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"The Bachelor/Master introduction in Germany: Towards a New Mode of Regulation?“

1. Introduction

The traditional governance-regime of Germany’s Higher Education was marked by “a combination of political regulation by the state and professional self-control by ‘academic oligarchies’” (Clark 1983: 140). This led to a strong position of each professor. As the universities were confronted with the New Public Management Agenda, which was, at least in Germany, mainly implemented by the government, the “academic oligarchy” was replaced by a different mode of regulation, in which formal accreditation processes and related agencies became more important.
In the late 1980’s in Higher Education as well as in other societal sectors, a “retreat of the state” (see Strange 1996) and “reformed regulatory states” could be observed (see Moran 2002). This reduced impact of the state did not mean, however, that there were no regulations or no regulatory agencies. New groups of regulators and regulations emerged and grew in importance (see Hedmo et al. 2004). 

In the research we conducted, we analyzed the role of traditional and new actors in the Governance-Regime in Higher Education in Germany: The state, the professorate and the accreditation-council and -agencies.

We tried to answer following questions:
To what extend did the role of the former “regulators” change? What competencies does the state still possess? Did the state have to assign competencies to other actors? 
As they lost autonomy and had to assign power to other actors, the professorate is regarded as a “loser” of this reform. To what extend did the traditional role of a professor, in respect to the Humboldt ideal of academic freedom, change? 
What is the role of the accreditation-council and the accreditation-agencies? Did these newly created actors take over the role of the former main regulators in Higher Education?

In the following we would like to present the main findings of our research.
First, we would like to highlight the role of the new actor “accreditation agencies” as a main institutional innovation in the governance-regime of Higher Education in Germany. Secondly, we will turn to the role of the state in the new governance-regime.

2. Research Design and Data Sample

The research, from which we will present some findings, was carried out with third and fourth year graduate students at the department of sociology of our home university in Bielefeld.¹ Our research consisted of two parts. One was based on qualitative research. In June and July 2004, 28 research interviews were conducted and recorded. Later, these interviews were fully transcribed and analyzed according to our guidelines and research hypotheses. In addition, we tried to validate our interview findings through written documents. In part, some of these documents were analyzed with the help of discourse analysis. The 28 interview partners came

¹ The research team included Johanna Bunzmann, Lisa Hürter, Maja Kandzorra, Katharina Kloke, Juliana Körnert, Steffen Ludwig, Boris Podolšak and Yvonne Prill.
from 14 of the 15 universities (six deans of teaching and students’ affairs, five administrators, two rectors, and one acting rector) of the state North Rhine-Westphalia. Due to limited resources we could not include the state’s polytechnical schools. North Rhine-Westphalia hosts Germany’s largest and most diversified university infrastructure. It is Germany’s most populous state, and it includes the industrial Ruhr as well as the Rhine area (with the state’s capital Düsseldorf, and the former German capital Bonn). Furthermore, interview partners on the national level were included. We conducted interviews with representatives of all six accreditation agencies, as well as with representatives of eight policy-making and policy-advising organizations in the field.

The second part of the project was quantitative as we conducted multiple regression analyses in order to test several hypotheses on why certain universities and disciplines introduce Bachelor and Master Programs more rapidly than others. Here, the sample was broader as we could include all 117 universities in Germany. In one model, also the country’s 159 polytechnical schools were taken into consideration. Due to the limited time of our presentation, we will not present these results.

Based on the interviews mentioned above, we will now turn to the newly created actors in the field of Higher Education: The accreditation-council and the accreditation-agencies.

3. A Shift of Paradigm in Quality Assurance?
Let us briefly introduce the main actors in the German accreditation scheme first.

The German accreditation scheme was introduced in 1999 under the premise of decentralising and de-regulation on the part of the government. The introduction of accreditation is based on a ‘soft mode of regulation’ (Mörth 2004; overview see Hedmo 2004, p.6), namely resolutions by the deans’ conference HRK and the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK).

a) Stiftung zur Akkreditierung von Studiengängen in Deutschland („Foundation for the accreditation of study-programs in Germany“)
The „Foundation for the accreditation of study-programs in Germany“, in German “Stiftung zur Akkreditierung von Studiengängen in Deutschland” consists of the following organs:

- Accreditation-council: Accreditation council (consists of 17 members including four representatives of Higher Education institutions, four representatives of the Länder, five practitioners, two international experts and two students)
- Foundation board
- Governing board

The main organ is the accreditation-council; the two others act as supervisory boards of the accreditation-council.

The most important tasks of the accreditation council are the following ones:

- Accreditation and Re-accreditation of the accreditation-agencies, accreditation-period five years
- Authorization of agencies for the accreditation of study-programs
- Monitoring of agencies
- Setting of basic accreditation standards for study-programs

b) Accreditation Agencies

In Germany there are six agencies. Among them there are three cross-disciplinary agencies, which mainly have a local focus. Three others can be considered as discipline-specific agencies. (The disciplines are business administration, engineering, health and social work).

Accreditation agencies are supposed to be institutionally independent from Higher Education institutions as well as from any business, industry or professional associations.

The accreditation-council is free to accredit, conditionally accredit or not to accredit an agency. Each accreditation is issued for a limited period (three to five years), which is then followed by a re-accreditation procedure. Costs for the foundation and for the accreditation are borne by the Länder (states). The respective degree courses can be accredited, conditionally accredited or not accredited. The expenses for the accreditation must be covered by the universities; the accreditation of one
study-program adds up to 12,000 Euros. In Germany each study-program needs to be accredited. It cannot be substituted by an institutional accreditation, as e.g. in the USA.

Based on our research we would like to highlight four points:

1. First, it can be stated that the accreditation-agencies have taken away some of the competencies of the single professor, as he or she now has to face regular inspection and control by accreditation and evaluation (this stand in contrast to the Humboldt ideal of academic freedom), and also in respect to the organization of study-programs. But contrary to the assumption mentioned in our introduction the professorate as a whole is not the big loser of the reform. The professorate as a whole possesses central competencies in the accreditation process. Academic peers do not only assess the formal consistency of a study-program but also the content of a program, its goals, resources etc. In addition, traditional disciplines seem to play a strong role in the accreditation of programs, which to a larger extent than before are interdisciplinary in character.

To give you two quotes from the field:

“Where do the standards which we review come from? They are mainly defined by the scientific community itself. There are some legal standards from the KMK, and the rest results from qualitative input. The qualitative input arises from each discipline.”

“We don’t intervene in questions concerning the content of study-programs. That is the assignment of the peers, who make a site-visit and judge from the background of their disciplinary context.”

Secondly, we would like to highlight the level of cooperation among the agencies, both on the national and on the international level

a) National Level

In each of the six interviews with the representatives of the agencies a differentiation between disciplinary and cross-disciplinary agencies was pronounced. This has an impact on the level of cooperation among the agencies.

Exceptions are law, medicine and pharmacy, as the diploma there is still the Staatsexamen.
The three cross-disciplinary agencies seem to cooperate more intensively than the three disciplinary agencies. There exists cooperation between the disciplinary agencies, for example concerning the transfer of accreditation-mandates, but cooperation seems to be less target-orientated and less concrete than the cooperation among the disciplinary agencies.

“The regional agencies like to work together with the other regional agencies. (…) If the disciplinary agencies have got an assignment in a university, and there is more need for accreditation, we forward the assignments to the other disciplinary agencies. One has to calculate: If there is somebody who offers the whole assortment, you will soon become a has-been.”

The results for the international level seem to be even more interesting.

b) European Level

Quality assurance and accreditation play a central role in the Bologna process. The European cooperation on quality-assurance is emphasized, especially the definition of comparable criteria and methods. However, there is no common system of accreditation in Europe so far. In the study of Stephanie Schwarz and Don Westerheijden published in 2004, systems of accreditation in twenty European countries were analyzed. They found that “there are currently no patterns that demonstrate comparable structures of accreditation schemes” (p.11). Accordingly to this result, the German agencies responded to the question “Is there cooperation with other accreditation agencies on the national and on the international level?” with a detailed description of cooperation between the national agencies and the accreditation council and then only briefly turned to the international level.

The activities in international organizations like the European Network of Quality Assurance ENQA and the European Consortium of Accreditation ECA seem to be mainly on the “meta-level” as a representative of an agency mentioned. There exists, as another representative of an agency described, “an exchange of information between us and other international agencies and representatives of universities and professional organizations”, or, another quotation “we observe the European field of accreditation, what is common there”.

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Altogether the cooperation on European level seems to be restricted to networks like the two mentioned above. With the exception of Austria and Switzerland there exists no form of direct cooperation in accreditation procedures of study-programs.

If you regard the aims of the Bologna-Conference and the follow-up conferences, one can see that the international cooperation is relatively weak. This may be due to the fact that the agencies are already facing differences in the accreditation processes within Germany and its 16 Länder. Apparently, additional cooperation on the European level would increase the complexity of the work of the German agencies.

Third, we have findings with regard to the degree of professionalization in the field of accreditation and patterns of staff selection.

For the hiring-process of employees no technical criteria can be identified. The employees working in accreditation agencies derive from different disciplines; have different degrees and different professional careers. More important for an employment are so called soft skills, for example a great breadth of understanding; “Qualities of a manager”, “Willingness to perform”, and team spirit.

The only required qualification for employment is work-experience in the field of Higher Education. A quotation:

“The consultants that we employ have been responsible for quality-assurance at universities, or they worked for the deans of universities. They knew how to arrive at a decision in universities and they knew how to develop study-programs.”

But it is striking that many of the employees of the cross-disciplinary agencies had been employed before at the HRK, the DAAD (German Academic Exchange Service) or the ZEvA (evaluation agency in Lower-Saxony). One representative stated that “the employees are recruited out of a small system, and you know each other well”.

There are no specialized study-programs for accreditation. But as specific knowledge is needed for accreditation procedures, we asked if there is specific training or specific further education concerning accreditation.

This was negated by the representatives of the agencies. Moreover, the employees were trained by “learning on the job” or in the sense of exchange of experiences.
Specific further education seems to exist only at the level of ENQA, where there are workshops on accreditation, albeit not very frequently. Summarized, the selection and development of personnel as well as the professionalization of the field do not seem to be very advanced. Before turning to the role of the state, we would like to elaborate more theoretically on the role of accreditation agencies. Here, we find it most promising to see the introduction of accreditation-procedures as an indicator for what Michael Power (1997) called „the audit society“.

Michael Power ascribes the upcoming “audit society” to the loss of confidence in professions and organizations. According to Power “Audit represents a social world in which action can no longer be coordinated by trust alone” (Power 1993:4). Processes of audit are denoted as a “technology of mistrust” in which extern experts step aside the members of a profession or an organization in order to restore trust and credibility.

In addition, the audit society is characterized by a “shift of monitoring practices from direct inspection towards the control of control” (Power 1993:6). Governmental agencies certify and control the auditors, which in turn mainly supervise the control-systems of an organization.

3.1 Accreditation Scheme for Study Programs at Public Higher Education Institutions

The direct control of the state by the Rahmenprüfungsordnungen (that means quantitative specification and approval of examination regulations by the state), was replaced by the assignment of responsibilities to the accreditation-council, which, in turn, assigns responsibility to the accreditation-agencies. This leads to a form of control, which is, according to Power, “exercised in chains with each link in the chain primarily controlling its neighbours by stimulating forms of self organization and control” (Power 1993:6.).

The accreditation scheme follows the sequence presented below:
The arrows demonstrate the direction of control. The agents of this “control-sequence” are hierarchically organized, that means that one auditor observes and controls the other. The Accreditation-Council itself calls this “a system of meta-accreditation and checks and balances” (Schade 2004: 182).

As mentioned above, audit is a “technology of mistrust” in “which independent outsiders must be summoned to restore that trust. The audit society is therefore one that trusts auditors before operatives” (see Armstrong 1991, cited according to Power 1993:4). With regard to the system of Higher Education, one can assume that the independent outsiders appear in form of accreditation agencies. They restore the confidence and trust in the universities; as it seems that the profession of the “professorate” (the operatives) does not possess, at least, this ability any longer. But one has to keep in mind, as mentioned above, that the professorate still plays an important role in the accreditation process.

4. Role of the State

Now we will turn to the role of the state. Given increasing role of „New Public Management“ in German Higher Education, and the creation of accreditation agencies, which were assigned responsibilities which were previously in the hands of the state, one could have thought that the role of the state has decreased. From the point of view of our interview partners, however, this is by no means the case. The state (and here, in particular, the Ministry for Research and Education in the state North Rhine-Westphalia) is seen as the universities’ central point of reference, both with regard to university affairs in general and with regard to the introduction of the Bachelor and Master scheme. According to our interview partners, the pressure increased through a law that forbids the inscription in traditional study programs, leading to the „Diplom“ or the „Magister“, from the Academic Year 2007/08 on.

To give you some quotes from our interviews with representatives from universities.

„The ministry in any case because it gives us guidelines in certain areas. Well, I guess that was it. “This is one, obviously rather extreme statement on what organizations in the organizational field are regarded as important. But also others interview partners share the assessment that the state is the central point of reference for universities
While these quotes are on what universities perceive as important organizations in the organizational field in general, one can see a similar picture with regard to the Bachelor and Master process.

The strong role of the state stands in contrast to other possible sources of the transformation process. Though a stronger link to the economy is strived for with the reform, especially in the Bachelor programs, which are more vocationally oriented than previous study courses, according to our interview partners economic actors hardly shape the process directly. And only in two cases we were told that the main impulse to shift towards the Bachelor and Master scheme came from within the universities.

Interestingly, one can nevertheless witness a strong role for university leadership in the case we analyzed. Along with the Bachelor and Master reform, the university is transformed into a single organizational actor with explicit goals, internal hierarchies, and accountable decisions (for a broader theoretical account see Krücken/Meier 2006). The transformation of universities into organized and strong actors is by no means a trivial process. On the contrary. Historical and sociological research on universities converges in seeing them as „organized anarchies“or as “loosely coupled systems” dominated by departments and professors (see Musselin 2006). In this, university organizations have only very little in common with a the state bureaucracy as being described by Max Weber or with the powerful organizational actors including strong leadership, which research on business firms by Alfred D. Chandler and others has shown.

With regard to the new trend towards organizational leadership in universities the increasing importance of organizational accountability has to be mentioned in particular. As organized actors, universities have to be understood as units which produce accountable decisions. Even omissions – like the attempt of some departments and professors not to change their programs towards the Bachelor and Master scheme – can be reconstructed as decisions. They are negatively sanctioned by the rector and his or her deputies, who more and more are seen as heads of an organization. From our transcripts we could see that the external pressure from the
political realm was in many cases internally reinforced by the rector and his or her deputies.

To give you just one quote: „Here, the initiative to transform comes from the rector. And the rector reacts to the policies of the Ministry, which are very clear in this case.”

It will be interesting to observe the process in the long run. The attitude of departments and professors will be crucial when it comes to actually implementing the new structures. Formally setting up a program is one thing, but actually living up to it is another story. Here, I guess, we will see a lot of variety among departments and professors in the future. The results will presumably differ according to whether the Bachelor and Master scheme is still perceived as being exogenous and being implemented in a “top down” fashion, or whether this scheme is seen as being in accordance with the internal motivation structures, be they collective (on the departmental level) or individual (on the professor’s level). The at first sight surprisingly strong role of the state was clearly instrumental in pushing the introduction of Bachelor and Master Programs in German universities. The figures are impressive, and there is no doubt that Germany will have completed (with the exceptions of law and medicine) the shift towards the Bachelor and Master scheme until 2010. This political success-story which allows German officials to present convincing numbers and figures at the Bologna follow-up meetings, however, is a mixed blessing as the rapid, externally pushed diffusion process has caused a lot of alienation within the universities.

5. Conclusion
To sum up our results: Do we see a new mode of regulation in the process of the Bachelor/Master-introduction in Germany? The answer is not a straightforward “yes” or “no”. On the one hand, we see two major changes, i.e., accreditation agencies as new actors and the more general transformation of universities into accountable decision-makers with a stronger role for organizational leadership. Both changes fit into the broader pictures painted by theories of the “audit society” or New Public Management.
However, this is only one side to the story as traditional actors are paradoxically reinforced. Regulation in our case is definitely not a zero-sum game, where the gains of one side are the losses of the other. The professorate and the state are only at first sight the losers of the reform. As we have seen academic peers shape the entire accreditation process. And though the state has handed over some of the competencies to accreditation agencies, the state is still perceived to be the single most important regulatory force. Accreditation agencies are rather an additional regulatory layer, but not a substitute for state control in an ever more complex and multilayered regulatory structure. The same dialectics and the same “non-zero-sum game structure” holds true for the relation between the international and the national level. Though the Bologna process clearly strives for the internationalization of Higher Education, the role of the nation-state is, paradoxically, reinforced as “Bologna” grants legitimacy to national reforms, which otherwise were hardly thinkable.
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