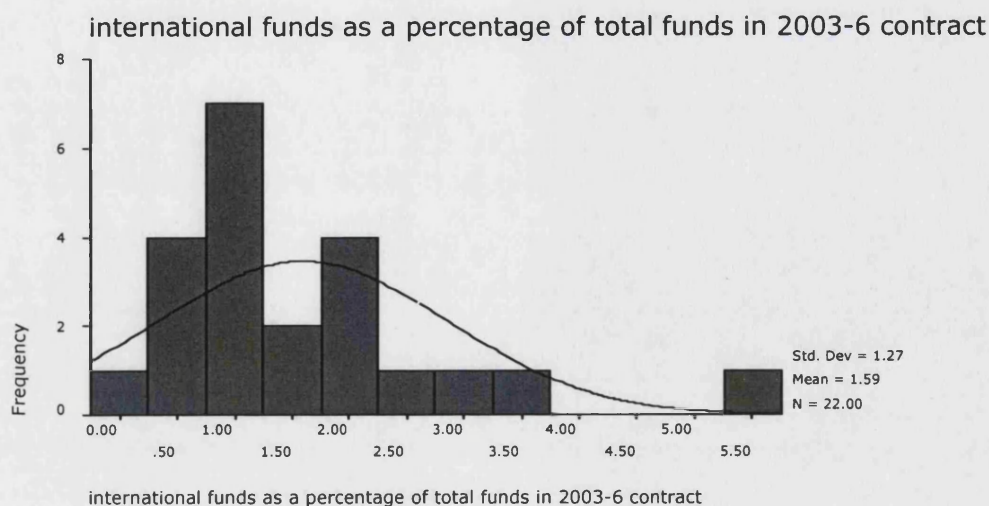
international students as a priority; and the *Ecole National Supérieure de Chimie*, Lille, claimed that it would reduce admission fees and look for opportunities for corporate sponsorship, as a way of reducing the costs of mobility for international students, and thus increasing recruitment.

Other international policies included within the contracts less specifically related to the recruitment of international (as opposed to European) students included the adoption of the new degree structure of three, five and then eight years of study (the ECTS system); involvement in the so-called “European space of higher education”, the goal of the multilateral Bologna process of degree structure harmonisation; and the sending of more French students abroad.

The contracts themselves did not allocate specific funds for the recruitment of extra international students, but only for ‘international issues’ as a whole. It is, therefore, necessary to assess the impact of a commitment to the recruitment of extra international students, in terms of the funding provided for this through the contracts, in order to assess whether commodification occurred. For the sample of contracts analysed here, an institutional commitment to the recruitment of additional international students was the only commitment which had a significant correlation with increased funding.

Figure 20 indicates the spread of funding proportions from the contracts which were allocated to international issues. The minimum funding accorded for international matters per contract was 0.17%; the maximum was 5.71%, and the mean was 1.59%. In comparison, the minimum ratio of international student fee income to overall income for the British HEIs examined in the previous chapter was 0.681% in 2001-2, and the maximum ratio was 1.87% for the same period. The amount of funding for most French HEIs provided through the international element of the contracts was, therefore, proportionately lesser than that provided to many British HEIs from the receipt of international students’ fees. However, as virtually the only additional, and variable, source of funding available to many French HEIs, the possibility of securing extra funds through the contract constituted an important financial incentive to recruit additional international students.

Fig.20: The percentage of funding per contract allocated to international issues



To test the importance of a commitment to international student recruitment, as against to other international matters, all the comments concerning international issues mentioned above<sup>225</sup> were treated as independent variables to see whether specific commitments in the contracts affected the dependent variable, the percentage of contractual funds devoted to international issues. If funding resultant from the '*volet international*' was proportionally equivalent across HEIs, this would suggest that the contractual process was neutral towards different HEIs' international policies. Hence, for example, if HEIs obtained the same funding for a commitment to sending more French students abroad as for recruiting international students, this would suggest that international student recruitment was not the most important international commitment. If the ratio of international to general contractual funding differed significantly across the sample, and this variation can be positively correlated with specific institutional commitments to recruit more international students, this would suggest that the contractual system was being used as a method of 'rewarding' those HEIs which were attempting to recruit more international students from developed and emerging economy countries.

Put together, the independent variables explained 63% of the difference in allocations between contracts. However, only three commitments had a

<sup>225</sup> The recruitment of more international students; the focusing/consolidation of incoming international student flows; the setting up of overseas collaborative programmes; working with EduFrance; the adoption of the new degree structure of three, five and then eight years of study (the ECTS system); involvement in the so-called "European space of higher education"; and the sending of more French students abroad.

significant effect in this conjunction. All three related directly to the encouragement of international student flows- the commitments to the recruitment of more international students, the focusing/consolidation of incoming international student flows, and the setting up of overseas collaborative provision.

Indeed, recruiting more international students was the only commitment to have an effect that was individually significant in predicting funding levels (at the 0.05 level), with an r-squared of .224. This compares with the lack of correlation between international commitments such as mention of the European higher education space, and subsequent funding levels allocated through the contracts.

Overall, therefore, the contractual system can be seen as a method of incentivising HEIs to recruit more students from developed and emerging economy countries, and to that extent, can be seen as leading to a commodification of international students. It did not, however, have any significant impact on the extent of competition between HEIs.

## **7 Conclusion**

As Musselin states, Jospin's new "university-ministry contracts...were developed independently of experiments that preceded them" (Musselin, 2004: 68). Through the development of the contractual system, "a new system was grafted onto the preceding one", not in an "incremental" way, through a "succession of small touches or strokes", but through a "forceful act" (*ibid.*: 123).

The recruitment of additional international students from the new catchment areas of the developed and emerging economy countries formed an important part of the contractual system from its beginnings in 1989. HEIs initially supported the contractual system, as a means of enhancing the role of the president within the institutional hierarchy, and of developing their own approaches to institutional development. This support wavered as government's financial engagement with the contracts began to wane, but since a relaunch of the contractual system HEIs appear again to be broadly supportive of the new funding system.

The contractual system can be seen as liberalising to the extent that it provided direct benefits for HEIs who committed to increasing their recruitment of students from developed and emerging economy countries. It has not, however, had any perceptible impact on the extent of competition between HEIs for the recruitment of international students.



## Chapter 9: Visa institutions in Britain

### 1 Introduction

In both countries, the period from 1979 to 2003 witnessed the creation of new visa institutions which were liberalising through the incentives they created for a commodification of international students.<sup>226</sup> The new rules were introduced by successive governments, with little input or effective resistance from HEIs, which were often unable to coordinate a common response to new proposals. Visa rules led to liberalisation, when they created the incentives and constraints that led to sectoral actors adopting a view of international students as commodities. This can be seen most directly in the changes to visa rules which facilitated the charging of international students. However, it is also clear from policies to counter 'overstaying', and from the new positioning of visa rules as a part of the promotion of British higher education overseas.<sup>227</sup>

The new rules led to a commodification of international students in three ways. Firstly, access to visas was restricted to those who would immediately exit the national territory following the end of their course at a British HEI. In this way, international students were prevented from being 'burdens' on the public purse, with their presence being restricted to that time during which they were paying tuition fees to UK HEIs. As soon as international students had ceased to be fee-paying customers, they were denied the ability to stay in the national territory. Secondly, visa rules were changed to facilitate the extraction of extra charges from international students, both through permitting students to use wages as a means of paying their tuition fees, and through directly charging them for the administration of their visa requests. In this way, changes to visa rules compounded the commodifying effects of the new full-cost fees regime, which encouraged a view of international students as units of monetary value and

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<sup>226</sup> This view of 'liberalisation' as the commodification of international students departs from most previous analyses which have examined the liberalisation of visa policies, which have almost exclusively identified the liberalisation of visa/immigration policy with the opening of visa and immigration rules (Collinson, 1993: 10; Knight, 1921: 77; Llosa, 1996; Niessen, 2003). This prevalent view fails to acknowledge that whilst the liberalisation of capital, and hence its mobility, has proceeded apace, individuals' legal access to different national territories, especially to western countries, has decreased (Collinson, 1993: 37).

<sup>227</sup> Although new rules were also introduced to prevent international terrorists and criminals from using student status as a cover for illegal activity, these rules did not lead to a commodification of international students nor to an intensification of competition amongst HEIs, and so are not examined here (For a summary of these rules, see Dodds, 2004 and Gibson, 2004).

hence as commodities. Thirdly, the visa rules were altered as a means of improving the image of British Higher Education overseas, and thus visa rules became an integral element of promotional programmes. Attempts were made both to highlight the streamlining of visa procedures for particular types of students, and to reduce the impact of visa rules on high profile groups who might have been expected to publicise any unfair treatment. Prospective students' experience of the visa system was thus viewed as important, but only to the extent that this would result in a more or less favourable image of UK Higher Education amongst other prospective students.

The visa institution which developed out of these rules was 'liberalising' in the sense defined in the theoretical chapters, as, while it had little effect on the extent of competition between HEIs, it did result in an extensive commodification of international students.

HEIs attempted to lobby against a number of the new rules, especially against those which posited a link between the incidence of illegal immigration and the growth of international student numbers. However, it appears that British HEIs' abilities to mount a coherent campaign against government proposals through their sectoral associations were diminished by a lack of coordination. This was mainly due to intra-sectoral suspicions, with some HEIs criticising fellow universities and colleges for allegedly failing to vet new students, and with some HEIs failing to report abuses.

UniversitiesUK (the new name for the Committee of Vice-Chancellors and Principals, the universities' sectoral association) was, once, able to coordinate HEIs' positions against government (against the introduction of new visa extension charges), representing a unique example of a unified campaign amongst British universities during the period examined. However, as the fees were introduced as a result of regulation rather than legislation, the HEIs were unable to lobby against them in Parliament, and as HEIs had no role in implementing the new rules they were unable to have any impact on them at that stage.

## **2 The situation before 1979**

## **2.a The 1971 Immigration Act**

The Immigration Act of 1971 provided the basic institutional framework for the entry of international students into Britain. The Act had marked a sea-change in British entry and immigration procedures. It largely removed the more permissive arrangements that had been in effect for certain categories of entrants, and was seen as signifying an end to traditional British links with the Commonwealth (Shotnes, 1987: 99). The Act removed previous exceptions for Commonwealth citizens, by imposing a uniform requirement on all entrants to produce a valid passport or other recognised entry document on entry to Britain.

Whereas previously, Commonwealth citizens were treated separately from aliens for the purposes of entry control, the new Act combined the two systems. A new distinction was introduced, between those who had the 'right of abode' in the UK and those who did not. No aliens were given the right of abode, nor were most Commonwealth citizens (Bindman and Evans, 1971: 5). The 1971 Act provided the framework for all subsequent rules governing the entry of international students into Britain (*ibid.*) right up to the late 1990s. Henceforth, visas had to be produced by all foreign nationals, and entry certificates by all Commonwealth citizens, including international students, on entry to the UK (Layton-Henry, 1985: 105).

The 1971 Act represented the culmination of a number of attempts to unify the treatment of different entrants and immigrants, regardless of their nationality and the reason for their entry. This unification began as early as the 1950s, as British governments attempted to define entitlements to access more restrictively (*ibid.*: 102). Governments attempted, from this point onwards, to “divest [themselves] of remaining obligations to the imperial status of British subjects” (Collinson, 1994: 58), through alterations to the visa (and immigration) system.

Up to the period examined, international students were treated largely as any other type of entrant to the UK. They were not seen as posing a specific risk of illegal immigration, nor were they subject to different procedures for obtaining

visas than other entrants. This was in line with the legal framework provided by the 1971 Act.<sup>228</sup>

Until 1979, the dependants of international students were freely able to work in Britain, unless their spouse or parent had been expressly forbidden from working his- or herself (Her Majesty's Government, 1973a: para.22). British rules concerning employing international students allowed such students to work up to twenty hours a week without permission. International students were not allowed to work beyond this limit except where "the placement is a necessary part of their studies with the agreement of the education institution". In addition, they were barred from particular jobs such as sport or entertainment; from being self-employed; and from pursuing a career by working permanently and full-time (Home Office, undated). Finally, international students required permission from the local Jobcentre (initially, the Department of Employment) concerning the job they wished to undertake.

In order to obtain leave to remain, international students were only required to prove to Entry Clearance Officers (ECOs)<sup>229</sup> that they had been accepted to a British HEI for a full-time course as a student, could maintain themselves during their stay, and would leave when their studies were completed (Her Majesty's Government, 1973b: para.12). International students were generally given entry visas only for twelve months, with extensions being granted if the student could produce verifiable evidence that he was enrolled for a full-time course, was giving regular attendance, and had adequate funds available for his maintenance and that of any dependants (*ibid.*: para.13).

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228 There have recently been some moves to differentiate the impact of visa rules according to the origins and status of entrants, which might indicate that the new rules for international students examined here were merely part of a wider movement of differentiation for visa purposes. However, most such changes occurred far later than those which differentiated international students from other entrants. Attempts to reduce the length of time international students could stay in Britain were instituted from as early as 1979. Yet it was only in 2001 that the Department for Education and Skills began advertising fast-track entry to Britain for those skilled in information and communications technologies, and other specialisms, and around this date that immigration rules for workers in under-staffed sectors such as nursing and teaching were loosened. These new arrangements were codified as late as January 2002, with the introduction of the Highly Skilled Migrant Programme (Geddes, 2003: 43).

229 Those officers based in British embassies who assessed potential entrants to the British national territory for their likelihood to become illegal immigrants following entry.

It should also be noted that, up to the time of the changes examined here, international students were not charged for the processing of their visas. Instead, students were frequently required to leave their passports with the Home Office for up to six months whilst their claims for visa extensions were processed (Grubb Institute, 1978: 129). As entry visas were generally only provided for twelve months, international students were frequently required to obtain such extensions. Students wishing to go abroad often had to apply for a renewal of their visa before they knew the results of their examinations from the current university year (*ibid.*: 137).

### **3 Government strategies**

Governments played a pivotal role in the creation of new visa rules which led to a commodification of international students from 1979 onwards. Governments attempted to institute new rules that restricted access to visas to those students who would leave the country following their courses (and thus relieve the state of any continuing financial responsibility for them), and who could be charged tuition and administration fees. Governments also attempted to change the visa rules in order to facilitate the recruitment of international students from developed and emerging economy countries, by treating the rules as part of promotional programmes for British HEIs overseas.

The first rule changes proposed by British governments constituted attempts to prevent 'overstaying' in Britain by former international students. The possibility of the higher education sector being used as a means to illegally enter the country was seen as particularly problematic in Britain compared with other countries. Overstaying accounted for the bulk of illegal immigration in Britain, as it was difficult to detect such an activity given an immigration control system which operated on the basis of checks on entry rather than on checks post-entry using, for example, identity documents (as in France) (Collinson, 1994: 59).<sup>230</sup>

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<sup>230</sup> In 1978, the then Government maintained that vigorous checks on entry, and selective checks on embarkation, were preferable to French-style post-entry control which would have "interfere[d] with the liberties of the great majority of people who are lawfully in this country (Her Majesty's Government, 1978: 17).

Compared with France, the growth in numbers of international students was infrequently linked with illegal immigration in the public arena. In particular, increases in international student numbers have not become a key issue for the parliamentary or the far -right in Britain, in contrast with the situation in France. Aside from localised problems relating to specific issues,<sup>231</sup> international students were not generally associated with illegal immigration in popular or political discourse. In particular, government did not connect the two issues to the same extent, despite HEIs' criticism of the (limited) linkages that were made.<sup>232</sup> Nonetheless, from 1979 a number of new rules were instituted which did predicate a link between the entry of international students to the British territory, and the incidence of illegal immigration.

This tightening of entry controls was first proposed in the 1979 White Paper on immigration (THES, 1979n; Whitelaw, 1979). The White Paper offers an early example of new government thinking on the matter of international students' visas, and was mostly implemented in the regulations that followed. The White Paper was published after claims by the then Home Secretary that individuals overstaying in Britain following registration on a different pretext comprised one "point" where "abuse" could occur (Her Majesty's Government, 1980d: para.6, 24). The White Paper proposed four new controls against overstaying by international students.

Firstly, it proposed to restrict the length of time for which international students could stay in Britain, taking a succession of different courses. International students were only able to extend their stay "for a succession of student courses" by a year (Her Majesty's Government, 1979b: iii), with extensions of stay "not...granted to students who appear to be moving from one course to another without any intention of bringing their studies to a close". It was

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231 One such localised case concerned an alleged linkage between foreign students in Glamorgan and an increase in tuberculosis in South Wales, which was dismissed by the University of Glamorgan (THES, 1994d).

232 Nonetheless, it should be noted that some have maintained that there is a perceptible degree of hostility amongst the public towards international students. Roger King, then Vice-Chancellor of the University of Humberside, claimed in 1996 that the "inflow of students from abroad is increasingly not well regarded by the general public. They may be associated with migrant issues or as somehow taking university places designated for domestic school leavers" (THES, 1996e). Similarly, Parekh has claimed that attitudes towards international students reflect broader currents of racism in British society. He claimed that "[e]very time there was talk about too many blacks in Britain, there was talk about too many overseas students as well" (Parekh, 1987: 82). Finally, Shotnes also maintained that some of the press were keen to present international students as "would-be illegal immigrants" (Shotnes, 1987: 99).

expected that extensions of stay would be refused if they led overall to “more than four years being spent on student courses” (*ibid.*: para.99). Some exceptions were allowed where there was a demonstrable logical progression between the courses, but overall the measures considerably restricted international students’ abilities to undertake a succession of short courses (THES, 1980h).

Secondly, the new White Paper proposed to require Entry Clearance Officers (ECOs) to assess international students’ academic credentials for the first time. As previously, during the application procedure, prospective students were to be required to produce evidence which would satisfy the ECO that they had been accepted for a course at a bona fide HEI, that the course would occupy all or a substantial part of their time, and that they could, without working and without recourse to public funds, meet the cost of the course and of their own maintenance and accommodation and that of any dependants during the course (Her Majesty’s Government, 1979b: para.21). However, the White Paper also proposed the introduction of a new stipulation that an applicant was to be refused entry clearance as a student, if the ECO was not satisfied that the applicant was able, and intended, to “follow a full-time course of study and to leave the country on completion of it”. In “assessing the case”, the ECO would be required to “consider such points as whether the applicant’s qualifications [were] adequate for the course he propose[d] to follow, and whether there [was] any evidence of sponsorship by his home government or any other official body” (*ibid.*: para.22).

Thirdly, the proposed new rules would have prevented those who had been sponsored by governments or agencies from being allowed to pursue additional studies after their sponsorship ended (*ibid.*: para.100).

Finally, the 1979 White Paper on immigration also recommended a new prohibition on the dependants of international students (at that time, overwhelmingly their wives) from working to support them (THES, 1980h). Hence, the White Paper stated that the “wife and children under eighteen... of a person admitted as a student....should be prohibited from taking employment (Her Majesty’s Government, 1979b: para.25).

Although it appeared initially that pressure from parliamentarians to remove this last proposal from the White Paper had failed (THES, 1980h),<sup>233</sup> the regulations which implemented the White Paper apparently abolished the prohibition on the employment of international students' dependants (Her Majesty's Government, 1980c: 101). Aside from this change, the new regulations exactly followed the White Paper's recommendations, with regards to procedures for the granting and renewal of international students' visas.

From this point onwards, successive governments adopted a more restrictive approach towards international students' visas, except where this could be perceived as leading to a negative image of British higher education abroad. New rules were introduced to ensure that international students left Britain as soon as possible after finishing their degrees, so that they could not become illegal immigrants and a burden on the public purse. Other rules were instituted which facilitated the charging of international students, and rules were changed in order to aid the promotion of British higher education abroad. Rather than arising from the experiences of HEIs, the new visa rules were largely driven by government, often in the face of considerable opposition from HEIs.<sup>234</sup>

## **4 HEIs' strategies and coordination**

### **4.a. HEIs against the introduction of the new rules**

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233 Parliamentarians claimed that the new rules would have little impact on unemployment but considerable impact on individual students (Rees, 1979), especially given the new full-cost fees payable by international students (Steel, 1979; Summerskill, 1979).

234 It should, however, be noted that on occasion, it was not government but the judiciary which defined how conflict over the exact implementation of rules should be resolved. On some occasions, government actually disagreed with individual ECOs' interpretations of the rules, especially where the government felt that the latter's actions had damaged the image of British higher education. Hence, in 1981, Rhodes Boyson, then Under-Secretary of State at the Department of Education and Science, took up the case of two international students who had entered Britain as visitors and been sent home by immigration officials. The courts supported Boyson's claim that an ECO had misinterpreted the students' comments during their entrance interview as constituting a denial or concealment of their intention to study (Hodges, 1981). This followed assurances from the Home Office to HEIs, which had maintained that the rules would be interpreted more liberally. On other occasions, the Home Office did not provide the courts with an explicit political steer and in the absence of this, the judiciary provided an alternative interpretation of the rules, going against the actions of ECOs. Hence, in *Kharrazi v Chief Immigration Officer, Gatwick*, an international student's appeal was upheld, when it was found that the ECO had misunderstood the interrelationship between two parts of the relevant rules. Henceforth, applicants' claims that they were intending to follow a full-time course of study would be accepted, even if the 'course' was defined as not just one period at school (or university), but also involved undertaking different courses at different educational establishments (The Times, 1980).



Overall, HEIs were critical of governments' identification of international students as potential illegal immigrants, and especially of the increased entry controls imposed from 1979 onwards. However, this did not result in any significant change to the rules governing international students' visas. HEIs failed to articulate a coordinated response to the new measures.

HEIs did not appear to have developed a common position concerning the 1979 White Paper. Most criticism of this came not from HEIs, but from the National Union of Students and individual parliamentarians. When provisions of the White Paper were changed, as with its prohibition on the employment of international students' wives, this appears to have been as a result of lobbying by the NUS and within parliament (THES, 1979d), rather than by HEIs. This may have been due to the inability of the HEIs collectively to engage in an additional campaign to that which they were running against the introduction of full-cost fees for international students.

To the extent that HEIs did engage with visa legislation which attempted to prevent overstaying, they generally attempted to prevent the introduction, and implementation, of the new rules. Most criticism by HEIs of the new rules was reactive, with the Committee of Vice-Chancellors and Principals (CVCP), the universities' sectoral association, and the Committee of Directors of Polytechnics (CDP), the polytechnics' sectoral association, playing a minimal role in coordinating a coherent approach in this area. One exception to this general lack of coordination was the creation and operation of a training programme for ECOs, which appeared to have been supported by most HEIs. UKCOSA, the HEIs' lobbying group on international students' issues, attempted to get ECOs to adopt a more consistent and educationally-informed stance towards international students' visa requests through offering them training. This initiative was initially unsuccessful. However, a programme of training was successfully instituted in 1999 following discussions between the British Council and the Immigration Department of the Home Office (Humphrey, 1999: 109). The CVCP described the resultant training scheme for ECOs as "beneficial", and one HEI representative interviewed described it as a "good example of joined-up working" between government departments and HEIs (interview with UniversitiesUK employee).

Aside from the new training programme for ECOs, the lack of coordinated resistance to the new rules against overstaying amongst HEIs do not appear to be a function of a lack of concern by HEIs concerning this matter. A number of HEIs have criticised the extent to which concerns over illegal immigration were apparently dominating the administration of visa delivery. In 1999, a survey by the Association of Colleges<sup>235</sup> indicated that HEIs and Further Education Institutions felt UK visa officials “in the home country [abroad] seem to be making judgements about the suitability of students for courses on which the colleges [in Britain] have already accepted them”, with the “worst offenders” located in India and China (THES, 1999b). A report from UKCOSA confirmed this, claiming that prospective students were frequently victims of an ‘entrapment mentality’ amongst ECOs, and that as a result, 83% of universities, further and higher education colleges and English-language colleges claimed to have lost prospective students because of visa difficulties in 1998 (THES, 1999g). Williams and Evans, in their examination of this matter, quote an HEI representative describing his opposition to the inflexibility of the visa system, with “the whole Immigration/Home Office one (*sic.*)” being described as “probably the biggest impediment” (Williams and Evans, 2005: 86) to recruitment. HEIs’ claims of overzealous actions by ECOs were often focused on their activities in developing countries. Hence, one HEI representative maintained that ECOs in Kenya and Nigeria were particularly assiduous in their attempts to block what they perceived were potential illegal immigrants. Rather than assuming ‘innocence’, he claimed the ECOs operated with the assumption that prospective international students had either forged financial documents and/or intended to stay illegally after graduation.<sup>236</sup>

This was confirmed in interviews with HEI employees, most of whom criticised the links which governments had drawn between international students and illegal immigration. One interviewee asked not to be identified when he claimed that “anything involving people is never going to be a hundred per cent secure... it’s a bit upsetting to see... publicity on those raids [of illegal immigrants who had entered Britain using student visas] when we know, you know, we’ve got a

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235 The Association for Further Education Colleges in England and Wales.

236 Letter from Ian Grigg-Spall, Director of admissions and studies, Kent Law School, Canterbury (THES, 2000b).

million students coming to the UK to study, and they find a few hundred that's (*sic.*) been done as a bit of a scam". Another interviewee maintained that it "doesn't help us [HEIs] at all to be..., a route for clandestine..." immigration (interview with HEI employee), and that HEIs themselves had sufficient incentive to stop this without government tightening entry controls. In the same vein, the then chief executive of UKCOSA has noted that whilst some colleges may have "got greedy and lax about overseas students,...by now enough have got their fingers burnt to have wised up. No reputable college wants these students" (THES, 1999f).

On occasion such criticism was conducted through the universities' sectoral associations. Hence, the CVCP, along with UKCOSA and the British Council, made a number of very critical claims concerning the tightening of visa restrictions in the late 1990s. The three organisations maintained in a memorandum to a Foreign Affairs Select Committee report that visa refusals were often motivated by the ECO not being persuaded that the student would leave the UK following studies, i.e. by concerns over illegal immigration; that the process was subject to delays; and that many student applicants felt ECOs had been insensitive and rude (Foreign Affairs Committee, 1998).

However, neither the CVCP nor the CDP appears to have developed its own policy on the issue of how governments should tackle the overstaying 'problem'. Where the sectoral associations did comment on the matter, this was in a reactive manner, rather than the associations being able to articulate a coordinated, alternative policy.

#### **4.b The lack of coordination amongst HEIs concerning the new rules**

The lack of coordinated resistance to the introduction of new rules which explicitly linked international students with illegal immigration can be seen as resulting from a more general lack of coordination between HEIs concerning visa rules.

Although HEIs generally maintained that the extent of illegal immigration was minimal, and that their own institutions maintained rigorous controls, they often also claimed that other HEIs were less conscientious. More than one

interviewee claimed that whilst some universities (including their own) employed rigorous vetting procedures, others undertook little surveillance of their activities (interviews with HEI employees). While one interviewee noted that it was in no HEI's interest to be a route for clandestine immigration (interview with HEI employee), others claimed that in practice, a number of HEIs had failed to sufficiently vet potential international students.<sup>237</sup>

Indeed, press reports claimed that even large and prestigious HEIs such as Sheffield Hallam, Sunderland and the University of North London were experiencing problems with students who later absconded (THES, 2001a). It was, further, claimed that HEIs were unwilling to report illegal immigration to the authorities in case this resulted in ECOs adopting stricter controls over legitimate students, which would damage recruitment (*ibid.*). This reduced the capacity of HEIs to promote a more flexible approach to the implementation of visa rules.

Furthermore, it appears that some HEIs were prepared to attempt to work around the visa rules, in a manner which reduced the sector's collective negotiating capacity. This is clear from the British higher education sector's response to the regulation of immigration advisors.

The issue of unscrupulous immigration advisors first came under scrutiny when the Times Higher Education Supplement exposed the activities of a former head of the visa section at the British Embassy in Beijing. Mr S. I. Wall had been offering "a select few universities" a service to aid them in ensuring that their prospective students would gain entry to Britain. The matter was brought to the Times Higher's attention by Leeds Metropolitan University following a communication from Mr Wall.

Although Wall was not directly working for the Foreign Office at the time, he was still technically an employee of the British government whilst working as a consultant in China, and was thus breaching diplomatic service regulations.

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<sup>237</sup> See also Williams and Evans' reporting of one HEI representative who claimed that in some universities, there were "those [illegal immigrants] who will pay half the fees up front because it is cheaper than getting into this country in any other way" (Williams and Evans, 2005: 86).

These regulations stipulated that at least a three month period should elapse between leaving the Foreign Office and working in a related area, which had not been reached in Mr Wall's case (THES, 1999a). The Foreign Office, however, claimed that Wall's failure to follow guidelines for officials' conduct was a genuine mistake (THES, 1999c).

Leeds Metropolitan University, on the contrary, maintained that Wall's activities would indirectly lead to a more restrictive attitude towards visa delivery to international students by officials, and, hence, militated against a fair visa delivery system. However, no other university had alerted officials to Mr Wall's activities up to the time of Leeds Met's exposé. It appears that the other universities were prepared to use Mr Wall's insider knowledge as a means of guaranteeing an easy entry for their students, despite the fact that he was working illegally.

## **5 How the new rules were established and operated**

### **5.a Rules attempting to prevent overstaying**

As noted above, the regulations following the 1979 White Paper on immigration restricted the length of time for which international students could stay in Britain; required ECOs to assess international students' academic credentials for the first time; and prevented those who had been sponsored by governments or agencies from being allowed to pursue additional studies after their sponsorship ended. The proposals were vigorously opposed by a number of bodies, if not, apparently, by HEIs' sectoral associations, as mentioned above.<sup>238</sup>

Following the introduction of legislation in 1980 implementing (almost all of) the White Paper's recommendations, a number of additional rules were instituted which further tightened control over international students' entry to the national territory.

In 1982, a requirement for prospective international students to satisfy entry control officers that they intended "to leave the country on completion of" their

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<sup>238</sup> The National Union of Students maintained that the new rules would "damage race relations" (THES, 1979d; 1979n), with both the Union's Scottish association and the Federation of Conservative Students (THES, 1979a) explicitly describing them as "racist".

studies was included in the general requirements for international students who had been granted restricted visas awaiting full entry clearance (Her Majesty's Government, 1982: para.24). The interpretation of "recourse to public funds" was also tightened, such that students who had been receiving rent rebates or allowances were deemed not to have been able to meet the cost of their course and their maintenance without recourse to public funds, when they were applying for visa extensions (Tilley, 1982). In 1989, international students' wives and children were to be prevented from working if their husband/father had already been prohibited from doing so himself (Her Majesty's Government, 1989: para.31). Again in 1989, the wording of the stipulations for visa extensions was hardened. Rather than extensions of stay not normally being refused, if this would lead to "more than four years being spent on student courses", henceforth extensions of stay *would be* refused if this was the case, thus allowing the ECO no possibility for discretion (*ibid.*: para.110). Finally, in 1989 revisions to immigration rules also explicitly prevented any foreigner or Commonwealth citizen from being able to stay to study at a UK HEI, if their original visa was not for this purpose (aside from in the case of medical or dental training) (*ibid.*: para.111).

Following these progressive tightenings of rules to counter overstaying during the late 1970s and 1980s, two additional measures against overstaying were introduced in the 1990s.

Firstly, the Home Office developed a list of 'legitimate HEIs', with limited external involvement. Prospective students applying to HEIs not on the list would be treated with a greater degree of scepticism by ECOs. The list was prepared as a part of staff instructions, and was not published. It was based on information collated by the Immigration and Nationality Department concerning the previous actions of particular colleges. As no publicly recognised HEIs were excluded from the Home Office's list of 'legitimate' HEIs, this government policy had limited effects on HEIs. Nonetheless, it was one of the few issues related to international students' visas, following the 1979 changes, which was brought up in Parliament (Corbyn, 1991; Henderson, 1996).

Secondly, in 2000 the then government also attempted to increase the controls placed on university immigration advisors, to prevent potential illegal immigrants from being aided by unsuspecting HEIs, to help detect unscrupulous immigration advisers, and more generally, to close up access to student visas for illegal immigrants. New rules regulating the conduct of immigration advisors had been introduced by the 1999 Immigration and Asylum Act. The Act required all immigration and advice services providers to comply with a code of conduct to be imposed by a new Immigration Services Commissioner from April 2001 (THES, 2000a). Student unions and HEIs were eventually exempted from some of the administrative aspects of the Act, but they were required to adopt special new procedures (Her Majesty's Government, 2001). A new code for HEIs' immigration advisors was instituted, which required assurances previously agreed informally and orally to be recorded, and the formal supervision of advisors (THES, 2001a; 2001c).<sup>239</sup> Although some HEIs lobbied against the introduction of the new rules, it appears that previous problems with the implementation of existing controls<sup>240</sup> may have reduced sectoral associations' abilities to run a coherent campaign against the changes.

### **5.b Rules allowing charges to be levied on international students**

New rules allowing the charging of international students can be divided into two types; those relating to charges for visa administration, and those concerning international students' ability to pay full-cost fees.

British HEIs' campaign against the introduction of visa extension charges represents the only occasion, in the period examined, where sectoral associations were able to effectively coordinate a position against government proposals. However, this coordination occurred too late to make any difference to the introduction of the new charges.

The Immigration and Asylum Act 1999 allowed the Home Office to charge international students for the costs of extending their visas for the first time. The new charges for visa extensions were entirely the responsibility of the Home

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<sup>239</sup> The Home Office also, allegedly, attempted to restrict the maximum length of time students could remain in the UK, in an attempt to prevent abuse. It is claimed that this was resisted by the CVCP and UKCOSA. However, I have not found any independent verification for this claim aside from interview evidence.

<sup>240</sup> See pp.261-3.

Office, and reflected its interpretation of the provisions of the new Act.<sup>241</sup> Two reasons for the additional charge were given by the Home Office. Alan Underwood, the Home Office's Head of Managed Migration, claimed that the new charges were required in order to improve the speed of delivery of visa extensions. This was corroborated by an interviewee's claim that the fees had, according to the Home Office, "been predicted in the budget and the projected income from them would allow an improvement of the service" (Underwood, 2003; interview with UKCOSA employee). On another occasion, Underwood maintained that the fees were also prompted by a desire to pass on to potential students the (existing) true administration costs of their visas (quoted in Saville, 2003a: 1). As with the new rules preventing international students from overstaying, the visa extension charges further restricted the claims that international students could make on the public purse.

HEIs were completely opposed to the introduction of visa extension charges for international students. The visa extension charges were formally announced only three weeks before their introduction on the 1st August 2003, with no prior consultation with the HE sector or other interest groups (LSE Students' Union, 2003). This was despite the fact that HEIs' sectoral associations were, by this point, represented on a project working group of the Prime Minister's Initiative<sup>242</sup> which dealt specifically with visa matters, and was attended by UKVisas (a new agency set up to cover visa-delivery), and the Home Office, as well as the British Council and UKCOSA.

UniversitiesUK (the new name for the CVCP) lobbied with the NUS and UKCOSA against this new prerogative of the Home Office (Her Majesty's Government, 1999b: 33.5.1) when it was first proposed in the Immigration and Asylum Bill (THES, 1999h). However, interviewees claimed that few HEIs expected the actual figure for the visa extension fee to be as high as was later decided by the Home Office. It had been suggested during the progress of the

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<sup>241</sup> It had been suggested in 1980 by some commentators that international students should be charged for visa extensions. However, this charge was to constitute an alternative, rather than a supplement, to the new full-cost fees. The proposal was rejected by HEIs as it would have reduced HEIs' control over international students' policy. Government, in any case, preferred the new full-cost fees system, as it was less expensive for central government to administer and would help foster entrepreneurialism amongst HEIs in the recruitment of international students (THES, 1980a; see also chapter seven).

<sup>242</sup> See p.101.



Bill preceding the Act that the charge might be £90 (Saville, 2003b), but the eventual figures were nearly twice this amount for a postal application and almost three times as much for an application made in person. Although EU legislation had required the introduction of a charge for EU residence permits, which came as a surprise for many HEIs (interview with British Council employee), the visa extension charges were exclusively the responsibility of the Home Office.<sup>243</sup>

Compared to its inability to coordinate resistance to many of the other liberalising institutions examined in this thesis, UniversitiesUK's campaign against the new extension fee involved many of its members, with all factions (the Russell Group, 94 Group, Campaign for Mainstream Universities and non-aligned group) in support. However, despite a number of HEIs managing to gain the support of their local MPs to sign a UniversitiesUK-backed Early Day Motion on the matter, the Home Office ignored the protests. The Home Office did, nonetheless, claim it would alter its decision-making procedures following this criticism from UniversitiesUK. It pledged that the universities' sectoral association would be more extensively involved in decision-making concerning international students' visas in the future, and that it would be able to invoke judicial review should it be proposed that the charges be increased again. However, the visa extension charges remained (interview with UniversitiesUK employee). UniversitiesUK's campaign had occurred too late to affect the substance of the rules. In addition, as the rules were implemented entirely by the Home Office and immigration services, with no role for HEIs, it was not possible for British HEIs to disrupt the rules through non-compliance.

As noted above, a second way in which visa rules were altered in order to facilitate the charging of international students, was through their impact on international students' abilities to pay their tuition fees from wages earned in Britain.

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<sup>243</sup> It should, however, be noted that the impact of this measure has been slightly mitigated by the fact that in 1999 the Home Office instructed ECOs to give leave to remain for students for the full length of their course, unless there were specific reasons for this time to be shortened (interview with UKCOSA employee). This contrasted with the previous situation, whereby international students were only granted visas for twelve months at a time, subject to (frequent) renewal.

From the 21<sup>st</sup> June 1999, the requirement for international students to receive Jobcentre clearance before taking vacation or out-of-study work was removed. Only around 6% of requests by international students were being rejected per year. The old rule was described by the government as 'an unnecessary hurdle' (Cabinet Office, 1999: paragraph D), and was seen as damaging the recruitment of international students. In addition, from 2000 a concession was granted, such that students who had already been guaranteed part-time work at a publicly funded further or higher education institution could take their expected earnings into consideration, when presenting their means to ECOs (Immigration Directorate, 2002: Ch.3, Sect.1, Anx.A). The student's prospective earnings in this type of job can now be taken into account when they apply for leave to enter and to remain in the UK. These proposals were both introduced as elements of the Prime Minister's Initiative (PMI) for the recruitment of international students.<sup>244</sup> The proposals led to a commodification of international students as, similar to the visa extension charges, they facilitated the charging of international students (in this case, the extraction of tuition fees from them).

Unlike their opposition to the visa extension charges, HEIs were generally in favour of the PMI's proposals concerning changes to arrangements for international students' work permits and for the assessment of their means when entering Britain. The new policy aided HEIs' in expanding recruitment,<sup>245</sup> and thus helped individual HEIs to boost their incomes from full-cost fees and reduce expenditure on scholarships, enabling the recruitment of international students and the extraction of funds from them even when initially they lacked sufficient means to pay full-cost tuition fees. It also aided certain HEIs to fill gaps in their teaching staff with well-qualified international postgraduate students (THES, 1999e). However, HEIs' sectoral associations do not appear to have played a major role in the definition of the new policy.

### **5.c Rules enabling the promotion of British higher education**

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<sup>244</sup> See chapter three.

<sup>245</sup> According to Brian Hipkine, dean of students at the Hendon campus of Middlesex University (THES, 1999e). Unlike in France, however, visa rules were not substantially changed to allow international students to stay on after their courses, apart from in Scotland (through its 'Fresh Talent' initiative, which was introduced to reduce the impact of a falling national population).

Government also altered visa rules as a means of aiding recruitment by British HEIs. A key element of the Prime Minister's Initiative for increased international student recruitment was the attempt to "streamlin[e] processes for overseas students" both at visa delivery, where this was necessary for travel to the UK, and when requesting leave to enter and remain, when students first arrived in the UK (Cabinet Office, 1999: para. D). The new arrangements were publicised to certain groups of potential international students (*ibid.*), and were seen as a means of improving Britain's image overseas. As the Prime Minister Tony Blair succinctly remarked in his speech launching the PMI, the new measures would make it "[e]asier to apply, easier to enter", within the context of a situation where "British exports of education and training [were] worth some eight billion pounds a year" (Blair, 1999b).

In addition to this inclusion of visa rules within the PMI, British governments also attempted to remove particular rules which could be seen as unfair or petty, and which might have given British higher education a bad image.

This can be seen, for example, in the re-opening of a loophole for international students wishing to work as student union sabbaticals. Previous cases of student union sabbaticals being refused visa extensions had received extensive press coverage.<sup>246</sup> The exemption for sabbatical students, which had originally been granted in 1974 but which had been progressively removed, was thus re-instated in new rules guiding immigration officers' conduct which followed the Prime Minister's Initiative. Leave to enter/remain as a sabbatical officer was granted, provided the student could prove she or he qualified for leave to remain the previous year when still studying, and had plans for the future. These requirements were very similar to those required by all other international students: extra leave to remain required that international students could prove they would be following the same or another course the next year, and returning to their country of origin afterwards (Immigration Directorate, 2001: 4.3).

Inability to complete a thesis due to visa restrictions was also seen as giving a negative picture of British higher education to potential international students (THES, 1996d). By 2000 the situation concerning international doctoral students

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<sup>246</sup> See, for example, THES, 1995b.

had also been changed, with new rules introduced which provided a formal concession for an additional twelve months' stay to write up, extendable to twenty-four months in exceptional circumstances (Immigration Directorate, 2001).

## **6 To what extent did the new rules lead to a liberalisation of international students' policy?**

None of the new rules had any perceptible impact on the extent of competition between HEIs for the recruitment of new international students. They did, however, lead to a commodification of international students. This section provides more detail on how the new rules led to this outcome. It indicates that the commodification of international students was promoted in three ways by the new rules. Visas were restricted to students who would immediately leave the national territory following study, and who could be charged tuition and administration fees; and the visa system was seen as a tool for recruitment.

### **6.a The restriction of access to prevent 'overstaying'**

As noted above, governments attempted to restrict access to international student visas to those who might use them as a means of immigration in three ways. Firstly, following the Secretary of State's speech mentioned above, there was an intensification of border controls in place from 1978-9 onwards. As the then Home Secretary, William Whitelaw, maintained, the new rules were specifically intended to prevent what he described as "bogus students" from entering Britain (O'Leary, 1980a).

The new rules mainly rested on ECOs taking a more restrictive stance concerning individual prospective students' applications for visas. In the early 1990s, the Home Office also created a list of *bona fide* HEIs, which was kept confidential for legal reasons. The list included all publicly-funded HEIs, but excluded a number of private HEIs. Government instituted the regulation of immigration advisors, in an attempt to detect corrupt advisors and to prevent illegal immigrants from manipulating advisors.

Despite the variety of new legislative measures introduced by government, it continued to express concerns throughout the period that particular HEIs might

be failing to take adequate precautions over the students they had recruited. The Foreign Office, for example, maintained that the high rate of rejection of international student visa applications, double the rate of other visa applications at 12%, suggested a high rate of abuse (THES, 1999e; 2001a).<sup>247</sup>

These new rules commodified international students, as they were designed to reduce the burden of these students on the public purse, through requiring them to leave the national territory as soon as they had finished paying tuition fees.

### **6.b Changes in visa rules to facilitate charging**

As noted above, visa rules were altered to facilitate the charging of fees to international students in two ways; through the introduction of visa processing fees, and the loosening of work permits to enable wages to be used to pay tuition fees.

According to the then Head of Managed Migration, Alan Underwood, the charges for visa processing had been introduced according to "...the clear principle that the users of a service should pay for it and not the general taxpayer" (Saville, 2003a: 1). The Act thus allowed the immigration services to recoup some of the resources used in processing international students' legal administration.<sup>248</sup>

Some interviewees claimed the extension charges were likely to have an effect on students' ability to continue studying (interview with HEI employee). However, others maintained that the actual problem was caused by the former practice of ECOs granting leave to remain which did not cover the full length of the course, and hoped that new Home Office instructions would abolish this practice (interview with British Council employee). The schedule for introduction of the charge was apparently too tight for a new payment system to have been introduced, incurring major problems (interview with UniversitiesUK employee).

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<sup>247</sup> It was further maintained in the press that HEIs were reluctant to report disappearances in case ECOs clamped down on legitimate students and damaged recruitment (THES, 2001a). It should however be remembered that ECOs were also criticised for rejecting legitimate visa requests out of hand.

<sup>248</sup> But see also p.266 for evidence of some ambiguity over exactly why the new charges were introduced.

The new rules led to a commodification of international students, through compounding the effects of the full-cost fees system; firstly, through enabling extra charges to be levied on them, and secondly, through enabling a greater amount of fees to be collected through the new funding system.

### **6.c Changes to visa rules to aid the promotion of British higher education**

Finally, the visa system was seen as a means of increasing the recruitment of international students from developed and emerging economy countries into British HEIs. This was most evident in the inclusion of changes to the visa processing system within the Prime Minister's Initiative, which was created to boost the recruitment of international students from developed and emerging economy countries. It was also evident in attempts to avoid an image of the immigration services as unfair or petty, which could have undermined recruitment. This is clear from the changes to rules affecting 'high profile' international students, such as student union sabbatical officers.

Unlike in France, no attempts were made to directly choke off demand for British higher education from students from developing countries. However, there is limited evidence which suggests that ECOs' procedures fluctuated as government assessments of the economic utility of links with different geographical areas changed over time (interview with HEI employee). This may help to explain the extreme fluctuations in the numbers of students from China attending British HEIs. One interviewee (rather bluntly) described the visa processing regime in China as having "gone right down the toilet, in extremely melodramatic ways" (interview with HEI employee). Interviewees claimed that the rejection rate of prospective Chinese international students had almost doubled, including for those students attending articulated programmes, which were normally treated as ensuring the legitimacy of applications.<sup>249</sup> It was suggested that this change in the treatment of Chinese applicants' visas was prompted by a decision by the British government to restrict the numbers of

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<sup>249</sup> As the international students concerned had already demonstrated themselves to be of a sufficient intellectual level to participate in higher education, and to have some degree of commitment towards obtaining a higher education qualification.

Chinese international students attending British HEIs, following a very large increase in their numbers (interview with HEI employee).<sup>250</sup>

## **7 Conclusion**

To conclude, a number of changes have been made by governments to visa rules. These have, largely, facilitated a commodification of international students. They have aided the immigration services in preventing international students from staying on in the national territory, enabled international students to be charged visa extension fees, and enabled them to better pay tuition fees through taking wages into account; and, finally, have helped to promote British higher education abroad.

British HEIs have had little impact on either the creation or operation of these rules. Their attempts to develop common positions have been limited by both distrust amongst HEIs as to other HEIs' probity in vetting international students, and by HEIs' different approaches to issues such as the use of immigration advisors. In the one case where HEIs were able to coordinate their opposition to a government proposal (the introduction of visa extension charges), this occurred too late to affect the policy.

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<sup>250</sup> See also Crace, 2004.

## Chapter 10: Visa institutions in France

### 1 Introduction

French governments introduced a number of new visa rules from the late 1970s onwards specifically targeted at international students. These included, in chronological order, the Imbert decree (1979), the changes to this instituted by Alain Savary in 1981, the 1989 law concerning the delivery of *cartes de séjour*, the *lois Pasqua* (1993), the *loi Reseda* (1998), and circulars promoting the use of *guichet uniques* and of grouped visa requests (2000). As in Britain, such rules led to a commodification of international students. This is due to their effects on the reduction of international students from developing countries, the restriction of overstaying (and thus the prevention of ex-students from becoming burdens on the public purse), and their links with the promotion of French higher education abroad. HEIs were generally opposed to the introduction of these new rules, apart from those relating to improving the image of French higher education abroad. Where French HEIs were able to extensively coordinate their resistance, as with the Imbert measures, they were on occasion able to force a change in visa rules. Overall, however, governments' control over the definition of the new rules was sustained throughout their operation.

### 2 The situation before 1979

Traditionally, prospective international students had been able to attend French HEIs even if they had entered France for another purpose. It was not unusual, for example, for students (especially of African origin in Paris) to wait for five years before starting a course at an HEI. No formal requirements were placed on students' qualifications, with a survey of international students in Paris in 1972 indicating that at least 20% lacked the baccalaureat or equivalent before entering a French HEI. International students were able to work, and, indeed, some lived off the proceeds, although in some cases they were unable to find employment either due to "unemployment, to racism (especially for students living in Paris), to the hours, or to [a] lack of qualifications" (Klineberg and Ben Brika, 1972: 24-6). Finally, international students did not have to pass a language test before obtaining a visa, with language problems preventing numerous international students from achieving academic success (*ibid.*: 54-5). Overall, therefore, the existing visa system for international students in France



was relatively permissive. International students were not treated particularly differently to other types of entrants, and were able to stay in France for extended periods of time both before and after studying at an HEI. The new rules introduced from the late 1970s onwards marked a considerable rupture with this previous situation.

### 3 Government strategies

As with the creation of the new British visa rules, the French state played an important role throughout the period in the creation of the new French arrangements. The direction of government policy towards international students' visas can be loosely divided into three periods of change. The first, from 1979-1980, covers the introduction of the Imbert measures, which were largely designed to choke off demand for French higher education from developing countries. The second, from 1989-1994, covers the introduction of the 1989 circular on *cartes de séjour* and the *lois Pasqua*, which aimed to reduce overstaying by international students, and thus to reduce the perceived burden on the public purse. The third period, from 1998-2000, covering the introduction of the *loi Reseda*, of the *guichet uniques* and of grouped visa requests, reflected attempts by government to alter visa legislation as a means of improving the image of French higher education abroad.

At the end of 1979, the French government, seeking "to maintain the quality of both the foreign students admitted and of the education and services provided for them in France", but clearly also with a view to "stemming the rising tide of foreign students discerned over the past few years", passed the so-called Imbert Decree (Smith *et al.*, 1981: 171). This decree codified the requirements of a circular introduced in 1978, the Bonnet circular, and added some further restrictions (Coulon and Paivandi, 2003: 23; Neave, 1980e).

The new Imbert decree required all undergraduates<sup>251</sup> to fulfil three conditions: they had to provide proof of '*pré-inscription*' (previous acceptance) at a French HEI, having had their application accepted by the Imbert Commission; they had to prove possession of adequate resources to support themselves whilst engaged on the course; and they had to pass an examination in the French

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<sup>251</sup> Postgraduates were exempt from '*pré-inscription*' (Smith *et al.*, 1981: 178).

language (Le Monde, 1978). The imposition of a language test as part of the requirements for obtention of a student visa represented a significantly novel step in a system which had traditionally resisted attempts to restrict access by language competency (and which continued to do so).<sup>252</sup> The introduction of the new test coincided with new attempts not to renew the *carte de séjour* of students having to do re-sit examinations (Weil, 1991: 230).

The new 'Imbert Commission' which examined students applications (the National Commission on international students to give its formal title), was to divide the forms constituting the prospective student's request to attend a French HEI (*dossiers d'inscription*) amongst HEIs and to oversee the French language examinations (Corbett, 1980; Le Monde, 1979a). The Commission was chaired by M. Imbert, the Director of the CNOUS (*Centre national des oeuvres universitaires et scolaires*), a government-sponsored agency charged with the provision of social aid for students (performing tasks such as the management of university restaurants, the provision of accommodation and the administration of certain student grants) (Smith *et al.*, 1981: 172). The Commission included representatives of the Higher Education, Foreign Affairs and Cooperation Ministries, and the CNOUS. Although HEIs' ability to control international students' admissions was limited, they were, in effect, able to exercise some discretion in choosing which international students should be accepted, given the requirement to exercise some control over entrants on the level of language and previous qualifications (Weil, 1991: 230). The Imbert decree removed this discretionary role from HEIs.

It has been claimed that the new measures were based on the findings from two reports. The first was produced by the Auditor-General, which despite only considering the matter of international students in a very limited way, was claimed to have increased government concerns about the numbers of international students from developing countries entering France. The other report was commissioned by the Prime Minister, and dealt specifically with the

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<sup>252</sup> The new Chirac government attempted in 1986 to introduce a new nationality code, which would have included knowledge of the French language as part of formal assimilation conditions. However, the proposals were resisted by the then President, Mitterand, and the parliamentary left, given the lack of a strong parliamentary majority for the right (Geddes, 2003: 61-2). A *Comité des Sages* which was appointed to defuse the issue recommended the maintenance of existing practices, with relatively open naturalisation and no formal requirement concerning language competency.

topic of international students. Unfortunately, neither report was published (Smith *et al.*, 1981: 183).

The Imbert decree was heavily criticised by university presidents, both individually and within their sectoral association, the Conférence des Présidents d'Université (CPU). Despite the Interior Minister specifically meeting with the CPU to ask it to support the new measures (Le Figaro, 1980), HEIs continued to oppose the decree. This opposition was maintained until the advent of a new, Socialist government in 1981, which did not, however, significantly alter the Imbert measures, aside from by abolishing quotas.

#### **4 HEIs' strategies and coordination**

French HEIs' reactions to the creation of the new visa rules indicate the efficacy of coordinated resistance to liberalisation. As Weil notes, the measures had to be abandoned followed a "reaction of solidarity" during their implementation (Weil, 1991: 230). This section will briefly review HEIs' involvement in the creation of the law, which was limited, as opposed to its operation, which was extensive.

The Imbert decrees concerning access to international student visas were debated and passed in the *Conseil National de l'Enseignement Supérieur et de la Recherche* (CNESER), a consultative body comprised of education trade unions, student representatives and government officials (Decker, 1998: 220).

The new visa arrangements were adopted very narrowly by the *Conseil*, by 36 votes against 33. Despite such (qualified) support from the CNESER, the government failed to obtain the support of university presidents for the new measures. This was despite organising the first meeting of the CPU with the Prime Minister for two years, to discuss the new arrangements (Le Monde, 1980b).

The Imbert decree led to a considerable centralisation of the selection process for international students. Formerly a matter for individual HEIs, the Imbert Commission took over all responsibility for deciding whether or not a candidate

from overseas should be accepted or rejected, and at which HEI he or she should be registered.

As Smith *et al.* note, the Imbert measures involved “almost the entire admission procedure and access policy on foreign students” being “altered at the wave of a ministerial wand without any...consultation process having taken place” (Smith *et al.*, 1981: 183). The then Prime Minister, Raymond Barre, did organise a meeting of University Presidents specifically to discuss the Imbert measures. However, at this meeting, the Prime Minister appeared rather to inform HEIs of his government’s position rather than to listen to their concerns. The Minister of Higher Education, Alice Saunier-Seïté, was unwilling to discuss this matter, or indeed any other matter, with HEIs (Bernard and Lepagnot-Leca, 2002: 221, footnote). Although HEIs, along with other bodies (Geddes, 2003: 56), were opposed to the new rules, this resulted in little initial change as they were being drawn up.

The government attempted to ignore the protests. Hence, the Interior Minister (M. Bonnet, who had introduced one of the decrees which was formalised by Imbert) described the protests as caused by agitationists and/or a minority (Le Monde, 1979h; 1979g). Eventually, the government actually attempted to justify the new rules on the basis of the protests which they had caused; hence, the government maintained that the new rules were not only justified on educational grounds, but also on security grounds, given the violent nature of recent protests (Neave, 1980b). Bonnet claimed that there was a lack of understanding of the real import of the new rules, and even maintained that his opponents were lying about the new arrangements (Le Monde, 1979h).

Nonetheless, increasing numbers of HEIs began to organise non-compliance with the measures, alongside student protests against the new decrees.<sup>253</sup> The campaign was also supported by the *Confédération Française Démocratique du*

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<sup>253</sup> involving hunger strikes (Le Monde, 1979c; 1979f; 1979h; 1979p; Neave, 1980a); disruption of examinations (Le Monde, 1979k; 1979s; Neave, 1980d); and clashes with the police involving 122 and then 86 arrests in Grenoble, and the death of one protestor at Jussieu in Paris (Le Monde, 1979g; 1979i; 1979j; 1979r) (For a review of the events, see Le Matin, 1983).

*Travail* (CFDT) (Le Monde, 1979d) and elements of the *préfecture*.<sup>254</sup> Most importantly, a number of HEIs decided not to administer, or to inadequately administer, the language tests required by the Imbert decree. This effectively rendered the new system unworkable in a large number of regions. For example, the rector of Grenoble university agreed to push back the date of the examination in French for incoming international students (Le Monde, 1979m), and later removed the requirement for international students to sit the test (Le Monde, 1979b). In addition, prominent academics launched a campaign against the Imbert measures (Le Monde, 1979e); the councils of the two universities in Rennes protested against the circular (Le Monde, 1979o); and a number of universities decided to admit international students who had failed the new criteria for entry, especially following hunger strikes (Le Monde, 1980c).<sup>255</sup> Whilst the CPU was unable to prevent the Imbert decree being passed in the first place, it appears that HEIs were able to coordinate resistance to the decree during its implementation, to the extent that the new measure became unworkable.

## **5 Additional rules introduced to control international students' access to visas**

### **5.a New rules following the Imbert decree**

Following the legislative and presidential elections of 1981, the new Education Minister, Alain Savary, attempted to achieve a greater degree of communication with the universities' sectoral association, CPU, and one of his first actions as Minister was to call the CPU for a meeting (Bernard and Lepagnot-Leca, 2002: 221). Savary was also quick to consider how the rules concerning international students' visas could be changed (*ibid.*: 221, footnote).

Savary decided to allow international students to apply directly to French universities as well as through the cultural services in their own country (in

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<sup>254</sup> The *préfecture* (the regional representatives of the national government), were often unwilling to act in accordance with the new rules. Hence, the *préfecture* of the Isère (Grenoble) did not refuse any international students following the introduction of the Bonnet circular (Le Monde, 1978); and the new legislation was described as illegal and effectively annulled by the Administrative tribunal of Rennes (as contrary to legislation passed in 1945-6) (Le Monde, 1979q; 1979l), with the local prefect deciding to suspend its implementation until the end of the university year (Le Monde, 1979o).

<sup>255</sup> See also Le Monde, 1979t; Révolution, 1980.

effect retaining the *pré-inscription* process in a new guise, although the term '*pré-inscription*' was dropped). Henceforth, international students could express a preference over which HEI they attended, although one of the two they could suggest had to be situated outside Paris. The Imbert Commission was abolished (Woodhall, 1987: 27) and its activities devolved to the Minister of Education. The qualifications required were also changed from requiring potential students to have passed the exams necessary for university entry in their own country, towards requiring them to possess a baccalaureat or similar. Finally, the examination in French was retained, but its organisation was made more flexible (Le Monde, 1981). The examination could, following Savary's reforms, be sat in different ways, and at different times, in different HEIs.

Overall, whilst Savary appeared to have followed HEIs' requests to abolish the Imbert measures, the changes he made to actual procedures were limited. Although he abolished the Imbert Commission and its quotas, and largely decentralised the new arrangements, Savary did not abolish, for instance, the requirement of proof of means. Thus, although the most unpopular parts of the Imbert decree was removed, the general focus on restricting the numbers of international students from developing countries remained.

### **5.b New rules restricting illegal immigration**

In line with Imbert's emphasis on reducing the numbers of students from developing countries, from the late 1980s to mid-1990s a number of additional new rules were introduced in an attempt to reduce the perceived incidence of illegal immigration occurring through international students' entry to the national territory.

In 1989, a new circular was introduced by the Minister of the Interior, concerning the conditions for stay and entry of foreigners in France (Gouvernement de France, 1989a). The 1989 legislation allowed immigration officials to judge whether international students were genuinely studying at an HEI or not (*ibid.*). A *carte de séjour temporaire* (the equivalent of the British 'leave to remain') could be refused for an international student who could not demonstrate that she or he was genuinely studying at an HEI. This circular increased the discretion of the immigration services. In the past, decisions over

international students' motives for remaining at HEIs had been taken by the university or college administration; now this power had been allocated to the local *préfectures*. HEIs were concerned that legitimate educational reasons for international students' failure to progress academically (such as where they were required to re-sit examinations, or to change course) would not be treated sympathetically by the authorities. HEIs claimed that the new 1989 legislation would involve *préfectures* substituting for university authorities and teachers, especially as the university card on its own would not be seen as sufficient proof of studies being undertaken (Brana, 1989; Destot, 1989). Despite their requests for the implications of the new circular to be made more precise (Bouquet, 1989) and/or for it to be modified (Sueur, 1990), the circular remained in place.

As with the Imbert measures, the 1989 changes to the regulations for obtaining a *carte de séjour* were introduced with a minimum of consultation. HEIs attempted to resist the passing of the new law through using their contacts in Parliament. Hence, much of the opposition to changes to visa rules in 1989 was led by deputies in the National Assembly raising the matter in written questions to the Education Minister. However, the new rules stayed in place.<sup>256</sup>

A second set of rules were introduced by the French government in 1993 as a further attempt to tighten up entry procedures and to prevent the international student visa system from being used as a means of illegal immigration. These followed the right's victory in the 1993 legislative elections, which had prompted a swift commitment to tighter immigration controls (Geddes, 2003: 62-3).<sup>257</sup> Charles Pasqua, who had formerly been Minister of the Interior in the 1980s and who resumed this post in 1993, quickly drafted a series of laws centered on combating illegal immigration, including laws concerning the delivery of the *carte de séjour* for international students. Pasqua had actually prepared many

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<sup>256</sup> Student protest groups had also attempted to link their extensive protests against the proposed Devaquet laws (on Higher Education funding) to international student and nationality issues (Desjardins, 1994: 361-2; Geddes, 2003: 61; Wayland, 1993). The Devaquet proposals were seen by a number of student groups as presaging selection to university and increases in university fees (Dmitrieff and Dabrowski, 2005: 12). The connection made by student groups between the two issues was amplified by the death of a student of Algerian descent following police action at an anti-Devaquet protest (Desjardins, 1994: 363), and by the coincidence of this with hunger strikes against the exclusion of international students, as at the Universities of Paris VI and VII (L'Humanité, 1986). As with the criticism of the measures from HEIs, however, student protests appear to have had little impact.

<sup>257</sup> As well as a restrictive amendment of the nationality code, for which it is better known.

of these texts at the time of the first cohabitation in 1986-8. Because of problems with timing and also because of lack of a comfortable majority for the right in the *Assemblée Nationale*, Pasqua had not been able to impose the new restrictions on international students at that point. In 1993, the political circumstances were more propitious, and the new laws were passed with a minimum of effective opposition (Desjardins, 1994: 434).

The introduction of the so-called 'Pasqua' legislation caused a tightening of international student visa procedures by requiring the 1989 circular to be interpreted more narrowly, as preventing international students from being granted extension visas whenever they had previously failed or had changed subject.<sup>258</sup> As *Le Monde* reported, the new legislation would have a significant effect on international students' ability to stay in French HEIs, compared with the previous legal situation whereby they were generally able to stay in France for re-sit examinations (Le Monde, 1993b). In effect, international students had been able to claim residency for ten years as of right before the Pasqua laws were introduced (Nair, 1997: 22). Following Pasqua, students whose scholarships had not been renewed, or who had failed their exams, would be required to leave the country (*ibid.*: 99- 100).

Despite widespread protests, no changes were made to the new rules. Despite most HEIs opposing the rules, their effects were only felt gradually, and by different HEIs at different times, as particular international students were deported by the authorities. One such case was that of the Algerian student Rabah Bellil. Bellil had appealed against expulsion by maintaining that he was genuinely participating in a course of studies, but the authorities disputed this. Bellil was supported by his university as well as by a variety of public figures concerned about his lack of communication upon returning to Algeria, especially given his known opposition to the Algerian government. His university had previously appealed for him to be allowed to re-sit examinations, but was unable to persuade the authorities that his study for a law masters was genuine (THES, 1996a). The CPU was vocal in claiming that the decision over the reality of students' studies should be made by HEIs only, rather than by the *préfecture*,

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<sup>258</sup> The Pasqua law of 1993 also required students to wait two years rather than one before family members could join them (Geddes, 2003: 62-3).



as it rested on educational grounds (interview with CPU employee). However, because of the localised nature of the deportations, it appears that the prospects for the CPU to develop a national campaign were limited.

Individual attempts by HEIs to subvert the new rules, unlike their coordinated campaigns (as against Imbert) were mainly unsuccessful. One particularly prominent case where an HEI attempted to flout existing rules occurred at the University of Seine Saint Denis. The University had enrolled a number of international students, ignoring their lack of regular status (all had entered France on tourist visas). In March 2000, 167 of these illegal immigrant students went on strike in support of their claims for residency permits. The university's president and some teachers and representatives supported the students' attempts to seek asylum, but were concerned after violence broke out between some of the students and some staff. As the university was accepting people as students who lacked residence rights, it was acting illegally. However, this appeared to be accepted, *de facto*, by the authorities, with the matter only coming into the public spotlight following the alleged violent incidents (THES, 2000d). The University's policy did not elicit much sympathy from interviewees, appeared not to be supported by the HEIs' sectoral associations, and did not provoke any changes to the existing rules.

HEIs' ability to criticise the arrangements brought in by the *lois Pasqua* were also restricted by their position in relation to the authorities, created by the new legislation. Overall, the measures introduced in 1989 and 1993 complicated the universities' relationship with government. HEIs had to maintain a respectful, businesslike relationship and to avoid overt criticism of *préfectures'* decisions. This was in order to allow them to negotiate with *préfectures* concerning particular students' cases. As the Vice-President of Nanterre university put it, "[w]e have to try to maintain what leverage we have with the *préfecture*, because we regularly get cases where they ask us if a person is a genuine student and we send them proof....To keep that line open, I cannot say that what is happening is scandalous" (THES, 1996a).

French HEIs' campaigns against government attempts to reduce overstaying were more coordinated than that of their British counterparts. In particular, there

is no evidence of the type of internal criticism of other HEIs' probity (or otherwise) that occurred in Britain, nor evidence of elite universities being able to subvert rules.<sup>259</sup> However, in this case, governments were sometimes able to ignore HEIs' criticisms, even when these were coordinated within sectoral associations. This was especially the case where the effects of new measures were not felt nationally but only in particular localities, at different times, as with deportations following the *lois Pasqua*.

### **5.c New rules to help promote French higher education abroad**

A third trend in governments' approaches towards international students' visas can be discerned from the late 1990s onwards. These changes focused on altering the visa system as a means of improving the image of French higher education to potential international students. They comprised three new sets of rules; the *loi Reseda*, and those rules enabling the use of a *guichet unique* and grouped visa requests.

The *loi Reseda* (*relative à l'entrée et séjour des étrangers en France*) was passed following a report from the assembly of the *Commission consultative des droits de l'homme* which had maintained that students undertaking courses at officially-recognised HEIs should have their legal status improved (Naïr, 1997: 114-5). The *loi Reseda* can be seen as mainly a governmental project. Its overall structure followed the recommendations of the Weil report, Weil being a political scientist working on immigration policy who was commissioned by the then government to investigate how immigration and visa systems could be improved.<sup>260</sup>

The *loi Reseda* grouped together international students, scientists and artists who were henceforth to be treated differentially by the immigration system (Deprez, 1999c).<sup>261</sup> As a result, international students were no longer to be treated "as a type of general immigrant" (interview with DRIC employee). The new rules thus continued the direction of rules since the Imbert decree which

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<sup>259</sup> See pp.262-3.

<sup>260</sup> Although some claimed that taken as a whole, the Weil recommendations only 'updated' the previous system (Rodier, 1997).

<sup>261</sup> The latter two categories were to be able to enter France with only one piece of identification, consisting in a contract with a regional employment or cultural authority (Chabert, 2000).

had split international students off from 'general' immigrants, marking them out with "special status" (Verbunt, 1985: 130).

Although the amount of paperwork which students needed to present was greatly reduced by the *loi Reseda*, it still required prospective international students to provide proof of financial means, along with proof of acceptance at a French HEI (Estrosi, 2001). Those holding scholarships from the government were, however, removed from the responsibility of proving resources beyond those from their grant (Gilbert, 1999).<sup>262</sup> The *loi Reseda* also created a new category of visa for students' spouses and young children. Again, this "visitor" visa was conditional on proof of sufficient resources for the maintenance of the student's family (Dupilet, 1999).

From 1998, the Employment Ministry also abandoned its former rule that international students from outside the EU wait until their second year of studies before taking paid employment.<sup>263</sup> International students were henceforth able to work part time from their first year, although they were limited to three months' consecutive full-time employment (THES, 1998a). As Weil notes, the previous system had become increasingly untenable and difficult to administer (Weil, 1991: 231).

In addition, a previous 'clearance' procedure was removed, which had required employment offices to check that there was no suitable French candidate for a specific job, and had also allowed the Office of International Migrations to impose additional conditions such as medical checks. A new 'declarative' procedure was substituted for the previous system of authorisation (Cohen, 2001: Mésure 38). International students wishing to work needed to register at the DDTE (*Direction Départementale du Travail et de l'Équipement*), but it was not necessary for them to obtain proof that the job could not have been taken by

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<sup>262</sup> In addition, the *loi Reseda* increased the power of the cultural services of French embassies abroad, to present requests for visas where this fitted with French "economic, cultural, and intellectual interests". Cultural services were also, henceforth, to be consulted where embassies questioned the educational motivation behind particular student visa requests (Dupilet, 1999; René, 1999). Decisions on educational grounds were thus excluded from the purview of embassies, except from their cultural departments. The new arrangements built on an enhanced level of cooperation between the prefectural and consular services and the foreign affairs and interior ministries, through the development of new procedures to increase communication (Cohen, 2001: 93; interview with DRIC employee).

<sup>263</sup> See Poujol, 1965: 244-5 for a description of the former system of work permits for international students.

a French citizen as previously. The changes were proposed by the Ministers of Employment and Solidarity and the Minister of the Interior, in consultation with the Ministers of Foreign Affairs and of Education (THES, 1998a; 2001b; Védrine, 2002: 3).<sup>264</sup>

Finally, from 1998 onwards, international students were increasingly allowed to stay in France following their courses to work, and controls over which jobs they might take were reduced. The ability of the prefectural services to impose conditions on employment had been seen as a significant barrier for former international students obtaining employment in France. The *préfecture* had been able to require particular working and remuneration conditions which employers were often reluctant to accept, leading to employers sometimes withdrawing the offer of a place to the former student (Bourdin, 1991). In reality most students had been refused employment following their studies, except where they possessed very good qualifications or had been accepted for very highly-paid jobs (Weil, 1991: 231). From the late 1990s, measures were put in place to facilitate former students' change in visa status from 'student' to 'employee', provided the employment sought was related to their previous studies (Védrine, 2002). From January 2000, students could stay in France to work, if given government clearance (Tandonnet, 2004: 129).

The new procedures introduced by the *loi Reseda* were unique to international students. No other group benefited from such a system whereby visa applications could be examined collectively rather than individually, neither companies with respect to their employees nor families with respect to members from overseas.

A second initiative, following from the *loi Reseda*, set up the '*guichet unique*' policy. A circular from the Ministers of Education and of the Interior to *préfectures* and presidents of universities, signed in May 2000, required the establishment of single offices (*guichets uniques*) where students could place their requests for *cartes de séjour* (the document proving that they had been given leave to remain). Three weeks after the student's papers had been passed from the office to the *préfecture*, the international student was invited to

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<sup>264</sup> For more on international students' abilities or otherwise to work, see Naïr, 1997: 111.

the *préfecture* in order to receive his or her *carte de séjour*. The quicker delivery of these papers allowed students to more readily access financial and material resources which were conditional on having regular status.

Similarly, the government's sanctioning of the grouped visa request system (Cohen, 2001: 27) followed the publication of a report it had commissioned from Elie Cohen, a former university president who had moved into the French Ministry of Education (Cohen, 2001). Agreements to allow grouped visa requests from universities and *grandes écoles* by the *préfectures* had been developing in particular regions for some time (interview with *Conférence des Grandes Ecoles* employee). It is difficult to discern whether the new system of visa processing resulted directly from HEIs' proposals, as the CPU had supported the new systems for some time before they were introduced. It was not until 2001, following Cohen's recommendation of this system, that they were extended to become common practice (Bourg-Broc, 2001).

Furthermore, previous attempts by HEIs to further decentralise visa delivery had been resisted by the state. For example, ARIES, the HEIs' sectoral associations' organisation working on international matters (see chapter four), had asked the Minister of Foreign Affairs for an extension of the contracting process already covering funding relationships with the Ministry of Education, to also cover visa arrangements. This would have allowed different, decentralised arrangements, beyond the *guichet unique*, to be created. However, this was rejected by the Ministry of Foreign Affairs, who claimed that the proposals were incompatible with its annual budget structure (interview with former ARIES employee).

Nonetheless, HEIs widely welcomed the new system, as removing the scope for arbitrary decision-making on the part of the immigration services (Claeys, 2000b; 2001b). The *loi Reseda*'s requirement that visa refusals be justified by the immigration services was also welcomed. It should be noted that the submission of grouped visa requests by HEIs imposed "a particular responsibility on HEIs to ensure that their arrangements could not be abused" (Cohen, 2001: 28). HEIs were henceforth required in effect to undertake initial screening themselves. The development of agreements between HEIs and

foreign universities to pre-screen potential international students also lessened the work of immigration services at a later stage. The majority of such agreements were between France and other industrialised countries.

## **6 To what extent did the new rules lead to a liberalisation of international students' policy?**

As in Britain, the new rules were liberalising as they led to a commodification of international students. This occurred through three routes. Firstly, unlike in Britain, the French government was explicit in manipulating the visa rules to directly exclude students from developing countries (rather than, as in Britain, using fees mechanisms which indirectly had this effect). Secondly, the scope of international student visas was restricted to prevent overstaying and thus potential claims on the public purse. Thirdly, changes to visa rules were seen as a means of promoting French higher education abroad.

### **6.a New rules against students from developing countries**

The first way in which the new visa system helped commodify international students relates to its direct effects on the numbers of international students from developing countries attending French HEIs, as compared with those from developed and emerging economy countries. Overall, the numbers of international students receiving visas has increased over the period examined (Bapt, 1988). However, the numbers of visas delivered to international students from developing, as opposed to developed and emerging economy, countries has decreased precipitously. As Naïr notes, "this lowering concerns above all entrants from Africa and those originally from Arabic countries whilst student visas given to entrants from Asia...are increasing" (Naïr, 1997: 110; *Quotidien de Paris*, 1982). The new visa regimes had a particular impact on those students who had arrived in France on a tourist visa and then decided that they wanted to stay to study. Such prospective students were proportionately from developing rather than developed or emerging economy countries.

The French government was much more explicit about its desire to reduce the numbers of students from developing countries attending French HEIs (Libération, 1980) than the British government. The government was not reticent when criticising international students, with the Prime Minister Raymond

Barre himself stating that there shouldn't be any '*universités dépotoirs*' (roughly translated: "university dumping grounds") for international students (Le Monde, 1979), with the implication that such universities did exist. Alice Saunier-Seïté was an official spokesperson for the view that the French state was, through its policies towards international students, spending money on poor foreigners that should be reserved for the French. Saunier-Seïté, the longest serving Higher Education minister of the Fifth Republic, also frequently used the term '*universités dépotoirs*' to describe the French HE system.<sup>265</sup>

The Imbert decree was introduced in an attempt to directly tackle this issue. *Pré-inscription* and central registration had been introduced in 1974. However, it was not until 1979 when country-selective quotas were also introduced under Imbert (Overseas Student Trust, 1987: 11-12; Woodhall, 1987: 26). The Imbert Commission was created to oversee the implementation of the *pré-inscription* system and the country quota system (Overseas Student Trust, 1987: 81). Unsurprisingly, the quota system was explicitly designed to obtain a reduction in the number of students recruited from developing countries, and was successful in this aim.<sup>266</sup>

From the mid-1980s onwards, the French state in this way attempted to reduce the numbers of students from developing countries attending HEIs. In addition to tightening visa procedures in an attempt to achieve this, governments also promoted the use of partnership agreements and overseas collaborative partnerships as a means of preventing such international students from ever having to enter the French territory. This appears to have been increasingly the case concerning students from francophone Africa and some parts of Eastern Europe (interview with DRIC employee).<sup>267</sup>

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<sup>265</sup> This was seen by some as reinforcing a view of the government's policies towards international students as 'racist' (La Croix, 1980).

<sup>266</sup> Despite this, once out of office Saunier-Seïté proposed that international students should also pay for the cost of their education (as in Britain), so that France could "finish with paying for its solidarity with the most deprived" (Le Figaro, 1983). The use of such language in relation to international students from developing countries appears to have predated its widespread use later as a means of describing the French immigration system. Hence, it was not until 1980 that Michel Rocard stated that "France cannot accommodate all the misery of the world" (see Rocard, 1996 for his own analysis of this), or until 1988 that Pierre Joxe maintained in front of the National Assembly that France lacked the means to welcome all the deprived populations of the world from developing countries (reported in Nair, 1997: 39)

<sup>267</sup> Although some nationalities of prospective students had, hence, clearly been treated differently from others for economic reasons, the state generally resisted differentiating international students' nationalities for political reasons,

## 6.b New rules restricting illegal immigration

Both the introduction of legislation concerning leave to remain in 1989 and the Pasqua legislation of the mid-1990s were intended to prevent prospective illegal immigrants from obtaining student visas. The new system introduced in 1989 increased the discretion of immigration officials, who could henceforth themselves make decisions on the basis of educational criteria, rather than relying on the assessments of HEIs as to the 'genuine' nature of international students' studies.

The new legislation against overstaying reflected a greater concern over this issue amongst French than British policymakers. A number of right-wing politicians and publications hypothesised *direct* links between international students and immigration policies.<sup>268</sup> These were echoed in Saunier-Seïté's criticism of international students in the mid-1980s. By the mid-1990s, governments were less likely to accept claims being made by the right concerning the financial 'burden' of international students. However, they were keen to indicate approvingly that there had been a reduction in the relative numbers of students in France coming from developing countries. Hence, ministers claimed that apparent increases in numbers of international students from Africa could be explained by the fact that the statistics included those international students who were already living in France (who would not be classified as international students in Britain). As a result of this, the *Direction de l'évaluation et de la prospective* of the Education Ministry had included in the category 'foreign students' all students of foreign nationality, whether or not they were resident in France. The *Direction* noted with approval that the largest numbers of 'student visas' were now going not to African students but to

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apart from through the introduction of special measures for Chinese students in 1989 (Le Monde, 1989a; 1989b but see the negative reaction to Martine Daugreilh's request that Chinese international students be granted extended stay if they so wished (Daugreilh, 1989))

268 Hence, some deputies drew attention to what they saw as the financial impact of international students on French universities within the general context of a perceived 'burden' of expenditure on immigrants. Claims were also frequently made that international students were taking places which 'should' have been reserved for French students. Hence, Jean-Pierre Schenardi criticised new international application arrangements for the *École Nationale d'Administration* which required foreign applicants to sit different tests from those for French applicants (Schenardi, 1986); and the far-right publication Rivarol claimed that a particular faculty was reserving places for international students, and that a large proportion of international students, even where supported by government scholarships, constituted economic refugees rather than 'genuine' students (Rivarol, 1986).



American, Japanese, Moroccan, Canadian and Korean students, in descending order of magnitude (Bernard, 1996).

The coupling of international student issues with the threat of illegal immigration remained a staple of French government discourse into the late 1990s. Hence, in 1999 ministers qualified new arrangements for international students by stating that the mobility of international students would be promoted, but “at the same time, of course, care would be taken to control the procedures and to fight against illegal immigration” (Dupilet, 1999). Furthermore, a number of interviewees from the French government’s DRIC noted ways in which some international students had been able to stay in France beyond their period of studies. It was claimed that students who had paid for visas to be arranged for them by illegitimate syndicates, had to rely on the social security system to maintain themselves once in France; and that for some “African countries, francophone or otherwise, we have the feeling, that admission to a European university, it is a different way to emigrate” (interview with DRIC employee). Yet, despite interviewees’ apparent preconceptions, the bulk of “*détournements de procédure*” come not from poorer students attempting to manipulate their student status, but from relatively well-off students who could afford to pay the entry fees for a course at a private HEI, and use this as a way to gain a *titre de séjour*, access to France and legitimate status. As Weil notes, even the number of these students, if increasing, is “still small” (Weil, 1991: 231).

As in Britain, France also experienced problems with unregulated immigration advisors. In particular, advisors were charging international students considerable fees for their services (sometimes 15,000 euros), which the parents of former international students were attempting to claim back from the HEIs concerned, once their offspring had been found incapable of undertaking the course for reasons of language or intellectual capacity (interview with DRIC employee; interview with CPU employee). However, it appears that no attempts were made by central government to regulate such advisors formally during the period examined.

## **6.c New rules to help promote French higher education abroad**

The third way in which the visa system caused a commodification of international students was through the inclusion of visa rules within general efforts to promote French higher education. According to the then Minister of Education in 1999, the “delivery of visas to students was at the heart of France’s policy to train the elites of tomorrow” (Bourg-Broc, 2001; Gilbert, 1999; Godfrain, 2001; Perrut, 2001). This led to a variety of changes to the visa system, in an attempt to portray the French system as fair and to avoid high-profile cases which could impugn the reputation of French higher education as a whole.

Firstly, following the *loi Reseda*, the authorities were required to explain why they had refused visas, and thus “make clear their decisions to those implicated in them” (Deprez, 2000). Whilst letters refusing visas had generally given reasons for the refusal, these had often been seen as unsatisfactory. One such case was where a group of international students had been required to leave France for the apparently irrelevant reason that there was allegedly an insufficiency of hours for teaching in the evening (Sapin, 1988). The new rule was introduced in “the hope of greater transparency” (Dupilet, 1999; René, 1999; Vèdrine, 1999).

Secondly, the *loi Reseda* also created new visas which would enable prospective students to visit France. These visas were targeted at high-achieving students who were hoping to gain admission to a *grande école*. The new short-stay visa, “*étudiant-concours*” (student competition), enabled international students to sit examinations or any other tests for entry without having to leave afterwards, should they be successful, to obtain a more permanent visa for the duration of their degree. Instead, such successful students could ask for a ‘long stay’ visa from the local *préfecture* (Dupilet, 1999; Gilbert, 1999).

Finally, the state’s sanctioning of the ‘grouped visa’ and ‘*guichet unique*’ (single office) systems was partly intended to prevent administrative problems and delays which had been heavily criticised by international students in the past. One problem apparently uniformly experienced by prospective international students upon entry to France had concerned procedures at the reception

centre for international students in Paris. Although international students were able to obtain a visa from the French consulate in their home country, many preferred to seek it once in France, on arrival at the police *préfecture* (Poujol, 1965: 244-5). Prospective students were required to attend the *préfecture* in order to obtain leave to remain. Parliamentary deputies complained of long queues which formed at the *préfecture*, with students often having to wait outside for consecutive days. The deputy Georges Hage claimed that it seemed as if the arrangements were designed to discourage international students, rather than to welcome them (Hage, 1987).<sup>269</sup> The introduction of the grouped visa and *guichet unique* systems appear partly to have resolved this problem, as they have removed from the potential international student the responsibility of visiting the *préfecture* until a much later stage- once the prefect had already considered the prospective student's visa request.<sup>270</sup>

Overall, therefore, a range of new rules were brought in by French governments from 1979 onwards which had the effect of commodifying international students, but which lacked any perceptible impact on the extent of competition between HEIs for the recruitment of such students.

## 7 Conclusion

The commodification of international students which resulted from the new rules examined here occurred in a variety of ways. Governments attempted to reduce the numbers of students attending French HEIs who came from developing countries (the Imbert decree), to restrict overstaying by former international students (the 1989 legislation and the *lois Pasqua*), and to improve the image of French higher education in target markets (the *loi Reseda*, *guichet unique* and grouped visa request system). These new rules marked a significant departure from the pre-existing situation, whereby international students had relatively easy access to French HEIs, and were not significantly differentiated from other entrants.

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<sup>269</sup> see also Brunhes, 1988.

<sup>270</sup> However, even these new arrangements were criticised broadly for a number of reasons. Some critics claimed the visa mechanisms were still too complicated and longwinded. It was claimed that these '*tracasseries administratives*' (bureaucratic irritations) effectively discouraged potential students from applying to French HEIs, and treated international students as if they were taken for granted and a captive clientèle (Haut Conseil de la Coopération Internationale, 2002: 27, 68).

As in Britain, French HEIs attempted to resist the creation and implementation of a number of these measures. French HEIs had relatively greater success than their British counterparts, especially where they were able to coordinate resistance, as with their refusal to implement the Imbert requirements concerning French language examinations. In some cases, however, they were unable to achieve change in the new rules, especially where their impact differed across the country, as with the deportations following the *lois Pasqua*. The French higher education system was not, however, internally fractured to the extent of the British, with few HEIs criticising other HEIs' adherence (or lack of adherence) to visa legislation.

## **Conclusion**

### **1 Introduction**

This thesis has examined how the process of liberalisation occurs, through a study of liberalisation within one area of the public sector across two countries. It has indicated how liberalisation materialised to a greater extent in Britain than in France in the field of international students' policy. The thesis has shown that, in both cases, governments attempted to create new institutions which would provide the incentives and constraints to encourage HEIs to compete against each other for the recruitment of international students, and to commodify international students. Differences in the extent of liberalisation were explained, in this case, through the greater extent of coordination amongst regulatees, as French sectoral associations were stronger than their British counterparts.

This chapter firstly offers a summary of recent theories of liberalisation, which have been tested by this research. It then re-states the research question, the reasons why this particular case study was chosen, and recaps the main arguments made. The wider implications of these findings are then considered, for their impact on debates about the role of governments, markets, and liberalisation. The main findings are summarised as: the need for new institutions to be created in order for liberalisation to occur; the role of governments in instituting liberalisation; and the role of coordinated resistance by regulatees in holding it back. Finally, the conclusion suggests some possible avenues for future research suggested by the thesis.

### **2 Recent theories of liberalisation**

Theories which have posited different 'varieties of capitalism' have maintained that coordinated institutional arrangements may remain in the face of pressures towards liberalisation. However, recent years have witnessed a global trend of increasing liberalisation, both within the private and public sectors (Pollitt and Bouckaert, 2000), and within both 'coordinated' and 'liberal' market economies.

Streeck and Thelen have attempted to explain why liberalisation has proceeded apace, whilst attempts to build coordinating institutions have proceeded much more slowly (Streeck and Thelen, 2005). They suggest that liberalisation will

occur as a result of the defection of economic actors from collective arrangements into market-based ones. Most importantly, they maintain that “encouraging others to exit from a previously obligatory social relationship for self-regarding reasons may require no more than setting an example, while tightening normative controls would need collective rather than individual action followed, importantly, by collectively binding decisions” (Streeck and Thelen, 2005: 33).

### **3 The research question re-stated**

Governments in both Britain and France have, since 1979, promoted a liberalisation of international students’ policy. They have attempted to create institutions which would provide the incentives and constraints for HEIs to compete against each other for the recruitment of international students, and for HEIs and other sectoral actors to adopt a view of international students as commodities. However, French governments were less successful both in creating liberalising institutions, and in controlling the parameters of their operations. Although the new institutions did lead to a change in sectoral actors’ perspectives on international students, towards commodification, they did not, generally, have any impact on the extent of competition between HEIs. To that extent, the French institutions had less of a liberalising impact.

This thesis attempts to explain why this was the case; why liberalisation proceeded to a greater extent in Britain than in France, despite similar policies being promoted by governments in both countries. This enquiry has necessitated the identification of those actors pushing liberalisation, and those factors which have prevented the institutionalisation of liberalisation.

### **4 The case study chosen**

This particular case study has been chosen, as it offers a ‘hard’ or ‘critical’ case for recent theories of liberalisation to explain. The case is ‘hard’ for three reasons. Firstly, as described above, both British and French governments adopted similar policies towards international students; they both promoted the commodification of international students, and competition between HEIs for their recruitment. In addition, both governments had adopted similar positions concerning international students in the past, seeing them as useful for foreign

policy (especially, for maintaining links with the ex-colonies) and as desirable for international development purposes. Yet, liberalisation occurred to a greater extent in Britain than in France, in a way which cannot be explained by recent models.

Secondly, Streeck and Thelen have maintained that their analysis can be applied to explain liberalisation occurring in the public sector, and they and a number of authors writing within their perspective have attempted to use it for this purpose.<sup>271</sup> The higher education sector offers a good case to test this claim, since higher education has, in both countries, traditionally been subject to extensive control by central governments. Furthermore, policies towards international students have, historically, constituted one area of higher education where governments have played a particularly important role (as discussed above).

Finally, it is also interesting to compare Britain and France as they have traditionally been contrasted with each other in comparative analyses of industrial policy. It has often been suggested that British governments are less powerful than their French counterparts, given the greater extent of government penetration into the economy (and the public sector) by French governments. Yet, in this case, the opposite has occurred; British governments have, apparently, been able to create and control liberalising institutions more easily than French governments.

These three elements lead to the liberalisation of international students' policy in Britain and France constituting a 'hard case' for theories such as that propounded by Streeck and Thelen to explain.

## **5 The arguments made in the thesis**

This thesis has indicated that Streeck and Thelen's theoretical approach to liberalisation may not be adequate to explain liberalisation occurring within the public sector and, possibly, outside it. Although marking an important contribution to the debate over economic change in developed countries, their perspective misses an important element from any analysis of liberalisation: the

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<sup>271</sup> See p.28.

creation of new, liberalised institutions. In the case examined here, liberalisation required not the adaptation or re-activation of existing institutions, but the creation of new ones. HEIs did not resurrect old institutions as part of a strategy to build an alternative to collective arrangements- precisely because none of the pre-existing institutions had provided the conditions for liberalisation. In particular, they had failed to provide HEIs with the incentives and constraints to engage in competition, nor had they encouraged the commodification of international students.

Contrary to Streeck and Thelen's claims, liberalisation here required the creation of new institutions- and thus of an actor to propose and control their creation: central government. Governments played an important role in this case, and possibly in others, due to their unique capacity to define and implement binding rules on regulatees. Their ability to do so, however, was, often, conditioned by the extent of resistance by regulatees. Rather than regulatees defecting from existing institutions as described above, they contested the creation of these new institutions. Regulatees were more or less able to prevent the creation of these new institutions, to alter their characteristics during creation, or to affect the parameters of their operation, depending on the strength of their sectoral associations.

Liberalisation did not, therefore, occur through the defection of regulatees from existing collective arrangements, into existing or re-vitalised market-based institutions. Rather, it was pushed by both British and French governments, who had similar ambitions to liberalise international students' policy. In a very limited number of cases, governments were able to push through liberalisation despite coordinated opposition. However, overall, governments' ambitions were more or less realised depending on the extent of resistance from HEIs.

The thesis has thus set out to argue three points. Firstly, that liberalisation did not proceed automatically from defection into existing or revitalised institutions; secondly, that governments pushed liberalisation; and thirdly, that HEIs were able, in the French if not generally in the British case, to restrain governments' abilities to institute liberalisation through the coordination of resistance.



Concerning the first point, the thesis indicates that rather than regulatees simply adapting institutions which were already present in the higher education policy arena, new institutions had to be created for liberalisation to occur. Hence, in the case of the promotion of higher education abroad, the British Educational Counselling Service did not constitute a natural outgrowth from the British Council, Interdepartmental Group of Officials, Round Table or the Inter-University Council. Similarly, the French EduFrance marked a rupture with, rather than a continuation of, the existing organisations, the SFERE, CNOUS, Egide and ARIES.

In the field of evaluation, the assessment-based approach to evaluation adopted by the Quality Assessment Units, Higher Education Quality Council (in the case of audits of overseas collaborative provision) and Quality Assurance Agency differed substantially from the accreditation-based approach of the Council for National Academic Awards and Her Majesty's Inspectorate, and from the enhancement-based approach of the Academic Audit Unit. Similarly, the enhancement-based approach of the French *Comité National d'Evaluation* cannot be seen as a natural continuation of the then existing evaluation organisations, the *Cour des Comptes*, IGAENR and *Conférence des Grandes Ecoles*, all of which rested on an accreditation-based approach.

The introduction of full-cost fees for international students in Britain marked a break both with previous financial policies towards international students (such as the use of differential fees and of quotas), and of general funding policies for higher education; and the French contractual system was neither modelled on previous contractual experiments, nor adopted the formula-based approach of existing funding systems.

Finally, in both Britain and France, the new rules concerning international students' visas marked a departure from the existing legislative framework, given their emphasis on separating international students from other, general entrants, and their liberalising emphasis. To summarise, every institution examined was created anew, rather than developing from pre-existing prototypes.

The second argument propounded in the thesis is the importance of government in promoting liberalisation, rather than this being caused by the defection of regulatees towards the market.

Hence, the British ECS was created following a government-commissioned report, the Pliatsky review, and following pressure from civil servants, whilst the French EduFrance was created as a personal project of the then Ministers of Education and of Foreign Affairs. The new assessment-based organisations governing British evaluation of HEIs were created following government pressure for evaluation to support discrimination in funding and to engender competition between HEIs, and the French CNE was created by Alain Savary as a means of balancing the other provisions within the *loi Savary*. The British full-cost fees were promoted exclusively by the Department of Education and Science, as a means of removing the public subsidy for higher education, and of fostering entrepreneurialism amongst HEIs, whilst the French contractual system was promoted personally by Lionel Jospin as a means of starting his ministerial term with a wide-ranging and popular policy change. Finally, successive rules changing the extent of control over international students' visas were introduced by governments in Britain, initially as a means of controlling illegal immigration, and in France, initially as a means of reducing the numbers of students from developing countries. Government, rather than regulatees, thus played the key role in promoting the liberalisation of international students' policy, through its ability to define new rules which might constrain regulatees' behaviour.

Finally, the thesis has indicated that, despite governments in both countries having attempted to promote liberalisation, they were more successful in this aim in Britain than in France. It has shown how the greater extent of coordination between HEIs in France than in Britain was an important factor in this connection. Thus, the abilities of governments to institute markets in the first place, and subsequently to control them, here depended on the extent of coordination between regulatees.

Hence, British HEIs attempted to resist the incorporation of their international higher education organisation, the Inter-University Council, into the British

Council, but were unsuccessful. They were unable to maintain a coherent position towards the creation and operation of the Education Counselling Service, with a select number of HEIs leaving the ECS at various points rather than coordinating opposition to its activities. In contrast, French HEIs' were able to coordinate their opposition to the first director general of EduFrance, who was particularly keen to promote the liberalisation of international students' policy. Their activities have frequently been credited with responsibility for his dismissal, which reduced EduFrance's liberalising impact.

In the case of the creation and operation of assessment-based evaluation, British HEIs' response was fractured, compromised by concerns over the cost of running enhancement parallel to assessment, and by the differential impact of assessment on different HEIs. In contrast, French HEIs engaged collectively in the creation of the CNE, through their sectoral association, and have continued to promote coherent positions within the agency, as with the definition of quality indicators.

The introduction of full-cost fees in Britain was extensively resisted by HEIs. However, the CVCP (and then CDP) failed to articulate a coherent alternative position and were unable to provide leadership during the creation of the new system, nor to exert much influence on the parameters within which it subsequently operated. French HEIs, in contrast were able to exert greater influence during the creation of the new contractual funding system, and to prevent it from leading to increased competition within the higher education sector.

Finally, British HEIs' responses to government proposals concerning international students' visas were divided. British universities and colleges were keen to criticise each others' alleged lack of controls concerning the recruitment of illegal immigrants, and were unable to develop a coherent position on matters such as the use of immigration advisors. Although they did manage to develop a coordinated position on one matter, visa extension charges, this was compromised by their previous lack of unity, and in any case came too late for any change in the rules to occur. In contrast, French HEIs were able to force significant changes in visa legislation through frustrating the implementation of

the Imbert decree. It was more difficult for their sectoral associations to coordinate campaigns against other rules, as their effects were only felt in particular areas at particular times. As a result, coordinated action by French HEIs was less successful overall in the case of visa policy than in other areas where government attempted to liberalise international students' policy.

## **6 The wider implications of these findings for the debate about the role of governments, markets, and liberalisation**

As a 'hard case' for existing theories of liberalisation to explain, the liberalisation of international students' policy may offer some insights for the examination of other cases of liberalisation in the public sector. The main findings from the thesis (the need for new liberalising institutions to be created, the role of governments in liberalisation, and the role of regulatees' resistance in conditioning governments' capacities to liberalise) suggest the relevance of existing theories which have highlighted the pertinence of these three elements in explaining liberalisation. This section reviews these works, before the final section analyses possibilities for further research.

### **6.a The creation of new institutions during processes of liberalisation**

In the case examined here, liberalisation required not just the reactivation or rediscovery of existing institutions, but rather the creation of new ones. Such new institutions created the incentives and constraints for regulatees to engage in competition and commodification. Rather than liberalising institutions building on existing institutional frameworks, in every case the new institutions marked a significant departure from existing organisations or legislative frameworks. Such new institutions were comprised of new collections of rules created by governments.

This contradicts the common view in comparative political economy that liberalisation requires a lesser extent of institutionalisation (Goodin, 2003). According to this view, the market can be viewed as a "kind of natural, or normal, order, consisting of the aggregation of individual bargains, whereas non-market institutions are regarded as to some extent alien or unnatural" (Hodgson, 1988: 177). The problems with this position have actually been acknowledged by Thelen, who has expressed concern that liberal market

economies become a “residual category... mostly characterized in negative terms, that is, in terms of what they lack... rather than analyzed in terms of the alternative logic that animates them”.<sup>272</sup> As Hodgson noted, all “exchange, and particularly market exchange, takes place in, and interacts with, an institutional context” (*ibid.*: 178). Rather than constituting a naturally-occurring phenomenon, markets must be “politically and culturally constructed”<sup>273</sup> (Gray, 1990:174); rather than necessary creations, they are contingent ones.

For Hay, “[i]nstitutional interactions are, then, no less significant in LMEs than they are in CMEs” (Hay, 2005: 115). Vogel has also noted that liberal market arrangements do not only require the dismantling of existing institutions, but also the creation of new ones (Vogel, 2005: 145). Rather than the structure of markets emerging automatically from interactions between individuals, “the entire apparatus of modern economies is, at least partially, an outcome of ... social technologies of organization” (Fligstein, 2001: 28).

This case thus highlights the importance of Vogel’s contention that “liberalization requires re-regulation” (Vogel, 1996: 3).<sup>274</sup> Dobbin (1994), Evans (1995), Evans and Rauch (1999), Fligstein (1996), Fligstein and Stone Sweet (2002), and North (1990), have all indicated the importance of new rules for market-making. Rules “establish” markets, and “structure how buying, selling and the very organization of production take place” (Zysman, 1994: 244). Over time, Fligstein maintains, such rules become constitutive of market *institutions* (Fligstein, 1996).

Such rules cannot be reduced to the ‘exigencies of the market’, or read-off from economic criteria. As Zysman maintains, the rules structuring markets often “do not have primarily economic origins and none have purely economic sources or explanations” (Zysman, 1994: 245). The rules structuring markets need not constitute efficiency-producing instruments. Rather than assuming that rules will reflect economic theories, rather a “political theory” of their creation is required.

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272 Thelen quoted in Howell (Howell, 2003: 107).

273 This does not invalidate Gray’s additional point that “[o]n the other hand markets do have a real existence, resist attempts to mould them in certain directions and even have a disconcerting habit of re-emerging in spheres where they are supposed to have been abolished” (Gray, 1990:174).

274 See also Moran, 1991 and Trachtman, 1993.

This might help “account systematically for the variation in” the ways in which various markets are structured (*ibid.*: 245 footnote 4).

Overall, therefore, there is a need for more examination of how the rules structuring competition and commodification have been introduced and the contestation which may often have surrounded this process. Streeck and Thelen’s claim that liberalisation occurs when actors discover pre-existing or revitalised market-based institutions ignores the fact that in some cases there are no such institutions to draw on. Indeed, one can ask how these alternative, market-based institutions first emerged (rather than how they were revitalised or rediscovered), as Streeck and Thelen offer no account of how liberalising institutions can be created without institutional precedent.

#### **6.b The role of government in liberalisation**

The importance of governments for the creation of the institutions mentioned above echoes a number of studies which have drawn attention to the role of governments, as rule-makers, in creating market institutions. Streeck and Thelen have downplayed the role of governments in liberalisation, suggesting that their ability to introduce liberalisation is dependent on the discovery or reactivation of existing institutions, and on the defection of sectoral actors from collective institutions.

This contrasts with their insistence that the creation of collective institutions generally requires governments to play a major role. Hence, they maintain that “[n]onliberal reforms in a market economy seem to require ‘political moments’ in which strong governments create and enforce rules that individual actors have to follow” (Streeck and Thelen, 2005: 33).

However, this thesis has indicated that governments also play a role in liberalisation, both in the creation of liberalising institutions and the maintenance of competition within them, as well as in the creation of non-liberal, collective, institutions. The role of governments in liberalisation has been highlighted by a number of authors. Karl Polanyi has, of course, attempted to offer an archaeology of the creation of modern markets, which often occurred with the

support of government (Polanyi, 2001).<sup>275</sup> For Fligstein and Stone Sweet, states can be indispensable to market development, under the right social conditions (Fligstein and Stone Sweet, 2002).<sup>276</sup> Similarly, for Vogel, “states themselves, even more than private interest groups”, can drive market reforms (Vogel, 1996: 4).<sup>277</sup> Campbell and Lindberg have surveyed how governments have helped to “construct markets where there had never been commercial exchange to begin with..., or where alternative governance mechanisms had come to coordinate exchange” (Campbell and Lindberg, 1991: 349). Hay has also noted that the “commodification and marketisation that is often associated with (stylised) LMEs” is often not a result of a lack of involvement by the state, but rather “a product itself of the institutionalisation of market-like incentives and rationalities” which have been imposed by the state (Hay, 2005: 115). Finally, both Cerny and Evans have focused on the role of governments in institutionalising the conditions for the development of modern capitalism (Cerny, 1991: 184; Evans, 1995: 29).

Different indicators of liberalisation, such as increased competition, *may* appear to have been caused by *endogenous* factors (such as those that Streeck and Thelen might posit), including the reorganisation of firms already within the market (Fligstein, 2001: 12). However, Fligstein maintains that governments are frequently operating in the background. At the “very least, governments” will be active or inactive in ratifying “firms’ abilities to use various structures that mediate competition and conflict”; and “[a]t the very most”, governments will “directly intervene in market practices to produce stability” (*ibid.*: 19). Even in ‘black’ markets, which often operate according to elaborate institutionalised rules concerning the vetting of participants and the transportation of goods (Hodgson, 1988: 176-7), the need for these rules is imposed by government in the first place, through its prohibition on trading in the goods concerned.

Governments can attempt to institute, or deepen, markets in previously non-marketised sectors, as in the case examined here, or to enforce competition in existing, but monopolistic or monopsonistic markets. Government intervention

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<sup>275</sup> See also Blyth, 2002: 3 and Fligstein, 1985; and see also Thompson, 1991, for additional historical analysis of the development of modern markets.

<sup>276</sup> See also Evans 1995 and Weiss, 1998.

<sup>277</sup> See also Fligstein, 2001: 6.

can “permanently alter” the structure of markets or indeed, create markets out of a previously non- competitive context (Cerny, 1991: 184; Zysman and Tyson, 1983: 24). Hence, King and Wood have noted that the US and UK government’s liberalising policies significantly decreased the extent of coordination and increased the extent of competition, within certain sectors (King and Wood: 396).<sup>278</sup> Governments may, and indeed often have, attempted to extend or deepen liberalisation in the absence of societal pressures towards marketisation (Goodman and Pauly, 1993; Helleiner, 1994).

Governments may also attempt to arbitrate between economic actors, and thus enforce the rules that allow (relatively) ‘free’ competition. Rather than acting to mitigate the consequences of liberal competition (as through creating managed capitalist institutions), governments may, thus, also act to preserve or intensify liberal competition, through “providing framework legislation to locate decision-making power in companies and limit the power of organized labour” (Schmidt, 2002: 125; see also Wood, 2001). Hence, Schmidt has also noted how a number of governments have increased the extent of state regulation, with “agents of the state, in the form of regulatory agencies and courts ...now involved in determining activities which in the past were more the purview of business through private governments and/or accommodation by civil servants”. As she notes, these new actors, whilst formally under the aegis of the state, have their role restricted to arbitrating the rules of the market game, rather than directly intervening in the market (Schmidt, 2002: 161). Nonetheless, the original decisions concerning which rules should structure the game, and clarifying any ambiguities over their interpretation, leave governments with a considerable amount of discretion. Regulators of the liberal economy can still perform a key role in policy-making and in defining the nature of competition (Schmidt, 2002: 162).

A recognition of the role of governments in market-building and liberalisation more generally is particularly relevant in the case of higher education. For Neave, moves “towards a ‘market coordinated system’” in higher education have been “accompanied by a [significant] degree of ...state intervention”

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<sup>278</sup> For other analyses of the role of government in promoting and controlling competition, see Garrett, 1998; Rieger and Leibfried, 1998; Scharpf, 1991; Weiss, 1998; Evans, 1995; and Vogel, 1996.



(Neave, 1993: 13).<sup>279</sup> In the creation of a “higher education industry”, the “parameters of....markets are set directly by the state and its agencies” (Edwards and Miller, 1998: 49). Overall, therefore, governments can play a dominant, and sometimes the dominant, role in liberalisation, rather than governments only being involved in the creation of non-liberal institutions, as Streeck and Thelen appear to suggest.

### **6.c The role of coordinated resistance by regulatees in liberalisation**

Finally, this thesis has indicated that rather than commodification and competition being seen as regulatees as automatically desirable routes of action, regulatees have, instead, debated the consequences of liberalisation and in some cases attempted to resist it. The creation of markets is, therefore, a conscious political process which is supported by some actors and resisted by others.

These findings cohere with the considerable amount of literature which has examined the relationship between sectoral structures and public policy. As Sharpf has noted, “some policies may be facilitated by tightly connected or highly centralized structures, [but] others may have better chances of success in loosely coupled decision systems” (Scharpf, 1978: 362-3). Similarly, Hall and Soskice have claimed that “economic policies will be effective only if they are incentive compatible, namely complementary to the coordinating capacities embedded in the existing political economy” (Hall and Soskice, 2001: 46).<sup>280</sup>

A lack of coordination within a sector can hold back government attempts to create managed (or coordinated) capitalist institutions, as Schmidt claims with respect to French governments’ activities concerning business and labour relations. Similarly, Ebbinghaus and Manow have maintained that the “relations between economic actors are crucial for their strategic capacity” in producing public policies, specifically to the extent that they “provide opportunities for coordination” (Ebbinghaus and Manow, 2001: 7). However, in this case, a lack of coordinated societal actors caused such attempts to lead to an

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<sup>279</sup> See also De Groof *et al.*, 1998: 79.

<sup>280</sup> See also Peter Gourevitch’s work, which has described the recognition of the reflexivity of relationships between government and regulatees as ‘the macropolitics of microinstitutional differences’ (Gourevitch, 1996: 241).

institutionalisation of market, rather than managed, capitalism (Schmidt, 2002: 126).

Therefore, extensive coordination may, as in this case, hold back attempts to institute liberalisation. Some coordinating organisations may support liberalisation, as occurred perhaps in the original creation of the market economy. As Crouch notes, “[w]hile in England and the USA [the] task [of creating the institutions of the market economy] was piecemeal, in almost all other industrial capitalist societies it was accomplished precisely by organised groups of business interests, in association with the state” (Crouch, 1983: 368-9, 373). Other coordinating organisations may, however, act to block liberalisation, particularly where this is not perceived as being in their members’ interests. The strength or weakness of such organisations will determine whether their efforts at resistance will achieve real change or otherwise.

## **7 Future research**

This thesis has examined why liberalisation has occurred to a greater extent in one country (Britain) than in another (France), in one particular sector (international higher education). It has attempted to explain this difference through the greater extent of coordination of resistance amongst French than amongst British HEIs, which was more effective in preventing government attempts to institute liberalisation.

The sector examined here, higher education, has traditionally been closely connected to governments in both countries. To that extent, this thesis has tested the ability of existing theories of liberalisation to explain liberalisation within one part of the public sector. It has suggested, in particular, that the explanatory relevance of Streeck and Thelen’s theory of liberalisation is limited.

This thesis therefore suggests the need for a greater examination of the mechanisms of public sector liberalisation within comparative political economy. There have been a number of previous studies which have focused on the liberalisation of the welfare state. However, they have generally examined the welfare state from the perspective of the *constraints* it places on the market, as a form of “politics against markets” (Boyer and Hollingsworth, 1997: 447-9;

Esping-Andersen, 1993). Ebbinghaus and Manow have recognised that this approach fails to take into account the fact that the welfare state can covary “with other features of modern capitalism” (Ebbinghaus and Manow, 2001: 10). However, they have confined their analysis to examining how welfare state policies can be used to support particular models of economic activity (*ibid.*: 7). Such an approach fails to recognise that public services *themselves* have become increasingly liberalised, rather than merely acting as a support for a liberalised economy. In particular, educational services, such as those examined here, have themselves come to be subject to market competition, rather than as merely supporting this.

Whilst a number of works have examined the liberalisation of services that were previously supplied under the aegis of the state (Pollock, 2004; Thatcher, 1999), little systematic, cross-sectoral work has been undertaken on the question of whether there are substantial differences between the manner in which liberalisation occurs in the public sector compared with the private sector. Until such an analysis is produced, the liberalisation of the public sector, one of the most important politico-economic trends of the last twenty years, will continue to be under-theorised and insufficiently explained. It may well be the case that, as here, public sector liberalisation is generally promoted by governments, which have the capacity to create the rules and, cumulatively, the institutions which can lead to intra-sectoral competition and commodification. Furthermore, rather than regulatees encouraging this liberalisation, through defecting into market-based institutions away from collective ones, it might be found that regulatees often attempt to coordinate resistance against liberalisation, through mechanisms such as encompassing sectoral associations. The outcome of this process- the extent to which governments are able to push pro-liberalisation policies in the face of regulatees’ resistance- could have profound effects for the shape of different nations’ public sectors, and for their economies more generally.

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## **Glossary**

ARIES.....	French HEIs' peak association for international relations staff
CDEFI.....	Conférence des Directeurs d'Écoles et Formations d'Ingénieurs
CDIUFM.....	Conférence des Directeurs d'IUFM
CDP.....	Committee of Directors of Polytechnics
CGE.....	Conférence des Grandes Ecoles
CME.....	Coordinated market economy
CMU.....	Coalition of Modern Universities/ Campaign for Mainstream Universities
CNOUS.....	Centre National des Œuvres Universitaires et Scolaires
COREX.....	Commission for Exterior Relations (of the CPU)
CPU.....	Conférence des Présidents d'Université
DES.....	Department for Education and Science
ECS.....	Education Counselling Service
FCO.....	Foreign and Commonwealth Office
HEI.....	Higher Education Institution
IDG.....	Inter-Departmental Group of Officials
IUC.....	Inter-University Council
LME.....	Liberal market economy
MBA.....	Masters in Business Administration
OCP.....	Overseas collaborative provision
ODA.....	Overseas Development Administration
SCOP.....	Standing Conference of Principals (of Higher Education Colleges)
SFERE.....	Société Française pour l'Exportation des Ressources Educatives
TETOC.....	Technical Education and Training Overseas Corporation
THES.....	Times Higher Education Supplement