

**Responding to Institutional Discrimination:  
The Local Management of Inclusion into  
the Education System**

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**Abstract:** Educational systems in the OECD countries are undergoing an institutional change emerging from two sources:

1) The political and social recognition of ethnic differences challenges schools to be responsive. The concept of “ethnic studies” and “multicultural education” brings about not only differentiation of the curriculum but also seems to stimulate a tendency to educational (self-) segregation to the end of separate schooling along religious and ethnic lines.

2) The emergence of a neo-liberal market ideology and the questioning of the social welfare state have created a new debate about pluralism in education, decentralisation and privatisation, school autonomy and parental choice which might be understood as an implicit answer to the process of ethnic pluralisation in schooling. This development, too, has an inherent drive to social disintegration.

This paper will examine if and how these two reform strategies are interlinked and the empirical evidence from some of the “deregulation countries” showing the intended and non-intended effects of the both reforms. To explain the mechanisms of disintegration, the paper will advance a theory of institutional discrimination combining two theoretical concepts: the theory of the organisation in people processing organisations and the concept of ethnicisation and minorisation of social groups in functionally differentiated societies.

Everybody is talking about “globalisation” - and educational researcher is no exception ([www.triangle.co.uk/EERJ](http://www.triangle.co.uk/EERJ)). The debate about the new conditions of capitalist production and distribution has since the 1990s penetrated the educational system. The argument repeatedly put forward by politicians of all colours reads as follows: The globalisation of economic activities leads into an intensified competition between the national economies for shares on the international markets. Economic growth and the further increase of the productivity are said to be dependent on the application of knowledge and the flow of information. Knowledge is thought of as scientific knowledge. As competition increases, all national economies have to adjust to the new structural reality of the world market.

Accepting this argumentation national welfare states run into a dilemma: Knowledge, information and education become, if one puts the problems like this, more important. Further investments in human capital would be the priority policy option. At the same time the paradigm of the adjustment strategy is to bring down the costs of production in terms of wages, taxes and all the other restricting regulations like social responsibilities or ecological duties etc. Adjustment therefore in many cases means a reduction of public consumption, a reduction of government deficit spending, in one word: a strategy of public austerity and deregulation. The social welfare state withdraws from a position he held at least for the last forty years in almost all western highly industrialised countries when he was more or less in control of the market economy. R. Dahrendorf spoke of the era of “Social-Democratism”. The means of intervention were law and money.

“Globalisation” in this definition of the problem is introduced like a natural occurrence or an unavoidable fate that is overwhelming the socially peaceful world of social-democratic type of welfare societies. National economies are seen as having the choice of adjustment or unavoidable decline. This description of the new developments in the economic world-system is at least an intended dramatisation of an ongoing restructuring of the mode of capitalist production. There are several hints that “globalisation” is not a natural phenomenon but a *strategy* - to put it into the old-fashioned Marxist terminology - to ameliorate the exploitation conditions for the productive capital. “Globalisation” in terms of production (opposite to finance transactions) is planned and until now realised by (only) a few global players. More frequently the move of production plants and the exportation of workplaces to other low price countries where the conditions are better, is used as a threat to the welfare state to get rid of regulating restrictions like minimum wage, healthcare, social security etc., but stay on the spot. To put it in terms of the systems theory: one system of the functionally differentiated society, the economy, has since the end of the 1980s gained a position which allows this system to realise purely its own rationality to maximise the profit without having to care about the consequences of its own activities for other systems of the society: labour market, democracy, ecology etc. When the political system, which was before more or less able to moderate interests and effects of economic activities in the framework of the National State, has no longer an argument to oppose this strategy (or is not willing to), the globalisation on national level turns out to be the legitimating ideology for the deregulation and deconstruction of the welfare state. Not capitalism is in a crisis (which in the older view was a crisis of the exploitation rates), capitalism is triumphant and in a very comfortable situation. The crisis is one of the social welfare system being forced into the defensive, in as far as the state loses the legitimisation for regulating

interventions or even the power to do so. (The social-democratic period of capitalism in this perspective was the exception during the cold war east-west confrontation. Capitalism now seems to turn back to “normality”).

How was the U-turn in political hegemony in all OECD-countries possible? It is still an astonishing phenomenon that since the beginning of the 80s under the lead of World Bank and International Monetary Fund we were witnessing a sudden paradigm shift away from Keynesianism toward neo-liberalism (monetarism). What originally was meant to meet the debt-problems of so called third world countries (Milton Friedman first was allowed to test his theory in Chile), sprang over as an innovation strategy to the OECD-world where within a few years it became the dominant view on economic problems. (It could be of interest to study the new relations between economy and the political systems organising some kinds of international regimes under conditions of the arising world markets of labour, goods and services).

In both cases, the 3W- and OECD-countries, the now dominating policy of a furious monetarism had consequences for the education system, which came as part of the welfare state under adjustment pressure, too. Martin Carnoy (1995) has made a distinction between three adjustment strategies:

- a) competitiveness-driven reforms
- b) finance-driven reforms
- c) equity-driven reforms

ad a) *Competitiveness-driven reforms*. The quest for qualification/education should be met by a new organisation and restructuring of the production of education. The quality of the education system is no longer measured in terms of equality of chances but by testing the performance of students (output); a better resource management both in schooling and teacher education is claimed and enforced by the introduction of market elements to increase competition between schools; the prerequisite is parental choice, *decentralisation* (budget/personal autonomy of single schools) *and* *centralisation* (national curriculum or standard examinations) at the same time.

ad b) *Finance-driven reforms*. Reduction of public service delivery by cutting down expenditure for education. Behind this concept is the experience from the 3W that investments in education do not bring about the expected effects. The conviction that investment in human capital is an investment into the future is under pressure if only parts of the population are going to be included into the labour market. Priority is given to elite promotion and the reduction of main stream education to the “basics”. The preferred strategy is to privatise parts of the education system, to introduce user fees especially for higher education, hold down the salary bill for teachers, increase class size etc.

ad c) *Equity-driven reforms*. The old type of reform that dominated in the 60s and 70s in most OECD countries. This concept follows the intention that education despite all should serve as an instrument of vertical social mobility and equity. This type of reform is in its recent version targeted at particular groups at “risk” who have special needs to increase their success in school. The concern is about

women, low income groups, mostly identical with linguistic and ethnic minorities etc.. The programs are bi-lingual teaching, women- or ethnic studies, multicultural education etc..

The three adjustment strategies have been implemented more or less in all OECD countries since the 80s. As an analysis of the recent education policies in the more advanced deregulation countries (Britain, USA, Sweden, The Netherlands) could show, the reform strategies occur as a combination of all three approaches with different weight each. The essay is made by the advocates of a necessary adjustment to globalisation by deregulation to use on national level the remaining means of state intervention (law, money and communication) to create synergy effects by bringing together steering elements which until now were thought off as being incompatible. The new goals are “more quality” of education and “more efficiency” and “more equity”, the means are a combination of market elements, state regulations and the stimulation of self initiative of the individuals.

*Market steering*, i. e. steering by non steering (N. Luhmann), has the undoubted advantage of an efficient use of all kinds of resources. Nobody would object the necessity of evaluating organisations like schools and universities which over years and years were developed under conditions of permanent growth. No doubt, there is a great potential of rationalisation. There could be a lot more of efficiency on all levels of public education. (In education there is always something that could be better). As well undisputed is the shortcoming of market steering: the production and increase of inequality of individuals but also of whole social groups who don't meet the criteria of inclusion into the different social systems and end up marginalised or totally excluded from the social process.

At that stage the state comes in with *legal interventions* (affirmative action), and/or money compensation in the name of universalistic rights which should in democratic societies be protected against particularistic interests. The welfare state in this perspective is an agent of the social and political integration of society. Moderating the inclusion of individuals into the relevant social systems the state tries to avoid or at least minimise anomie in the Durkheim sense. The obvious disadvantage of state protection and compensation policies is bureaucratism, clientilism and consumerism which paralyses initiative; the creation of new forms of injustice and the restriction of individual freedom of action may be the unintended consequences.

Against these evils “autonomy” is called upon. Not the state and his bureaucracies but the *civil society* should take the function of counter balancing the effects of market steering and state intervention guaranteeing equity and individual freedom. All members of society are challenged to create and establish their conditions of living. Instead of a vertical opposition of state and individual the concept of a civil society aims at a horizontal relation between citizens who can go back to and use the resource of communitarian values (solidarity, trust) for problem solving.

In some of the “deregulation countries”, namely the USA and Britain, this type of policy has already been applied to the education system quite early in the 1980s and we have some empirical evidence on the effects. It is not by chance that these countries together with The Netherlands and Sweden represent those societies where the debate on “multicultural education” was most intensive and had most practical impact on the education system.

Deregulation of the school system in Britain introduced “a new framework of funding, administrating and monitoring all aspects of education” (Tomlinson 1996). After a period of comprehensive schooling and “multicultural education” now the encouraging of diversity of schools and the selection of pupils by schools on an educational market has been created, based on parental choice of school, the funding of schools depending on the number of pupils they attract (money follows pupils). The reform was completed by the formulation of a National Curriculum and national assessment procedures of the pupils. The results of the tests being published nation-wide in the form of “league tables” of schools.

In the USA under the label of “local development of schooling” a decentralisation strategy was introduced in the 80s to better meet the necessities of the single school, to stimulate curriculum and methodological innovation, to restructure the resource management and to stimulate more participation of parents in self administrating school boards. Central school administration was abolished for example in Chicago, New York and Los Angeles, where a voucher system is discussed that would allow parents to choose between private, semi-private or public education offers.

Under the threat of “globalisation” the most advanced social welfare states in Europe, The Netherlands, most of the Scandinavian countries but also Germany have started an adjustment process that picks up elements of the decentralisation and deregulation strategy observed in the USA and Britain, selling it as “autonomy of schools”, a term that refers to a long lasting claim of reform-educationalists since the 1920s when the moaning about the antagonism between education and organisation was established. In as much as the education systems differ from each other for historical reasons the process of deregulation takes specific forms. Common to the debate in all countries is that there is a total shift in the semantics about education. When before the central categories were equality of chances and outcome, solidarity and social learning, the terms are now taken from a microeconomic terminology: efficiency, resource management, lean administration, competition and qualification.

The OECD in 1994 published a first report on the effects of market steering in education. One of the results is that where ever parental choice policies are in operation, there is an increase of social class segregation, which goes along with an increasing ethnic segregation. The reasons are obviously the accumulating effects of two mechanisms: the choice by parents and the selection by schools. If parents are able to choose, they try to send their children to schools where the outcomes in terms of test scores are high. To make a competent choice and realise it parents need cultural capital and financial means. In a research carried out by St. Ball and others (1995) in Britain a distinction was made between (1) “privileged choosers” who are largely middle class parents, (2) “semi-skilled choosers” who are mainly working class background wanting to engage in the market but lack the know-how, and (3) “disconnected choosers” who not at least because of the lack of a car are not in a position to choose at all thus being fixed to the nearest comprehensive school. The third type is attributed to most inner city ethnic (visible) minority population.

On the other hand schools will tend to select among the applicants those students who are “valuable commodities” or “desirable customers” and refuse, if they have more applicants than places, those who are regarded as “less motivated”, “less able” or “troublesome”. The selection can be more or less overt or covered, hiding the reference to religious or ethnic differences.

Similar effects are reported from the USA. Carol Anne Spreen (1996) has evaluated school decentralisation reforms in the above mentioned cities/states and finds that the chances to participate in the self administration process for ethnic minorities and lower class people are restricted in two ways: again it's a question of cultural capital to gain influence on the process or to be elected into a school board. The effect is that ethnic minorities if they choose at all are withdrawing from white majority schools and vice versa there is a "white flight" from schools with a high number of minority children.

There is another effect that puts schooling in the USA definitely on the market. As Steiner-Khamsi (1996) states not only parents but also teachers feel overtaxed by the claim to restructure their school by themselves and give it a new innovative pedagogical profile. So school-boards delegate the local development of schooling to commercial education firms who develop innovation packages which are sold to as many schools as possible. Education firms get the mandate to restructure whole school districts. In as much as the society is said to be challenged by the transition to a "knowledge based economy" those education firms have created a new market to meet the quest for technological key qualifications that are not offered by public schools. Another aspect of a market oriented management of schools is outsourcing: local school-boards mandate private firms to organise the whole need for special education, second language training etc. For those firms it is easier to hire and fire teaching staff and bring the salary down than it would be for public service institutions.

Similar effects are reported from Sweden (Kriwet 1996) and The Netherlands (Jungbluth 1996) which cannot be discussed in detail here. For sociologists of education these are not surprising results. We know that there have always been inherent mechanisms in the school system that cause lasting inequality between social classes which until now no reform could change (Blossfeld 1994). What is new about the adjustment reforms is the overtness of the process of disintegration which seems to be politically accepted as if it was an *intended* unintended effect of deregulation. (There will be more analysis necessary to understand the world wide paradoxical tendency to deconstruct the educational systems while talking about the transformation to a knowledge based economy).

When in 1992 Arthur Schlesinger Jr. accused "Multiculturalism" and especially the debate about "multicultural education", which had escalated in the USA to a quarrel about the syllabus of the humanities, of *The Disuniting of America*, he aimed at the ethnic community leaders and the protagonists of a cultus of difference and diversity. He reproached them to promote the falling apart of a nation.

Clearly, there have been under the label of "Multiculturalism" and "ethnic studies" tendencies of self-segregation ending up in the claim for separate schooling all over the world. But this is only true for some radical religious groups and/or those who are deeply disappointed by the majority school system. What we learn from the decentralisation and deregulation strategy is that from the point of view of the social integration of modern functionally differentiated societies a much stronger and effective attack on the integration of the society and the functioning of the democratic system is put into action by the middle classes (and their political representatives). They react to "Multiculturalism" with a kind of self-ethnicisation of the white majority. The introduction of a national curriculum in Britain is a paradig-

matic example of a white backlash to the local policy of “multicultural education” some of the local education authorities (LEA’s) had put into practice before they were set out of function themselves. But there is evidence from other countries, too.

“White flight” and minority claims for “ethnic self-segregation” accelerate the process of disintegration to an extent that no one of the single actors might have intended. What we will have to study more precisely when we look at the outcomes of educational reform is the dynamic of ethnic (self-) segregation that is caused by the interplay of different political and educational programs and adjustment strategies. Looking back to the 50s when the equal rights movement, much supported by liberals, tried to overcome racial segregation, we now are confronted with new forms institutional discrimination and segregation as an outcome of neo-liberalism and ethnic self-determination claimed by majority and minority people - for different reasons, but with accumulating effects.

As the recent OECD initiated large scale assessments of national school systems (TIMSS, PISA) indicate, the capability of schools today is measured by looking at its contribution to economic growth but also to the assistance it produces for social integration respectively inclusion. The conflict arises when the part of an organisation which causes a problem, in this case school failure which minimises a child’s chances to be included in the employment system, is not responsible for the consequences of its own operations, i. e. for compensatory extra- or post-school integration measures or increasing social disintegration: drop outs, no access to qualified secondary education, no access to vocational training, unemployment, resignation/ marginalisation, crime, drugs etc.. Even if this conflict is typical for all kinds of functional differentiation, from a local governments inclusion focussed point of view, a highly selective, i. e. non inclusive school system which is not under the administration of the municipality is dysfunctional.

The example of the school points to a central paradox of the welfare state on the operational level of organisations all together: they are conceptualised as mediators of inclusion into the relevant social systems, but at the same time they are exclusive themselves, in as far as they define their competence and refuse their services to certain individuals or even whole groups of the population. All the different offices and welfare providers in a city are formal organisations which autonomously define what they recognise as a relevant problem, what problems they are responsible for and who has access to their services. The definition of a social problem and the acceptance of responsibility is structured by law, but the interpretation, if the case in question falls under their jurisdiction, is a construction process which depends on the administration’s own actually given abilities, resources and options. However, showing on a semantic level commitment to the individual client’s or the common weal, decision-making in organisations *de facto* follows the maxim of reducing complexity and make sure that the organisation is able to continue its operations, i. e. to primarily solve the organisation’s own problems which includes the option to cause (unobserved and ignored) problems in other social systems and their corresponding organisations.

Non-inclusion into organisations of the welfare state predominantly strikes those who’s inclusion the organisation tries to avoid because of expected difficulties or extra costs and who for institutional reasons can be treated different. From the perspective of the clients, legal distinctions of individuals and



groups appear as - positive or negative - 'direct institutional discrimination'. This term definitely is applicable to the different categories of immigrants defined in the German immigration law which endow them with different rights and claims they can make. Divergent from that, 'indirect institutional discrimination' may statistically be observed as the effect of the organisation's interpretations of responsibility respectively the semantics used to legitimate exclusion decisions towards different groups (Feagin/Boother Feagin 1978, Gomolla/Radtke 2002). The term 'indirect institutional' is applicable to those who are discriminable because of other institutional justifications despite legal distinctions such as race, culture or gender.

*Effects* of discrimination can statistically be identified as unequal participation in the competition for desired goods. What has to be developed are adequate measures. That is a methodological problem. Much more difficult to describe and observe are the *mechanisms* that produce discrimination within institutions and organisations. The practice of discrimination is hidden and obscured between common sense knowledge and organisational routines that reflect the collective thinking in a society.

If the search for the mechanisms of discrimination in organisations cannot be explained satisfactory with prejudices and negative attitudes of individuals like employers, lessors, clerks or teachers towards minorities; if we do not have to deal with direct institutionalized discrimination based on legislation like the case of the former *apartheid* regime in South Africa or the guest worker system in Germany, denying political rights to the de-facto immigrants, we have to look for indirect *Institutional Discrimination*. Such a theory should explain the fact that in constitutional democratic and functional differentiated societies not only individual actors and small groups but also organisations like companies, universities or schools may discriminate against some of their members respectively clients without an obvious malevolent intention, decision or declaration. What we need is a theory of institutional discrimination based on a theory of organisation.

Neo-institutional and behavioural theories of organisation have described organisations as loosely coupled systems where problems are looking for solutions, but also answers for questions, situations of decision making for objects and decision makers. All these elements have to be combined in the process of organisation using conventions and patterns of definition of complex situations. This is especially true for people processing organisations like schools or universities. During the process of organisation they follow their own rationality that is structuring every single action. The prerogative is the functioning of the organisation, it's effectiveness and it's stability in time. All micro decisions - for example in school about the promotion and career of a student - are finalised by organisational goals. With priority the organisation's own problems and the problems of it's agents are solved applying approved solutions that are available and have solved the problems in earlier cases. Micro decisions by different actors accumulate to effects with lasting consequences for the clients processed which cannot be imputed to the single decision maker. In loosely coupled systems with a division of labour and competency the single decision maker is unable to survey the consequences of his or her decision for following decisions to be made in the organisation on the basis of all former decisions. Therefore organisations have

been characterised as a kind of an organised irresponsibility, or as systems that generate non accountability. (Has to be further developed.)

To step forward to an empirically based theory of institutional/ organisational discrimination one has to look for the mechanisms of discrimination in specific organisations. One outstanding example is school. The discrimination of immigrant's children in school should not only analyse the effects of discrimination but detect the hidden and obscured mechanisms of discrimination within the organisation. Two theoretical concepts have to be combined: the theory of the organisation of schools and schooling and the concept of ethnicisation and minorisation of social groups within organisations. On the way to a theory of institutional discrimination in schools the structure and content of the institutional knowledge are of great importance.

To understand the situation of migrant's children in German schools making them an potential object of institutional discrimination one has to look at the policy of immigration and schooling in Germany since the 70s. With the recruitment stop of so called guest workers in 1973 (West) Germany involuntarily turned into an *immigration country*. The paradoxical effect of government policy aiming at a reduction of the number of the "Ausländer" (foreigners) is due to the fact that many of the former guest- or contract workers who used to come and go (pendulum migration) now tried to reunite with their families in the host country. They brought in their wives, brothers and sisters, and in large numbers their children. The foreign born population doubled within a few years. Among the new immigrants was a rapidly growing number of children who had to be included into the German school system. With diminishing birth rates of the indigenous population their quota on the whole school population sometimes rose up to 30% or even 40% and more in some metropolitan areas.

Schools were not prepared for the rapid change of their clientele and the conditions of teaching. Teachers had no special training, school masters no experience in organising special classes or remedial courses for students without a sufficient command of German. But what is more important: neither the federal government nor the regional and local school administration on state or city level in this period was willing to adapt the school system to the new situation. With the political conviction that Germany was not an immigrant country but should do everything to prohibit the lasting settlement of former guest workers, the administration did not develop a strategy to meet the challenge of de-facto immigration. The teaching of students who were not able to follow the lessons in the regular classes thus by most of the teachers was recognised as being an illegitimate task imposed on schools by a government policy that did not succeed in preventing unwanted immigration.

It took another twenty-five years after the Westgerman government had initiated the recruitment of workers on the basis of state treaties with the Mediterranean countries, that the challenge of schooling immigrant's children was politically accepted and transformed into programs of Intercultural Education. This was not at least motivated by the fact of a tremendous underachievement of migrant's children (not only in Germany) in terms of school failure and large numbers of pupils leaving school without any valuable examination giving them access to the German system of vocational training and the well paid jobs in the labor market.

To a certain degree migrants are better achieving in recent years in some segments of the school system but there is no evidence for the reasons. High plausibility has the explanation that free places in the schools of higher education because of demographic reasons are responsible for these effects. Diminishing German youth in the 1980s and the threat of closing down traditional institutions (“Gymnasium” and “Realschule”) made schools in their own interest willing to accept immigrants and brought about better chances for them in higher education. On the other hand there are figures indicating an ongoing discrimination. Immigrant’s children, especially Turkish students, are concentrated in the low estimated “Hauptschule” which is becoming more and more a kind of a ghetto school. More alarming they are since the 80s highly over represented in schools for learning handicapped and their number is still growing. This development, too, may be due to a lack of indigenous students to fill the gaps in these branches of the school system.

What are the reasons for the still unsatisfying situation of the immigrant’s children in comparison with their German peers? If one tries to answer this question one has to solve some methodological problems. Because of social stratification reasons one cannot compare directly the school achievement of foreign born and German students. Official school data in Germany do not provide the necessary information about the social and educational status of the parents both in the home- and the host country. Studies in all European countries conform that the decisive factor for school achievement for either indigenous or immigrant’s children is class affiliation.

To identify the mechanisms of discrimination in the local school system as the object of scientific observation is not the performance of the ethnically different pupils and the search for reasons in their cultural background or socio-ecological conditions of living, but the *performance of different schools* and their contribution to social integration in terms of school success over a period of time. For this purpose in a longitudinal analysis of official school data one has to compare the intake and the output of primary schools for example in a big city in terms of transition quotas to schools of higher education and to schools of learning handicapped over a period of time. If there are significant differences in terms of achievement or failure, from year to year or from school to school, operating under the same legal conditions and teaching a defined school population in the same catchment area with constant social characteristics, then one may suppose that these effects are due to differences in the organisational treatment of the cohorts and groups of pupils. School achievement to a large extent depends not only on the individual or collective abilities of the students but also from the general conditions of where and when they go to school. How is the relation between the number and structure of schools, teachers and students in a city respectively in a certain area and over a certain period? How is the relation between the number of pupils and the available schools of higher education or for learning handicapped? If for example in one year there are because of demographic changes or political interventions more or less free places in nearby schools of higher education (Realschulen or Gymnasien) or in a school for learning handicapped the chances of every single pupil depending of his or her cohort of age are higher or lower to be promoted in this or the other way *despite* his or her characteristics and abilities.

To give just one examples to demonstrate the research strategy and our findings:

Because of the obvious failure of preparatory classes lasting for the whole school life of a pupil, and as a late consequence of a EC-directive of 1977, in 1982 so called P-classes in the province of NRW were administratively abolished. This political intervention into the educational practices of the school, which was meant to improve the chance of immigrant's children, had an unexpected effect that is statistically measured: the quotas of learning handicapped among foreign born children and of those beginners whom the primary school denied school maturity were raising erratically. If one does not believe that immigrant's children of these age cohorts were suddenly and collectively struck by mental deace or developmental retardation one has to think about other explanations. The figures show that schools turn away - if they can - what ever they consider to be an extra problem for the regular process of schooling. After the abolition of the P-classes which worked like a para school system to separate the foreign born children under the label of help and remedial courses, those children who were beginners from then on were twice as often as before denied school maturity and send to a special pre-schools (school-kindergarten); those who were already in a P-class and now by law were to be included into a regular class were in the following years seven times more than before send to special schools for learning handicapped. Schools managed to not integrate these children into the regular classes. Because of an inherent educational strategy schools tend to homogenise their clientele and try to avoid heterogeneity of the learning abilities in the classroom. When one exit into a para school system of P-classes was clogged by a political intervention, primary schools were looking for other possibilities to get rid of students who were supposed to complicate the situation in the classroom forcing the organisation to adapt to the new conditions by changing routines and strategies. As far as available after 1982 special schools for learning handicapped and pre-school classes became from the point of view of the organisation the functional equivalent for P-classes.

To find out who becomes a candidate for positive or negative chances in schooling in a second research step it is necessary to analyse the headmaster's and teacher's decision making procedures and routines confronting them with the accumulated outcome of their decisions (cf. Cicourel/ Kitsuse 1963). How is a pupil identified as a problem and allocated to the different organisational solutions for low abled pupils. And how is one becoming a candidate for higher education? In as much is organisational thinking and decision making determined by the means and solutions available? The aim is to reconstruct the mechanisms of discrimination and the treasure of arguments for the legitimation of the decisions.

The mechanisms of discrimination in primary schools are in the German school system located around four respectively five main situations of decision making. There are: (1) Decisions around children's putting into school (school maturity); (2) Decisions to put an immigrant child into a P-class; (3) Decisions of non promotion a student to the following level; (4) Transition to a special school for learning handicapped; (5) Recommendation to schools of higher education.

Interviewing headmasters and teachers about the procedures around these four or five main situations of decision making, about the criteria they apply in any of these situations, leads to the justification patterns for their decisions and opens an inside into the way the institution is thinking. A decision and the justification of a decision are only acceptable if the argumentation and it's warrants are shared be most

of the members of the organisation and if it is not at odds with scientific knowledge that has been adapted by the organisation. For school practitioners it is pedagogical knowledge that has become part of a traditional common sense.

On the way to a theory of institutional discrimination in schools the structure and content of the institutional knowledge are of great importance. Organisations operate along their own rationality. For the purpose of the analysis of discrimination processes primary schools can be conceptualized as organisations that take in *children*, process them during four years and transmit them as “good” or “bad” *pupils* to organisations of special or higher education. In the case of the school the general maxim of action and decision making is to keep the classroom going and avoid the constrain of a significant change in the instruction and decision making strategies that have been successful in the past. Everybody who does not fit into the image of the “normal pupil” who can be treated within the “normal” procedures, is supposed to cause extra problems and therefore is, if even possible, rejected or excluded. The rejection can take place without referring to gender or ethnic characteristics along legitimate educational criteria: brightness, intelligence, learning abilities, willingness, eagerness etc. Schools are blind towards ethnic or cultural differences but are disturbed and alarmed about educational heterogeneity. Ethnic discrimination can only occur as a result of the coincidence of ethnic and negative educational characteristics. For schools it has no importance as such that immigrants are ethnically/ culturally/ linguistically different. What is important is that because of their school biography immigrant’s children do not fulfil the normality expectations of the German school. in terms of educational characteristics.

If the (correlation between educational and cultural characteristics is ignored and all students are treated “equal” along educational lines and one group persistently fails, there emerge two questions. Is the school prejudiced and malevolent? If so, the rhetoric about children’s welfare and the equality of chances would only be an ideology to hide ethnocentric or racist attitudes of the staff. Most of the teachers would emphatically turn down such a reproach and claim that they act with only the best intentions. If the staff members and the institution as a whole are not prejudiced, how than is it possible, that the schools before themselves successfully obscure such trivial correlations? How can in a democratic school system such facts like a seven times augmentation of transitions of immigrant’s children to schools for learning handicapped in a ten years period be made *and* accepted by the inspectors and school boards and be legitimised before the parents and the public? Discrimination obviously is possible only if nobody questions or opposes the decisions that have discriminating effects.

Ethnic descent, language command, or other cultural characteristics are explicitly outruled to be criteria for denying school maturity, the transition to special schools for learning handicapped or a refusal of a necessary recommendation for higher education. The only legitimate criteria for the processing of students in the school are socio-psychological or educational constructs of maturity, learning (dis) ability or high or low learning capacity. Every single decision has to use such educational constructs. The argumentation analysis of the interviewed decision makers shows that they transform ethno-cultural characteristics into educationally relevant constructs to present their decisions as legitimate. Such an argumentation justifying the decision of non-promotion of a Turkish girl to higher education typically may have only a few elements which constitute the central educational myth.

The cultural stereotype of Turkish girls having to look after their brothers and sisters together with the lack of support by the family makes them a case of a student who necessarily fails as all students fail who lack support by their family or socio-ecological background. The argumentation starts in its first part with ethno-cultural specific characteristics of behaviour but leads in its second part into a general educational construction which always was true with working class pupils. The lack of support by the family is the decisive argument to justify the decision not to give a recommendation for higher education even if the formal achievement of the girl in terms of test results and marks would allow this. To prevent the girl from negative experiences of definite failure in a school of higher education she will be sent to the low estimated "Hauptschule".

The conversion of ethno-cultural attributes/ stereotypes into educational constructs with a negative prognosis is more likely if the primary school in case of a positive recommendation is expecting resistance from the receiving school and in case of a negative recommendation has not to be afraid of the parents who might have objections and complaints which would cause administrative or juridical troubles. This is very unlikely with immigrants who in Germany do not form ethnic communities to articulate their interests and claims. As long as they are denied all political rights they are a neglectable minority.

The transformation of ethnic into educational characteristics makes the decisions in school conform to the normal professional routines and regularities of schooling. From the point of view of the decision maker the intention is not malevolent discrimination but minimising his own and the problems of the school by reducing complexity and follow up problems. It is a quite normal procedure within organisations to delegate problems which may cause extra difficulties, to other parts of the organisation or to other organisations. The proof to this proposition is that in case the promotion /acceptance / keeping of a child in a school is in the interest of the organisation because of may be free places, available room and teaching capacities which otherwise would be detracted from the school, the organisation may operate in a very positive attitude and appreciate the presence of immigrant's children. Discrimination is a question of opportunity.

The redefining of ethno-cultural into educational constructs is comparable to the situation in the 50s and 60s when underclass pupils were treated along the same patterns. Their socio-ecological background and the low educational aspirations of their parents were in the same way used to blame the victim and to justify their selection from higher education. Even a small qualitative research with only a few interview shows that also in the structure of the thinking of the teachers the immigrants have replaced the former indigenous working class children. With the influx of immigrants the indigenous low class children have made a collective upward move to higher education. There are now new candidates for the bad chances the school system always has to attribute.

There is a paradox about "intercultural education" which was in the 80s in Germany introduced to bring about a better understanding and to improve the situation of immigrant's children. The concept now turns out to have opposite effects. With the adoption of the discourse of "Multiculturalism" in Germany we are witnessing a culturalization and ethnicization of the professional educational thinking which

distracts attention from structural problems and educational means. “Multiculturalism” and its aftermath “Intercultural Education” provides schools with stereotypes about immigrants that allows teachers to blow up the problem of immigrant’s children and facilitate the transformation of ethnic into educational constructs. During the reform period of the 60s and 70s the compensation of social handicaps of working class children was declared to be a priority task of the primary school. The undeniable effects of institutional discrimination of immigrants are in a democratic society tolerable only if culture and ethnicity are such big obstacles to school achievement that despite all benevolent intentions the school cannot solve the problem. Here the dramatization and exaggeration of cultural conflict, cultural difference and problems of cultural identity in Germany has its source. The discourse of “Multiculturalism” allows the teachers to present themselves as up to date in the new talk about “ethnicity”. Cultural differences in the field of education are used as an argument to justify their selective and discriminating practices in conformity to public opinion. Discrimination is made invisible by transforming ethnic differences into educational constructs. In adapting “Multiculturalism” decision makers are very successful in obscuring the effects of their decisions before themselves. General and professional public agree about the negative impact of cultural difference on school achievement thus again blaming the victim in the attitude of worry. Not the school of the host country but the migrating individual has to cope with the situation of immigration. This may be called a kind of a “democratic discrimination” which reflects the mentality and thinking of institutions in a country that is persistently declaring itself a non immigration country.

Local management of integration: has to be completed



Ethnic characteristics

Number of children in the family is high

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A traditional Turkish family background is presupposed >

In traditional Turkish families girls are kept at home and have to look after their younger brothers and sisters >

Lack of contact and interaction with German peers

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Problems with the command of German

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Educational constructs

*No time and place to do the homework properly*

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*Non support by the parents and the socio-ecological milieu >*

*No participation in extra school activities*

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*Lack of social integration in the class*

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Problems to follow the lessons in higher education