

Law on Higher Education and Science of the Republic of Armenia: What Drove the Change?

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ABSTRACT

In 1991, the Soviet model of higher education in 15 republics of the USSR, with its 5.1 million students and 946 higher education institutions, started 15 independent journeys. All countries within the Soviet heritage, shared the legacies of the single Soviet approach to higher education provision: a centrally planned organization and financing, subordination to multiple sectoral ministries, a national curriculum, a vocational orientation based on the combination of strong basic education and narrow specialized job-related training, a nomenclature of types of higher education institutions, tuition-free study places and guaranteed employment upon graduation combined with mandatory job placement. After 70 years of Soviet legacy, back in 1991 Armenia initiated its independent journey. The Law on Higher and Postgraduate Education of the Republic of Armenia (RA) entered into force on April 14, 1999 and since then has undergone a number of amendments. Back in 2019 a new draft Law on Higher Education and Science was published on the Unified Website for Publication of Legal Acts' Drafts, inviting public discussions from 03.12.2019 till 18.12.2019. Throughout two decades this was the first time when major and fundamental amendments were foreseen in the existing law on Higher and Postgraduate Education and the Law on Scientific and Scientific-Technical operations; at least this is what has been announced by the Ministry of Education, Science, Culture and Sport (MoESCS). However, the reality is that after long- lasting public discussions, debates and a lot of time spent on final version of the document, on August 2, 2021, the Constitutional Court declared the law "On Higher Education and Science" unconstitutional. This paper aims to analyze the reasons behind the proposed amendments to existing laws and the negative reception of the draft law. Specifically, it focuses on the Draft Law on Higher Education and Science, examining the historical, social, and political factors that may have influenced the agenda-setting process. Additionally, the paper employs a critical policy discourse analysis framework, with a particular emphasis on contextualization, to study the agenda-setting process.

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1. Introduction

In 1991, the Soviet model of higher education in 15 republics of the USSR, with its 5.1 million students and 946 higher education institutions, started 15 independent journeys (Huisman, Smolentseva and Froumin, 2018). All countries within the Soviet heritage, shared the legacies of the single Soviet approach to higher education provision: a centrally planned organization and financing, subordination to multiple sectoral ministries, a national curriculum, a vocational orientation based on the combination of strong basic education and narrow specialized job-related training, a nomenclature of types of higher education institutions, tuition-free study places and guaranteed employment upon graduation combined with mandatory job placement (Huisman, Smolentseva and Froumin, 2018). Over 7 decades the Soviet system evolved. Having a rigid set of guiding principles, the Soviet higher education system was a “machine” (the term is used by Froumin, Kouzminov, 2018) both as an instrument of the formation of a new type of man and as an instrument of economic progress (Smolentseva, 2016).

After 70 years of Soviet legacy, back in 1991 Armenia initiated its independent journey. The Law on Higher and Postgraduate Education of the Republic of Armenia (RA) entered into force on April 14, 1999 and since then has undergone a number of amendments. Back in 2019 a new draft Law on Higher Education and Science was published on the Unified Website for Publication of Legal Acts’ Drafts, inviting public discussions from 03.12.2019 till 18.12.2019. Throughout two decades this was the first time when major and fundamental amendments were foreseen in the existing law on Higher and Postgraduate Education and the Law on Scientific and Scientific-Technical operations; at least this is what has been announced by the Ministry of Education, Science, Culture and Sport (MoESCS). However, the reality is that after long-lasting public discussions, debates and a lot of time spent on final version of the document, on August 2, 2021, the Constitutional Court declared the law “On Higher Education and Science” unconstitutional. Prior to this decision, the RA President Armen Sarkissian refused to sign the Law and sent it to the Constitutional Court to determine its compliance with the Constitution. The Constitutional Court has recognized Article 27 Parts 3 and 4 of the Law on Higher Education and Science as contradictory to Article 38, Part 3 of the Constitution, which meant that the entire package of the law would not be signed.

When justifying the necessity of introducing the new law, it was stated that the main goal of the law is to increase the efficiency of the system of higher education and science. It was also highlighted that the necessity of the event stems from the 3rd paragraph of the "4.4 Education and Science" section of the RA Government program ratified by the RA National Assembly Decision ԱԺՈ-002-Ն of February 14, 2019. Among other factors that have been drawn forward in order to ground the inevitability of adopting the said law are expansion of autonomy, academic freedoms, accountability, institutional basis of balanced transparency mechanisms for higher educational institutions (HEIs) and scientific organizations.

In trying to understand what urged the need to amend existing laws and why the draft law has received a lot of negative reviews, I focus on the Draft Law on Higher Education and Science trying to analyse the historical, social and political contexts that might have preconditioned the patterns for agenda-setting, as well as to study the agenda-setting process through critical policy discourse analysis frame focusing on only one of its elements: contextualization. I will review policy formulation theories and frameworks followed by studying only the agenda setting cycle given the fact that the draft law has not yet been implemented.

2. Critical Analysis of Literature on Policy Making Process

Debates on public policy, which has been defined in both *grand* and *specific* ways, policy making models, policy process, the stages/cycles the policy process goes through, policy

analyses and else have been topics of discussion among the scholars worldwide.

This section will provide a critical overview of the theories and existing models of policy making specifically targeting agenda-setting.

2.1. Why “Public”?

Notwithstanding the fact that the the concept “public policy” seems to be quite a comprehensive one, there seems to be no unanimity when it comes to a definition that would be acceptable by different authors.

Th. A. Birkland singles out the definitions of Clarke E. Cochran et al., Th. Dye, Charles L. Cochran, E. F. Malone and B. G. Peters at the same time highlighting that no single definition of the term “public policy” may ever be developed. At the same time, however, Th. Birkland points out that all the definitions share some key attributes. In particular,

- Public policy is a response of the government to a problem.
- Though public policy is made in "public interest", the latter is perceived differently.
- People from both the public and private sectors interpret and implement policy, therefore their perspectives on problems and solutions will vary.
- Public policy is oriented toward a goal or desired state, such as reducing the incidence or severity of some sort of a problem.
- Policy is ultimately made by governments (Howlett, 2009), even if the ideas come from outside government or through the interaction of government and non-governmental actors.

As Th. A. Birkland states, there is one central line which unites all the aforesaid attributes: the word “public” which implies that policies which are elaborated and implemented affect a vast variety of people. A policy, in his opinion, is a statement by the government—at whatever level and in whatever shape it takes—about what it intends to do in response to a public problem (Birkland, 2020).

From various definitions of “public policy” de Boer (de Boer, 2017) adheres to the one Jenkins highlights: “public policy is a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them” (Yinger, 1980). A public policy is often the result of multiple decisions taken by multiple decision-makers, often scattered throughout complex government organisations (Howlett, 2009).

2.2. Models of Policy Making

Policy-making is a complex and messy process, with different models describing different elements (Ritter and Bammer, 2010). It might be quite difficult to choose and adhere to one single model, because policy encompasses a lot of interconnected sub-processes and elements. In this chapter only five models will be discussed, however, it should be born in mind that their number and the names the models have may varies with different authors.

The incrementalism model sees typical policy-making as a process of small adjustments to existing policies, based on ‘successive limited comparisons’ (Lindblom, 1959). Lindblom indicated small successive policy advancements derived from confined comparisons between existing policies or very similar alternate policies are more realistic and more likely to succeed. The process per se is repetitive since existing policies are amended when new problems emerge. Incrementalism model can be traced in the totality of RA laws covering the sphere of higher education. The Law on Higher and Postgraduate Education of the Republic of Armenia, for instance, has undergone more than 20 amendments from the time it was enacted.

The technical/rational model is more comprehensive as an approach than the incremental model. It identifies key steps in policy-making and orders them in a logical sequence. As Bridgman and Davis (Bridgman and Davis, 2003) indicate, technical/rational model helps to deal with the complicated process of decision making. The whole process initiates the moment the issue or problem is identified, then series of actions follow: articulating the problem, identifying the causes, developing options, analysing options, selecting intervention, implementing intervention and evaluating (Ea, 2005). While some authors claim the aforesaid process to be linear and strictly sequential, others view the whole process as a cycle.

As Ritter and Bammer (Ritter and Bammer, 2010) indicate, one advantage of technical/rational model is its capacity to encompass a role for research. Research can be present at all stages: when identifying a problem, the causes that have engendered the said problem, it may provide ideas about options for addressing the problem and can analyse the pros and cons of different options. This can be followed by opting for the best option and identifying the best possibilities for intervention and implementation, and research can play a leading part in the subsequent evaluation (Ritter and Bammer, 2010).

In the power and influence models, “public policy” is the outcome of the pressure of diverse interest groups (Fenna, 2004) each one of them having their own agendas. Weiss (Weiss, Murphy-Graham and Birkeland, 2005) singles out three forces that determine policy: ideology, interests and information. Ideology includes philosophy, principles, values and political orientation, while interests may vary depending on involved actors. The ways in which interest groups form their memberships and their relative power and influence are key drivers in understanding policy decision making (Weiss, Murphy-Graham and Birkeland, 2005). As far as information is concerned, it may include research evidence, personal experience, media reportage and so on. Thus, research is just one type of information, competing with the other types of information, as well as competing with ideology and interests (Weiss, Murphy-Graham and Birkeland, 2005).

The Advocacy Coalition Framework (ACF) provides a theory around policy formation that addresses the roles of multiple actors and agenda-setting. (Ritter and Bammer, 2010). Actors who share beliefs and values are the main focus of this model. Any policy change is believed to occur as an aftermath of coalition change: either an external perturbation occurs upsetting the balance between existing advocacy coalitions; or when a new advocacy coalition gains power; or when an existing powerful advocacy coalition changes its beliefs (Ritter and Bammer, 2010). Sabatier's model is anchored on beliefs (Sabatier, 1988). He distinguishes three levels of belief systems: deep core, near (policy) core and secondary where deep core beliefs are extremely rigid and not prone to change because they represent fundamental ontological and normative positions and thus are very resistant to change (Sabatier, 1988). Sabatier highlights the importance of professional forums (summits, seminars, conferences, forums, etc.) as an aspect of the ACF, because it is here that the actors have an opportunity to influence beliefs of coalition members or even shift the power balance.

Kingdon's 'multiple streams' model (Kingdon, 2003) sees the policy process as organised anarchy. In his framework Kingdon singles out three independent streams that operate in parallel: problems, politics and policy processes. The rapidly changing environment gives rise to numerous problems that require policy action, however, according to Kingdon it is events that cause a particular problem to come to light and set policy agendas. Events, in their turn, are influenced by key political factors that “include the national mood, how political forces are organised and how consensus is developed through bargaining with influential interest groups” (Ritter and Bammer, 2010). In terms of the policy-making process itself, whether or not a problem receives attention is determined by the number of competing problems it faces, the

technical feasibility of taking action, and the public and political acceptability of the problem, as well as the likelihood that it will be resolved. According to Kingdon sometimes it is easy to predict the events that will cause a particular problem to come to light because those are associated with governmental cycles. For instance, if reference is made to Armenian reality, these events can be elections, political scandals, a war, etc. However, more often the said events are unpredictable. He argues that effective policy-makers need to spot the right time to be able to smoothly voice the problem, the solution and the political considerations related to those (Kingdon, 2003).

2.3. The Policy Process

Policy process is often presented as a policy cycle, the stages of which vary among different authors. As is indicated by Anderson, there is not a single process by which public policies are formed. Policies are not produced at an assembly line as do other equipment and standard products (Anderson, James E., 2014). As is truly highlighted by Höchtl et al. the concept of the policy cycle is a generic model that tries to illustrate the lifecycle of policy decisions and their implementation (Höchtl, Parycek and Schöllhammer, 2016). While P. Sabatier rejected the idea of a policy process in stages (Surel, 2021) many authors adhere to those. Lasswell can be truly considered a pioneer in devising the idea of modelling the policy process in terms of stages (Fischer and Miller, 2017). As part of his attempt to establish a multidisciplinary and prescriptive policy science, he introduced a model of the policy process comprised of seven stages: (1) intelligence, (2) promotion, (3) prescription, (4) invocation, (5) application, (6) termination, (7) appraisal (Harold, 1956). These stages describe not only how public policies are made but the way they should be made (Birkland, 2020). Other works have singled out agenda-setting, negotiation, implementation, monitoring, and enforcement (Walter, 2009), or designing, joining, monitoring, and complying (Ronit, 2012).

Notwithstanding the criticism that Lasswell's model has received, many other models have built on the same template introducing reinterpretations and/or renaming of some of the stages. Brewer, for instance, simplified the model including fewer stages (initiation, estimation, selection, implementation, evaluation, termination) (Gary, 1974), and today many scholars refer to at least some of the categories rather than to the original categories formulated by Lasswell (Ronit and Porter, 2015). Ronit and Porter claim (Ronit and Porter, 2015) that the model created by Dror is one of those "fine-grained" models. It identifies three general stages—meta-policy-making, policy-making, and post-policy-making—plus a number of sub-stages (Yezekel, 1989). However, Ronit and Porter also indicate that not all stages and substages form an inseparable part of the policy process and not always do they follow a logical order (Ronit and Porter, 2015). Fischer and Miller (Fischer and Miller, 2017), on the other hand, indicate that the models developed by Brewer and deLeon (Brown, Brewer and deLeon, 1983), May and Wildavsky (1978), Anderson (Anderson, J. E., 1975), and Jenkins (1978) are among the most widely adopted ones currently. Birkland, in his turn, has simplified and summarized Brewer's idea, highlighting the fact that policy process is a cycle which has no beginning or end.

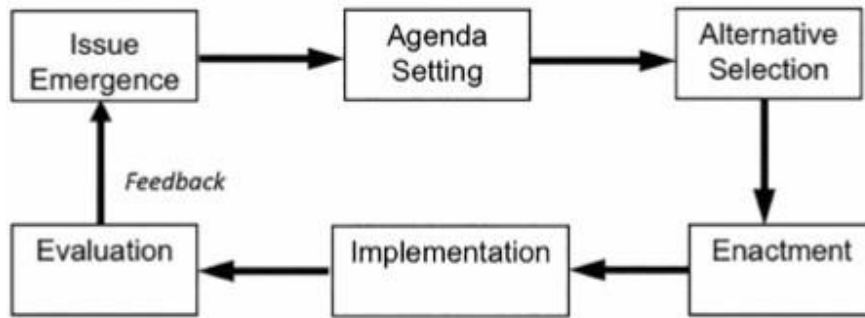


Figure 1. The Stages Model of the Policy Process (Birkland, 2020)

The stages of policy-making were originally thought to progress in a (chrono)logical order: first, issues are identified and put on the agenda, then solutions are developed, policies are established, adopted, and executed; and, eventually, the effectiveness and efficiency of these policies are evaluated. Afterwards, the policies are either terminated or restarted based on the outcomes (Fischer and Miller, 2017). Once the stage perspective was combined with Easton's input-output model, according to which the political-administrative system is a “black box between political input (demands of and support from citizens) and political outputs (laws, programs and such)” (Easton, 1965) the whole process was turned into what is known as a cyclical model, or the so-called policy cycle. This cyclical approach underlines the importance of feedback processes between policy-making outputs and inputs. As an outcome, instead of targeting the implementation of the output-the policy, a particular heed was paid to covering the implementation of policies. Moreover, of special attention was the affected target group (impact) and the wider effects of the policy within the respective social sector (outcome) (Fischer and Miller, 2017).

Though the policy cycle framework draws on feedback in between different cycles and therefore is anchored on a more realistic picture than the earlier “stage model”, it nonetheless presents an “ideal-type” model that all policy processes should adhere to. Under real circumstances, everything is considerably different and there are a number of factors that can influence and even interrupt this seemingly smooth process. What is more, the borders between policy processes are often times vague, with no clear-cut sequences. Hogwood and Peters developed this idea even further, highlighting that policies are never elaborated in isolation or in “vacuum” the way he puts it (Hogwood and Peters, 1983). They suggested the notion of “policy succession” to highlight the fact that new policies are being elaborated and developed in a “dense environment” of already existing policies and hence the latter form an inseparable part of the policy-making process. Moreover, both new and already elaborated policies create side-effects and can result in later policy problems.

2.4. Agenda-Setting: Problem Recognition and Issue Selection

Policy making presupposes the recognition that there is a policy problem or a set of problems. There might be an array of problems that do not require state intervention, however, as soon as they turn into a social problem which requires the attention at the state level, we start taking about a policy problem. After the problem has been recognized, it needs to be put on the agenda which is nothing more than (Fischer and Miller, 2017) “the list of subjects or problems to which governmental officials, and people outside the government closely associated with those officials, are paying some serious attention at any given time” (Kingdom, 1995).

As is highlighted by Fischer and Miller (Fischer and Miller, 2017), problem recognition and agenda setting are an inseparable part of political processes, yet actors both within and outside government continuously try to interfere and to shape the agenda. When discussing agenda-

setting, an important question arises: how and when does a policy problem land on the agenda of governments? According to Schattschneider, agenda-setting is the result of a conflict between two actors when the actor who is politically less powerful is seeking to focus the attention on a particular problem (Schattschneider, 1960). Other authors are of the opinion that agenda-setting is the result of filtering of issues and problems thus resulting in non-decision (Fischer and Miller, 2017). Fischer and Miller refer to several studies of environmental policy development and indicate, that it is not really the “objective problem load” (Prittwitz, 1993; Jänicke, 1996) which ensures the recognition of the problem at a governmental level (Stone, 2001), but rather the “plausible definition of a problem” and the attribution of a particular policy image which allows to attach a particular solution to the problem (Baumgartner and Jones, 1993).

As far as actor composition and the role of the public are concerned, agenda-setting is characterized by different patterns (May, 1991; Howlett and Ramesh, 2003): *outside-initiation pattern*, where social actors, gaining the support of the public, force the governments to set the issue on the agenda, *inside-initiation pattern*, when interest groups have direct access to government agencies and can put topics on the agenda even without public support, mobilization of support within public by the government, without the involvement of non-state actors, and finally *consolidation pattern*, where state actors undertake a problem around which there is already a strong public support.

Despite the existence of a number of patterns, it is claimed that the roles of public/media in agenda-setting and problem solving is crucial in modern societies (Hood, Rothstein and Baldwin, 2001).

3. Background and Policy Context in RA

After the collapse of the Soviet Union, a completely new paradigm of educational transformation emerged in the Republic of Armenia (RA) more as a reaction to the totalitarian past rather than to any kind of empirical research (Anweiler, 1992). The reform of Armenian higher education, like in other post-Soviet systems, was initiated in the early 1990s by the top managements of some leading universities (Tomusk, 2002).

The early steps included introduction of a two-tier system, curricula changes and new assessment system. In some cases, these changes were supported by international projects such as Tempus, Open Society Institute Assistance Foundation—Armenia, the World Bank, and the United States Departments of State and Education who provided financial and international expert support. However, there was a lack of a clear vision of the educational reforms (Zelvys, 2004). As is indicated by Karakhanyan, the whole procedure was coupled with insufficient administrative capacity for change management and uncertainties caused by the passive attitude of the Ministry of Education and Science (MoES) at the start of the reforms. When elaborating policies on higher education, governments often take inspiration from experiences abroad, using ideas, ideologies and concepts (‘soft’ transfer) as well as instruments and programmes (‘hard’ transfer) used in other countries for national policy reforms (Benson and Jordan, 2011). This was the case in Armenia as well. As a result, there was certain ambiguity as to what should be undertaken, what sequence should be followed, etc. (Karakhanyan, Veen and Bergen, 2012).

As an outcome, what was aimed to be a complex and thorough system change, finally ended up being “mere technical conversions” resulting in almost no changes in the desired direction either content or behaviour-wise (Karakhanyan, Veen and Bergen, 2012). To close the gap, the Armenian government took steps to harmonize its architecture with the current requirements. A priority was integration into the European Higher Education Area (EHEA), and a new Law

on Higher and Postgraduate Professional Education was thus adopted on 14 December 2004. Among other things, this law requires the construction of a modern model of quality assurance, accreditation, and European Credit Transfer System (ECTS). On 19–20 May 2005, during a conference of the European ministers responsible for higher education held in Bergen, Armenia, along with Azerbaijan, Georgia, Moldova, and Ukraine, committed itself to implementation of the Bologna process (Bergen Communiqué, 2005). It was with this commitment that Armenia entered a new phase of higher education reform that was aimed at changing the structure, content, and management of education. As a result, comparability elements such as a three-tier degree system, ECTS, and diploma supplement were introduced and became obligatory for all Armenian universities, with some minor exception, beginning in the academic year 2006–7 (Law on Higher and Postgraduate Professional Education, 14 December 2004) (Karakhanyan, Veen and Bergen, 2012). Of interest is the fact, that after more than a decade, the Draft Law on Higher Education and Science still claims to give a solution to the problem of a three-tier degree system.

The draft Law on Higher Education and Science was initiated amid political turmoil. After the “Velvet revolution” back in 2018, it was necessary to undertake radical changes in key areas of the country. The official documents claim that the initiative to amend the existing law has been driven by a number of issues. The major reason that is brought to light is the fact that the existing laws were adopted 15–20 years ago and they are not capable of catering the needs of RA higher education given the structural and contextual changes that have taken place in the system of higher education and science after joining the Bologna Process (2015), being part of the European Higher Education Area (2010), integrating into the European Research Area Horizon 2020 program (2014), being involved in a wide range of international educational and scientific cooperation. Thus, the relevant provisions of the above-mentioned laws (e.g., Law on “Higher and Postgraduate Education”) are not in line with modern international standards of higher education and science, do not contribute to the competitiveness of the higher education and science system and institutions, do not ensure or partially ensure the application of common principles for higher education institutions, their effective cooperation, viable ties between a university, research and economy, as well as comprehensive mechanisms necessary for HEI autonomy, academic freedom, accountability and funding to ensure the further development of the self-government of universities.

4. Agenda-Setting: What Patterns It Follows

For the sake of not overloading the paper, other issues that have grounded the said amendment are not presented here.

In case of adoption of the draft law on Higher Education and Science, the following outcomes are foreseen:

- the grounds and conditions for the implementation of the necessary policy in the field of higher education and science,
- the grounds of performance indicators (KPI) of higher education institutions,
- principles and mechanisms of providing state support to higher education institutions and research organizations carrying out educational, research, technological and innovative activities,
- requirements for the transparency and publicity of the activities of the higher education institutions and research organizations that reflect the responsibility of the institution and its performance before the state and society,
- the grounds, principles and mechanisms for the implementation of necessary state control in the field of higher education and science.

The said initiative has followed not just one, but a mixture of patterns given the wide range of problems the draft law is aiming to address. One of the issues that has landed on the agenda and acted as a firm justification grounding the amendments of the acting Law on Higher and Postgraduate Education is the third cycle of education. Currently, there is no legal basis for training specialists in the third cycle of higher education in accordance with modern international requirements, therefore the three-tier system of higher education does not actually work and de-facto the two-tier academic degree award system inherited from the USSR is preserved. This issue has been actively discussed by a myriad of HEIs and research organizations, becoming also the central topic of some TEMPUS and ERASMUS+ projects (VERITAS, ARMDOCT, etc.). In this respect, agenda-setting followed *consolidation pattern*, where state actors undertake a problem around which there is already a strong public support to set the issue on the agenda. The issue of programme accreditation (Issues N 5: Academic program licensing faces problems related to legislative regulation. Program accreditation is not mandatory, which has a significant impact on the proper quality of education.) followed inside-initiation pattern, when interest groups, the Armenian National Qualification Agency, having direct access to government bodies, has put the topic on the agenda.

5. Critical Policy Discourse Analysis Frame and How Armenian Policy Making Fits into It

As Rogers highlights (Rogers, Malancharuvil-Berkes and Mosley, 2005), critical discourse analyses emerges from three overlapping intellectual traditions: discourse studies (e.g., Benveniste, 1958/1971; Derrida, 1974; Foucault, 1969/1972; Pecheux, 1975), feminist post-structuralism (e.g., Butler, 1990; Davies, 1993), and critical linguistics (e.g., Fowler, Hodge, Kress, & Trew, 1979; Halliday & Hasan, 1989; Hodge & Kress, 1979/1993; Pecheux, 1975; Pennycook, 2001; Willig, 1999). Interestingly enough, there are different approaches and opinions among scholars and researchers even when the abbreviation “Critical Discourse Analysis” is concerned. When referring to the capitalized version of the abbreviation CDA, it tends to be associated with Normal Fairclough and the scholars who follow this tradition (Rogers, 2011). In contrast, Gee states that there is a difference between the capitalized term and the one with lowercase letters. According to him, lowercase cda includes a “wider array of approaches” (Gee, 1992). Anyway, no matter how various and interconnected all the definitions and theories are, they are all anchored on three key elements: “critical”, “discourse”, “analysis.”

Irrespective of different assumptions and approaches, critical theories are usually concerned with issues of power, justice and the ways that the economy, race, class, gender, religion, education, and sexual orientation construct, reproduce, or transform social systems (Rogers, 2005). Critical theorists are of the opinion that no fact can ever stand alone, be isolated or neutral because there is always context that preconditions it. Scholars who adhere to CDA tradition claim, that unlike those who situate themselves in “non-critical” discourse analysis, their analyses go beyond the borders of describing and interpreting the role of language in social world. They are trying to explain why and how the language does the work that it does (Rogers, Malancharuvil-Berkes and Mosley, 2005). As Rogers puts it, the starting point of critical discourse analysis is the interest to perceive, unveil and transform conditions of inequality, however, the starting point can be diverse, depending on where the critical analyst locates and defines power (Rogers, Malancharuvil-Berkes and Mosley, 2005).

The frame that will be used in this paper for critical policy discourse analysis (CPDA) is the one suggested by Hyatt. His frame is comprised of two elements: contextualizing and deconstructing (Hyatt, 2013a).

As it is truly highlighted by Hyatt (2013b), the benefit of adopting a CDA-based approach to policy analysis is in its ability to provide a method for examining speech in a social context, which is especially pertinent to understanding social transformation and change. The process of representing and building these alterations is discursive, with discourses being regarded as socially and culturally shaped, yet subject to historical changes. Discourses encompass spoken and written expressions, as well as behaviors, directed towards individuals and objects. These methods are disseminated and maintained through many texts, artifacts, images, social customs, and institutions, as well as in immediate social exchanges. Consequently, they induce specific viewpoints and conditions to appear or be perceived as “typical” or “inherent”, while others are regarded as “abnormal” or “peripheral”. CDA promotes a transdisciplinary methodology, engaging in discourse and collaboration with various academic fields. By emphasizing the role of language and other forms of communication, this approach provides valuable insights into understanding social structures and events. It examines how social practices, which are forms of social activity, shape and are shaped by fields, institutions, and organizations in a mutually influential relationship. Discourses are used to articulate networks of social practice. The objective of the analysis is to reveal how authors of texts, which are considered as symbolic representations of social events, depict and create the social world, institutions, identities, relationships, and how these are influenced and defined by ideological power dynamics.

Hyatt divides the contextualization element of the frame into two parts: policy levers and drivers, and warrant. As he underlines, for CPDA it is very useful to understand and identify what *drives* the policy. This can be manifested through the intended goals, the problems that the policy aims to solve, ministerial statements, press releases and website statements, inscription in legislation, etc. The need for the adoption of the RA Law on Higher Education and Science is officially said to stem from the need to establish a legal basis for expansion of autonomy and academic freedoms, accountability, balanced mechanisms of transparency of higher education institutions and scientific organizations, implementation of reforms in the fields of higher education and science, to increase the efficiency of the latter. The main goals of the law are claimed to be (Unified website for publication of legal acts’ drafts, 2021):

- a) ensuring equality in the field of higher education, science, exclusion of discrimination, transparency, publicity;
- b) ensuring the autonomy of universities, scientific organizations, freedom of academic research, promoting academic mobility;
- c) prioritizing Armenological research;
- d) promoting the sustainable development of society through the formation of an educated, developed, competitive individual;
- e) continuous expansion of the integration of the higher education and science system of the Republic of Armenia into the European Higher Education Area, the European Research Area, the preservation and development of national advanced educational traditions, achievements, as well as the provision of broad international cooperation.

The core reason that is underlined by a number of state bodies is the fact that the existing laws, for instance the Law on “Higher and Postgraduate Education” were adopted almost two decades ago and they are no longer capable of catering the needs of RA higher education given the structural and contextual changes that have taken place in the system of higher education and science. Trustworthy and legitimate as the reasons might seem, if the context surrounding the elaboration and public discussions of the law is studied, it will be evident that there are also political levers and drivers which cannot but be taken into account. After the “Velvet Revolution” in Armenia back in 2018, the political discourse has been mostly comparative, dividing the Armenian reality into pre- and post-revolution “eras”. For example, in his

introductory remarks delivered at the press conference back in 2019, the RA Prime Minister Nikol Pashinyan laid a lot of accent on revolution and the processes in post-revolutionary Armenia. Different “post-revolution” state officials have repeatedly criticized the former government for their vision and strategy in the field of higher education and the Law on Higher Education and Science was an important political endeavor to reform the whole system. One example of a comparison between the pre- and post- revolutionary education system is the fact that the current government claims having depoliticized the universities; as the prime minister has stated, “We must record that the government has a strategy of not intervening in the university operations, and we put ourselves out of the interventions that are not envisaged by law” (Armenpress, 2019). Interestingly enough, after the adoption of the law, Yerevan State University and the National Academy of Sciences insisted that the provision on the autonomy of the universities was violated, as the law stipulates that 5 of the members of the governing council of public universities, that is, more than half, should be representatives of the ministry. They also state that the procedure for forming the governing council directly affects the election of rectors, as in fact, with the proposed changes, the rector will not be elected, but appointed by the government. “As a result, public universities are completely dependent on the political authorities”, this is what has been announced by the teaching staff of YSU (Azatutyun, 2021) Menua Soghomonyan, Associate Professor of YSU Chair of Political Institutions and Processes, emphasizes the influence of political power and the disruption of university operations. “5 out of 9 members are appointed by the minister, who has the right to recall. This, in fact, allows for real intervention in the management of universities, thus significantly limiting university autonomy. And if the university gets restrictions on its autonomy, then it is logical that other opportunities are also limited.” (Azatutyun, 2021). In his interview to “Azatutyun”, the president of the National Academy of Sciences, Radik Martirosyan, said that they were against the changes in the law, but the government did not listen to the opinion of the academics. “No one explained to us why there was a need to write a new law.” According to education expert Serob Khachatryan, the whole meaning of democracy is that the government can be very bad, and there must always be counterbalances. With this new law, the universities are completely deprived of counterbalances.

The second element of contextualization is *warrant*, which is interpreted as a justification or “reasonable ground” for some act, statement or belief (Cochran-Smith and Fries, 2001). Cochran-Smith and Fries distinguish between three types of warrants: evidentiary, accountability, political.

Evidentiary warrant, as the term implies, has the intention to derive conclusions based on evidence. Yet, what is “evidence”? A pure fact? As has been highlighted above, no fact can ever stand alone, be isolated or neutral because there is always context that preconditions it. In case of evidences, we deal with the production of researchers’ selections, omissions and interpretations, and these “decisions are imbued with values and embedded in ideology” (Hyatt, 2013a). Hence, evidentiary warrant needs to be based on the establishment of credibility of the evidence. As Hyatt puts it, “It claims its justification is based on empirical evidence (facts) and so is constructed as undisputable (Hyatt, 2013b)”.

The Law on Higher Education and Science is said to solve the current issues that the existing legal documents (“The Law on Scientific and Scientific-Technical operations” (2000), “The Law on Higher and Postgraduate Professional Education (2004)”) cannot regulate and solve. Under the section “justification” of The Unified Website for Publication of Legal Acts’ Drafts, it is stated that the relevant provisions of the said laws are not in line with modern international standards of higher education and science, do not contribute to the competitiveness of the higher education and science, do not ensure or partially ensure the application of principles of common approaches to the activities of higher education institutions, their effective

cooperation, smooth relationships between a university, research and economy, as well as the full mechanisms necessary for their further autonomy, academic freedoms, accountability and funding to ensure the further development of university self-governance. As far as the reform of the management model of higher education is concerned, it is necessary to clarify the legal-organisational models of HEIs, the scope and the limits of government-ministry-university competences. In the field of science, the boundaries of competences of the government versus authorized state body-scientific organizations, the mechanisms of training of scientific personnel in line with international standards, the relations with foreign investments in the field of science, as well as education-science-economy communication mechanisms need to be clarified. Legislative regressions significantly limit the opportunities for further modernization, internationalization of education and science and the opportunities of raising the competitiveness. Under the subheading “the institutes and people involved in the process of drafting the law” it is said that the draft law was developed by the Ministry of Education, Science, Culture and Sports. The RA state and non-state universities, scientific-research institutes, foreign and local experts were also involved in the process of discussing the draft law.

Based on the information that has been presented above, it can be concluded that the Ministry has meticulously analysed the current laws, by-laws and related legal documents and identified the gaps which hinder many processes. Hence, evidentiary warrant in this case is the analysis that the ministry has conducted. The credibility and the trustworthiness of the analysis is indirectly boosted by the involvement of other stakeholders, including foreign experts. However, the evidence provided by the ministry has been doubted by many HEIs. For instance, on October 3, 2019, the Draft Law on Higher Education and Science of the RA was on the agenda of the scientific Council of Yerevan State University (YSU). During the meeting the acting Rector of YSU Gegham Gevorgyan highlighted that before writing a law, one should discuss the basic principles, come to an agreement on a general concept, and then assign a group of specialists who would write a law in a professional way. He added, “This draft has been circulating for the third year already, there are provisions that are included and then removed. It is not clear at what point we should fix them in order to make them acceptable to the scientific-educational community.” (Yerevan State University, 2021). There were other quite acute remarks from other members of the Scientific Council.

The accountability warrant entails the grounds for action based on results or outcomes. Yet, success cannot be merely measured based on outcome, as in this case it runs the risks of the “terrors of performativity” alluded to by Ball (Ball, 2003). In order to reinforce accountability warrant, discussions must be held and forecasts done as to what might happen if the policy is not implemented or if there are potential negative outcomes (Hyatt, 2013a). Notwithstanding the fact, that the draft Law on Higher Education and Science has established intended outcomes, no official document that would contain forecasts or Plan B actions was found by the time of writing this paper.

The political warrant refers to the way in which a policy is justified in terms of the public/national interest, the public good or the construction of the ‘good society’ (Inglis 2004). As such, it can be closely rhetorically linked to the accountability warrant, yet it encompasses more general, evocative and positively evaluated terms, such as freedom, social justice, inclusion, social cohesion, or family values (Hyatt, 2013a).

The Law on Higher Education and Science is said to be linked with some strategic documents among which Armenia’s Transformation Strategy 2020-2050 and its first mega goal of having “Educated and capable nation and citizen”. Moreover, Article 4 of the draft Law stipulates that autonomy and academic freedom, equality and no discrimination, transparency and publicity

of management, access to higher education and inclusion, etc. are among the state principles of the systems of higher education and science. Contributing to the sustainable development of a society through the formation of a competitive individual is said to be one of the state priorities of the systems of higher education and science. Hence, as can be seen a lot of words and word-combinations which have very strong emotional connotations (autonomy, academic freedom, inclusion, competitive individual, etc.) have been used both in the law itself and in the document accompanying it. The usage of the said words and word-combinations might seem logical and natural in terms of their wide-spread nature and current tendencies in education, however, other historical and social factors, which have definitely preconditioned the usage of those, must not be overlooked. As has been discussed above, the Soviet system of higher education was characterized by a number of distinctive features: it was state-centered, with central planning and a top-down administration method, there was a so-called “state planning” and higher education institutions (HEIs) were required to train a specific number of people in specific areas, etc. All these elements indicate that universities and HEIs in general had neither autonomy nor academic freedom to decide on their academic programs, the number of admission places, curricula and so on. Though higher education was free of charge and on paper all candidates could have access to higher education, given the “state planning” and the limited number of admission slots, not all candidates had the opportunity to enter the HEI they wanted to. HEIs were transparent and accountable to the “regime”. Moreover, the word “competition” was alien to the spirit of the Soviet Union, especially given the fact that state planning wanted to ensure that all graduates could be recruited in the relevant spheres of economy throughout the Soviet Union. This was made possible because the higher education system was built into a larger economic planning system, HEIs were required to train a designated number of students in the fields that were prescribed, while the larger economic planning system was responsible for graduates’ job assignments (David-Fox 2012, Ryzhkovskiy 2012). Moreover, even after the collapse of the Soviet regime, in the mid-2000s or later, following what is termed as “chaotic or sporadic liberalization and expansion”, in many countries the approach to higher education steering changed to greater governmental intervention or supervision (Huisman, Smolentseva and Froumin, 2018), so the chosen concepts and the wording are very fundamental for the Armenian society as those symbolize liberation of HEIs and complete autonomy of those. Hence, though the political warrant is deeply anchored on positively evaluated terms, such as freedom, social justice, inclusion, social cohesion and others, these concepts do not merely reflect the current tendencies and trends in higher education worldwide, but are also closely linked to historical and social contexts of Armenia.

6. Conclusion

The draft Law on Higher Education and Science does not involve incremental changes but is a clear representation of a government-initiated structural reform affecting the totality of the higher education system and its structure. As any system-level reform, this is a complex process due to multitudes of actors, interests, overlapping and potentially conflicting policy initiatives, and contexts that needed to be taken into account.

The draft law, as an example of public policy, is the response of the government to a problem that has been identified and is oriented toward a goal/a set of goals or desired state. It is an outcome of the pressure of different actors each of them pursuing their own agendas: on the one hand, the constant discussions of academic community around issues of university autonomy, three-tier system, better financial allocation, better chances for mobility and else have been preparing grounds for the change to happen. On the other hand, the government claims to have identified gaps in the acting laws on Higher and Postgraduate Education and

that on Scientific and Scientific-Technical operations and suggest ways of solving those. Alongside, different interest groups who have direct access to government agencies and can put topics on the agenda even without public support, have mobilized their efforts in order make the change possible. Studying the actor composition and the role of the public, it can be stated that agenda-setting has been characterized by different patterns: outside-initiation pattern, inside-initiation pattern, consolidation pattern.

When analysing the policy making process of the draft law through the prism of the power and influence model, the political ideology around which the agenda-setting has been constructed becomes evident. The Law on Higher Education and Science is said to be closely linked with the Armenia's Transformation Strategy 2020-2050 and its first mega goal of having "Educated and capable nation and citizens". Moreover, the draft law itself sets autonomy and academic freedom, equality and no discrimination, transparency and publicity of management, access to higher education and inclusion as state principles of the systems of higher education and science. Finally, contributing to the sustainable development of a society through the formation of a competitive individual is claimed to be one of the state priorities of the systems of higher education and science.

Locating the policy making process of the draft law into Hyatt's CPDA frame has yielded some interesting findings. Though the government has a wide range of policy levers and drivers in the form of intended goals, the problems that the policy aims to solve, ministerial statements, press releases, inscription in legislation and else, the context surrounding the elaboration and public discussions of the law indicates that it was not really the "objective problem load" (Prittwitz, 1993; Jänicke, 1996) which ensured the recognition of the problem at a governmental level (Stone, 2001), but rather the "plausible definition of a problem" and the attribution of a particular policy image (Baumgartner and Jones, 1993).

Contextualization, with its evidentiary, and political warrant has also unveiled contradictory information. On the one hand the new draft law is said to be grounded with enough evidence, yet interviews and announcements of HEIs and local experts cast doubt on the validity and trustworthiness of data.

As has repeatedly been highlighted throughout the paper, policies are never elaborated in isolation or in "vacuum" (Hogwood and Peters, 1983), moreover, as critical theorists put it no fact can ever stand alone, be isolated or neutral because there is always context that preconditions it. Summarising, it can be stated that no matter what patterns, processes, cycles or framework the policies follow, there is always the "omnipotent" context that will take the lead.

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