Ministerial Education Councils' Capacity for Policy Decision-Making in Canada, Germany, and Switzerland: Finding a Balanced Perspective

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Abstract

Scholars have become increasingly vigilant about leaders, the role of government and wider governance bodies, and their influence on education policy. Councils in Europe and North America, generally, and education councils, specifically, are good examples of influential bodies whose decision-making processes have rightfully come under scrutiny; however, many scholarly assessments have been characterized by rhetorical claims that focus on these bodies' limited ability to make decisions and address social challenges. This article details a qualitative, comparative case study conducted in 2018 that investigated how Councils of Ministers of Education in Canada, Germany, and Switzerland address national educational issues of collective interest. The resulting dataset is comprehensive, and this research invites colleagues to refine or rethink some of their limiting rhetorical tools and underlying assumptions.

Keywords: Leadership; Policy, Governance; Education Council; Ministers

Introduction

In recent years, there has been a noted rise in public pessimism toward democratic government institutions (e.g., education, justice, healthcare, social welfare) and the ability of political leaders to reach consensus in matters of policymaking ("Declining

Trust in Government," 2017). Scholars, too, have become increasingly vigilant about leaders, the role of government and wider governance bodies, and their influence—which is sometimes less than transparent—including in education policy (Hursh, 2015). Councils in Europe and North America, generally (Arregui, Stokman, & Thomson, 2004; Lewis, 2008; Veen, 2011), and education councils, specifically (Allison, 2007, 2018; Jungblut & Rexe, 2017; Rippner, 2017; Wallner, 2014), are good examples of influential bodies whose decision-making processes for shaping policy have rightfully come under scrutiny; however, many scholarly assessments have been characterized by rhetorical claims that focus on these bodies' limited ability to make decisions, shape policy, and address challenges today and in the future.

Influenced by these assessments, a qualitative, comparative case study was conducted in 2018 to investigate the question: How do Councils of Ministers of Education in Canada, Germany, and Switzerland address national educational issues of collective interest? The resulting dataset is uniquely comprehensive—all three existing councils/conferences[1] granted access for the study bringing an international dimension to the study's comparative focus. This article draws from this unique dataset to either nuance, challenge, or offer an alternative to some of the influential rhetoric scholars have used to assess these councils, which seems to communicate an underestimation of these bodies' ability to shape education policy and solve issues, limiting the theoretical and analytic possibilities of what can be learned from them. *Rhetoric* in this study is understood in its broadest sense as writing that employs a range of linguistic techniques in an effort to be persuasive. More specifically, it is employed in ways where "what matters is not representation or the attempt to grasp the essential mechanisms of the real world [phenomena] but simple internal consistency" (Togati, 2006, p. 55) within a particular model, argument, or assessment. By questioning scholars' use of rhetoric in their assessments of these influential bodies in education, this study aims to contribute to the field by a) demonstrating how scholars' specific rhetoric communicates an underestimation of ministers' ability to work collectively (and voluntarily) through these long-standing bodies as well as well as the structural elements that support their decision-making on complex social issues; and b) providing a more balanced estimation of councils by presenting different assessments of their abilities, specifically their decision-making processes that shape policy and respond to educational issues of national interest in an effort to advance existing boundaries of knowledge.

The article is organized into six sections. First, it briefly describes how the councils are situated in their countries' educational governance arrangements. Next, it provides an overview of the scholarly literature with specific attention given to articles in which scholars have employed rhetoric to argue that these bodies' have limited ability to address educational matters. The study's theoretical framework is then described, followed by the methodology used in the larger study. The findings section draws from the dataset (with examples from all three councils) to nuance, challenge, or offer an alternative view on specific rhetorical assessments, before discussing the significance of this work for academic knowledge, theory, and society. The article ends with some concluding remarks.

Literature review: Ministerial education councils—as unique as they are unknown

This study focused on three ministerial education councils: the Swiss Conference of Cantonal Ministers of Education (EDK); the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK); and the Council of Ministers of Education, Canada (CMEC). In broad terms, they share a similar remit to address educational issues of collective interest, though the range of possible issues and available actions vary. Additional similarities include: the membership is exclusive to ministers who are responsible for education in their respective Länder, cantons, or provinces/territories, as educational authority does not reside at the federal level in these countries;[2] the scope of their collective work is at the pan-level (i.e., the whole country) but does not behave nor present itself as a national-/federal-level ministry; each council can be regarded as an intergovernmental body that represents the joint interests of its subnational states on educational issues of collective interest vis-à-vis the federal government and other interorganizational partners; a secretariat supports the functions of each council; and decision-making is based on consensus (whenever possible). As further evidence of their unique arrangement, the CMEC, the EDK, and the KMK have a standing memorandum of understanding for sharing information between bodies.

These ministerial education councils are not well studied for a few reasons. First, as only three such bodies exist across federated countries there are not many to study. Another reason has to do with the government/governance arrangement for education in the case countries: most educational matters are addressed at the jurisdictional level, reducing the incentive for scholars to explore wider, pan-level influence. Another factor is the visibility profile of the councils, understood here as the strategic ministerial decision on how to present the respective councils' work to national-level stakeholders, educators, and citizens alike. Their visibility profiles are not an effort to hide council operations; rather, the profile is strategically calibrated to reflect the degree to which ministers collectively want to keep the spotlight shining on ministers individually and their respective jurisdictions versus council. Councils are a collaborative body and not a ministry, so ministers' preference is often to keep professional and public focus on the jurisdictions. The EDK is the most visible to education professionals and the public, followed by KMK, which is mostly known to education professionals but has a limited public profile. The CMEC has a very limited visibility profile, with mostly senior ministry-level education officials aware of its existence. Finally, these councils are not well studied due to lack of access. Being political bodies, their engagement with any outside organization or person, political or academic, carries potential political risk and their appetite for such risk is low.

The study of ministerial councils and scholarly rhetorical assessments

Research examining how organizational units coordinate or cooperate at the sub-national level within a country is limited, as the topic is "studied rarely" (Bochsler, 2009, p. 349). Despite their priority political status and unique standing as phenomenon of investigation in research, ministerial educational councils have been particu-

larly overlooked. Still, various scholars have focused on certain aspects of ministerial educational councils. These aspects include the historical and contemporary role of councils in educational governance (Allison, 2007; Bochsler, 2009; Wallner, 2014), setting policy or addressing specific educational matters (Bastian, 2017), their responsibility to set specific standards or learning goals (Ewald, 2014; Hohenstein, Zimmermann, Kleickmann, Koller, & Moller, 2014; Milford, Susan, Yore, & Anderson, 2010), and coordinating the assessment of student outcomes (Czáka, Freymond, & Borer, 2013; Maritzen, 2014; Rogers, Anderson, Klinger, & Dawber, 2006). A smaller number of sources have examined, to varying degrees, various aspects of councils' behind-the-scenes work in shaping education policy, including the day-to-day operations of their secretariats, their capacity for decision-making, how they reach decisions by consensus, and the outcomes of council decisions (Allison, 2007, 2018; Capano, 2015; Jungblut & Rexe, 2017; Wallner, 2014, 2017).

Scholars will frequently use rhetoric in their assessments of most aspects of council decision-making due to an absent empirical literature base. For example, rhetoric is employed in such articles to refer to spaces for decision-making as: a "black box" (Veen, 2011, p. 13); a "shadow hierarchy" (Bakvis, 2013, p. 204); receiving "insufficient policymaker attention" with "highly transient … ministers" (Jungblut & Rexe, 2017, pp. 57–58); having "weak integration" (Bolleyer, 2006, p. 474); and "unwieldy processes" (Wallner, 2017, p. 431) with ministers who struggle to "walk the line" or are figuratively "drunk" (Allison, 2007, p. 113), "thrashing about and [misdirecting] energy" (Allison, 2007, p. 114) and making decisions that are "precooked" (Veen, 2011, p. 16), "watered down" (Wallner, 2017, p. 431), or decided by "partisan competition" (Jungblut & Rexe, 2017, p. 61). The implication is that this rhetoric is infused into these scholars' frameworks, findings, and recommendations when assessing a council's decision-making abilities—rhetoric that unjustly characterizes how these bodies operate and how they collaborate with other levels of government and external stakeholders.

The use of such rhetoric is associated with an underlying assumption in scholarly work that leans federalist and presents subnational authorities as divisive and antagonistic—both with each other and vis-à-vis the federal government. For example, in her examination of the Canadian ministerial education council, Jennifer Wallner (2014) openly called for the "[re-examination of this] core assumption in the federalism literature" (p. 5). More specifically, Wallner (2014) advanced the argument that "substate governments can and often do collaborate," which challenges the rhetoric of the need for "the proverbial leviathan as embodied by the central government directly intervening in their affairs" (p. 5). In other words, the use of such rhetoric by scholars helps to perpetuate certain potentially problematic assumptions, such as the federalist lean, in the academic literature.

Framework and methodology
This study draws from Herman Bakvis' (2013) definition of *governance*, a notion understood

> as distinct from government, [encompassing] not only governmental institutions and processes, but also actors within and outside government, and the links between them, involved in the process

of establishing priorities, setting objectives and coordinating and directing activities related to achieving these objectives. (p. 205)

Two key assumptions, grounded in research evidence, shaped this study's framework: a) institutional processes shape council decision-making, and b) actors' individual engagement in these processes shape decision-making. For the purposes of this article, bodies are understood as *institutions,* which "[function] as 'government structures' of the game" (Shepsle & Bonchek, 1997, p. 311)—composed of mandates, legal status, budgets, and so forth—that shape human interaction (Nørgaard, 1996). The influence of their formal structures, such as rules/regulations and actor roles, are considered alongside informal structures, such as communication mechanisms (Shepsle & Bonchek, 1997; Veen, 2011). Also integrated is an aspect from *collective decision-making theory*: the notion that actors' decisions are influenced by an institution's culture of exchange and willingness to compromise to reach a common outcome (Arregui et al., 2004; Lewis, 2008; Veen, 2011). A qualitative, multi-case comparative methodology (Yin, 2014) is used to analyze the complex realities of council decision-making. Each council is a case in the overall cross-case inquiry (Yin, 2014). Consistent with studies examining similar phenomena (Jungblut & Rexe, 2017; Rippner, 2017; Veen, 2011; Wallner, 2014), both interviews and document analysis are conducted. Interview questions focused primarily on the structural elements involved in addressing issues (with a primary focus on processes that support decision making), how ministers individually and collectively engage with these processes, and how ministerial councils are adapting these structural elements to address future challenges. Interview invitations were sent to each council secretariat; each agreed to participate, with the approval process varying quite widely.

In Canada, the study invitation was reviewed internally by secretariat leaders and then formally sent to all 13 substate jurisdictions to decide; in Germany and Switzerland, the decision was made internally by secretariat leaders. Each secretariat was asked to nominate official representatives who could represent the voice of council in light of the study's aims. Again, each council interpreted this nomination differently: in Canada, this included the executive director and senior directors of the secretariat, as well as 10 representatives from various jurisdictions. In Germany, it comprised the director general accompanied by a senior staff member. In Switzerland, it was the head of the international relations unit. Individual and group semi-structured interviews were conducted with 17 council secretariat leaders and jurisdictional representatives. The document analysis comprised a thorough literature review, including each council's organizational website (English and French) and any additional documentation submitted by study participants. Over 30 artefacts were reviewed, including strategic vision and joint declaration documents, organizational charts and legal papers, timelines and "facts" pertaining to councils' histories, program documents, and an internal comparative scan conducted by the three councils on their institutional features.

Prior to beginning the analysis, initial codes were developed for organizing the data by drawing from the literature review, the study's theoretical framework, and the main research question. Early into analysis, the codes were ranked according to their relevance and grouped to form primary code and subcode categories as war-

ranted. Dedoose, a qualitative analysis software program, was used to code the interview data and artefacts. The data collected for each case was then individually analyzed before conducting any cross-case analysis. It was triangulated using multi-respondent and multi-method data sources for each case and a constant comparative strategy was used to identify themes first within and then subsequently across each case with the aim of identifying meta-themes.

Findings

The findings are related to the influential rhetoric that researchers have used to support highly persuasive (and underestimating) scholarly assessments of these ministerial bodies' abilities. The section is organized into the same four thematic areas that emerged from the literature review in terms of where scholars make the most use of rhetoric when assessing council decision-making processes, including the day-to-day operations of their secretariats, their capacity for decision-making, how they reach decisions by consensus, and the outcomes of council decisions. For each thematic area, the rhetoric is introduced and at least one sample quotation is provided from academic sources of specific rhetorical references that are being employed regarding a council. This is followed by an explanation of why the rhetorical device is limiting and the offer of a nuance, challenge, or an alternative to how it is being used in the academic literature.

Council operations: Unwieldy processes, shadow hierarchies, and power blocs

In this article, *council operations* include the scope of the day-to-day operational work of secretariats, such as the mechanisms involved in supporting ministers' decision-making and council meetings. This first subsection nuances the idea that working through councils is an "unwieldy process" (Wallner, 2017, p. 431), revealing present-day council operations as highly formalized in response to the increasingly complex issues they face. In contrast to the rhetoric of councils operating as a "shadow hierarchy," an alternate interpretation reveals a sophisticated, non-public triaging process that harnesses expertise (i.e., public servants) from every level of senior ministry and from across the country to successfully address complex, collective issues. Finally, the claim that partisan competition or power blocs dominate or impede decision-making is challenged with the argument that power blocs can work to both impede and facilitate decision-making.

Rhetoric: Unwieldy processes, shadow hierarchies

> Working through CMEC is often an unwieldy process, especially in curriculum. (Interview from 2008 in Wallner, 2017, p. 431)

> Even in governance systems based on extensive collaboration, hierarchy is never absent; seemingly fluid cooperative arrangements often occur because they take place "in the shadow hierarchy." (Bakvis, 2013, p. 204)

The idea that working through council is an "unwieldy process" (Wallner, 2017, p. 431) supported by a "shadow hierarchy" (Bakvis, 2013, p. 204) requires some necessary

nuance and alternate explanation, respectively, as the findings from the interview data suggest different. First, working through council *is* a process, but one that is a clear, agreed-upon, efficient, formalized, and hierarchical collaborative structure that facilitates transparent communication across committees and jurisdictions. Second, an internal, non-public (i.e., not visible to the public) multilevel committee structure does exist composed of dozens of jurisdictional-level bureaucrats that triages issues across committee levels: the resolution of politically complex issues moves upward vertically, with decision-making power ultimately resting with ministers. But these officials do not operate outside of government accountability arrangements, or in the "shadow". The committee members are deputy ministers, assistant deputy ministers, and other jurisdictional representatives from across the country—all public servants who answer to their elected ministers.

Rhetoric: Partisan competition

> Potential conflict that can limit the influence of KMK: partisan competition between state governments led by social democrats or Christian conservatives … east vs. west German Länder. (Jungblut & Dexe, 2017, p. 61)

> Zeroing in on Québec [Canada] due to a commitment to nationhood, self-determination and the promotion of its own uniqueness, provincial decision-makers of that province are subjected to an additional set of ideational considerations. (Wallner, 2017, p. 432)

All three councils reported the existence of power blocs among their members and jurisdictions. The power blocs are sometimes partisan in nature due to ministers' membership in political parties, but also due to state-level factors such as geographic location, wealth, and language. For the KMK, ministers have historically been affiliated with the Christian Social Union (CSU)/Christian Democratic Union (CDU) or the Social Democratic Party (SDP), Germany's two dominant political parties. Historically, the CSU/CDU (conservatives led by Bavaria) and SDP (social democrats led by Hamburg) would collectively seek to shape important conference decisions because the culture of the KMK dictates that members' engagement must be consistent with the views of their parties. The KMK interviewees noted that a fragmented electorate has led to the emergence of populist members (e.g., from the Alternative for Germany party) who could change the existing bipartisan dynamic, adding a new political force that can shape decision-making at the conference table.

In the CMEC context, subnational political coalitions also exist and influence the work of council but in mostly positive ways. For example, the Council of Atlantic Ministers of Education and Training is an intergovernmental body that meets twice a year to discuss educational policy specific to the Atlantic region, and many of their ministers' conversations are brought to the CMEC table as a region. There is also the Western bloc (i.e., ministers from the provinces of Alberta, Saskatchewan, and Manitoba), which has been an influential coalition—and, as they are generally suspicious of pan-Canadian-level leadership, not always supportive of council initiatives. Power blocs also exist in the EDK; these blocs are shaped by Switzerland's linguistic

traditions, where proposals from ministers representing cantonal language blocs carry additional political impact. For example, when proposals come forward from the French, Italian, or German ministers, their colleagues bring a heightened awareness to their review and consideration of these proposals in assembly. Regarding state size, the KMK interviewees reported that some German states have more voice than others at the conference table during discussions, particularly those that are wealthier and more populous. In contrast, the CMEC interviewees reported that smaller jurisdictions (i.e., the territories, or less populated and wealthy provinces) can be less vocal, while larger provinces intentionally work to restrain dominating the discussion. The reasoning is more pragmatic than altruistic: all interviewees were keenly aware that ministers of education are the highest political authority in their jurisdiction and sit at the table voluntarily. If they feel unwelcomed or unheard at the table, they can withdraw, which would be a significant blow to any council's claim to speak as the voice of education in their country. This is also true for the KMK and the EDK. In short, participants, on the whole, reported that power blocs exist but mostly contribute to supporting, and not impeding, consensus.

Capacity for decision-making

This subsection challenges the rhetoric of council decision-making as too time-consuming to respond to educational issues of national importance; rather, it presents the pace of decision-making as a reflection of councils' capacity to allow complex issues to be fully discussed and give ministers the flexibility to reach an appropriate, lasting solution with unanimous support. It also challenges the rhetoric that councils "may suffer from insufficient policy-maker attention" (Jungblut & Rexe, 2017, p. 58) with the view that because ministers prefer to work jurisdictionally, any pan-level action largely receives their individual and collective attention.

Rhetoric: Council decision-making is too time-consuming and, therefore, is too slow to respond to educational issues of national importance

> There are three main barriers to coordination that emerge from the set-up and working mode of the KMK. First, the principle of unanimity with regard to the most important decisions make policy-making rather slow. (Jungblut & Rexe, 2017, p. 61)

Councils are intended—by a country's constitutional and government structure—to be collaborative bodies. As discussed in the previous section, the issues that reach the council table have pan-level considerations and any decision must work for all jurisdictions—accounting for linguistic, historical, religious, ethnic, geographic, economic, and political differences. This means that many of the issues are sufficiently complex to require ministers to discuss the matter over multiple meetings. The "slow" process that can extend decision-making over years, which is rhetorically criticized by scholars, is the same structural feature of the organizational body that allows complex issues to be discussed fully and gives ministers the flexibility to reach appropriate, lasting solutions with unanimous support. The Pan-Canadian Assessment Program is a great example of a collaborative project that involved multiple iterations of proposals by staff and was discussed between ministers over several CMEC meetings. Another advantage of the

slower, flexible process is that council can compensate for shifts in political currents in their country. Recall, power blocs—by party, region, or population—within council can present themselves as either openly friendly or suspicious. For example, in the case of the EDK, as early as the 1990s, there was not much difference in political ideology across the parties. The rise of populist parties in 2005–2006 is and has been changing the dynamic at the table. In the past, ministers could reach consensus in one or two plenary assemblies; now, reaching consensus requires four or five. Although much longer, the discussions remain civil and the contentious points raised by suspicious members actually served to raise discussion and reach lasting solutions. KMK leaders emphasized that their collective efforts give their decisions a political driving force. As their decisions can have medium- to long-term effects and "cannot be easily switched every few months," it is best that ministers take the time to arrive at an appropriate and lasting solution; a claim as true for the KMK as it is for the EDK and the CMEC.

Rhetoric: Councils may "suffer from insufficient policy-maker attention"

> CMEC may suffer from insufficient policy-maker attention, there-fore reducing the effectiveness of the venue and the ability to have provinces rise above individual jurisdictional concerns in the pur-suit of common objectives." (Jungblut & Rexe, 2017, p. 58)

The interviewees from all three councils confirmed that ministers prefer to act juris-dictionally. If ministers discuss an issue at the council table, the reason is that acting collectively is more beneficial or logical (e.g., copyright or protocol on official lan-guages). Accordingly, embedded within council processes are guiding principles to keep the work of council restricted to collective, pan-level matters. For example, guiding the work of the EDK is the principle of subsidiarity, which means that min-isters will only address issues that go beyond the cantons and regional conferences, while considering the particular realities of the linguistic regions.

Principles and pan-level interests aside, ministers' decision to engage in collective decision-making is also a calculus involving a number of additional factors, including a) the potential to realize cost efficiencies, b) whether or not collective action con-sumes jurisdictional-level resources, c) the individual political agendas of ministers and their party, and d) the chance to leverage or exercise greater influence within councils (e.g., to exercise influence, a jurisdiction may volunteer to chair a committee and will have some additional influence in shaping the agenda). Individually, these factors do not support strong minister engagement. Combined, however, these fac-tors build a case that ministers are judicious about their engagement, closely monitor the projects to ensure that they deliver the return on their investments (e.g., time, funding, personnel), and would only sustain their engagement if it had direct benefit to their jurisdiction and them individually. The fact that all three councils have been in operation for decades, is yet another indication that ministers are engaged.

Consensus approach to decision-making
This section nuances the rhetorical confusion around the consensus-based, unani-mous-style decision-making processes perceived to be in place. It presents consen-sus-based decision-making as common to all three councils but operationalized in

substantively differently ways to reflect each council's historical and contemporary functions and politics. The claim that councils' ability to bind states is limited because of unanimous or consensus decision-making is challenged with a view of their decision-making as equally capable of binding states, as the decisions ultimately reflect the collective political will and legacy of leaders.

Rhetoric: Consensus as the de facto principle of unanimity, but not requiring unanimous consent to advance

> CMEC's decisions are made through reaching consensus, thus de facto the principle of unanimity. (Jungblut & Dexe, 2017, p. 58)

> CMEC nevertheless guards the principle of provincial autonomy in education as any agreement is voluntary and initiatives do not require unanimous consent to advance. (Wallner, 2017, p. 426)

All three councils take a consensus-based approach to decision-making and interviewees from all three councils stressed that a culture of consensus is strongly established, not because of an aspirational vision of leadership but because of functional and politically pragmatic reasons, both historical and contemporary. Recall that it is ministers' preference to act jurisdictionally, meaning that any issue at the council table necessarily means that acting collectively is more beneficial or logical. Accordingly, arriving at consensus always begins with the jurisdictional-level concerns of ministers; the nature of collaboration at council table only works if all members feel equally benefitted, which makes consensus the natural form of decision-making.

There are differences, however, in terms of how consensus is employed or practiced in each council. In Canada, the CMEC provides the strongest example of how "consensus-based decision-making," broadly understood, can be nuanced. For the CMEC, all decisions as a council are reached with consensus "voting"—put in quotation marks—because there is no actual vote. Once a discussion has finished, members are asked if they have any objections (i.e., nothing to the contrary of what has been discussed); ideally, the answer is silence at the table. Silence is taken as consent to proceed with the recommendation. Effectively, silence means consensus. Now, this consensus can be nuanced further. For an item or recommendation to proceed, all members must agree, even though one or more jurisdictions can express less interest. For example, a strong consensus means that ministers might simply let a recommendation pass—that is, one or more jurisdictions may not agree or see the need to participate but will not stop others from doing so. Weak consensus does not exist because, if there is a significant issue, a minister or representative from a certain province or territory will intervene on the basis that the decision or recommendation is unacceptable, at which point the item is sent back for more work—returning to principles and setting new options. Abstention exists mostly in theory; in practice, this is not a common or accepted position. This form of consensus-based decision-making also applies to subcommittees and any project that requires the secretariat to act. In all cases, members intervene when a direction is not acceptable.

For the KMK, the nuance of decision-making based on consensus is dependent on the nature of the matter. For example, resolutions, when put to a vote, can be

adopted unanimously, with a qualified majority, or with a simple majority. Procedural decisions require 13 votes in favour (others can vote "yes," "no," or "abstain"). Decisions that impact all Länder require unanimity, and all financial decisions require unanimity. It is important to note that for all councils, consensus is not sufficient to move a project forward. Projects or initiatives require more than just consensus: they need immediate and practical imperative to justify the funding or the use of wider resources. An example of consensus being insufficient for ministers to take action is a project proposed by EDK ministers for the better understanding of the linguistic regions across the country; for this there is consensus but no budget and, so, no action.

Rhetoric: Councils' ability to bind states is limited because of unanimous or consensus decision-making

> CMEC only reaches a medium level of institutionalization as they de facto still rely on the principle of unanimity in their decision-making. … (Jungblut & Dexe, 2017, p. 62)

> The formally non-binding character of agreements reached in the KMK and the fact that all agreements need to be transferred into law by the Länder parliaments is another potential barrier … parliaments can decide to deviate from coordinated policies. (Jungblut & Dexe, 2017, p. 61)

The decisions reached by all three councils are not binding on any members. The extent to which any decision is binding depends upon ministers acting on decisions when they return to their jurisdictions; if appropriate to a council decision, ministers must pass the legislation in the jurisdictional parliament. Scholarly critics have interpreted this non-binding, consensus-based approach to decision-making as having a lack of collective binding power. As Jens Jungblut and Deanna Dexe (2017) explained, "They [councils] cannot use hierarchy as a strategy for coordination" (p. 63), referring to ministers' typical ability to bind actors operating at lower levels in a government's formal hierarchical structure due to their location at the top, where policy decision-making authority is generally located.

   This rhetoric is challenged in two ways using the study findings. First, the consensus approach to decision-making gives council decisions, although non-binding, the weight of each minister's authority within their respective jurisdiction. The Canadian case provides the strongest example of this principle in practice. If ministers make a recommendation, it is the result of a very intense, pan-Canadian discussion process. Although any jurisdiction has the power to block a decision, this is rarely done because all secretariat and jurisdictional staff and decision-making processes work toward a pan-level position. Weak consensus does not exist. So, when ministers leave the meeting, all decisions reflect their collective will and they take the required action in their home jurisdiction.

   The second challenge concerns the scholarly rhetoric that ministers can change their mind when they return to their jurisdiction, which leads to a weak ability to bind states. Indeed, KMK interviewees did indicate that council is moving in the direction of using concordats as a means to more assertively reach agreement and avoid

such outcomes. Jungblut & Dexe's (2017) position assumes that binding pan-level decisions are legal, or even desirable, for ministers or citizens alike. Regarding legalities, even though ministers are democratically elected officials, council is not a parliament—it is a coordination body. Even though ministers can bring their governments' political position to the council table, the table does not, at a minimum, have an opposition to challenge the proposal, which is a key element of the parliamentary process in all three federated countries. If any decision became legally binding at this level, it could turn council into a de facto parliament, signalling that there is a body that supersedes the jurisdictional ministries and their parliaments, which is not supported by any constitutional legal framework. The EDK case provides a strong example of this cautionary overextension of council's authority, where cantons have held referenda on the passing of a concordat. The concordat in question aimed to extend compulsory education to include two years of preschool, which would mean that children would begin education at age four. The concordat gave rise to parent associations in many cantons who were against the concordat, and the sovereigntist party in one used the upset to leverage its campaign against a perceived incursion on traditional values. Ultimately, two parliaments refused to pass the concordat based on the results of the referendum. This case demonstrates how the non-binding agreements can serve as an important democratic check on these bodies because they must pass specific resolutions in their jurisdictional-level parliaments.

Council decisions

This section offers an alternative view of council decisions as emerging from a *black box* by presenting them as the result of a sophisticated mechanism for converting decision-making inputs to outputs that is, unfortunately, out of public view. It also challenges academic rhetoric describing council decisions or results as "precooked" (Veen, 2011, p. 16) or "watered down" (Wallner, 2017, p. 431) and instead presents council decisions as fleshed-out and successful due to triaging processes that are structurally efficient, effective, and accountable to ministers' political direction.

Rhetoric: Council decision-making as a "black box"

> The concept of the black box similarly helps to describe the nature of collective decision-making in the Council of Ministers. (Veen, 2011, p. 40)

The rhetoric of the "black box" (Veen, 2011, p. 13) is the result of this triaging process, councils' greatest asset, not being particularly visible or known to the public it serves. As previously mentioned, each council triages issues through committees to help ministers reach consensus. If an issue reaches the council table for discussion, it means that the issue has been rigorously discussed by dozens of experts (public servants) across jurisdictions (all working to reach consensus based on ministers' direction), and that state-level perspectives can be adequately reflected in the recommendations brought forward to ministers. All study participants reported that the greatest asset of council is its mechanism for triaging and communication, which supports collaboration and consensus building across each country's rich historical, linguistic, and cultural traditions and diversity. The general public is not aware, for

example, that jurisdictional staff from each substate government work to advocate for their jurisdictional interests as well as the collective interest. This is true for the CMEC, the KMK, and the EDK. When asked why this facet of council operations is not made more public, interviewees from all three councils explained that their visibility profile is a determination made by ministers, and information on such administrative processes are generally not made public.

Adding to this challenge of "black box" rhetoric is the fact that ministers do not always help their council's pan-level cause. In the case of the EDK, the interviewee noted that cantonal ministers and parliaments have used their position to publicly display their commitment to a particular political doctrine or to celebrate the distinct values of the constituents they are representing. In one example provided, a left-leaning populist minister who was suspicious of harmonization efforts was cited in a cantonal newspaper as referring to the EDK "black box" as a means to distance himself/herself from council efforts toward harmonization.

Rhetoric: Decisions or results that are "precooked" or "watered down"

> The "precooked" proposals are then being forwarded to either Coreper or the so-called "high-level committees." (Veen, 2011, p. 16)

> To quote one official: working through CMEC[,] … [getting] everyone to agree is a real challenge and the results are frequently watered down. (Interviewee from 2008 cited in Wallner, 2017, p. 431)

Regarding "precooked" (Veen, 2011, p. 16) proposals, it is ministers who decide which issues and topics they discuss, and issues without a minister sponsor or advocate have little chance of reaching the table. Any work that stems from the ministers' discussion is then handed to committees to gather information and turn issues into questions and recommendations, always guided by ministers' political direction. Once an issue reaches (or returns) to the council table for discussion, it is considered relevant to all jurisdictions and has been fleshed-out with a view to reaching consensus—in other words, it has been rigorously discussed and jurisdictional-level perspectives can be adequately reflected in recommendations brought forward to ministers. Some participants acknowledged, however, that the sophisticated decision-making process can sometimes result in ministers voting automatically because issues have been thoroughly debated beforehand. This has led to the perception, for example, by KMK interviewees that some decisions in past councils were fixed or predetermined. But even with all this preceding work, ministers are still political officials, and the outcomes of meetings are not 100% predetermined. If everyone at the various stages of triaging agree, including the ministers, then the recommendations brought to the ministers' attention will be adopted quickly. Occasionally, attending ministers are no longer comfortable with a recommendation at the table, at which point the item is sent back for a more detailed review.

Scholarly rhetoric that council decisions are the result of a "watering down" process is also unjustified. First, this position suggests that a single, ideal solution exists, that it is known (to scholars), and that the consensus process necessarily dilutes the ultimate decision reached by ministers. Second, as mentioned, any issues discussed

at council necessarily lack a clear, ideal solution, and having a tradition of consensus does not mean that consensus is easily achieved. Indeed, the interview data suggest that complex issues emerging from the triage process is a sign of success because contentious points are addressed before they reach the table. Interviewees were unanimous that triaging issues gives each council an important advantage in decision-making over other federated centralized systems both in terms of rigour and also in the diversity of jurisdictional perspectives.

Discussion

The previous section linked specific rhetoric employed in the academic literature to the study's findings to nuance, offer an alternative to, or challenge the existing use of such rhetoric in scholars' limiting assessments concerning the abilities of these ministerial bodies to address educational issues of national priority. The findings questioning this rhetoric should compel scholars to revisit, reflect on, and possibly reframe their usage when assessing these and similar influential bodies. For example, and as discussed, the use of rhetoric in the scholarly literature—including "black box" (Veen, 2011, p. 13), "weak integration" (Bolleyer, 2006, p. 474), "unwieldy processes" (Wallner, 2017, p. 431), "precooked" (Veen, 2011, p. 16), "watered down" (Wallner, 2017, p. 431), and figuratively "drunk" (Allison, 2007, p. 113)—is grounded in limited or non-existent empirical evidence and often carries with it the widely held view that favours federalist or unitary policy coordination over substate. This widely held assumption or preference in the literature for the unitary or federalist position explains, at least in part, why scholars filled knowledge gaps surrounding ministerial education councils with rhetoric that underestimates their abilities.

The consequence of not revisiting this rhetoric and key assumptions used by scholars in light of these findings is significant. Take, for example, the rhetoric used in the scholarly claim of weak integration on the part of the CMEC. Jungblut and Rexe (2017) set out to "assess the level of institutionalization of the two bodies [CMEC and KMK]" (p. 54). The level of institutionalization is understood to mean the ability of such body's "to coordinate policy and is therefore [assumed to be] linked to their capacity to overcome barriers and successfully apply strategies for coordination" (Jungblut & Rexe, 2017, p. 54). The assumption is that "the more these bodies are seen as institutionalized parts of the policymaking process, the better equipped they are to fulfil their tasks and the more their arena is respected by the different policy actors" (Jungblut & Rexe, 2017, p. 52). Jungblut and Rexe (2017) applied their framework and concluded that the CMEC "only reaches a level of medium institutionalization as they de facto still rely on the principle of unanimity in their decision-making," while the KMK "reaches a higher level of institutionalization as they opened up for majority decisions on several coordinated issues" (p. 62). Yet, according to their definition of institutionalization, the findings of this study would suggest the opposite: the CMEC reported fewer problems than the KMK in terms of overcoming barriers to policy coordination (e.g., the KMK reported more conflict generated by power blocs) and successfully applying strategies for coordination at the council table (e.g., the CMEC reported higher fidelity in terms of individual ministers acting post-meeting on council decisions). The aim here is not to undermine the

work of scholars but to do what academic research is supposed to do: invite debate, reflection, and revision based on empirical findings to improve on theories, conceptual tools, and grounding assumptions.

In fairness, some of the interview data collected lends small merit to *some* of the rhetoric used in scholarly assessments. For example, interview participants from all three councils reported at least one example of ministers not being keen to engage with the councils for various reasons, which lends some weight, however small, to the rhetoric that ministers are not always politically active in decision-making. Regarding the rhetoric of "unwieldy processes" (Wallner, 2017, p. 431), during an interview with a senior leader at the CMEC, the interviewee acknowledged that a couple of decades ago the council functioned more like an informal collective: agreements were made outside of formal channels, which meant communication among members was less formalized.

Still, on the whole, the rhetoric scholars have employed lacks nuance and seriously undermines and underestimates councils' capacities connected to decision-making and policy shaping. If these limiting academic rhetoric were entirely accurate, the councils would likely have dissolved long ago due to their inability to arrive at effective, sustainable solutions; yet, each council has been in operation for decades. What makes their long-standing histories even more impressive is that the long-term sustainability of each council relies on a legacy of ministers who have faith in the council, who see its value, and successfully fulfill its collective aims. Moreover, the fact that councils all reside in countries that do well by most education or other socio-economic measures (comparatively speaking with other federated countries) speaks to their highly developed processes for effective decision-making in education, countering much of the academic rhetoric being used to assess these bodies. In short, scholars' use of rhetoric results in an underestimation of how well these governance bodies operate (i.e., share power, harness collective resources), shape policy, and address educational issues of national interest.

This study's findings have clear implications for contemporary issues in education government and wider governance, especially in light of increasing public pessimism toward political government and other social institutions, notably education, and the importance of high citizens' confidence in public education for its own sustainability. Academics and policymakers need fresh ways of thinking about accountable leadership, effective decision-making, and policy shaping, especially from a political body in education that has a long history of enabling senior political leaders (e.g., ministers and deputy ministers of education) to share power across their jurisdictions fairly while addressing social problems in ways that respect sociocultural and historical differences. Ministerial education councils represent a political body that is proven to encourage members with wide-ranging views to seek compromise and reach consensus on a wide range of complex social issues and to weather political crises of all sorts, including partisan differences and, notably, the rise of populist leaders. This study offers new insight into these debates and hope for new ways of thinking about theory and assessments frameworks (including their underlying assumptions) that can better conceptualize and assess the abilities of these and similar political coordination bodies.

Conclusion

The primary aim of the main study was to address a noted gap in the literature on the specifics of how each council—the CMEC, the EDK, and the KMK—addresses educational issues of collective interest at the national level. A review of the literature revealed the limiting rhetoric, the related gap in empirical knowledge concerning how these councils reach decisions, and the way both the rhetoric and the gap were contributing to claims that focus on these bodies' limited ability to shape policy. Drawing from this study's unique dataset, this research adds empirical findings that nuance, challenge, or offer an alternative to some of the influential rhetoric that scholars have used in their assessments—rhetoric that not only seems to underestimate these bodies' ability to solve issues but also limits analytic possibilities in academic theory and analysis. The findings push against and question the use of such rhetoric, inviting scholars to reflect on and refine some of their theories, assessment instruments, and underlying assumptions.

The ultimate aim of this research is to invite debate that shifts and advances the boundaries of the field by taking a more balanced approach to assessing such bodies and shed light on their ability to address complex educational issues at a time of increasing public pessimism toward social institutions (such as education) and leaders of government in democratic societies—pessimism that, if left unchecked, has the potential to further undermine confidence in public education and democracy overall.

Notes

1. The Canadian body uses the term council and the European bodies use the term conferences; the terms are interchangeable. Councils will be used in this article.
2. A federal seat does exist at the KMK, but only for monitoring purposes.

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