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**Disentangling the Reform Gridlock: Higher Education in Germany\***

by

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**Abstract**

For more than a decade, bemoaning the many roadblocks to reforming important aspect of German politics has become commonplace. Explanations emphasize formal and informal veto points, such as the role of political institutions and the lack of elite and societal support for reform initiatives. Against this background, I was interested in factors that place policy issues on the political agenda and follow up with concrete courses of action; i.e., in factors that lead to a disentangling of the reform gridlock. I emphasize the importance of agenda setting in the emergence of higher education reform in Germany. Globalization, European integration and domestic pressures combined to create new pressures for change. In response, an advocacy coalition of old and new political actors has introduced a drawn-out and ongoing process of value reorientation in the direction of competition, including international competition, and greater autonomy. The result has been a burst of activities, some moderate, some more far-reaching in their potential to restructure German higher education

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## Disentangling the Reform Gridlock: Higher Education in Germany

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For more than a decade, bemoaning the many roadblocks to reforming important aspects of German politics has become commonplace. The perception that reforms in health care, taxation, immigration, labor market, and education, to name some of the most critical areas, are long overdue is widespread both among the elites and the public. Some reforms have been initiated, notably with regard to taxation, pensions, immigration, and higher education, but others remain on the agenda. While political analysts and scholars alike lament the gridlock,<sup>1</sup> the perception of paralysis combined with hectic activity prevails.<sup>2</sup>

The difficulty of initiating change is not limited to Germany, but here the interweaving of structural and mental obstacles to adjusting policies in an efficient and timely fashion has probably led to more political and scholarly soul searching than elsewhere. Two kinds of explanations are commonly put forward to explain the difficulties of initiating and implementing reform. They focus on a) the role of institutions and b) political resources; i.e., the level or lack of elite and societal support for reform initiatives. Some of the institutional and decision-making features in the Federal Republic are distinctive, but comparison can help to situate the sources of both inertia and change.

Reformers in all political systems are confronted with resistance and what Paul Pierson calls the “stickiness” of policy arrangements. Stickiness refers to both “formal and informal institutional ‘veto points,’ and ‘path dependent’ processes, which in many cases tend to lock existing policy arrangements into place.”<sup>3</sup> Nor is it unusual that public policymaking is characterized by “punctuated equilibrium,” which has been used to de-

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<sup>1</sup> In Germany, new catchphrases that signify important developments are selected on a yearly basis. In 1997, the winner was *Reformstau*, which can be loosely translated as gridlock or traffic jam of reforms. The runner-up, almost ironically, was *Bildungsmisere* (calamity of education).

<sup>2</sup> Wolfgang Fach asserts “[m]uch happens but nothing changes; much fails but there are no consequences,” in “Die zerstreute Republik,” *Blätter für deutsche und internationale Politik* (1998): 931 (author translation).

<sup>3</sup> Paul Pierson, “Coping with Permanent Austerity: Welfare State Restructuring in Affluent Democracies,” Paul Pierson, ed., *The New Politics of the Welfare State* (Oxford and New York: Oxford University Press, 2000), 414.

scribe the dynamics of stability and change in the United States.<sup>4</sup> In a similar vein, Carter A. Wilson characterizes the evolution of public policies in the United States as the interplay of “long periods of stability followed by abrupt episodes of substantial change.” The concomitant disintegration of the old policy regime, he asserts, “occur with changes in the policy paradigm, alterations in patterns of power and shifts in organizational arrangements.”<sup>5</sup> Thus, Wilson points to the important link between paradigm change and institutional change. Policy reforms do not occur overnight but require lengthy contextual modifications in values and institutional arrangements.

Turning these arguments to higher education reform in Germany, I argue that reframing values, mostly to add new ones, was crucial to the emergence of new policies. The change was promoted by policy networks between old and new political actors who shaped a drawn-out and ongoing process of value reorientation and pushed reform initiatives to the top of the political agenda. The result has been a burst of activities, some moderate, some more far-reaching in their potential to restructure German higher education. At the heart of this reform effort are the revised and amended Framework Law in Higher Education and the Law Reforming the Compensation of Professors, which came into force in 2002.<sup>6</sup> To be sure, the reform effort itself is cumulative, often incremental and, in most cases, adds to, rather than eliminates existing structures. However, in the long- to-medium run the initiatives package may well change the structure of higher education. In sum, reforms in German higher education are the result of a discursive change that was promoted by a progressive coalition.

### **The Difficulties of Reforming**

Policymaking in Germany has traditionally emphasized incremental change and multilevel decision-making (*Politikvernetzung*); for example, in the form of cooperative federalism and consensus-seeking. As long as the German economic and societal model

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<sup>4</sup> For a recent summary see James L. True, Bryan D. Jones, and Frank R. Baumgartner, “Punctuated-Equilibrium Theory. Explaining Stability and Change in American Policymaking,” in Paul A. Sabatier, ed., *Theories of Policy Process* (Boulder CO, and Oxford: Westview Press, 1999), 97-115.

<sup>5</sup> Carter A. Wilson, “Policy Regimes and Policy Change,” *Journal of Public Policy* 20, 3 (September-December 2000): 247.

<sup>6</sup> Hochschulrahmengesetz (HRG) in der Fassung der Bekanntmachung vom 19. Januar 1999 (BGBl. I S. 18), zuletzt geändert durch Artikel 1 des Gesetzes vom 16. Februar 2002 (BGBl. 693) and Gesetz zur Reform der Professorenbesoldung, BGBI Jg. 2002, Teil I Nr. 11 (22. Februar 2002).

received high marks at home and abroad, these features were largely undisputed, yet, in recent decades, the drawbacks to this mode of policymaking have become more visible. Reforms are deemed urgent but deliberations seem never-ending and marred by conflict; the final product is often severely diluted and trailed by a new round of policy deliberations.

In tandem with the decline of the German model, institutional disincentives for reform have been singled out for widespread attention. Prominently at issue is the interplay between the Federal Council and the Federal Diet. Not only have differing majorities in the two houses become more typical but the Federal Council's power has increased to the point that more than half of the bills require the approval of both houses of parliament. While the shifting majorities in the two houses have necessitated intense bargaining and search for compromises, their obstruction of decision-making has often been exaggerated. The Federal Council is not, as Klaus von Beyme argues, a graveyard for bills.<sup>7</sup> Times of greater conflict coincided with divided parliamentary majorities in the two houses and the political will to deliberately use the Federal Council to weaken the coalition in power. Two periods stand out: of the sixty-one bills that were rejected by the upper house, seventeen were turned down between 1972 and 1980 and 19 between 1990 and 1998.<sup>8</sup>

Institutional arrangements can certainly hamper change, but they can also promote it. In the 1990s, the shift from a three- to a five-plus party system has made coalition building less predictable and policy outcomes more varied. In recent years, the multitude of different coalitions at the *Länder* level has made governing more difficult but also opened up new avenues for bargaining. In particular, the so-called grand coalitions between CDU and SPD sparked package deals that permitted the tax and pension reforms. Conflict over financial redistribution has also become more pronounced since the addi-

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<sup>7</sup> Klaus von Beyme, "Institutionelle Grundlagen der deutschen Demokratie," in Max Kaase and Günther Schmid, eds., *Eine lernende Demokratie. 50 Jahre Bundesrepublik Deutschland* (Berlin: Edition Sigma, 1999), 29; see also Thomas König, "Von der Politikverflechtung in die Parteienblockade? Probleme und Perspektiven der deutschen Zweikammergesetzgebung," in: *ibid.*, 63-85. Between 1949 and September 2000, 672 bills were referred to the Mediation Committee, whose thirty-two members are in equal numbers appointed from the Federal Diet and the Federal Council. With varying degrees of modification, ultimately 599 were signed into law, and only sixty-one bills were rejected altogether.

<sup>8</sup> The data were taken from the internet site of the Federal Council [www.bundesrat.de](http://www.bundesrat.de) (accessed 5 March 2001).

tion of the so-called new states in the east. Who is “rich” and who is “poor” among the *Länder* matters more today than ever; coalitions based on financial strength or weakness have added a new strategic layer to decision-making.

Over the years, decision-making has become ever more complex, and governing has become the art of nurturing various policy networks. The power of interest groups has not necessarily grown, but their overall number and potential for mobilization have; often, one social force tries to block the other. As many political actors as possible are incorporated into the decision-making process in order to anticipate and/or to defuse potential opposition; more and more “rounds of consensus,” expert commissions, etc., are being created. The coalition treaty signed by the SPD and Alliance 90/The Greens on 20 October 1998 indicated that an expert commission would be asked to outline concrete measures to reform the public service law in higher education.<sup>9</sup> As a result, governmental action is increasingly characterized by the addition of new actors, many of whom are set apart by their transience, circumscribed goal orientation, and wide ideological and institutional diversity. What has emerged is a form of informal governing that emphasizes consensus at the expense of parliamentary influence<sup>10</sup> and the diffusion of political influence and accountability. These informal arrangements prove to be important tools in agenda setting, but the divergent outcomes of some of the initiatives demonstrate that innovative consensus-building measures are not sufficient when elite and public support are lacking.

Whether out of fear of losing votes or strongly held political convictions, reforms have been slowed due to elite and public resistance. As one commentator argued: “Germans are in a paradoxical mood. They say they want reform, but then rebel against the measures needed to achieve them.”<sup>11</sup> In 1997, then-Federal President Roman Herzog identified the major barriers to reform as lack of courage, a paralyzed society, and a pat-

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<sup>9</sup> Under the leadership of Professor Hans Meyer, President of the Humboldt University Berlin, its eighteen members started work on 31 August 1999 and finished on 7 April 2000. Bericht der Expertenkommission “Reform des Hochschuldienstrechts:” [www.bmbf.de/pub/Bericht.pdf](http://www.bmbf.de/pub/Bericht.pdf) (accessed 18 August 2001).

<sup>10</sup> See Karl-Rudolf Korte, “Was kennzeichnet modernes Regieren? Regierungshandeln von Staats- und Regierungschefs im Vergleich,” *Aus Politik und Zeitgeschichte*. Supplement to *Das Parlament*, 26 January 2001, B 5/2001: 8-9; Roland Czada, “Nach 1989. Reflexionen zur Rede von der ‘Berliner Republik,’” in Czada and Hellmut Wollmann, eds., *Von der Bonner zur Berliner Republik. 10 Jahre Deutsche Einheit* (Opladen: Westdeutscher Verlag, 2000), 38-39. “Im Ritual erstarrt,” *Der Spiegel* 22 (2002): [www.spiegel.de/spiegel/0.1518.136314.00.html](http://www.spiegel.de/spiegel/0.1518.136314.00.html) (accessed 23 July 2001).

tern of thinking that focuses on crisis. He outlined the steps that lead from proposing a policy to killing it and concluded that problems are adjourned rather than tackled.<sup>12</sup>

Five years later the same concerns prevail. In an article series in the weekly *Die Zeit* the persistent “German Disease” of policy paralysis is harshly criticized. In the words of Josef Joffe, many Germans “mistake ‘social peace’ for entitlement maintenance (*Besitzstandswahrung*), ‘consensus’ with veto power against the new, ‘accountability’ with the canonization of the conventional – and change with psychic and material loss.”<sup>13</sup>

In 1999, on the fiftieth anniversary of the Basic Law, survey respondents were almost equally divided between those who felt that the political establishment is capable of solving the most pressing problems of our times and those who had little faith in its problem-solving capabilities.<sup>14</sup> The political class is often accused of being too dependent on interest groups, of not wanting to offend important clientele. In short, getting things done the old way is too comfortable.

Admittedly, the welfare system is a particularly sensitive topic. Germans are proud of their model social market economy, and the achievement of “social peace” is a highly prized commodity. Indeed, when asked about sources of pride in the Federal Republic’s system, social peace ranked highest in both the eastern and western part of Germany.<sup>15</sup> But values, no matter how persistent, are not immune to adaptations. Using Jacob Torfing’s concept of path-shaping behavior, Robert Henry Cox argues that “issues can successfully be reformed when they build upon existing social values, sometimes recasting values to make them relevant to the proposed reform.”<sup>16</sup> He adds that welfare reform efforts in Germany were severely hampered by exactly this lack of issue reframing but were successful in the Netherlands and in Denmark.<sup>17</sup>

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<sup>11</sup> “World in 2000,” Special Issue of *The Economist*, 58.

<sup>12</sup> “Durch Deutschland muss ein Ruck gehen.” Ansprache von Bundespräsident Roman Herzog im Hotel Adlon am 26. April 1997: <http://www.gliedenet.org/herzog1.htm> (accessed 18 August 2001).

<sup>13</sup> Josef Joffe, “Deutschland, einig Klüggelland,” *Die Zeit*, Politik 11/2002 [http://www.zeit.de/2002/11/Politik/print\\_200211\\_03\\_reformstau.html](http://www.zeit.de/2002/11/Politik/print_200211_03_reformstau.html) (accessed 11 March 2002).

<sup>14</sup> 50 Jahre Bundesrepublik Deutschland, Mai 1999, Ergebnisse einer repräsentativen Bevölkerungsumfrage, IPOS – Institut für praxisorientierte Sozialforschung, Nr. 1169.

<sup>15</sup> Ibid. See also Edeltraud Roller, “Shrinking the Welfare State: Citizens’ Attitudes Towards Cuts in Social Spending in Germany in the 1990s,” *German Politics* 8 (1999): 21-39.

<sup>16</sup> Robert Henry Cox, “The Social Construction of an Imperative. Why Welfare Reform Happened in Denmark and the Netherlands but Not in Germany,” *World Politics* 53 (April 2001): 463-98.

<sup>17</sup> Ibid., 476. Cox refers specifically to the work of Thomas Rochon.

Higher education in Germany shares many similarities with other policy areas, yet it is also quite distinctive. Like other policy areas, for a long time, the prevailing mode was mostly logjam. Yet, compared to social and economic issues, such as health care or pension reform, reforms in higher education seem less likely to divide society. Although the worth of science and education has increasingly impressed policy makers in recent years, its political visibility at the voting booth remains limited.<sup>18</sup> Reforms in higher education take time to produce the desired effects; thus, as Christoph Oehler points out, they can hardly be exploited as success stories within a four-year electoral cycle.<sup>19</sup> As a result, political parties are less concerned about voter reaction. Education is also one of the arenas in which the *Länder* are the principal policy makers and this prerogative is fiercely defended from the encroachment of Berlin and Brussels. Myriad initiatives take place at the university and *Land* levels, while elevating educational issues to national politics is more difficult. Taken together, these reasons may also explain why higher education has not been elevated to the level of *Chefsache*; i.e., the chancellor's prerogative.<sup>20</sup>

In contrast to most other policy areas that have clearly defined main policymakers, a conglomeration of individuals and experts and heterogeneous institutions delineate the debate on higher education. Institutional autonomy and academic freedom are fundamental values and structural differentiation is a defining characteristic of university life, where “each department is a world in itself.”<sup>21</sup> In the words of one scholar, “The institution of higher education is not a homogenous unit but is characterized by a mixture of inconsistent and conflicting interests; it is organized anarchy and professional

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<sup>18</sup> In 2001 and 2002, several cross-national studies highlighted marked deficiencies in the German educational system. Although their publication helped to catapult the issue onto the political agenda, the German public considers it hardly ever among the most pressing policy issues. Forschungsgruppe Wahlen e.V., *Politbarometer 02/2002. Repräsentative Umfrage – KW 08*; see also Emma Tucker, “Inside Track: Under-achieving. Must try harder: German Education.” *Financial Times* 13 February, 2002: <http://financialtimes...46638375086&partnerID=1741> (accessed 26 February 2002).

<sup>19</sup> Christoph Oehler, *Hochschulentwicklung in der Bundesrepublik Deutschland seit 1945*. (Frankfurt/M. and New York: Campus Verlag, 1989), 206-7.

<sup>20</sup> In the 1960s and 1970s, i.e., during the last wave of reform, higher education reform was one of the main priorities of the coalition government under Chancellor Willy Brandt.

<sup>21</sup> Åse Gronitzka and Peter Maassen, “Analyzing Organizational Change in Higher Education,” *Comparative Social Research* 19 (2000): 89.

bureaucracy at once.”<sup>22</sup> Thus, even if potential voter reaction is of lesser importance, vocal opposition to uprooting the system abounds. In order to be successful, three policy levels have to act in harmony: the federal, the *Land*, and the higher education institutions. The *Länder* are under pressure from the federal level and individual universities. They see too much federal involvement as undermining their role and have a heightened sense of mistrust toward the universities. Policy implementation – and thus the implementation of reforms – is dependent on the cooperation of all levels. Considering the dispersed structure of governance in higher education and the forces of persistence, the leeway between legal outputs and effective outcomes jeopardizes some reform initiatives or, at least, injects troubling elements of uncertainty into many proposals.

The consequences are visible during policy deliberations and after reforms have been initiated. For example, although few would dispute that the University Rectors’ Conference and the Science Council have been important forces of change in the last few years, it is equally undisputed that vocal voices of dissent are located within these organizations and that organized leadership is difficult. The passing of the public service law in 2001 exposed this difficulty. The attitude of the University Rectors’ Conference to the bill was sufficiently ambiguous that both the ruling coalition and the opposition forces cited it as an authority for their contrary viewpoints. Furthermore, levels of support for, or resistance toward, particular reform initiatives yield unintended but likely consequences.<sup>23</sup> For example, the *Habilitation* is expected to survive longer in the humanities and the social sciences compared to the natural sciences, where its role already has been reduced considerably. Despite the rapid issuance of new Bachelor and Master degrees to well over 1,000 in the academic year 2001/2002, the extent to which they will be accepted by students and employers remains to be seen.<sup>24</sup>

In general, however, although the area of higher education may not have the explosive potential of other reform initiatives, it exposes two dominant policymaking char-

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<sup>22</sup> Gertraude Buck-Behler, “Hochschule zwischen fremdgesteuertem Veränderungsdruck und selbstgesteuerten Entwicklungskonzepten. Anmerkungen zu einem unerledigten Thema,” *Beiträge zur Hochschulforschung* Nr. 1/2 (2000).

<sup>23</sup> On the subject of rehierarchyization, see, among others, Mark A. Stevenson, “Flexible education and the discipline of the market,” *Qualitative Studies in Education* 12, 3 (1999): 311-23.

<sup>24</sup> In the academic year 2001-2002, more than 1,000 such degree programs were offered at institutions of higher learning.

acteristics: multilevel bargaining and resistance to reform. Still, significant change has taken place and why and how are the focus of the remainder of this article.

### **Higher Education: Signals of Stress and Change**

That the German system of higher education has been in crisis or, in the eyes of some outspoken observers, “rotten at its core” has long been diagnosed.<sup>25</sup> International competition and financial pressures have led to an intensified reform debate. Internationally, Germany’s system of higher education, once considered among the best in the world, has come under intense scrutiny. Measured by foreign student enrollment, the attractiveness of the *Studienplatz Deutschland* declined in the 1990s, and to this date employs few foreign faculty members. A recent Science Council study examined 132 degree programs at German universities; in 121, not even a third of the students graduated within the prescribed time period.<sup>26</sup> The number of students who abandon their studies without achieving a degree remains high; and overcrowded lecture hall are legendary. According to the Federal Ministry of Education and Research (BMBF), 12 to 14 percent of young German scientists pursue their careers outside of Germany, while those who stay are on average in their late thirties or early forties when they finish the *Habilitation*.<sup>27</sup> In Germany, as elsewhere in Europe, the student population has migrated from elite to mass universities with enormous speed in the last thirty years. In 1970, 510,000 students were enrolled in institutions of higher education and this number more than tripled to 1.6 million by 1990; in 1999/2000, 1.77 million students were enrolled in 345 higher education institutions, of which 116 were universities and 182 institutions of applied sciences (*Fachhochschulen*). Despite this growth, in fellow- OECD countries, on average 45 per cent of students are enrolled in the tertiary sector, while Germany’s 28

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<sup>25</sup> Dieter Simon, then head of the Science Council, in an interview in *Der Spiegel* Nr. 50 (1991): 52; see also Christoph Führ, “The German university: basically healthy or rotten? Reflections on an overdue re-orientation of German higher education policy,” in David Phillips, ed., *Education in Germany. Tradition and reform in historical context* (London and New York: Routledge, 1995).

<sup>26</sup> “Im Schneckentempo zum Diplom,” *Spiegel Online* (9 April 2001) <http://www.spiegel.de/unispiegel/studium/0.1518.128201.00.html> (accessed 3 August 2001).

<sup>27</sup> Plenary Presentation by the German Federal Minister of Education and Research Edelgard Bulmahn on “Recent Developments in Higher Education and Science Policy in Germany – with Special Reference to the Situation of Young Scientists,” Palo Alto, January 18, 2001. The issue of “brain drain” was also addressed by Vivien Marx, “Europe Tries to Attract a New Generation of Academics,” *Chronicle of Higher Education* (8 March 2002): A40-A44.

percent is relatively low.<sup>28</sup> Overall, the Federal Republic has spent less on research and education than its international competitors.<sup>29</sup>

Thus, the indicators used to support the urgency for reform range from the declining or low number of foreign students and faculty members at German universities, the relatively high age at which young German scientists start to work independently, conditions that contribute to lengthy or unfinished study programs to the comparatively low number of students who enroll in the tertiary sector and funding deficiencies. For all of them, the German system seems to be behind and to fall further behind in international comparison, and those cross-national comparisons act as a “slap in the face.”<sup>30</sup> Many of them are based on OECD publications. In addition to revealing German shortcomings, these publications also have challenged traditional perceptions that placed universities exclusively in the cultural realm.<sup>31</sup> Pressures for reform are invariably connected to economic considerations, on the one hand, by the necessity to supply highly skilled employees; on the other, the need to contain budgetary outlays calls for higher education expenditures to conform to economic principles, such as competition and efficiency.

With the fall of communism, many policy makers in Germany assumed that the countries in central and eastern Europe – many of which had traditionally looked to the German educational system for orientation – would once again direct their attention to Germany. As it turned out, the Anglo-Saxon model proved more attractive.<sup>32</sup> Developments in Europe, east and west, reinforced existing concerns about international competitiveness, and performance criteria became more important. This shift was reinforced by spillover effects from the evaluation of eastern German scientific institutions as part of unification. In light of reform pressures and cost containment, higher education institu-

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<sup>28</sup> Centre for Educational Research and Innovation Indicators of Education Systems, *Education at a Glance. OECD Indicators* (Paris: OECD, 2001).

<sup>29</sup> The Wissenschaftsrat, *Theses for the Future Development of the System of Higher Education and Research in Germany* (Cologne: Wissenschaftsrat, 2000), 64. Manfred G. Schmidt, “Warum Mittelmaß? Deutschlands Bildungsausgaben im internationalen Vergleich,” *Politische Vierteljahresschrift* 43, 1 (March 2002): 3-19.

<sup>30</sup> Interview with Thomas May, Head of Section, Science Council, 20 December 2001.

<sup>31</sup> Hans Pechar, “Die Auswirkung der Globalisierung auf die Hochschulen,” *Zeitschrift für Hochschuldidaktik* 1 (1999): 73.

<sup>32</sup> This point came up repeatedly in my interviews. The “very limited extent” to which states in central and eastern Europe “sought a connection with these historical roots” and instead turned to “the Anglo-America world” is also emphasized by Erich Leitner in “Introduction: Higher Education in Transition,” in Leitner,

tions in the western part of the Germany could no longer be spared similar evaluation procedures. Thus, in ways unforeseen when they began, significant long-term effects on the overall German system of higher education ensued.

The reframing of the political discourse took place in the context of globalization, a new value and one that is hardly questioned by the major political parties. At the same time, the political discourse continues to emphasize tradition and the legendary days of German higher education – established and cherished values. Policymakers of all political persuasions use the Humboldt legacy both to undermine and to defend reform efforts.<sup>33</sup> For example, the introduction of the BA and the MA, which outsiders might see as an adoption of the Anglo-Saxon model, is stubbornly defended as the upgrading of academic degrees that have historical roots in Germany.<sup>34</sup> New and old values merge and open the way toward reform.

It would be remiss to attribute the transformation in perception and thus the urgency to implement changes solely to factors that are specific to German political discourse. The reform of higher education is on the agenda of every country in western Europe – the characteristics and the timing may differ but not the overall aims. The policy change is accompanied by a shift in expectations regarding higher education's role in modern society. Policy experts differ widely in their assessment of just how important the Bologna process<sup>35</sup> and European Union efforts are in shaping the reform agenda in Germany. All agree that the “Europeanization”<sup>36</sup> of higher education stresses the need for, and accelerates, change, even if it is not the primary source of change. Processes at the European level, clearly facilitate policy adaptations. Reference to these developments also makes it easier to diffuse allegations that too much “Americanization” is seep-

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ed., *Educational Research and Higher Education Reform in Eastern and Central Europe* (Frankfurt am Main et al.: Peter Lang, 1998), 6.

<sup>33</sup> This process that was already in force during the reform era of the 1960 and 1970s. Konrad H. Jarausch, for example, writes that in the 1960s and 1970s “the reform era ultimately rescued the Humboldtian discourse from extinction by alleviating some of its gravest problems through the adoption of largely imported American solutions,” but he also mentions that “[r]emnants of Humboldtian rhetoric helped legitimize the *retreat from the reform agenda ...*” See “The Humboldt Syndrome. West German Universities 1945-1989 – An Academic Sonderweg?” in: Mitchell G. Ash, ed., *German Universities Past and Future. Crisis or Renewal?* (Providence and Oxford: Berghahn Books, 1997), 44, emphasis original.

<sup>34</sup> This point was routinely emphasized during my interviews.

<sup>35</sup> The Bologna Process refers to the efforts by 29 countries to reform higher education in Europe. For more information see <http://culture.coe.fr/her/eng/bolognaoverview.htm> (accessed 2 November 2001).

ing into the German system of higher education. Admired by some, U.S. influence remains a sensitive reference point to others.

Christine Musselin, looking at changes in higher education in France, asserts that policy reforms have not been “inspired by the example of the other countries” where similar efforts took place. She concludes that while ideas may be alike in similar settings, the actual form of change remains very national.<sup>37</sup> The same finding also applies to Germany, and it is not restricted to higher education. Renate Martinsen, referring to the German political system, concedes that the “last resort of participation” (*Ausweg des Mitmachens*) may be an outcome that is determined by modernization and globalization, but she emphasizes the enduring importance of national factors, in particular the institutional network, in shaping concrete policies.<sup>38</sup> Hellmut Wollmann, in his study of administrative reforms in Germany, likewise highlights the coincidence of international modernization discourse with path-dependent perspectives.<sup>39</sup>

Since 1998 myriad policy initiatives have taken off. Anticipating resistance at higher education institutions, the timing of current reforms may be particularly opportune, since a generational change in the professorial positions is expected within the next decade.<sup>40</sup> To be sure, the old system has not been replaced, but we witness its recalibration with the addition of new programs and the updating of old programs that reflect new objectives.<sup>41</sup> Whether this development is the outcome of a paradigm change is a matter of interpretation, but that a change in perception is underway seems clear: “The new *Leitkultur* in institutions of higher education is autonomy and competition.”<sup>42</sup>

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<sup>36</sup> Thomas Pfeffer, “Die Entstehung einer europäischen Bühne für Hochschulbildung als Folge der Politik der EU,” *Zeitschrift für Hochschuldidaktik* 1 (1999): 79-110.

<sup>37</sup> Christine Musselin, “The Role of Ideas in the Emergence of Convergent Higher Education Policies in Europe: The Case of France,” Program for the Study of Germany and Europe, 8 May 1999, Harvard University; CIAO Working Papers [www.ciaonet.org/wps/muc01](http://www.ciaonet.org/wps/muc01) (accessed 10 November 2001).

<sup>38</sup> Renate Martinsen, “Das politische System der Bundesrepublik Deutschland aus einer Perspektive der Innovation: Ein politikwissenschaftlicher Zugang zum Konzept der nationalen Innovationssysteme und der Innovationsnetzwerke,” *Zeitschrift für Politik* 48, 2 (2001): 139.

<sup>39</sup> Hellmut Wollmann, “Local Government Modernization in Germany: Between Incrementalism and Reform Waves,” *Public Administration* 7, 4 (2000): 915-36.

<sup>40</sup> According to data from the Statistical Federal Office, it is estimated that between 2000 and 2010 nearly half of the professorial positions will be vacated due to retirement. See Statistisches Bundesamt, Fachserie 11, R 4.4, 2000.

<sup>41</sup> Pierson, 425.

<sup>42</sup> Ruth Kunz-Brunner, “Leiser Triumph der Reformer,” *DUZ. Das unabhängige Hochschulmagazin* (18 May 2001): 14; see also Detlef Müller-Böling, *Die entfesselte Hochschule* (Gütersloh: Verlag Bertelsmann

Along those lines, various programs that seek internationalization, performance-orientation, and diversification have been implemented. The following list is not complete but aims at providing an overview of some of the most important initiatives currently underway.

- *Internationalization*: introduction of new degree programs (foremost the addition of BA and MA programs and the modular, i.e., flexible, nature of some of the new degree programs); Europeanization of the curriculum, including the transfer of credit points; introduction of English-language class offerings, internationalization of student and faculty bodies.
- *Performance*: accreditation of new programs; merit procedures as basis for compensation; institutional evaluation, for example, through the Center for the Development of Higher Education (CHE – *Centrum für Hochschulentwicklung*) and the Science Council (*Wissenschaftsrat*); introduction of management techniques (exemplified, by the Benchmarking Club of Technical Universities) to increase efficiency.
- *Autonomy and Diversification*: redistribution of authority using contracts based on set targets (*Zielvereinbarungen*) agreed upon between individual universities and the ministries of the respective *Länder*; introduction of University Councils;<sup>43</sup> greater variety of incentives for attracting top scientists; first steps toward privatization of universities (e.g., in Bremen); various trial programs at different *Länder*, ranging from to admit students from a larger pool to efforts to diminish so-called long-term students (e.g., tuition payments); introduction of junior professors ultimately intended to replace the *Habilitation*; support for greater gender diversification in academic positions.

These and other reforms (including issues of tuition payments and student selection by individual universities) have been discussed for nearly two decades and some policy ini-

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Stiftung, 2000), 94, 224. Hans N. Weiler, "States, Markets and University Funding: new paradigms for the reform of higher education in Europe," *Compare* 30, 3 (2000): 333-9.

<sup>43</sup> For a recent account see Renate Mayntz, "University Councils: an institutional innovation in German universities," *European Journal of Education* 37, 1 (2002): 21-28.

tiatives were ready for several years before they saw the light of day.<sup>44</sup> Keeping in mind the lengthy preparation period, the concentration of efforts in the last four years is nothing short of amazing. Reality seems to fit a model according to which long periods of stability alternate with spurts of change; i.e., the punctuated equilibrium theory.

### **A Coalition for Change**

Institutional arrangements are not static nor are they designed to restrict political maneuverability. Renate Martinsen, referring to innovative policies in Germany, speaks of a “new architecture of the state sphere” and emphasizes the proliferation of political actors that are interlocked and whose *modus operandi* relies on communication and negotiation. In her view, the hierarchical state has not disappeared but has been superimposed by the interactive state.<sup>45</sup>

Reforms need “actors from a wide variety of institutions who share policy core beliefs and coordinate their behavior in a variety of ways.”<sup>46</sup> Similar to previous reforms in the area of higher education,<sup>47</sup> recent reforms have been advanced by such an advocacy coalition that overcame the conventional dispersion of power. Professor Jürgen Zöllner, Minister for Education, Science and Continuing Education of Rhineland-Palatinate and himself an important actor in the educational sector, referred to a science policy triumvirate, consisting of the Conference of Cultural Ministers (KMK), the Science Council (*Wissenschaftsrat*) and the Rectors’ Conference (HRK). At times, their relationship has been tense, but in recent years, it has been marked by increased cooperation. Together, they have achieved something of a “concerted action.”<sup>48</sup> In addition, they were joined by other organizations, some of which they helped to establish.

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<sup>44</sup> For example, most aspects of the 1998 Amendment to the Framework Law on Higher Education already had been completed in 1993. Interview with Professor Hans R. Friedrich, Undersecretary for Higher Education, Federal Ministry of Education and Research, 19 December 2001.

<sup>45</sup> Martinsen: 131-35.

<sup>46</sup> Paul A. Sabatier and Hank C. Jenkins-Smith, “The Advocacy Coalition Framework,” in Sabatier, 130.

<sup>47</sup> See Ludwig von Friedeburg, *Bildung zwischen Aufklärung und Anpassung. Erfahrungen mit der Bildungsreform in der Bundesrepublik* (Frankfurt am Main: VAS-Verlag für Akademische Schriften, 1994).

<sup>48</sup> Arbeitsgruppe Bildungsbericht am Max-Planck-Institut für Bildungsforschung, *Das Bildungswesen in der Bundesrepublik Deutschland. Strukturen und Entwicklungen im Überblick*. 4th completely revised and expanded ed. (Reinbek: Rowohlt, 1994), 683.

The Science Council was created in 1957 and acts as an advisory body to the federal and *Länder* governments. In the past, its policy recommendations have been welcomed but, more often than not, did not achieve the desired political force; the organization went through erratic highs and lows. However, when reforms were finally undertaken, the Science Council was often credited with expressing the need for similar reforms some time ago.<sup>49</sup> For example, many of its recommendations in the 1980s aimed at increased competition and reorganization, but those changes came only a decade later. A significant increase in visibility occurred in 1969 when the Council was given explicit legal powers in the planning of physical facilities for higher education institutions. A second impetus derived from the process of German unification. The Science Council was given a central role in integrating and evaluating the East German science establishment into an overall German framework. In the process, the Science Council assumed important evaluative powers for scientific institutions that continue to this day.

Increasingly, pressure for reform also emanates from two other advisory organizations: one established, the Rectors' conference, and one new, the Center for the Development of Higher Education (CHE).<sup>50</sup> The history of the Rectors' Conference (originally the West German Rectors' Conference) goes back to 21 April 1949. In recent years, the HRK has acquired a more pronounced profile and become an active force in science policy; it has turned from an "old lady with a cane" to a motor of reform.<sup>51</sup> Altogether, 256 of the 344 institutions of higher education are represented in the HRK. Reflecting the crucial role of the *Länder* in all matters of education and cultural affairs, the federal government and the individual states are represented in both the HRK and the Science Council.

The HRK acted as midwife to a new establishment, the Center for the Development of Higher Education (CHE) and is still represented on its Board of Directors. Funded by the Bertelsmann Foundation, the CHE publishes, among other works, a comparative Studies' Guide and ranking of German universities and departments. Independen-

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<sup>49</sup> See, for example, George Turner, *Hochschule zwischen Vorstellung und Wirklichkeit. Zur Geschichte der Hochschulreform im letzten Drittel des 20. Jahrhunderts* (Berlin: Duncker & Humblot, 2001), 14.

<sup>50</sup> *Theses for the Future Development of the System of Higher Education and Research in Germany* (Cologne: The Wissenschaftsrat, 2000); interviews with Thomas May and Dr. Winfried Benz, 20 December 2001.

<sup>51</sup> Karl-Heinz Reith, "Motor der Reformen," Supplement to DUZ – das unabhängige Hochschulmagazin: 50 Jahre HRK, 21. April 1949 – 21. April 1999 (16 April 1999): 4.

dent of public monies and in record time, it has acquired a voice in German science policy. The CHE “can say things that others cannot” and acts as an important “think tank.”<sup>52</sup>

The Science Council, the HRK, and the CHE are joined by numerous organizations whose interests center on internationalization and the promotion of German science and education. Among them are the German Research Council (*Deutsche Forschungsgemeinschaft*, DFG), the German Academic Exchange Service (*Deutscher Akademischer Austauschdienst*, DAAD), and the Alexander von Humboldt Foundation. Last, but not least, many journalists have not only carried the message, but reinforced the demands for reform. Thus, journalists joined the advocacy coalition, or what I have termed a coalition for change.

So far, I have focused on institutions that form the core of the coalition for change. However, there are others that, depending on the issue, join forces. The Standing Conference of the State Ministers of Education and Cultural Affairs is one of the most heterogeneous institutions among those responsible for policymaking in higher education. Party affiliation, geography, and financial strength are only some of the guiding principles for action. More often than not, coalitions for change (or resistance) form according to issues. Although *Länder* ministries of the CDU/CSU opposed the public service law in both houses of parliament, with regard to other topics, such as tuition payment and the introduction of new degree programs, the very same actors are often at the forefront of reform. The federalist nature of education policies also explains the multitude the initiatives and regional variations.

Policy networks in higher education can only be successful if they break out of their diverse subsystems and gain the attention of meso- and macropolitical actors. In the words of those who subscribe to punctuated equilibrium, “subsystem politics is the politics of equilibrium” ... whereas [m]acropolitics is the politics of punctuation – the politics of large-scale change ...”<sup>53</sup> In the history of the Federal Republic, the visibility and role of the Federal Ministry of Education and Research (BMBF) have fluctuated substan-

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<sup>52</sup> Interview with Professor Klaus Landfried, President, University Rectors’ Conference, 20 December 2001.

<sup>53</sup> James L. True et al., “Punctuated-Equilibrium Theory. Explaining Stability and Change in American Policymaking,” in Sabatier, 102.

tially; periods of stagnation have alternated with periods of heightened activity. In recent years, its influence has grown, not least due an active federal minister, Edelgard Bulmahn (SPD), and an infusion of funds into the education budget.<sup>54</sup> However, it remains true that its actions are circumscribed, since it only can act in unison with partners at the *Land* level. The federal government first increased its role in science and research in 1969. At that time, the Basic Law was changed to allow participatory power in the areas of construction, research, and framework legislation. For the first time, a federal ministry dealing with education, science, and research was established. Since then, the federal framework law for higher education, enacted in 1976, has become an important tool for national policy initiatives but due to its legal nature, opens avenues for regional variation and autonomy. By now the law has been revised six times. Recent amendments have emphasized new concepts such as introduction of Bachelors and Master degree programs, credit points, performance criteria, incentive structures for pay, the junior professor, and the administrative restructuring at universities.

Those who resisted or criticized certain aspects of recent reforms, in particular the public service legislation, were handicapped either by their lack of unified policy alternatives, organizational weakness, or both. The voice of student organizations has been hardly audible, and the Union for Education and Science (GEW) has restricted its input to select topics, such as equality in admission and tuition issues. Overall, neither was an active player in the last rounds of reform. The traditional separation of universities from applied institutions of higher education (*Fachhochschulen*) remains visible in their two representative interest groups: the *Deutscher Hochschulverband* and the *Hochschulverbund*, respectively. The *Deutscher Hochschulverband* was able to protect the civil service status of its members in the recent debate about the public service law but was sidelined in other areas. Critics gained support – and media visibility – due to the shortcomings of the law itself<sup>55</sup> but, overall, the policy logjam was shattered by the emergence of an advocacy coalition in favor of reform. Leading science organizations in

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<sup>54</sup> The infusion of 1.8 billion DM for a period of three years in UMTS funds as well as budgetary increases helped to boost the visibility of the federal level in education. Between 1998 and 2002 the budget for the CBMBF increased by 15.5 percent.

<sup>55</sup> The debate regarding the public service law was heated and prolonged. It reached a low point when the *Hochschullehrerbund*, the federal association of professors at *Fachhochschulen*, published obituaries to

Germany – almost all dependent on public funds, as their critics are quick to point out – initiated a reconfiguration of values and helped to elevate the issue of higher education to the national; i.e., macropolitical, level.

### **Conclusion**

Globalization, European integration, and domestic concerns combined to create new pressures for reforms in many areas of German public policies in the 1980s and 1990s. Higher education features prominently among them. I was interested in the factors that place policy issues on the political agenda and follow up with concrete courses of action. In other words, I wanted to identify factors that led to the disentangling of the gridlock preventing reforms in higher education. Reforms were made possible, I argue, by the emergence of an advocacy coalition of science organizations that shaped the political discourse in the direction of competition and greater autonomy.

The initiation of recent reforms has already, and will continue, to add to the diversification and hierarchical reorganization of the educational landscape. Recent changes in the system of higher education are characterized by incremental steps that reshape the existing institutions and, maybe even more importantly, are intended to introduce new ways of thinking. The shape and the process of reform share much with earlier changes in the 1960s and 1970s: then and now, we see bursts of experimentation and the addition of new program components; then and now, the sources of change emerged from scientific organizations and extramural institutions; then and now, the pressure of cost containment is an important framework condition; then and now, it took an extended period before reforms were enacted; then and now, change is bounded: reforms do not radically alter the German system, and they are characterized by the incorporation of old programs. Finally, then and now, reforms highlight the need to modernize. However, in contrast to previous initiatives that stressed the opening of universities to a wider student clientele and issues of equal opportunity as well as the democratization of German uni-

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their institutions in German newspapers after the Federal Cabinet had approved the proposal. See, for example, *Die Zeit* (31 May 2001): 37.

versity structures, current policies emphasize performance based on competition, evaluation, incentive structures, and differentiation. Thus, reform is once again closely tied to value change.

During the last fifty years, the higher education system in Western Europe has undergone substantial transformations. Historically, universities have acted as public agencies as well as autonomous cultural institutions. Recent developments in Germany and elsewhere in western Europe have added a third perspective: the university as corporate enterprise and the emergence of the “evaluative state.” A process of paradigm change is under way, whose ultimate transformative power is as yet unclear, largely because different layers of expectation persist and because some of the new initiatives are gauged as experiments. Thus, Ivar Bleiklie’s assessment that “processes of gradual sedimentation rather than ... sequential stages” characterize the development of modern universities also holds true for the German setting.<sup>56</sup> The reform of higher education in Germany and elsewhere in Europe remains a project in the making.

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<sup>56</sup> Ivar Bleiklie, “Justifying the Evaluative State: New Public Management Ideals in Higher Education,” *Journal of Public Affairs Education* 4, 2 (April 1998): 92.