

Chapter 2

The New Regulation Forms of Educational Systems in Europe: Towards a Post-bureaucratic Regime

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2.1. Introduction

The modes of institutional regulation of an educational system can be considered as the set of all mechanisms of orientation, coordination, control and balancing of the system set up by educational authorities. Thus, it is one of the activities of “governance” of the system alongside those related to the financing of education or the “production” of education service (Dale 1997). Our purpose is to enquire about the evolutions of the modes of the institutional regulation of the education systems in five European countries (francophone Belgium, England, France, Hungary, Portugal). More precisely, we ask whether the education policies of the past 20 years have contributed to constructing a certain convergence of the institutional regulation of the systems and, simultaneously, what important divergences remain.

This analysis is derived from the European research Reguleduc (Maroy 2004, 2006). Our analysis of the evolution of modes of institutional regulation is founded on studies of the principal morphological and institutional characteristics of the school systems of the five countries and analysis of the education policies they have applied over the last 20 years, in particular those affecting the modes of regulation of secondary schools. Each team synthesised the literature dealing with its national situation. Subsequently, a transverse synthesis (Bajomi and Barroso 2002) was done.

Our thesis is that these policies partially converge around “post-bureaucratic” governance models and regulation. Depending on the country, we can link education policies to two post-bureaucratic models promoted by transnational agencies: that of the “evaluative state” and the “quasi-market” which are largely combinable and combined. They share their opposition to the “bureaucratic-professional” model which has prevailed to varying degrees and in different versions in these countries (Barroso 2000). Still, these partial convergences in the baseline models do not necessarily imply completely identical policies, on the one hand because the policies refer to these models to different extents and on the other hand because these policies developed on the basis of different contexts from the outset. In fact, these “transnational models” are recontextualised and hybridised, according to political, cultural or national specificities and constraints. In other words, there is a “path dependency” that constrains the policies in each national context.

We first present the principal characteristics of the bureaucratic-professional model and its importance in each national context during 1960s and 1970s. Second, we look at the convergences observed and we refer them to the models of evaluative state and quasi-market. In conclusion, we discuss briefly the factors of convergences and divergences that lie behind these evolutions.

2.2. The Slow Departure of the Bureaucratic-Professional Model

The education systems under analysis are quite different. Some are decentralised (Francophone community of Belgium (FCB) and England), others are centralised systems (France, Portugal and Hungary before 1985); some have administrated enrolment (France, Portugal), some have integrated (Hungary, France, Portugal) or diversified curriculum (FCB, England). Despite these important differences in systems, the five countries have all been able to develop to varying degrees an institutional regulation of their system on the basis of the bureaucratic-professional model, which combines bureaucratic regulation and joint state-teacher regulation.

National school systems were in fact constructed in the nineteenth and twentieth centuries using an institutional and organisational model combining bureaucratic components of a nation-state responsible for the education of the people with professional components. Bidwell (1965) was one of the first authors to have described and analysed the school or the

school system as a “professional bureaucracy” that is concretised to varying degrees in the different systems analysed.

In this model, to successfully socialise young generations which have become bigger, more complex and progressively diffused throughout all social classes, the state first became an educator state, taking upon itself the implementation of education service.¹ This offer of education can be organised in a more or less centralised and differentiated way, but is underpinned by increasingly standardised and identical norms for all components of the system. This goes hand in hand with a division of educational work (vertically and horizontally between levels and subjects) and facilitates an exact definition of functions, roles and the specific competencies required of everyone, which relies on written and precise rules. Additionally, the state set up a hierarchy and controlled the conformity of all agents in the system by establishing rules and procedures to follow. Based on the standardisation of rules and conformity, this organisational form was then justified in the name of rationality and the need on the nation-state scale for the greatest universality possible of rules, thus founding equal treatment and equal access to education. Thus, the bureaucratic dimension of school systems is to be found not only in its structures but also in its principles of legitimacy. According to Weber (1992), the bureaucratic model refers positively to the law as well as a valorisation of rationality in the wider sense, including “rationality in value”.

Nonetheless, in view of the complexity of educational tasks to be accomplished, these bureaucratic characteristics have always been associated with a large individual and group autonomy for teachers, an autonomy founded on their expertise and professional skills. Thus, teachers have found themselves granted a wide margin of manoeuvrability their individual teaching activity, notably for coping with the “uncertainties” of their work. They are also closely associated with the management of their careers via their professional or union representatives and with the definition of programmes or pedagogy via a professional elite in charge of defining them (a body of inspectors).

¹ We might well have introduced many nuances into this presentation, for example by offering more detail on the chronology of the massification of schooling or by distinguishing the periods of development of primary and secondary education. The construction of standardised norms has, for example, posed more problems for the latter, insofar as most of these countries introduced more diverse types of teaching (general, technical and professional), which pre-existed in various forms and institutions.

This bureaucratic and professional model thus goes hand in hand with modes of regulation at once based on the control of agents' conformity to general rules, socialisation and the spreading of norms, values and skills of teachers and finally consultation and joint regulation of the system by the state and teachers' representatives. This model brings "state, bureaucratic, administrative" regulation and a "professional, corporative, pedagogical" regulation together (Barroso 2000), but with possible tension. In fact, in this system parents and users have practically no say in matters unless by arrangements wherein bureaucratic functioning is adapted to particular situations.

All of the countries studied share some of this model's traits, but it is undoubtedly France and Portugal that even today come nearest to it (Barroso 2000; van Zanten 2002), as well as Hungary (notably by means of its communist regime after 1948).

On the contrary, the FCB (Draelants et al. 2003) and England (Green 1990; Tomlinson 2001) are undoubtedly further removed, notably through less standardisation of norms linked to far greater freedom being granted to local initiatives and to the political and educational conceptions justifying them (a tradition of voluntary initiative and a liberal nature in England and the value of "freedom of instruction" and the room made for school initiatives of religious origins in Belgium). In these two countries, the bureaucratic-professional model has been combined with a model of "community" governance (Barroso 2000), giving legitimacy for local or religious scholastic initiatives (Weber 1922). As we have seen, this is why the countries studied remain characterised by important structural variation, as much involving the degree of centralisation, standardisation and diversification of curriculum, and the more or less strong presence of free choice.

Beyond national particularities regarding relationships established between state, school and civil society, the bureaucratic-professional model is still quite present in all the countries studied and beyond; it has been able to spread not only because of the rather general development of "mass education" but also because of "institutional mimetic" processes (Meyer et al. 1997), the development of an educator state and standard norms that have generally been associated with progress as much on the economic level (growth) as the social (social mobility).

2.3. Partial Policy Convergences Around Some Common Trends

Over the last 20 years, we have observed many significant developments in the modes of institutional regulation in the countries studied; most often they have been fostered by important legislative texts in education policy (like the Education Reform Act of 1988 in England and Wales, “the missions decree” (1997) in the FCB, the laws on decentralisation and deconcentration, as well as a law of orientation (1989) in France) or by a major political turning point like the end of the communist regime in Hungary (1989). The country where the evolutions are undoubtedly still the most modest is Portugal.

These evolutions are partially convergent and involve six trends:

1. *Increasing autonomy of schools*: The promotion (or maintenance) of a form of increasing “devolution” of responsibilities to the schools is seen everywhere (policies relative to “self-governing schools” in England and to the “autonomy of schools” in France, Portugal, Hungary and the FCB).
2. *The search for a balancing point between centralisation and decentralisation*: We observe a trend to decentralise/deconcentrate decision-making in the traditionally centralised states towards intermediate or local decision-making authorities (France, Portugal and Hungary) and a trend to reinforce centralisation in the states that were strongly decentralised at the outset, notably regarding major curricular objectives in terms of competencies to be attained (FCB, England). Furthermore, in England, reinforcement of centralisation has also focussed on the evaluation of students, schools and systems. However, these processes are accomplished with very different means, degrees and timeframes. Moreover, decentralisation and/or recentralisation can take on a rather varied significance depending on the context. Thus, decentralisation/deconcentration appears stronger in France than in Portugal, whereas English “recentralisation” is clearly stronger than that in the FCB where the curriculum centralisation has not been accompanied so far by certification procedures and more centralised evaluation.
3. *The rise of external evaluations of schools and school systems*: Increases in evaluation are above all born from the policies of the central state (either voluntarily or under pressure from users) and at times are ramped up at intermediate or local levels. The degree of development of evaluation, its technical sophistication, its instrumentation as a “steering” tool and its public exposure, however,

are rather unevenly perfected. In fact, in England (and to a lesser extent in France) these plans have been developed most and have really been put to work. Thus, in England, the creation of OfSTED and the setting up of systematic inspections have led to detailed evaluations of performances and the obligation to define plans for the improvement of all weak points, with the possibility of mandatorily closing “failing schools”. With the publication of academic results obtained in external evaluation testing conducted throughout student careers (league tables), this evaluation by inspection forms the keystone of official education policy, with the explicit goal of providing important information, to local actors and notably to parents, whose school choice possibilities have actually increased. In France, and to a lesser extent in Portugal, external institutional evaluation has been promoted on a central level (with, for example, the central role of the Department of Evaluation within the French Ministry of Education between 1987 and 1997) as well as on a regional level, but with significant variations in intensity of application and follow-up on the level of academies or regional education directorships. The concrete effect of these evaluations as a regulatory “corrective mechanism” on the system and on the schools still remains minor and their impact above all symbolic (van Zanten 2002). For that matter, in France, evaluations cannot be considered totally external: the majority of evaluation reports are co-produced by the schools and the greater parts of the results remain “confidential”, although three “indicators” are released to the press. External evaluation has also developed in the FCB and Hungary, but without having much concrete effect on the daily life of schools nor on public exposure.

4. *Promoting or increasing parents’ choice of school:* Parents’ possibilities to choose schools are reinforced or maintained in all the countries studied. This may result from a political will, from a desire to relax administrative rules, as well as from a “laissez-faire” attitude on the part of public authorities. In England and Wales, we observe a voluntarist state policy that tends to construct a quasi-market school: besides a greater liberty of choice of school by parents and students, the government has encouraged information for parents on performance. Hence, competition between schools and their increasing management autonomy are supposed to lead to greater quality and better response to the various demands and needs of families. Such a quasi-market in fact exists in the FCB. Freedom of choice of school by parents (guaranteed in the constitution) is accompanied by a mechanism that finances them in terms of the number of students. These institutional arrangements, historically constructed to guarantee philosophical and religious

pluralism, have been maintained in practice despite recognition of their perverse effects, so institutionalised and socially legitimised is “freedom of instruction”.

Elsewhere, in France and Portugal it is more social pressure from parents (notably middle class) which has led to a “soft” policy that has relaxed the assigning of children to schools (politically called “desectorisation” in France, which gives parents the possibility of expressing three to five preferences for secondary schools). This policy has been applied differently depending on the academy and period. Yet, this practical or official “relaxing” takes place while seeking to preserve the egalitarian nature of offer (via a common and large curriculum and a will to preserve the social and educational mixity of schools).

In Hungary, a school district map has long co-existed with a tradition of liberalising the choice of school by parents. Thus, it is easy to request and obtain an authorisation for enrolling children outside the family’s zone of residence. This tendency towards relaxing parents’ choices is fed locally by contexts of demographic decline and an excess of spaces in schools and the development of active choice strategies on the part of families, notably from the middle class (see Sect. 3).

5. *Diversification of curricular offer*: We also observe a trend to accentuate, to a greater or lesser extent, the variety of curricular offer as a way of emphasising the “diversity of choices possible” for students and their parents. This is the case not only in countries where the curriculum was defined in a central and relatively standard way (Portugal, France and Hungary), but also in England, where decentralisation goes hand in hand with the comprehensive school model. In France, for example, possibilities of offering more specialised courses have been authorised, in various ways, on the middle school level: “European classes” and “specially scheduled classes” incorporating optional disciplines like sports and the arts. In England, schools can claim “specialist” status, centred around a domain (commerce, media, etc.) and benefit from increased funding; in Portugal, schools can vary the volume of class hours of different components of programmes within pre-established limits (e.g. non-disciplinary curriculum areas, creation of technological courses in secondary instruction, programmes for failing students). In Hungary, certain schools can specialise in learning foreign languages (bilingual tracks) whereas others specialise with a view to ensuring particular treatment for certain categories of students (special needs students). The policy of diversification of curricular

offer may or may not be combined with policies defining common curricular standards, which are more and more centred on some central subjects (as in England, for example). Emphasis on diversification is less significant in Belgium because of a curricular structure that has been largely diversified from the outset and structured practically into “tracks” as of the third (or even the second) year of secondary instruction.

6. *Increase in the regulation of control of teaching work*: A sixth trend is common to all countries: the trend toward erosion of the individual professional autonomy of teachers, who are subjected to more and more varied forms of supervision of their practices through training, the presence in schools of pedagogical councillors or inspectors (except in Hungary), good practice codes and pressure in favour of teamwork. This weakening of professional autonomy also affects the professional group as a whole, through a weakening of their union organisations’ positions in certain countries (above all in England and Hungary).

2.4. Two Models of “Post-bureaucratic” Governance

Even if we might agree that each of these policies is underpinned by models and debates specific to each subject or each country (concerning the management autonomy of schools, the question of free choice, the promotion of a more or less standardised or diversified curriculum, the centralisation or decentralisation of systems, etc.), one can also associate them to broader governance models that cut across these various dimensions: the “quasi-market” model and the “evaluative state” model, both of which share certain “post-bureaucratic” traits that oppose them to the bureaucratic-professional model already presented. We understand by governance models, the theoretical and normative models that serve as cognitive and normative references, notably for deciders, in defining “good ways to steer or govern” the education system. These models include basic values and norms and are simultaneously instruments for interpreting the current situation and guides for action.²

²This idea of model is close to the concept of “référentiel d’action publique” or “policy paradigm” used in cognitive approaches to public policies, which insists on the presence of cognitive and normative references that tend to orient the definition of problems and solutions political actors propose in various areas (Jobert 1992).

2.4.1. Quasi-market Regulation

The market model, or more precisely the quasi-market model, was forged and has been widely promoted in Anglo-Saxon countries by certain neoliberal analysts critical of the bureaucratic model (Chubb and Moe 1990). For them, it is the bureaucratic character of the system that makes it inefficient, and so competitive pressure from users should be fostered to improve it. This model has been promoted by various networks of actors on the international level (international or academic organisations, experts in education policies; Halpin and Troyna 1995; Ball 1998; Whitty and Edwards 1998). Such a model has strongly inspired English policies (as well as further afield in Australia and New Zealand; Whitty et al. 1998) and has been the object of extensive critical literature in the Anglo-Saxon world (see e.g. Ball 1993; Lauder et al. 1999). In this model, the state does not disappear. It still has the important role of defining the objectives of the system and the contents of the teaching curriculum. Yet it gives autonomy to choose the proper means for carrying out these objectives to schools (or other local entities). Additionally, to improve quality and respond to the various demands of users, it installs a quasi-market system. The latter involves setting up free choice of schools by users coupled with a financing of schools relative to the student public they accept (financing on demand) (Bartlett and Legrand 1993). In other words, schools compete to carry out the task of education while referring to centrally defined objectives. Users have the capacity to choose their “school provider” which submits to a good number of rules to be henceforth centrally defined, such as definition of programmes and certification. These schools can then have various statuses, public or private. The central state, via a specialised agency, encourages informing users/clients on the performance, efficacy and efficiency of different schools in such a way that the rationality of users’ choices puts pressure on the local schools to improve their ways of functioning.

2.4.2. The Evaluative State or Governance by Results

The evaluative state model (Neave 1988; Broadfoot 2000),³ or “governance by results”, also supposes that the objectives and programmes to be carried out by the education system are centrally defined and that teaching units

³This model is variously described: some authors call it steering or regulation based on “obligation of results” (Demailly 2001).

enjoy broad autonomy of pedagogical and financial management. The latter are subject to contracts. The central state negotiates goals with local entities (like schools) and delegates responsibilities and additional means for reaching these goals, all of which fit within the general objectives promoted by the public trust authorities and take into account the context of their public and the local school. Elsewhere, a system of external school performance evaluation and a system of symbolic or material incitements, or even sanctions, are set up to favour the improvement of performances and the fulfilment of the “contract” signed between the state and schools (or higher level entities).

What is aimed at then is a process of organisational and professional learning that results in improving the quality of education in these local schools. Thus, the model implies *ipso facto* an autonomy of economic and pedagogical management of schools and an optimisation of their ability to respond to requests made to them by either education control authorities or users. In any case, it involves the diffusion and acceptance of an “evaluation culture” (Thélo 1993) relying as much on institutional self-evaluation by teams seeking to improve their practice and results as on external evaluation.

2.4.3. Two Variants of Post-bureaucratic Regulatory Regime

The two models presented above can be described as “post-bureaucratic” for two principal reasons.

From the perspective of norms and values, they are no longer founded on the legitimacy of reason and rationality in value and law, typical of the bureaucratic model; results (Duran 1999) and the search for efficiency (going so far as obligatory results) are privileged in relation to the rule of law. Rationality remains valorised but is more and more reduced to instrumental rationality. Thus, that very concern for improvement in quality, valorisation of efficiency and “performativity” (Ball 2003) tend to disconnect themselves from the goals they are supposed to serve. Optimisation of instrumental efficiency takes precedence over respect for civic and social engagement and over educational goals – basically – over value rationalities that, in the bureaucratic-professional model, founded both teachers’ professional autonomy and the standardisation of norms.

The modes of coordination and control set up for guiding conduct are no longer founded solely on the control of conformity of acts in relation to rules and procedures, as was typical of the bureaucratic model. Other modes of coordination are promoted, founded either on the promulgation

of baseline norms (promulgation of “best practices”, training sessions, accompanying projects), on contractualisation and evaluation (of processes, results or practices) or on individual adjustment and competition for the quasi-market model. Yet, these modes of coordination remain within the rule of law because an enormous amount of laws, decrees and rules are produced, seen in the fact that more and more conflicts are decided in court and that more and more precautions are taken to avoid administrative non-conformity. This is why the post-bureaucratic regime is indeed a descendant of the bureaucratic regime, even if it is also partially in rupture.

Another point common to these two models is linked to the important role of the state: it defines objectives and sees to maintaining the management of the system. For that matter, a relative autonomy is granted to the schools or local entities. Moreover, the state no longer wants to be seen as the sole offerer of legitimate instruction. Again we note that the optimisation of efficiency and performativity in these two models is matched by an increasing threat to the professional autonomy of the teaching corps unless it is framed by new systems for evaluating its practice and results. Confidence in the professionalism of teachers is slipping away and their professional autonomy no longer seems a sufficient guarantee of the quality of educational services provided (Maroy 2002).

Beyond these common points, a major difference should be underlined: in the quasi-market model, it is above all competitive pressure through the intervention of an “alerted” user-parent that pushes the school to improve the educational service rendered, whereas in the other model, regulation happens more through the evaluation of processes and results and by incitements or sanctions meted out to schools in terms of their progress and results. This system of obligatory results is supposed to serve as a lever in a process of organisational or professional learning on the part of schools. The two models are essentially opposed, then, with respect to the presence or absence of the role of competition and the market as a vector of quality education. Based on the model adopted, some policies are going to rely on the market whereas others will steer through evaluation and results.

In practice, the models of the evaluative state and quasi-market can be combined, as the English case will demonstrate. Yet, these two models intellectually seem indeed distinct to us. In fact, the promotion of the autonomy of schools coupled with an evaluative state can very easily be envisaged without a quasi-market. For that matter, the quasi-market does not necessarily imply the presence of contractualised schools or a reward-or sanction-based evaluation of their results with regard to set goals as the

evaluative state model implies. Market competition and its consequences in terms of school attractiveness and the number and quality of students and professors are theoretically postulated as being a strong and sufficient incitement for promoting the improvement of educational practices and adjusting to a variety of needs and demands. Yet, the evaluation of schools' performances in order to favour users' rational choices through information is indeed part of the quasi-market model.

Let us make clear that the quasi-market and evaluative state models are not the only ones present in debates or the only ones inspiring education policies, even if they tend towards hegemony. Thus in the area of evaluation use, Lise Demailly (2001) mentions the presence of "democratic", "pluralistic" and "negotiated" uses in France, which refers to a participative and democratic version of the reform of the educator state. It is opposed to "authoritarian" uses of evaluation in the service of an evaluative state, which may become overbearing and, paradoxically, hyper rather than post-bureaucratic. Here, we have a reference system approaching what Gather Thurler (2001) calls "negotiated steering". The "community" model of governance (Barroso 2000) also finds defenders in both England and Belgium. For that matter, certain political measures can be associated with these models (e.g. the unequal and varied development of various local consultative or decision-making councils wanting to associate parents or local actors with the definition of school projects; Bajomi and Barroso 2002). These more minor models have an influence and can foster resistance to dominant policies within different societies or educational systems.⁴

Thus, paths to modernising educational systems, while open, are as we shall see a product of the system's past, the diversity of governance models and the socio-political relations within each system and nation-state. Yet, these debates and policies basically tend to place themselves in line with the bureaucratic-professional model of regulation; the governance models being compared all seek to correct, rearrange or radically transform the bureaucratic-professional model. This is why we advance the hypothesis of the post-bureaucratic regime of regulation. Within that regime, many variants or models are of course possible. In fact, the idea of a regime can

⁴ If we do not examine these "community" and "democratic/participative" models here, it is principally because our concern is first of all comparative and we are anxious to understand the central dynamics of European convergence on the level of educational policies along with evolution in the modes of institutional regulations. These countertendencies may nonetheless exist within each national reality. For example, Lise Demailly (2003) points out the resistance and innovative social constructions existing in Lille Academy in terms of evaluation.

be taken either in the political–juridical sense placing the accent on a formal “fundamental” structure that supervises an institutional field and hopes to stabilise the margins of variability of practice, with variation being assimilated as a normal state of affairs, or in the more dynamic sense of the economists of “the French school of regulation”, who aim here at a type of systemic logic resulting from the dynamic and dialectical tensions of a system, leading to not only producing regularities but also compatible with limited variations (Théret 1998).

2.5. Variations in Policies and Models

The education policies of the five countries studied are more or less inspired by the post-bureaucratic models and particularly by the evaluative state model, hence the reinforcement of the autonomy of schools and the promotion of evaluation coupled with the reinforcement of central goals and curricular standardisation in countries decentralised at the outset. Simultaneously, traits more inspired by the market model – tolerance and the promotion of free choice, the relative diversification of offer to meet the varied demands of users – have also been developed. Yet, the degree of intensity to which policies are carried out and the proportions applied among these models are very varied. The “exemplary” case of radicalism in reforms is undoubtedly England and Wales, which simultaneously promote the quasi-market and the evaluative state through an explicit and voluntarist policy.

The relative importance of the three authorities that regulate offer (the central government, local authorities and the local market) has changed greatly in England in the last 20 years. Central and market control has been reinforced to the detriment of the capacity for intervention by local authorities. Until the 1980s, the traditional organisation that regulated educational offer was centred on the control of schools exerted by Local Education Authorities (LEA). This control was realised by the definition of norms, direct financing of an ever-increasing character and supervision in the hands of local inspectors who essentially assumed a function of counselling and pedagogical support. The role of central government principally took on a character of encouragement and global policy supervision, to the extent that it influenced and defined lines of orientation for decisions taken by the LEA and by the schools themselves. The national policies striving to promote unified secondary teaching (“comprehensivism”), during the 1960s and 1970s, are an example of this flexible supervisory plan, insofar as the actual definition of concrete

unification policies was left to the local level. This gave rise to numerous strategies and plans expressing the different attitudes adopted towards the governmental policy proposed, ranging from militant enthusiasm to radical opposition, from profound transformations to purely formal changes. In this context, the role of the inspection services (HMI) took on a

2.6. Effects of Hybridisation and Recontextualisation of Models

The inspiration of education policies by post-bureaucratic governance models does not imply strictly identical policies, not only because of differences in intensity and proportion between the models already mentioned, but also because different situations at the start can lead to different policies even when the baseline models are similar. Thus, as we have seen, certain countries that were very decentralised at the outset, like England and the FCB, tend to recentralise, whereas others decentralise. This movement, which appears contradictory, can be explained by advancing the hypothesis of the rise of the evaluative state in all of the countries concerned. For such a model to emerge, the states that are decentralised at the outset need to define their basic curricular goals on a national level and, furthermore, develop evaluation while accentuating, preserving and developing an autonomy supervised by the schools. Conversely, the centralised states, which already possess a strongly standardised curriculum with national certification tests, should above all increase the autonomy of schools and develop the actors and tools capable of maintaining a close follow-up of them once they have been confronted with external evaluations.

Policies that grant schools autonomy, coupled with the decentralisation/deconcentration of responsibilities towards territorial communities or decentralised state actors, are now altogether strategic in centralised states like Portugal and France. In the FCB, the autonomy of schools was already fairly well developed for some providers and has above all been emphasised in the state schools but not in the Catholic ones. What is really at stake for the central government in England as in Belgium is knowing how to limit or instrumentally ally itself with the major community, intermediate-level actors (the various “organising powers” in the FCB and the LEA in England).

But evolution in the modes of institutional regulation cannot be reduced to *mere contamination effects* by models promoted by various networks of actors on the international level. The conditions for receiving these models should be taken into account, and we observe that governance models promoted do not spread from one country to another like an epidemic (Levin 1998) without a translation process. There is a *hybridisation* effect on these models due to the institutional and ideological contexts proper to each country. The terms in which the policies are going to develop will be largely dependent on the institutional structures, the social relationship and the actors constituting the educational system that developed throughout its

history. There is then a *hybridisation* effect of models, consisting in the “superposition, the cross-breeding of different logics, language and practice in policy definition and action, which reinforces their ambiguous and composite character” (Barroso and Bajomi 2002:21). This effect can occur at the policy statement stage as well as during its implementation.

Hence, these policies are not mechanical transpositions of governance models without additional recontextualisation in terms of the material, political or symbolic constraints of the systems they are adapted to. But, as we have already pointed out, these systems are profoundly different at the outset and all contain numerous forms of tensions and contradictions. The result is that these policies are never the pure pursuit of the models mentioned, because these policies simultaneously generate and bear the marks of tensions and contradictions between actors and between the various policy orientations they impel. In other words, due to the fact that educational systems are relatively hybrid and composite at the outset and due to the policy-forming process, policy hybridisation effects develop.

These hybridisation effects can be illustrated in their various national contexts.

Hybridisation in England is first of all linked to the fact that the two models, the evaluative state and the quasi-market, were mixed up by the policies adopted. This hybridisation is partially the result of alternating policies. Thus, in 1988, the Conservative government voted in the Education Reform Act. English analysts see this as a result of the alliance between the New Right – more aware of the need to liberalise and modernise the system (whence the abandonment of school sectors, the promotion of choice and the necessity of raising levels of competence) – and the Old Right – more preoccupied with reinforcing traditional values via a reinforced national curriculum – whereby the two poles agreed on diminishing the power of unions and LEAs (Moore and Hicoockx 1994). If traits of the evaluative state were already present (e.g. the possibility of imposing changes in management or teams in “failing schools”), they were reinforced by the Labour government’s arrival in 1997. In fact, New Labour has not repudiated the structural reforms carried out by the Conservatives (e.g. the system’s division into different types of schools, the possibility of choice by parents, the possibility of schools selecting students and external evaluation programmes) but has above all insisted on new goals to assign to the system in terms of results. It has above all been a question of promoting and raising school standards to deal with the weak results of the English system (through the School Standards and Reform Act, 1998), while developing or reinforcing certain programmes, like guidance and teacher surveillance, in order to improve their practice (Teaching and Higher Education Act). To summarise, New Labour has

accentuated the central administration's interventionism (Breuillard and Cole 2003) as well as certain key traits of the evaluative state model, without calling into question various inherited features from earlier periods, except those most closely identified with the conservative ideology (e.g. financial support for "deserving" students to attend private schools; Thrupp et al. 2004).

In the FCB, education policies are always a compromise between the models and the complex, hybrid or even contradictory nature of the system of institutional regulation whose compatibility is far from being assured. A political will for reinforcing external evaluation, which is supposed to favour a better quality system, ends up being heavily constrained by existing institutions and the key policy compromises that founded the system (on freedom of instruction, notably). Thus, the FCB government is going to develop external evaluation programmes but the results will only be rendered public on the system level without publishing results for the various providers or schools, for fear of encouraging competition between them and thus favouring market logic, which the different parties and key actors categorically agree to denounce. Thus, the political actors are led to moderate the evaluative state model and account for the composite or even contradictory character of the institutions and forms of coordination in place, to build a political consensus and to respect constitutional requirements ("freedom of instruction" is in the constitution; see Draelants et al. 2003).

In France, hybridisation shows up in the insistence on developing a "culture of evaluation". The implementation of external or semi-external evaluations has in fact developed without being matched with real institutional or economic sanctions on schools. The declared goal has been that actors "internalise" evaluation as a norm and culture. This absence of sanctions may be interpreted as a measure anticipating the opposition and resistance that the teachers' unions or the teachers themselves might develop towards such a system, given their power in France. Hence, the evaluative state model has been eased to limit such oppositions and has been above all presented as a culture to be adopted.

The hybridisation of new policies with existing practices and institutions can also contribute to producing effects opposite to the goals intended.

Evaluation in France is supposed to be a key tool for correcting and regulating errors and dysfunctions in practice (notably of schools). In the eyes of teachers, it has become a supplementary bureaucratic control, for in its implementation it tends to be uncoupled from real teaching activity. The supposed post-bureaucratic logics of evaluation might in this way be reinforcing dominant bureaucratic logics (Demailly 2001; van Zanten 2002).

In Portugal, the policy of promoting the autonomy of school management finds one of its favourite enablers in the agents of Regional Education Authority who are the decentralised vectors of reforms promoted by the central state; there is thus an autonomy paradoxically promoted by the central state, which tends to relaunch the centralising dynamics already quite present.

2.7. Conclusion

Our analysis of the evolution of modes of institutional regulation is founded on the analysis of education policies that have been applied in the last 20 years, notably those which affect modes of regulation within secondary teaching, in the five countries considered. Hence, the procedure was first to summarise the existing literature. What can we retain as key results?

First of all, we see that certain convergences appear on the level of stating education policies. To different degrees and in different timeframes, everything takes place as if education policies tended to partially converge from the viewpoint of governance models and the regulations they seek to install. On the one hand, certain partial traits of an evaluative state are appearing and we are witnessing a reinforcement of the state's will for evaluation, control and follow-up over "producers" (notably schools and their agents) and the "products" of their educational systems (student attainments), notably by means of evaluation tools. On the other hand, and in a much more variable way, ingredients of a market model are being introduced through the promotion of a plan favouring free choice by users and, more rarely, by capitalising on the virtues of competition between schools. Finally, by reinforcement of their management autonomy, schools are urged to improve their functioning and results in response to the various needs of their users and the goals assigned to them by local or central authorities. The policies of the last 20 years in the countries studied therefore have certain common points: increasing autonomy of schools; the search for a balancing point between centralisation and decentralisation of decision-making; the introduction of more or fewer free choices for parents or even quasi-market mechanisms; the development of diversification in educational offer; and the introduction of evaluation mechanisms or even regulation by results.

The changes the policies have tried to advance in these different domains should not be considered in an isolated way. There are ties between them on which the regulatory and governance models presented

shed light. In other words, we can advance the hypothesis that these changes may form a system and that we are undoubtedly witnessing a change in “regulatory regime”. The bureaucratic-professional model of the regulation of educational systems, with important national variants, had accompanied the construction and development of the “mass” national educational systems of the 1950s and 1960s. Institutional regulation was based on arrangements such as control of conformity to rules, the socialisation and autonomy of education professionals and the joint regulation (state/teacher’s unions) regarding questions of employment or curriculum. That model of regulation has since been undermined by education policies that tend to substitute or superimpose new institutional arrangements on these earlier regulatory modes based on either the quasi-market model (especially in England) or the evaluative state model. Several economic, social and political factors underlie these processes of convergence, but we can only list them without developing them fully: increasing demands by the economy on education, the neoliberal context, the crisis of welfare state legitimacy, anxiety and social demands from the middle classes concerning education and finally contamination effects of transnational models of governance (for more details, see Ball 1998; Maroy 2004).

Yet, these transformations take place with various degrees and to different rhythms and intensities, with more or less contradiction and coherence. Many factors of divergence tend to maintain differences between the various national policies: historical context (ideological, institutional) and path dependencies of the policies, as well as the political games and transactions that could influence either the conception or the implementation of policies. Important differences in education policies may first of all be due to proportions of the baseline models: the market model is used less than that of the evaluative state in most countries, except England. They also depend on the intensity with which measures are applied. Moreover, differences in policies can sometimes be explained by initial differences in systems and by the effects of the hybridisation of models with the practical or symbolic realities of the systems or societies considered. Measures that are apparently close in statement (promoting external evaluation, favouring free school choice, emphasising school autonomy) can in practice have a wide range and significance. In fact, there are some path dependencies that are intertwined with the contamination effect of the transnational models and regulation.

References

- Bajomi I, Barroso J (2002) Systèmes éducatifs, mode de régulation et d'évaluation scolaires et politiques de lutte contre les inégalités en Angleterre, Belgique, France, Hongrie et au Portugal, synthèses des études de cas nationales. Deliverable 3, Reguleducnetwork, Lisboa
- Ball SJ (1993) Education markets, choice and social class: the market as a class strategy in the UK and the USA. *British Journal of Sociology of Education* 14:3–19
- Ball SJ (1998) Big policies/small world: an introduction to international perspectives in education policy. *Comparative Education* 34(2):119–130
- Ball SJ (2003) The teacher's soul and the terrors of performativity. *Journal of Education Policy* 18:215–228
- Barroso J (2000) Autonomie et mode de régulation dans le système éducatif. *Revue Française de Pédagogie* 130:57–71
- Bartlett W, Legrand J (1993) The theory of quasi-markets. In: Legrand J, Bartlett W, *Quasi-markets and Social Policy*. MacMillan, Houndmills
- Bidwell CE (1965) The school as a formal organization. In: March JG (ed) *The Handbook of Organizations*. Rand McNally, Chicago
- Breuillard M, Cole A (2003) *L'école entre l'Etat et les collectivités locales en Angleterre et en France*. L'Harmattan, Paris
- Broadfoot P (2000) Un nouveau mode de régulation dans un système décentralisé: l'Etat évaluateur. *Revue Française de Pédagogie* 130:43–55
- Chubb JE, Moe TM (1990) *Politics, Markets and America's Schools*. The Brookings Institution, Washington
- Dale R (1997) The state and the governance of education: an analysis of the restructuring of the state-education relationship. In: Halsey AH, Lauder H, Brown P, Wells AS, *Education. Culture, Economy and Society*. Oxford University Press, Oxford, pp 273–282
- Demailly L (2001) Enjeux de l'évaluation et régulation des systèmes scolaires. In: Demailly L (ed) *Evaluer les politiques éducatives. Sens, Enjeux, pratiques*. De Boeck Université, Bruxelles
- Demailly L (2003) L'évaluation de l'action éducative comme apprentissage et négociation. *Revue Française de Pédagogie* 142:115–130
- Draelants H, Dupriez V, Maroy C (2003) *Le système scolaire en Communauté Française*. Centre de Recherche et d'Information Socio-Politique-CRISP, Bruxelles
- Duran P (1999) *Penser l'action publique*. Librairie générale de droit et de jurisprudence (LGDJ), Paris
- Gather Thurler M (2001) Au-delà de l'innovation et de l'évaluation, instaurer un processus de pilotage négocié. In: Demailly L(ed) *Evaluer les politiques éducatives. Sens, Enjeux, pratiques*. De Boeck Université, Bruxelles
- Green A (1990) *Education and State Formation. The Rise of Education Systems in England, France and the USA*. Macmillan, Houndmills

- Halpin D, Troyna B (1995) The politics of education policy borrowing. *Comparative Education* 31:303–310
- Jobert B (1992) Représentations sociales, controverses et débats dans la conduite des politiques publiques. *Revue Française des Sciences Politiques* 42:219–253
- Lauder H et al. (1999) *Trading in Futures. Why Markets in Education Don't Work*. Open University Press, Buckingham
- Levin B (1998) An epidemic of education policy: (what) can we learn from each other? *Comparative Education* 34:131–141
- Maroy C (2002) Quelle autonomie professionnelle des enseignants? *Revue Internationale d'Éducation Sèvres* 30:41–50
- Maroy C (2004) Regulation and inequalities in European education systems, Final report, Reguleduc Network Research Project, Commission Européenne, 5ème PCRD. Improving socio-economic knowledge base (téléchargeable sur <http://www.girsef.ucl.ac.be>)
- Maroy C (2006) *Ecole, régulation et marché: Une analyse de six espaces scolaires locaux en Europe*. Coll. Education et sociétés, Presses Universitaires de France, Paris
- Meyer JW, Boli J, Thomas GM, Ramirez FO (1997) World society and the nation-state. *American Journal of Sociology* 103(1):144–181
- Moore R, Hickox M (1994) Vocationalism and educational change. *The Curriculum Journal* 5:281–293
- Neave G (1988) On the cultivation of quality, efficiency and enterprise: an overview of recent trends in higher education in Western Europe, 1986–1988. *European Journal of Education* 23:7–23
- Thélo C (1993) *L'évaluation du système éducatif*. Nathan, Paris
- Théret B (1998) La régulation politique: le point de vue d'un économiste. In: Commaille J, Jobert B, *Les métamorphoses de la régulation politique*. Librairie Générale de Droit et de Jurisprudence, Paris, pp 83–118
- Thrupp M, Ball SJ, Vincent C, Marqués Cardoso C, Neath S, Reay D (2004) Additive and Hyper-regulation of Schooling in England: the case of Wyeham. *Recherches Sociologiques* xxxv(2):65–82
- Tomlinson S (2001) *Education in a Post-welfare Society*. Open University Press, Buckingham
- van Zanten A (2002) Educational change and new cleavages between headteachers, teachers and parents: global, national, and local perspectives on the French case. *Journal of Education Policy* 17(3):289–304
- Weber M (1995) *Economie et société* (tome 1). Presses pocket coll. Paris. Agora (1ère édition 1922)
- Whitty G, Edwards T (1998) School choice policies in England and the United States: an exploration of their origins and significance. *Comparative Education* 34:221–227
- Whitty G, Power S, Halpin D (1998) *Devolution & Choice in Education. The School, the State and the Market*. Open University Press, Buckingham