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TranState working papers, No. 99

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Suggested citation: Niemann, Dennis (2009) : Changing patterns in German education policy making: the impact of international organizations, TranState working papers, No. 99, <http://hdl.handle.net/10419/28398>

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TranState Working Papers

CHANGING PATTERNS IN GERMAN
EDUCATION POLICY MAKING –
THE IMPACT OF INTERNATIONAL
ORGANIZATIONS

DENNIS NIEMANN

No. 99

Universität Bremen • University of Bremen
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Staatlichkeit im Wandel • Transformations of the State
Sonderforschungsbereich 597 • Collaborative Research Center 597

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TranState Working Papers

No. 99

Sfb597 “Staatlichkeit im Wandel“ – “Transformations of the State”

Bremen, 2009

[ISSN 1861-1176]

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(TranState Working Papers, 99)

Bremen: Sfb 597 "Staatlichkeit im Wandel", 2009

ISSN 1861-1176

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Changing Patterns in German Education Policy Making – The Impact of International Organizations

ABSTRACT

The German sectors of secondary and higher education witnessed far-reaching changes in the last decade. Comprehensive reforms were introduced that essentially altered the educational structure as well as the procedures in policy making. These reforms were massively influenced by international initiatives – namely the OECD's PISA study and the Bologna Process accompanied by the EU Commission. Both "IOs" succeeded in impacting German education reforms by applying various governance instruments that can be described as soft governance. Albeit multiple veto points were present in Germany and traditional German principles of education were contrary to the promoted ideals, the IOs' initiatives resolved these blocking effects of national transformation capacities and had a substantial impact on German education policy making.

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Changing Patterns in German Education Policy Making – The Impact of International Organizations

1 INTRODUCTION

The recent years of German education policy were characterized by immense changes and continuing reform dynamics. Especially in comparison to previous decades, which were a period of stagnation and marginal adjustments, far-reaching reforms in both secondary education (SE) and higher education (HE) have taken place since the late 1990s.¹ However, national factors did not provide the main impulse for this rediscovery of education policy. First and foremost, initiatives on the international level accompanied by international organizations (IOs) were responsible for putting issues of SE and HE back on the agenda and shaping reform approaches. In SE, the Programme for International Student Assessment (PISA) was carried out by the Organization for Economic Co-operation and Development (OECD), which continuously extended its scope of interest and became subsequently an influential player in matters of education policy (Martens 2007; Jakobi and Martens 2007). PISA revealed the mediocrity of Germany's education system compared to other industrialized countries in late 2001 and triggered an intensive public discourse about improving the system of SE. It became obvious that reforms to modernize the German school system were inevitable. Regarding HE, efforts on the European level to create a common sector of HE undertaken under the label "Bologna Process" gradually became linked to the context of the European Union (EU)² and stimulated an ongoing process of reorganizing the system of HE in Germany (Hahn 2004). In this context, the Bologna Process and the EU significantly influenced the shape of HE policy making (Balzer and Rusconi 2007) although education remained a topic of subsidiarity (Reinalda 2008). Against the background of an increased density of international interdependencies regarding both individual institutions of HE and national education policy, the basic conditions in the policy field of HE changed significantly (Hahn 2004: 25) and hence states must respond to these recent developments. Considering this trend, the German system of HE underwent extensive changes with regard to both academic and administrative matters. As this paper shows, without the influence of international processes and institutions the boost of interest and the undertaken reform processes would certainly not have been able to occur to the experienced extent.³ The OECD

¹ For all abbreviations see index on page 38.

² The European Commission's Education and Culture Directorate-General is the central actor within the EU context. The terms EU, European Commission, etc. are used interchangeably, whereby the focus is foremost on the Commission.

³ Because the reform pressure became manifest on the level of SE and HE the focus of this paper is on these two areas albeit the reform process also tackles other dimensions of education policy, as, for instance, primary education or vocational training.

and its PISA study as well as the Bologna process in the context of the EU were successful in influencing the directions of reform processes.

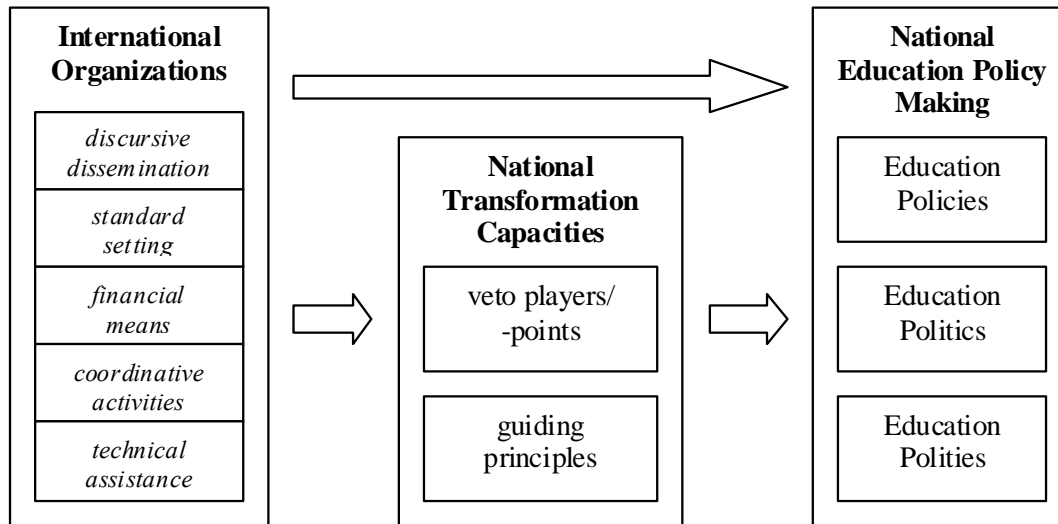
1.1 IO governance instruments and national transformation capacities

The theoretical framework of my analysis follows the approach of Leuze et al. (2008). It basically draws on liberalism and constructivism. The impact of IOs on national education policy making is theoretically explained by different types of IO governance instruments. These governance instruments basically comprise five modes, each of which resembles a different channel to influence national policy making. First, *discursive dissemination* refers to the capacities of IOs to initiate and influence national debates on a policy issue. In education policy making discursive dissemination comprises IO publications that develop ideas of how the education system should be designed. Second, instruments of *standard setting* comprise prescriptions (hard and soft rules) for state policy. In both cases of hard or soft law the instrument of standard setting formulates concrete objectives regarding issues of education policy. Third, *financial means* refer to the transfer of financial resources from an IO to countries in order to give incentives to implement the IO's favored program in terms of capacity building (Chayes et al. 1998). Fourth, *coordinative activities* refer to the capacity of an IO to promote and shape organizational processes by means of bringing together all relevant actors. Here, IOs "give incentives for policy making by managing, directing, and speeding up the implementations of programs and projects" (Leuze et al. 2008). Finally, with the instrument of *technical assistance* an IO directly transfers knowledge of how to implement and further develop a specific policy to a national political system. While mostly applied to developing countries that have to catch up with policies, financial assistance is often a pre-condition for financial aid (see: Leuze et al. 2008: 7-10). The five modes of IO governance instruments have to be seen as theoretical categories. That means that they are empirically not necessarily applicable to all IOs in all circumstances. For instance technical assistance does not occur in the context of PISA or the Bologna Process.

Additionally, the impact of IOs on national education policy making is mediated by national transformation capacities (Leuze et al. 2008). While governance capacities refer to the instruments IOs have at hand to influence behavior of domestic actors, national transformation capacities are factors that might block or enhance IO influence. As an intermediating factor, national preconditions thus determine to what extent IO governance is able to influence national policy making. National transformation capacities encompass *veto points* and *guiding principles* about education. From a rationalist perspective, *veto points* are institutional opportunities to veto a decision and thus, determine the lengths of the national decision making chain (Klitgaard 2009, forthcoming). In accordance, veto players are actors who can strategically use the opportunities of veto points; their agreement is necessary to implement policy changes (Tsebelis 1995). But veto players do not only hinder a policy change, they can also pick up and promote IO proposals. Additionally, from a more

constructivist perspective, ideas or *guiding principles* about education serve as mental roadmaps for directing the impact of IOs on national education policy. Regarding *guiding principles* it is assumed that they have a long lasting influence on framing the understanding of a country's education system (in detail: Leuze et al. 2008: 10-17).

Figure 1: IO influence on national education policy making



Source: own account, basing on Leuze et al. (2008).

Being a member of the OECD and the Bologna Process Germany is exposed to the direct influence of both international processes. However, in the case of Germany, many veto points and players – first of all, the federal structure of Germany's education system with the institutionalized veto power of each federal state (Land) in collective decision making – makes changes in education policy making less likely. Furthermore, the traditional German non-economic guiding principle of education stands in contrast to the orientational framework of the OECD. Thus, as main hypothesis, the case of Germany shows low probability of change through IO governance. Against this hypothetical background I demonstrate in this working paper the contrasting finding that the influence of IOs on German SE and HE was exceptionally high and fostered comprehensive reforms. Despite the existence of national veto players and competing guiding principles, IO governance instruments managed to overcome these obstacles and exerted a significant impact on the German education system. In fact, IOs succeeded in even converting national principles according to their own ideals. In this working paper the ideas and ideals of IOs are labeled as *orientational framework*. Veto points, in particular, did not play a decisive role in mediating the influence of IO initiatives.

According to the principle of federal subsidiarity regarding the competence for education, which is situated within the German 'Länder', this level is taken into account by focusing on Bavaria and North Rhine-Westphalia (NRW). Both Länder are suitable for analysis because they are comparatively similar according their size of population. In contrast, the political preconditions are significantly different: While NRW's political structure is shaped by a more social-democratic tradition, Bavaria is influenced by conservative political forces. To conduct

the analysis of IO influence on national education policy making, this paper draws on the methods of document analysis and expert interviews (Nagel et al. 2009; Bogner and Menz 2002; Froschauer and Lueger 2003; Esser et al. 1999). Primary documents were taken from official publications of IOs and German institutions of education policy making. Additionally, 13 semi-standardized expert interviews with German education experts were conducted. The range of experts comprises representatives of Federal and Länder ministries of education, officials from coordinating administrative institutions, education-related unions, and education researchers. The interviews were recorded, transcribed, and afterwards coded with the software "MAXQDA".

In the next section the systems of SE and HE in Germany are described by focusing on the political dimension of education policy making. Against the background of historical developments in SE and HE, the basic principles of Germany's education system – and thus its national transformation capacities – are summarized. The third section focuses on SE and HE reforms in Germany since the 1980s and highlights the most important changes in policy, politics, and polity. Here, a clear distinction between a pre-Bologna/ PISA period and a post-Bologna/PISA period can be drawn. The appearance of both international processes triggered comprehensive reform dynamics in Germany. The fourth section directly links the reform processes to both IO governance instruments and national transformation capacities. I analyze how the impact of international initiatives is mediated through national factors and how IOs succeeded in influencing SE and HE. Finally, the conclusion contrasts the empirical findings with the introduced theoretical framework and gives an outlook for further research.

2 GERMAN EDUCATION POLICY MAKING – DEVELOPMENTS AND EMBEDDEDNESS IN THE INTERNATIONAL CONTEXT

According to the very fundamental principle that Germany is organized as a federal state (Article 20 (1) Basic Law), the 16 Länder have the ability to exercise governmental powers and to fulfill governmental responsibilities as far as the Basic Law does not provide or allow for any other arrangement or confer legislative power on the Federal Government (Article 70 Basic Law). Hence, education policy in Germany is a matter of subsidiarity. One core element is that the Länder possess "cultural sovereignty" and therefore they are predominantly responsible for issues of education. In consequence, the Länder are the main location of education policy making. Hence, in principle 16 different systems of education could have been established. Empirically the German education system is characterized by a high degree of consistency regarding the education structure. This consistency is first and foremost provided by non-constitutional institutional arrangements that in effect secure common standards and coordinate common approaches in education policy.

Considering the primacy of the Länder in education policy making, the highest political level constitutes the State's Ministry for Education and Cultural Affairs responsible for issues

of SE and the Ministry for Science and Research in the field of HE.⁴ Regarding the federal level, the Federal Ministry of Education and Research (BMBF) mainly has competences in funding research programs and in coordinating educational planning in cooperation with the Länder. As one of the main arenas for cooperation and conciliation, the Standing Conference of the Ministers of Education and Cultural Affairs (KMK) was established in 1948 to create a common education area in Germany (KMK 2008). It unites the ministers and senators of the Länder responsible for education policy and can be interpreted as an instrument of self-coordination of the Länder (Massing 2003: 34, 37). The Conference of Prime Ministers (MPK) also has relevancy for education policy making: as a self-regulatory committee among the 16 Länder the decisions taken within the MPK can be transferred into a treaty to be ratified in the Länder's parliaments. The MPK is closely connected to the KMK. On the one hand, the KMK prepares the decisions to be ratified in the MPK and, on the other hand, the MPK serves as a point of orientation for the work in the KMK by setting the agenda (Rürup 2007: 23-24). However, it has to be taken into account that decision making on the federal level requires consensus among the single Länder. Overarching decision making is therefore formally highly vulnerable to the veto power of each Land in the "Bundesrat" and in other coordinating committees (KMK and MPK). Furthermore, decision making in education policy is influenced by the formal veto points of (constitutional) courts in the Länder. Thus, political decisions have to be in accordance with the underlying laws and can be legally appealed.

2.1 Secondary and Higher Education in Germany: A Brief Overview

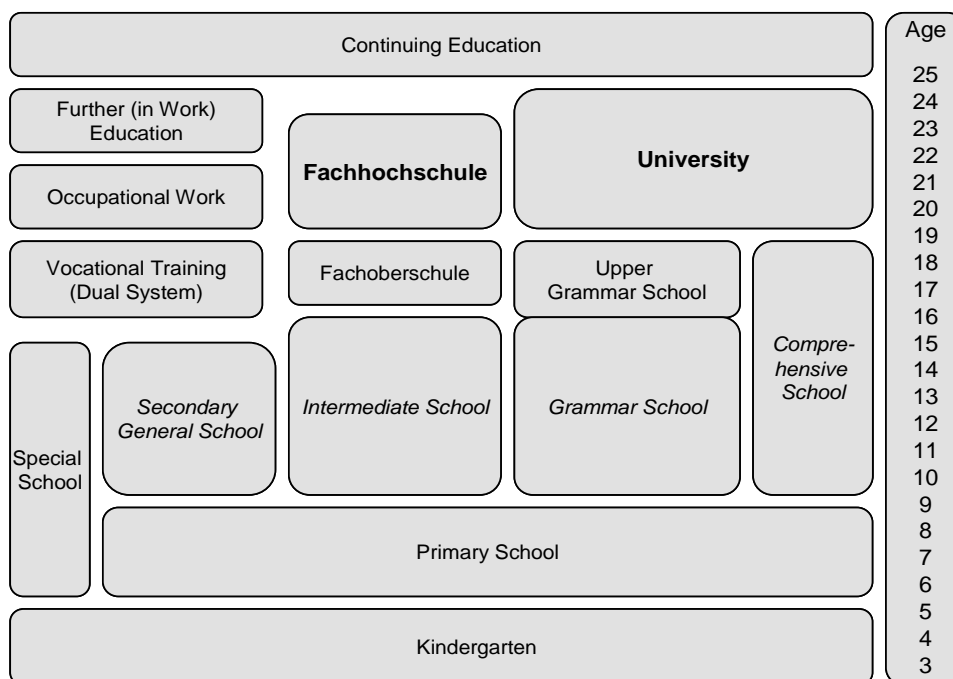
The German SE and HE systems contain several specific features that need to be highlighted in order to analyze the current reform processes against the background of IO influence. Structurally, the system of SE consists of four basic school types. Three types are ranked according to the students' ability and the fourth type is an all-encompassing comprehensive school. The crucial feature of this system is a selection depending on the ability of all children for one of the three types of school at the age of about six (Ertl and Phillips 2000: 393). Most schools are state run institutions, which are principally free of charge, but the establishment of private schools is also constitutionally guaranteed (Article 7 (4) Basic Law) as long as they are approved by the state authorities (KMK 2008: 99). As one of the major current problems, the tripartite school system makes Germany the "champion" of social selection (Interview GER07) and thus the performance disparity between students of different school types is very significant. But it has to be mentioned that the possibility of mobility between the school types is provided.

Following Teichler (2005: 26-27) the German system of HE can be characterized by four basic features. First, the historically evolved focus on science and the unity of research and teaching are its basic fundamentals. Second, almost all German institutions of HE have *de jure*

⁴ Depending on each Land, the individual names of the ministries for SE and HE differ.

the same qualitative standard.⁵ Third, the study programs are understood as training for a specific profession. Fourth, the State traditionally has a high political influence on HE institutions. HE in Germany encompasses basically three types of institutions: universities, "Fachhochschulen" (FH, universities of applied science), and Colleges of Art and Music. Regarding financing, most of them are maintained by the Länder but private institutions of HE are also allowed – as private schools – and approved and supervised by the State. Additionally, the Federal Government provides funding for special tasks. Currently, Germany's system of HE is undergoing massive changes. Since the end of the 1990s reform processes were introduced that alter the whole HE system and the federal subsidiarity significantly. The general aims were to make German HE more competitive on the global level, to enhance the employability of students, to shorten study duration, to increase and monitor the quality of teaching, and to create more study places in order to attract more qualified graduates to study. Hence, most current problems in HE are related to the implementation of those new structures.

Figure 2: The education system of the Federal Republic of Germany⁶



Source: own account basing on: BMBF (http://www.bmbf.de/pub/bildung_in_deutschland.pdf, 13.11.2008).

2.2 Historical Evolution of the German Education System

The current repercussions of reforms in German education policy need to be seen in the light of historical developments in order to understand the evolution of national transformation capacities that impact on the implementation of present reforms. For instance, in HE the

⁵ De facto, this standard of equality is rather doubtful and debatable.

⁶ Italics indicate SE affected by PISA; bold text refers to HE affected by Bologna.

establishment of modern still valid structures could be traced back to the early 18th century and to the efforts of Wilhelm von Humboldt in Prussia, who laid the structural framework for the German system of HE, which persists until the present day (Schramm 1980: 605-606). His principles include the internal autonomy of universities despite their being maintained by the State, the freedom of teaching and research, and the unity of teaching and research (KMK 2008: 144).

Overall, it is rather hard to identify one starting point of German education policy because overall Germany as a unitary nation state only exists since 1871 (Foundation of the German Empire). In the 18th century the potential of education in creating a national identity was discovered and German State authorities gradually began to intervene in the sector of education by taking over the function churches used to play in maintaining institutions of education (Luhmann 2002: 119). The role of public authorities in matters of education was always considerably strong in Germany and "can be regarded as a state-centred system" (Pritchard 2006: 92). Additionally, today's federal structure of education policy is a legacy of prior state configurations. Following Führ (1997), German education policy can be subdivided into three different periods of power distribution between the central government and the Länder⁷: Exclusive authority of the Länder in the period of the German Empire (1871-1919), first attempts undertaken in order to develop a comprehensive nationwide framework of education policy in the Weimar Republic (1919-1933); a sharp interruption of the principle of federal subsidiarity during the National Socialistic Regime (1933-1945). These historical developments reveal the traditional strong role of federalism in German education policy. Thus, with few exceptions the German education system was always organized on the regional Länder level according to the principle of subsidiarity.

2.2.1 A New Start in Education Policy? Restructuring and Expansion after 1945⁸

After the Second World War, the Western allies, notably the USA, intended to restructure the German education system according to principles of democratization and re-education. But before any comprehensive reform efforts could have been implemented, at the end of 1945 some schools and institutions of HE already started teaching again on the basis of the educational principles of the Weimar Republic. Therefore, according to patterns of path dependency, it became increasingly difficult to implement new structures (Arnold and Marz 1979: 17; Baumert et al. 2003: 54). A comprehensive reformation of the German education system consequently did not take place. In the light of "unilateral" and uncoordinated reform approaches in which each Land started to develop its own system of education, the first cautious attempts to coordinate education policy were ventured and finally led to the

⁷ Neither the Länder of the German Empire nor the Länder of the Weimar Republic were identical to the Länder of the Federal Republic of Germany (FRG).

⁸ Only the development in the FRG is described.

establishment of the KMK in 1948. As education policy was solely under Länder competence, the Federal Government gained its first diffident competences in early 1950s.⁹ One major step of coordinating SE was taken by the KMK with the "Düsseldorf Agreement" in 1955 amended in 1964 and 1971 by the "Hamburg Agreements" that provided the opportunity to implement a different organizational structure of schools and defect from the principle of tripartite composition (Baumert et al. 2003: 55).

In the mid 1960s the publication of Georg Picht's "The German Education Catastrophe" (1964) and Ralf Dahrendorf's "Education is Citizenship" (1965) induced the first education "shock" in Germany – and sparked the "decade of education reforms" (Gehrmann et al. 2003: 108). In the aftermath, several measures in SE and HE were undertaken to extend education to the newly emerged middle class and to provide equal academic opportunities among students of all social classes in order to secure economic competitiveness (Massing 2003: 19; Mayer 2005: 586-7). The social-democratic and liberal administration, elected in 1969, applied education reforms in order to facilitate a structural change within the German society and to promote democratic principles.

On the administrative side, the expansion of HE called for a stronger coordinative role of the Federal Government; in particular financial assistance was needed. Due to this changed environment, the Basic Law was amended in 1969. Pursuant to Article 91a and 91b of the Basic Law HE institutions became joint tasks of the Länder and the Federal Government. In line with this development, the Framework Act for Higher Education (HRG) was established in 1976. It provided a point of reference for a common HE policy, which "the Länder subsequently fleshed out with their own legislation" (KMK 2008: 145). In short, the HRG defined the basic tasks of HE institutions, their legal status, the requirements for accessing HE, and other overall provisions (see, for example, Künzel 1982; Mushaben 1984). With the transformation of the Federal Ministry of Scientific Research into the Federal Ministry of Education and Science the Federal Government finally established a ministry "in a policy area where it originally did not have constitutional jurisdiction" (Erk 2003: 308). At this point education policy had become an issue of joint activity of the Länder and the Federal Government. After the "reform boom" during the early 1970s, German education policy was characterized by a period of consolidation and implementation of agreed reform steps. Generally speaking, the 1980s were a phase of stagnation in educational policy.

⁹ The influence of the Federal Government started with the establishment of the Federal Ministry for Nuclear Issues in 1955. The federal policy experienced another boost after the "Sputnik-Shock" in 1957. The German administration forced the development in sciences and geared its efforts to the example of US promotional patterns (Krücken 2005: 17). Afterwards, in short, it gained further competences and was continuously expanded and renamed. Finally, in 1994 the BMBF was launched.

2.2.2 Historically Evolved Principles

From the previous historical synopsis of Germany's education system some basic principles can be derived that are fundamental keystones for understanding developments (and difficulties) of recent educational reform processes. First of all, the federal structure of Germany and the supremacy of the Länder in education policy make coordinative, consensus-based cooperation among them inevitable. Under the dictum that Germany is a decentralized state with a centralized society (Katzenstein 1987: 15) the provision of uniform education standards is indispensable but at the same time difficult to achieve. On the one hand the federal structure empowers the Länder to act autonomously and function as veto players concerning common agreements on standards. On the other hand the homogenous German society emphasizes the basic need for a homogenous system of education. For SE one of the most basic principles in Germany is to educate every child or student best according to its own abilities, which is the source of the tripartite system. Although this very principle was fundamentally criticized and contested no crucial effort has been made to modernize or even abolish it (see: Ertl and Phillips 2000). In some Länder the principle of selection is more deeply rooted in educational traditions (for instance in Bavaria) than in others (NRW). An elementary feature and guiding principle of German HE is the above mentioned idea of unity and freedom of research and teaching based on Humboldtism. It is important to note that this guiding principle lasted nearly two centuries and is still today a leading paradigm.

2.3 Trends of Internationalization:

German Participation in PISA and in the Bologna Process

Being perceived as an IO promoting economic cooperation in order to secure economic growth for its members, the OECD successively extended its scope also to policy fields that are not primary attached to its tasks, like, for instance, education (Martens 2007). Thus, the OECD framed an understanding of education as a fundamental precondition for economic prosperity. The PISA surveys of students' abilities at the end of compulsory schooling were conducted in order to provide the member countries with expertise on the performance of their domestic education system in comparison.¹⁰

Overall, the participation in comparative studies in the mid-1990s was a new phenomenon in German education policy making because Germany did not take part in any international education assessments before. Thus, the conduction of the Third International Mathematics and Science Study (TIMSS) in 1995 reflected a turning point for Germany regarding the participation in international education comparisons (Wößmann 2002: 97). Furthermore, with the "Konstanz Agreement" in 1997, German stakeholders agreed upon regularly participating in international comparative education studies and using the results to improve the education system. The aim was to assess the strengths and weaknesses of German students in core areas

¹⁰ For further information on PISA, see: <http://www.pisa.oecd.org>.

of competence. The participation in PISA was one characteristic according to this new strategy. Hence, a process of evaluating education from an outside perspective was initiated.

The first PISA report was publicized in 2001 and revealed that in all areas of academic competence (reading, mathematics, and science) the performance of German students at the age of 15 was significantly below the OECD average (Kiper and Kattmann 2003; Baumert et al. 2001).¹¹ Besides the poor general results, it also became obvious that Germany is among those OECD countries with the highest level of performance variation across students. In no other industrialized country is academic success determined as much by the socio-economic background or migrant status as in Germany (Ertl 2006: 620; Kiper and Kattmann 2003: 32). Compared to other industrialized countries, the German education system seems to be unable to reduce existing social inequality (Loeber and Scholz 2003: 246). Hence, the aspired goal of education to provide every child – independent of its socio-economic background – with basically the same opportunities for academic success and advancement became nullified. Although Germany improved slightly in the PISA studies of 2003 and 2006 it was still far away from ranking among the top countries in education quality, like Finland or Canada. The findings of PISA 2003 showed stagnation in reading but an increase in the areas of mathematical and scientific proficiency; the variation remained still high (Prenzel et al. 2004). PISA 2006 showed a positive development in German SE. The performance of German students in the field of science was even significantly above the OECD-average (Carey 2008: 5-6). Also, in reading and mathematics few improvements were evident. Despite the linkage between social background and competence is still on a high level in Germany, PISA 2006 also indicates a minor dissolution of this interrelation (Prenzel et al. 2007). The comparison between the individual Länder (in PISA-E) also reveals significant differences in academic performance that impact subsequent education reforms in the Länder. While Bavaria was among the top two Länder in each cycle, NRW was ranked on the lower end of the national PISA league table. Hence, the pressure for improvements was higher in NRW than in Bavaria.

Generally, the intensity and extent of the new education debate in Germany after PISA was astonishing. Unlike previous international comparative studies concerning education performance in the mid 1990s, like TIMSS, which already sensitized at least the elites in education policy making about the mediocrity of German students in mathematics and sciences (Heinze 2002: 18), the broad public was not aware of the situation. As a result, the publication of PISA finally “led to a public outcry in Germany” (Ammermüller 2004: 2). The often cited “shock” was caused when Germany was attributed the status as a laggard – and not as expected as a leader – in the quality of education compared to other industrialized countries and because education performance was framed as highly crucial for overall national socio-economic performance (Martens and Niemann 2009). In essence, PISA managed to put the issue of education back on the public and political agenda.

¹¹ Overall, Germany was ranked (averaged) 20th in PISA 2000, 16th in 2003, and 12th in 2006.

A quite different development took place in HE. As a founding member of the European Community in 1957 Germany was and still is in the centre of the steadily expanding process of European integration and has been strongly influenced by European agreements and provisions, including the area of HE. The starting point of a coordinated European cooperation in HE was the Sorbonne Declaration in 1998, which stated the intention to remove existing barriers between the single national systems of HE and to develop the basis for improved European cooperation in HE (Sorbonne Declaration 1998). After positive feedback regarding the Sorbonne Declaration from other European countries, Germany was one of the initiating countries of the Bologna Process in June 1999 to create a common European area of HE by 2010. The implementation of the Bologna objectives into the German sector of HE will be partially completed in 2010. Most prominently, by early 2009 around 75% of study programs had been converted into BA/MA structures and comprehensive measures for implementing quality assurance introduced (BMBF 2008).¹² Generally, Bologna was set up as an intergovernmental process; the European Commission was effectively marginalized in the initial stage but since the Prague Declaration in 2001 it has re-entered the process. The Commission has become an "additional full member" (Reinalda 2008: 464) and influences the Bologna Process decisively by providing organizational support, preparing meetings, and providing funding for Bologna seminars, conferences, and pilot projects (Wächter 2004: 271). Moreover, the EU finally entered the area of HE with the Lisbon Strategy (set up by the Berlin Communiqué of 2003). In 2000 the Heads of State and Government at the Council of Lisbon agreed on making the EU "the most dynamic and competitive knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion, and respect for the environment by 2010".¹³ To fulfill this aspired goal the public expenditure for education was supposed to be increased to three percent of public spending. Also, in the context of the Lisbon Strategy the instrument of the "Open Method of Coordination" (OMC) became an important tool for cooperation in education policy (De Ruitter 2008; Reinalda 2008; Martens and Balzer 2007) "The OMC provides a new framework for cooperation between the Member States, whose national policies can thus be directed towards certain common objectives. Under this

¹² The Bologna Process now has (2009) ten general objectives to be fulfilled (for the initial six objectives see: Bologna Declaration 1999): a) the introduction of BA/MA- degree system including a doctoral phase as the third cycle, b) the definition of a qualifications framework and the introduction of a credit transfer system (ECTS), c) improving the recognition of degrees and academic achievements, d) introduction of quality assurance mechanisms, e) promoting the European dimension in HE, f) integrating the Bologna Process into the concept of lifelong learning, g) involving students in the Bologna Process and strengthening the social dimension of HE, h) enhancing the attractiveness of the European Higher Education Area in the global context, i) placing a focus on the vocational qualifications and employability of graduates.

¹³ <http://www.euractiv.com/en/innovation/growth-jobs-relaunch-lisbon-strategy/article-131891>, 24 February 2009.

intergovernmental method, the Member States are evaluated by one another (peer pressure), with the Commission's role being limited to surveillance."¹⁴ The OMC can be described as a benchmarking model in which member states agree on certain objectives to be achieved in a certain period. In this view the OMC is not a classical tool of European harmonization.

Rankings also became increasingly prominent in regards to HE rankings.¹⁵ But in contrast to PISA, the public and media attention regarding reforms in HE and the Bologna Process in Germany was not that extensive and mainly restricted to a domain of the public that is affected by changes in HE. Since 2002 the Bologna Process was increasingly discussed in the German newspapers.¹⁶ Overall, Bologna could be characterized as a reform process initiated by a political discourse that did not emerge spontaneously, as the issue of SE did, but evolved continuously over some time. In general, political debates support the process as an instrument for securing Europe's and Germany's competitiveness in the world.

Taken together, the principle of federal subsidiarity in education and coordinative structures between the Länder shows that education policy making in Germany is a multilevel game that is affected by various potential veto points and existing guiding principles that shape decision making.

3 CHANGES IN GERMAN EDUCATION POLICY MAKING SINCE 1980

After the fundamental reform processes in the late 1960s and early 1970s, the German education system was characterized by a "deadlock of the legal transactions since the mid-1970s onward" (Interview GER01).¹⁷ Only smaller adjustments took place while the underlying structure remained stable and basically followed the same organizational patterns. However, struggles between the diverse political actors (Federal Government, Länder, parties, social partners etc.) who partly opposed a further educational expansion, led to both a general slowdown in educational policy making and the prevention of further reforms (Luther 1992: 614-615). Since the failure of the Second Educational Framework Plan in the mid 1970s joint activities of the Federal Government and the Länder were restricted to the promotion, organization, and evaluation of pilot projects (Rürup 2007: 19). A mutual blockade persisted. Even the process of German re-unification in the early 1990s constituted a major reform undertaking only for the Eastern Länder, whereas the West German system of education remains uncontested. The opportunity to reform the whole educational system was not seized.

¹⁴ http://europa.eu/scadplus/glossary/open_method_coordination_en.htm, 12 September 2008.

¹⁵ On the international level the "Shanghai Ranking" is one of the most prominent examples. Comparative national rankings – for instance the ranking of the "Centre for Higher Education Development" (CHE) – became prominent benchmarks for the quality of HE institutions. .

¹⁶ I would like to thank Gesa Schulze for conducting a media analysis of newspaper articles dealing with PISA and Bologna.

¹⁷ All translations of interviews by D.N.

Instead the West German education system was simply imposed on the eastern part. Thus, it is fair to speak of an expansion of Federal Republic of Germany's education system and a missed chance for comprehensive reforms (Wilde 2002).

However, since the end of the 1990s the field of education has been characterized by multiple changes regarding both policies and politics: The years of non-reform and disregard of education policy in Germany finally came to an end. Far-reaching reform processes took place and substantially re-shaped SE and HE in Germany. The public began to focus more intensively on the topic of education; "the awareness prevailed that it is generally better to start investing early instead of repairing afterwards" (Interview GER09). The reforms in German SE and HE generally reflect a paradigmatic change, which entailed an increased orientation towards an output perspective on education and a turn away from the previously predominant input dimension.

3.1 The Empirical Turn: Reforms in Secondary Education

The "reform enthusiasm" concerning SE started in the late 1990s when three topics slowly gained attention: quality assurance, modernization of administration according to efficiency and effectiveness, and transparency along with accountability in the educational system (Baumert et al. 2003: 137). The slowly spreading reform awareness was boosted by the developments initiated by international comparison results of OECD's PISA survey. Since then, a broad variety of steps had been undertaken to reform Germany's SE and thus, the emergence of PISA resembles a watershed in German education policy making. In the light of the negative PISA results, in December 2001 – the same month PISA was officially publicized and almost three decades after the last comprehensive education reform – the responsible Länder representatives agreed within the KMK upon an action plan that provided a framework for substantial reforms and guided the long-ranging perspective of reforms in the Länder. Main emphasis was placed on early education in order to create a better basis for academic performance in SE and counterweight the socio-economic background of children (Carey 2008: 17-21). Furthermore, the catalogue of actions included the advancement of unprivileged students (especially those with an immigrant background). It also stipulated the expansion of quality assurance, improvements in the methodological and diagnostic skills of teachers, and increased opportunities of education and advancement by the extension of all-day service offers (KMK and BMBF 2008).

In order to improve education quality – the most important issue in reforming SE – in 2002 the KMK agreed upon the introduction of educational standards and the establishment of a central agency of monitoring compliance with these standards (Nieke 2003: 201). The Federal Government and the Länder decided to assess the performance of the German education system systematically and act politically in respect to the empirical recommendations. Since 2009 the Länder continuously review the achievement of the educational standards in a comparison between the Länder (KMK and BMBF 2008). In order to assure the quality of

education, the individual Länder established procedures for reviewing individual schools by external experts. In Bavaria an agency for monitoring quality was established in 2004 and in NRW the evaluation "Quality Analysis NRW" is mandatory since August 2006.

In general, the emphasis in SE policy making shifted to empirical evaluations. In order to evaluate and interpret comparative results researchers' expertise was demanded and educational research now plays an important role in shaping and justifying education policy making (Interview GER01). This basically means that empirical inquiries on the output of students' and schools' performances allows for overcoming existing deep-rooted dogmas of education policy (Interview GER02). Education policy making does not simply concentrate on the fulfillment of certain principles. Instead it integrates "evidence based policy making". For instance, the KMK has created a "scientific advisory body" which provides advice regarding implications from comparative studies. Not only have international comparisons become focal points of interest - assessments of the Länder's performances were also increasingly subject of evaluation.¹⁸ Moreover, the "Institute for Educational Progress" (IQB) was founded in 2004 to support all 16 Länder in their endeavors to ensure that the quality of education is monitored and continually improved (IQB 2009).

Overall, the State pulled back from detailed steering in favor of providing a framework in SE. In this regard the shift towards output orientation became obvious again. While prior to the reforms the State authority regulated curricula and made prescriptions on what has to be taught, it now prescribes what competences a student should have at the end of a school year or at the end of its individual educational program.

3.2 (R-)evolutions: Recent Reforms in Higher Education

The recent reform process of German HE was multi-faceted. An underlying intention was to make German universities more competitive on the global level. The "fiction of equality" (Interview GER06) that all German institutions of HE are basically on the same (high) level was replaced by an intensified process of qualitative diversification. This changed understanding was first and foremost reflected by attempts to stimulate and mimic market mechanisms in the HE sector and the conception that education is a product that can be sold (Interview GER08). HE was no longer seen as something that is decoupled from the economic understanding and its mechanisms. The stimulation of competitiveness among institutions of HE led to a market situation where single universities have to offer their goods (education) and the price varies regarding the performance of each institution. The "excellence initiative", which provides a large amount of financial state support for rather few institutions, was one

¹⁸ In accordance to the new mode of evidence-based policy making, further national surveys for assessing academic skills – like VERA and PISA-E – were established.

additional aspect of this new development.¹⁹ Beyond these developments, two basic streams of reforms can be identified that led to a fundamental reorganization of HE: a far-reaching structural change in HE resulting from agreements of the Bologna Process and a shift in responsibilities accompanied by an increase of autonomy of HE institutions themselves mainly stimulated by the Federalism Reform.

3.2.1 Structural Reforms in Higher Education

The participation in the Bologna Process implied for Germany a general and far-reaching adjustment of national structures in HE. Since the Bologna Process aimed to introduce a consecutive study model with two main cycles (undergraduate/ graduate)²⁰ and Germany's traditional study programs were one-track, comprehensive efforts have had to be made to realize the objectives of Bachelor and Master (BA/MA) study programs. The first major step was already taken in 1998 by an amendment of the HRG which ruled out a tentative introduction of BA/MA- study programs and thus provided the groundwork for a more encompassing reform of HE (Maassen 2004: 14-15). The KMK, as the central political actor in coordinating education policy, published in March 1999 (last version is from December 2001) the "Structural Guidelines" (KMK 2001) which provided basic principles for accrediting BA/MA programs. In line with the Bologna provisions the European Credit Transfer and Accumulation System (ECTS) was introduced in order to ensure the transferability of study achievements across European universities. Even though the restructuring of study courses according to the two-cycle structure and the introduction of the European credit system resembled a profound transformation of the traditions of the German HE system, the implementation of both reform aspects was introduced relatively quickly and effortlessly (Interview GER11). Blocking factors did not affect the process of introducing new structural settings.

Likewise as in SE, quality assurance was generally underdeveloped in German HE. In 1998 the aspect of evaluation was incorporated in the HRG to be transferred to the Länder legislation. Corresponding to this, a process of quality orientation was initiated: accreditation. The system of accreditation was supposed to ensure that academic curricula as well as academic degrees of diverse study programs meet standard requirements, which were defined previously by State authorities. Another intention was to improve and assure the quality of teaching by discovering the strengths and weaknesses of single HE institutions and their study

¹⁹ In 2005 the Federal Government announced the creation of elite universities by supporting selected universities with a total amount of Euro 1.9 Billion over a four year period. Overall, the excellence initiative made aware that the institutions of HE are in a competitive situation with each other; not only internationally but also on the national level (Interview GER13). Universities have to develop an adequate concept for teaching, and research in order to receive extra funding from federal agencies (for more details see e.g.: Hartmann 2006; Sondermann et al. 2008).

²⁰ Since the Berlin Communiqué (2005) the two-cycle model was amended by the inclusion of doctoral training.

programs. In 1998 the Federal Government and the Länder in cooperation with the German Rectors' Conference launched a program for matters of quality assurance. A KMK agreement enacted in 2002 the replacement of the old system of coordination and regulation with a decentralized system of accreditation. To be accredited, a study program must accomplish minimum standards in terms of structure, subject and content, as well as in terms of professional relevance.

3.2.2 Reorganizing Competences in Higher Education: The Federalism Reform

In September 2006 the most comprehensive reform of the German Basic Law since its establishment in 1949 came into force: The Federalism Reform that decartelized competences between the Federal Government and the Länder. With the amendment of 25 articles of the Basic Law the allocation of rights and duties concerning jurisdiction between the Federal Government and the Länder was reorganized. The subsidiary field of educational policy was also affected by this fundamental reformation of the federal structure. In simple terms, the Federal Government lost most of its already limited competences to influence education policy.

In detail, the amendment of Article 91b Basic Law administered how the Federal Government and the Länder cooperate in matters of education (see: Lachmuth et al. 2006: 14). The rearrangements of the Federalism Reform effected that the Federal Government was no longer entitled to directly provide financial assistance and finance programs in education policy on its own. But it still continues to have the option to fund research projects beyond regional importance in cooperation with the Länder.²¹ Due to the reallocation competences in the education sector, existing cooperative institutions were abrogated, like, for instance, the task of "Joint Education Planning". Due to the specifications of Article 91b Basic Law the coordinating board between the Federal Government and the Länder, the Federal-Länder-Commission for Educational Planning and Research Promotion, was dissolved and instead the Joint Science Conference was created in January 2008, which mainly focuses on special matters of research. Furthermore, the HRG, which served as an instrument for securing a uniform sector of HE across all Länder, was not renewed and expired in October 2008. In consequence, there are currently no institutions or panels existing where the Federal Government and the Länder can coordinate issues of education on a coequal basis. Overall, the Federalism Reform led to a decrease of cooperation capacity between the Federal Government and the Länder regarding education policy making. The federal character of education policy was fostered and strengthened the Länder to act autonomously in respect to HE and underscored the factual withdrawal of the Federal Government. Therefore it is fair to speak of a federalization of the entire education policy. HE policy is now increasingly

²¹ <http://www.bmbf.de/en/1263.php>, 16.10.2008. The "Higher Education Pact 2020" is one example of this cooperative funding: <http://www.bmbf.de/en/6142.php>, 27.09.2008.

considered as solely the business of the Länder and it is difficult to find forms of organization to facilitate cooperation between the Länder (Interview GER10). On the contrary, the newly constituted relationship between the Federal Government and the Länder in HE policy making promoted new channels of governance. Formerly governance was dominantly carried out through laws. After the Federalism Reform this pattern widely changed. The Federal Government is no longer able to govern primarily through legal norm setting. Nevertheless it can be observed that the Federal Government re-enters the governance process in HE on a different level. Today federal governance is conducted by means of positive incentives (providing financing) (Interview GER13). In other words: "The Federal Government still has a say because it has the money" (Interview GER03). This new mode of governance through financial incentives generally reflects an indirect tendency of the Federal Government to promote its interests in HE.

3.2.3 Beyond Federalism Reform: Autonomy of Institutions of Higher Education

The Federalism Reform intended to release universities from detailed state control and grant them more autonomy by abolishing the Federal Government's competence to pass framework legislation. Beyond direct the impact of the Federalism Reform, the increase of autonomy for the Länder to govern issues of HE also increased the autonomy of institutions of HE themselves. Hence, institutions of HE are to act as enterprises vis-à-vis the State and society. They elaborate aims and strategies on their own, manage their own budget, and also develop offered study programs on their own (Müller-Böling 2006: 197). HE institutions can adopt their own statutes, which need to be approved by the Land's Ministry of Education or the Ministry of Science and Research. Continuative Länder legislations enhanced the autonomy of universities substantially and made them more independent from state intervention regarding budgeting and organization. Institutions of HE are no longer perceived as state-owned agencies.

Substantial differences between the Länder can be observed regarding granting autonomy of HE institutions. In NRW the enactment of the Basic Law on HE (in 2007) was the most far-reaching provision. Universities were enabled to operate autonomously without being affected by the Land's administration. Up to now NRW is the only German Land which made its institutions of HE completely autonomous. *De jure*, universities and FHs were converted from pure state-run institutions into public corporations under sponsorship of the Land. The growth of competences empowered universities to independent financial, personal, and organizational planning. Furthermore, institutions of HE have the opportunity to participate in business corporations or even to found them. But in order to receive state funding, NRW's institutions of HE have to arrange for target and performance agreements with the ministerial administration (MIWFT 2007). In consequence, if a university wants to receive state funding it has to agree upon certain criteria set by the State's authorities. But in contrast to previous procedures, this arrangement reflects a process of negotiation rather than an enactment of

directives in a hierarchical relationship. The new modus operandi can be subsumed in terms of governance by funding and negotiating on a coequal level.

Bavaria also expanded the autonomy of HE institutions – but not to the extent of NRW. The universities are still much more closely linked to the State. For instance, the amendment of the “Bavarian Act on Higher Education” in 2006 limits the influence of the administration in HE basically to aspects of fundamental interests and to financial elements. With regard to operative affairs the institutions of HE became autonomous (STMWFK 2006). One indicator for the changed relationship between the Bavarian administration and the institutions of HE is the instrument of “*Innovationsbündnis Hochschule 2008*”. Within the framework of this concept the State of Bavaria assured by contract to provide the institutions of HE with financial means while the universities agreed upon modernizing themselves. This process aims at developing a university profile with an elaborated concept of study programs. In addition, the individual institutions of HE signed a target agreement (Pritchard 2006: 100-101) with the Ministry of Research in June 2006 that laid down the development objectives which a university should achieve in the coming years (STMWFK 2005).

Taken together, the German State now governs strategically (not by detail) and provides a framework for HE, whereas the universities have gained enhanced autonomy. The administrations increasingly relies on setting a broad framework in which the single institutions of HE can act autonomously but need to develop sustainable concepts in order to receive funding. In this context the expression of an “unleashed university” (Müller-Böling 2000) emerged as a concept to describe the new role of HE institutions. The Länder still govern by financial means. But in difference to prior settings, institutions of HE are today no longer part of the Land’s budget plan; they have their own budget (Interview GER11).²²

3.3 Summarizing German Education Reforms: Changes in Policy, Politics, and Polity

The German system of SE and HE changed significantly in the past decade in the dimensions of policy and politics. The polity dimension was also affected in HE by recent reform processes to a minor degree. Although both SE and HE witnessed substantial changes the reform processes did not follow the same pathways. While the reorganization of HE is subsumed under at least two main comprehensive reforms, the Bologna Process and the Federalism Reform, the changes in SE reflect individual adjustments without the overarching umbrella of a specific reform.

Regarding SE, alongside with measures to directly improve academic performance, the introduction of quality assurance, educational standards, and evaluation mechanisms, which

²² Additionally, the funding of HE institutions has shifted: A decision of the German Federal Constitutional Court in 2005 offered the opportunity for each Land to impose tuition fees (Carey 2008). In Bavaria and NRW tuition fees were introduced in 2007 and 2006 respectively.

can be subsumed under the term "empirical turn", reflect major changes on the policy dimension. The sphere of politics was also affected by these new policies. Political stakeholders increasingly incorporate expertise by consulting institutions and scientific advisors into the decision making process. The new mode of steering can be labeled as "evidence-based policy making". Hence, the interplay of actors in SE policy making also shifted in line with the new output orientation.

Furthermore, in HE a far-reaching change on the dimension of policy can be observed. This process involves the alteration of the study structures as well as the establishment of quality assurance, accreditation, and other output-oriented measures. Like in SE, the sector of HE witnessed a shift towards evaluating outputs instead of merely controlling the inputs. These changes modified the whole decision making process in HE to a substantial degree. The Federal Government lost its formal competences and now increasingly relies on governance by informal mechanisms, like offering funding for the Länder and individual universities. At first glance, the Länder gained competences in HE. But the increased autonomy of institutions of HE only allows for framework legislation by the Länder via target agreements and accreditation procedures. Thus, for the German state authorities it became difficult to directly govern institutions of HE on a formal basis. The minor adjustments on the polity level were due to the provisions of the Federalism Reform. The amendment of the Basic Law generally redistributed the competences between the Federal Government and the Länder and formally effectuated the clear distinction of competences in favor of the Länder in HE.

Moreover, a watershed in German education policy making can be clearly identified by the emergence of international processes. In the pre-PISA/Bologna era education reforms did not take place. But since international developments began to influence education, comprehensive reforms have been implemented in Germany. In the following section the undertaken education reforms are analyzed in the light of IO influence.

4 ASSESSING THE INFLUENCE OF IOS AND NATIONAL TRANSFORMATION CAPACITIES ON GERMAN EDUCATION POLICY MAKING

The occurrence of PISA regarding SE and Bologna in HE can be interpreted as the starting point for far-reaching education reforms in Germany. These reform processes cover structural aspects of policy making and a paradigm shift towards output orientation can also be observed. Considering the multiple potential veto players and deeply-rooted guiding principles in German education policy, it is remarkable that both IOs were successful in influencing German education policy. This section examines the impact of the OECD (by the means of PISA) and the EU (in the context of the Bologna Process) on German reform processes in SE and HE. With respect to national transformation capacities I assess how and to what extent OECD and Bologna/EU exert influence on German education policy making.

4.1 PISA and German Secondary Education

Almost the entire German reform debate regarding SE was sparked when the poor PISA results of German students were published in late 2001. PISA was applicable for a reform dynamic that resolved the stagnation and just careful adjustments of the prior years. By showing that other industrialized countries are doing much better in certain education related respects, the OECD provided examples of best practices, made indirect recommendations and simultaneously raised the issues of how to improve the domestic education system. The OECD essentially affected changes with regard to the structure and principles of German SE.

The changes on the structural level encompass, on the one hand, an 'empirical turn' that emphasized the role of evaluation including output orientation and, on the other hand, concrete changes in school settings in order to resolve the highlighted weaknesses. In detail, the OECD promoted the concept of monitoring by discursive dissemination and thus had substantial influence on the output orientation in German education policy making to assess achievements with regard to specified goals (Interview GER04). In this context, the establishment of education standards for controlling outcomes can be viewed as one of the most obvious innovation induced by OECD's interpretation of education. Generally, with the coordinating activity of evaluating the national system and comparing it to other countries (peer reviewing), the OECD created immense informal pressure on German policy makers to improve the SE system. But this pressure did not directly impact the political level; it instead mobilized the broader public, which in turn called for far-reaching reforms. The poor performance in education was directly translated into anticipated endangerments of future economic prosperity (Interview GER04). Hence, with PISA the OECD successfully linked the discourse of education to economic issues and thus created public demand for political reforms in order to sustain Germany's overall performance (Martens and Niemann 2009). By mobilizing public calls for improving the education system PISA also changed the situation of blockade among German education policy makers. The need for reforms stimulated a consensus for improvements. Speaking in terms of national transformation capacities, PISA neutralized most of the veto points and enforced a broad consensus for introducing SE reforms that were not possible before. In addition to international comparison, national comparisons of the performances in SE in the individual Länder – like PISA-E – were also introduced through OECD activities. Overall, the OECD facilitated the implementation of a culture of evaluation in Germany that was not existent prior to PISA.

Although the OECD does not prescribe a certain organizational structure in SE it implicitly gives indirect recommendations by identifying patterns of good performance on a comparative basis. In contrast to the general orientation towards outputs, reforms regarding school structures themselves were massively hindered by the national guiding principle of the tripartite structure and varied from Land to Land. Especially in Bavaria the idea of educating and separating each student according to his/her abilities in different school types constitutes a major obstacle in altering the school system and introducing comprehensive schools that were

(indirectly) recommended by OECD surveys.²³ In this context, the striking argument of Bavarian officials was that the Bavarian school system does not need to be reformed because Bavaria achieved the best results in the national PISA comparison despite its strict system of separation (Interview GER04). To recapitulate, since the Land's administration is the highest authority in matters of SE it functioned as a veto player against abolishing the tripartite system uniformly on the federal level. Especially the "PISA winner" Bavaria strongly opposed a dilution or even an abolition of tripartiteness. The political culture in Bavaria that strongly emphasizes autonomy is a prime obstacle for direct IO impact (Interview GER04). In NRW, which did not perform very well in PISA, the indirect recommendations were adopted without the same degree of resistance as in Bavaria.

Regarding the dimension of guiding principles, the OECD had a crucial influence on the understanding of the purpose of education in Germany. It essentially "transformed the transformation capacity" of the guiding principles. First and foremost, the OECD framed the discussion in terms of mobilizing human resources by providing better education. The interrelation between education and economic policy became a central focal point. This interpretation was contrary to the prior German non-economic understanding of education. Recent debates in Germany mostly accept the definition of education as an economic factor and the position that education and economics are not related has changed in recent years (Interviews GER07 and GER02). Hence, the OECD was considerably successful in discursively disseminating its economic understanding of education and – regarding SE – it opened the corridor for integrating this understanding into further measures.

The PISA results also produced an ideational change, as the orientation towards basic competences has now become a focal point in education policy making. The emphasis on aspired goals of excellent education for the gifted was eclipsed by a more fundamental understanding of the purpose of education. This more realistic attitude of what the education system can afford resulted in a new understanding that all students need to be educated equally well and weak students need special support in order to reduce the high disparities. In the light of PISA a "pragmatization through internationalization" took place (Interview GER10).

German actors in SE did not change to a significant degree due to OECD influence. Especially the composition of political stakeholders remains identical: The Länder governments are still the major authorities in governing SE. PISA did not foster the creation of an entirely new structure in policy making but, in accordance with the establishment of a culture of evaluation, it played a significant role in introducing new players on another level. Due to the turn towards output orientation in education policy political stakeholders increasingly consult scientific experts in order to identify the crucial problems and how to

²³ Most of those countries that scored above the average in PISA have comprehensive schools and do not separate students in an early stage of education.

deal with them. In accordance, the IQB was established against this background. Also the KMK created the "Scientific Advisory Body" to give recommendations for measures to be taken from an empirical science point of view. On the regional level, the Länder' authorities individually set up agencies for monitoring school performance in order to assure the quality of SE. In light of the PISA results, informal actors from the economic sector – such as interest groups and foundations – are also increasingly intervening in issues of education. They promote better education performance in order to secure the economic performance by hiring qualified employees (Interviews GER04, GER07, and GER09). By addressing the sensitized field of economic performance they gained influence on the process of education policy making and hence produced a feedback loop on the guiding principles of German education.

Taken together, the OECD essentially framed priorities for reforming SE by means of PISA. By highlighting the shortcomings in German SE and giving examples of best practices from other countries at the same time, the OECD successfully promoted its orientational framework in SE through discursive dissemination and coordinative activities and partially by setting (benchmarking) standards. In essence, the OECD not only promoted its orientational framework concerning education but also compelled Germany to adapt its instruments for the assessment of schooling performance. This in turn also shaped how education policy making is conducted. Furthermore, by means of PISA the OECD supported already existing efforts of the Länder to reform SE (Interview GER04). Compiled reform schemes, which did not make it on the political agenda but were still in the pipeline, perceived increased attention after PISA and provided a basis for the introduction of reforms. The mode of governance in Germany's SE comprises less detailed steering and an increase of more context-oriented governance with an emphasis on output control.

4.2 Bologna, the EU, and German Higher Education

Nearly all German reforms in HE can directly or indirectly be explained in terms of the influence of the Bologna Process and the EU. Although the Bologna Process is an institution of its own, it cannot be understood without including the EU (Reinalda 2008: 466). Hence, in assessing the international influence on German HE policy two dimensions can be separately taken into account: reforms directly related to the Bologna Process and the impact of the broader institutionalized EU-framework.

At first glance Bologna was primarily successful in implementing structural reforms (BA/MA, ECTS) by setting standards that were responsible for restructuring Germany's system of HE. But beyond these formal arrangements – similar to SE – the new focus on the output dimension in HE reflects a process that would not have been possible without Bologna because evaluation and quality assurance were not major concerns in traditional German HE policy (Interview GER08). The awareness to assure the quality of HE in order to compete on the international level was discursively disseminated through channels of the Bologna Process and gradually displaced the traditional input orientation in Germany's HE policy making.

Also the turn towards the issues of what competences students need in a specific study program in order to enter a certain profession (employability) became focal orientation points in education policy making and culminated in the introduction of BA/MA study programs. The implementation of this concept has to be interpreted in a twofold manner in the context of the national transformation capacities of guiding principles. On the one hand it principally runs counter to traditional interpretations of HE in terms of scientific education because the traditional understanding of the purpose of HE in Germany is to enable students to apply scientific working methods. Hence, part of the teaching staff, especially from the nine Technical Universities, was not in favor of the restructuring of the educational modalities and hampered the transformation process. Acting as informal veto players, they feared the marginalization of the principle of unity of research and teaching (Interview GER09 and GER12). On the other hand, the Bologna orientational framework which emphasizes the quality of teaching corresponds to the German historical tradition of the unity of research and teaching (Interview GER08). The enhanced focus on matters of teaching on the European level also reinforced the aspect of accounting for students' interests.

The undertaken reform measures in Germany's HE system cannot simply be explained by referring to "European governance". Thus, the Bologna structure is not empowered to enforce reforms in HE against the will of its members. The national setting has to be taken into account to explain the comprehensive impact internationally framed reform approaches have had on Germany. In order to make the Bologna reforms work, fundamental ideas about HE had to be readjusted in Germany. Otherwise national guiding principles – understood as transformation capacities – would not have allowed for the reform process. On the one hand national ideals changed due to the influence of Bologna. On the other hand ideas were also modified by referring to the U.S. system of HE and its principles. The strong orientation towards the American understanding of HE paved the way for accepting Bologna provisions, which are generally also inspired by Anglo-American standards (Interview GER03).

Although the Bologna Process was not established within the EU as a matter of subsidiarity, the EU-Commission accessed the process and influenced policy making in HE. Generally, the impact did not take place on the basis of a legal structure because pursuant to Article 149 and 150 of the EU-Treaty the EU is formally not entitled to govern matters of education. The role of the EU in influencing German HE was more fine-tuned and operated on a different level than Bologna. Although the EU standards were non-binding and reflect a soft law approach of governance, they were of long-lasting significance on the national level. The EU used indirect means to influence national HE policy making, like granting special quality labels that member countries try to obtain by fulfilling certain necessary criteria (Interview GER13), or like providing funding for certain measures.

The direct influence of the EU on national HE policy making was limited due to its non-competence in matters of education and by the strong opposition of the Länder to allowing for formal EU influence. Even though the Directorate of Education of the EU-Commission is a

consultative member in the Bologna Process, which makes recommendations and initiates projects, its role can generally be interpreted as the "BMBF on the European level" (Interview GER09): It provided financial incentives and discursively disseminated its ideals. All interviewees evaluated the direct influence of the EU on HE as non-existing or very rudimentary. The mechanism that exerted stronger influence was the parallel and related development of the Lisbon Process. Here, the EU basically incorporated the idea of economization and marketization, which was borrowed from the OECD, and discursively promoted this ideal through its influence in the Lisbon Strategy (Interview GER11). The success of the EU in influencing HE was fostered by the incorporation of the concept of connecting education to economic performance and establishing benchmarks, which correspondent to this ideal. Member states were already sensitive to this approach due to the OECD initiatives and hence, the efforts of the EU landed on fertile soil.

However, the EU entered HE policy making through the backdoor and used the instrument of discursive dissemination, providing financial incentives, and informal standard setting in shaping national HE policy. The level of the EU increasingly influenced policy making in HE by recommendations and other publications that worked as guidelines for reforming institutions of HE (Interview GER06). Even without taking direct measures, the EU is passively involved in current developments in HE. Making universities more autonomous has implications regarding binding EU law in the economic sphere, too. The more institutions of HE become independent actors detached from the State and its resources, the less the State is able to provide them with financial support because this might affect EU market regulations that in turn restrict national intervention by private actors (Interview GER13) (see also: De Ruiter 2008). In reforming HE the nation states have increasingly accounted for EU law and need to act in accordance with EU legislation.

In German HE the constellation of actors in policy decision making also remained stable. The Länder are still the primary responsible level of decision making. However, on a sub-level the actors dimension changed. Due to agreed standards of the Bologna Process institutions of accreditation were introduced. The so-called "*Hochschulräte*" were established to focus on the output dimension of HE institutions. In these councils representatives from social partners and the economy are included to present their point of view on reforms and make HE more effective.²⁴ Non-state actors have also gained substantial influence on German education policy making. First and foremost foundations such as Bertelsmann, Hertie, Mercator, etc. have conducted empirical research on issues of education, launched programs, and offered detailed recommendations for reforming the education system for political stakeholders (Interviews GER01, GER08, and GER10). On the European level, the EU-Commission has joined the established HE policy process and indirectly exerts influence on the member states and shapes the area of European HE without using the label harmonization.

²⁴ This new constellation is strongly related to the Anglo-American HE system (Interview GER12)

However, it de facto fosters harmonization (Interview GER05). The Commission strategically gained influence beyond its scope of competences without imposing 'unpopular' measures of harmonization on member states. By keeping the influence indirect and informal, the Commission was not subject to the veto power of national stakeholders.

Although the Länder gained even more formal power in HE after the Federalism Reform, they were marginalized by a constant growth of (non-binding) standards stemming from the European level which they cannot elude. Furthermore, efforts of the Länder to resist in implementing ideas that came from the European level were not successful because they were faced with the pressure to modernize the system of HE and to adapt to challenges dealt with on the international level. Despite their competencies in HE, the Länder did not respond to international HE developments accordingly. Generally, the Länder did not take the international level into account in shaping national education policy. They (and especially the Länder's parliaments) neglected the existing influence of the European level and instead insisted on their legal supremacy in matters of HE (Interview GER13). In fact, international developments bypassed the autonomy of the Länder and exerted substantial influence on shaping national HE. Because the German Länder (especially Bavaria) were very reluctant towards EU influence on HE policies, the impact of the EU was on the soft law level. In this line, the introduction of benchmarks (for instance through the OMC), the assertion of recommendations, the allocation of financial incentives²⁵, and the promotion of new views on education changed German policy making in HE.

Impacts stemming from European institutions on German HE policy are multilayered and need to be assessed as interplay (Interview GER12). Moreover, the EU used soft mechanisms to pursue its strategies in HE. Thus, evaluating EU governance in HE (in contrast to pure Bologna dynamics) mainly occurred in terms of promoting its standard by discursive dissemination and offering financial incentives (in providing funding for research projects).

4.3 Dimensions of IO Influence on German Education Policy

Summing up, both IOs were considerably effective in promoting their educational concepts in Germany. The OECD had its primary influence in setting (agenda) priorities in education policy (Interview GER 05) by using the instrument of discursive dissemination and coordinative activity to promote its objectives. Since the OECD generally had no impact in terms of legal governance it notably affected German SE policy by influencing public debate and creating informal pressure to convert its ideas (Interview GER03). Furthermore the establishment of benchmarks served as a tool of (indirect and very soft) standard setting (see Table 1). Since the OECD cannot govern qua financial means or technical assistance, other aspects like information exchange, mutual learning, or pooling resources were at the center of

²⁵ For example within the EU *Framework Programme for Research and Technological Development* (<http://cordis.europa.eu/fp7/>, 02.03.2009).

its activities (Interview GER01). The pressure for reforming SE triggered by PISA also bypassed the usual German veto points in advance and led to concordant efforts in reforming SE. By means of PISA, the impact of the OECD was even strong enough to transform some national guiding principles in accordance with the IO's orientational framework.

In HE the setting of standards within the scope of Bologna significantly fostered changes in Germany's HE system. In order to make the Bologna reforms work, this process was also supplemented by a readjustment of the fundamental guiding principles concerning HE by discursively disseminating the orientational framework of Bologna/EU. The promotion of quality assurance in education, better employability, or the necessity to prepare the institutions of HE for global competition, made changes possible and in a broader sense changed the perception of goals and purposes of HE in Germany. The EU-framework operated as a catalyst for developments in the German HE system (Interview GER09). Although the concept for introducing consecutive study programs already existed, the implementation in the late 1990s was slow and rather tentative. The European initiatives boosted the development significantly. Again, German reforms in HE were not vitally affected by formal German veto players. Since reforms were enacted in concordance with the most important veto player, namely the Länder, major obstacles for blocking reform undertakings were removed in advance. Only traditionalist informal veto players opposed the Bologna reforms and tried – with little success – to influence the implementation. Regarding this rationale, the existing guiding principles in German HE partly opposed the international efforts and caused blockades in implementing new structures in HE.

Table 1: The impact of IO governance instruments on German SE and HE

	<i>discursive dissemination</i>	<i>standard setting</i>	<i>financial means</i>	<i>coordinative activities</i>	<i>technical assistance</i>
SE: PISA	++	+-	-	+	n/a
HE: Bologna/ EU	+	+	+-	-	n/a

While both IOs rely on soft governance instruments, substantial differences can be identified regarding the application of governance instruments (see Table 1). Especially the OECD's PISA study is a tool that is predominantly effective in applying governance instruments that do not regulate or prescribe a desired domestic education policy but instead set up points of reference for good practice through discursive dissemination and coordinative activities. First and foremost discursive dissemination is intensively used to influence national education policy making, which is backed up with a minor degree of benchmarking standards. Financial incentives do not play a role in the OECD's successful channels of influence. In the field of HE the picture is somewhat different. Although the Bologna regime (including EU initiatives) incorporated standards as one main governance instrument, discursive dissemination is also central to its activities to legitimize and alleviate policy changes on the national level. In contrast to PISA, also financial assistance plays a minor role in international HE governance.

Overall, the instrument of technical assistance does not occur in both areas of IO governance and thus is only a theoretical dimension of IO governance in the field of education.

5 CONCLUSION

Analyzing recent German reforms in SE and HE is not possible without referring to the impact IOs have had on this process. The initiatives of the OECD's PISA study and Bologna/EU substantially influenced the shape of the current education landscape in Germany. Generally speaking, since the mid 1990s education policy again became a prominent issue on the political debate due to developments on the international level. A structural change occurred in education policy making that can be summarized in terms of an increase of competences of the Länder and at the same time a decrease of competences of the Federal Government supplemented by emerging influence of IOs. Taking the underlying setting of Germany's ex-ante education system into account, the comprehensive impact of both IOs has to be emphasized. Despite the existence of multiple veto points and guiding principles that were contrary to existing ideals of PISA and Bologna managed to overcome these obstacles and substantially influenced the German education system especially by applying IO governance instruments, such as discursive dissemination and coordinative activities. Additionally, standard setting played a role in the context of HE: the Bologna Process defined aims to be achieved in a certain time period.

This means in general that the historically evolved path-dependent patterns of German education policy making no longer play a decisive role in contemporary developments. With rather soft governance instruments both IOs were successful in changing established structures and guiding principle of German SE and HE. The emerged international sphere of education policy making superposes "deadlocked" structures in Germany. Therefore, the occurrence of PISA and Bologna resemble a clear-cut watershed for German education policy making. Whereas reforms were nearly impossible undertakings prior to the "internationalized age", the impact of IO-initiatives affected a comprehensive alteration in education policy.

A priori it was expected that veto players would very strongly influence education policy in Germany. Overall, that was not the case. Further research is required to assess the detailed motives and driving forces behind this non-intervention of veto players. From the perspective of this paper it can be subsumed that generally a high degree of consistency existed among political stakeholders regarding reforms in SE and HE and therefore almost all veto points were neutralized in advance.

The new developments in German SE and HE not only occurred in the national guiding principles that were partially contrary to the international efforts. The impact of IOs was able to alter the preexisting German guiding principles in general. Thus, due to the new interpretation of educational principles the implementation of IO induced reforms was facilitated and opened a corridor for restructuring SE and HE in Germany.

Besides essential changes in education policy, the politics of education were also altered to a certain degree due to IO influence. In both SE and HE the empirical evaluation of educational outputs became focal points in policy making and consequently the process of policy making altered in Germany. Furthermore, institutions which provide empirical analyses increasingly became important actors in education policy and gained influence by making recommendations.

The assessment of developments in Germany's education policy reveals dynamics that can clearly be linked to the IO-level. Whether this impact follows a general trend towards internationalized governance has to be analyzed in comparison to other countries. Are IOs becoming an increasingly important influence on national education policy making? Are they fostering the harmonization of education systems in industrialized countries? Further research is needed to generalize observed patterns beyond the German case.

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7 ABBREVIATIONS

BA	Bachelor
BMBF	Bundesministerium für Bildung und Forschung <i>Federal Ministry of Education and Research</i>
CHE	Centrum für Hochschulentwicklung <i>Centre for Higher Education Development</i>
ECTS	European Credit Transfer and Accumulation System
EU	European Union
FH	Fachhochschulen <i>Universities of Applied Science</i>
FRG	Federal Republic of Germany
GDR	German Democratic Republic
HE	Higher Education
HRG	Hochschulrahmengesetz <i>Framework Act for Higher Education</i>
IO	International Organization
IQB	Institut zur Qualitätsentwicklung im Bildungswesen <i>Institute for Educational Progress</i>
KMK	Kultusministerkonferenz <i>The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany</i>
MA	Master
MPK	Ministerpräsidentenkonferenz <i>Conference of Prime Ministers</i>
NAC	National Accreditation Council
NRW	North Rhine-Westphalia
OECD	Organization for Economic Co-operation and Development
OMC	Open Method of Coordination
PISA	Programme for International Student Assessment
SE	Secondary Education
TIMSS	Third International Mathematics and Science Study
VERA	VER gleichs AR beiten in der Grundschule <i>Comparative Tests in Primary Education</i>

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