ABSTRACT

Title of dissertation: WORLD TRADE AND HIGHER EDUCATION: THE
                          UNITED STATES' EXPERIENCE WITH
                          DEVELOPMENT OF TRADE POLICY IN HIGHER
                          EDUCATION UNDER THE GENERAL AGREEMENT
                          ON TRADE IN SERVICES

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    This case study examined the United States' experience from April 1999 through

January 2007 in development of its trade policy regarding inclusion of higher education

in the World Trade Organization's (WTO) General Agreement on Trade in Services

(GATS). It examined how the key actors sought to influence the manner in which

technical ambiguities, ideological differences and other points of contest were resolved.

This study also examined how the actors' ability to influence these issues was

conditioned by features of the decision making arenas and the broader sociocultural

context. It utilized a combined political systems/power-influence model developed by

Mazzoni (1991) to categorize the variables and to account for the findings. Data sources

included publicly available information and interviews with individuals familiar with the

case (e.g., WTO officials, U.S. trade representatives, and nongovernmental organization

officials). The study also outlined possibilities for future research in this ongoing policy

making process.

    Findings underscored the importance of the domestic arena even with regard to

agreements at the supranational level The study identified four key players in the process,

all of which were U.S.-based organizations. The WTO, although responsible for setting the overall rules of the game, was a *hidden* or background player in this issue. In addition, agricultural interests were important hidden players; their actions were not designed to influence U.S. higher education trade policy but, nevertheless, their ability to halt trade talks twice put the policy in jeopardy.

The study also found that players' motivations and actions were tied closely to their stated organizational missions and affected when the players became involved in trying to influence the development of higher education trade policy. Professional expertise and direct channels to the Office of the U.S. Trade Representatives were important resources, facilitating access to the actor with the authority for developing U.S. higher education trade policy. Moreover, the study's findings underscored the subtle manner in which some issues are resolved: The use of voice through printed materials and face-to-face meetings, exercised in a collaborative rather than a confrontational manner, was an effective influence strategy for the players who were skeptical of GATS' inclusion of higher education.

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TRADE POLICY IN HIGHER EDUCATION UNDER THE
GENERAL AGREEMENT ON TRADE IN SERVICES

by

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Dissertation submitted to the Faculty of the Graduate School of the
University of Maryland, College Park in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
2007

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LIST OF ABBREVIATIONS

ACE .... American Council on Education
ASPA .... Association of Specialized and Professional Accreditors
AUCC ....Association of Universities and Colleges of Canada
CPC ....Central Product Classification
CHEA.. Council on Higher Education Accreditation
CQAIE .... Center for Quality Assurance in International Education
COPA...Council on Postsecondary Accreditation
EUA ....European University Association
GATE...Global Alliance for Transnational Education
GATS...General Agreement on Trade in Services
GATT...General Agreement on Tariffs and Trade
HEA ....Higher Education Act
IAU .... International Association of Universities
ITAC ....Industry Trade Advisory Committee
MFN...Most Favored Nation
NCITE...National Committee for International Trade in Education
OECD... Organisation for Economic Co-operation and Development
TPA.. Trade Promotion Authority
TPRG .... Trade Policy Review Group
TPSC...Trade Policy Staff Committee
UNESCO ....United Nations Educational, Scientific and Cultural Organization
USDE.. United States Department of Education
USTR.. Office of the United States Trade Representative
WTO ....World Trade Organization

Chapter 1

Introduction

The purpose of the proposed study is to examine, from a political systems/power-influence perspective, the United States' experience from April 1999 through January 2007 in development of trade policy regarding inclusion of higher education in the World Trade Organization's (WTO) General Agreement on Trade in Services (GATS). Introduced in 1995, GATS is designed to eliminate barriers to and promote trade in services worldwide. A services classification system generally used by WTO members to structure their GATS *commitments* (an agreement-specific term that will be discussed later in this chapter) contains 12 sectors of services, which in turn contain about 160 subsectors in total (World Trade Organization, 2005b). Higher education is one of the subsectors of services included in the classification scheme and in the education sector.

Very little specific language exists in the GATS framework (the general principles and rules) delineating what aspects of higher education must be liberalized for trade purposes. The principles and rules include certain critical terms, known as *unconditional obligations*, to which all members must adhere, but they do not provide much information beyond basic definitions for each term. The rules document also includes sections that could be interpreted many different ways depending on the parties making the interpretation as well as on the circumstances that exist at the time of that interpretation (Knight, 2003). In short, the document is technically ambiguous. In the context of this ambiguity, each of the WTO members is charged with developing its own set of conditions regarding trade in higher education as well as in all other subsectors.

The worldwide higher education community, broadly defined, has not been of one

mind over what aspects of higher education should be included in the trade schedules that

result from the U.S. efforts in the negotiations. Indeed, many stakeholders do not believe

that higher education should be included at all, that it is a public good and not a

commodity to be traded. Other stakeholders, however, view the situation differently.

They maintain that trade in higher education already exists and, as such, the reality of this

trade and the need to ensure that no trade barriers exist should be addressed via global

agreement. The basic disagreement over whether higher education should be treated as a

tradable commodity at all is compounded by concerns over the GATS framework's

ambiguity and by questions over the definition of certain key terms and the ultimate

implementation of the agreement. What might the effect of GATS be in practice on other

core values such as academic freedom and institutional autonomy? These differing

opinions and concerns highlight the clash between long-held core values and current

realities. Thus is the stage set for conflict between proponents and skeptics of higher

education's inclusion in GATS. This study will examine how this conflict has thus far

been manifested and resolved in the context of the U.S. development of policy. As the

study will reveal, scenes of mass demonstrations and loud protests were not a feature of

this global trade clash. Rather, attempts to influence policy were handled through calmer,

although not necessarily less contentious, means.

An Overview of the WTO and GATS

In order to provide a context for the information that will be presented in this study,

this section will present an overview of the World Trade Organization and the trade

agreement that is the focus of this research. It includes information on the important

terms that are critical to the development and ongoing administration of the agreement as well as an overview of some of the issues that have been raised with regard to trade in services in general and higher education in particular. These issues as they present themselves in the context of the U.S. experience with development of its higher education trade policy will be discussed in greater detail in chapter 4.

The World Trade Organization

Headquartered in Geneva, Switzerland, the World Trade Organization (WTO) is the successor organization to the General Agreement on Tariffs and Trade. Established on January 1, 1995, the WTO governs three agreements: the General Agreement on Tariffs and Trade (GATT), the General Agreement on Trade in Services (GATS), and the Trade-Related Aspects of Intellectual Property Rights (TRIPS). In addition to administering these agreements, the WTO serves as a forum for trade negotiations, handles trade disputes, monitors national trade policies, provides technical assistance and training to developing countries, and cooperates with other international organizations.

The WTO's governing body is known as the Ministerial Conference, a group comprised of all 150 member states (World Trade Organization, 2006). This body meets roughly once every two years in various locations worldwide; its stated approach to decision making is by consensus as opposed to by vote. The ministry for United States trade matters is the Office of the United States Trade Representative (USTR). The USTR is part of the Executive Office of the President, and the U.S. Trade Representative is a cabinet member who serves as the President's principal trade advisor, negotiator and spokesperson on trade issues (Office of the United States Trade Representative, 2006a). A permanent staff in Geneva (or mission), led by the U.S. Ambassador to the WTO (the

Trade Representative's deputy in charge of WTO matters), represents U.S. interests in the WTO.

In between the ministerial meetings, the WTO's day-to-day business is conducted by the General Council, composed of representatives of all the WTO member nations. It is chaired by an individual selected from among all of the trade missions in Geneva; the chair normally alternates between developed and developing nations. The General Council serves in two other capacities: as the WTO Dispute Settlement Body and as the WTO Trade Policy Review Body. Each of these groups has its own chair as well as its own purpose and functions (Jawara & Kwa, 2004).

Assisting the General Council in its work are the approximately 600 staff members of the WTO Secretariat (World Trade Organization, 2006). It provides administrative and technical support for WTO delegate bodies in negotiations and implementation of agreements, technical support for developing countries, analysis of trade performance and trade policy, information about the WTO to the general public, and legal assistance in the resolution of trade disputes involving the interpretation of trade rules and precedents. The Secretariat has not been granted any decision making authority with regard to the trade agreements and issues, although in its day-to-day work in providing consultation, technical assistance, information and analysis, and legal assistance, the Secretariat can indirectly influence any decision making on trade matters.

The WTO has the authority to impose sanctions on its members for violations of its trade agreements. This authority gives the WTO a great deal of power over the actions of its members, a power that does not exist in many other intergovernmental organizations.

General Agreement on Trade in Services

As mentioned previously in this chapter, the General Agreement on Trade in Services (GATS) is the first multilateral, legally enforceable agreement covering trade and investment in services as opposed to goods. It covers about 160 subcategories of services, based upon the United Nations Provisional Central Product Classification.

GATS consists of three parts: a framework, which contains the agreement's general principles and rules; the national schedules, which list each member country's specific commitments (i.e., the areas to which a country has agreed to provide access and to what extent); and annexes, which detail limitations for each trade sector. Negotiations on the agreement are conducted in rounds, under the principle of *progressive liberalization*, i.e., the understanding that with each successive round of negotiations, further liberalization of trade in service will occur. Ideally, countries will gradually increase the number and level of commitments in service areas and negotiate further removal to limitations to trade. The eventual goal is the complete removal of barriers to trade in service areas.

In order to fully understand GATS, one should understand some terms critical to the agreement's aims and functions:

Under the *most favored nation* (MFN) principle, imports from all countries will be treated in the same manner; services from one country will not be given preference over those from another. MFN is considered to be an *unconditional* obligation; in other words, this treatment holds whether or not a member has made a specific commitment in a particular sector.

Market access pertains to the extent a member will permit another member the right to enter its market. According to the GATS, "each member shall accord services and

service suppliers of any other member treatment no less favourable [sic] than that provided for under the terms, limitations and conditions agreed and specified in its Schedule" (World Trade Organization, 2005b, p. 71). It is a *conditional* obligation, i.e., one to which terms and qualifications may be attached.

National treatment holds that services of foreign origin will be treated the same as those provided by domestic suppliers, as long as a country has made a commitment in that particular sector. Like market access, it is a conditional obligation.

Services provided by the government are exempt from inclusion in GATS; this feature is known as *exercise of government authority*. GATS Article I:3c specifies that, in order to be considered as governmental, a service is provided on a "non-commercial basis" and is "not in competition with one or more service suppliers" (World Trade Organization, 2005b, p. 60). Despite the definitions provided in the agreement, the government authority principle remains contested and controversial because of ongoing disagreements and confusion over the meaning of the terms *non-commercial* and *not in competition*, as well as what they might mean when implemented. The confusion over government authority is especially pertinent to higher education because of the public nature of education, the existence in many countries (certainly in the U.S.) of private-sector higher education, and, in the U.S., a blending of public and private higher education providers, the majority of which receive public funding in some form from either the federal or state governments.

According to GATS, trade in services occurs through four channels, or *modes of delivery*. Mode 1, *cross-border supply*, deals with services that cross international borders to reach consumers (e.g., distance education programs offered by U.S. providers to

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students located in different countries). Mode 2, *consumption abroad*, concerns the movement of consumers to the country of the supplier (e.g., a student from Asia coming to the U.S. to study at a U.S.-based institution). Mode 3, *commercial presence*, occurs when a service provider maintains physical commercial facilities in another country (e.g., a U.S.-based university with a branch campus in Switzerland). Finally, Mode 4, *presence of natural persons*, deals with the temporary movement of individuals to supply service (e.g., a visiting professor from the U.S. teaching in a university in Germany).

How are negotiations conducted? As stated previously, negotiations occur in rounds, with each round being more progressive than those before it. At the time this study was conducted, the WTO was working under what is known as the *Doha Development Agenda* round, which began following the Doha, Qatar ministerial meeting of 2001. In contrast to the negotiations for trade in goods, in which trade talks are conducted multilaterally (i.e., across all countries) and trade is liberalized across the board, GATS negotiations take place on a bilateral (country-to-country) basis. In this "bottom-up" approach, each country decides which sectors it will agree to cover under GATS rules (keeping in mind that the aim is that of progressive liberalization). In the *request* phase, any WTO member can approach any other member with a request for that member to open up a particular sector or sectors as well as modes of supply within the sector(s). Countries also can make offers to open their markets. This stage is known as the *offer* phase. Once a member has made an offer to another member to open its markets, under the most favored nation rule, that offer must be extended to all other members. In addition, a request made by a member in one sector does not need to be met by an offer by the other member in the same sector; indeed, it may be met by a request to open up

markets in another sector. For example, if Member A makes a request in the telecommunications sector, Member B may counter by requesting that Member A open up its markets in the education sector. In this manner, sector access may be offered as a "trade-off" for access in another sector, and this possibility is a matter of concern for some higher education stakeholders (Knight, 2006).

Members are not obliged to respond to either requests or offers. However, if a request/offer has been made and accepted or an alternative has been negotiated, it is known as a *commitment*. Two types of commitments exist. The first, known as a *horizontal commitment*, covers commitments made across the board for all sectors. The second, a *sector-specific* commitment, includes those covering individual sectors or subsectors. Those commitments are listed in annexes known as *schedules*, one for each WTO member. Schedules list that particular member's commitments and limitations for each mode of service. Table 1 presents the general design of the GATS schedules for individual member commitments.

Commitments are not considered to be absolutely final until the completion of the round, through the agreement of all members over all parts of the items negotiated. In other words, "nothing is agreed until everything is agreed" (World Trade Organization, 2005a, p. 96) and thus until the round is considered completed. Up to that point, any commitments that have been reached are, in theory, subject to renegotiation should

Table 1
Design of GATS Schedules

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

I. HORIZONTAL COMMITMENTS [apply to all sectors and sub-sectors]			
All sectors	**Limitations on market access**	**Limitations on national treatment**	**Additional comments**
	Mode 1 Mode 2 Mode 3 Mode 4	Mode 1 Mode 2 Mode 3 Mode 4	
II. SECTOR-SPECIFIC COMMITMENTS			
Sector or subsector	**Limitations on market access**	**Limitations on national treatment**	**Additional comments**
	Mode 1 Mode 2 Mode 3 Mode 4	Mode 1 Mode 2 Mode 3 Mode 4	

Source: Sauvè (2002); Office of the United States Trade Representative (2005)

needs dictate (for instance, as a concession made for gains in other areas). Once the particular negotiating round is completed, however, the commitment cannot be altered. It is these commitments that are listed in the GATS section of national schedules.

In summary, GATS covers some 160 subsectors of services; each subsector can be supplied through four different modes. Moreover, 150 countries are engaged in bilateral talks over these subsectors and modes of supply. From the outset, then, the development of agreement specifics can be complicated and lengthy. The "nuts and bolts" negotiations of sectors and modes can create difficulties for the WTO and its member states. In addition, the concerns of the many individuals and groups with perceived and actual stakes in the outcomes of these negotiations, but with no role in the process except as interested bystanders, can lead to a slowdown or outright suspension in trade talks. The higher education community, in various incarnations, is among those parties. Among the concerns of various higher education stakeholder groups worldwide are (1) governments' ability to set their own goals for their higher education systems will be compromised and public funding of higher education will be viewed as an unfair subsidy, (2) questions regarding the manner in which foreign providers will be regulated and licensed and in which other forms of quality assurance (such as accreditation) will be provided remain unsettled, (3) governmental regulations covering areas such as licensure and quality assurance may be seen as too harsh and thus subject to WTO dispute proceedings, and (4) student access and student and professional mobility will not be adequately handled. Another concern goes to the heart of the academic enterprise and its values: the market-oriented nature of the GATS. The agreement challenges the traditional notion of

education as a public good and views it in purely economic terms. From this perspective, higher education becomes a commodity.

Publicly available booklets and brochures published by the WTO and other proponents attempt to assuage the fears of the stakeholders that have expressed concerns. But have the printed materials' attempts to reassure been successful? The issues are many, and they are complex, touching at times upon deeply held values that are not easily eroded. Moreover, too much remains to be done in developing the GATS specifics, and no one is sure what really will happen when the agreement is fully implemented.

With so many issues unresolved or unknown, the need for further scholarship on GATS and its policy implications is clear. Knight (2002) stated the need for educators to undertake further study of GATS for numerous reasons, including (1) understanding the perceived rationale and benefits of liberalization to gain a clearer picture of what countries expect from increased import and export in education, (2) understanding better the anticipated outcomes to assist in the development of policies to help achieve or prevent them, (3) identifying the diverse perspectives on the areas to which countries have opened up their markets in light of different national policy objectives and, therefore, different goals and expectations from trade in education services, and (4) examining trade liberalization from the perspective of who does or does not benefit and at what cost. She also addressed the need for ongoing discussions and development of frameworks in related areas of higher education, such as quality assurance: "It is imperative that education specialists discuss and determine the appropriate regulating mechanisms at the national and international level and not leave these questions to the designers and arbitrators of trade agreements" (Knight, 2002, p. 18).

Knight's (2002) statements on further study of GATS and its implications speak to an examination of players, goals, motivations, and winners and losers. The lack of specificity over GATS' rules of conduct speaks to determination of process parameters: in other words, choices must be made concerning the "what's" and the "how's" of GATS. In the absence of specifics, the "what's" and "how's" might be fought out through the negotiations process as each WTO member, including the United States, requests access to other markets and makes offers as to how far it will open its own. How will the "what's" and "how's" be determined? What stakeholders will ultimately prevail in making those choices? What will those choices be? In what arenas will those choices be made? And how will the victors accomplish their aims?

As stated previously in this chapter, numerous higher education stakeholders with differing values have expressed varying viewpoints on GATS itself as well as on the specific GATS proposals and on the process. Whenever choice needs to be made in allocating values, and when those participating (in whatever fashion) are of different minds as to what choices should be made, the potential exists for a political resolution, rather than one that is made on "professional" grounds. Thus, the elements described previously can be examined through political analysis. This study, then, will attempt to identify through political frames the participants, their goals and motivations, and their resources and strategies for pursuing those goals. It will also examine in what settings and arenas those choices are made.

Because some higher education scholars believe that the application of political science theories to the study of higher education in general is sporadic and is lacking compared to that conducted on elementary and secondary education (McLendon, 2003a),

this study also will explore the utility of studying higher education through a political lens. In essence, it will take political science and organizational theories and apply them in ways that have, heretofore, been somewhat neglected. In arriving at some conclusions regarding major actors, their influence relationships, contextual forces that may shape influence attempts, and impact of these factors on policy formulation, the study also seeks to examine the extent to which political models help us to understand policy making processes in higher education.

Significance of the Study

This study extends knowledge of the policy making process in higher education in the following ways.

First, as discussed previously in this chapter, GATS, with all its substantive and technical issues, may have major implications for the higher education community, not just in the U.S. but worldwide. Who was involved with the introduction and guidance of the proposed policy as it made its way through the decision making pipeline? What was at stake for the nations or, indeed, for the individuals affected or involved? How and with what resources did proponents attempt to influence others involved in the process? And, finally, who prevailed? The issues and problems identified in the examination are important to fostering a more complete understanding of the complex process of GATS negotiations, one that is important in an increasingly globalized higher education arena.

Second, the study is illuminating from a methodological perspective. It offers a new angle on the study of higher education policy making at a macro level, not only from a national perspective but from a supranational perspective. It expands the empirical study

of higher education into new domains and begins to address the need for new examinations of international higher education.

From these aims, then, came the research questions that guided the design and conduct of the study. To that end, this study examined the substance of a particular policy making process and was guided by the following primary research questions:

1. Who were the major actors in the policy making process related to the substantial and technical aspects of the U.S. higher education trade negotiations in the context of GATS?

2. How did the actors attempt to influence the policy making process?

3. What was the outcome of the influence attempts, and what factors accounted for the outcome?

These questions, which followed logically from the framework that provided the study structure, will be discussed in more detail in chapter 3. The corollary question deals with the utility of applying the concepts and frameworks that are normally associated with political science to the study of higher education policy making: *To what extent do political models help us to understand policy making processes with regard to emerging issues in higher education at the supranational level?*

Literature Base and Conceptual Framework

The conceptual framework is that of a political systems/power-influence perspective, in particular one elaborated by Campbell and Mazzoni (1976) and further developed and articulated by Mazzoni (1991a). It assumes the existence of certain conditions that politicize policy making: conflict over the goals to be sought or the means by which those goals will be achieved, interdependence among actors, need for choice in the allocation

of resources or values, view of perceived stakes as important, and use of and dispersal of power among participants (Fischer, 1990; Mazzoni, 1991a; Pfeffer, 1981).

In developing and refining this framework, Campbell and Mazzoni drew upon the previous work of scholars such as Easton (as incorporated by Wirt & Kirst [1972]) and Allison (1971). In further conceptualization, Mazzoni cited the work of Bacharach and Lawler (1981), Baldridge (1971), Cohen and March (1974), Dahl (1984), Gamson (1968), Kingdon (1995), Lukes (1977), Morgan (1986) and Pfeffer (1981), as well as other political and organizational theorists. The framework is thus firmly grounded in theory. It combines two perspectives on decision making processes. The first, the political systems component, relates to the mechanism that has been authorized to decide conflicts over the allocation of scarce resources. The second, the power-influence component, focuses on the micro, internal decision processes that are not captured by a study of the system by itself. The combined approach has been utilized successfully in prior research on a variety of education policy making processes (see, for example, DeGive, 1995; DeGive and Olswang, 1999; Geary, 1992).

Research Design and Methods

The investigation examined seven different variables as identified in Mazzoni's framework and used a case study approach as its methodology, with its boundary the experience of the United States and its ongoing efforts to develop and present its positions to the WTO Council for Trade in Services. Five phases, which will be identified in chapter 3, served as separate decision events, under each of which the variables were examined.

Data sources included official documents, interviews with individuals familiar with the case (WTO officials, U.S. government representatives, and nongovernmental organization officials as well as other individuals or groups that were made known to the researcher during data collection), archival records (including letters, reports, official proceedings, and other materials available to the researcher), and other documents (including WTO and other organizational publications, press releases, newspaper and journal articles, and other existing studies) that contain accounts of the U.S. efforts to develop GATS in both substance and practice.

Potential interviewees for initial interviews were compiled by the researcher from names of organizations or from names of individuals appearing in articles, reports, proceedings, and other written material, as well as from referrals from informed sources. The sample of informants for additional interviews relied heavily on referral or *snowball* techniques in which the pool of potential informants expanded through the referrals of those who had already been interviewed. Formal interviews were conducted according to an interview protocol developed for use in the interviews. Data analysis occurred in tandem with collection to enable the researcher to develop follow up questions as necessary.

Efforts to control for potential bias and error were made through the following methods: *member checks*, in which all interviewees were given an opportunity to review transcripts and to add to or correct the contents; notification to interviewees of researcher intent to maintain anonymity of participants and to safeguard information; triangulation of data among multiple data sources; corroboration among interviewees; and collegial review of case analyses.

Chapter 2

Review of the Literature

This research is an exploratory study of the policy making processes that resulted in the development of the United States' proposals in higher education as part of the WTO's General Agreement on Trade in Services. It is grounded in the assumption that policy making results from a process in which individuals and groups attempt, through the use of power, to obtain preferred outcomes in situations where resource scarcity exists or where differences exist in values and how they should be allocated. To that end, the study relied on the body of work related to political systems and power and influence and the application of that work to organizations and to the study of higher education.

This chapter is divided into three main sections. The first deals with a review of the theoretical literature on political perspectives, beginning with a discussion of the term *politics* and its application to the study of organizations. Using Lasswell's (1936) classic definition of politics, section one outlines elements of political frameworks as might be seen according to Lasswell's definition and discusses the theoretical literature within that context. The section continues with an analysis of strengths and weaknesses of political models and concludes with a discussion of the relevance of theoretical scholarship to the proposed study.

The second section contains a review of empirical research that has been conducted in the area of higher education through the use of political models. The body of research on GATS and higher education is clearly growing, as scholars turn increasing attention to the topic. However, because GATS has only been in existence for about a decade and discussions on higher education in the GATS context have only been conducted for about

half that time, and perhaps because higher education stakeholders are still struggling to understand GATS and higher education's place within that treaty, scholarship in this area appears to consist primarily of description, analysis, and opinion. In order to tie this study into the larger body of scholarly work on higher education policy and political lenses, therefore, section two presents a survey of the empirical literature related to higher education and political study. While not exhaustive, it presents a cross-section of the arenas in which this research has been conducted and the relation of this work to the current study.

The third section presents the conceptual framework, one developed and articulated by Mazzoni (1991a), that guided the conduct and analysis of the research. It describes the structure of this combined political systems/power-influence model (built primarily upon the groundbreaking work of Easton [1965] and Allison [1971] and incorporated by Wirt and Kirst [1972] and Campbell and Mazzoni [1976]). This comprehensive, open-ended framework draws upon previous study by political and organizational theorists and is firmly grounded in theory. It is particularly well suited for use in relatively unexplored research areas. By generating thick descriptions of the decision making processes, the framework can be used to unlock the influence dynamics occurring in such processes and ultimately can generate new hypotheses regarding critical influence relationships. The chapter concludes with a short summary of the relevant research and the conceptual framework and the implications for this study.

Studying Organizations through a Political Perspective:
A Review of the Theoretical Literature

A rich body of literature seeks to capture the mechanics of political processes in organizations, whether one is interested in examining the *macro* level which deals with

political decision making models in their entirety or the *micro* level which focuses on the pieces of the models. This section discusses the examination of organizations from a political perspective, as well as the strengths and weaknesses of political frameworks. Before beginning to discuss the models themselves, however, one must be acquainted with alternative definitions of political processes: definitions that help dispel the typical negative connotations associated with the term *politics* and instead offer other ways of envisioning how such processes manifest themselves.

Prologue: Politics and Its Application to the Study of Organizations

The term politics in common usage often connotes a sense of partisanship, of wheeling and dealing, of "dirty" or dishonest actions behind the closed doors of a Congressional office: politics in a pejorative sense. Whether accurate or not, politics as an underhanded process is the singular definition many observers assign to the term. Hardy (1987) described some of the beliefs surrounding politics and political perspectives in organizations:

> Organization behaviorists have tended to explain behavior in ways other than political…one explanation is the negative connotations associated with these terms (see, for example, McClelland 1974). The application of "power" and "politics" seems slightly unethical (Pfeffer 1981). They are often felt to be used to further individual goals at the expense of the organization. A hint of corruption and malpractice is associated with the use of political strategies and, as a result, they are not deemed appropriate methods with which to manage and change organizations. (p. 96)

Scholars of politics, however, view politics as a phenomenon as opposed to a "pathology" (Hardy, 1987, p. 97) and recognize the existence of multiple definitions. The

more inclusive definitions move beyond the concept of politics as partisan figures,

"smoke and mirrors," and governmental institutions and broaden that concept to include

other dimensions (Mazzoni, 1991a). One of the most frequently cited definitions is

Lasswell's (1936) description of politics and political life as the study of "who gets what,

when, [and] how." Easton's (1965, p. 56) definition of politics as the "authoritative

allocation of values" also departed from popular negative perceptions of politics to a

more neutral definition.

Lasswell (1936), and especially Easton (1965), applied their broad definitions in

conventional form to the study of the inner workings of systems developed to go about

the business of governing a locality, state or country. Over the years, however, theorists

concerned with organizational development and the study of organizational decision

making processes have realized the applicability of Lasswell's and Easton's definitions to

the processes inherent in making policy in nongovernmental organizations. The result has

been the refinement of the definition of politics as it applies to organizations in general.

For instance, Pfeffer (1981, p. 7) defined organizational politics as the activity

undertaken by individuals and groups "within organizations to acquire, develop, and use

power and other resources to obtain one's preferred outcomes in a situation in which

there is uncertainty or dissensus about choice." Bolman and Deal (1997) described

organizational politics in similar fashion: as the allocation of scarce resources by actors

with enduring differences.

Numerous scholars (e.g., Fischer, 1990; Hardy, 1987; Malen & Knapp, 1997) have

noted the applicability of political behavior perspectives to the study of organizations in

general. That recognition has led to the adaptation of political models to the study of

organizational behavior and to the development of organizational decision making models. These models incorporate the perspectives of political science and enable scholars to view organizations in much the same fashion that political scientists view governments: as formal systems that authoritatively allocate values that are generally accepted as legitimate (Easton, cited in Wirt & Kirst, 1972).

Whether developed by political scientists or by organizational theorists, the approaches to the study of organizations as political entities are numerous. Frequently, these approaches (with slight variations) are grouped into two categories: (1) those dealing with the system as the unit of analysis and (2) those dealing with participants as the unit of analysis. Campbell and Mazzoni (1976) classified these approaches as either *political systems*, in which policy making is an "interactive process through which inputs (including demands for change) are converted into outputs (including authoritative decisions)" (p. 5), or *allocative theory*, in which "influence is the dynamic in the pattern of actor relationships by which functions are performed, conflicts are overcome, and decisions are reached" (p. 8). Kanter (1972, p. 78) used different terms for classification but followed a similar system/participant delineation: The *systemic* approach "considers the system as a whole, the relation of system parts to one another, and how the overall system maintains itself or disintegrates over time and regulates conflict," and the *behavioral* approach "considers the interaction and exchanges among political actors as they struggle for power and influence. It deals with the intended effects of actors on the decisions of other actors."

Geary (1992), in discussing political decision making models in her study of the fiscal policy making process in Utah, followed a similar approach to those outlined previously

but noted the existence of formal and informal groupings. She classified frameworks as either *institution-authority* models, which take as their emphasis the formal structures and processes of governmental units and the legitimate activities of formal actors in those units, or *actor-influence* models, which focus on groups outside the formal structure and the ways they exert influence.

Elements of Political Frameworks

What are the basic elements of political frameworks? Lasswell's (1936) basic definition provides a general clue to the components of political models. In addition, other scholars, in developing their various definitions, have built upon Lasswell's basic elements while illuminating other aspects of organizational politics. All together, these scholars have provided evidence of the explicit and implicit elements of a political decision making model. Still other scholars specifically described the elements of political models. In his seminal work *Essence of Decision,* Allison (1971, p. 175) noted that political models view organizations as pluralistic and comprised of individual players and that action results from "games among players who perceive quite different faces of an issue and who differ markedly in the actions they prefer." Morgan (1986), moreover, noted that organizational politics can be analyzed in a systematic way by focusing on relations between interests, conflicts, and power.

From definitions of organizational politics and a review of political decision making models, key elements of the political approach to the study of decision making emerge. They include the following descriptive categories: *actors, interests and goals, resources*, *motivations*, *strategies*, *settings*, and *interactions*. In the following discussion, the categories will be presented under the rubric of Lasswell's definition of politics and also

will serve as a structure for reviewing theoretical literature related to the study of organizations through a political perspective. The categories will appear again in this chapter in the discussion of the framework used specifically for the phenomenon that was examined in this study.

The elements of political decision making frameworks incorporate two concepts that are integral to the understanding and the use of these models. According to Pfeffer (1981), it is the combination of conflict and decentralized power that leads to political activity. Because the work of Pfeffer and other scholars illuminates just how important conflict and power (and power's corollary, influence) are to political decision making models, these two concepts will be included as separate sections in the following discussion.

Lasswell's "Who:" Actors

The definitions of politics described previously underscore the importance of *actors* or players in organizational decision making. As such, an organization is seen not as a monolith but as a collection of parts, with views and interests that may or may not be consistent with that of the organization as a whole. Various terms have been used to classify players according to the roles they perform in the political process.

Allison (1971) defined players as "men [sic] in jobs" (p. 164) and placed them into four categories according to formal position: *Chiefs* (players in the highest leadership roles, such as the President of the United States), *Indians* (players in lower-level leadership positions, such as permanent governmental officials), *Staffers* (the immediate staff of each Chief), and *Ad Hoc Players* (others with a potential role to play, such as members of the press or spokespersons for interest groups). According to Allison, the

formal position, when coupled with the formal *rules of the game*, affects each category's patterns of influence.

Gamson (1968) described players in terms of potential influence (a term to be discussed later in this chapter). *Partisans*, those affected by decisions and actions, are the agents of influence; *authorities*, the system agents who make those decisions, are the targets of that influence. Gamson classified their relationship as one of social control. The authorities, acting in their capacity as system agents, are agents of control. The targets of that control, the partisans, nevertheless possess the potential to disrupt the system's orderly function.

Kingdon (1995), in his groundbreaking work on policy making, introduced the concepts of *visible* and *hidden* participants, both of whom play different roles in the identification of agenda items and choice of solutions. Visible participants tend to affect the setting of agendas and to bring issues to the forefront. Hidden participants, on the other hand, tend to affect the shaping of various alternatives and to enunciate, revise, and disseminate solutions. Kingdon noted that some actors might move between categories to try to shape both issues and solutions. In addition, Kingdon identified a player he termed a *policy entrepreneur*, one who attaches solutions to problems and then couples both with favorable political forces to move favored items to the center of an agenda.

Collections of persons also have been identified as players. Actors need not be individual persons but may, indeed, be a gathering of persons into interest groups that share common interests and goals but also with multiple, overlapping group memberships (Gamson, 1968; Truman, 1951); these groups may form in response to barriers imposed by organizational structures (Fischer, 1990). Truman (1951, p. 502) noted the

multiplication of interest groups within the American political system due to "the increased complexity of techniques for dealing with the environment, in the specializations that these involve, and in associated disturbances of the manifold expectations that guide individual behavior in a complex and interdependent society." Sometimes interest groups bind together into coalitions. In their discussion of the political frame, Bolman and Deal (1997) defined organizations as collections of coalitions that, according to Morgan (1986), arise when groups of individuals get together to cooperate on specific issues, events, or decisions, or to advance specific values and ideologies.

Lasswell's "What:" Interests and Goals

The discussion in the previous paragraph provides a link between the "who" of political models (actors) to the "what:" the *interests* that various players have in the decision making process and the *goals* that they hope to achieve. The political model recognizes that within an organization as a whole, a diversity of motives and interests exists (Fischer, 1990; Pfeffer, 1981). In fact, the political perspective assumes from the start that organizations encompass many different preferences that can result from basic value differences (Fischer, 1990) and that decisions are made on the basis of the preferences of actors within the organization, preferences that are consistent within actors across decision issues (Pfeffer, 1981).

Organizational goals may be difficult to determine precisely because of actor preferences. According to Schmidtlein (1999, pp. 579-580), "[t]he institution *per se* does not have goals. What decision makers seek is a balancing of multiple interests to achieve a distribution of resources that maintains all essential members' participation…

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participants will state their interests in ways that enhance their bargaining positions and maintain their flexibility to accommodate new intelligence on various parties' positions and power relationships. These circumstances no doubt account for the general, nonspecific nature of most institutional mission statements. Such statements must maintain support of important constituencies with divergent interests."

Morgan (1986) stated that political models "encourage us to see organizations as loose networks of people with divergent interests who gather together for the sake of expediency" (p. 154). His work paid particular attention to the definition and discussion of interests, which he defined as a "complex set of predispositions embracing goals, values, desires, expectations, and other orientations and inclinations that lead a person to act in one direction rather than another" (p. 149). He classified interests into three categories: *task*, those connected with work being performed; *career*, those independent of job but connected with future work aspirations; and *extramural*, those outside work.

Allison (1971) described two other terms related to interests and goals: *stakes* (individual interest as defined by a particular issue) and *stands* (a particular viewpoint resulting from the stakes). He discussed the importance of actor role in determining those interests. According to Allison, "where you stand depends upon where you sit" (p. 176). In other words, priorities and perceptions are shaped by the demands placed upon an actor by his or her position. "The essence of any responsible official's task," Allison stated, "is to persuade other players that his [sic] version of what needs to be done is what their own appraisal of their own responsibilities require them to do in their own interests" (p. 177). Moreover, perception can, in turn, shape interests and goals. In other words,

"the face of the issue differs from seat to seat" (p. 178): What actors see, and thus, presumably, the stands and stakes they develop, are dependent also on their roles.

Lasswell's "When," Part 1: Motivation

Much of the determination as to when an issue becomes political rests on *motivation,* a will to act. Such will is critical in determining whether an actor becomes involved in a policy making situation. In fact, according to Dahl (1984), variations in the extent to which individuals will use their resources for political purposes are traceable to differences in motivation. The will to act, however, is often absent. In his various works on college and university governance structures, Baldridge (1971, 1983) noted that in a political model, "inactivity prevails…[f]or most people most of the time, the policymaking process is an uninteresting, unrewarding activity, so they allow administrators to run the show" (1983, p. 51). Moreover, Baldridge stated that the characteristic of inactivity is a feature of general political processes, not just those in postsecondary institutions.

When are players motivated to act? Pfeffer (1981) and Gamson (1968) identified key elements in creating motivation to engage in policy making activities. Pfeffer (1981) spoke of motivation as an important factor in wielding power: a bridge between conflict and actual political activity. In order for conflict to lead to that activity, a decision being made needs to be critical to an actor in order to prompt that actor to engage in political activity, to provide the will to act. In fact, Pfeffer identified certain strategies to make decision making less political, one of which was labeling critical decisions as unimportant in order to avoid the involvement and concern of potential participants.

Gamson (1968) described motivation in terms of an assessment of the cost of influence. Like Pfeffer, Gamson noted that despite the ability to use resources, an actor may care little about the outcome of an issue at hand; hence, involvement will not occur, and the issue of cost is moot in such an instance. In cases in which an actor has some preference on an issue, however, carrying out influence involves making commitments that affect an actor's future store of resources. Therefore, an actor will determine what that influence will cost, not just in terms of tangible profit and loss in physical resources, but also in terms of present or future opportunities (including ease of use of resources) and in changes in the relationship between the actor and his/her target. Gamson also implied that perceived benefits enter into that decision as well: The determination that the transactional costs are greater than the potential gains from an outcome may cause an actor to refrain from participation.

Lasswell's "When, Part 2: Setting

Numerous structural and contextual factors create opportunities and act as constraints on what actors will be able accomplish as well as how they can accomplish whatever they seek to do in a political contest. Various organizational/political theorists (with slightly varying terminology and emphases) have acknowledged these *setting* factors as important aspects of a political process.

Allison (1971) described the political decision making process in terms of a game. The rules of that game and how those rules are structured will define who is able to play the game at all. It is those players in formal positions that link to *action-channels* ("a regularized means of taking…action on a specific kind of issue" [p. 169]) whose actions and stands are important. The rules also determine how the game will be played: what

range of decisions and actions are acceptable as well as what moves are acceptable and what moves are inappropriate. In subsequent work, Bolman and Deal (1997), in a different slant on the game analogy, discussed organizations as arenas that house contests. Those arenas help determine not just the game rules and who will be on the field but what game actually will be played and what interests will be pursued.

The work of Gamson (1968) and Mazzoni (1991b) also underscored the importance of arena. Because resources for one set of authorities may not be valid for another set, Gamson suggested, "the crucial aspect of the scope of influence is not the content of the decision but the arenas or sites in which resources are relevant" (p. 82). Mazzoni noted their importance by describing what can happen when issues shift into new arenas. "Moving an issue to a new arena," argued Mazzoni, "can change the key actors, relevant resources, incentives for action, influence relationships, and governing rules—and hence winners and losers—in policy struggles. Thus, establishing the arena for action is a fundamental political strategy…" (p. 116).

Other aspects of the political process can serve to set the stage. In his work on the importance of agenda setting, Kingdon (1995) described three separate *streams of processes* in the agenda process: problem recognition, which can be triggered by particular events or personal experiences; proposal formulation, in which free-floating ideas encounter one another and recombine; and the political stream, which is composed of electoral, partisan, or interest group factors. According to Kingdon, the joining of those streams can facilitate certain decisions and constrain others, in essence providing a structure for a particular decision making event. When changes in the problem recognition or political streams occur, a *policy window* may open and present

opportunities for policy entrepreneurs to put forth the issues they are advocating by moving them from the margins to the center of the agenda.

Lasswell's "When," Part 3: Conflict

Without *conflict*, organizational politics essentially would not exist. In Pfeffer's (1981) discussion of political activity in organizations, he listed three ingredients, actor interdependence, heterogeneous goals, and resource scarcity, that when combined will produce conflict. In his flowchart for political activity, conflict precedes political activity; thus, Pfeffer implied that political activity cannot occur without a conflict situation arising first. Fischer (1990, p. 279) was more explicit in identifying the link between conflict and politics: He stated that organizational politics is "a *response to conflicts* over…competing interpretations" (emphasis added). Dahl (1984) also identified conflict as an important aspect of a political system. Indeed, an examination of political models (as discussed previously) demonstrates how political systems are established to regulate conflict (Campbell and Mazzoni, 1976; Gamson, 1968; Hardy, 1987; Kanter, 1972) as well as how individuals manage the strategy and tactics of conflict (Bolman and Deal, 1997).

Morgan (1986, p. 155) noted that "conflict arises wherever interests collide." According to Morgan, conflict may be overt or covert, may arise from resource scarcity, and may be found in organizational belief structures. In fact, opined Morgan, "[m]any organizational conflicts often become institutionalized in the shape of attitudes, stereotypes, values, beliefs, rituals, and other aspects of organizational culture" (p. 158). For that reason, "[o]ne does not have to be consciously cunning or deviously political to

end up playing organizational politics. For political behavior is a fairly natural response to the tensions created between individuals and their organizations" (p. 156).

Similarly, Bolman and Deal (1997) suggested that conflict is natural and inevitable whenever resources are in short supply. They noted that conflict is particularly likely to occur at the boundaries between groups and units and identified three types of conflict in organizations: horizontal, between units; vertical, between levels; and cultural, between groups with different values, traditions, beliefs, and lifestyles. They also stressed, however, that conflict is not necessarily a sign of a dysfunctional organization; in fact, conflict can be desirable. Bolman and Deal quoted Heffron (1989) to that effect: "Conflict challenges the status quo and stimulates interest and curiosity. It is the root of personal and social change, creativity, and innovation" (p. 172).

Lasswell's "How," Part 1: Power/Influence

The previous sections have outlined important variables in describing political situations and in what manner they might come about, but they only set the stage. It is in the remaining elements of political analysis that the story is told. They provide the explanation as to how all these factors combine to tell the tale; that is, how the participants that ultimately prevail in a political situation are able to do so.

Power, and its study as related to political analysis, has commanded vast portions of the theoretical discourse, and with good reason. Scholars have stressed the importance of power and influence (a related concept) in the decision making process. Thus, the inclusion of the power concept is critical to the study of decision making as a political process. Indeed, many political theorists placed power at the center of politics: as its fundamental commodity (Fischer, 1990) or as the "medium through which conflicts of

interest are ultimately resolved" (Morgan, 1986, p. 158). Other scholars contended that "the study of politics is essentially the study of power" (Cobb & Elder, 1983, p. 22).

But power is a highly contested term as well, a complex yet oversimplified concept (Dahl, 1984) that seems to defy absolute definition. Political scientists have not reached consensus on defining it, on measuring it, or on identifying its essence (Mazzoni, 1991a). Scholars disagreed on whether power is held by the many (Dahl, 1957, 1961) or the few (Bachrach & Baratz, 1962; Lasswell, 1936; Lukes, 1974; Mills, 1956). Some theorists defined power as a resource (Bolman & Deal, 1997), others as a relation (e.g., Cobb & Elder, 1983; Dahl ,1957, 1984; Pfeffer, 1981). According to Pfeffer (1981, pp. 2-3), "most definitions of power include an element indicating that power is the capability of one social actor to overcome resistance in achieving a desired objective or result." A classic example of such capability was proffered by Dahl (1957, p. 202): "A has power over B to the extent that A can get B to do something that B would not otherwise do." However, even this definition was criticized as insufficient in light of its omission of other "faces of power" that encouraged nondecision (Bachrach & Baratz, 1962) or even led to shaping of false interests (Lukes, 1974).

Just as defining power has been troublesome, so has defining influence. As with power, no consistent definition exists. Scholars have defined it as the actual exercise of power by an actor (Campbell & Mazzoni, 1976), as a shift in the probability of an outcome (Dahl, 1957), as a term interchangeable with power (Dahl, 1984), or as an attempt by partisans to cause a desired action by authorities (Gamson, 1968).

Because of problems with definition and measurement, the literature on power and influence "is concept redundant but theory barren" (Geary, 1992, p. 55) and for that

reason has sometimes been ignored in discussions of organizational politics (Pfeffer, 1981). On the other hand, when power has been addressed in political analysis, the terms related to power and its exercise appear to be used in a manner that implies total understanding by everyone (Dahl, 1984). The one consistency in discussions of political analysis is that power (whatever it is) exists. Furthermore, despite ongoing disagreements about its "true" meaning, measurement, and essence, its inclusion (how it is acquired, how it is used) in analysis is absolutely critical to understanding political processes (although, as Pfeffer [1981] noted, power is not everything; it is not sufficient in and of itself in that understanding). Fischer (1990, p. 275) clarified the importance of studying power in defining the objective of the political approach: "[T]o uncover patterns of power in organizations and to reveal the ways in which these power relations shape the actual operations of the organization as a whole."

In summary, then, power and influence as concepts are difficult to define, measure, or capture. Scholars appear to agree on only two points: that something known as power and/or influence exists, and that they disagree, sometimes markedly, on precise definition and measurement of these terms. Definition of these terms is not always made in political analyses; it often remains, then, for scholars of political situations to make individual determinations of meaning and use. This study, however, has made explicit for purposes of its analysis how the terms are defined: *power* as potential impact and *influence* as actual impact. These definitions are consistent with the Mazzoni framework and will be discussed within the framework's context later in this chapter. The existence of the political systems component in the model used in this study also makes necessary the identification of a particular type of power, that of authority, which is defined as "the

legitimate [i.e., accepted and expected] prerogative to make decisions binding on others"
(Bolman and Deal, 1997, p. 167).

Lasswell's "How," Part 2: Resources

According to Schmidt and Kochan (1972, cited in Pfeffer, 1981), shared, scarce *resources* serve as precursors to conflict, and conflict, as discussed previously in this chapter, is a critical precursor to political activity. Resources are an indicator of the power of an actor; they are important for providing the means by which actors can use power or influence to obtain some other goal (or, put another way, as a means to an end, not an end in themselves). Resource types are numerous and need not be of the economic variety. Schmidtlein (1999) identified four categories of resources: In addition to that of economic goods and services, resources can take the form of social assets (status, legitimacy, authority, political power, association with core cultural values, and constituent trust), human skills and qualities, and information. In some cases, issues or shared goals can be assets on which actors can draw to unify and to mobilize others to participate in a political situation.

Gamson (1968) categorized resources into three groups, dependent upon their use to constrain, induce, or persuade. He further distinguished resources (i.e., ready to be used for influence without extensive deployment) from *potential* resources (i.e., those that can be used only after they have been redeployed or mobilized in some way). His equating control of resources with potential influence (rather than actual) relates to factors influencing their use: for instance, the appropriateness for a particular resource's use on a particular actor, the skill with which those resources are used, and the actor's willingness to use them in a particular instance. Thus, Gamson contended that the level of resources a

person or group possesses should not be confused with the amount of influence that could be or is exercised in any given situation.

Dahl (1961, 1984) introduced the concept of *slack resources*: those that are possessed by an individual or group but not being used in political influence in a particular situation. The amount of slack resources possessed is a function of the total amount of resources plus the degree of commitment or liquidity of those resources.

Gamson's (1968) and Dahl's (1961, 1984) work on resources illustrate some of the ways in which participant resource (power) bases can be identified and categorized. Of course, these methods do not represent an exhaustive list of typologies for uncovering the full range of resources actors have (or may have) at their disposal to exert influence. In any event, resource effectiveness is sensitive to the relevant issues, arenas, actors, and game rules (Mazzoni, 1991a). Therefore, the categorization of resources must be sensitive to the particulars of the case as well. Mindful, perhaps, of his own admonition, Mazzoni compared listings and classifications of power bases for community, organizational, and legislative influence and developed a list of ten resources with widespread utility across issues, actors, and arenas. These categories will be discussed later in this chapter in the context of Mazzoni's framework.

Lasswell's "How," Part 3: Strategies

It is through the use of *strategies* that actors bring resources to bear upon the decision making process in order to achieve their desired goals. As with resources, strategies can be numerous and can also comprise an enormous range of possibilities, from the micro (for instance, attempts to lobby individuals in a relatively closed setting, such as an elite working group) to the macro level (attempts to litigate an issue). They can involve one or

many actors. The work of Bolman and Deal (1997) placed great emphasis on strategies associated with coalition building in their discussions of political skills necessary for managers. Strategies can be quiet (an internal boycott) or loud (a group demonstration) and can provide carrots (inducements such as increased visibility) or sticks (constraints such as the threat of a lawsuit).

As with resources, too, strategies can be classified many different ways. Gamson (1968) identified strategies as "means of influence" (p. 73) based upon two dimensions: attempts to either change an authority's situation or an authority's intentions and the addition of either advantages or disadvantages. He classified the resulting influence types in a fashion similar to his classification of resources: in terms of their use to constrain, induce, or persuade.

Certain types of strategies may be obvious in political analysis (for example, the use of money, the control of information and communications, and the manipulation of symbols or language), but some very powerful strategic ploys can be ignored in analyzing political activity. One such strategy is agenda setting, the use of which actually can determine what issues will be considered. Cobb and Elder (1983) incorporated the work of Bachrach and Baratz (1962) on nondecisions and of Lindblom (1968) on disjointed incrementalism in their study of how group conflicts come to be placed on public agendas. Cobb and Elder observed that "control over or influence upon the process by which an issue comes to be placed on a governmental agenda is an important source of political power" (p. 34). Kingdon's (1995) subsequent conceptualization of policy streams, discussed earlier in the section on settings, described the manner by which policy entrepreneurs can define items for consideration.

Dahl (1961) described another powerful strategy: the tightening of the slack that was described earlier in this chapter under the discussion of resources. If an actor is able to remove some of another actor's resources (i.e., tighten the slack), he or she might significantly deter or prevent the other actor from being able to take action on a particular issue.

According to Mazzoni (1991a, p. 100), "[I]t is strategic action which converts power and will into decision advantage. Conversely, bungling strategy can fritter away or foul up the most powerful of resources and frustrate the most willful of political actors." The ability of an actor to effectively utilize his or her resources to exercise influence, then, is largely dependent on the success or failure of the strategies he or she adopts.

Lasswell's "How," Part 4: Interactions

"What is the game?" Allison (1971, p. 169) asked in his description of a political model. "How are players' stands, influence, and moves combined to yield…decisions and actions?" In so doing, Allison underscored the importance of examining the *interactions* among all elements of a political model to describe the dynamics of the decision making process.

For some scholars, group dynamics, involving bargaining, negotiation, jockeying for position (Baldridge, 1971, 1983; Bolman and Deal, 1997) and compromise (Baldridge, 1971, 1983), are critical to the examination. In fact, Bolman and Deal (1997) stated that bargaining is central to all decision making from a political perspective, and, furthermore, that negotiation is needed whenever two or more parties with some interests in common and others in conflict need to reach agreement.

For other scholars, the dynamics involve describing interactions arrayed according to phases. Kingdon's (1995) description of policy making identified four related processes, agenda setting, alternative formulation, authoritative enactment, and implementation, as well as the joining of process streams and the opening of policy windows, in which changes in streams lead to opportunities for advocates of particular problems or solutions to move those issues to the center of an agenda. Allison's (1971) description of a political game arrayed players' moves in a framework determined by rules and structure.

However they are arrayed and described, it is through interactions that the story of influence is told; it is perhaps the ultimate "how" of Lasswell's description of politics. Through a discussion of the interactions, the analyst demonstrates how participant actions and contextual forces converge to help explain organizational decisions.

Strengths and Limitations of the Political Models

The use of political models in studying organizational decision making can be a powerful tool in analyzing the complexities and dynamics of the decision making process. On the other hand, political models, like any other frameworks designed to study organizational phenomena, have their limitations. This section will discuss some of those strengths and limitations.

Strengths of the political model. The primary role and focus placed upon actors or players in political models help scholars to recognize the importance of the individual and of groups in decision making. Whether implicitly or explicitly, political models stress that organizations are collections of people with different ways of seeing the world, and for that reason, not everyone speaks with one mind. According to Morgan (1986), viewing organizations politically helps scholars of organizational functioning to find a

way of overcoming the limitations of the idea that organizations are functionally integrated systems. Moreover, political models aid in the recognition of the vast array of pressures that are put on organizations from societal groups (Easton, 1985) and of decision making as an interactive process. With a political lens, it is possible to study how the parts of an organization relate to each other and to the organization as a whole.

A second strength of political models deals with the manner in which conflict is viewed. An earlier discussion in this chapter concerned the concept of conflict and its importance as a precursor to political activity, an inevitable outcome whenever interdependent individuals with heterogeneous goals make decisions about scarce resources. But the inevitability of conflict does not make it "bad," and political models can help scholars to see conflict not only as inevitable, but also as desirable. The section on conflict quoted Heffron (1989, cited in Bolman & Deal [1997]) on the positive benefits of conflict. Bolman and Deal (1997) and Morgan (1986) also noted the importance of conflict in preventing *groupthink*, the tendency of groups to lapse into similar modes of thinking that preserve the status quo and limit fresh ways of dealing with issues under consideration.

Finally, political models can lead researchers to question concepts of rationality as they have been defined and applied to organizational decision making: in Morgan's (1986) thinking, to explode the myth of organizational rationality. Rational decision making occurs in a planned fashion with established objectives and goals, quantifiable variables, centralized decision makers and sufficient and timely information. Political models, however, provide information that can help scholars understand that pressures exerted on organizations by individuals and groups limit decision making ability (Cobb

and Elder [1983], for example, described Braybrooke and Lindblom's [1963] concept of *disjointed incrementalism*, in which issues and problems are dealt in situations of insufficient time and incomplete information). Furthermore, some models of organizational decision making have presented rational/analytical decision processes and political processes as dichotomous and basically opposite each other in terms of the thought that goes into making decisions. By extension, it is as if they imply that to act politically is "irrational." Put another way, rational processes are "good" and political processes are (as was discussed earlier in this chapter) "dirty" or "bad."

Perhaps what is needed, however, is a new definition of what it is to think rationally. Such a change in definition might be especially applicable to the study of policy making in American education. Schmidtlein (1974) identified two ideal types of decision process paradigms, the *comprehensive/prescriptive* (a rational/analytic approach) and the *incremental/remedial* (a political approach). According to Schmidtlein (1974, p. 11), "[t]he conditions set by the environment in which American education takes place and the traditional values associated with education appear more compatible with the use of the [incremental/remedial] paradigm…a focus on the willful behavior of people…is particularly ineffective since people's values and ideologies are highly resistant to change." In such an environment, a new definition of rational behavior would assume that individuals making decisions according to their own values and goals were acting in a rational manner. Morgan (1986) appears to agree with this assessment; according to him, rationality is always interest-based and political.

Limitations of the political model. One of the biggest problems with political models might be that of semantics. To many scholars, despite the efforts of those who have

developed political models and have stressed the inevitability of politics in organizational

decision making, politics is synonymous with "dirty," as introduced at the beginning of

this chapter and again in the previous section. In addition to Hardy's (1987) discussion on

concerns about the use of the term *political*, Morgan (1986) commented that writing

about issues in a political manner tends to emphasize the cynical side of politics. What

might be needed, then, is a new style of writing, one that attempts not to place value

judgment on politics in decision making but rather presents the facts in a more neutral

tone.

While perhaps being able to predict how political processes might evolve, political

models' use in predicting major decision outcomes is limited. Wirt and Kirst (1972)

described their approach to studying political systems as *heuristic*, one that is able to

analytically separate and categorize items in experience but is not so much a predictive

scheme. Of course, Wirt and Kirst's work dealt with a broader picture, seeing the system

as a whole. Smaller-scale predictions might be possible: For instance, Kingdon's (1995)

work set forth conditions under which certain developments are more or less likely and

discussed ways in which certain forces might converge to make certain events more or

less likely.

However, political models have not really shown themselves to be able to predict an

outcome of a decision making process. Although Pfeffer (1981) mentioned the use of

frameworks to make predictions as to *what* will occur, it is not clear what the meaning of

"what" is in that context and the extent to which models can be used to accurately predict

decision outcomes completely. Analysts might be able to talk about general tendencies in

what will occur, but the strength of these models is in analyzing the processes that

occurred, with an eye toward developing theory. The complexity and chaos that is part and parcel of political decision making, however, makes prediction very difficult if not impossible. Furthermore, political models, while enabling the study of how particular decisions came about, do not address the merits of a decision; i.e., how "good" it was.

Political decision making models, because of the importance of actor interdependence and dispersed power, rest largely upon an assumption of pluralism, that numerous actors have an opportunity to get involved. According to Fischer (1990), however, pluralism fails to incorporate the hidden institutional factors, often latent and subjective, that have pre-shaped interest group behavior. Disagreement on the concept of pluralism (e.g., Bacharach & Baratz, 1962; Lukes, 1974) throws doubt on the viability of some models. So, too, does disagreement on the concept of power. For all its importance, power defies easy definition and measurement. The inability to definitively define and measure power might lead scholars and critics of political models to question the rigor of the model if such an important concept is so difficult to demonstrate.

Morgan (1986) identified other problems with the use of political models. He noted that it is almost always possible to see signs of political activity, and that one can look for hidden agendas everywhere even where none exist; such views can lead to a Machiavellian interpretation that suggests that everyone is trying to outwit and/or outmaneuver everyone else. Then, too, the factors that are necessary for political activity to occur might not be present; an issue may not be seen as important, or perhaps there is more agreement on an issue than the analyst is willing to admit. When expecting everything to be political, the analyst can always interpret it that way. Morgan (1986) also noted that political models may overstate the power and importance of the individual

and underplay the system dynamics that determine what becomes political and how politics occurs. What structural forces might have shaped the nature of issues?

Finally, a political model is only one way of seeing an organization. Allison (1971) and Hardy (1987) stressed the importance of viewing an organization through more than one lens. It is important for an analyst to recognize that political models, as well as any other framework that might be applied to describe organizational behavior, must be recognized for what they are: one method among many.

Theoretical Literature: Relevance to This Study

The preceding discussions underline the rich body of scholarly work on political processes and in particular on the nuances of the processes, e.g., in the multiple ways in which decision making may be observed and described. In addition to providing evidence underpinning the framework used in the study (discussed later in this chapter), the literature has particular application to this study in providing the researcher with tools that enable thick description of processes in a relatively unexplored area of study and also provide ways to classify and define concepts and terms important to the design and conduct of the research.

A rich method to describe political phenomena. Wirt and Kirst's (1972) description of the scheme they developed (as a heuristic model) is one that can be applied to the collective theoretical literature on political processes and its broader application to different types of organizations. The literature offers various ways of defining politics, from Lasswell's (1936) simple "who gets what, when, how" to the more complex definitions offered by scholars such as Pfeffer (1981). The literature provides a mechanism for the organization and classification of the components of political processes. It enables researchers to draw out the level of descriptive detail necessary to

arrive at grounded conclusions regarding the development of policy and the process by which it was achieved. Its rich detail offers numerous terms to help scholars more precisely describe political phenomena in the manner that is most appropriate to their findings.

Application of definitions and classifications. This study used as its overarching assumption the belief that political activity is the process by which individuals and groups attempt, through the use of power, to obtain preferred outcomes in situations where resource scarcity exists or where differences exist in values and how they should be allocated. This definition acknowledges that political situations can arise not only when decisions need to be made over how tangible resources such as money will be allocated, but also when decisions require action concerning intangible issues and how they will be addressed. Viewed another way, value applications become scarce resources when a "yes or no" decision regarding an intangible outcome (such as deciding whether an organization will support a particular point of view) is involved. Furthermore, this study acknowledged that applications of the study of political behavior to organizations in general is feasible and can yield valuable information regarding the dynamics of organizational behavior. Perhaps more importantly, this study, in using a more neutral definition of political behavior, demonstrates that politics is a process that occurs in numerous situations without necessarily meaning that negative ulterior motives or unfair methods are at work.

In conducting the study, Lasswell's (1936) definition of politics as "who gets what, when [and] how" formed the foundation for the use of the categories of variables outlined in this section to analyze and array the study's findings. Its simple construction allows

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scholars of political behavior the flexibility to examine multiple ways in which combinations of the "who," "what," "when," and "how" join to provide a picture of the process by which a particular decision was reached. More specifically, it allowed for the examination in this study of seven variables, anchored in Lasswell and named in this study's conceptual framework: actors; their goals; their resources, motivations, and strategies; the setting or contextual factors that shape actor decision processes; and the interactions of these variables that shape the decision outcomes.

The various political models constructed by scholars provide a further framework in which these variables can be placed to explain particular phenomena. This study made use of both the political systems and actor-influence forms of models by combining them: Its model is a political systems/power-influence approach. Because both categories of approaches concentrate more on certain variables than on others, the combined approach provided a powerful mechanism to examine a policy making phenomenon in a more holistic fashion. The combined approach also helped address issues raised by Morgan (1986) by placing the individuals or groups within a more structural context.

Multiple facets of power and influence. The extensive work conducted on the concept of power has yet to offer an overarching definition of the term. Perhaps the lack of a simple definition serves to illustrate that power can manifest itself in many different ways and, as such, requires multiple paths by which researchers can observe and describe it. Although power is contested, the literature provides many ways of addressing its existence. Just knowing how other scholars have defined the term and the problems they have identified with their own and others' definitions provides researchers with at least enough background to make informed choices about how they will define and apply the

concepts of power and influence in their own studies. The literature also provides numerous ways of gauging influence (measuring power) through the work on resources (e.g., Gamson, 1968), strategies (e.g., Bolman & Deal, 1997; Dahl, 1961), settings/channels/game rules (e.g., Allison, 1971) and factors that affect how resources and strategies are used (e.g., Kingdon, 1995). The work on gauging influence provides powerful tools that offer flexibility in analyzing and arraying the process variables to provide a picture of how influence was attained.

Application of power and influence literature. For the purposes of this study, conflict and power were considered necessary precursors to the reliance on political behavior to shape outcomes. It assumed that, consistent with Bolman and Deal (1997), conflict arises when resources are scarce and that power is a capability (Pfeffer, 1981) to achieve an objective. In this manner, power is defined more as a potential *action* rather than as a *possession* (i.e., as a resource as defined by Bolman and Deal [1997]). Moreover, because it is a combination of conflict and decentralized power that leads to political activity (Pfeffer, 1981), and because actors, resources, and strategies can take many different forms as identified by various scholars, this study assumed a pluralistic concept of power as defined by Dahl (1957): the view that numerous individuals or groups have the capacity to shape or influence a decision outcome. Lastly, it assumed that influence is an interplay of multiple factors that come together in different ways depending on the specifics of the situation. Further application of the theoretical literature will be discussed later in this chapter in the context of the particular conceptual framework that guided this study.

The Study of Policy Making in Higher Education from a Political Perspective:

A Review of the Substantive Literature

Numerous scholars noted the applicability of political models of behavior to organizations; the applications ranged from those dealing with organizations in general (e.g., Fischer, 1990; Hardy, 1987) to school systems (e.g. Campbell & Mazzoni, 1976; Wirt & Kirst, 1972) and to colleges and universities (Baldridge, 1971, 1983). Indeed, a review of studies demonstrates that such models have been applied to the study of educational politics at different educational and governmental levels as well as different topic areas. The politics of education at the kindergarten through 12th-grade level has, in particular, accumulated a rich and broad literature base (McLendon, 2003a). Studies at the K-12 level have addressed, among other topics, influence patterns in site-based governance councils (Malen & Ogawa, 1988), state decision making regarding tuition tax credit deduction statutes for private school attendance (Malen, 1985), state government/school relations on the issue of public school choice (Fowler, 1994; Mazzoni, 1991b), mobilization of constituency pressure to influence state policy making on tax concessions for private schools (Mazzoni & Malen, 1985), self-protection strategies undertaken by county school districts (Jones & Hill, 1998), and K-12/higher education cooperation and competition (Abrams, 1987).

According to at least one scholar, however, the study of higher education politics has not reached the same level of richness and breadth as has the K-12 level. It suffers instead from "acute underdevelopment" (McLendon, 2003a, p. 166). McLendon (p. 186) did acknowledge the existence of a "small number of individual works, particularly those concerned with the national level of government [that] provide important insights into the

connection of higher education institutions with broader political systems and processes…". The following section of this chapter discusses some of that work and makes the case for extending the study of higher education politics into the *supranational* (organizational structures that have authority over more than one national system) arena through the current study.

State Arenas

Prestine (1989) examined a governance conflict between the School of Education at the University of Wisconsin-Madison (UWM) and the Wisconsin Department of Public Instruction for control of UWM's teacher education program. Her study looked at questions of "who decides" and "who decides what" in the governance of an academic program and program policy, using a "governance perspective" (p. 288) to investigate interactions between an organization and its environment. Her study also investigated the role of cultural norms and beliefs in influencing actions. Prestine identified four internal forces (role of institutional saga, a cultural norm of insularity and isolation, the UWM School of Education's diffuse faculty membership, and the UWM's decentralized structure) and three external forces (public mood, a successful coalition of interest groups, and the role of the State Superintendent) that brought about a loss of control for UWM regarding its preparation of teachers. Moreover, Prestine noted that "no attempt was made to assess the degree of importance associated with each of the factors; cumulative effect was critical in this study" (p. 297).

De Give and Olswang (1999) utilized a combined political systems/power-influence model with a case study to examine the role of special interests in policy making in Washington State with regard to branch campuses. They identified community groups as

having played a key role in negotiating a branch campus agreement by using a wide array of resources to create broad-based coalitions. The community groups were dominant throughout the agenda setting, alternative formulation, and decision enactment stages of the process and created a statewide coalition that ultimately succeeded in securing the passage of a bill that created branch campuses.

A study by McLendon (2003b) examined the dynamics by which decentralization first emerges as an area of consideration by state decision makers. McLendon employed a comparative case study methodology and three theories of public policy (rational-comprehensive, Lindblom's [1959] incremental, and Kingdon's [1984] revised garbage can). He found that the process of setting the agenda for higher education decentralization closely resembled the "garbage can" model but neither of the other two models he examined. He used this finding to develop a grounded conceptual model (modifying the Kingdon model to account for state conditions arising from campus-state regulatory reform) to depict the manner by which decentralization emerges on the state agenda. According to McLendon, three separate activity streams, similar to those identified by Kingdon, exist. The first, the state political stream, includes the routine political cycle as well as any single disturbing event. The second, the state problem stream, includes the various conditions defined by the political elite as problems meriting attention. The third stream is that of decentralization solutions. The streams can become linked when an issue opportunist takes advantage of an issue window, a time opportunity that may arise from political crises or from conditions deemed serious enough to be problems. McLendon found that the issue of decentralization arose when a political or problem window opened, rather than in times of state-campus conflict.

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McLendon and Peterson (1999) studied the concept of the press as an actor in public policy processes in general, and, in this instance, its role in state higher education policy making. McLendon and Peterson utilized a content analysis to examine the press coverage of the 1995 Michigan legislature funding conflict between the University of Michigan and Michigan State University. They suggested that "the absence of formal mechanisms of state control in Michigan means that the power to affect policy making for higher education is dispersed, contested, and fluid" (p. 228). As a result, capturing public opinion became an important strategy, with the press as a crucial player in swaying opinion in a particular direction, for example, by influencing public agendas or even behaviors, and by helping to determine winners and losers in a conflict. Results of the analysis indicated that local papers favored their own universities and adopted the local university's perspective in their coverage of the conflict. McLendon and Peterson's findings illuminated the power that university officials have in shaping coverage of events, with potentially critical implications: "[T]o the extent that news coverage may be shown to influence policy outcomes, university officials thus have a potentially pivotal role in policy making" (p. 242).

A study by Martinez (1999) examined another set of formal players, legislators, and their views on state higher education governing boards (primarily the trustee's role as guardian of public interest and the balance of campus advocacy with that guardianship). Although this study, a survey, did not use a political model for the investigation nor deal with the policy making process, it was grounded on work examining the concept of "public interest." Martinez grouped words and phrases from interviews touching upon the "public interest" into functional and structural/environmental factors. He then categorized

the terms of each group into two dimensions (the first, historical, political, social or economic; the second, contextual, transactional, or controllable). Martinez also analyzed legislators' responses to the importance they attached to nine areas of board responsibility. He found that legislators believed that the most important factor in enhancing "lay" governance was the need for trustees to see the bigger picture: to see beyond an individual campus to how the institution fits into the state's total higher education system as well as K-12 education and how it helps address larger social problems. Legislators also spoke of the need for collaboration between state government, governing boards, and campus administration. The study alluded to the potential importance of higher education board members as players in the development of higher education policy, although no specific mention of possible effects of either collaboration or board involvement on higher education policymaking at the state level was made. The study also touched upon the potential importance of higher education board governance structure (i.e., consolidated, multi-campus, single, or mixed) in affecting legislator views on governing boards.

Leslie and Novak (2003) noted that despite decades of study on public governance of higher education, no consistent framework for describing the dynamics has yet been developed. Based upon their previous work on policy formulation, they suggested that any frameworks to explain governance reform should conceptualize complexity and fluidity of variables as well as randomness and unpredictability. They utilized five case studies that illustrated wide variation in policy processes and outcomes and a "qualitative heuristic" method (p. 102) to study whether instrumental (practical objectives) or political factors are primarily responsible (i.e., the main or explanatory effects) in governance

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reform. Leslie and Novak concluded that the political factors "were usually central to the story of reform" (p. 117), with instrumental goals often being secondary considerations to political leaders. Thus, they offered instrumental/political interaction as a possible framework for understanding governance reform, although they did not actually construct that framework. They suggested that further research on governance reform would benefit from case study research to help clarify how instrumental and political factors interact as well as how governance reform emerges as an agenda item.

Nicholson-Crotty and Meier (2003) examined state higher education boards' structures to determine whether those structures limit the ability of elected officials to influence higher education policy. Drawing from theories and previous studies on governance, structures, autonomy, and policy outcomes, the authors offered two hypotheses. Their first hypothesis was that consolidated governing boards (which are assigned the most authority for higher education coordination) will provide more insulation for policies from politics, and hence political influence, than coordinating boards (which provide only an interface between state government and the governing boards of a state's colleges and universities). The second (and, ironically, paradoxical) hypothesis was that because of their centralization, consolidated governing boards generate lower transaction costs to political actors and thus result in greater political influence. Using qualitative techniques, Nicholson-Crotty and Meier defined a set of political and control variables and used a pooled time series, collected from 47 states over eight years, of higher education cost data as dependent variables. Their findings indicated that higher education structures significantly affect the ability of political actors to influence higher education, although they were unable to provide any conclusive findings

on exactly how that influence is manifested through the structure. They suggested that higher education policy models include structural as well as political variables.

Federal Arenas

Hannah (1996) examined the policymaking process of the 1992 reauthorization of the Higher Education Act (HEA) of 1965, in which federal policy shifted from an emphasis on need-based grants to one focused on loans available regardless of family income. Although the Congressional leadership responsible for heading the effort sought to "put everything on the table and make major and fundamental changes where they are called for" in order to "[enhance] postsecondary educational opportunities for all Americans" (p. 506), this intended outcome did not occur. In investigating this outcome, Hannah grounded her study in the work of federal policy scholars, who identified various "constraints and crosscurrents" (p. 501) shaping policymaking dynamics: the structure of the decision making process; the nature of the economic, social, and intellectual environment; the number of active participants; and the impact of the policy outcome. She identified the constraints and crosscurrents operating in the 1992 reauthorization: an agenda that had begun to be shaped by key Capitol Hill actors immediately upon completion of the previous authorization and was basically set by the time the new process began; the growing federal deficit, "the most pervasive constraint" (p. 510); a presidential election year, in which the politically attractive goal was helping the middle class as opposed to needy students; a widespread decline of public confidence in higher education's special status; and a public notion of individual responsibility, which viewed grants as "handouts." Hannah also found that the "skills and intentions" of the principal actors determined how the "environmental cards were played" (p. 513). For example, the

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legislative process seemed unusually staff driven, with the personal lives of the staff (who happened to be particularly experienced with HEA reauthorizations) significantly setting the tone of interactions with higher education associations and influencing the timing of hearings and drafts.

After presenting a political history compiled from historical documents, recollections, descriptive data, political analyses, and policy evaluation efforts, Hearn (1993) used five explanatory models to describe the tremendous growth in the federal student aid program in the 25 years since the passage of the HEA. That growth occurred despite a lack of the classical ideals outlined in political science texts for policy development and implementation (e.g., a strong interest group coalition and a good resource environment), ideals that assume a basically rationalist, linear approach to policymaking. Hearn acknowledged that aspects of truth existed in each of the perspectives he examined, in essence arguing for an approach to studying policy making that combines elements of these approaches. He left the development of such a comprehensive model, however, for other scholars.

Other Higher Education Arenas

Working within the context of organization creation as well as old (formal exercise of power through a system of legislation and regulations) and new (survival of an organization through copying and internalizing values from the external environment) institutionalist theories, Bloland (1999) presented a case study on the creation of the Council for Higher Education Accreditation (CHEA), an organization that emerged as one of the main actors in the development of U.S. higher education trade policy. Bloland analyzed the actions and power relationships among the major actors involved in the

establishment of the organization. Central to his study was the concept of legitimacy: its importance not only for the fledgling organization but also for the founders themselves. Bloland argued that "the power and legitimacy of the founders were uncertain and contested, but that the level of legitimacy of the organization builders themselves was a central requirement for successful organization creation" (p. 357). He demonstrated how the founders established the legitimacy necessary to form the organization in the face of powerful stakeholders with differing agendas. Bloland found that the most important means of establishing the legitimacy were (1) higher education institution presidents as the major participants in the building of the organization and (2) the establishment of a structure that was acceptable to the most powerful constituencies but still able to carry out the task it was being asked to do.

Higher Education Campuses

Hackman (1985) examined the process by which colleges and universities allocate resources among units, centering on the concept of centrality (how closely the purposes of a unit match the central mission of its institution). She utilized a combination of qualitative and quantitative research methods to develop a theory of resource allocation in colleges and universities. The study demonstrated that a unit's "centrality" interacts with its environmental power and with its resource negotiation strategies to affect the internal resource allocations that it acquires from the organization.

Pusser (2003) utilized the struggle over affirmative action at the University of California to examine the usefulness of Baldridge's (1971) interest-articulation political framework, part of the multi-dimensional model (MDM) that Baldridge built in seminal research on colleges and universities, in explaining campus political phenomena. Pusser

considered the Baldridge framework to be the prevailing model used to study the politics

of higher education. He held, however, that the political segment of the MDM was in the

most need of revision of all of the MDM's parts because of its grounding in sociological

rather than political theory. He faulted the model for being focused too heavily on

internal, administrative processes. He also questioned the model's assumption of an

"essentially pluralist decision making context" (p. 123), one that "enables legitimate,

representative expression of majority and minority preferences" (p. 126) or one in which

"many groups have access to authority and rights to access and participation in the

decision making process (Carnoy and Levin, 1985)" (p. 137). Based upon his analysis of

the case, Pusser affirmed the utility of aspects of MDMs to adequately explain

postsecondary organizational behavior, but he also argued that the interest-articulation

framework did little to advance understanding. Pusser thus advocated the addition of

propositions developed from *positive theories* of institutions, which view organizations

not as closed systems but as systems whose decision making is influenced by external

forces and interests.

International/Comparative Studies

Morley (2003) applied a Marxist/feminist framework to the study of power and

quality assurance. Contending that quality assurance is a "socially constructed domain"

(p. 164), she interviewed 18 women and 18 men in 35 higher education institutions in

England, Scotland and Wales to attempt to uncover ways in which quality as "a regime of

power" (p. vii) is experienced by those subject to review by and responsible for preparing

for the English Quality Control Audit system. Her findings indicated in part that quality

control was becoming a "creed" (p. 160) that was contributing to the reconfiguration of

academic habits and procedures and that was actually resulting to some extent in mediocrity. According to Morley, "[quality control] has compromised and muted the possibilities for critical engagement with technologies used to assure quality. It demands compliance and performativity and the endless reproduction of norms" (p. 161). Although her study was country specific and dealt with the implementation of the outcome of a policy making process, it nonetheless provided a picture of a quality assurance process that had been externally imposed and with which few higher education professionals felt much ownership. It served as a glimpse of what can happen to academic values if quality assurance procedures are imposed from outside the academy.

Goedegebuure, Kaiser, Maassen, Meek, van Vught, and de Weert (1993) undertook a comparative analysis of regulation, steering and control of 11 higher education systems under the assumption that the mechanisms by which those factors are accomplished are "the result of the interplay between various forces, interests, or actors" (p. 4), in particular state authority, the market, and the academic oligarchy. They used Clark's (1983) triangle of coordination to visualize this interplay: Each of the forces occupies a corner of the triangle; the corners represent maximum control of the particular force. In summarizing the results of each of the 11 country studies, they concluded that although quality had become an emphasis in each of the higher education systems, each of the countries "show[ed] as much vagueness and lack of agreement on interpretation of quality assessment and its purposes as is found in the literature" (p. 342). Another conclusion was consistent with one of Morley's (2003) themes: "Resistance, where it exists, is based on the notion that quality assessment is an interventionist instrument of government used to control higher education" (p. 343). For Goedegebuure et al., two primary issues are at

stake with regard to the "institutionalization" of quality assurance mechanisms. The first is how independent such mechanisms should be of both the government and of the institutions themselves. The second is a fear that institutionalizing quality assurance will impede diversity within higher education and instead impose uniformity.

In another use of the Clark triangle, Frederiks, Westerheijden, and Weusthof (1994) investigated whether a higher education system dominated by internal actors (those within the academy) is more oriented toward improvement (influence and improvement within a framework of self-regulation) and whether one dominated by external actors (government and society) is focused more on accountability (measurement, report and control as a demonstration to actors outside the institution). The researchers studied and compared five systems: England, France, the Netherlands, Denmark, and the U.S. state of California. Through an analysis of six indicators of power, they determined the locus of control of oversight for each system (which actors dominated) and then determined for each system whether its quality assurance system was oriented toward accountability or improvement. They used qualitative analyses to determine whether the systems' practices in five different functional areas were geared more toward accountability or improvement. Indices of internal/external control and accountability/improvement were then plotted against each other. The results of the plotting did not indicate clearly the tendency for an internally dominated system to have a quality assessment system more oriented towards improvement. In further analysis, however, they found that an internally coordinated (run by institutions) system of quality assessment in and of itself tended to have a high orientation toward improvement as opposed to accountability.

The World Trade Organization (WTO) and GATS

Education scholars are increasingly turning their attention to the topic of higher education trade, although the body of research on the effects of GATS on higher education is small in relation to other higher education topics. Such a state is hardly surprising given GATS' relatively short existence and the recent emergence of higher education on the GATS agenda. Much of the work on higher education and GATS is in the form of informational analyses in which the authors attempted to explain GATS itself and its potential implications for higher education or in the form of opinion papers through which authors argued the relative benefits and (primarily) costs for higher education and/or for the world, especially developing countries. However, empirical research on GATS is appearing more frequently in American and European journals such as *Globalisation, Societies and Education*, a publication which devoted an entire issue to the subject (Robinson [Ed.], 2003). In addition, GATS is now a topic addressed in dissertation research by higher education policy students. This section illustrates some of the work that has been conducted in the study of GATS and the diverse approaches that researchers have applied to the topic.

An interesting analysis and opinion paper was developed by Patterson (2004), who used ecological theories as a source of ideas for thinking about higher education and GATS. These theories hold that survival of an organism (or, perhaps, an ecosystem or a society) depends on its ability to modify its environment in a cooperative, rather than a competitive and conflicted, fashion. She used these theories as background for her discussion of the evolution of higher education policy in New Zealand. Patterson then contrasted the policy with that of the supranational approach as contained in GATS and

discussed how the New Zealand commitments to GATS were presented. Her approach was the antithesis of that of the political perspective, with its emphasis away from competition and conflict. It implied that participants have similar values and goals and neglected the issue of resource scarcity.

A recent study by Vlk (2006) examined the influence of the GATS legal framework on one hand, and the views and actions of actors on the other, on the steering capacity (funding, regulation, planning, and evaluation) of the nation-state with regard to higher education. The conceptual framework combined a static or *trickle-down* dimension (GATS rules and disciplines) with a dynamic or *trickle-up* dimension (stakeholders' standpoints, views and actions) to address three questions: (1) what is the impact of GATS on higher education legislation; (2) what is the position and influence of various stakeholders in GATS negotiation on higher education; and (3) what other relevant factors can be claimed to have a significant impact on the steering capacity of a nation-state in higher education. His research, which involved case studies of the Netherlands and the Czech Republic, indicated that in neither case was there a direct impact from GATS rules or from stakeholders' actions on the governments' ability to steer their higher education policies. Vlk did, however, identify other factors that may have indirect effects at some point. The first is a tendency to introduce market-like mechanisms into higher education by the nation-state itself, the second is the process of European integration (applicable, of course, only to European nations), and the third is encouragement and suggestions for change from intergovernmental organizations such as the World Bank and the Organisation for Economic Co-operation and Development (OECD).

Bassett's (2006) study of GATS and American higher education made use of commodification theories to study the perceptions and opinions of the U.S. higher education community as well as federal governmental representatives. From her examination of the U.S.' decision to pursue a higher education trade policy and the reactions from higher education stakeholders, she developed a commodification theory of higher education: that education at the postsecondary level increasingly is treated as a commercial product. Her research revealed that the American higher education community was not prepared initially to address the issue of trade in higher education and that only a few well-positioned individuals have been influencing the development of U.S. higher education trade policy.

Substantive Literature: Relevance to This Study

The studies described in the previous sections illustrate the range of scholarly work related to power and politics in higher education and related areas. Clearly, political approaches to the study of higher education can provide valuable insights on policy making in the higher education domain. The work previously conducted demonstrates multiple ways in which actors of all kinds can play a role in shaping higher education policy making. Collectively, this work presents the role that goals, resources, motivations, strategies, settings, and interaction play in that process, as well as the importance of power as the "spark" in igniting a political situation. The studies also illustrate the numerous approaches used to examine education issues from a political perspective and the incorporation of various scholarly works to build the studies' theoretical frameworks.

Unfortunately, the theories underlining these studies were not always made explicit. Moreover, each study appeared to center on only a few elements of the "who gets what, when, how" at the expense of the other factors. For example, Vlk's (2006) examination of GATS and its effects on nation-state steering capacity focused on anticipated outcomes of decision making processes rather than the process itself. The framework placed a particular emphasis on the mechanism designed to decide conflicts, one that focuses on actors, their stakes and stands, their motivations and the environment in which they operate while not addressing in detail other factors such as resources, strategies, and power and influence interactions that converge to produce outcomes.

Certainly, the emergence of GATS and its connection to higher education as well as relatively unexamined nature of the study of higher education trade provide researchers with fertile ground for conducting studies on many related issues and for using numerous theoretical approaches. Although much confusion remains with regard to GATS and what it entails, it provides all the more reason to conduct studies to gain at least some preliminary understanding of experiences under the treaty. That understanding can provide much-needed information to policy makers and other stakeholders as they attempt to formulate new policy or reshape existing policy. Bassett's (2006) research is of particular relevance to the current study. Although her work took a primarily economic, rather than a political, approach and focused primarily on participants' stakes and stands and on process outcomes, her findings illustrated aspects of the U.S. experience with higher education trade. Those findings underscored the lack of broad direct participation from higher education stakeholders in shaping U.S. higher education trade policy in contrast to the many concerns the stakeholders expressed.

In examining the literature on political approaches to issue analysis and in considering Lasswell's (1936) definition of politics, one is able to ascertain the importance of examining multiple variables in the determination of "who gets what, when [and] how" in studies using political perspectives. The question in examining a new and as of yet relatively unstudied area such as GATS (and, indeed, in any study, whether in a new or well-established area of research) is which variables are the most critical for study in which instances. The key is to search for variables of relevance and significance, and in a new area such as GATS, the relative lack of research lends itself to a study that is geared toward exploring the broad issues and generating insight than to testing hypotheses and building upon the specific research conducted by other scholars. The search for rich descriptive data as a starting point can prevent the development of spurious conclusions. Gergen (1971, p. 205) stated that "[b]uilding an adequate theory in any area of the social sciences depends ultimately on the availability of 'real world' data. Without a substantive database, the inductive process by which social science develops may give rise to spurious and misleading conceptual premises."

In order to begin this examination, an orienting framework of political analysis was chosen *a priori* to guide the study. That choice was made on the basis of a determination that the issue of the inclusion of higher education in GATS, one that is filled with uncertainty and conflicting opinions, meets the prerequisites for the development of a political situation (actor interdependence, goal disagreement, and scarce resources producing conflict). This study, in using a broad approach that combines the structural component model of political analysis with that of the influence component, examined together all of the elements identified in previous sections as being aspects of political

models. The following section describes one such model, a framework that is suited to examining new areas of scholarship in political processes and to providing rich language to describe those processes. That framework guided the analysis presented in this research study.

<center>*Conceptual Framework for This Study*</center>

As noted previously, frameworks for political analysis may be thought of as belonging to one of two categories: those dealing with the system as the unit of analysis and those dealing with participants as the unit of analysis. The eclectic approach used in this study combines and capitalizes upon particular models in both of these traditions in order to capitalize on the relative advantages of each.

To examine the factors involved in this case, this study relied on a political systems/power-influence perspective, elaborated by Campbell and Mazzoni (1976) and further developed and articulated by Mazzoni (1991a). In developing and refining this framework, Campbell and Mazzoni drew upon the previous work of scholars such as Easton (as incorporated by Allison (1971) and Wirt and Kirst [1972]). In further conceptualization, Mazzoni cited the work of Bacharach and Lawler (1981), Baldridge (1971), Cohen and March (1974), Dahl (1984), Gamson (1968), Kingdon (1984), Lukes (1977), Morgan (1986) and Pfeffer (1981), as well as other political and organizational theorists. The framework is thus firmly grounded in theory, much of which was discussed earlier in this chapter, to provide evidence for Mazzoni's general structural model and the subsequent classification scheme. Furthermore, because of its heavy theoretical saturation and its absorption of other models that describe specific aspects of decision making processes, the Mazzoni framework enables the researcher to conduct exploratory studies of relatively unexamined and/or unexplained areas of decision making and to elicit thick

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description of decision making in those areas. The findings may, indeed, provide evidence to support the other models and thus to provide direction for further study. If not, however, the framework enables the researcher to discover and describe aspects of decision making processes.

The political systems component relates to the mechanism that has been authorized to decide conflicts over the allocation of scarce resources. It holds that disturbances from the external environment on any political system may become stresses that penetrate the boundaries of that system and become inputs (demands, which are generally associated with pressures for help, reward, or recognition; and supports, which are usually in the form of a willingness to accept the decisions of the system or the system itself [Wirt & Kirst, 1972]). Through a conversion process, these inputs are converted into outputs, the temporary resolutions of conflict that, through a feedback loop, may themselves become inputs.

Although the political systems framework enables the analyst to understand the importance of the environment as well as institutional features in a decision, it does not help foster an understanding of how the conversion process takes place, in particular how the phenomenon of influence is brought to bear on the process (Campbell & Mazzoni, 1976). Hence, the power-influence perspective is added to the mix. This lens focuses on the insiders' view of the political process: the micro, internal decision processes that are not captured by a study of the system by itself. The power-influence perspective assumes that policy making is "a competitive process, the dynamic of which resides in the interplay of influence" (Campbell & Mazzoni, 1976, p. 13).

Although the framework is grounded in and supported by theory, Mazzoni stated his view that the framework itself is not a formal theory; no hypotheses are offered or tested. Rather, he viewed the framework as having the aim of "personal insight and knowledge," explaining what happened, as opposed to "scientific generalization and law," predicting what will happen (Mazzoni, 1991a, p. 10). Such an aim makes this framework particularly useful in the study of a relatively unchartered domain, such as with GATS and higher education, because of its ability to enable the analyst to explore a phenomenon and provide a rich description of the components of the decision making process. In fact, a major strength of the framework is its incorporation of numerous key political science/organizational theory conclusions into what might be considered to be an omnibus framework that allows the analyst greater flexibility in outlining and describing the phenomenon under study. It is also a multidimensional model: the bureaucratic, collegial (in particular, widely shared values), and symbolic aspects of other frames (for instance, those elaborated by Baldridge [1971] and Bolman and Deal [1997]) have particular niches within the categories to provide the analyst the ability to demonstrate the effects of these aspects on political processes. Thus, the combined framework is very versatile in that it can be used to study all levels of decision making as well as all stages in the decision making process (see, for example, DeGive, 1995; DeGive & Olswang, 1999; Geary, 1992).

Mazzoni also acknowledged the ongoing debate surrounding the concept of power and influence in political analysis. Rather than allow his framework to become mired in that debate, however, or to ignore the issue completely, Mazzoni offered a working definition for the purpose of political analysis through his model. While not intended to

be a definition with the potential for development of "elegant theory" (Shively, 1974, cited in Mazzoni, 1991a, p. 7), Mazzoni contended in his framework document that his working definition was consistent with that offered by Burns (1978) and embodied elements considered to be the essential ingredients of power by respected analysts:

> The framework which follows is consistent with Burns' conception, with "power" being defined as the capacity of an actor or actors to affect—or effect—decision outcomes (Mintzberg, 1983). Power, conceived as being dependent on control of resources, may be converted through actor will and skill into influence. "Influence," then, is the exercise of power that shapes or determines decision outcomes. ("Decisions" are conceived as choices among alternative goals.) Both power (potential impact) and influence (actual impact) are to be understood as encompassing a wide spectrum of capabilities and activities. These include, as classified by Dahl (1984): trained control, persuasion (rational as well as manipulative, inducements and sanctions (and the promise or threat of their use), coercion, and physical force. (pp. 7-8)

Categories for Analysis under the Mazzoni Framework

In order to enable the analyst to organize, interpret, and present the findings in a thorough and meaningful way, Mazzoni offered seven categories, similar in construction to the elements of political models described in section one of this chapter. Each of the categories represents a different facet or element to be uncovered and described in the analysis; when taken together, each of the elements provides its own perspective in presenting the analysis of a political phenomenon in its entirety. Pertinent definitions, questions, and assumptions inherent in those categories are described in this section.

Actors: Who are the relevant participants in the issue being examined? This category is concerned with the relevant participants and players in an issue conflict. It is a broad term: one that can include individuals, groups, or coalitions; established interests or ad hoc organizations; and formal authorities and informal interests.

While on the surface an analysis of actors might seem straightforward, frequently the situation becomes muddied. Participants need not be consistently or heavily involved in an issue to play key roles. They may be involved throughout the conflict, or they may be active in certain circumstances but not in others. They may be "playing the game" itself or "yelling from the sidelines," and not always for the side on which they are expected to be playing or cheering. Involvement in an issue may not even be visible: sometimes the most actively involved participants are playing a backstage role, quietly pulling strings without any other participants or observers being aware of their involvement.

Two assumptions related to actors must be made with regard to the framework. The first assumption is that human agency is at the heart of political action. That is, actors have the ability to significantly affect the thoughts or actions of others as well as the belief that such an outcome is possible; in addition, they have the ability to exercise choice even within structurally determined limits (Lukes, 1977, cited in Mazzoni, 1991a). The second assumption is that participation is based upon rational action. What constitutes "rational action" is somewhat modified from that commonly found in discussions of the concept in other decision making models. Mazzoni described it as a "relaxed version of what is sometimes called…the 'modified rational-actor' model" (p. 16) as outlined by Blalock in 1989. In other words, actors will engage in goal-directed behavior and will protect their own interests (which may or may not be of a material

nature). In doing so, they will calculate benefits and costs and will make decisions based upon "subjective expected utilities" (Blalock, 1989, cited in Mazzoni, p. 16), an analysis of the choice situation and personal assessments of the chances for gains or losses. However, this modified approach to rational action introduces the notion of actors as ethical, social, and emotional beings. Accordingly, actions are not just raw calculations of individual self-interest; they may be directed toward achieving goals that serve other individuals and/or to engaging in behavior considered to be socially appropriate. Actions may also be no more than emotional responses to stressful and uncertain situations (Lynn, 1980, cited in Mazzoni), in which case a particular actor may not appear to be acting rationally at all.

Goals: What results do actors seek to attain from their involvement? Within any given political situation within higher education, a multitude of goals may exist. They range from the very concrete (for example, to provide additional language to a criterion to clarify a graduation requirement) to the abstract (for example, to maintain and enhance student achievement levels). They may deal with issues of broad policy (for example, to increase the ability of American higher education institutions to conduct operations outside the United States). They may seek personal gains (for example, to broaden visibility within an organization or profession) and also may represent personal or group values (for example, to protect academic freedom in higher education institutions). In short, goals serve as placeholders for a multi-level understanding of what participants want. There are probably as many goals as there are actors.

Assessing what actors hope to achieve in a decision process is somewhat contested and tricky. The assumption of intentionality in behavior-based political models, with

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actor beliefs guiding influence attempts, sometimes clashes with the reality of a particular situation. Sometimes goals are not recognized until after a particular decision is made; sometimes they are not even known to the participants, so goals appear to be more of a rationalization than a reason for action. In addition, goals are often conflicting and shifting and sometimes hidden, making their identification difficult at best. However, even when accounting for a certain degree of chance in decision making, many actors are quite cognizant of what they want. Indeed, studying participant goals can provide valuable insights into the degree to which players have an interest in the issue as well as into the salience of the issue to the players. A study of the goals also can assist in the study of the influence of the actors and, ultimately, in judgments about who were the winners and the losers. What did the participants originally want, and what did they get? To what degree did they have to compromise? Such pre-post comparisons can provide a method of assessing the process dynamics and outcomes of a particular case.

In analyzing actor goals, it is helpful to examine related concepts that both lead to and emanate from goal formulation. Interests, the "set of predispositions…that lead a person to act in one direction rather than another" (Morgan, 1986, cited in Mazzoni, 1991a, p. 23), are reflected in actors' stakes, or the manner in which interests are implicated for an actor in a particular decision making situation. Those stakes lead to the formulation of goals, and all three, interests, stakes, and goals, "contribute to the stands (e.g., for, against, neutral) that actors take on the proposals that emerge in decision making processes" (p. 23). As noted previously, goals can shift; sometimes, too, so do stakes. Interests, however, are relatively stable and enduring with regard to a particular actor,

even though expressions of these interests and the means by which they are pursued may shift.

Resources: What do actors command that gives them the power, i.e., the capacity, to exert influence? According to Mazzoni (1991a, p. 29), "goal attainment requires power; power requires resources. Resources serve as the basis for influence because they impact motivation" through affecting actors' perceptions of advantages and disadvantages. Almost anything, or anyone, has the potential to be used as a resource. Mazzoni identified ten general types of resources that have widespread application in political analysis: official position (legitimate authority), money and its purchases (which can be converted into other resources), information and its control, professional expertise (which expands as society becomes more complex and technologies become more esoteric), available time, social status, evocative symbols, group cohesion (particularly critical for subordinated groups), access to influentials (for instance, connection networks, which can reach upward as well as outward), and political skills. This list, of course, is not exhaustive; resources specific to a particular issue may be operating in political situations.

Resources in this framework are generally considered to be an index or an indicator of the power of the participants. Consistent with the working definition stated earlier in this chapter, Mazzoni did not view power itself as a resource but rather as a potential outcome of use of a resource. It is a potential outcome because the use of resources in providing power is dependent upon the particular situation. The potency of any given resource is dependent upon many factors, including the issue at stake, the stage of the decision making process, the relevant actors involved, and the prevailing rules, both

formal and informal. Mazzoni (p. 29) made clear the relevance of resources in a particular choice situation: "If [actor] perceptions are not affected—directly or indirectly, manifestly or implicitly—then no matter how powerful the resource appears, it will turn out to be impotent."

Motivation: How willing are actors to use their power resources to exert influence? The particulars of a situation certainly affect the ability of one actor to utilize resources to influence another actor. In any case, however, resource activation requires energy. The mere possession of resources is not enough to determine that a participant will act. According to Mazzoni (1991a, p. 71), it is human will that lies between power and influence. "Motivation is the pivot on which educational change efforts fly or fold," he stated. Mazzoni cited Dahl's (1961) contention that the variation between the energy necessary to exert influence and the willingness to expend that energy might be as important in accounting for influence differences as the variations in the resources themselves. In fact, in a situation in which most resources lie untapped (Dahl's concept of slack resources), the use of only a few resources may be sufficient to exert influence.

A study of actors' motivations, then, involves the analysis of the participants' willingness to use their resources to exert influence on a particular issue, in a particular decision area, at a particular time. Analysis of motivation operates under an assumption of basic actor rationality; that is, actors will make rudimentary cost and benefit calculations in order to determine whether they will bring their resources to bear in a particular situation. What is at stake? What are the perceived benefits? What are the perceived costs? What are the prospects for success? Is it appropriate to be involved in the first place? Assuming that participants act in such a rational fashion, then actors can

be expected to mobilize their resources when the benefits versus the costs of expending their energy are greater than a similar comparison of benefits and costs in not doing so.

An analysis of motivation can incorporate the study of *noninvolvement*, that is, the assessment of the reasons that parties may have for not choosing to become involved in a conflict (or the manner by which they may be prevented from becoming involved). Nonparticipation can be a result of many different combinations of costs and benefits: for instance, not enough time to devote to an issue that an actor deems to be ultimately unimportant in light of his/her interests, values, and goals. Such assessments can be and are made freely. In other instances, however, the use of power and subsequent influence by one actor can prevent another actor from participating. Mazzoni (1991a) noted Clegg's (1989) identification of three general noninvolvement tactics. The first, which Mazzoni termed the *tactics of non-decision*, involves the prevention of certain participants or demands from ever appearing in a decision arena or their being made impotent if they should appear. The second, the *rule of anticipated reactions* coined by Friedrich (1937), involves one actor's anticipation of opposition by another actor and from that the decision not to participate. The third is the *mobilization of bias*, in which such a degree of control is exerted by dominant interests over less powerful individuals and groups, and their values, beliefs, and opinions, that those that dominate determine whether certain demands are even expressed. Needless to say, identifying the application of noninvolvement tactics is difficult if not impossible; however, the difficulty in obtaining evidence to support such claims does not mean that the exercise of power to prevent participation did not occur. And, indeed, preventing others from participating through reducing their motivation can prove to be a smart maneuver. If an actor can keep

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potential adversaries from becoming involved in the conflict through whatever means is effective, that actor not only gains a relative power advantage from the reduction in the number of players but also reduces the resources necessary for him or her to be a player (i.e., he/she tightens the slack).

Strategies: How do actors mobilize their power resources to exert influence? This category deals with the activities that actors deliberately undertake to influence decisions; it is the tactical deployment of power resources, the action "which converts power and will into decision advantage" (Mazzoni, 1991a, p. 100). Successful strategies must be tailored to fit the circumstances of a particular situation. Mazzoni, however, outlined some basic concepts that point to likely directions for strategy: gaining access, using voice and threatening exit, building coalitions, setting agendas, and controlling the scope of conflict.

In order to put any strategy in play, actors must first have access to the appropriate decision arena and to other arena players. Access opens lines of communication and connotes clout and is considered to be a fundamental expression of power. According to Ripley (1985, cited in Mazzoni, 1991a, p. 102), "Who has what kind of access in what degree helps determine whose interests triumph when interests conflict." Many types of tactics are used to gain entry into decision arenas. For example, access may be obtained through formal or informal means, through third-party interventions, or through illegal or extralegal channels. Access does not necessarily mean that influence will follow; additional strategies must be used to build upon that initial entrance. Once obtained, however, the particular type of access actors have enables them to refine their strategies for influencing policy making. For example, access to a high-level governmental figure

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may call for one-on-one meetings with written follow-up that reiterates the issues discussed during the meetings.

One of the commonly used strategies in political issue contests is that of *voice-exit* as most notably described by Hirschman (1970, cited in Mazzoni, 1991a). Voice enables a player to make his/her dissatisfaction known through various channels; it can help to "soften" the system for other strategies or can sometimes be effective on its own. Exit, the departure or threat of departure from a system, may be an effective strategy if an organization is highly dependent on the individuals or groups threatening to depart.

Coalition formation can be a very effective strategy in using resources to exert influence. Securing allies (whether individuals of groups of individuals) in an attempt to exert influence enables the pooling of numbers of participants, expertise, money, and other resources for realization of a common goal, or at least sets of shared goals. Parties can join coalitions for quite different reasons: for the social connections that come with a political alliance, for the pursuit of ideological goals, for the promise of material benefits, or for other motivations. Because of differences in what are sometimes incompatible goals and motivations, coalition leaders often must keep the coalition's focus and purpose very general in order to keep the group from splintering.

Many times actors use agenda control, the specification and sequencing of items under consideration by a decision maker, as a strategy. Often overlooked as a potential strategy, agenda control can, nonetheless, be very effective because it can establish some of the parameters governing consideration of a particular issue. It can affect which items are brought up for consideration at all. If an issue is to be considered, an actor can employ various tactics of scope, placement, and time allotment to influence the outcome

of a decision. For instance, an actor controlling presentation of an agenda item can frame

an issue to emphasize certain facets of a situation or to ignore others entirely. An actor

also can place an item on an agenda to serve as a signaling device as to the perceived

importance of an issue or to allow for greater or lesser time for discussion and decision.

Placement at the very beginning can end up as a "garbage can" (Cohen & March, 1974;

cited in Mazzoni, 1991a, p. 124), which serves as an opportunity for meeting participants

to air many of their general complaints; placement at the very end may result in little

attention being paid to the item as weary participants look forward to adjournment. An

entire agenda may be crammed with items for consideration, a tactic that shortens the

time and attention available for any given issue. These are only examples of the various

methods in which agenda control can serve as a strategy for influence.

The *scope of conflict*, a concept introduced by Schattschneider in 1960, deals with the

extent to which an audience, previously uninvolved individuals or groups, become

involved in a particular conflict. Because the outcome of a conflict is determined by its

scope, control of that scope is a key strategy. In fact, according to Schattschneider (cited

in Mazzoni, 1991a), scope control is pivotal to all other strategies because it determines

whether access is narrow or wide, whether coalitions are small or large, and whether

agendas are closed or open. One method of controlling scope is that of size control.

Generally speaking, arena insiders prefer scope to be confined to a few actors and out of

the public domain; outsiders prefer to expand the scope of the conflict, and in so doing to

introduce more unpredictability that potentially results in a power shift. Another method

for managing scope is the displacement of conflicts, in which one conflict issue is

substituted by or transformed into another. When that happens, the delicate balance of

alignments, relationships, and priorities within a coalition can be altered significantly; the subsequent need for redefinition of goals and priorities can illuminate existing differences among coalition members and create potentially fatal cleavages within a coalition. Schattschneider (cited in Mazzoni, p. 129) considered the substitution of conflicts to be "the most devastating kind of political strategy."

Setting: How does the institutional and sociocultural context shape the interplay of influence? Policy and decision making activities do not occur in a vacuum. Political participants always find themselves acting within the boundaries of a sociocultural context and usually within those of an institutional context. Those boundaries provide the structure in which the decision process takes place. They shape strategy choice and influence dynamics as well as decision content. The opportunities and constraints set by the context are the focus of the setting category. Because it allows for the examination of the interplay between the formal structure authorized to make decisions and the internal conversion process, the category provides a bridge between the power-influence and political systems components of the framework.

Four general concepts or features are the focus of this category. The first is that of roles, both formal (i.e., position within hierarchical structure, such as committee member) and informal (such as committee conflict mediator). Roles have inherent expectations and rules, not all of them explicit, and they will affect what actions actors will take. For example, the action that would be taken by the actor "as a person" versus the actor "as a role" may not be the same. The second concept is that of the decision arenas, which shape the access, relevance of resources, incentives, influence relationships, and rules of play. Arenas can vary in scope and form: from tiny, elite arenas comprised of only top-level

individuals (such as the Council on Trade in Services, which oversees GATS) and perhaps behind-the-scenes influentials to macro arenas in which "everyone" appears to be a participant and the policy making process is more visible and perhaps more contentious (for example, U.S. Trade Representative hearings that call for public comment on proposed policy). The third concept, group dynamics, considers how multiple actors who comprise a group arrive at decisions. Group dynamics can bring about positive (for example, synergistic effects from more sharing of views and information) or negative (for example, the development of groupthink, in which group members' views conform to one another) effects. The possible development of groupthink mentality may be a function of the last concept, organizational processes and culture, which takes into account such factors as institutional routines, standard operating procedures, formal and informal rules, accepted and expected codes of conduct, and dominant views and values. Processes and culture become set in place over time and often result from the impact of environmental forces (for example, economic conditions and demographics) on an organization. The organization shapes its own ways of existing and of doing its work and subsequently is shaped itself by the processes and culture it has created.

Interactions and outcomes: What are the critical influence relationships among actors that decide outcomes? The last category in the Mazzoni framework examines the process dynamics that unfold during issue conflicts. The consideration of interactions allows for interpretations of the manner in which participants, goals, resources, motivations, strategies, and setting interact to create patterns of influence. As such, examination of interactions can identify relative power advantages on a particular issue,

at a particular time, in a particular arena. It serves to integrate the findings and to account for the story described in the analysis.

Multiple stages and streams of influence may occur in any issue conflict and may involve complex patterns of connections between and among players at certain process stages and in certain arenas. Therefore, analysis of interactions and determination of influence in a decision involves certain initial determinations. The first is which of the actors influenced the decision at any point. The second is at what point in the process the actor was involved in influencing the decision. The third is what type of influence the actor exerted. The procedure under which this study will examine interactions will be discussed in greater detail in chapter 3.

Literature Review and Conceptual Framework: Summary and Implications

According to Vlk (2006, p. 24), "It has so far been very rare for higher education scholars to go deeply to the primary sources of the General Agreement on Trade in Services or other related documents. Yet, without such an effort the danger is obvious—the lack of knowledge on what GATS really is and how it functions might eventually lead to increased misunderstanding and inaccuracy in the debate and the decision-making process." This chapter has outlined a framework, rich in theoretical underpinnings, which helped to address that concern, at least from the perspective of attempts by one WTO member to develop higher education trade policy under the GATS provisions.

The Mazzoni framework allows for the study of higher education policy making through a political lens, one that allows researchers to investigate many different elements and provide a picture of an issue in an unexplored domains such as GATS. In so doing, the research expands applications of the Mazzoni framework of combined political

systems/power-influence into studies with an international aspect. In addition, the richness of the theory contained in the framework allows such study to be more explicitly theoretically anchored, an approach that is rather absent in studies related to higher education and GATS at present. While the study described in this document is descriptive in nature and not geared to generating elegant theory, it focused on scholarly work that makes explicit its theoretical bearings.

The application of the Mazzoni framework into new areas of study holds promise for generating insights into how particular types of higher education policies may be developed in particular arenas. It may prove fruitful in providing findings that will lead to further development of theory as well as deeper exploration of issues related to international aspects of higher education policy making.

Chapter 3

Research Design and Methodology

This chapter builds upon the theory and literature introduced in chapter 2 to present the research design and methodology for this study. It includes the definition of key terms, the assumptions arising from the underlying theory as well as from the Mazzoni framework, the research questions, and the variables that will be examined. This chapter also discusses the research methods for conducting the study, including selection of case, sources of data, procedures for data collection and analysis, and controls for minimizing error and bias. The chapter will conclude with a discussion of ethical considerations and the protection of the research subjects used in the study.

Research Design

This section outlines the application of the conceptual framework, the Mazzoni model described in chapter 2, to the case of the U.S. experience in developing higher education trade policy under GATS. It includes the review of key terms that were used in the study, the assumptions that underlay the framework and the collection and analysis of the data, and the questions that guided the conduct and analysis of the study. The research variables that were part of the framework also will be examined. A summary of the theoretical assumptions and variables, along with the research questions and data sources, appears in table 2 at the end of this chapter.

Definition of Terms

The following terms, identified and described in some detail in chapter 2, served as guiding definitions for the conduct of the study and subsequent analysis of the data. Consistent with the Mazzoni model, they have been adapted somewhat from their

original forms to be as inclusive as possible of various scholars' individual explanations. Terms more specifically related to GATS and its provisions will be included in the presentation of the findings in chapter 5.

Politics refers to the activity undertaken by individuals and/or groups of individuals to acquire and use scarce resources to obtain preferred outcomes in a situation in which there is uncertainty or dissensus about choice, as well as the system in which that activity takes place.

Conflict is a situation that is necessary for and precedes political activity. It is produced through the combination of actor interdependence, heterogeneous/ conflicting goals, and resource scarcity.

Power refers to potential impact. Dependent upon control of resources and appropriateness of those resources in a particular situation, power may be, but is not always, converted through actor will and skill into influence.

Influence is actual impact; the exercise of power that shapes or determines decision outcomes. It was gauged according to two determinants that examined which actors could have been or were involved and when/how such influence might have occurred.

Authority is the legitimate (i.e., accepted and expected) prerogative to make decisions binding upon others.

Theoretical Assumptions

Drawn from the Mazzoni framework as well as from the work of Fischer (1990), Geary (1992), and Pfeffer (1981), the following assumptions are embedded in this particular framework:

1. Human agency is at the heart of political action. That is, participants and players in an issue conflict have the ability to significantly affect the thoughts or actions of others.

2. Actor configurations change with different issues and decision arenas, across different stages of the policymaking process, and at different points in time.

3. Actors are rational beings that engage in goal-related activities, but they are also ethical, social, and emotional beings who seek to advance their ideologies, views and values as well as their material interests. The benefits that actors seek may be collective as well as individual, symbolic as well as material.

4. Interests and stakes contribute to the results (goals) actors seek to attain from their involvement in political processes.

5. Interests, stakes and goals contribute to the stands that actors take on proposals that emerge in policymaking processes.

6. Conflict exists over the goals to be sought or the means by which those goals will be achieved.

7. Goal attainment requires the power (capacity) to exert influence.

8. Power is dispersed among participants; the power of the various participants will determine the outcome of the policy making process.

9. Actors differ in control of resources and ability to use them.

10. To be converted into influence, resources must be relevant to the particular policy making situation.

11. Actors differ in the will to exercise power to exert influence and must be willing to use their resources to exert influence on a particular issue, in a particular decision area, at a particular time.

12. Actors will deliberately undertake activities that convert resources into influence. These activities are tailored to the particular policy making situation.

13. Actors differ in the strategies that they will use.

14. Institutional and sociocultural contexts shape the interplay of influence.

15. Actors differ in their access to decision arenas and in expertise in using the rules and norms of the political system.

16. Policy making is a pluralistic process through which interdependent participants use influence and/or authority in an effort to promote conflicting goals in an attempt to acquire favorable decision outcomes.

17. An examination of the manner in which actors, goals, resources, motivations, strategies, and setting interact can identify relative power advantages on a particular issue, at a particular time, in a particular arena.

In addition to these study-specific assumptions, another assumption, that of the researcher's ability to conduct the study, must be noted. As such, it was assumed that the researcher possessed the energy and skill to gather and weigh evidence, to decide on valid findings, and to present the findings in a clear, coherent, and convincing manner.

Research Questions

This study sought to answer the following questions:

1. Who were the major actors in the policymaking process related to the substantial
   and technical aspects of the U.S. higher education trade negotiations in the
   context of GATS?

   a. Who were the major actors at each stage of the process?

   b. What were their goals and priorities?

c. What motivated them to become involved in the policy making process? What was at stake?

d. What resources did each actor command?

2. How did the actors attempt to influence the policy making process?

a. What strategies did actors employ to use their resources to exert influence?

b. How were the influence attempts shaped and constrained by the contextual factors of the WTO and higher education environments?

c. What alliances developed among the actors?

3. What was the outcome of the influence attempts?

a. What were the differences between what actors sought and what actually occurred?

b. What compromises and bargains were necessary in reaching the policy outcome?

c. What factors were responsible for that outcome?

Research Variables

Chapter 2 outlined the Mazzoni framework for analyzing and describing policy making processes as seen from a political perspective. It demonstrated the model's heavy theoretical saturation, its inclusion of elements consistent with definitions of politics, and its absorption of other models that describe specific aspects of decision making processes, aspects that are thus captured into a combined political systems/ power-influence model of analysis. Chapter 2 also outlined the advantages of using a framework that is broader in its scope. It provides a vehicle for the conduct of exploratory studies into relatively unexamined and/or unexplained areas of decision making and elicits thick

descriptions of decision making in those areas. The framework organizes related theories

and models into categories to aid in collecting data and presenting findings. This study,

therefore, used the Mazzoni categories as the variables to be analyzed in answering the

research questions and thus in describing the policy making process. They are outlined in

this section. The discussion of the variables contains examples of the manner in which a

variable may be manifested within the context of the study of U.S. higher education trade

policy development under GATS.

Actors are the relevant participants in the issue conflict being examined, whether they

be individuals, groups, or coalitions; established interests or ad hoc organizations; and/or

formal authorities and informal interests. Numerous players may be identified: for

example, governmental bodies, higher education associations, quality assurance oversight

organizations, and international nongovernmental organizations.

Goals are the results that actors seek to attain from their involvement in the

policymaking process. Within the GATS process, goals may be concrete (for example, to

attempt to ensure access to higher education markets internationally) and abstract (for

example, an "aspirational" goal such as a desire to maintain the integrity and character of

public higher education).

Resources are tangible or intangible items that actors command that give them the

power, i.e., the capacity, to exert influence. As such, resources are also indicators of the

power of actors and may include direct access to high-ranking officials, expertise on the

topic of higher education trade, and the ability to express viewpoints through written

materials and face-to-face meetings. Consistent with Mazzoni's framework, power in this

study was viewed as the result of use of the resources, rather than a resource in itself: "…

the capacity of an actor or actors to affect—or effect—decision outcomes (Mintzberg, 1983). Power, conceived as being *dependent on control of resources*, may be converted through actor will and skill into influence" (Mazzoni, 1991a, pp. 7-8, emphasis added).

Motivation gauges how willing actors are to use their power resources to exert influence on a particular issue, in a particular decision area, at a particular time. Various actors may be more motivated to be active in certain stages rather than in others.

Strategies are the activities that actors deliberately undertake to mobilize their resources to exert influence. Certainly within the context of the general WTO negotiations, one of the most potent strategies used to exert influence has been that of overt protest by individuals and groups that view the WTO treaties unfavorably.

Setting addresses how the institutional and sociocultural context shapes the interplay of influence. Because it allows for the examination of the interplay between the formal structure authorized to make decisions and the internal conversion process, the category provides a bridge between the political systems (the external structure) and power-influence (the internal workings) components of the framework. Setting comprises the concepts of roles (for example, formal roles such as trade representative or association president or informal roles such as facilitator), decision areas (for example, that of the WTO or of the higher education association community in Washington, DC), group dynamics (either positive, synergistic effects or negative effects), and organizational processes and culture (for example, the formal and informal rules developed to govern the GATS negotiations). It also includes the broader environmental forces (for example, societal views toward higher education or the increase in information technology) and

any impacts these forces might have on the external structure or the internal conversion process.

Interactions and outcomes are the process dynamics that unfold during issue conflicts. The category allows for interpretations of the manner in which participants, goals, resources, motivations, strategies, and setting interact to create patterns of influence. Interactions are, in essence, dependent variables: Their outcomes are determined by the interpretations of the inputs of the other six variables.

Multiple stages and streams of influence may occur in any issue conflict and may involve complex patterns of connections between and among players at certain process stages and in certain arenas. Therefore, analysis of interactions and determination of influence in a decision involves certain initial determinations. Using a variant of the Lasswell (1936) definition of politics as a scheme for classifying the determinations, they are "who," "when," and "how."

1. "Who:" Which of the actors influenced the decision at any point?

2. "When:" At what point in the process was the actor involved in influencing the decision?

3. "How:" What type of influence did the actor exert? For instance, did the actor prevail in getting an item on the agenda? Was he or she responsible for developing support for an issue?

To examine and analyze these issues, this study used the following procedures, drawn from the work of Dahl (1984), Gamson (1968), and Geary (1992), to array the dynamics and to provide interpretations:

Identifying the influentials ("who"). Identification of influentials may be thought to have two indicators: One of *capacity* and the other of *actuality*. This phase of determining interactions combined steps that addressed both these indicators.

The first step, positional/reputational review, is an elitist approach that aims to identify individuals thought to be *capable* of exercising power. It assumes that power is rooted in top positions and in resources and that those exercising power can be identified by people that "know" where that power exists. Identification takes place through analysis of organizational lists, inventories of resources and who controls them, and interviews with knowledgeable individuals. It provides a starting point for examination of interactions; the analyst can conduct further exploration to determine which of these individuals may have been involved in a particular issue.

The positional/reputational review, however, rests on the assumption that people in top positions actually exercised power in a specific issue situation. It does not mean that such persons actually participated. Nor does it acknowledge the existence of other individuals, perhaps not known within a formal structure, who have actually exercised influence in an issue contest. Therefore, a second step, decisional review, examines actual participation patterns: participants who may have had influence on a decision outcome and prevailed on a particular issue. This step is a pluralistic approach that acknowledges that power and influence depend on particular issues in particular settings at a particular time. Decisional review also can provide insight into differences between what actors originally sought and what was achieved. To render these judgments, it was necessary to identify actors who have prevailed in certain decisions related to the issue under study. These actors included persons identified through the positional/reputational review, but

not all these persons were influential in this particular issue. Rather, actors relatively "hidden" from public view often exerted influence on the development of higher education trade policy.

Assessing the influence ("when" and "how"). To assess when and how individuals might have had influence, decision events and participant actions were examined according to the following indicators: (1) Did the actor have the resources necessary to influence the decision? (2) Did the actor have the motivation and skill to make an influence attempt? (3) Did the actor have a strategy in place to attempt to influence? and (4) Within the context of the setting that the decision occurred, can a plausible sequence of events that combines actor, motivation, resources, and strategy be constructed? These indicators were helpful not only in laying out possible explanations but also in attempting to guard against possible misattributions of influence as a result of such occurrences as chance/chameleon activity in which a participant's skill is in correctly guessing the outcome of a decision and then attaching him/herself to it without actually having exercised any influence whatsoever (Dahl, 1957, 1984; Pfeffer, 1981).

Methodology

The previous section discussed the theoretical assumptions, the research questions, and variables that served as the foundations for the design of this study. This section of the chapter introduces the manner in which the study was conducted, including the methodological approach, sources of data, procedures for data collection and analysis, organization and presentation of the findings, and steps taken to enhance study rigor.

General Mode of Inquiry and Rationale for Selection

This study was designed using a qualitative case study approach, specifically a historical case study. In this particular tradition, according to Cresswell (1994, p. 12),

"the researcher explores a single entity or phenomenon ('the case'), bounded by *time and activity* [emphasis added] (a program, event, process, institution, or social group) and collects detailed information using a variety of data collection procedures during a sustained program of time" (see also Merriam, 1988; Yin, 1989)." This mode of inquiry is one to which the issue under examination was particularly suited. Case study has a rich tradition in the social sciences (Cresswell, 1998; Yin, 1994). Mazzoni himself made frequent use of case studies in analyzing political phenomena (e.g., Mazzoni, 1991b; Mazzoni, 1994), as did other researchers in applying political models to educational policymaking issues (e.g., De Give & Olswang, 1999; Malen & Ogawa, 1988). With regard to the issue under examination in this study, the single entity is the United States, the activity is the negotiations over the trade of higher education under the WTO's General Agreement on Trade in Services (GATS), and the time period extends from 1999 (roughly the year in which consideration of the issue began in earnest) to early 2007. Thus, the phenomenon is one that is, indeed, bounded by time and activity.

As demonstrated in chapter 2, policy making processes as seen through political lenses are inherently complex. Analysis of such processes involves examining the thoughts and actions through which actors employ their values and goals to reach decisions, a task in which the ability to capture nuance is important. The how and why of decision making processes needs to be explored through techniques that involve the researcher as the primary instrument for data collection and analysis in order to ask probing questions, to follow up answers with more questions, and to make sense of the data that are collected. For that reason, this case study was qualitative rather than quantitative in nature.

Because of the how and why questions that political models address, these models in general (and the Mazzoni framework in particular) inherently lend themselves to describing and explaining a phenomenon. Indeed, when conducted through qualitative research techniques, a case study seeks to describe a particular event. In the beginning phases, however, it may not seek to test or verify a theory, although a theory may in fact emerge through the design and analysis phase (Cresswell, 1994). That is not to say that qualitative case studies are atheoretical; these studies may employ theory in many different ways. Such is the case in this particular study: a framework primarily descriptive in nature but securely grounded in theory (i.e., Mazzoni) provides the conceptual structure on which the study is built.

Case Selection

The selection of the United States experience with the higher education provisions of GATS was a function of the U.S. role in higher education. With 4,140 degree-granting institutions of postsecondary education serving 16,900,471 students in Fall 2003 (Snyder, Tan, & Hoffman, 2005) under both public and private control, from small institutions offering liberal arts degrees to large research institutions, the United States has the largest system of higher education in the world, both in terms of number of institutions and in number of students enrolled in the institutions. Some of those institutions have established campuses and programs worldwide. It also has a well-established system of nongovernmental quality assurance through the accreditation process, one that has been studied by other nations looking to establish more governmentally independent forms of quality assurance for their own higher education systems and one that has, in some cases, been involved in accreditation of foreign programs of study (for example, the Association to Accredit Colleges and Schools of Business).

The selection of the United States experience also was made because it is one of only a relative few WTO members that has presented a proposal for inclusion of higher education services, one that outlines its requests for access to foreign markets as well as its offers to provide access by foreign providers to its own markets. In addition, it is one of only eight countries that published its offer to provide access to domestic markets (Knight, 2003). Although the absence of offers or of publicly available material would not have precluded selection of another country, the existence of the U.S. material indicated that (1) offers were made and were on the table, which offered a starting point for collection of more in-depth information and (2) individuals involved with the process were thought to be more forthcoming with additional information. The existence of this information also offered archival material for analysis prior to commencing the study. The researcher could thus capitalize on the data by building the study on information that already existed. In addition, she could use this information to improve the quality of the interview questions.

Finally, the geopolitical position of the United States is a factor that cannot be ignored. Described as a "hyperpower—a nation so powerful that it affects the lives of people everywhere" (Sardar & Davies, 2002, p. 11), the United States has considerable influence both economically and politically. From that perspective, it was expected that a study of the United States' experience with higher education and GATS would be rich in information and provide a powerful picture of the ways in which power and influence come together to shape higher education policy on the world stage.

Data Sources and Procedures for Data Collection

According to Yin (1994), good case studies make use of multiple sources of information. He recommended six types of information sources for case studies: documentation, archival records, interviews, direct observations, participant observations, and physical artifacts.

In a study involving processes of policy making, one would not expect to find any sort of physical artifacts. Direct and participant observations were not possible due to the historical nature of this particular case. The other types of sources, however, were appropriate to this study. To that end, the following data sources were used in gathering evidence for the analysis.

Document and archival review. A review of relevant documents provided critical information to establish a narrative framework and to develop questions for eventual interviewing. These documents included meeting and conference proceedings, letters, official reports, position statements, public relations publications, fact sheets, press releases, newspaper and journal articles, and books that contain accounts of actions taken with regard to higher education and GATS. All documents used in this review were publicly available or were provided by interview sources to the researcher during the course of the research. In no instance were records considered to be confidential used in this study.

Informal and in-depth interviews with individuals familiar with the case. The interviews were useful in providing historical information and verifying information in print or received from other interview sources. The informal nature of the interviews allowed the researcher to control the line of questioning, to follow up on a response, and

to change or amend the questions as necessary. The following organizations were contacted for interviews and for assistance in identifying interview sources: (1) officials of the WTO, who served as the initial "gatekeepers" to the case and who helped identify and gain access to others who could provide insight into the issue; (2) officials from the U.S. government, in particular from the USTR; and (3) officials from various groups identified in documents, reports, and other material as having been involved in deliberations at some level or who have voiced opinions on the matter. The last group included heads or other high-level officials from groups such as the American Council on Education (ACE), the Commission on Higher Education Accreditation (CHEA), and the Organisation for Economic Co-operation and Development (OECD).

Potential interview subjects were selected with the guidance of WTO officials as well as from records, documents, and other printed material, primarily on the basis of position, under the assumption that those in higher levels of authority will have had more involvement with the issue or will at least be able to provide a general overview and names of individuals more knowledgeable about the case. That assumption was, in fact, shown to be valid: Individuals involved in and knowledgeable about the case tended to be those at very high levels within their respective organizations. In those instances where that was not the case, the individuals were able to direct the researcher to the appropriate person. Informants for the interviews were then selected from the total pool of identified individuals using the following selection criteria: (1) position/role within the groups involved in the process; (2) involvement in the issue being analyzed in this study, (3) knowledge/recollection of the issue under study, (4) reputation for candor, (5) willingness to participate in the study, and (6) proximity and availability to the researcher. The

informants were selected in order to provide a diversity of perspectives on the inclusion of higher education in the GATS.

Eventually, a small but knowledgeable pool of nine individuals was interviewed for this study. This group of sources included high-level professionals from the organizations involved in the issue, with six individuals holding positive viewpoints on the concept of higher education in GATS and three holding negative or neutral views. Five of the sources were from authority organizations; the remaining sources were from partisan groups (see Gamson, 1968). Each was able to provide in-depth knowledge about the issue; all except one were directly involved with the process in some fashion. All the sources were candid in their responses, were able to direct the researcher to sources of additional information, and agreed to be available for follow-up interviews and questions as necessary.

Interview protocols (see appendices A and B), one for those deemed to be authority sources and one for those deemed partisan sources (see p. 109) for the definition of these terms), were developed for use in the interviews. Each protocol provided a general script for the researcher to follow. Questions were designed to get at the "who, what, when, and how" of the policy making process. The researcher, however, was not limited to the questions in the protocol if a response sparked a follow up question. Nor was there a requirement to follow the script to the letter. For example, any questions deemed to have been adequately addressed in a previous response or with the potential to make an interviewee unduly uncomfortable were eliminated from the questioning in that particular instance.

All interview subjects received an informed consent form (appendix C) prior to the interview. The form provided information on the purpose of the study, procedures for data collection, methods for protection of subject confidentiality, and anticipated benefits and risks of subject participation. The form also included contact information for the researcher and the university institutional review board and informed the subject that he or she had the right to withdraw from the study at any time. This form was signed by the participants prior to their interviews.

Seven of the nine interviews were held face-to-face. This method of interviewing enabled the researcher to use gestures, expressions, and so forth to build a rapport with the participants both before and during the interviews. In the two instances for which face-to-face interviews were impossible because of problems with facilitating the meeting, one for travel issues, the other for scheduling conflicts, a telephone interview and an e-mail response, respectively, substituted for the face-to-face meeting. Although initially the interviews were to be audiotaped whenever possible, the participants, when asked prior to their interviews whether they felt comfortable being audiotaped, indicated that their responses would be more candid if no recording of the conversation would be made. Therefore, none of the interviews were taped, but detailed handwritten notes were taken during the interviews.

At the end of each interview, the sources were asked if they were willing to answer follow up questions during subsequent data collection and analysis; all sources were so willing. Immediately following each interview, initial thoughts about the content of the interview were compiled as well as an assessment of the source's candor and interest in the subject to aid in determining the relative validity of the data collected. As soon as

possible after each interview, an outline of the source's responses was typed and sent to the source. Each source was asked to review his or her interview responses and to add to or correct the contents as necessary.

Data Analysis

As recommended in qualitative research (Cresswell, 1994), data analysis occurred simultaneously with data collection as well as with narrative writing. Because of the interpretive and interactive nature of qualitative research, the simultaneous conduct of these three processes enabled the researcher to look for patterns that could inform subsequent interviews, to help refine and shape the questions and to enable the researcher to ask follow up questions to informants as necessary, and to assist in sense making in data analysis and description in the writing. This approach was a multifaceted version of arriving at the "truth;" each of the collection, analysis and writing processes informed and improved upon the others.

Tesch (1990, cited in Cresswell, 1994) stated that the process of data analysis is eclectic, that there is no "right way." Thus, the Mazzoni framework served as the mechanism for the organization, analysis, and reporting of the data. The research plan allowed for the development of additional categories or amendments to existing categories if any data did not fit neatly within the framework. Such a step was not necessary: The framework's categories proved to be sufficient for organizing and presenting the findings. Emergent themes and patterns were identified, and an initial narrative was written. Questions that emerged in the course of this initial analysis and writing were compiled and answers were sought through follow up questions and subsequent data analysis and classification. In the course of the follow up questioning and

analysis, the researcher searched for evidence that supported as well as refuted the apparent themes and patterns that emerged in the initial analysis.

Data Organization and Presentation of the Findings

As the picture of "what happened" began to appear and a storyline emerged, the prevalent themes provided some of the structure for the final data presentation. One of the most critical of these themes was that of event deadlines. Mazzoni (1991b, p. 116) argued that moving issues into new decision arenas "can change the key actors, relevant resources, incentives for action, influence relationships, and governing rules—and hence winners and losers—in policy struggles." Thus, this study used five temporal phases to assist in organizing the discussion of the results of this study and, in so doing, helped to identify multiple decision points and patterns of influence. They are as follows:

Phase 1: Initiation—December 18, 2000. The United States outlines its general position related to commitments in the education sector.

Phase 2: Request—June 30, 2002. All requests for access to foreign markets due. The United States makes "substantial requests" of other countries to remove barriers to enable greater access to higher, adult and other education services markets.

Phase 3: Offer—March 31, 2003. Offers from each country to provide access to its domestic market due. The United States submits/publishes its offers.

Phase 4: Revision—May 31, 2005. Original target date for completion of the round January 1, 2005; however, trade talks collapse in September 2003. July 2004 talks establish new schedules for completion of the round, with a new target date of May 31, 2005 set for revised services offers.

Phase 5: Jeopardy—January 31, 2007 and beyond. Trade talks suffer second suspension; the United States is faced with a potential domestic challenge with regard to the authority for negotiating trade provisions.

Steps to Enhance the Rigor of the Study

No matter how well constructed, no research design is perfect. Each theoretical model and methodology offers its own advantages and disadvantages. Chapter 2 discussed the various merits and drawbacks of political models but also provided the justification for use in this study. Qualitative case study research has been criticized for its lack of generalizability to other situations, for the difficulties in replicating the studies, and for the interpretive nature of the analysis, which may take different forms depending on the particular analyst. In addition, the use of interview sources for information may not always be reliable; participants may be reluctant to be completely honest and may not remember specifics about the issue under study. Each of these disadvantages, if unaddressed, may affect the study's internal and external validity. However, Merriam (1988) and Miles and Huberman (1989) as cited in Cresswell (1994) noted various steps that can be taken to enhance internal and external validity of a case study and thus to increase the rigor of that study. Based upon their guidance, this study incorporated a number of methods to provide that enhancement. The methods included those intended to boost both internal validity (member checks, triangulation, researcher/informant relationship, adoption of analytic stance, and collegial review) and external validity (generalizability and written protocol).

Member checks. As explained previously in this chapter, all interviewees were given an opportunity to review interview outlines and to add to or correct the contents. In addition, themes or conclusions that began to emerge in the course of the

interview/writing/analysis cycle were shared with interview sources as appropriate to see if they concurred with researcher conclusions.

Triangulation. The collection of data from various interviewees as well as from written documents and research studies served as a "triangulation" device. This technique provided a method for the researcher to examine data from multiple sources for consistency. The existence of data consistency served as a check on the quality of the data received from any one source: In cases in which data were inconsistent, the researcher probed for causes of that inconsistency and sought to clarify the information.

Relationship between researcher and informant. Following the advice of Guba and Lincoln (1998, cited in Cresswell, 1998), this researcher minimized the distance between the interview sources and herself (as researcher) by keeping them involved in the study. Sources were asked throughout their interviews if they had any other information to share or if they could offer other relevant questions that might be asked in future interviews. In addition, they were asked to review their interview response outlines.

Efforts also were made to establish the researcher's trustworthiness to help ensure the quality of the information collected through interviews. All participants were asked for their permission for an interview before further attempts were made to collect data from them. Prior to interviews, participants were given assurances of the purpose of the study and of the confidentiality of the raw data as well as of their ability to withdraw from the study at any time. They also were asked for their permission to be audiotaped. In taking these steps, the researcher attempted to arrive at a better "truth," using the assumption that interview responses would be more candid and honest if informants were assured of these simple safeguards, than if they had no such assurances. They would have no need to

withhold or modify information in any way because of fears of retaliation by others who might be made aware of their comments.

   Adoption of analytic stance. Because interpretive research can be shaped by researcher experiences and values, the acknowledgement of predispositions prior to engaging in qualitative research was important to increasing the rigor of the study. However, those same experiences and values also offered professional and research competence necessary to conduct a study of this nature. In the case of this researcher, she worked in a higher education related setting, an accrediting agency, for over ten years and during that time developed and analyzed policy and conducted research on the outcomes of those policies. As an expatriate, she has experienced international issues and realities firsthand and has witnessed some of the effects of globalization, an issue that is at the heart of the matter of the WTO and GATS, on other individuals. She has studied the efforts of the European Union and "European Higher Education Space" countries to make their educational systems more transparent and comparable and has talked with representatives from non-U.S. universities about the need for individuals of all nationalities to develop more of a global outlook. All such factors could have affected this researcher's view of the issue under study. The researcher, however, had no vested interest in the outcome of the research and, perhaps more critically, was able to recognize the potential implications of globalization issues and therefore the importance of her research in the globalization debate. In any case, potential and actual biases were acknowledged and considered in the course of data collection, analysis, and presentation. All efforts were made by the researcher to "suspend judgment, to hold in check [any] opinions, values, attitudes, and conclusions in an effort to impartially collect and analyze

program data" and "to adopt a hard-nosed attitude about the validity of the data" (Murphy, 1980, p. 68).

Collegial examination. Miller (1992, cited in Cresswell, 1994) noted the use of a *peer examiner* (in his case, a doctoral student who was also a graduate assistant) in the conduct of his doctoral dissertation. The inclusion of a collegial examiner can serve as a reality check on the analyses and conclusions that result from the data and can provide feedback that can help the researcher uncover ways in which, for instance, continuing data interpretation may be shaped to fit already existing categories, whether or not such interpretation is appropriate. They also can act as a check against researcher bias. Students in the College of Education at the University of Maryland have successfully made use of this method to increase the rigor of their studies. This study made use of the researcher's dissertation committee, in particular the committee chair, as a collegial review panel. Following completion of the first full draft of each chapter, it was forwarded to the committee chair for review and comment. Any comments received were considered and incorporated as appropriate in subsequent chapter drafts. In addition, all members of the committee received drafts of the chapters prior to finalization of the text.

Generalizability. As noted earlier in this section, a commonly raised criticism of case study approaches is the difficulty with which the findings of one study can be applied more broadly. This difficulty is a result of the uniqueness of issues examined under case study methods. However, the results of case study research can be used to bolster theory; this study, in its exploration of new terrain within higher education research, can be used to enhance the understanding of politics as it is manifested in higher education settings. Indeed, one of the aims of this study was to generate insights into the application of

political models to emerging areas for higher education research. In addition, case studies are particularly powerful at generating new ideas for research. This study examined the experience with only one WTO-member country. The results of this research may provide a starting point, for example, toward the examination of other WTO members' experiences in developing higher education trade. Directions for future research and possible applications of this study to theory and practice are described in chapter 6.

Written protocol. External validity is difficult to achieve in case study research because of the problems that other researchers might face in replicating such studies. The detailed protocol of this study's data collection and analysis techniques contained in this chapter, as well as the interview protocols in appendices A and B, might at some point enable another researcher to replicate the study in another setting (Yin, 1994).

Ethical Considerations

Because this study makes use of human subjects, consideration of their dignity and well being in the course of data collection and analysis was of utmost importance. Prior to the final approval of the proposal that outlined the subject, purpose and conduct of this study, review by and approval of this study by the University Institutional Review Board (IRB) was obtained. Approval was based upon completion of a standard form outlining the methods of securing and studying informants and their treatment throughout the study. In addition, the following safeguards, which have been outlined previously in this chapter, served to provide protection to the informants taking part in this research:

1. All sources of raw data were treated as confidential and were not shared with anyone other than the source from which the data was obtained. Interview sources were provided with written assurances of anonymity and confidentiality.

2. Interviewees were provided with an informed consent form prior to interviews. The form outlined the nature and purpose of the study, uses of the raw data, and their rights as study participants. The consent of the participants was obtained prior to the interviews. Interview sources also were reminded that they could terminate their involvement in the study at any time.

3. Interviewees were asked whether they would allow the interview to be audiotaped.

4. Interviewees were given an outline of their interview responses.

Table 2. Theoretical Assumptions, Research Questions and Data Sources for Study

Theoretical Assumptions	Research Questions	Information Needed	Data Sources/ Interview Questions*
Actors: • Human agency is at the heart of political action; i.e., participants and players in an issue conflict have the ability to significantly affect the thoughts or actions of others. • Actor configurations change with different issues and decision areas, across different stages of the policymaking process, and at different points in time.	• Who were the major actors at each stage of the WTO policymaking process? • What alliances developed among the actors?	• Names of individuals and organizations involved in the process at each stage • Alliances that may have developed between/among individuals and organizations at any stage of the process	Records: Organizational charts, articles, press releases 6. (Partisans) Has your agency taken any action with regard to its view regarding the inclusion of higher education in GATS? If so, what? 4. What specific actions have you taken with regard to your organizational role that pertain to the inclusion of higher education trade policy? 5. Did you initiate any of these actions? If so, which ones? If you did not initiate the action, who did? 5.a.i. Did these actions meet with any opposition? If so, from whom? Whom did the resisters represent? 8. Have you done anything that reflects your personal view on inclusion of higher education in GATS? If so, what? 9.a.i, b.i. Are you aware of actions taken by any other individuals or groups? If so, what? Which individuals or groups initiated those actions? Which individuals or groups resisted or opposed those actions? Whom did the supporters/resisters represent? 5.b.i, 5.c.i, 9.c.i, 9.d.i. How did initiators and opponents try to build support for their positions? Which individuals/groups were particularly effective?
Goals: • Actors are rational beings that engage in goal-related activities, but they also are ethical, social, and emotional beings that seek to advance	• What were the actors' goals and priorities? • What motivated the actors to become involved in the policymaking process? What was at stake?	• Interests in higher education • Goals for participation • Perceived or actual stakes in the issue	5.a.ii, iii, 9.a.ii, iii. What positions did initiators and opponents take on the issue? Was it a high priority item for them? 7. Is this a high priority item for you [the subject]? 8. Have you done anything that reflects your personal view? If so, what?

Theoretical Assumptions	Research Questions	Information Needed	Data Sources/ Interview Questions*
their ideologies, views and values. The benefits that actors seek may be collective as well as individual, symbolic as well as material. • Interests and stakes contribute to the results (goals) actors seek to attain from their involvement. • Interests, stakes and goals contribute to the stands that actors take on proposals that emerge in policymaking processes. • Conflict exists over the goals to be sought or the means by which those goals will be achieved.	• What were the differences between what actors sought and what actually occurred?		
Resources: • Goal attainment requires the power (capacity) to exert influence. • Power is dispersed among participants; the power of the various participants will determine the outcome of the policymaking process. • Actors differ in control of resources and ability to use them. • To be converted into influence, resources must be relevant to the particular situation.	• What resources did each actor command?	• Resources that were at hand to the individual or organization • Resources that actually were used by the individual or organization in the policy making process	5.b.i, 5.c.i, 9.c.i, 9.d.i. How did initiators and opponents try to build support for their positions? Which individuals/groups were particularly effective?

Theoretical Assumptions	Research Questions	Information Needed	Data Sources/ Interview Questions*
Motivation: • Actors differ in the will to exercise power to exert influence and must be willing to use their resources to exert influence on a particular issue, in a particular decision area, at a particular time.	• What motivated the actors to become involved in the policymaking process? What was at stake?	• Goals for participation • Perceived or actual stakes in the issue • Importance to the individual or organization of the issue and reason for that view	5.a.ii, iii, 9.a.ii, iii, b.ii, iii. What positions did initiators and opponents take on the issue? Was it a high priority item for them? 5. (Partisans) Is this a high priority item for the agency? 7. Is this a high priority item for you? 8. Have you done anything that reflects your personal view? If so, what? 5.b.i, 5.c.i, 9.c.i, 9.d.i. How did initiators and opponents try to build support for their positions? Which individuals/groups were particularly effective?
Strategies: • Actors will deliberately undertake activities that convert resources into influence. These activities are tailored to the particular situation. • Actors differ in the strategies that they will use.	• What strategies did actors employ to use their resources to exert influence? • What alliances developed among the actors?	• Strategies (conversion of resources into influence) that were successfully or unsuccessfully used by the individual or organization • Potential strategies that were rejected (if possible)	5.b.i, 5.c.i, 9.c.i, 9.d.i. How did initiators and opponents try to build support for their positions? Which individuals/groups were particularly effective?
Setting: • Institutional and sociocultural context shapes the interplay of influence. • Actors differ in their access to decision areas and in expertise in using the rules and norms of the political system.	• How were the influence attempts shaped and constrained by the contextual factors of the WTO and higher education environments?	• Organizational structures • Rules for establishing and maintaining trade policies • Individual's role within an organization	Records: Organizational charts, texts of agreements 3. What has been your role with regard to the WTO/GATS? 3 (Partisans). At what point were you or your agency made aware of the issue of higher education's inclusion in GATS? 4 (Partisans). What is your agency's view with regard to the inclusion of higher education in GATS? 5.b.i, 5.c.i, 9.c.i, 9.d.i. How did initiators and opponents try to build support for their positions? Which individuals/groups were particularly

Theoretical Assumptions	Research Questions	Information Needed	Data Sources/ Interview Questions*
			effective? 6. What is your personal view with regard to the inclusion of higher education in GATS? 7. Is this a high priority item for you? 8. Have you done anything that reflects your personal view? If so, what?
Interactions: • Policy making is a pluralistic process through which interdependent participants use influence and/or authority in an effort to promote conflicting goals in an attempt to acquire favorable decision outcomes. • An examination of the manner in which actors, goals, resources, motivations, strategies, and setting interact can identify relative power advantages on a particular issue, at a particular time, in a particular arena.	• What was the outcome of the influence attempts? • What were the differences between what actors sought and what actually occurred? • What compromises and bargains were necessary in reaching the policy outcome? • What factors were responsible for the outcome?	• All of the previously listed information, plus • Information on what was effective for the individual or organization and what was not effective	5.d, 9.e. How was the issue resolved? 5.e, 9f. What compromises were needed to resolve the issue? 5.b.i, ii, 5.c.i, c.ii., 9.c.i, c.ii, 9.d.i, d.ii. How did initiators and opponents try to build support for their positions? Which individuals/groups were particularly effective?

* Unless otherwise noted, question numbers refer to those asked to "authorities" (those granted the authority for policy making for a particular issue) and appear on the "authorities" semi-structured interview guide in appendix A. In each case, the same or a similar question appears on the interview guide for the "partisans" (those who do not have primary authority for policy making but whose actions may influence those of the authorities) in appendix B. The questions that pertain only to the "partisans" interviews are noted.

Chapter 4

Setting the Stage: The General Agreement on Trade in Services

and a Changing World Higher Education Arena

Global trade is by no means a 20th-Century phenomenon. One need only look to the

routes established by ancient civilizations in Phoenicia and Rome and in later centuries

by Spain, Portugal and England to find evidence of goods exchange occurring for

thousands of years. In the last 60 years, however, the context of that exchange has been

altered by the establishment of multilateral trade agreements, in particular the General

Agreement on Tariffs and Trade (GATT), the precursor to the WTO. During that time,

the advent of increasing international trade of services brought about a call for a similar

agreement governing services transactions. GATS resulted from the efforts of certain

GATT signatories to establish a trade regime for services. GATS also resulted from the

same ideals of free trade as did GATT; indeed, its framers borrowed many important

terms and concepts directly from GATT. This chapter begins with an overview of GATS'

development and the environment in which it was born.

New trade agreements, however, are not instantly acceptable just because they share

the same ideals of other agreements that have been in existence for a longer time period.

GATS certainly has not been without its share of detractors. Trade in higher education is

one services sector particularly subject to confusion over how it would be governed by

GATS and to controversy over why (or even whether) it is subject to GATS in the first

place. This chapter will examine some of the salient issues related to GATS and higher

education trade.

The Development of GATS

One of the first attempts at establishing broad trade agreements occurred about two years after the end of World War II. In 1947, nine countries became the original signatories to the General Agreement on Tariffs and Trade (GATT), a multilateral treaty covering trade in goods. Those nine nations became known as GATT contracting parties. By the end of 1948, their numbers increased to 17; by the time the WTO was established in 1995, 128 nations had signed the agreement (World Trade Organization, "The 128 Countries," n.d.).

In the years following the establishment of GATT, the parties realized that worldwide trade in services, described by an interview source as "anything you can't drop on your foot," was increasing, and at a rapid pace. Since 1980, in fact, trade in services worldwide has grown at a faster rate than that of goods (World Trade Organization, 2005b). Given this expansion, efforts to establish a structure for oversight of services trade were launched. In the 1970s and 1980s, the U.S., under the GATT structure that was the precursor to the WTO, tried to convince other countries to include services as part of the trade negotiations. During that time, according to an interview source, employment in service sector industries accounted for 70 percent of U.S. non-agricultural employment, a figure that since has increased to 80 percent. In the eighth round of multilateral trade negotiations under GATT, known as the Uruguay Round (1986-1993), the efforts of the U.S. and other GATT contracting parties came to fruition with the extension of multilateral trade to services through GATS. This new treaty was one of the most notable outcomes of the Round (World Trade Organization, 2005b). The scope of negotiations in

the Uruguay Round was very broad, covering more areas of trade than any of the rounds that preceded it (Jawara & Kwa, 2004).

Developers used the GATT for inspiration and borrowed terms and concepts included as part of GATT, concepts that had been tested through half a century of use at that time. Those terms included most favored nation, the unconditional obligation that one WTO member will be treated as favorably as another, and national treatment, the requirement that foreign suppliers will not be discriminated against in favor of a domestic supplier (World Trade Organization, 2005b). Although developing countries had misgivings over GATS (e.g., fears about being able to compete), they were unable to block its passage. As a compromise, developing country members agreed to a "bottom-up" approach: one that would allow each member the right to decide which sectors it would open (if any) and the extent to and limitations on liberalizing trade in that sector (Jawara & Kwa, 2004).

The Uruguay Round of talks culminated in an April 1994 meeting in Marrakesh, Morocco. At that gathering trade ministers from the GATT member nations enacted the agreement that established the WTO itself, in the so-called Marrakesh Agreement (Jawara & Kwa, 2004) and became the first members of the new trade body. The ministers also signed a number of other agreements reached in the Round. One of those agreements was the GATS itself. Each country made different commitments for different service sectors during the Uruguay Round. Subsequent liberalizing trade rounds began in early 2000 (The Office of the United States Trade Representative, 2000).

All of the service negotiation agreements were incorporated into the Doha Development Agenda, more commonly referred to as the Doha Round, in 2001. Trade in services was established as one of the major issues to be discussed, largely at the urging

of the U.S., which was in favor of including services in the Doha Round. Because the U.S. was in the "driving seat" at Doha (Jawara & Kwa, 2004, p. 119), it got what it wanted regarding negotiating services (as well as numerous other issues). In fact, the Doha agreement "fast-forwarded" the services negotiations despite the requests of developing countries for an assessment, required by GATS, of the effects of trade in services before new negotiations began (Jawara & Kwa, 2004).

Despite the fact that GATS is a treaty establishing the ground rules for trade in services, it ironically includes no definition of what constitutes "services" for the simple reason, according to one interview source, that its developers had too much difficulty with defining the term. Instead, the agreement makes use of a modified form of a document known as the Central Product Classification (CPC). The CPC was originally developed by a United Nations statistician for the purposes of understanding, not for legal purposes. The amended CPC is the "substitute" for the definition. The WTO actually amended the CPC for its own purposes for GATS because the UN CPC includes items that are not within the scope of the GATS. However, according to an interview source, there is "about 90 percent overlap." The new itemization is called the Services Sectoral Classification List. The purpose of this classification is to ensure clarity, comparability and consistency of the commitments (World Trade Organization, 2005b). Use of the WTO classification is optional, although most members follow it (World Trade Organization, 2005b). GATS signatories are advised to make use of the CPC in their schedules for clarity and consistency. If the CPC is not followed, according to one interview source, then those particular members should at least make references to the CPC.

In theory, if there is no definition of "service" in the agreement and there is no rule that the WTO services classification list be followed, then WTO members can choose to declare that they do not believe a certain service to be covered or tradable. With regard to higher education, the U.S. obviously did not take such an approach. Indeed, according to one interview source, the U.S.' 1988 Omnibus Trade and Competitiveness Act included a definition of services, and education has been considered a service since the U.S. Government began its efforts to convince other countries to focus on services trade.

Trade in Education

As discussed previously, and will be discussed in later sections of this study, various stakeholders have concerns with the concept of higher education being included as part of a worldwide trade agreement. These same stakeholders, however, do not deny that "trade in education," like trade in general, has existed for centuries, certainly in higher education. If historical higher education patterns are examined and classified in GATS language, then one can identify GATS Mode 2 (consumption abroad) in the travel of students to other countries to study in foreign universities and Mode 4 (movement of natural persons) in the activities of visiting teachers and researchers as well. What has changed is the environment in which these activities are occurring (to be discussed in the next section). Clearly, higher education has become a lucrative sector in terms of trade. In 1995, worldwide higher education trade was estimated at $27 billion (World Trade Organization, 1998). For the United States, the estimated value was $10 billion in 1999 (ITA, U.S. Dept. of Commerce, cited in Lenn, 2000). Furthermore, higher education is among the U.S.' top five exports (World Trade Organization, 1998).

Forces Shaping Trade in Education

The monetary figures related to higher education make it clear that higher education trade is big business in the years surrounding the turn of the millennium. While such trade has occurred for hundreds of years, certain trends have, singly and in combination, been contributing forces in shaping trade in higher education. This section discusses the forces having an effect on this trade.

Globalization

Arguably, no other word has been used more to describe current trends in today's world than globalization. It is a term that is often thrown about without clear definition, yet no one will deny that such a phenomenon exists. Altbach (2004, p. 5) stated that "[G]lobalization in the 21st Century is truly worldwide in reach—few places can elude contemporary trends, and innovations and practices seem to spread ever faster due to modern technology." With regard to higher education, it relates to the movement of both students and professional academics, either on a short- or long-term basis, as well as to governmental cultural and political objectives related to increased understanding and interchange across nations (Hirsch, 2002). Altbach (2004, p. 11) noted that "not since the medieval period has such a large proportion of the world's students been studying outside their home countries—more than 1.5 million students at any one time."

The boom in information technology and communications has helped to facilitate globalization in general and higher education in particular through increased cross-border activity (GATS Mode 1) by both "traditional" universities and distance learning providers. While education by correspondence is not a new concept (for example, Kansas State University has been educating students by correspondence since the 1940s, and the

UK's Open University has done so since 1971), tools such as e-mail and the World Wide Web have made research and education from a distance easier and less expensive. Universities such as the U.S.-based University of Phoenix have taken advantage of that technology by offering an on-line campus in addition to the more traditional on-site learning. The use of technology to deliver higher education means that students from more remote locations can participate in higher education programs without setting foot in the location, or, indeed, the country from which the education originates. Expanding capabilities in information technology also have made possible the development of sophisticated education course software that can be distributed either as a stand-alone product or as part of an educational program.

Changes in Dominant Paradigm

According to Altbach (2004, p. 9), the world view is changing from a primarily geopolitical paradigm to one more economic in tone. "We are now in a new era of power and influence. Politics and ideology have taken a subordinate role to profits and market-driven policies. Now, multinational corporations, media conglomerates, and even a few leading universities, can be seen as the new neocolonialists—seeking to dominate not for ideological or political reasons but rather for commercial gain. Governments are not entirely out of the picture—they seek to assist companies in their countries and have a residual interest in maintaining influence as well." What this might mean for higher education is an ever-increasing tendency to view higher education activities in economic terms and increasing competition in higher education from new types of higher education providers, such as corporate trainers, for-profit institutions and virtual universities.

Increased Worldwide Demand for Higher Education

The massification of higher education that occurred in the U.S. in the latter half of the 20th Century is now occurring in the rest of the world in the face of the knowledge-based economy which demands the higher-level thinking skills that higher education can provide. An increasing worldwide awareness now exists in the value of education beyond the secondary level and a subsequent demand for these services. According to Patrinos (2002), implications of the knowledge economy for education include a move from terminal education to lifelong learning, rote learning to analysis and synthesis, and information-based learning systems to the application of knowledge. The increasing worldwide awareness in postsecondary education's value is creating a demand for these services that oftentimes outstrips the capacity of some countries, in particular those in the developing world, to provide them. Patrinos (p. 3) noted the existence of an enrollment gap between developing and developed countries, the decrease in real terms in public resources for higher education, the inequality in access to higher education, the lack of quality and relevance of higher education programs, and the lack of sufficient scientific and technological literacy for adequate response to the challenges of the knowledge economy. He contended that in order to respond effectively to the demands of the knowledge economy, developing countries need to secure equal opportunities for their citizens to postsecondary education as well as to "tap global knowledge." "Much of this," Patrinos stated, "can be accomplished by promoting competition in higher education domestically and by *opening up the system to new ideas from abroad"* [emphasis added].

Despite a current economic climate that favors an expansion of higher education on a global scale, not everyone is in agreement on the benefits of higher education becoming part of a trade regime. Indeed, the inclusion of higher education in GATS has resulted in protest within segments of the higher education community. Some see it as a boost to higher education institutions in a globalized economy, but others remain unconvinced of its value at best and fear its effects at worst. At issue are aspects of the agreement not only of a philosophical nature that impinge upon the purposes of higher education, but also those of a technical or interpretive nature resulting from the agreement's broad focus, ambiguous wording, and untested status.

Philosophical Issues

Perhaps the greatest concerns over GATS and higher education are philosophical, based upon what could be categorized as the "clash of values." In this instance, they are, generally speaking, the values of higher education versus those of the marketplace. The *Joint Declaration on Higher Education and the General Agreement on Trade in Services*, issued in 2001 by four of the world's leading higher education organizations, puts forth in the beginning paragraphs the issuers' beliefs in the role of higher education:

> Higher education exists to serve the public interest and is not a "commodity," a fact which WTO Member States have recognized through UNESCO [the United Nations Educational, Scientific and Cultural Organization] and other international or multilateral bodies, conventions, and declarations. The mission of higher education is to contribute to the sustainable development and improvement of society as a whole by: educating highly qualified graduates able to meet the needs of all sectors of

human activity; advancing, creating and disseminating knowledge through research; interpreting, preserving, and promoting cultures in the context of cultural pluralism and diversity; providing opportunities for higher learning throughout life; contributing to the development and improvement of education at all levels; and protecting and enhancing civil society by training young people in the values which form the basis of democratic citizenship and by providing critical and detached perspectives in the discussion of strategic choices facing societies. (Association of Universities and Colleges of Canada, American Council on Education, European Universities Association, & the Council on Higher Education Accreditation, 2001, p. 1)

By including higher education in GATS, then, it becomes commodified and subject more to the language of commerce and the profit motive rather than to the language of human development and collective purpose. Concepts such as preparing individuals to become participants in a productive society translate into the ability to generate income, rather than to be informed citizens able to generate ideas and work for the common good of the collective. Other concerns related to higher education values have been manifest in arguments and dissent from members of the higher education community:

Effects of GATS on institutional autonomy. In the United States, the core values of higher education also focus on the ability of a given institution to make its own decisions regarding education programs, teaching methods, policies and procedures, and other key academic and operational choices, insofar as its charter and relationship to the state in which it resides permits. Would the existence of a free trade agreement governing higher

education affect an institution's ability to determine policies in areas such as admissions and tuition?

Effects of GATS on higher education systems of developing countries. Some stakeholders in higher education have expressed concerns that the United States, as one of the world leaders in higher education and one of the countries that stands to benefit the most from a higher education trade regime, may undermine the efforts of developing countries to develop and improve their own higher education systems. Whether through the establishment of U.S.-based higher education providers on foreign soil, through the movement of increasing numbers of students from developing nations to U.S. institutions rather than to their own institutions in-country, or through distance learning programs, the U.S. and other higher education exporting nations could be "stealing" students and any tuitions and fees they may pay, thereby depriving the developing nations of the resources necessary to invest in their own institutions.

Effects on quality and the need to ensure quality, especially from "diploma mills." Quality of educational programs is a key issue, raised most notably from organizations in the United States that work toward the attainment and maintenance of accepted standards of excellence in postsecondary institutions in general and their component education and training programs in particular. Could the same quality of teaching and learning be maintained were the ultimate goal to maximize profit? Could the market system be trusted to maintain control on quality through competition and the idea that consumers would choose academic institutions on the basis of the quality of training rather than on the basis of ease of obtaining a credential?

Why is it necessary? Why is a trade regime necessary to address issues in international higher education? Trade in higher education existed long before GATS ever existed, say its detractors; moreover, that trade continues to exist and would continue to exist without GATS. International organizations such as UNESCO and the Organisation for Economic Co-operation and Development (OECD) have been working toward the development of guidelines to address the issues and difficulties that have arisen with recognition of individual educational qualifications for use by national governmental bodies; the U.S.-based Council on Higher Education Accreditation (CHEA) has been monitoring developments in globalization in higher education with a particular focus on ensuring that quality standards of education are met. "I do need to know exactly what the problem that we are attempting to solve is," commented American Council on Education President David Ward at the OECD/US Forum on Trade in Educational Services in May 2002 (American Council on Education, 2002, p. 2). Proponents of GATS have an answer to Ward's question: the need to address trade barriers in higher education worldwide. A communication from the United States to the WTO in December 2000 listed 17 different types of restrictions on the operation of foreign educational programs in foreign territories (World Trade Organization, 2000b).

Technical Aspects of GATS

Opponents of GATS have pointed to language in the document that they contend is unclear in one way or another, even in instances in which definitions are provided in an attempt to clarify intent of the treaty's coverage; that is, which services are included and which are not. One of the most contentious areas of debate relates to what is not included. It deals with the issue of services provided under the exercise of governmental authority,

defined in GATS as "any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers" (World Trade Organization, 2005b, p. 60). The exclusion as defined, according to U.S. opponents of higher education's inclusion in GATS, does not provide the necessary clarification and may instead even make the situation worse. Neither *commercial basis* nor *in competition* are further defined in GATS but are instead left to the common wisdom for definition. With the U.S.' diversity of higher education providers, the vast majority of whom receive federal and state governmental aid despite being identified as public or private, determining what is being provided commercially is difficult if not impossible. Moreover, whether the approximately 4,000 degree-granting higher education institutions are or are not in competition with one another is unclear, as institutions vie for students and resources ranging from federal government research grants to donations from individuals.

Interpretive Aspects of GATS

Even in the event that definitions are clarified and communicated to interested stakeholders, the GATS is a living document that still is under development. No doubt it will be for years to come, if the experience with GATT, which continues to be fought over after over 50 years in existence, is anything to go by. Over time, the original intent of GATS' framers may be lost, along with it any interpretations made of terms and clauses, even those with definitions attached to them. The question then becomes, who will have the power to make those interpretations and what will be the implications for higher education? The obvious example is that of services provided under the exercise of governmental authority. Sauvé (2002) offered an illustration of how interpretations can

be left to "understandings" without being codified and can leave terms open to future interpretation:

> GATS negotiators understood [services not supplied on a commercial basis nor in competition with other service suppliers—the definition of "exercise of governmental authority"] to cover "public services" broadly (if somewhat loosely) defined, including public health and education services. But public/private frontiers are inherently murky, vary significantly across countries and sectors, and are subject to change as markets, political dynamics and technology evolve. Governments have to date chosen not to clarify the scope of the GATS' public services carve-out. But ask any negotiator in Geneva and he/she would be prone to regard primary and secondary schooling, so-called basic/compulsory education, as lying outside the scope of the GATS.

> Common understanding at the inter-governmental level is thus that public education services and education services supplied by private actors on a non-commercial basis are excluded from the GATS….Still, opinions differ as to whether some attempt should be made in the context of the current negotiations to provide greater clarity to what WTO Members understand to be services supplied in the exercise of governmental authority. (p. 3)

Thus the stage is set for the discussion of policy development under the auspices of a document with a broad focus, unresolved philosophical issues, ambiguous terms, and untested parameters. The next chapter will discuss the findings of the study and will examine how these and other issues have played out in the context of the U.S. experience with GATS and higher education.

Chapter 5

Findings

If one thinks of conflict and value clashes when it comes to items for consideration in

a WTO trade agreement, higher education trade is by no means the first area that comes

to mind. It is not an issue that has captured the imagination and the coverage of the

media, nor is it even one that, for the most part, has sparked a groundswell of action

within the higher education community. Since 2000, however, the intention of the U.S. to

include higher education within its GATS proposal motivated key stakeholders on both

sides of the issue to attempt to influence the process in some fashion. This chapter

describes the events that occurred as the policy process evolved. It is organized by phases

in that process, with each phase containing a major policy marker or output issued by the

U.S. according to a schedule developed by the WTO to foster the work to be

accomplished in the Doha Round.

Phase 1: Initiation—December 18, 2000

On December 18, 2000, the United States released a statement outlining its general

position related to GATS commitments in the education sector. That statement was

developed after consideration of survey results, expert consultation, U.S. statute, and

historical reality. This section describes events that occurred from the time work began

on the GATS/education issue to the issuance of the statement.

The U.S. and International Trade

In order to better understand the procedures by which the United States conducts its

international trade activity, this section outlines the formal lines of authority that govern

such activity. The major trade actor for the U.S., the Office of the Trade Representative (USTR), is granted power to conduct trade via laws enacted by the U.S. Congress.

The U.S. Constitution grants the power to regulate international trade to Congress. In turn, Congress delegates that authority to the U.S. President and the Executive Branch of the federal government. The President exercises this authority through his or her delegated agent, which for trade matters is the USTR, an office which is a part of the Executive Office of the President. Its head, the U.S. Trade Representative, is a member of the President's Cabinet and serves as the principal Presidential trade advisor, negotiator, and trade issues spokesperson. Two groups, the Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC), enable the USTR to consult with other federal government agencies on trade matters (Office of the United States Trade Representative, 2006c).

The USTR also has links to nongovernmental sectors through a system of 26 private sector advisory committees. These committees provide advice and information on issues such as U.S. negotiating positions on trade agreements. Membership on these committees is drawn from outside the government; candidate recommendations are solicited through numerous sources including Members of Congress, organizations, and other individuals with expertise or interest in U.S. trade policy. One of these committees, Industry Trade Advisory Committee (ITAC) Number 10 (Services and Finance Industries), covers education services (Office of the United States Trade Representative, 2006b).

In 1988, Congress passed the Omnibus Trade and Competitiveness Act. This act enhanced the authority of the USTR to act on trade matters and delegated the following responsibilities to the trade representative: (1) have primary responsibility for

development and coordination of implementation of U.S. international trade policy, (2) have lead responsibility for the conduct of international trade negotiations and be the chief U.S. representative for those negotiations; (3) coordinate trade policy with other governmental agencies; (4) act as principal advisor to the President on international trade policy as well as advise the president on trade matters, and (5) serve as the President's principal international trade policy spokesperson. A later bill passed by Congress, the 1994 Uruguay Round Agreements Act, granted the USTR lead responsibility for all negotiations concerning the WTO (Office of the United States Trade Representative, 2006a).

Another piece of legislation related to the USTR's ability to act on trade matters is the Trade Promotion Authority (TPA), a part of the Trade Act of 2002. This legislation sets out the general parameters for USTR authority over trade, perhaps most importantly the latitude that the Office has over the final negotiated products. Once the USTR finalizes negotiations with other member countries, Congress cannot make any changes to the results of those negotiations. The *fast track* concept of TPA sets out specific areas where Congress can act with regard to trade negotiations; otherwise every element of a negotiated treaty would be fair game for Congressional action and, by extension, attempts to influence Congress to amend any of those elements. Under the fast track, any attempts to influence the contents of the agreement must be made during the negotiating phases.

With regard to the fast track scheme, TPA sets notice and consultation requirements in order to ensure that Congress, the private sector, and the public have opportunity to provide input before and during the negotiations. The Executive branch, and in particular the USTR, gets specific Congressional guidance on trade negotiation objectives. A

special Congressional oversight group provides a channel for Congress to provide guidance to and receive briefings from the USTR regarding U.S. negotiating positions. In addition, trade negotiators brief and seek advice from Congressional committees prior to each negotiating round. Assuming these procedures are followed, TPA allows Congress to vote either for or against any resulting trade agreements and the implementing legislation as a whole. Congress cannot make amendments to the agreement during debate (Office of the United States Trade Representative, 2005a).

Because the TPA and fast track negotiating authority did not exist between 1994 and 2002, it was very difficult for the U.S. to negotiate trade agreements. Nor will it exist in perpetuity with the current authority: it is set to expire on July 1, 2007. According to one account, the likelihood of Congress extending this authority is low (Bowley, 2006). The most recent suspension and subsequent resumption of Doha Round negotiations (to be discussed later in this chapter) may, however, be an extenuating circumstance that will help the USTR convince Congress to grant some sort of extension, according to an interview source.

Even before the suspension of talks, the potential loss of the USTR's ability to negotiate a full agreement was not a prospect of doom for its negotiators. On the contrary, it set a deadline, one that the U.S. attempted to use strategically. According to an interview source, with regard to any WTO agreements such as the GATS, negotiators must have, in essence, completed the negotiations by the end of 2006 in order that any necessary legislation could be enacted by Congress and the President by the time the TPA expired. If the 2006 deadline were not to be met, any negotiated package would be in danger of not being adopted, and individual negotiated provisions could be voted away

by Congress. With a deadline as a bargaining stick, the USTR hoped to apply pressure on other parties to the negotiations, and to place them on notice that time was limited and acceptance of offers must be made quickly. The strategy may yet prove to be successful. According to another interview source, the TPA may not yet be dead; obtaining an extension is still a "good shot." However, the USTR must provide Congress with a reason to extend the authority, such as a "significant breakthrough" on a WTO-related issue such as agriculture. Moreover, according to this source, the prospect of a TPA renewal is "driving the timeline" for the USTR to come to an agreement on a WTO Doha Round trade package.

USTR General Strategies for Communicating with Groups

The USTR established a number of strategies for communicating with affected groups with regard to GATS negotiations. It has formal consultation channels, including its Industry Trade Advisory Committees as well as an Intergovernmental Policy Committee which deals with U.S. states' concerns. The USTR prints notices periodically in the U.S. *Federal Register*, often in preparation for a WTO ministerial. For example, a notice requesting written comments "with respect to the development of the agenda, scope, content and timetables for negotiations or further work in the WTO, including additional consultations with non-governmental stakeholders" (p. 18469) appeared in the *Federal Register* on April 14, 1999, prior to the ministerial meeting held in Seattle, Washington, in November 1999. The USTR also conducts public hearings at various locations throughout the U.S. as it deems appropriate. General hearings on trade were conducted nationwide prior to the beginning of the Doha Round, but no specific hearing was held on higher education.

In addition, the USTR sends letters to other trade representatives and Congress provides advice and feedback as necessary. Before releasing any positions or statements, the USTR tries to consult with stakeholder groups, a method which the office finds invaluable and is, in fact, the USTR's most effective avenue for information collection, according to an interview source.

The U.S. and GATS

With Congressional authority to conduct trade negotiations (with appropriate input from Congress and other sectors), the USTR had the responsibility and the right to set the agenda for the services to be negotiated within the framework of the Doha Round. But for what reason was education, and particular higher education, to be included? The U.S. was not tied to using the Central Product Classification developed by the United Nations and refined for trade purposes by the WTO. One reason is the 1988 omnibus trade act which, as discussed in chapter 4, defined education as a service. Furthermore, according to one interview source, the USTR saw it simply: "A service is anything you can't drop on your foot." Because GATS covers "all" services, the U.S. government, therefore, had "no choice" but to include education as one of the areas to be covered.

In truth, however, the U.S. has had high stakes and high motivation to include higher education in its GATS proposals from the very beginning, if viewed from the perspective of revenue earned. Particularly in the areas of business, information technology, engineering and English language, American education has been in high demand internationally and is among the top five U.S. service exports (Sedgwick, 2002). Just in terms of revenues from foreign students studying on U.S. soil, the income is $10 billion, although it has been hard to determine how much revenue is generated from students

outside the U.S. who are studying with U.S. providers. In fact, the U.S. is the world's leading provider of educational and training services (Sedgwick, 2002). U.S. higher education's success as an export means that trade in higher education already is occurring and is, in fact, according to one interview source, "big business." U.S. education as an export has existed long before GATS became an issue: "It's kind of always been there," said the source about trade in higher education.

According to an interview source, the USTR could see another long-term benefit in seeing U.S. higher education institutions becoming more international. The U.S. stands to gain from attracting bright students from abroad; it is an important element for creating innovation in the U.S. The need for new blood and new ideas also was a trigger for some of the USTR's opening up in its higher education trade negotiations. Furthermore, according to the source, signs exist that indicate U.S. higher education institutions are getting more active in attracting and investing in foreign students and venues.

The USTR did not consider valid the concerns of some stakeholders over the effects of higher education trade on developing countries' attempts to enhance their own systems of higher education. According to an interview source, most countries do have some form of private education in place, so including higher education in GATS negotiations is not as big a leap as some people think: "There is a lot of rhetoric tied into a misunderstanding that higher education is all private or all public. That simply is not the case." Moreover, some governments worldwide have not been able or willing to cope with their citizens' demands for education services. Foreign providers (for instance, for-profit providers such as Sylvan Learning Systems and the Apollo Group, the two biggest education companies in the U.S. [Sedgwick, 2002]) saw an opportunity to fill a need and make money. In

addition to the international growth in for-profit education, on-line education, aided by technological advances, is growing, although it still remains a small portion of cross-border trade in education services. Competition internationally in the education sector, both among for-profit and non-profit educational institutions, was increasing. Education was increasingly viewed and packaged as a commodity, and students were increasingly referred to as "customers" (Sedgwick, 2002).

Finally, according to an interview source, "There was incentive in the Doha Round for the U.S. to see what more it could offer" in terms of opening up areas for trade. The U.S. came to the conclusion that higher education, on the basis of the information it was receiving on the popularity of U.S. higher education and increasing demand abroad for higher education services, was an area where interest existed. The U.S., therefore, had no real defense against not including higher education in its negotiations.

Clearly, then, the stakes and motivation for including higher education in GATS negotiations were there for the U.S. and the USTR. What was a straightforward issue for the U.S., however, was not so clear for some of the higher education groups in the U.S. and worldwide, as was discussed in chapter 4 and will be discussed in greater detail later in this chapter. Would anything that the groups not in favor of higher education in GATS could have done or said regarding the issue changed the U.S. position on including it? "It would have been difficult to convince the U.S. otherwise," said an interview source. The work of the USTR is driven by what happens in the U.S., which values freedom of choice and the private system, the source continued. Therefore, the U.S. would have had difficulty projecting a different approach, and no group as of yet has influenced the USTR to act in ways contrary to this macro position (although, as will be discussed later

in this chapter, the groups have influenced the USTR to act in some ways in which it would not otherwise have acted). The nervousness of these groups, coupled with some U.S. state governors' concerns about GATS, in particular the poor wording of the agreement's rules (Foster, 2007), has indeed made the USTR more "cautious." Beyond that caution, however, there have been no calls to cause the U.S. "to do internationally anything other than what it would do domestically [i.e., anything beyond current U.S. practice regarding promotion of commerce]," according to the source.

One area in which the U.S. has taken a stand, however, is in the area of regulation and trade. Recent WTO member discussion on the conduct of the agreement itself has addressed GATS Part I, Article VI, which deals with domestic regulation of services and is designed to ensure that qualification and licensing requirements as well as technical standards do not constitute "unnecessary barriers to trade in services" (World Trade Organization, 2005b, p. 65). According to an interview source, some WTO member countries have offered proposals designed to achieve "harmonization," or standardization, of members' domestic regulatory standards. Such efforts have been opposed by the USTR on the grounds that the WTO/GATS should not be in the business of standards setting. Fortunately for the USTR, these attempts have been rather unsuccessful. In any case, the U.S. would not allow such "harmonization." While the U.S. acknowledges that any trade rules to ensure transparency would be helpful for members to understand the meaning of other members' regulations, and the process by which they are applied, anything beyond that cannot be done on an across-the-board basis because to do so would be too prescriptive.

With these motivations and stands in mind, the U.S. came to the negotiating table. The U.S. negotiating strategy was simple: offer something in order to make it easier to open up other markets to U.S. higher education providers.

Outside Help

The USTR did receive some assistance in its work on higher education trade from the U.S. Department of Education (USDE), but that department's role was limited largely to technical advice. Although the USDE participated in an intergovernmental study group that conducted a survey on trade barriers (i.e., countries and their methods of interference with the U.S.' ability to operate institutions abroad), it did not advocate any policy regarding higher education trade. One group that did offer information and advocated policy was, in fact, nongovernmental: The Center for Quality Assurance in Higher Education (CQAIE), located in the Washington, DC area.

CQAIE is a consortium of higher and international education associations as well as accrediting and quality assurance agencies, and its activities deal in part with higher education trade issues. The Center has sponsored numerous seminars on higher education trade and attempts to bring parties interested in international higher education areas (particularly quality and trade issues) together once a year. It sponsored a landmark conference in Washington, DC with the Organisation for Economic Co-operation and Development (OECD) circa 2002 with education ministers from all over the world. That meeting was the first of three global forums held on international trade in higher education; meetings in Trondheim, Norway, Sydney, Australia, and Hong Kong were to follow.

Dr. Marjorie Peace Lenn, CQAIE's director, has been involved with trade in education matters for many years, with involvement on the topic predating GATS, and is considered to be one of the top experts on education trade in the U.S. Following her appointment by President Clinton, Dr. Lenn also became the appointed educational services expert to the USTR's ITAC Number 10 on Services and Finance Industries. Committee 10 meets on a monthly basis; its 31 members are *cleared advisors*, meaning that they hold top secret clearance. Because of the high level of this clearance, the Committee's meetings are closed to the public. ITAC and its members attend WTO meetings and ministerials.

In 1998, the Global Alliance for Transnational Education (GATE), an organization which deals with issues of quality and access in educational programs that cross international borders, conducted a survey of attendees (comprised of business, higher education institution and quality assurance agency representatives) at that year's GATE conference. The survey, which dealt with barriers to trade in education services, was conducted in order to collect information for the Council on Trade in Services. GATE was managed by CQAIE and worked closely with it until 2000, when it was determined that GATE's board was too partial and the two organizations parted ways. GATE was motivated to do the study on the basis of its interactions with the Council, which was seeking information on the "breadth and depth of transnational education and issues related to unequal treatment in education services" (Center for Quality Assurance in International Education, 1999, p. 2).

This submission to the WTO acted as a basis for CQAIE's subsequent work on GATS, including a separate trade in education services report, which was submitted to

the USTR on May 11, 1999. The report was prepared in response to the April 14, 1999

Federal Register notice requesting public comment on negotiations on market access and

other WTO issues. When the U.S. government (through the USTR) defined its education

trade area, it relied heavily on that report, according to an interview source.

In 1999, the National Committee for International Trade in Education (NCITE) was

formed. A committee and arm of CQAIE, NCITE's purpose is "to create a collective

voice for those engaged in providing education services to foreigners to express their

views to the U.S. Government on problems in international education. NCITE seeks

liberalization of trade in education services throughout the world through…various trade

agreements [e.g., bilateral, regional, and global trade agreements such as GATS]"

(National Committee for International Trade in Education [NCITE], 2000). NCITE came

about because, according to one source, the U.S. government required an entity from

which it could get advice on issues related to trade in higher education. Dr. Lenn set out

to fill that role.

According to the NCITE's mission statement, "A new global order brought about by

regional and global trade agreements, and particularly the [GATS], has spawned the need

for an organized voice for United States education, training and testing institutions,

corporations and organizations which provide services internationally. This organized

voice is the [NCITE]" (NCITE, 2000, para. 1). The mission statement continues by

identifying four purposes: (1) to provide "accurate, current and organized" information to

government agencies, in particular the USTR, and keep NCITE sponsors informed of

related activities by governmental and nongovernmental actors; (2) to develop and

maintain a national database of global education and training providers; (3) to act as a

clearinghouse for issues in the globalization of education as well as an advocate; and (4) to provide a forum for its corporate, institutional and organizational members. NCITE also "identified barriers to international education and training services and contributed to the creation of a negotiating proposal for the GATS, which calls for transparency in national regulations and a reduction of trade barriers for higher education services. Such barriers include: [sic] non-recognition of universities operating in other countries; limitations of ownership; visa limitations for teaching or administrative staff; customs restrictions for certain teaching resources; and others" (NCITE, personal communication, 2000).

NCITE sponsoring institutions include Temple and George Washington University (two higher education institutions that are exploring overseas ventures), professional organizations (such as the Accreditation Commission for Acupuncture and Oriental Medicine), nonprofit distance-learning institutions (such as the University of Maryland University College), and accrediting groups for traditional institutions (such as the Accrediting Council for Independent Colleges and Schools) (Foster, 2002). NCITE's sponsorship fee is $2,500 per year; this fee limits sponsorship to groups that are willing and/or able to pay.

Because of NCITE's status as a committee of CQAIE, Marjorie Lenn also leads this group, to some consternation from other higher education organizations. Sheldon Steinbach of the American Council on Education (ACE), a group which became involved in the GATS/higher education trade issue in 2001 and which will appear again later in this chapter, remarked, "I'm not sure who anointed her the spokesman for higher education in this area" (Foster, 2002, p. A33). No other group in higher education was

dealing with issue of trade, however, so "she stepped into a vacuum" (Foster, 2002, p. A33). Dr. Lenn contended that she had invited ACE and the Council on Higher Education Accreditation (CHEA) to join early discussions about globalization in education but they rejected her invitation (Foster, 2002). According to an interview source, no one else on the U.S. higher education scene paid any attention to higher education trade matters even though they were asked to several times.

On September 13 and 14, 1999, the formal organizing meeting of the group was held and was attended by "a broad spectrum of the U.S. education and training services area." These included commercial education interests, community college consortia, regional alliances of colleges and universities, adult education and distance education institutions, and "major public and private universities" (NCITE, personal communication, October 26, 1999). The NCITE was "officially introduced" (NCITE, personal communication, October 26, 1999) to the USTR office on September 15, 1999 and to the Department of Commerce at a roundtable discussion on trade in services on October 20, 1999.

In the summer of 2000, an international education study team was formed with members of the following agencies: the USTR; the U.S. Departments of Education, State, Labor, and Commerce; and the U.S. International Trade Commission. The group was organized in partial response to a memorandum issued on April 19, 2000 on international education policy by then President Clinton (International Education Study Team, 2001). The Presidential memorandum directed the Secretaries of State and Education to take specific action but no other agency was mentioned by name. The memo's focus was not on education trade, at least not specifically. The stated goal of the study group, however, was to "obtain and analyze information on education systems in various countries and

prospects for U.S. providers to provide education and training to foreign students in their home countries" (International Education Study Team, 2001, p. 1).

The group conducted a survey of consular posts worldwide to learn what practices existed with regard to regulation of foreign educational institutions. One of the study goals was to develop systematic and comprehensive information about foreign education regulations and about U.S. institutional activity abroad in educational pursuits. The USTR was a named beneficiary of the results of that study, and the agency, in turn, used a draft of the report in formulating education proposals for GATS.

The study's key finding was that "nearly all countries permit private education to exist side-by side with public education, thus supporting a U.S. position that negotiations to remove obstacles to education and training services are intended to supplement, not supplant, public education" (International Education Study Team, 2001, p.1). This finding was "contrary to previous impressions" (International Education Study Team, 2001, p. 1). Some ownership/operational limitations exist in certain countries while many others allow foreign educational providers to establish services without significant restrictions. The survey "helped to identify country practices that tend to discourage U.S. entities from pursuing education and training opportunities in foreign markets" (International Education Study Team, 2001, p. 2). The study also "gave impetus to…U.S. entities engaged in commercial education and training enterprises in other countries" (International Education Study Team, 2001, p. 2).

Proposals on Conduct of Negotiations

In July 2000, the U.S. presented a proposal on the conduct of all GATS negotiations in the Doha Round. In addition to offering proposed approaches to the negotiations, it

also stated general interests and objectives in its negotiations on the trade agreement. The objectives were couched in the language of the GATS' critical terms: (1) to deal with reduction or elimination of inconsistent market access measures, (2) to reduce or eliminate discriminatory national treatment measures, (3) to ensure full most favored nation treatment, (4) to allow service consumers and suppliers freedom to choose commercially desirable ways of purchasing/selling services through the WTO members' mode commitments, (5) to bring about greater transparency in the regulation of services, and (6) to implement the new provisions through progressive liberalization. To achieve those objectives, the U.S. proposed that "meaningful liberalization" (World Trade Organization, 2000a, p. 3) should occur in this negotiation, that GATS scheduling should be broader and more transparent, and that the GATS classifications should better reflect the reality of the marketplace.

Furthermore, stated the U.S. proposal, goals and objectives should be achieved through the following mechanisms: (1) adopting approaches for negotiations, including a "standstill" (World Trade Organization, 2000a, p. 4) in taking any new measures affecting trade in services that would improve negotiating position or be used as leverage to obtain other concessions; (2) using the current restrictions, sector by sector, as the starting point for the new negotiations; (3) establishing modalities for treatment of liberalization undertaken autonomously by WTO members since previous negotiations; (4) using a full range of negotiating modalities, not just limiting the negotiations to the request-offer approach which had been developed as the main approach to the negotiations; (5) conducting a needs assessment for developing countries; and (6)

extending special treatment on trade issues to least-developed countries. The U.S. proposed that negotiations conclude by December 2002.

The U.S. Position on Higher Education Trade

On December 18, 2000, the U.S. submitted a communication on Higher (Tertiary) Education, Adult Education, and Training and became one of only four WTO members that have to date outlined their general positions on commitments on trade in education in the Doha Round (Knight, 2003). Bernard Ascher, the Director of Service Industry Affairs for the USTR, together with his USTR colleagues and in coordination with other government agencies and private sector representatives, was charged with developing the proposal. Mr. Ascher had been active in early U.S. efforts to promote trade in services and also had participated in efforts to bring services negotiations into the Uruguay Round. He and his fellow writers drew upon information from a draft report of the International Education Study Team, discussed earlier in this chapter, to formulate the proposal.

The paper, intended to "stimulate discussion and help liberalize trade" (World Trade Organization, 2000b, p. 1), recognized that while education is a government function to a large extent, most countries permit private education to coexist with public education and suggested that private education would continue to supplement but not displace public education systems. The U.S. position also stated that "the intent is to help upgrade knowledge and skills through these educational and training programs, while respecting each country's role of prescribing and administering appropriate public education for its citizens" (World Trade Organization, 2000b, p. 3). Recognizing the fact that education below the university level was almost exclusively a governmental function worldwide,

the U.S., therefore, proposed the inclusion of higher education, adult education and training/testing services in the negotiations but not primary and secondary education. It urged WTO members "that have not yet made commitments on higher education, adult education, and training services formulate their commitments based on the list of obstacles [presented in the paper]. Members are invited to inscribe in their schedules 'no limitations' on market access and national treatment…Further, the paper proposes that all members consider undertaking additional commitments relating to regulation of this sector. The United States has taken *commitments for adult and other education*, and is *willing to consider* undertaking *additional commitments for higher education* and training" (World Trade Organization, 2000b, p. 3, emphasis added).

The proposal then proceeded to present a list of 17 general (that is, non-country specific) obstacles in the education sector and stated which of the four GATS modes of delivery were affected by each obstacle. The majority of the obstacles affected delivery either by cross-border supply or commercial presence on foreign soil. They included the prohibition of higher education, adult education, and training services offered by foreign entities; the lack of opportunity for foreign suppliers of higher education, adult education, and training services to obtain authorization to establish facilities within the territory of the member country; the lack of an opportunity for foreign suppliers of higher education, adult education, and training services to qualify as degree granting institutions; the existence of inappropriate restrictions on electronic transmission of course materials; and the application of economic needs tests on suppliers of these services. Other obstacles cited dealt with unclear or unfair regulations regarding hiring specialized personnel from outside the country or the royalties or earnings gained by the foreign provider.

The Emergence of the Opposition

Thus the U.S. federal government established and broadcast its stand on the need for provisions regarding higher education trade. To the federal government, the existence of higher education trade, the numerous methods by which other nations made that trade difficult or impossible, and the means to address once and for all those trade obstacles meant that such existence might as well be codified into trade agreements. Other groups interpreted that existence in another manner: that higher education trade occurred without trade agreements, so it should be left alone. Among those groups were key voices for American higher education institutions.

The American Council on Education (ACE), a U.S. organization of about 1,800 colleges and universities, higher education-related associations, organizations, and corporations (American Council on Education, "About ACE," n.d.), began to actively monitor the GATS situation, most likely sometime in 2000. Although more exact timing is unknown, an ACE paper on GATS stated that the organization had been monitoring GATS since 2000 (American Council on Education, 2004); in addition, information received from an interview source placed the commencement of ACE's involvement sometime in December 2000. Considering that the USTR issued its communication on higher education and GATS on December 18 of that year, such timing is indeed plausible.

According to its mission statement, "ACE, the major coordinating body for all the nation's higher education institutions, seeks to provide leadership and a unifying voice on key higher education issues and to influence public policy through advocacy, research, and program initiatives" (American Council on Education, "Mission Statement," n.d.).

Among its 15 strategic priorities are the following: (1) "Identify emerging federal and state policy issues and assess their implications for higher education," (2) "strengthen higher education's voice in public policy by developing a unified position on legislative and regulatory issues," (3) "develop and nurture a diverse pool of future leaders," (4) "support current higher education leaders," (5) "identify emerging issues and provide a forum for national cross-sector discussion," and (6) "support higher education in the advancement of access and diversity, lifelong learning, and internationalization" (American Council on Education, "Strategic Goals," n.d.). As such, ACE has a broad mandate encompassing representation, leadership development, and service.

Higher education's inclusion in GATS was not seen as an immediate threat by ACE, or indeed for other higher education organizations. GATS was one of many issues vying for the organization's attention and, even at the time, was not ACE's highest priority, according to one interview source. Non-profit organizations, including higher education institutions, had been engaged in education activities abroad for years before the emergence of GATS. Nor was it a rapidly evolving situation, with events unfolding on a daily basis. Indeed, ACE members were not aware of the possibility that higher education would be included as part of GATS prior to or at the time it was proposed by the USTR. Even when the issue was first brought before the ACE commission by staff, commission members did not know what "problem" was being raised for their attention. Nevertheless, when it emerged, the GATS issue was one that the organization, at least at the staff level, couldn't ignore. According to one interview source, ACE does not like the idea of any federal authority having any kind of say in directions for American higher education. The USTR's work with regard to higher education trade certainly qualified as the sort of

activity ACE frowned upon. The group's viewpoint was that the federal government's work with higher education trade and GATS was an intrusion into U.S. higher education autonomy. ACE, moreover, would involve itself with "anything that [kept] the federal government out of [U.S.] higher education." ACE, therefore, became a player in the higher education trade policy debate and, indeed, took the lead on behalf of the other higher education presidential associations. That leadership role was one that the other presidential associations willingly ceded to ACE; with regard to GATS, "their eyes glaze over," said one interview source.

<div align="center">*Phase 2: Request—June 30, 2002*</div>

The USTR made its first negotiating moves regarding higher education and GATS in the latter part of 2000, in the last months of the Clinton administration. On January 20, 2001, George W. Bush was sworn in as President of the United States and began his administration. In terms of the USTR's work on GATS and higher education, the advent of a new administration had no effect, and its work continued. The next few months, however, would prove to be a tumultuous period from the perspective of higher education trade and GATS, as higher education organizations became increasingly aware of the situation and began to make their positions known to the USTR and to each other. This section describes the events occurring in the period between the United States' first statement on its position on higher education trade and the release of its request to other WTO members to open its markets to U.S. higher education.

CHEA's Involvement in the Issue

In early 2001, The Council for Higher Education Accreditation (CHEA) became intensely involved in GATS and the formulation of higher education trade policy. CHEA

was formed in the mid-1990s as a successor organization to the Council on Postsecondary Accreditation (COPA), an organization of accrediting groups that disbanded in 1992. Like COPA, CHEA is a private, nonprofit organization concerned with accreditation activity in the United States. However, unlike COPA, CHEA's membership includes not only participating accreditors but also approximately 3,000 colleges and universities, which makes it the "largest institutional higher education membership organization in the United States" (Council on Higher Education Accreditation, 2003, p. 1). CHEA is governed by a board comprised not of accrediting agency heads but of college and university presidents and other institutional representatives. Its mission statement declares that the organization will serve "students and their families, colleges and universities, sponsoring bodies, governments and employers by promoting academic quality through formal recognition of higher education accrediting bodies and will coordinate and work to advance self-regulation through accreditation" (Council on Higher Education Accreditation, 1996, p. 1).

Seven principles underlie CHEA's mission and commitment to its work, two of which are of particular importance with regard to its GATS activities: advocacy and core values. "CHEA will be a forceful and articulate advocate for voluntary accreditation of higher education to the public, government, and other interested individuals, groups, and countries" (Council on Higher Education Accreditation, 2003, p. 2). In its advocacy work, it deals with the U.S. Congress as well as executive entities, particularly the U.S. Department of Education, and represents U.S. accreditation to international groups (Council on Higher Education Accreditation, 2003). Also, "CHEA will maintain the core academic values central to higher education and quality assurance. These include, for

example, the values of general education, collegiality, and academic freedom" (Council on Higher Education Accreditation, 2003, p. 2).

Like other higher education institutions and groups, CHEA had been engaged in international activities with regard to accreditation and quality assurance in the years prior to involvement in the GATS issue and would be doing so with or without the existence of GATS. In 1999, for example, the organization conducted a survey of CHEA-affiliated accrediting bodies and sought information on accreditors' activities in the international arena. CHEA also held an invitational seminar in 2000 on international issues in quality assurance. The GATS treaty itself first came to CHEA's attention in 1999 not through the USTR but through another U.S. higher education group, the Association of American Universities, which had been conducting some GATS-related work on its own. CHEA thought that GATS could be significant, but because trade policy is not part of CHEA's mission, it did not raise any alarms for the group at that time. CHEA thus monitored the GATS situation as part of its international work. In similar fashion to ACE's involvement, GATS was not a high priority until, according to one interview source, "they put accreditation in it." In reality, accreditation was not included as part of the GATS higher education negotiations *per se*, but a fear existed that what was included in GATS would carry the perception of including accreditation, in the guise of regulation, and subsequently impinge upon accreditors' activities.

On January 25, 2001, CHEA held an international seminar during which the WTO and implications for quality assurance were discussed. Participants noted that, in general, there had been limited involvement and consultation of governments worldwide with the higher education community, which was of great concern to them. Also of concern was

the high degree of ambiguous language in GATS. Participants agreed that they needed to know much more about GATS than they did, that some type of collective action needed to be taken, and that they needed to be fully involved in any deliberations regarding higher education and GATS. CHEA was asked to (1) convene a meeting devoted to the WTO, higher education and quality assurance and (2) assist in information sharing about the WTO and higher education issues. CHEA did, in fact, engage in information sharing through the issuance of statements addressed to WTO members, including but not limited to the United States.

The Beginnings of an Alliance

By the beginning of 2001, then, two of the biggest higher education organizations in the U.S. not only had been alerted to the possibility that higher education trade would be a part of the U.S. agenda for GATS, but also had become sufficiently motivated to take action with regard to that inclusion. Their reaction and subsequent actions made them, according to one observer, the most outspoken critics of the U.S. higher education trade proposal (Foster, 2002).

Some of the parties involved in trade and higher education were puzzled by the intensity of ACE and CHEA's reaction. ACE and CHEA appeared to have been caught off guard by the USTR action of including higher education in GATS, despite what the USTR, CQAIE/NCITE and other groups said were numerous attempts by the government and other organizations to bring higher education groups into the loop. According to one interview source, it was partly a case of not understanding the issue; ACE really didn't understand higher education trade and GATS because the group's primary concern with regard to international education is foreign students entering the U.S., not American

students and/or institutions venturing into foreign territory. Bernard Ascher of the USTR also commented that ACE and CHEA did not understand GATS and did not take it seriously even though federal trade officials warned them long before the U.S. proposal submitted that higher education could become part of GATS (Foster, 2002). Indeed, the USTR had been engaged in educating the higher education community about GATS and higher education trade; for example, a day-long professional development session for the Association of Specialized and Professional Accreditors [ASPA] in 1995 featured both Marjorie Peace Lenn and Bernard Ascher speaking on the topic of higher education trade. At least one of the attendees at that session was a higher education institution president. However, ACE and CHEA contend that their groups were never fully informed about the USTR's plans with regard to higher education trade. ACE's Terry Hartle commented that he had never been briefed on the issue (Foster, 2002). In addition, Fred Hayward of CHEA, in a speech to CHEA members, said that "the [December 18, 2000] proposal went to the World Trade Organization without being seen by the major representatives of the higher education community" (Foster, 2002, p. A33). Hayward had learned of the proposal sometime in early 2001, not through the USTR, but through the European University Association, a group of university presidents that would later be a signatory to a declaration on higher education and GATS (Foster, 2002).

According to one interview source, the shock that decisions concerning higher education could be made by the U.S. federal government without any consultation with higher education institutions, U.S. states or any other groups with primary responsibility for education really brought the U.S. higher education community together and engaged it in the policy over GATS and higher education. Before that, higher education "had been

sleeping a bit." And as the umbrella organizations for U.S. higher education and higher education accreditation, the logical leaders in higher education's backlash against the federal government were ACE and CHEA.

The forming of an alliance between ACE and CHEA was a logical move. The two groups have overlapping membership but differing expertise, one handling the specific concerns regarding accreditation and quality assurance with the other dealing with broader issues facing U.S. higher education. In fact, ACE and CHEA have been working together, as one interview source termed it, "forever." CHEA was housed for a time in ACE's offices after it formed in the mid 1990's. ACE's then president Stanley Ikenberry favored a linkage with CHEA because of the importance of quality assurance in cross-border education, an issue on which both groups were working. And neither group wanted an international agreement that removed institutional or accreditor autonomy.

ACE and CHEA recognized the benefits of working together on GATS. Over the next four years, they worked together on advocacy with federal government officials and put their names to a statement about higher education and GATS. ACE and CHEA also worked together to get some language into U.S. schedules on higher education—and they succeeded. The specific actions undertaken by the groups will be discussed in more detail later in this chapter.

ACE and CHEA's Stands and Strategies for Dealing with GATS

As noted earlier, ACE was very wary of federal governmental involvement in general in higher education and saw that involvement as an intrusion on higher education autonomy. Specific concern over higher education trade and GATS linked ACE's blanket dislike of federal government involvement of higher education affairs with fears over a

formal linkage of higher education and trade. "The language of trade is different from that of higher education," said an interview source; therefore, "when trade starts [getting involved] in education, the chance of mischief is considerable." Citing its previous and continuing work in international higher education, ACE also remained confused over the USTR's motives for including higher education in GATS. "What is the problem that the USTR is trying to solve by including higher education in GATS?" inquired an interview source. "This is all about opening up markets in developing countries. It's not in ACE's interest."

The two groups appeared to have a mistrust of NCITE and its close involvement with the USTR in higher education trade. In 2001 the International Trade Administration, a division of the U.S. Department of Commerce, cited the NCITE as the U.S. government's "advocate on matters of international trade policy" concerning education and training (Foster, 2002, p. A33). The working relationship between NCITE and the federal government did not make either group comfortable. An article in *The Chronicle of Higher Education* stated that "[o]pponents of the trade proposal fault the Office of the U.S. Trade Representative…for offering [the proposal]. They say the trade office has been too heavily influenced by the [NCITE]" (Foster, 2002, p. A33).

The USTR and NCITE, for their part, believed that ACE chose to characterize the NCITE as the for-profit sector in higher education, a group which the ACE has always opposed because of issues including those dealing with educational quality and levels of federal educational loan defaults. Bernard Ascher of the USTR commented that opponents of higher education in GATS were attempting to "tar the trade proposal's for-profit supporters as second-class educational providers" (Foster, 2002, p. A33).

Proponents of higher education trade policies also accused ACE and CHEA of political posturing. According to trade proponents, by using the language of higher education values and by seeking a very public display of what was included in the proposal, ACE and CHEA merely were protesting to hide the fact that previously they had no idea what was happening but that, according to an interview source, they were finally paying attention to the issue. The source contended further that ACE/CHEA and other groups that eventually joined them to express their opposition really didn't know how to deal with the issue of higher education trade; therefore, the groups used the "old" rhetoric of "higher education values" and applied them to a "new" situation. That language was readily apparent in the declaration on GATS and higher education which will be discussed later in this chapter.

Clearly, there was plenty of mistrust to go around. Realizing that GATS was not going to disappear, however, ACE concluded that constructive engagement over GATS was better than any stonewalling attempts it could make. Although ACE often advocates policy directly with members of Congress, the organization did not see the GATS issue as one that could be addressed through such means. "GATS wasn't clear-cut and transparent enough to take to Congress for solutions," according to one interview source. Instead, ACE sought to develop relationships directly with those with the authority for formulating the policy, the USTR on a primary level and trade representatives around the world on a secondary level. It urged other associations to talk with trade representatives, but ACE itself took the lead in development of a relationship with USTR representatives. As will be discussed later in this chapter, it was a strategy that proved to be effective in influencing the development of the GATS/higher education trade policy.

Because CHEA shared ACE's belief did that the language of higher education was not well understood by those drafting the schedules for GATS (in other words, the USTR and other GATS negotiators), the group also set out to influence the thinking on GATS. Like ACE, CHEA did not do what one interview source termed a "political" campaign through the Congress but instead favored an advocacy approach and directed its statements on GATS to all WTO members, not just the U.S. parties responsible for formulating trade policy. CHEA's belief is that some "international architecture," as it was termed by an interview source, is needed in the structure of quality assurance practice. Establishment of that structure, however, should not be done through government policy and certainly not in any treaty. "The problem," according to an interview source, "is that treaty language supersedes law." In that case, what would happen to the American system of quality assurance if GATS indicated, implicitly or explicitly, that certain practices designed to ensure educational quality were, in fact, in violation of treaty provisions?

No matter what the reasons for action or inaction, by mid-2001 participants on both sides of the higher education trade issue were aware of what was at stake. The dialogue began in earnest. In May 2001, the USTR prepared a statement to explain the trade agreement proposal to American university and college officials. Then in June 2001, representatives of ACE and CHEA met with Joseph Papovich, the Assistant U.S. Trade Representative for Services, Investment and Intellectual Property, to discuss the U.S. position regarding inclusion of higher education services in WTO negotiations. ACE President Stanley Ikenberry and CHEA President Judith Eaton followed that meeting with a letter to Mr. Papovich which underscored the points made in the meeting. In the

letter, Ikenberry and Eaton sought to educate Papovich about the unique features of U.S. higher education, including its large mix of private and public institutions, its large non-profit sector, and its values of institutional autonomy and decentralized governance. The letter also reiterated ACE and CHEA's "serious reservations" (Council for Higher Education Accreditation, 2001, p.1) about higher education's inclusion in GATS and stated that such inclusion was not in the best interests of U.S. institutions or of the country as a whole. In addition, the letter expressed ACE and CHEA's doubts as to whether a common set of rules governing trade in higher education services could be developed worldwide without undermining features of the U.S. system. The letter asked if GATS was the appropriate mechanism for promoting trade of higher education and reminded Papovich that U.S. higher education institutions have been able to forge international partnerships without any treaties.

The letter continued by reiterating ACE and CHEA's concerns with regard to some of GATS' language and its effects on U.S. higher education. The phrase and definition of the exercise of government authority continued to be a major point of contention. Ikenberry and Eaton stated the impossibility of distinguishing between public and private education in the U.S. higher education system. Would actions taken by public institutions be considered measures under GATS? Would public institutions lose autonomy? In the meeting, Mr. Papovich had sought to reassure ACE and CHEA that the USTR did not intend to "discriminate" between institutions on this basis, but the groups were skeptical that language assuring such a status could be developed.

CHEA's Fred Hayward had noted that in trade agreements, "there is always a pressure to centralize decision making and authority" (Foster, 2002, p. A33). ACE's

Terry Hartle stated further that the decentralized system in place in the U.S. meant that the federal government cannot make commitments to foreign governments about American higher education institutions, even public ones: "Because public education is under state governments, we don't think the Department of Education can tell states, this is how you should do it" (Foster, 2002, p. A33). Ikenberry and Eaton echoed those sentiments in their letter. They reminded Papovich that U.S. higher education is highly decentralized and that most of the governance and regulation of private education is not a government function, although they acknowledged that quality assurance must be a consideration. In addition, they urged that U.S. proposals should explicitly recognize the special needs of developing countries and that any regulations should not erode U.S. institutions' public service role. They also stated that the federal government's heavy focus on private, for-profit institutions has led to the perception that the U.S. is trying to privatize higher education worldwide and asked whether that perception would impede the ability of U.S. institutions to partner with higher education institutions in other countries.

However, Ikenberry and Eaton ended their letter on a positive note. ACE and CHEA expressed their desire to work closely with the USTR as it developed its policy toward higher education and GATS and pledged to include the USTR in ACE and CHEA events that were being planned.

A New International Environment and a New Declaration

The terrorist attacks of September 11, 2001 did not appear to throw the USTR's work on higher education trade policy into a state of disarray. Entrance into the U.S. for purposes of study was affected by the attacks: Changes in the process for obtaining

student visas resulted in a severe drop in the number of foreign students applying to U.S. higher education institutions (Levin, 2006). In addition, some speculation existed that online learning would be favorably affected after September 11 because of increased scrutiny on foreign students entering U.S. to study (Sedgwick, 2002). Neither of these events, however, occurred as a result of changes in approach to the language included in the higher education trade schedules, nor did the schedules change because of the attacks. Indeed, as will be discussed later in this chapter, only flight instruction was affected.

But on September 28, 2001, ACE and CHEA, together with the Association of Universities and Colleges of Canada (AUCC) and the European University Association (EUA), organizations similar in composition and function to ACE, released a document entitled the *Joint Declaration on Higher Education and the General Agreement on Trade in Services*. The four organizations had worked on various issues related to international higher education in previous years and had maintained their association with one another, a collaboration that continues to this day. Like ACE and CHEA, AUCC and EUA had grave concerns over GATS and the effects that the agreement might have on higher education in their respective domains (Association of Universities and Colleges of Canada, 2001; European University Association, 2001).

The four-page statement, copies of which were sent to the Office of the United States Trade Representative as well as to the Government of Canada, the European Commission, the countries that formed the European Higher Education Area, and WTO members, had its genesis from the shock wave that GATS represented for the signing organizations, at least for the staff members of those groups. The presidents of three of the four signatories (AUCC, ACE and EUA), according to one interview source, said that

GATS "hit them in the face." Thus, the presidents of the associations, with prompting from senior staff, initiated the movement to develop the statement of their own initiative, not because the member universities pushed for it.

In the declaration, the associations began by reiterating what they considered to be the principles and values of higher education. The first point made was that higher education is not a commodity but, rather, exists to serve the public interest as WTO members have recognized through the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other international bodies. In addition, the authority to regulate higher education must remain in whatever "competent bodies" (American Council on Education, Association of Universities and Colleges of Canada, Council for Higher Education Accreditation, & European University Association, p. 1) have been designated by any country and that education exports must complement, not undermine, the efforts of developing countries to develop/enhance their own higher education systems. The groups continued by stressing other key points: that the quality of higher education is a key objective both domestically and internationally, that international higher education cooperation must operate under a rules-based regime, that higher education is significantly different from most other service sectors, and that public and private higher education systems are intertwined and interdependent.

The declaration continued:

Our member institutions are committed to reducing obstacles to international trade in higher education using conventions and agreements outside of a trade policy regime. This commitment includes, but is not limited to improving communications, expanding information exchanges, and developing agreements concerning higher

education institutions, programs, degrees or qualifications and quality review practices.

Our member countries should not make commitments in Higher Education Services or in the related categories of Adult Education and Other Education Services in the context of the GATS. Where such commitments have already been made in 1995 [the last year in some member countries made higher education commitments], no further ones should be forthcoming. (p. 4)

One of the declaration's sections contained the groups' rationale for making such a recommendation. The associations contended that very little was known about the consequences of including higher education trade in GATS. They also reminded the readers that, although some barriers existed, no major problems overall with trade in education services were apparent. GATS Article I.III (exercise of government authority) continued to be of concern. The groups held that the article is ambiguous and open to interpretation and that it is difficult to clearly define which education services are supplied on a commercial basis. Finally, the groups stated that too many of the countries represented by the four-association coalition had not undertaken effective consultation with affected stakeholders.

Recipients of the declaration and other groups not involved with its writing were puzzled and struck with what was perceived as a somewhat adversarial tone in what one interview source called a "hate statement." For its part, the USTR had an impression that, through work prior to the statement, a consensus point had been reached with ACE and CHEA. The declaration, however, made it clear that USTR officials had not reached such a point. According to an interview source, that realization left officials feeling rather

betrayed in this regard because if ACE and CHEA still had such strong beliefs despite their dialogue with the USTR, clearly there were miscommunications and some big misunderstandings remaining between the USTR and opponents of higher education trade in GATS.

Surprisingly enough, the presidents of the ACE member institutions also questioned the action that their own organization had just taken. After the statement was released, ACE presidents criticized ACE's new president David Ward, who signed the declaration on behalf of ACE. The institutional presidents sharply questioned the rationale of issuing the declaration. ACE, in turn, arranged a meeting with its members and top officials from the USTR, a meeting which was described as very adversarial in its tone. ACE's member presidents became aware at the meeting that the USTR was making trade commitments in higher education on behalf of higher education but without the input of higher education institution presidents. That fact left the presidents feeling distressed but also educated on the situation with which their organization was dealing. The presidents' unhappiness was not helped by a speech given by Robert Zoellick, the U.S. Trade Representative, on the topic of higher education trade and GATS. It was a speech that, according to an interview source, did not deviate from a script, and to the audience, "it was clear that [Zoellick] did not understand higher education." Only after ACE began to monitor in earnest the unfolding GATS events and after the exit of two of the primary players in the USTR policy on higher education trade (Bernard Ascher retired in 2002 and Robert Zoellick left the position as U.S. trade representative in 2005 to become a deputy to Condoleeza Rice at the State Department) did the presidents' angst recede.

Whether or not ACE and CHEA were aware of the impending addition of higher education trade to the U.S.' GATS proposal, and whether or not the USTR was aware of the force with which ACE and CHEA would voice their concerns, all parties were aware of each others' positions by mid-2002. On March 19, 2002, the USTR requested comment on the general U.S. negotiating objectives and on item-specific priorities in follow-up to the November 2001 Doha ministerial. CHEA submitted its comments in response to the notice in a letter dated April 30, 2002. CHEA noted that its members

are not facing any significant obstacles in making their services available outside the U.S.; therefore, we are not requesting USTR to seek any commitments from other WTO Members with respect to education and testing services.…However, to the extent that USTR seeks or offers commitments in educational and testing services, we respectfully and urgently request that such commitments not be sought or made in any way that would undermine the current discretion of [U.S.] accreditation organizations and quality assurance agencies to determine which institutions and programs will be eligible for a review and the outcome of such reviews.…CHEA would strongly oppose any WTO commitments that have the potential to interfere with the freedom of U.S. accrediting organizations and quality assurance agencies with respect to these critical organizational purposes" (Council on Higher Education Accreditation, 2002, p. 1).

A Meeting of Interested Parties

On May 23 and 24, 2002, the Organisation for Economic Co-operation and Development (OECD) held a forum on trade in educational services at the U.S. Department of Commerce in Washington, DC. Planning for it began in 2001, although it

is not clear whether the event was precipitated by the confusion and outcry from the U.S. higher education community. According to one observer, however, the forum allowed for frank exchange of views and an opportunity for each side to hear the other's arguments (Hirsch, 2002).

The OECD is an organization of 30 member countries (including the U.S.) focused on promoting market economies. It "produces internationally agreed instruments, decisions and recommendations to promote rules of the game in areas where multilateral agreement is necessary for individual countries to make progress in a globalized economy" (The Organisation for Economic Co-operation and Development, "About OECD," para. 3, n.d.). The OECD tries to raise awareness on economic issues; to fulfill that objective it publishes numerous reports and statistical analyses. The organization also holds forums and conferences designed to bring together stakeholders in various issues together at the international level with individuals directly engaged in negotiating various agreements. It was such a gathering that the OECD hosted in Washington in 2002, the first held on international services trade (Hirsch, 2002). The forum was co-sponsored by CQAIE, the group led by Marjorie Peace Lenn, and was presented as CQAIE's regular yearly conference. It was not invitational but was open to anyone who desired attendance and could pay the $550 attendance fee.

Many questions remained about the reasons GATS actually was needed to regulate higher education trade and to the effects of GATS on the public mission of higher education. "To critics of GATS, [the forum] showed clearly that it is a very long way from being a charter to destroy public higher education. To its supporters, the forum gave some idea about what is feared from GATS—and the need to continue the dialogue"

(Hirsch, 2002, p. 9). According to the OECD, the forum occurred around the time when ACE learned about a U.S. "soft offer" to open up the U.S. market to foreign providers.

According to Hirsch (2002), the most obvious divisions were between different actors within countries (ACE and students vs. USTR) and different actors within the higher education community (degree vs. non-degree granting, or non-profit vs. for-profit). ACE President David Ward offered remarks on behalf of his organization. He asked what, exactly, the problem is that needs to be solved by GATS. Quality, he noted, is an issue that must be addressed but one that can be addressed independently of GATS. He drew a line between career colleges and not-for profit higher education and, implying that non-degree training programs are for-profit entities, stated that such training (mainly vocational and professional) is very different from other forms of higher education. According to Ward, "[C]areer colleges, which do not give degrees but may give diplomas or certificates in specific training areas, may well have problems that can be addressed through trade discussions. I do understand that problem. That is not, however, a problem for not-for-profit higher education…Therefore, if training, in a very specific vocational and professional way, has problems in international delivery, then that should be the problem addressed" (American Council on Education, 2002, p. 2).

To GATS advocates, however, the agreement would help to clarify the rules of a game already being played and to bring about transparency (Hirsch, 2002). According to Bernard Asher, "The U.S. proposal is intended to provide assurance of market access and national treatment for providers of education and training on a commercial basis, as well as for cooperative ventures, which meet regulatory requirements of the host country" (Sedgwick, 2002, p. 4).

John Yopp of Educational Testing Services added that this forum was the first attempt to bring together all the stakeholders in the higher education/GATS debate. "If they had done that earlier," he remarked, "you wouldn't have this appearance of polarization" (Sedgwick, 2002, p. 8).

Requests for Removal of Trade Barriers

In June 2002, the U.S. made its next move toward the fulfillment of its higher education trade policy by submitting its request to other WTO members. As explained in chapter 1 of this study, the request phase of GATS negotiations involves a member's asking other members to open their markets to the service in question. The U.S. submission asked for virtual open markets in the areas of cross-border trade, consumption abroad, and commercial presence.

In its request, the U.S. asked that all WTO members "undertake full commitments for market access and national treatment in Modes 1, 2 and 3 for higher education and training services, for adult education, and for 'other' education. Consistent with the commitments, countries remain free to review and assess higher education and training, by governmental or non-governmental means, and to co-operate [sic] with other countries, for purposes of assuring quality" (Knight, 2003, p. 7).

The U.S. request also delineated specific examples of barriers that existed to higher education trade worldwide and asked that the countries involved remove those barriers. Among the examples of trade barriers cited in the request were the following: (1) a ban on education services provided by foreign companies and organizations via satellite networks (China), (2) a ban on for-profit operations in education and training services (China), (3) ownership limitations on joint ventures with local partners (Egypt, India,

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Mexico, Philippines, and Thailand), (4) a quantitative limitation on education institutions (Ireland), and (5) a requirement that foreign entities teach only non-national students (Turkey and Italy). The U.S. request also asked Israel and Japan to recognize degrees issued by accredited institutions of higher education (including those issued by branch campuses of accredited institutions) and to adopt a policy of transparency in government licensing and accrediting policy with respect to higher education and training.

Phase 3: Offer—March 31, 2003

Offers from each country to provide access to its domestic market were due on March 31, 2003. The United States submitted its offers by the target date. During this time period, from the submission of the U.S. request to its offer, the Trade Promotion Authority, the legislation giving the USTR authority to negotiate trade packages on which Congress must vote in their entirety, went into effect on July 1, 2002. In addition, ACE continued to monitor GATS developments and provide information, while other organizations continued their work in bringing together stakeholders for discussion and bridge building.

Continuing Efforts to Monitor and Educate

ACE was true to its strategy of monitoring the situation with regard to GATS and informing its membership on the latest developments. In August 2002, ACE released a GATS information paper that provided an overview of the agreement and the implications the organization saw for higher education. In the paper, ACE stated its intention to take an "informed observer and educator approach:" It would monitor GATS discussions and inform its constituents of the results of those discussions, maintain contact with the USTR and other major actors representing U.S. interests regarding

GATS, and work with higher education stakeholders abroad to understand their interests and concerns. The paper's conclusions restated in part ACE's position on GATS, that the potential dangers to higher education posed by the agreement outweigh the benefits (American Council on Education, 2002a).

On October 17 and 18, 2002, UNESCO held the First Global Forum on International Quality Assurance, Accreditation and the Recognition of Qualifications in Higher Education in Paris. UNESCO is a specialized agency of the United Nations that aims to help governments develop "good policies" (United Nations Educational, Scientific and Cultural Organization, 2002, p. 38) in the areas of education, natural and social sciences, culture, and communication. UNESCO serves as a clearinghouse and a "laboratory of ideas and a standard-setter…helping Member States to build their human and institutional capacities in diverse fields" (United Nations Educational, Scientific and Cultural Organization, 2003, p. 2). The UNESCO constitution states in part:

"…[t]he States Parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives" (United Nations Educational, Scientific and Cultural Organization, 2002, p. 37).

UNESCO involvement has been through its Forum on International Quality Assurance, Accreditation and the Recognition of Qualifications. The Forum "aims to provide a platform for dialogue between a wide range of higher education providers and

stakeholders and to link existing frameworks dealing with international issues of quality

assurance, accreditation and the recognition of qualifications" (United Nations

Educational, Scientific and Cultural Organization, 2002, p. 1).

The topic of this particular Forum meeting was globalization and higher education, so

the meeting centered on worldwide issues rather than on U.S. actions and intentions.

Marjorie Peace Lenn (in her CQAIE role) and CHEA's Judith Eaton were present at this

meeting. The two had been present at an expert meeting on the impact of globalization on

quality assurance, accreditation and recognition of qualifications held September 10-11,

2001, which served as a lead-in to the development of the Forum. The list of conference

participants did not include a representative from ACE, but because that organization's

focus is not primarily on accreditation and qualifications, it is not surprising that no one

from ACE was in attendance, especially given that a CHEA representative was present.

WTO officials were unable to attend because of financial restrictions but offered advice

to inform discussions related to GATS.

In statements at the beginning of the meeting, John Daniel, the deputy secretary-

general, cited the *Universal Declaration of Human Rights*, which identified education as

a human right. He also identified three main groups of stakeholders to benefit from the

forum's discussions: governments, citizens, and academic communities. Participants at

the meeting agreed on "a need to build bridges between education (i.e. academic values

and principles) and trade in higher education services." In addition, participants

suggested that UNESCO and the WTO as well as the OECD "could act as

complementary organizations providing a joint forum for discussing both the cultural and

commercial aspects of trade in higher education" (United Nations Educational, Scientific and Cultural Organization, 2002, p. 5).

The U.S. Offer

In March 2003, the U.S. published its initial offer outlining what service markets, and to what extent, it proposed opening to other WTO members. The initial U.S. offer technically did not include higher education, but instead included the following language, appearing for the first time:

The United States is *considering* [emphasis added] including in its offer commitments on Higher Education Services (including training services and educational testing services, but excluding flying instruction). These commitments would include, *inter alia*, the following limitations:

Nothing in this agreement will interfere with the ability of individual U.S. institutions to maintain autonomy in admissions policies, in setting tuition rates, and in the development of curricula or course content. Educational and training entities must comply with requirements of the jurisdiction in which the facility is established.

The granting of U.S. Federal or state government funding or subsidies may be limited to U.S. schools. Scholarships and grants may be limited to U.S. citizens and/or U.S. residents of particular states. Tuition rates may vary for in-state and out-of-state residents.

Additionally, the commitments would make clear that: Admission policies include considerations of equal opportunity for students (regardless of race, ethnicity or gender), as well as recognition of credits and degrees; state regulations apply to the establishment and operation of a facility in the state; accreditation of the institution

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and its programs may be required by regional and/or specialty organizations; required

standards must be met to obtain and maintain accreditation; foreign-owned entities

may be ineligible for Federal or state funding or subsidies, including land grants,

preferential tax treatment, and any other public benefits; and to participate in the U.S.

student loan program, foreign institutions established in the United States would need

to meet the same requirements as U.S. institutions. (The Office of the United States

Trade Representative, 2003a, pp. 57-58)

Similar language was included in a USTR *Trade Facts* paper dated March 31, 2003

as one of five bullet points in a section entitled "What the U.S. is Not Offering:"

Non-Interference with U.S. Education Institutions: Nothing in the offer will interfere

with the ability of individual U.S. education institutions to maintain autonomy in

admissions policies, setting tuition rates, and developing curricula or course content.

The offer does not apply to public elementary or secondary schools, or to public

funding. There is no intention to promote the privatization of public educational

institutions. (The Office of the United States Trade Representative, 2003b, p. 3)

The language regarding higher education would eventually find its way into an

updated U.S. GATS offer and was the first public indication of the concessions that were

made by the USTR to be responsive to ACE and CHEA's concerns. The final outcome of

ACE and CHEA's efforts to affect the U.S.' higher education offer will be discussed in

greater detail in the next section.

Phase 4: Revision—May 31, 2005

The two years following the submission by the United States of its offer to open its

higher education markets were among the most tumultuous in the Doha Round, but that

turmoil had nothing to do with trade in higher education. Trade talks at the WTO's

ministerial meeting in Cancun, Mexico in September 2003 collapsed over issues related

to agriculture, foreign investment, competition, and transparency in government

procurement. As a result, all Doha Round negotiating schedules were thrown into

disarray, and the target date of January 1, 2005 for completion of the round became

impossible. July 2004 talks in Geneva, Switzerland, however, established new schedules

for completion of the round, and a new target date of May 31, 2005 was set for revised

services offers. The U.S.' revised offer for education trade had a key addition, the result

of collaboration between parties that were at odds with one another.

A More Tempered Approach to Higher Education Trade

The September 2001 *Joint Declaration on Higher Education and the General*

Agreement on Trade in Services, developed by ACE, AUCC, CHEA, and EUA, puzzled

many of its recipients and readers, who perceived it as a "hate statement" or, at the very

least, an overreaction to the situation at hand. According to sources interviewed for this

study, with the passage of time, even the organizations involved in writing the

Declaration began to view their statement in a similar fashion. Each of the organizations

involved had concerns which drove them to produce the statement. European education

ministers saw and were responding to an erosion of public support for education. ACE

and CHEA were concerned about for-profit higher education institutions, which did not

constitute the majority of their memberships but whom they saw as driving the U.S.

proposal (Foster, 2002). And the AUCC was concerned about issues regarding the export

of higher education and the various implications for the higher education systems of the

importing countries. These factors, when combined with the suddenness with which the

groups appeared to be confronted with the reality of higher education's inclusion in a trade agreement, probably contributed to the declaration's strong tone.

In January 2005, ACE, CHEA and AUCC joined with the International Association of Universities (IAU) to issue a new statement entitled *Sharing Quality Higher Education across Borders: A Statement on Behalf of Higher Education Institutions Worldwide*. The EUA, heavily involved in efforts to develop a European area of higher education as delineated in the European education ministers' Bologna Declaration of 1999, did not participate in drafting the statement but did endorse the final draft. The organization's nonparticipation was most likely influenced as well by the European Union's decision not to make any new education commitments beyond those already made in the Uruguay Round. This new statement used somewhat softer language that presented the organizations more as partners and advisors in issues regarding higher education trade rather than opponents. Addressed to higher education institutions and their associations worldwide as well as to national governments and their intergovernmental associations, it acknowledged the trends of the internationalization of higher education institutions and the growth of market-driven activities. It also offered seven cross-border higher education principles, which the organizations designed to guide the actions of all the stakeholders to which the statement was addressed. From those principles, the statement made recommendations to higher education institutions and national governments. It urged higher education institutions to become familiar with the issues surrounding cross-border education and trade. It also recommended the development of partnerships between higher education and governments and intergovernmental associations. The statement specifically addressed the use of trade instruments in higher education trade:

Some governments seek to manage cross-border higher education through multilateral and regional trade regimes designed to facilitate the flow of private goods and services. There are three main limitations to this approach. First, trade frameworks are not designed to deal with the academic, research, or broader social and cultural purposes of cross-border higher education. Second, trade policy and national education policy may conflict with each other and jeopardize higher education's capacity to carry out its social and cultural mission. Third, applying trade rules to complex national higher education systems designed to serve the public interest may have unintended consequences that can be harmful to this mission.

Thus, we believe that international agreements and policies for cross-border higher education—particularly in the context of WTO and other trade discussions—should address these limitations. They should respect the right of governments and competent bodies within nations to regulate their higher education systems, to safeguard the public investment in higher education to achieve their cultural social and economic goals, and to promote access and equity for students. (American Council on Education, Association of Universities and Colleges of Canada, Council on Higher Education Accreditation, & International Association of Universities, 2005, pp. 4-5)

The sponsoring organizations went to great lengths in the new statement to demonstrate the statement's support in the larger higher education community. In a deviation from the joint declaration, which was signed only by the presidents of the four organizations which produced it, the quality higher education statement, while produced by three of the same four organizations, included other higher education membership

associations as signatories. Additionally, the statement included a "note to reader" explaining that a draft of the document had been circulated for comment from May to September 2004 to higher education organizations worldwide. "This final version has benefited from the commentary," the note concluded (American Council on Education et al., 2005, p. 1), implying that the comments and input received from the higher education community were considered and were included as appropriate in the version that ACE, CHEA, AUCC, and IAU released.

A Revised Services Offer from the U.S.

The disruption of the Doha Round trade talks at the WTO ministerial in September 2003 made the original January 1, 2005 target date for conclusion of the round a virtual impossibility. However, talks in July 2004 in Geneva, Switzerland revived the negotiations and developed new schedules for completion of the round, including a target of May 31, 2005 for submission of revised services offers. The USTR took the opportunity to submit a revised offer, this time with a key addition.

A subsector of Higher Education Services (and its UN CPC code 923) was formally added to the U.S. service offer under educational services. It included the following provisions:

Limitations on market access:

Cross-border supply—none

Consumption abroad—none

Commercial presence—none

Presence of natural persons (i.e. temporary employment)—unbound, except as indicated in the horizontal [across all service sectors] section

Limitations on national treatment:

For all modes of supply, the following statement applies—The granting of U.S.
federal or state government funding or subsidies may be limited to U.S.-owned
institutions, including land grants, preferential tax treatment, and any other public
benefits; and scholarships and grants may be limited to U.S. citizens and/or residents
of particular states. In some cases, such funding, subsidies, scholarships, and grants
may only be used at certain state institutions or within certain U.S. jurisdictions. (The
Office of the United States Trade Representative, 2005b, p.68)

The education subsector also contained the following footnote:

For transparency purposes, individual U.S. institutions maintain autonomy in
admission policies, in setting tuition rates, and in the development of curricula or
course content. Educational and training entities must comply with requirements of
the jurisdiction in which the facility is established. In some jurisdictions, accreditation
of institutions or programs may be required. Institutions maintain autonomy in
selecting the jurisdiction in which they will operate, and institutions and programs
maintain autonomy in choosing to meet standards set by accrediting organizations as
well as to continue accredited status. Accrediting organizations maintain autonomy in
setting accreditation standards. Tuition rates vary for in-state and out-of-state
residents. Additionally, admissions policies include considerations of equal
opportunity for students (regardless of race, ethnicity, or gender), as permitted by
domestic law, as well as recognition by regional, national, and/or specialty
organizations; and required standards must be met to obtain and maintain
accreditation. To participate in the U.S. student loan program, foreign institutions

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established in the United States are subject to the same requirements as U.S.

institutions. (The Office of the United States Trade Representative, 2005b, p.68)

Such lengthy footnotes were not apparent in other sections of the schedule. Here,

however, was a statement on the limitations of the U.S. offer with regard to trade in

higher education, a compromise of sorts between the inclusion and exclusion of higher

education trade in GATS.

The statement resulted directly from discussions between ACE/CHEA, who together

drafted the footnote language, and the USTR. For ACE and CHEA, three main concerns

existed: institutional autonomy, tuition rates, and accreditation, all of which were

addressed in the footnote. For its part, the USTR relied on ACE and CHEA's knowledge

and, recognizing its own lack of expertise in the specifics, allowed the groups to provide

the language as they saw fit.

The inclusion of the footnote served to calm the concerns of ACE and CHEA for

the time being, even though, according to one interview source, the rights of higher

education institutions with regard to the issues would have been preserved in any case.

Said the source, "We knew it was there [i.e., the rights] but some parties wanted to see it

in print, and if that's the way it gets done [i.e., the offer], so be it." Other sources were

not so sanguine: "When you see what can happen [in trade agreements], you want

specific language included, not merely assumed to be there."

Phase 5: Jeopardy—January 31, 2007 and Beyond

As of January 31, 2007, the United States had a request for other WTO members to

open its markets to U.S. higher education ventures. It also had made an offer that

virtually completely opened U.S. markets to foreign higher education institutions. As far

as higher education trade provisions are concerned, according to an interview source, the U.S. probably will go no farther. However, the USTR asked other WTO members to take the next step: In proposing the opening of U.S. markets almost completely to other countries, the USTR believed it had the "moral authority," in the words of an interview source, to request more opening up of higher education markets in other countries. The U.S. put its position out there for others to see, using language designed to focus on what the most constructive elements are, what the U.S. wants, and why it has taken such a position. In addition, the USTR hoped that the higher education funding language that had been included in the U.S. offer could persuade other countries to think about their offers.

If other countries have done such thinking, it hasn't resulted in much action as far as higher education trade is concerned. Education services were among the least committed of all sectors subject to GATS (Sauvé, 2002), and the sector still held that distinction as of January 31, 2007. Among the reasons given for the lack of commitments were the status of education in general and higher education in particular as governmental functions and the lack of time and human resources to study the situation with higher education trade and prepare for negotiations. Whatever the case may be, only 45 of the 145 WTO members had made commitments to education (Knight, 2002), and of those 45, only 21 members made commitments to higher education (Knight, 2002), most of them having been made during the Uruguay Round. In addition to the United States, the European Union (with clear limitations on all modes of trade except consumption abroad) and Australia (a commitment covering provision of private postsecondary education services, including the university level) addressed the issue of higher education trade in

their negotiations (Knight, 2002, 2003). New Zealand also submitted a negotiating proposal outlining its interests and issues and suggested that education may be one of the least committed service sectors because of the recognition of its public good element and the high degree of government involvement in its provision (Knight, 2002, 2003). Very few developing countries submitted either requests or offers. The Congo, Jamaica, Lesotho, and Sierra Leone, all of which have made full unconditional commitments in higher education, are exceptions to that rule.

Within the U.S., the battles over higher education trade and GATS subsided momentarily after the development of the footnote, but regular dialogue among the interested parties continued. CQAIE and CHEA met regularly to discuss quality/trade issues, as did ACE, CHEA, and the USTR. According to an interview source, ACE and CHEA were pleased with the care that the USTR paid to their concerns, even though the groups did not believe that they really shaped the USTR's actions beyond the footnote that was added to the higher education schedule. CHEA believed, however, that the language in the U.S. offer was sufficient to prevent accreditation from being included in GATS. For CHEA, the language in the footnote was the most important item. Such also may have been the case for ACE. The group's president, David Ward, was made a member of the ITAC committee Number 10 (Services and Finance Industries). However, he did not attend any meetings and subsequently was removed from the committee for inactivity.

In addition to maintaining a regular dialogue with the USTR, ACE and CHEA, together and separately and in sometimes in conjunction with other groups, continued to try to influence the products of other countries' higher education GATS work through

educating and continuing to raise the consciousness of other countries and institutional presidents to issues of international higher education as well as higher education trade. Together with the AUCC and the IAU, ACE and CHEA developed a follow-up to the higher education across borders statement. The document was designed to be a checklist to serve as an implementation tool for presidents of higher education institutions in dealing with international issues. Issues regarding the expansion of U.S. accreditation activities in other countries and the question of "diploma mills" and their impact on quality of higher education continued to be projects for CHEA and will be for the foreseeable future. For CHEA, the aim was to be "responsible world citizens," according to an interview source.

As for the USTR, its work on GATS continued even if its efforts on higher education had been completed, at least for the time being. In attempts to hasten the completion of the Doha Round talks, the WTO turned to the concept of *plurilateral* negotiations, which refers to negotiations in groups. One group was established for education services (including the U.S., New Zealand, Australia, Malaysia, and Taiwan). According to an interview source, if the WTO were to miss its new end-of-2006 deadline for completion of the Doha Round, the U.S. would probably "take a break" on its WTO work.

Whether the U.S. actually took a break is questionable, but the WTO did, in fact, miss its 2006 deadline for completion of the round. The Doha talks were declared suspended by the WTO Director General Pascal Lamy in August 2006 after a blockage resulting from a standstill on agriculture items in the General Agreement on Tariffs and Trade. Because the WTO views the Doha negotiations as a single undertaking, "nothing is agreed until everything is agreed" in the language of the WTO (World Trade

Organization, 2005a, p. 96). Requests and offers can be submitted until the end of the Doha Round; no commitments will be final until the round is declared concluded.

In the midst of the suspension of talks, the USTR received an 11th-hour letter dated August 14, 2006, from the National Education Association (NEA), requesting that the U.S. withdraw the higher education sector from its GATS offer. The NEA is an organization of U.S. educators primarily at the K-12 level, but it includes postsecondary education professionals as well. It is a member of Education International (EI), an organization of teachers' organizations and unions worldwide. Although EI supports the idea of free and fair trade as promoted by the WTO, it does not believe that basic social services such as education (including higher education) should be tradable commodities. EI advocates primarily at the supranational level; that is, with the WTO, UNESCO and other intergovernmental agencies. The organization seeks to alert its affiliates to GATS-related issues and to mobilize the affiliates to act within their own domestic arenas.

Although the NEA had been monitoring GATS developments and providing information to its membership, its involvement in directly affecting U.S. higher education trade policy appeared limited and certainly not at the level of ACE and CHEA. According to interview sources, NEA and other teacher unions "had their say" on GATS, but U.S. officials did not have many dealings with these groups, and no focused effort on NEA's part to put pressure on the USTR was being made. In May 2005, NEA staff met with Bernard Ascher's replacement at the USTR, Christopher Melly, "to better understand the USTR intentions for higher education and to express our concerns" (National Education Association, 2006, p. 1). In addition, the NEA issued a report on higher education and international trade agreements but had commissioned the work from

an outside organization. The August 2006 letter was an attempt to take advantage of the

suspension in talks: "We wanted to make our concerns about this proposal known to you

at this time even though we realize that an impasse has been reached in the Doha

Round…We realize that the talks broke down over other issues, but respectfully suggest

that this impasse gives you an opportunity to revisit this critical area" (National

Education Association, 2006, p. 1). The NEA made no contact with the USTR

immediately prior to sending the letter and sent no follow-up correspondence even after

the USTR sent a response inviting the NEA to contact its office.

Fortunately for the WTO, informal talks among trade ministers attending the World

Economic Forum annual meeting in January 2007 in Davos, Switzerland, revived the

Doha talks. WTO General Director Lamy, in comments to the WTO General Council on

February 7, 2007, said that "we have resumed negotiations fully across the board" and

added that "political conditions are now more favorable for the conclusion of the Round

than they have been for a long time" (World Trade Organization, 2007, p. 1). He

declined, however, to offer an end date for the negotiations.

Because the Doha Round is not over as of the time of the completion of this study, the

"final" outcome of the U.S. experience with developing its higher education trade policy

under GATS is not yet known. Indeed, in a process which involves ongoing negotiating

and adjusting as new situations arise and new players seek to influence the negotiations,

"final" may not ever be a possibility. For the higher education community, it means that

continued monitoring will be necessary to keep current with any developments, but it also

provides a rich environment for higher education researchers interested in the area of

higher education and trade. The final chapter will address future research possibilities and

make some recommendations for stakeholders after an examination of these research

findings as applicable to the research questions introduced in chapters 1 and 3.

Chapter 6

Discussion and Conclusions

Chapter 4 presented a synopsis of the development of GATS and the historical, economic, and philosophical context in which the U.S. experience with setting higher education trade policy can be considered. Chapter 5 continued the discussion by describing the participants and the events that occurred since the U.S. conceived and began development of its trade policy in higher education. This report concludes by considering this information in terms of the research questions and by examining the findings in light of the theoretical literature outlined in chapter 2. Directions for further research and suggestions to parties interested in involvement in shaping the ongoing policy development process will be offered at the end of the chapter.

The Research Questions Revisited

Chapters 1 and 3 presented the three major research questions that provided the structure and direction for this study. This section addresses these questions and discusses the ability of political models to aid in understanding of higher education policy making processes on emerging issues in higher education at the supranational level.

Research Question 1: Who Were the Major Actors in the Policy Making Process Related to the Substantial and Technical Aspects of the U.S. Higher Education Trade Negotiations in the Context of GATS?

The findings of this study identify four major visible players in the process: the United States Office of the Trade Representative (USTR); the Center for Quality Assurance in International Education (CQAIE) and its related committee, the National Committee for International Trade in Education (NCITE); the American Council on

Education (ACE); and the Council on Higher Education Accreditation (CHEA). Two

other players served visible minor or supporting roles: the Organisation for Economic

Co-operation and Development (OECD) and the United Nations Educational, Scientific

and Cultural Organization (UNESCO). Additional visible minor players include the

National Education Association (NEA), which made a last-minute appearance but was

not as active in the earlier stages of the process. The NEA produced, through a third

party, a background information paper on GATS but did not attempt much in terms of

direct influence other than a 2005 meeting with the USTR and a 2006 letter to the Trade

Representative. The WTO itself, while not an actual player in the U.S. policy making

process, certainly warrants mention as a major hidden player: As the organizations

through which nations developed GATS and will continue to implement, interpret and

enforce it, the WTO is the entity through which the game rules are set and maintained.

Another major hidden player should be acknowledged: the agricultural interests who,

through their influence on the entire Doha round, managed to stop the entire negotiating

sequence twice and to put the completion of the round in doubt at times.

   a. Who were the major actors at each stage of the process?

   The WTO, although comprised of member nations who, together, determine the

content of trade agreements and the rules by which they are governed, functions as the

singular entity or body through which the formal game rules (Allison, 1971) are enforced.

All WTO members must adhere to those rules. As the rule-setting entity, the WTO's

influence is always present, although not blatant, and for this reason it might be

considered as a major hidden player active at all stages of the process, quietly pulling

strings. Expressed in terms of Kingdon's (1995) conceptualization of a hidden player, the

WTO, through its setting of overall game rules, shapes various alternatives available to its members and thus to organizations attempting to influence members' actions. For example, because GATS allows members to decide the extent to which (or, indeed, *if*) they will open various service markets to other members, the WTO enables the U.S., through the USTR, the alternative of determining whether it will seek to open higher education trade and to what extent it will do so. In turn, the alternatives available to ACE and CHEA would likely have been different had higher education not been an area under negotiation at that time. The groups might have chosen to take no action other than sporadic monitoring and probably would not have been motivated to develop the Joint Declaration described in chapter 5.

As the organization that has the ultimate authority for the entire process, the WTO also might be seen as the *alpha authority*, to take Gamson's (1968) categorization one step farther. It is the overall system agent that controls all individual member negotiation processes. As a party to that process, the U.S., through the USTR, is in this instance a partisan (Gamson, 1968), with the potential to disrupt the system's orderly functioning. With regard to this particular policy making process, the USTR does not appear to be acting in a disruptive manner. The USTR followed the WTO timetable for submission of requests and offers; it structured its offer schedule along WTO-prescribed lines and has used the WTO product classification scheme to categorize the schedule's contents. In that respect, the WTO has influenced the actions of the USTR with regard to the policy issue being examined in this study.

Through the USTR, the agency delegated with the authority to act on the U.S.' behalf, the U.S. was a major visible actor involved at each stage of the policy making process.

With the right to determine the extent to which the U.S. would open up its own higher education trade markets, the USTR is the *beta authority*. As such, the USTR acted in accordance with the game rules set by the overall (alpha) authority but nonetheless was a system agent within its own control domain, that of the U.S. domestic trade arena. The power given to the USTR to conduct trade negotiations stipulated that the agency would solicit comment from other governmental bodies. After negotiations were completed, the USTR would submit the entire package to Congress, which, as a result of the game rules set by the TPA, would only have the authority to accept or reject the package in its entirety. Thus, other parts of the federal government, even Congress, became partisans of the USTR with regard to this and other trade issues.

CQAIE and its committee NCITE were major visible players primarily in the first stage of initiation of the trade negotiation process. The group's work on the conferences it cosponsored with the OECD made CQAIE a player throughout the other stages of the process as well (if not quite as directly). Through the NCITE, CQAIE worked in an advisory role to the USTR, at the latter group's request. CQAIE/NCITE and Dr. Marjorie Peace Lenn were recognized experts on higher education trade and were advocates of its inclusion in GATS. Dr. Lenn also took the lead on higher education trade issues long before other higher education groups had addressed the issue and in so doing became a policy entrepreneur (Kingdon, 1995). As such, Dr. Lenn took the issue of higher education trade, attached it to USTR's development of trade policy, and then, through advice and advocacy, moved it onto the USTR's trade negotiation agenda. As a body not charged with making policy, CQAIE/NCITE is a partisan, attempting to influence the actions of the USTR. It submitted comments in response to a call for public comment,

much as any other partisan. CQAIE/NCITE's position as an advisor to the USTR, however, and in later stages its role as conference co-convenor, makes for an interesting relationship because it could be considered a tool of the USTR, even though it is a nongovernmental body.

In the latter part of the initiation phase and continuing throughout the development of the higher education trade schedule, ACE and CHEA became major visible players, acting together as counterweights to the pro-trade stance assumed by the USTR and CQAIE/NCITE. In tandem, the two groups acted in a partisan role and certainly disrupted the orderly functioning of the policy system enacted by the USTR. The joint declaration the two groups authored in concert with the AUCC and the EUA had the effect of, if not stopping the USTR's efforts to include higher education in GATS, erecting a roadblock. The organizations put the USTR on notice that major higher education organizations had serious misgivings about GATS and were in need of some reassurance of what inclusion in GATS would and would not do to higher education institutions.

OECD and UNESCO also were visible players from the request phase forward, albeit as minor or sideline players: not directly attempting to influence either the proponents or the cynics but rather serving as facilitators to help all parties better understand the GATS and its purposes. Each organization, separately and together, conducted and disseminated research and sponsored conferences to provide information and to bring interested parties together for debate, discussion and, perhaps, bridge building between parties on both sides of the issue.

Two organizations that may warrant closer observation in the future are the NEA, a last-minute player, with Education International (EI) as a minor hidden player rooting

NEA on from the sidelines. As indicated in chapter 5, NEA has not been particularly active in the GATS debate to date, but its submission of a letter to the U.S. Trade Representative in the midst of the suspension in WTO trade talks may indicate an intention to get more active in the debate, perhaps at EI's urging. According to Sauvé (2002, p. 4), "the current negotiations take place…in the midst of a growing anti-GATS campaign, of which public sector unions in the educational field are active players, especially in OECD countries…". Although this information is based on an observation from four years ago and refers largely to teacher unions in other countries, it is possible that the NEA is poised to be more active in the debate when the negotiations resume.

Finally, agricultural interests have become players of enormous importance because collectively they put a stop to the entire negotiating process, first at the Cancun ministerial meeting in September 2003 (after the U.S. submitted its first offer), then in 2006 (after the U.S.'s revised offer). The agricultural interests are truly major hidden players: They are not involved with this particular issue but nonetheless are among the most important players in the larger arena of the WTO community. Their refusal to come to agreement on agricultural issues was not aimed at stopping higher education trade. However, the inability of the agricultural sector to come to agreement on key provisions related to another trade agreement threw higher education trade provisions in jeopardy as part of the disrupted and seriously delayed Doha talks. Ironically, much of the blame for the deadlock was placed on the U.S. for demanding too much of other members in return for cutting its farm subsidies. Thus U.S. actions in one trade sector had an influence on its ability to set trade policy in the unrelated sector of higher education.

b. What were their goals and priorities?

The USTR, as the U.S. federal agency with authority for establishing trade policy, is charged with protecting the trade interests of U.S. entities. With regard to higher education trade, therefore, the USTR sought to liberalize trade and to lessen or eliminate barriers to trade in international higher education and based its actions upon the information it had received from other U.S. agencies as well as from CQAIE/NCITE. The USTR also sought to reflect current higher education trade realities in an established international trade agreement. To that end, the USTR undertook the writing of GATS higher education trade schedules under the regulations of the agreement's formal trade language and attempted to inform and educate its constituent groups on the GATS and its provisions. CQAIE/NCITE, likewise, aimed to educate stakeholders on GATS and higher education trade issues as well as to provide accurate information on the state of higher education trade as needed. Of course, CQAIE/NCITE also had to consider the interests of its own constituency, consisting of the CQAIE/NCITE sponsors who already were engaged in higher education trade activities and were hoping to see trade barriers lessened or removed to make it easier to attract foreign students and/or to operate on foreign soil.

ACE and CHEA, on the other hand, as organizations representing primarily not-for profit institutions, were focused not so much on initiating action as on protecting U.S. higher education's core values, such as diversity in higher education institutions and the rights of academic freedom and institutional autonomy. The intensity of the language of the September 2001 declaration and the subsequent work on the footnote language might be explained in part by the groups' belief in these ideals as higher education rights that

are inviolable even within the context of an international trade agreement. Frohock (1979, cited in Mazzoni, 1991a, p. 25) noted the distinction between goals expressing interests arising from "opportunities to get what one wants or needs" and goals expressing rights—"that which is due one by virtue of a just claim." According to Frohock, "Interests are negotiable terms, rights are not." CHEA's goal in particular was to ensure the continued right and ability of U.S. higher education to regulate itself through the accreditation process. The agency was determined that U.S. higher education would not be subjected to federal governmental regulation, either through action brought through the government itself or via an agreement, such as GATS, to which that government was a signatory. Both groups desired to keep the U.S. federal government out of higher education. To ACE and CHEA, the possibility of such involvement was an all-too-real danger with GATS.

c. What motivated them to become involved in the policy making process? What was at stake?

As was noted in chapter 4, the USTR was well aware of the growth in the services sector in general as well as the growth of higher education both domestically and internationally. The USTR also was aware of the U.S.' position as a worldwide leader in higher education. Clearly, the USTR had the motivation to pursue some sort of trade provisions in higher education for the benefit of those who wanted to make use of them. Likewise, CQAIE/NCITE was aware of the growing market in higher education trade. Indeed, through various groups such as GATE and NCITE, CQAIE had been monitoring trade issues and GATS years before the USTR put forth a higher education trade proposal. Perhaps more importantly, CQAIE/NCITE saw an opportunity to provide

information and educate other stakeholders by starting with the USTR and then moving on to educate other groups and individuals. As stated earlier in this chapter, CQAIE/NCITE was thus able to fill an information and action vacuum by offering its expertise. Both the USTR and CQAIE/NCITE saw an opportunity to make trade in higher education less cumbersome for their constituents. They were so motivated by the possibility and perhaps the promise of a higher education trade market that truly would be open and would be easy for higher education institutions to navigate.

ACE and CHEA, however, saw the situation differently. From the groups' perspective, they were witnessing the capture of higher education by business interests, as evidenced through the application of the language of commerce to the realm of education, and the subsequent erosion of the core values of higher education that they were working to protect. The possibility of a higher education trade market governed by an international trade agreement provoked fear and mistrust. It was the fear of the unknown, of an untested document with ambiguous language and unsure interpretation. It was a mistrust of an agreement that eventually might be used as a tool by the federal government to expand its authority into higher education, an expansion which would be inconsistent with the U.S. Constitution and its reservation of authority over education matters to the states. It was also a fear that GATS could pave the way for federal governmental intrusion into areas of institutional autonomy such as decisions on student admissions and scholarship awards.

In addition, ACE and CHEA mistrusted CQAIE/NCITE's motives because of NCITE's focus on trade liberalization and because of NCITE's sponsor list, comprised largely of for-profit institutions and business. CHEA, in particular, became involved

when it perceived that accreditation, the U.S. higher education community's system of self-evaluation, was becoming a part of the U.S.' GATS agreement, but not until then. ACE may not have had the motivation early on despite admonitions to become involved and aware of GATS because the group did not perceive the agreement as an immediate issue for its members. Most of ACE's membership is not-for-profit higher education institutions. Once the group saw, however, that the USTR had made its intentions known to include higher education in GATS, ACE had the spark it needed to become involved. A lack of trust in a process laden with ambiguous terms and fears of inconsistent interpretations provided additional motivation.

OECD and UNESCO, while involved in the U.S. higher education trade policy dispute as minor visible players, each had direct connections to at least one of the organizations through involvement in related areas, OECD through its work with CQAIE/NCITE and UNESCO through work with both CQAIE/NCITE and CHEA. OECD also had a connection with Marjorie Peace Lenn and had been in the process of organizing forums on the topic. Both Dr. Lenn and Judith Eaton had connections with UNESCO through their participation in meetings on quality assurance, accreditation and qualification recognition. Although OECD is more focused on economic matters and UNESCO on education promotion, the two groups, from their own perspectives, saw the need for greater education on GATS as well as for the provision of forums in which participants could meet and discuss higher education's involvement in the trade arena.

In each case, the players' goals, stands and motivations were consistent with segments of their stated organizational missions: the USTR, to develop and coordinate U.S. international trade policy; CQAIE/NCITE, to work toward the liberalization of

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higher education trade; ACE, to provide leadership on key higher education issues and assess emerging issues' implications for higher education; CHEA, to advance self-regulation through accreditation; OECD, to promote game rules in multilateral agreements and to raise awareness on economic issues; and UNESCO, to help governments develop sound policies in areas such as education. It is an illustration of the contention that "where you stand depends upon where you sit" (Allison, 1971, p. 176), because the priorities and perceptions of each player were indeed shaped, at least in part, by their respective missions, and the priorities and perceptions were, in turn, shaping interests and goals. These goals became critical enough to prompt each player to act; in other words, the goals provided the motivation to become involved.

d. What resources did each actor command?

The USTR, of course, had the legal authority granted to it by the U.S. government for the development of higher education trade policy. That gave it the ability to set the agenda; that is, to determine that higher education trade would be included as part of the U.S.' GATS schedules.

A key resource for each of the partisan groups was expertise and the legitimacy or credibility that comes through that expertise. For CQAIE/NCITE, that expertise came through a very active, highly regarded director; for ACE and CHEA, the expertise of its staff; for OECD and UNESCO, the expertise to conduct studies on the issues surrounding higher education and trade. Each singular group also possessed legitimacy in that each was recognized as a leading group in the expertise areas in which they operated. CQAIE/NCITE's legitimacy was drawn from its role as a niche player; it was performing a function that did not appear to be conducted by any other U.S. organization. For ACE

and CHEA, legitimacy originated in part through their large memberships of U.S. higher

education institution presidents of diverse mission, size, and governance. OECD and

UNESCO derived their legitimacy through their nation members. OECD's and

UNESCO's status as supranational organizations also gave them a global arena to make

results of their research and fieldwork available through avenues such as publications,

conferences, and web sites.

Each of the partisans appeared to recognize the legitimacy and expertise of the other

partisans, although as noted in chapter 5, some of the ACE staff questioned the

legitimacy of CQAIE/NCITE to be speaking to the federal government about higher

education's stance on trade. Each group, too, had the resource of name recognition. All of

the groups were known to the other groups as being legitimate higher education

organizations. Furthermore, the groups were well known within the higher education

community long before GATS became an issue. The USTR recognized the legitimacy

and expertise of the partisan groups as well. Because they possessed this legitimacy and

expertise, the partisans active in this issue were close enough to the federal government

and to each other to have the opportunity for direct influence. This proximity eliminated

the need to resort to the use of more extreme strategies such as inciting violence or chaos,

which is, at any rate, not part of the accepted norms of conduct in the community; those

will be discussed later in this chapter. Proximity also meant that none of the groups

needed to expend huge financial resources to attempt to influence other groups or

individuals to become involved. Such financial resources were, in any event, largely

unavailable. None of the higher education groups, for example, had access to a political

action committee to fund any efforts in attempting to remove higher education from the USTR's GATS agenda.

Research Question 2. How Did the Actors Attempt to Influence the Policy Making Process?

In his framework for political analysis, Mazzoni (1991a) noted some basic concepts that point to likely directions for strategy: gaining access, using voice and threatening exit, building coalitions, setting agendas, and controlling the scope of conflict. All these elements are evident in the methods used by actors to attempt to influence the development of higher education trade policy.

a. What strategies did actors employ to use their resources to exert influence?

A key strategy was the use of voice, whether through printed or spoken avenues, to attempt to educate other stakeholders concerned with the higher education trade issue and to build support for players' positions. Each of the players took this approach. For example, ACE and CHEA, through their *Joint Declaration* and their *Sharing Quality Education Across Borders* statements; OECD and UNESCO, through issue papers and memos on their Web sites as well as the conferences they organized; and CQAIE/NCITE, through its papers on the state of U.S. higher education trade, attempted to influence through voice. In each case, the players attempted to express their positions through reasoned argument and an appeal to the intellect of the other players.

In addition, ACE and CHEA made particular use of symbolism as they couched much of the language of their messages in terms of the enduring values of higher education. As noted in chapter 5, ACE and CHEA continued to use their voice through the development of guidelines or *soft laws*, such as its checklist, outlining good practice or policy, on

dealing with international issues; it was a step taken to attempt to influence actions that governments and other appropriate actors take.

Even the USTR, with its authority to set the agenda and develop the policy, resorted to voice to attempt to quell concerns of skeptics. The USTR met personally with representatives of other organizations, attended conferences covering GATS and higher education, and published "trade facts" papers on its Web site. In so doing, the USTR tried to educate interested parties with regard to what the agency believed that GATS would and would not do as well as what actions the USTR would and would not take. The USTR's strategy was, perhaps, one of attempting to "win hearts and minds" in relation to the GATS and higher education trade.

Players also worked through established action channels (Allison, 1971), both official and unofficial, in an attempt to exert influence on other players. Direct contact with the USTR was an effective strategy for both CQAIE/NCITE and ACE/CHEA because these groups were able to express their concerns directly to, and share information directly with, the USTR, the actor with the authority for setting higher education trade policy. All parties involved in the issue were able to make use of forums and other types of gatherings typical in governmental and higher education settings; they did so either as conveners (CQAIE/OECD and UNESCO) or as attendees (USTR, ACE, and CHEA). In addition, CQAIE/NCITE was able to work through another established formal information channel. Marjorie Peace Lenn's position on the USTR's ITAC Number 10 on Services and Finance Industries gave her, and thus CQAIE/NCITE, a true insider's access to the process of setting higher education trade policy. ACE actually managed to secure a spot on this committee in 2001 to assure itself direct access. Ironically, ACE

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President David Ward attended no meetings and was removed from the committee in February 2006. His absence and subsequent replacement removed an official action channel, and thus an avenue for voice for ACE, in the process of setting higher education trade at least for as long as the Trade Promotion Authority (TPA) remains in effect.

In declaring higher education trade an area of consideration in their negotiations during the Doha Round, the USTR set the agenda on the issue of higher education trade in GATS. Such was the agency's right as the authority. Furthermore, the TPA, in stipulating that Congress cannot make any changes to results of trade negotiations once the USTR has finalized negotiations with other countries, presently enables the USTR to control the scope of conflict. In other words, any attempts to influence U.S. higher education (and, indeed, other sector) trade policy must be directed at the USTR during the negotiation process. The U.S. Congress, in essence, becomes another partisan. However, the TPA is a tool which the USTR may not have after July 1, 2007. Because scope control is pivotal to all other strategies through its determination of the access and coalition size as well as the nature of the agenda, that is, whether it is closed or open (Schattschneider, 1960; cited in Mazzoni, 1991a), the USTR may find it necessary to devise new ways of attempting to meet its higher education trade goals if the TPA expires without renewal. The USTR will, nonetheless, be able to control the scope of conflict in its ITAC, as that group will continue to meet and continue to be a closed committee. In a more international arena, the USTR is attempting to use a strategy of opening the higher education markets up completely as a tool to entice other WTO members to take similar actions regarding their higher education sectors. To date, such a move does not seem to have met with resistance from within the domestic education community, aside from

those stakeholders that do not believe that higher education should be part of GATS at all. Its effectiveness as a tool in GATS negotiations remains unknown as a result of the 2006 suspension in trade talks.

b. How were the influence attempts shaped and constrained by the contextual factors of the WTO and higher education environments?

The arena in which the development of higher education trade policy occurs is one formed by the overlap (or, rather, "collision," a concept that will be discussed later in this chapter) of two larger arenas: the WTO/international trade arena and the higher education arena. Research Question 1 described the WTO as one of the major hidden players in the development of U.S. higher education trade policy. The WTO's agreements and rules of trade engagement are major factors shaping the international trade arena. As the institutional force or structure put into place by members, the WTO's rules serve as the force shaping and constraining the trade policy making process and do so through the overall game rules that outline what members can and cannot do. In this case study, the WTO functions as the large arena in which the member countries operate, certainly when they are in the process of interacting with one another. The GATS rules of engagement specify, for instance, that no one trading partner can be given preference over another (the most favored nation principle) and shape and constrain the options available to WTO members in negotiating specific aspects of trade with one another. Even with an international agreement overseen by a supranational organization, however, much of the actual trade policy development takes place at the national level, although the development is, of course, subject to the same restraints as those that occur in member-to-member negotiations. Thus, the effective size of the arena in the issue being examined in

this study is limited to the domestic subarena. In this subarena, the U.S., through the USTR, tackles the nuts and bolts of establishing at least a starting point for its global negotiations, if not the actual end product. As of January 2007, U.S. development of higher education trade policy had extended into the larger international arena only during discussion forums, which were designed for an international audience and not just for U.S. stakeholders. OECD, CQAIE, and UNESCO provided some of those discussion venues, as did ACE and CHEA through their collaboration with their international counterparts on various statements of shared principles.

The GATS agreement itself constrains players' actions, but not as much as might have been imagined with regard to a global trade policy. The looseness of the GATS agreement, one that is "flexible" but "not terribly user-friendly" (Sauvé, 2002, p. 3), creates considerable room for authorities to set policy and for partisans to attempt to influence authorities' decisions. In the context of the U.S. policy development, the GATS' flexibility gave the USTR the right to decide whether the U.S. would include higher education in its current trade plan.

The WTO has a major authority role that may be called into play in the future: the right to hear trade disputes, to make rulings, and to levy and enforce sanctions against members who are judged to be out of compliance with its agreements, including GATS. This authority role, coupled with an expectation that the WTO could and would use its power to decide disputes, might have been an initial factor in motivating ACE and CHEA to become involved in the higher education trade issue. No doubt that role is a factor in the groups' continuing involvement. In March 2007, after completion of the study but immediately prior to the finalization of this research document, ACE officials expressed

concern to the USTR that the 2005 U.S. offer, even with the footnote on institutional

autonomy, does not protect U.S. higher education institutions from potential GATS

challenges (American Council on Education, 2007).

The WTO, within the boundaries of GATS, also establishes each member country as

the authority over its own requests and offers. The U.S.' Trade Promotion Authority sets

a formal action channel that constrains all partisans to attempt to directly influence policy

development by going directly to the USTR, rather than through any other governmental

body either at the federal or state/local levels. As stated earlier in this chapter, this

constraint means that even other parts of government, including Congress, become

partisans in attempting to shape the GATS commitments. However, Congress becomes

the authority if and when it will be asked to renew the TPA when the TPA is about ready

to expire. With a newly elected Congress controlled by the Democrats, who, in their 2004

party platform pledged to create U.S. jobs, review existing trade agreements, and take

other trade-related measures that might be considered protectionist (2004 Democratic

National Convention Committee, Inc., 2004), the renewal of the TPA is not a forgone

conclusion. In fact, renewal was not considered likely even before the power turnover

(Bowley, 2006). After July 1, 2007, if TPA expires without extension, Congress will once

again have the authority to make changes in the content of any trade bill that is put before

it. With the delay resulting from the suspension in the Doha talks, it is highly unlikely

that a GATS trade bill will be ready for a vote before July 1. Having a Congress with the

authority to change pieces of trade legislation creates a new action channel with

numerous opportunities and consequences for actors in this policy issue. Such

Congressional authority also would turn the USTR from the authority into a partisan, a

major power shift. Finally, Congressional authority to act on trade matters in pieces expands the size of the issue arena from that of a governmental agency in the Executive Branch to that of the law making body, the Legislative Branch, which is a larger, less elite arena that is more open in terms of access to groups and individuals of all types.

The role and mission of groups are extremely important in this, or indeed, in any issue, because roles and missions can lock groups into expected ways to act or, in fact, define whether and to what extent the groups will act. Each player in this issue became involved at such time as its mission in essence demanded that it take appropriate action. ACE and CHEA, too, acted in ways appropriate to organizational mission and along expected action channels. CHEA deals with higher education issues as they relate to quality of education provided. ACE deals with myriad issues ranging from access to affordability; thus, GATS is just another issue raising itself to be addressed, which, of course, brings with it issues of time, money and human capital resources. CQAIE/NCITE deals with international issues, quality, and trade; its involvement was almost immediate, because it was aware of GATS from its inception and saw the obvious applications of its work to that of the USTR.

These roles also, either explicitly or implicitly, dictated proper behavior. Players were expected to act in a professional, intelligent manner befitting leading organizations that advocate and educate in their respective areas of expertise. The USTR, as an agent of the U.S. government, is expected to provide factual information; according to an interview source, the USTR cannot engage in language that the agency would consider to be propagandistic rhetoric. Also, of course, the USTR is bound by formal action channels and methods of operating in accordance with the laws that establish its authority over

trade matters. When ACE and CHEA issued their first declaration in 2001, it came across as too harsh and even a bit ignorant. The declaration also painted the organizations as reactive. Ironically, the negative terms in which GATS proponents viewed ACE and CHEA after the declaration might have worked in the groups' favor: the USTR became aware of how much work needed to be done for the agency to get some sort of a buy-in from the higher education community. In any case, the language in ACE and CHEA's second statement in January 2005 was softer and more collegial. That language reflected, perhaps, a greater feeling of ease at that time about higher education trade and GATS but clearly an acknowledgment that they might have been too strident in tone in their 2001 declaration.

c. What alliances developed among the actors?

ACE and CHEA formed a coalition of two groups united by common ideological goals, primarily that of maintaining U.S. higher education's autonomy and preventing undue government intrusion into higher education institutions' affairs, as well as that of preserving the values of higher education and its role as a public good, not as a commodity. At various stages of the process, ACE and CHEA also joined with the AUCC, EUA, and IAU, leading higher education associations worldwide with similar values. The ACE/CHEA alliance was certainly natural because they shared many members and were the umbrella organizations for higher education in their respective areas of expertise. By joining together, they combined their expertise, as well as the legitimacy that both groups possessed as spokespersons for the higher education community. Because of their overlapping memberships and shared values regarding higher education as well as their U.S. scope of operation, their alignment is one that is

ideologically grounded. ACE and CHEA's alliance is thus likely to endure beyond the current attempts to influence the development of U.S. higher education trade; their relationship could extend to other phases of trade development and, indeed, to other issues affecting U.S. higher education. Its alliances with AUCC, EUA, and IAU are, by definition, more limited because each of these groups has jurisdiction over a different segment of the international higher education arena. However, all five groups, in various combinations, collaborated on projects of interest to higher education worldwide prior to the joint statements on higher education and international trade. The groups continue to maintain their connections and their commitment to working together on issues of mutual interest.

CQAIE/NCITE, on the other hand, aligned itself with different groups, not to oppose ACE and CHEA but, rather, to provide proper education and information in an area it had monitored for at least half a decade. CQAIE/NCITE aligned itself with the USTR because the organization shared the USTR's goals of liberalization of trade in higher education and elimination of barriers to that trade. The group also aligned with the OECD to educate stakeholders in higher education trade and to provide forums for discussion. In turn, the USTR relied on the information it received from CQAIE/NCITE and used it in its reports. This phenomenon, according to one interview source, fascinated certain other WTO members: the reliance of a governmental body on a nongovernmental body for information and advice was unheard of! The alliance is particularly beneficial to CQAIE/NCITE because it provides the group with a powerful avenue for influence. According to Mazzoni (1991a, p. 104), "The most potent forms of access link advocate to decision maker in cozy personal relationships." The alliance's ability to endure, however,

is more issue specific because, of course, the USTR's scope of operations extends beyond

that of the higher education sector. As long as higher education continues to be discussed

as part of the development of U.S. trade policy, which is the likely scenario, the alliance

is relevant. If, however, higher education were to be removed from the U.S.' schedule of

GATS commitments for any reason, the dynamics of the CQAIE/NCITE relationship

would change. CQAIE/NCITE's power to maintain the alliance with USTR is predicated

on its ability to provide USTR with information and commentary it needs to support its

position on the state of higher education trade. If higher education trade were no longer

relevant to the USTR, then, assuming that CQAIE/NCITE would continue to attempt to

influence the USTR to restore higher education trade to its GATS schedules, the group

would be relegated to more of a partisan status.

Research Question 3. What Was the Outcome of the Influence Attempts?

As of January 2007, the U.S. has put forth a higher education trade offer in which

each mode of supply has virtually no limitations on market access by other WTO

members and for which a footnote stipulates the autonomy that U.S. higher education

institutions have over their own operations. Each of the four major visible players in this

policy issue, the USTR, CQAIE/NCITE, ACE, and CHEA, had influence over the

outcome in certain respects. When all is said and done, however, the unintentional

influence of the agricultural interests may have the most influence over the ultimate

outcome.

a. What were the differences between what actors sought and what actually occurred?

For ACE and CHEA, the main goal was the protection of the core values of U.S. higher education and, by extension, no additional, unwarranted federal governmental intrusion that might result from being a signatory to a global trade agreement such as GATS. Judging from their reaction to the USTR's initial position paper in December 2000, ACE and CHEA also wanted a voice in the process. Such voice would have befitted their status as umbrella organizations for higher education, although neither group may have realized this need until they saw the initial trade proposal, a document on which they had not commented. Their joint declaration of 2001 called for the removal of higher education from GATS, but that was more of a means to an end rather than the end itself. In 2005, ACE and CHEA had been able to effectively use their voice. The groups convinced USTR to include the footnote, with language that the two organizations provided themselves, that gave higher education institutions their necessary autonomy *vis a vis* the higher education schedules. Another outcome of ACE and CHEA's GATS efforts was the role they assumed in educating the USTR and other interested parties as to what they believed would constitute good practice in higher education trade. The two groups achieved their status as "educators" both through their work with USTR on the footnote language as well as in their statement on cross-border quality higher education.

For its part, CQAIE/NCITE aimed to educate stakeholders on GATS and higher education trade issues as well as to provide accurate information on the state of higher education trade as needed. CQAIE/NCITE worked toward that goal through its surveys, through its joint conference with OECD, through Marjorie Peace Lenn's involvement on

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the ITAC group, and through its working relationship with the USTR. Of course, the group also had a vested interest in the inclusion of higher education trade as part of GATS: Many of the NCITE sponsoring organizations were higher education institutions either operating overseas or exploring the possibilities.

The USTR itself looked to liberalize trade and to use its willingness to open U.S. higher education markets completely as a tool to get other WTO members to do the same. With regard to its policy making on the domestic front, the USTR seemed poised to accomplish its goal. Of course, as the authority in charge of the U.S. policy making process, liberalization of the U.S. higher education market was almost assured because the USTR could set the agenda, define the parameters of the process, and, while paying attention to the input of stakeholder groups, determine for itself the ultimate course of action. In reality, however, the USTR has yet to reach that goal. Very few WTO members have to date even addressed the issue of higher education in the Doha Round.

b. What compromises and bargains were necessary in reaching the policy outcome?

As of January 2007, the big compromise in this policy making process was the addition of the language contained in the footnote to the higher education trade schedules. No other sector of the U.S. services trade schedules contains such a notation. The USTR added the footnote to the schedule as a show of good faith to ACE and CHEA, although the USTR did not necessarily give anything away by including it because, as noted in chapter 4, the U.S. intention in implementing any trade policy was to allow higher education institutions to operate as they had before. USTR's willingness to include the footnote may have been influenced in turn by the willingness of ACE and CHEA to work together with the USTR in a constructive manner, through direct meetings rather than

through "yelling from a distance" via mechanisms such as the joint declaration in 2001. ACE and CHEA's more collaborative approach to the issue, evident in the language in the cross-border quality higher education statement, probably played a part in the groups' success in convincing the USTR to add the footnote to the schedules.

c. What factors were responsible for that outcome?

Chapter 3 outlined a method for assessing when and how players in this policy issue might have had influence, according to the following indicators. First, did the actor have the necessary resources? Second, did the actor have the motivation and skill to attempt influence? Third, did the actor have a strategy in place to attempt influence? Fourth, within the context of the setting, can a plausible sequence of events be constructed that combines actors, motivations, resources, and strategy? While the events presented in chapter 4 indirectly provide answers to these indicators, an analysis of the interactions of players, motivations, resources, and strategy that were responsible for the outcome is necessary to integrate the findings, to account for the story, and to identify the relative power advantages.

As evidenced in the narrative of chapter 5 and further examined in this chapter, each of the four major visible actors possessed the necessary resources, motivations, and strategies to influence U.S. higher education trade during the development of the higher education trade policy in the U.S. domestic arena. This section constructs a sequence of events that ties these indicators together to create an explanation of these events.

The events of the U.S. experience in developing its higher education trade policy represent what can best be described as a "collision" between two arenas: the WTO/international trade arena and the higher education arena. The predominant groups

in those arenas possess different values, but both arenas exist in a world in which

linkages between nations are becoming more pronounced through easier movement of

information, goods, and individuals. The world is wrapping itself increasingly in the

language of economics and trade as a way to foster relations between countries and,

indeed, to improve conditions in impoverished nations. The world also is speaking

increasingly the language of commerce and expressing interactions in related terms. The

language of commerce, of course, comes easily to the WTO and to the USTR. That

language does not come as easily to higher education, defined broadly, but especially not

to the segment of the higher education community represented by ACE and CHEA and

their international counterparts. However, the WTO, through GATS, has compelled the

higher education communities of its member nations to accustom themselves to new

ways of expressing their activities.

The USTR, as the authority responsible for developing trade policy for the U.S.,

clearly had the power advantage at the beginning of the higher education trade policy

making process. Its authority over the outcome of the policy development was a major

resource that gave it the upper power hand throughout the process. Although GATS

constrained the USTR's ability to deny certain trade advantages under the rules of most

favored nation and national treatment, the agreement also gave the USTR latitude to

determine the extent to which it would propose opening up U.S. services sectors to

international trade. Thus, the USTR was able to determine whether higher education trade

would be part of the U.S.' Doha Round negotiations. As far as the U.S. was concerned,

however, the issue of higher education as a tradable service was never in doubt. Indeed, if

higher education was defined as a service under the 1988 Omnibus Trade and Competitiveness Act, its inclusion under GATS was virtually mandated.

The USTR had another clear motivation for including higher education. The information it obtained from the U.S. International Education Study Team and from CQAIE/NCITE demonstrated that U.S. higher education was big business and that some type of international trade framework was needed in order to ease trade barriers. CQAIE/NCITE, as an organization concerned with international quality and trade issues in higher education, and with a recognized expert in issues of higher education trade as its director, became a right-hand player for the USTR. As the USTR began its development of higher education trade policy, CQAIE/NCITE offered critical information poised to exert influence on the USTR from the start. The group was motivated by its ongoing research on trade issues, by the makeup of its members, and by the opportunity to aid in the lessening or even removal of barriers to trade in higher education, a role in helping to set the agenda with regard to U.S. higher education trade. CQAIE/NCITE was aided by a global environment defined increasingly in economic terms. The group's strategy of educating and advocating had, perhaps, some influence on the USTR's actions. Considering that the USTR was already predisposed toward including higher education in its offer, however, a more likely scenario is that CQAIE/NCITE's influence was limited to providing the last bit of impetus necessary to convince the USTR that any moves toward including higher education were in the U.S.' interests. In any case, the USTR's authority and the prevailing global trade climate, the corroborating information it received on the value of higher education trade, and its "mandate" from U.S. trade laws all contributed to its development of an initial GATS trade position on higher education

in December 2000 as well as its subsequent request and offers to other WTO members on higher education trade.

ACE and CHEA's initial reaction was twofold: first, concern over the effect of higher education's inclusion in the trade proposal on the autonomy and freedom of U.S. higher education institutions, and second, indignation over what they claimed was lack of consultation on an issue that clearly would impact their constituencies. The two groups' shared belief in autonomy and freedom from undue federal governmental control in higher education governance would have lent itself to a general stand against higher education involvement in any supranational trade agreement. The pro-higher education in GATS groups charged that they informed ACE and CHEA of the reality of GATS and of possible higher education inclusion. In addition, the *Federal Register* notice of April 14, 1999 requested comment concerning issues such as the agenda and scope of its WTO negotiations and specifically sought consultation from nongovernmental bodies. Whether the information and request for comment qualify as "consultation" is a matter that is likely one of differing viewpoints by the groups involved. Given ACE's wide involvement in issues affecting its constituency (such as access and affordability) and CHEA's focus on quality assurance and accreditation, notification of the possibility of higher education's inclusion in GATS might have been viewed as a general, vague heads-up that was essentially filed away in their respective portfolios of "possible future issues." The *Federal Register* notice was of a general nature and did not specifically mention higher education. In addition, the groups might have expected to be consulted more fully prior to any development of a U.S. higher education trade policy as part of a diplomatic protocol recognizing their positions as leading organizations of higher

education institutions in the U.S. Whatever the expectations might have been, additional consultation did not occur. Only when ACE and CHEA realized that higher education's inclusion of GATS was imminent—perhaps representing an incremental step in a struggle over control of higher education in the U.S.—and that the values of higher education in which they believed could be in jeopardy did they truly possess the motivation to act to attempt to influence the USTR

Seeing, perhaps, that they had been caught by surprise and wanting to make a strong response to give an appearance of decisive action, ACE and CHEA used voice and the symbolism of higher education as a public good to attempt to influence the USTR. They made these attempts both in direct meetings and in written documents. The groups joined together with two other higher education organizations in a show of international solidarity bolstered by the combined numbers of member institutions, by their combined expertise, and by their respective positions of leadership. The joint declaration, in which the four groups urged that higher education not be part of any GATS commitments, was confrontational in tone. This attempt by ACE and CHEA to convince the USTR to remove higher education from its trade agenda only served to make them look reactive and, perhaps, a little ignorant in the eyes of the USTR. Ultimately, any appearance of ignorance, while not an intentional strategy for ACE and CHEA, may have actually worked in their favor. An appearance of ignorance might have served as a notice to the USTR that, insofar as the higher education community was now forced to accustom itself to the language of commerce, the USTR, in turn, needed to at least familiarize itself with the language of higher education. The ignorance also might have indicated that the USTR, as well as more globally oriented groups such as the OECD and UNESCO,

needed to provide more education for stakeholders on GATS' purposes and limitations

and to offer more opportunities for stakeholders to gather to air their concerns. OECD

and UNESCO, in turn, through their conferences and reports, may have exerted influence

by easing concerns about GATS, although the findings in this study do not clarify the

extent to which such concerns may have been eased.

From 2001 through 2006, perhaps aided by the opportunities for exchange of

information and airing of viewpoints, ACE and CHEA's strategy showed a shift from one

of confrontation to one of collaboration. The more collaborative stance is evidenced in

part by the joint statement on quality higher education across borders that they released

with the AUCC and the IAU in January 2005. In addition, working directly with the

USTR staff, ACE and CHEA directly influenced the scope of the application of GATS to

U.S. higher education. The footnote added to the higher education schedules perhaps

represented ACE and CHEA's greatest success in their efforts, during the time period

covered under this case study, to shape the U.S.' higher education trade policy. The two

groups were able to apply their knowledge about higher education and their belief in U.S.

higher education autonomy through their work on that footnote. If power indeed is, in the

words of Dahl (1957, p. 202), the extent to which "A can get B to do something that B

would not otherwise do," then ACE and CHEA, by influencing the USTR to add

language that it had not considered critical enough to add previously, held more power

over the USTR than did CQAIE/NCITE, even with the latter group's role as a major

advisor to the USTR.

One point needs to be made about the influence of a major hidden player in the

development of U.S. higher education trade policy. The two suspensions of Doha Round

talks over agricultural issues means that ultimately, the players with the most power over higher education policy at this moment may be the agricultural interests. The WTO policy of "nothing decided until everything decided" means that no new schedules are final until everything has been agreed upon and the round is declared concluded. Until then, nothing, including the higher education provisions, that the U.S. has added to its services schedules as a result of Doha negotiations is in force. The U.S. domestic trade arena, of which higher education is a part, is contained within the larger WTO structure. As such, all of the policy developed within that structure is subject to the actions, whether intentional or unintentional, of numerous other players. Ultimately, higher education is just a very small part of a much larger trade agenda and a much larger struggle.

To What Extent Do Political Models Help Us to Understand Policymaking Processes

with Regard to Emerging Issues in Higher Education at the Supranational Level?

Chapter 1 of this study outlined the needs that Knight (2002) identified for further scholarship on the issue of GATS and higher education. Those needs include (1) understanding the perceived rationale and benefits of liberalization of higher education trade; (2) understanding better the anticipated outcomes to assist in policy development; (3) identifying the diverse perspectives, goals and expectations from liberalization in higher education trade; and (4) examining trade liberalization from the perspective of winners and losers. The examination of the U.S.' experience with development of higher education trade policy in this study offers some answers, at least from the perspective of the United States' higher education policy making arena, that are inherent in the needs for future study that Knight outlined. Clearly, as the agreement continues to be developed in terms of negotiated schedules and clarifications or interpretations of terms, researchers

should continue to study GATS and higher education trade to provide a fuller, more detailed picture that includes the experiences of other countries both in the domestic and international arenas.

This study has isolated the pieces of the higher education trade policy making experience in the United States: the key players, their roles and relationships to one another, their goals, the resources and strategies through which the players have attempted to achieve those goals, and the arena in which this policy making issue occurs. The study has utilized rich description not only to describe and analyze the individual components that comprise the Mazzoni framework but also to illustrate the interactions as a whole. From an analysis of those components and the construction of the story, it also has illustrated how the components combined to create conflict, the necessary precursor to political activity. The authority/partisan relationship between the USTR and ACE/CHEA as well as between the USTR and CQAIE/NCITE created a state of interdependence. Actors possessed heterogeneous goals for higher education and held competing interpretations of the need to regulate higher education trade. These factors, combined with the ambiguity in GATS terminology, led to a conflict situation.

In addition, the actors involved in this policy issue aligned themselves according to the clear differences of opinion on how the issue should be handled. The policy making process for U.S. higher education trade in essence represents a conflict of cultures, one of trade and commerce and knowledge as profits vs. one of education as basic right. According to Morgan (1986, p. 155), "conflict arises wherever interests collide." Thus, a conflict situation existed and turned into a political situation because actors were

motivated to use their resources at that time to attempt influence for possible goal attainment.

The Mazzoni framework's basic categories have proven themselves to be useful in the context of the data analysis and results reporting in this particular study; they are enduring constructs that are grounded in literature and that help build an overall picture of the higher education trade policy making process. However, the categories are also large and rather unrefined; thus, the framework is so broad and covers so many dynamics that detailed analysis of any one variable may become unwieldy. In this respect, the Mazzoni model is an orienting framework that allows the researcher to uncover the political dynamics in a policy issue that has been relatively unexplored. Once the overall story is unpacked and interpreted, the findings can be refined through the use of finishing frameworks, which delve more deeply into particular aspects of the process through the use of more focused theories. Some of those possibilities will be discussed in the following section.

Directions for Future Research

This study shows how actors, once motivated to become involved in the policy setting process in higher education trade policy, use their resources and apply strategies to influence the development of higher education trade policy in the United States. As the narrative illustrates, the conclusion of this process is yet to be seen. The yet-to-be-determined final outcome of the U.S. process and the relatively unexplored territory of higher education trade policy research raise interesting directions for future research both in terms of substantive and theoretical work. This section offers suggestions for the course of future research in this policy area.

Continued Monitoring and Analysis

Because of the most recent suspension of the Doha Round talks, the United States has not yet ,as of this date, completed its work on any of the higher education trade provisions it has sought to make effective. Continued monitoring of the U.S. efforts and analysis of the process should pick up where this particular study stopped. Recent developments serve to underscore the importance of continued monitoring. On March 6, 2007, after the completion of this study, ACE and CHEA submitted new correspondence to the USTR. In that letter, the two groups expressed concern that U.S. public and private higher education institutions would be subject to differential treatment under GATS and reiterated their position that a U.S. higher education commitment could undermine institutional autonomy. In addition, they stated their members' concerns that U.S. higher education would be used as leverage by the USTR to extract concessions from other WTO members in other areas under negotiations in the Doha round. Perhaps most interestingly in light of the analysis of the current study, the groups questioned whether the footnote which they succeeded in adding to the schedules would be sufficient to protect U.S. higher education institutions from any dispute settlement challenges under GATS (American Council on Education & the Council for Higher Education Accreditation, 2007). What result this recent attempt by ACE and CHEA to influence higher education trade policy remains to be seen.

A study of particular interest would be an analysis of the process if and when it continues after the expiration of the Trade Promotion Authority (TPA). This authority grants USTR the right to negotiate a trade package but gives Congress only the ability to pass or reject that package as a whole. The TPA is due to expire on July 1, 2007 unless

Congress grants another extension. With a Democratic Congress that is considered to be more protectionist in terms of trade, an extension is not guaranteed, although according to an interview source, the TPA is "not dead" and may, indeed, be extended for a "good reason," such as a significant breakthrough on a major item being negotiated through the WTO. If, however, the TPA is not extended, the implications for higher education trade policy could be enormous. Congress would then have the authority to treat trade legislation as it would any other bill and could debate and amend any elements of the trade provisions that the U.S. has negotiated within the bounds of the GATS before it votes for or against it. The House and the Senate could initially pass different versions of the package, after which the two versions would be debated in a Conference committee to resolve differences and to develop one bill on which both houses would act. At the end of this process, the trade provisions could look very different than what the USTR intended. Authority in Congress also means that parties wishing to influence the bill's outcome would act presumably through Members of Congress rather than through the USTR. Thus, the higher education trade policy making process would be accessible to more individuals and groups.

The expiration of the TPA could conceivably bring about changes in actors, resources, strategies, and motivation as well as in settings. Not only would the expiration bring about a change in an action channel, it also would create an arena shift which, as indicated by Mazzoni, "can change the key actors, relevant resources, incentives for action, influence relationships…and hence winners and losers" (1991b, p. 116). That arena shift could also expand the scope of conflict (Schattschneider, 1960, cited in

Mazzoni, 1991a) from one basically limited to a single governmental agency to the entire Congress.

States' Role in Higher Education Trade Policy

Amendment X to the United States Constitution stipulates that powers not exclusively delegated to the federal government or prohibited to the states are reserved for the states. Responsibility for all education matters, including higher education, is thus a state prerogative. With regard to higher education trade policy, however, the states' voices have been largely absent. In 2006, the governors of Iowa, Maine, and Michigan wrote to U.S. Trade Ambassador Susan Schwab to ask that the trade negotiations not bind states to global agreements. The governors cited their concerns that state higher education policies could be in danger of being compromised (Foster, 2007). However, according to an interview source, states have not listed higher education as one of their numerated problems with GATS.

Given the state role in higher education and the stakes involved, the states should have emerged as a major visible player in the current study, but that was not the case. The reasons for the lack of participation are not clear but could include factors such as innocuous or broad language in federal calls for comment on negotiations and state focus on more pressing issues. In addition, nonparticipation could be the result of a belief that concerns already were being voiced by other groups on the states' behalf: according to an interview source, ACE "seems to be speaking for [the states]." Future research should examine the nonparticipation of states in the higher education trade policy making process in the context of these possible factors and can incorporate the work of scholars such as Cobb and Elder (1983, 1984, cited in Mazzoni, 1991a) on noninvolvement.

Higher Education Trade Policy at the Supranational Level

At present, the bulk of the policy making process has centered on the domestic arena, with U.S. actors attempting to influence the USTR to have an impact on higher education trade policy. The eventual shift to the international arena, in which the USTR will attempt to convince other WTO members to open up their markets to higher education trade, represents a change to the arena and also means that the USTR is no longer the authority but, rather, becomes a partisan. The shift also may raise issues of agenda setting as other WTO members determine, on their own volition or as a result of other players' influence, whether and to what extent they will place higher education trade policy on their GATS agendas for the Doha or any subsequent trade rounds.

Individual Country Studies

This study examined the experience of the United States with regard to the development of GATS higher education trade policy. Future studies might analyze the experiences of other WTO members in the development of their own higher education trade policies. Because relatively few members have included offers on education, let alone higher education, in their GATS schedules, the pool of potential subjects is small. However, the determination not to negotiate higher education trade at this time also would be a useful contribution to the body of work in this area.

In studies of other countries' experiences, researchers should pay attention to the assumptions which support political theoretical frameworks in general and the Mazzoni framework in particular. Mazzoni designed and applied his framework in the study of K-12 education in the U.S., although, as this study demonstrates, his framework also is useful in the study of other educational levels. The basic categories can provide a

structure for outlining the findings; the theory and assumptions that support the framework itself, however, are based on political processes as they apply in the U.S. Any research examining similar issue dynamics in other countries needs to first determine that the political activities of a particular country's population are consistent with the assumptions attached to the Mazzoni framework. Of particular concern in this regard are assumptions about the pluralistic nature of policy making and the dispersion of power among participants. Mazzoni's framework stresses the importance of human agency in political action: Players in an issue conflict have the ability to significantly affect the thoughts or actions of others. That ability results in part from a policy making process in which many parties have the right to participate and in which the resources which enable the exercise of power are broadly available. In a country under the rule of a dictatorship, for example, power is not broadly dispersed and policy making is not pluralistic. Thus, the assumptions of the Mazzoni framework would not apply, and in those instances researchers would need to seek other theories or frameworks to examine higher education policy making dynamics.

The Role of Facilitators and the Media in Higher Education Trade Policy

This study identified the OECD and UNESCO as facilitators that, while not directly involved in the setting of U.S. higher education trade policy, played a role in the policy issue by holding conferences and developing analyses and other printed materials for use by higher education stakeholders and others interested in the shaping of higher education trade policy. Future studies could address in greater detail the role of these organizations, in particular how their actions help to frame the issue and/or give it visibility.

Chapter 2 of this study described McLendon and Peterson's (1999) research on the press as an actor in state higher education policy making. They found that the press, a crucial player in swaying opinion, could help to determine winners and losers in a conflict. While the press did not emerge as a player in this policy making issue, actual or potential roles served by the media and by other communications mechanisms, in particular *The Chronicle of Higher Education* and the *Federal Register*, could be the focus of future study. Such studies could examine the extent to which these publications and other communication outlets help to shape the higher education trade policy issue and the outcomes of the policy making process.

Soft Laws

As noted in the previous section, international groups in the U.S. higher education trade policy arena engaged in efforts to facilitate the process by providing factual information to stakeholders in higher education trade. Future studies might concentrate specifically on the efforts of these organizations to develop international policies with regard to higher education trade. These policies include the writing of soft laws, sets of guidelines for good practice in areas such as quality assurance that do not have the force of law (i.e., they cannot be enforced like the provisions of the WTO trade agreements) but, nevertheless, become *de facto* law because they are adopted by governments or related associations for their own use in setting standards in a particular area. Such soft laws may increase in number and usage as a way of providing international guidelines that prevent the adoption of potentially inflexible standards as part of trade agreements.

Applications of Other Political Models to Study of Higher Education Trade

This study utilized the Mazzoni model of policy making to analyze the process of U.S. higher education trade policy development. As noted in chapter 2, the application of Mazzoni is particularly useful for issues that are either new or relatively unexplored. The findings of the study noted certain themes, most notably those of action channels and game rules (Allison, 1971), authorities and partisans (Gamson, 1968) and agenda-setting and visible/hidden participants (Kingdon, 1995) in the development of U.S. higher education trade policy. The work of each of these scholars might be applied to this study, as well as to future studies, to examine such aspects of the policy making process in greater detail. In addition, as noted earlier in this section, other models and theories might be appropriate to the study of the U.S. experience as it progresses, in particular arena shifts (Bolman & Deal, 1997; Gamson, 1968; Mazzoni, 1991b), scope of conflict expansion (Schattschneider, 1960, cited in Mazzoni, 1991a), and the role of language in shaping awareness of and participation in issue resolution (Cobb and Elder, 1983; Edelman, 1964; Stone, 2002).

Recommendations for Potential Policy Actors in Higher Education Trade

As stated previously in chapter 2 of this study, political models are limited in their ability to predict policy outcomes. Moreover, they are not structured to determine the quality of any outcome associated with policy making. With those caveats, however, interested parties still can gain insights from political analyses to assist them in devising general strategies for involvement and possible influence in the policy making process in higher education trade.

Continued monitoring of developments in higher education trade policy, both at the domestic and international levels, is critical. One area that warrants particular mention is that of non-WTO trade agreements that might be reached and might include higher education. These include bilateral (between countries) and regional (e.g., NAFTA) agreements. With the difficulties presented in negotiating large, multilateral trade measures such as those contained within WTO agreements, nations may attempt to conduct more of these types of agreements either as temporary or permanent measures. Another area that merits watching is the drafting of soft laws either by a domestic or an international organization. The better a potential player is at monitoring these and other developments, the more opportunity the player will have at finding a policy window through which he or she may be able to enter the policy making process.

The findings of this research also underscored the importance of action channels in attempting to influence the outcome of this policy issue. In order to have an opportunity to influence policy, access to relevant channels is essential. Again, potential actors should familiarize themselves thoroughly with the issue of higher education trade. They also should monitor developments to determine who has the authority for developing policy and, as a corollary, in which arena that development is to take place. As this study demonstrates, that authority is often an agency in the U.S. Executive Branch, where the policy may be already developed before any action is taken by Congress if, indeed, Congressional action is necessary at all. Access may be possible through involvement with a group or groups that have a direct action channel to federal policy makers. The advantage in such involvement is that actors have access to the collective expertise of those groups and the individuals comprising them. Of course, potential actors must be

certain that such groups actually have involvement in the same issue and share the same commitment to it. In the event such connection is not possible, other channels exist for involvement at some level. The U.S. *Federal Register* is one such avenue; it publishes notices for written public comment on proposed actions and/or legislation and also provides notices of public hearings that are to be held on certain policy issues. The closer a potential influencer is to the issuing authority, the greater is the chance for meaningful contact because secondary channels increase the chance that voice will be diluted or distorted in some manner. In addition, the potential for meaningful interaction in higher education trade policy appears to be greater if the actors present themselves as credible sources of information on the state of higher education and also conduct themselves in a collegial, diplomatic manner.

Finally, potential players should be mindful of possible changes in authority and subsequent arena shifts that may necessitate changes in strategy. Such changes are all the more reason why continued monitoring of a policy issue and its status *vis-à-vis* policy is critical.

Appendix A
Semi-Structured Interview Guide—"Authorities"

The following questions are designed for those individuals who have formal positions within the WTO, the U.S. Office of the Trade Representative, or any other agency with formal involvement in developing U.S. higher education trade policy or with dealing with technical issues of GATS itself.

Part I: Background
1. Ask source to establish his/her position at the time period being discussed by asking directly or confirming information from referral source.

Part II: Overview of Policy Development
2. Invite source to describe, from his/her own perspective, how the U.S. positions on higher education and GATS were developed. Listen for who's, how's, where's, when's and why's.

Part III: Actions Taken by Source in the Context of His/Her Formal Position
3. What has been your role with regard to the WTO in general and GATS in particular?

4. What specific actions have you taken with regard to this role that pertain to the inclusion of higher education trade policy?

5. Did you initiate any of these actions? If so, which ones?
(If answer to Question 5 is "no") If you did not initiate the action, who did?

Probes: Follow up questions to number 5 above
      a. Did these actions meet with any opposition? If so, from whom?
            i. Who did the resistors represent/speak for?
            ii. What positions did they take?
            iii. Was the issue a high priority item for them?

      b. How did the initiator/supporters of the actions try to build support for their position?
            i. Who was particularly effective?
            ii. Why?

      c. How did the opponents try to resist? What did they do to garner strength for their position?
            i. Who was particularly effective?
            ii. Why?

      d. How was the issue resolved?

      e. What compromises were needed to resolve the issue?

Part IV: Actions Taken by Source Outside the Context of His/Her Formal Position
6. What is your personal view with regard to the inclusion of higher education in GATS?

7. Is this a high priority item for you?

8. Have you done anything that reflects your personal view? If so, what?

Part V: Actions Taken by Other Individuals and Groups

9. Are you aware of actions taken by any other individuals or groups? If so, what?

Probes: Follow up questions only if answer to Question 9 is "yes"

    a. What individuals or groups initiated that action?
        i. Whom did they represent?
        ii. What position(s) do they take on GATS and higher education?
        iii. Is it a high priority item for them?

    b. Who resisted or opposed that action?
        i. Whom did they represent?
        ii. What position(s) do they take on GATS and higher education?
        iii. Is it a high priority item for them?

    c. How did the supporters try to build support for their position?
        i. Who was particularly effective?
        ii. Why?

    d. How did opponents try to resist? How did they try to build support for their position?
        i. Who was particularly effective?
        ii. Why?

    e. How was the issue resolved?

    f. What compromises were needed to resolve the issue?

Part VI: Additional Information That May Be Helpful

10. Is there anything else you would like me to know about this topic?
    a. Are there any questions that I did not ask you that I should have?
    b. To whom else should I talk to get additional information/perspectives?
    c. What documents and other materials might be helpful to me?
    d. May I contact you again if I have additional questions or need to clarify/verify information?

Appendix B
Semi-Structured Interview Guide—"Partisans"

The following questions are designed for individuals who do not work for the WTO or for any agency involved with formulating U.S. trade policy.

Part I: Background
1. Ask source to establish his/her position at the time period being discussed by asking directly or confirming information from referral source.

Part II: Overview of Policy Development
2. Invite source to describe, from his/her own perspective, how the U.S. positions on higher education and GATS were developed. Listen for who's, how's, where's, when's and why's.

Part III: Actions Taken by Agency and by Source in the Context of His/Her Formal Position
3. At what point were you or your agency made aware of the issue of higher education's inclusion in GATS?

4. What is your agency's view with regard to the inclusion of higher education in GATS?

5. Is this a high priority item for the agency?

6. Has your agency taken any action with regard to its view regarding the inclusion of higher education in GATS? If so, what?

Probes: Follow up questions to number 6 above
    a. Did you initiate any of these actions? If so, which ones?
    (If answer to "a" is "no") If you did not initiate the action, who did?

    b. Did these actions meet with any opposition? If so, from whom?
        i. Who did the resistors represent/speak for?
        ii. What positions did they take?
        iii. Was the issue a high priority item for them?

    c. How did the initiator/supporters of the actions try to build support for their position?
        i. Who was particularly effective?
        ii. Why?

    d. How did the opponents try to resist? What did they do to garner strength for their position?
        i. Who was particularly effective?
        ii. Why?

    e. How was the issue resolved?

    f. What compromises were needed to resolve the issue?

Part IV: Actions Taken by Source Outside the Context of His/Her Formal Position
7. What is your personal view with regard to the inclusion of higher education in GATS?

8. Is this a high priority item for you?

9. Have you done anything that reflects your personal view? If so, what?

Part V: Actions Taken by Other Individuals and Groups
10. Are you aware of actions taken by any other individuals or groups? If so, what?

Probes: Follow up questions only if answer to Question 10 is "yes"
　　　　a. What individuals or groups initiated that action?
　　　　　　　i. Whom did they represent?
　　　　　　　ii. What position(s) do they take on GATS and higher education?
　　　　　　　iii. Is it a high priority item for them?

　　　　b. Who resisted or opposed that action?
　　　　　　　i. Whom did they represent?
　　　　　　　ii. What position(s) do they take on GATS and higher education?
　　　　　　　iii. Is it a high priority item for them?

　　　　c. How did the supporters try to build support for their position?
　　　　　　　i. Who was particularly effective?
　　　　　　　ii. Why?

　　　　d. How did opponents try to resist? How did they try to build support for their position?
　　　　　　　i. Who was particularly effective?
　　　　　　　ii. Why?

　　　　e. How was the issue resolved?

　　　　f. What compromises were needed to resolve the issue?

Part VI: Additional Information That May Be Helpful
11. Is there anything else you would like me to know about this topic?
　　　　a. Are there any questions that I did not ask you that I should have?
　　　　b. To whom else should I talk to get additional information/perspectives?
　　　　c. What documents and other materials might be helpful to me?
　　　　d. May I contact you again if I have additional questions or need to clarify/verify information?

Appendix C
Informed Consent Form

Identification of Project/Title	*World Trade and Higher Education: The United States' Experience with Development of Trade Policy in Higher Education under the General Agreement on Trade in Services*
Statement of Age of Subject	*I state that I am over 18 years of age, in good physical health, and wish to participate in a program of research being conducted by Laura Messenger, a doctoral student in the Department of Education Policy and Leadership at the University of Maryland, College Park, USA.*
Purpose	*The purpose of this research is to examine the United States' experience in development of higher education trade policy as part of the World Trade Organization's (WTO) General Agreement on Trade in Services (GATS).*
Procedures	*The procedures involve an interview with the researcher of approximately 45-60 minutes in length. Interview questions regarding the inclusion of higher education in GATS may cover topics such as specific actions (either within or outside the context of my formal employment) I have taken; actions that other individuals or groups may have taken; and my personal views on the issue. Follow-up interviews may be requested by the researcher to clarify information during subsequent data collection and analysis. The interviews will be audio taped whenever possible. I understand that I have the option of not being audio taped and that, even if I agree to an audio taped interview, I may have the recording stopped at any time during the interview. I also understand that I will be asked to review my interview transcript and to add to or correct the contents as necessary.*
Confidentiality	*Because the research is being conducted in partial fulfillment of the requirements for a doctor of philosophy degree, I understand that the information I provide may be shared with the researcher's dissertation committee if requested by a committee member. In such cases, my name will not appear on any information forwarded to members of the committee. Otherwise, all non-public raw data I provide will be kept in a secure location under the custody of the researcher, and all audio tapes and other materials that could be used to identify me will be destroyed after completion of the study. I understand that the data I provide will be grouped with data others provide for reporting and presentation and that my name will not be used.*
Risks	*In the presentation of the findings, the researcher may choose to quote directly from a portion of my interview. Although my name will not be used in presentation of the results, I understand that there is a slight risk that readers may believe that they have discerned my identity despite the lack of information that would enable readers to confirm such speculation.*
Benefits, Freedom to Withdraw, and Ability to Ask Questions	*The study is not designed to help me personally, but to help the researcher learn about the process and the influence patterns that exist in the United States' efforts to develop its higher education trade policy in the context of GATS. I am free to ask questions or withdraw from participation at any time and without penalty.*

Contact Information of Investigators	*Laura C. Messenger* *19, rue de Bâle* *1201 Geneva Switzerland* *+41-22-731-34-16* *messenger84@bluewin.ch*	*Betty L. Malen, Ph.D.* *(dissertation committee chair)* *Dept. of Educ. Policy/Leadership* *University of Maryland, College Park* *College Park, MD 20742 USA* *+1-301-405-3587* *malen@umd.edu*
Contact information of Institutional Review Board	*If you have questions about your rights as a research subject or wish to report a research-related injury, please contact the **Institutional Review Board Office, University of Maryland, College Park, Maryland, 20742 USA; (e-mail) irb@deans.umd.edu; (telephone) 1-301-405-4212***	
Name of Subject		
Signature of Subject		
Date		

Note: Original form was signed and dated by participant on both pages, which were numbered "Page 1 of 2" and "Page 2 of 2" respectively in the top right corner.

Joint Declaration on Higher Education and the General Agreement on Trade in Services

LIST OF SIGNATORIES
Association of Universities and Colleges of Canada (AUCC), representing Canada's 92 public and private not-for-profit universities and degree-level colleges;
American Council on Education (ACE), representing 1,800 accredited degree granting colleges and universities in the United States;
European University Association (EUA), representing 30 national Rectors' Conferences and 537 individual universities across the European continent;
Council for Higher Education Accreditation (CHEA), representing 3,000 accredited, degree-granting colleges and universities and 60 recognized institutional and programmatic accreditors in the United States.

INTRODUCTION
The General Agreement on Trade in Services (GATS) is a multilateral, legally enforceable agreement covering international trade in services. Education services, including higher education, are one of the 12 broad sectors included in the agreement. We, the above associations, put forward the following declaration with respect to the GATS and trade in education services:

PRINCIPLES
Whereas:

Higher education exists to serve the public interest and is not a "commodity", a fact which WTO Member States have recognized through UNESCO and other international or multilateral bodies, conventions, and declarations . The mission of higher education is to contribute to the sustainable development and improvement of society as a whole by: educating highly qualified graduates able to meet the needs of all sectors of human activity; advancing, creating and disseminating knowledge through research; interpreting, preserving, and promoting cultures in the context of cultural pluralism and diversity; providing opportunities for higher learning throughout life; contributing to the development and improvement of education at all levels; and protecting and enhancing civil society by training young people in the values which form the basis of democratic citizenship and by providing critical and detached perspectives in the discussion of strategic choices facing societies.[1]

Given this public mandate, authority to regulate higher education must remain in the hands of competent bodies[2] as designated by any given country. Nothing in international trade agreements should restrict or limit this authority in any way.

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[1] Taken from UNESCO∍s 1998 *World Declaration on Higher Education for the Twenty-First Century: Vision and Action*
[2] The term "competent bodies" is used in order to take into account the fact that in any given nation, authority for higher education rests with different levels of government, institutions, and organizations.

Education exports must complement, not undermine, the efforts of developing countries to develop and enhance their own domestic higher education systems. While international cooperation and trade in educational services can present opportunities for developing countries to strengthen their human resources, trade rules must not have the effect of imposing models or approaches to higher education on nations or of weakening their own national systems.

The internationalization of higher education is integral to the quality and relevance of the academic endeavour and research mission in the twenty-first century. For most institutions, international trade in higher education is an important component in attaining higher education's mission. For these institutions, education exports such as international student recruitment or the delivery of higher education programs across borders through distance education are part of a broader set of international activities which include faculty and student exchanges, research cooperation and capacity-building initiatives in developing countries.

Quality is a key objective for both domestic provision of higher education and international education exports, irrespective of the mode of delivery. Appropriate quality assurance mechanisms administered by higher education institutions under the competent bodies must exist to ensure that quality is not compromised. These mechanisms need to be transparent and widely understood.

International higher education cooperation must operate under a rules-based regime. WTO Member States have already established mechanisms to achieve this objective, in fora such as UNESCO, including international conventions on the recognition of academic credentials and a network of national information centres on foreign credentials. These mechanisms need to be further developed and their implementation better supported by our respective governments to protect learners.

Higher education differs significantly from most other service sectors, in that because of its public mandate there is typically a high degree of government involvement in higher education provision co-existing with private funding and commercial activities. This public/private mix permeates not only the sector but, indeed, the individual institutions within it.

Public and private higher education systems are intertwined and interdependent. Therefore it is impossible to effectively separate out certain sub-sectors e.g., adult education, or certain types of institutions e.g., "private providers", for the purposes of the GATS without impacting other parts of the system.

Caution must be exercised before putting the quality, integrity, accessibility and equity of our higher education institutions and systems at risk without obvious benefit.

Transparency and open consultation with affected stakeholders is imperative in the development of effective public policy.

RATIONALE
Given that:

Very little is known about the consequences of including trade in education services in the GATS such as on the quality, access, and equity of higher education, on domestic authority to regulate higher education systems, and on public subsidies for higher education. The potential risks of including higher education in the GATS, as indicated above, could be very significant.

While there are currently some barriers to trade in education services, there does not appear to be a major problem overall. Institutions continue to be able to actively develop exchange agreements, distance education programs, research collaborations, offshore partnerships etc. to meet their internationalization objectives and contribute to international development. Moreover, many of these barriers appear to be related to the lack of recognition of academic qualifications or concerns over the quality of educational providers; it is therefore unlikely that they will lend themselves to trade policy remedies through the GATS process. Conversely, there are existing mechanisms, such as the Convention on the Recognition of Qualifications Concerning Higher Education in the European Region (Lisbon Convention), open to all states, which are dealing with these issues. There are also national information centres to foster recognition of credentials and vigorous discussions on ways to improve bilateral or multilateral recognition of each other's domestic quality assurance mechanisms.

It is extremely difficult to clearly define which education services are supplied strictly on a commercial basis due to the public-private mix in all systems and within many institutions of higher education.

GATS Article I:3 is recognized as being ambiguous and open to interpretation.[3] While we applaud senior officials in our respective governments for insisting that public service systems are exempted from the agreement based on Article I:3, we do not understand how this conclusion has been reached given the absence of clear, broadly accepted definitions and, more importantly, the fact that the component parts of the system are so inextricably linked. In addition, history shows that exemptions to international agreements such as the GATS tend to be interpreted narrowly by trade dispute tribunals. For these reasons, it seems unrealistic to assume that public education at the tertiary level is exempted from the GATS based on Article I:3.

Many of our respective countries have not undertaken an effective consultation process between trade officials and the organizations representing public and private higher education institutions.[4]

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[3] Article I:3 is the agreement=s exemption of services Asupplied in the exercise of government authority@, where these services are defined as being supplied Aneither on a commercial basis nor in competition with one or more service suppliers.@

[4] It should be noted, however, that in the case of Canada, there is ongoing dialogue between the federal government and the education sector with respect to the GATS.

DECLARATION

Operating under these principles, and given these circumstances, the Association of Universities and Colleges of Canada, the American Council on Education, the European University Association, and the Council for Higher Education Accreditation jointly declare that:

Our member institutions are committed to reducing obstacles to international trade in higher education using conventions and agreements outside of a trade policy regime. This commitment includes, but is not limited to improving communications, expanding information exchanges, and developing agreements concerning higher education institutions, programs, degrees or qualifications and quality review practices.

Our respective countries should not make commitments in Higher Education Services or in the related categories of Adult Education and Other Education Services in the context of the GATS. Where such commitments have already been made in 1995, no further ones should be forthcoming.

AUCC, ACE, EUA , and CHEA convey this joint declaration to the Government of Canada, the office of the United States Trade Representative, the European Commission, individual European states that are members of the nascent European Higher Education Area, and all interested Member States of the WTO for their attention.

DATE: 28 September, 2001

ROBERT J. GIROUX
PRESIDENT, AUCC

DAVID WARD
PRESIDENT, ACE

ERIC FROMENT
PRESIDENT, EUA

JUDITH EATON
PRESIDENT, CHEA

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