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New guiding principles in educational policy: the case of Germany

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Pluralism, decentralization, deregulation, school autonomy, greater diversity and parent empowerment in education are among the new guiding principles in educational policy in numerous industrial countries. Whereas this paradigm shift reflects the advance of the market ideology into the education sector in other (particularly English-speaking) countries, the driving force behind this movement in Germany is rather the political system's loss of legitimation and the conflict-ridden state of educational policy. The first part of the article takes a retrospective view which links up to the analyses of Weiler. It shows that the former strategies for securing legitimation and regulating conflicts – involving science in the educational reform process, legalization and judicialization – have only been effective temporarily. Using the new Education Act of Hesse as example, the hypothesis is developed that the strategy of increasing parent empowerment and partially transferring regulatory powers and decision-making competence to individual schools will also not bring about the expected effects since this will not solve the structural problems of the German school system. In the second part of the article this thesis is elaborated within the framework of a differentiated analysis of the consequences of the structural problems as manifested in individual school types on local educational markets.

Background

In Germany the 1980s witnessed – in accordance with international developments – the advancement of pluralism, decentralization, school autonomy and parent empowerment as guiding principles of educational policy. It would be premature, however, to assume that there is a common ideological driving force behind this apparent convergence in educational policy. The present contribution argues that in Germany the crucial factor in effecting a paradigm shift was not a diagnosed 'quality crisis' in education and the introduction of market elements as a remedy but, particularly, the attempts to cope with the dwindling political legitimation and to reduce educational policy conflicts. They are a response to the significant social, political, economic and cultural changes that have occurred in the past two and a half decades.

The erosion of legitimacy of the state and the political system have been noted internationally as a consequence of the fiscal crisis of the overburdened interventionist welfare state and the growing awareness of the limitations of the state's problem-solving capacity. The legitimation problems were additionally reinforced (particularly in West Germany) by the increasing pluralism of value orientations in society which, with their heterogeneous demands and expectations regarding welfare state services, considerably overtaxed the politico-administrative systems' capacity of responsiveness. This development triggered a fundamental discussion about the role of the state, about the nature and scope of the state's function that also seized the field of education as criticism of the dominant statism (*Etatismus*) (e.g., Hanf 1983). However, this did not change the

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concept of pluralist corporatism prevailing in West European countries (see McLean 1988). Education remains essentially a public, state-controlled and -financed activity. In Germany this also applies to the relatively small private school sector (for details see Weiss and Mattern 1991). All considerations of replacing the existing bureaucratic state-controlled system by a market system have been restricted to theoretical discussions in academic circles and have had no political impact. Nevertheless the growing legitimation problems of state institutions in the educational sector have not been without consequences. With the deterioration of the economy the goal of 'increasing the general affluence', which had created a basic consensus in society, has largely lost its significance as buffering factor in the prevention of political strains caused by group conflicts. The latently existing disagreement about values in education manifested itself in connection with the far-reaching structural and curricular reforms of schooling planned in the 1970s. Particularly the conflicts concerning the introduction of comprehensive schools (to replace the tripartite school system) and a 'curriculum framework', which at times seemed to reach the dimension of a cultural struggle, clearly showed the limits of majority decisions and the need to find other strategies to regulate conflicts and to preserve legitimation. Three strategies have achieved practical relevance in the educational sector (Weiler 1983):

1. The utilization of scientific expertise in the policy-making process;
2. the legalization and judicialization of policy;
3. the shift of responsibility to the lower levels of the politico-administrative system (the individual schools) and parent empowerment.

It is asserted that the effectiveness of these strategies depends on the specific historical conditions under which they are applied, i.e., that they work only temporarily. This will be demonstrated retrospectively for the first two strategies. For the third it is a prospective thesis which will be substantiated in the second part of the paper.

The utilization of scientific expertise

An important feature of the reform movement in West Germany starting in the late 1960s was the growing awareness that the process of educational reform and innovation should be made more rational through the formalized inclusion of social sciences, especially in the case of controversial reform projects such as the reorganization of the lower secondary level (cf. Weiss and Weishaupt 1991). The adoption of principles of organizational rationality and the utilization of scientific expertise are, for example, reflected in:

- the establishment of the German Education Council (*Deutscher Bildungsrat*) in 1965 as an advisory body;
- the agreement on a programme of experiments and their scholarly analysis and evaluation as a strategy of reform policy initiated in 1971 and co-ordinated by the Joint Federation-*Länder* Commission for Educational Planning and the Advancement of Research (*Bund-Länder-Kommission für Bildungsplanung und Forschungsförderung*); and
- the drafting of a long-term plan for the co-ordinated development of the education system – the Comprehensive Education Development Plan – by the same Commission in 1973.

The strategy of utilizing scientific expertise for educational reforms was, without any doubt, of considerable importance for conflict management and the legitimation of political authority (see Weiler 1989). Yet this strategy was only effective temporarily.

With the termination of the educational reform period in the late 1970s it increasingly lost its significance. This is reflected in:

- the dissolution of the German Education Council in 1975;
- the failure to update the Comprehensive Education Development Plan;
- the declining role of educational research in policy making; and, related to this,
- the cutbacks in the experimental programme and the elimination of controversial topics.

A decisive reason for the fact that the strategy of utilizing scientific expertise lost its relevance is that it is only suitable for the legitimation of the *political process* but not for the *political decision* itself. Science cannot take on a decision-making function, it cannot keep the education system out of the political and ideological fray, all the more so as 'social science research does not yield a single uncompromised truth' (Weiss 1980: 6). Particularly striking evidence of this became visible in the scholarly accompanied experiments with comprehensive schools. Their results should – according to political rhetoric – serve as the basis for a future general decision on the reorganization of the lower secondary level. Both the advocates and opponents of comprehensive schools agreed on the solution to postpone the decision until the evaluation results became available, hoping that the controversy would have calmed down and have led to a less confrontational policy climate (and a decision to their liking). Thus, the main function of experimentation with comprehensives was conflict management in an ideologically highly polarized political situation and, in so doing, to confine the political costs and to fulfil the needs of legitimation.

When the results of a decade of research were summarized in 1982 (e.g., Fend 1982), the political decision about the introduction (or respectively non-introduction) of comprehensive schools had already been made in the individual federal states (*Länder*). In summarizing the experiences gained in attempting to base structural reforms in secondary education on the results of educational experiments with comprehensive schools and their scholarly evaluation Weiler (1989: 302) states:

> Looking back at this history, it does not seem unreasonable to suspect that what really mattered in the strategy of experimentation from the start was the connotation of rationality and scientific rigour that it would confer upon the policy process and that, once this procedural legitimation was accomplished by setting up experiments, the eventual findings themselves mattered little.

Legalization and judicialization

The legitimacy of numerous policy measures was questioned by critics of the reform policy who argued that these would violate the rights of parents. This led to the increasing importance of legalization and judicialization as strategies of conflict management in the Federal Republic of Germany in the 1970s. The ruling by the Federal Constitutional Court deserves special attention in this respect. It bound the parliamentary legislative body to make the essential decisions concerning the education system itself and not to leave this to the school administration (legal and parliamentary reservation – *Gesetzesvorbehalt*). The legitimating effect of observing the legal reservation demanded by the Court can be seen in transferring the responsibility from a 'weak' branch of the state's authority, the Executive, to a relatively more powerful branch, the Legislative (Weiler 1983: 267). However, this strategy of preserving legitimation also proved to be only partly workable for two reasons: on the one hand the parliamentary democracy based on majority rule was exposed to a loss of legitimation itself because of the shortcomings made evident by the presence of profound value conflicts (as in education) (e.g., Guggenberger and Offe 1984).

On the other hand 'legalization' in the 1970s became an increasingly negatively loaded collective term for bureaucratization, regulation, remoteness from the people, etc. (cf. Reuter 1980). A new strategy to ensure legitimation in the conflict-ridden educational field was thus required. It would have to take the changing value orientations into consideration, especially the growing need in society for autonomy and self-determination, as articulated by the criticism of 'judicialization'.

School autonomy and parent empowerment

In the 1980s pluralism, decentralization, school autonomy and empowerment of parents became the new guiding principles of educational policy in Germany. They replaced the two previously outlined strategies which could only temporarily check the progressive erosion of legitimation of the political system. This is primarily due to the fact that politics is being assessed by new legitimation criteria that derive from the subjective perceptions and evaluations of the needs and expectations of those affected by it. These needs and expectations have become more heterogeneous in the process of the growing individualization of West German society and its differentiation into subgroups with different (conflicting) value orientations and lifestyles (Weiss *et al.* 1991: 7–14).

This societal process of change forms the background to the precarious state of conflict in the field of education described above. The governing parties, anxious to secure their (often very narrow) majority, had to adapt their policy of fulfilling expectations to this new situation. The conventional procedure of parliamentary majority decisions could no longer be followed without loss of legitimation (and the risk of losing the majority). The guiding strategic principles became 'decentralization' and 'participation': the transfer of decision-making competence and responsibility to the lower levels of the politico-administrative system, where consensus existed or conflicts could be coped with more effectively, involving those affected by the decisions. Ideally (in theory) each governmental level would decide on those questions that those involved at this level agree on.

Corresponding considerations have already been discussed and elaborated for education in West Germany in good time. Particularly worth mentioning is the recommendation 'On the Reform of the Organization and Administration in the Education System' adopted in 1973 by the Educational Commission of the German Education Council (Deutscher Bildungsrat 1973), in which greater autonomy of schools and the institutionalization of democratic decision structures was proposed. At that time such ideas were considered erroneous in politics and administration. Now, however, far better preconditions for their realization exist:

- the increased willingness of politicians, because of efforts to ensure legitimation, to relieve the overtaxed political system of the responsibility for regulating conflicts through delegation and at the same time fulfilling the growing need for participation and self-determination in society;
- the 'paradigm shift' effected by implementation research and empirical studies on school quality through which the conditions prevalent in individual schools gained significance as the strategic starting-point of a 'grassroots' reform strategy for the success of innovations and the performance of a school.

A spectacular drive in the direction of an autonomous and participatory school was recently undertaken by the state government of Hesse (a coalition between Social Democrats and the Green Party) with its presentation of a draft of a new Education Act. It

provides for a significant extension of autonomy for schools and increased power for parents to participate in decision making. It intends reforming school management by introducing another directing body, the *school conference*, in which teachers, parents and pupils are represented. Its sphere of competence comprises issues of school and instructional organization, e.g.

- whether primary schools should extend their practice of abstaining from grading beyond the second year of schooling;
- whether and in what way teaching and learning should follow the concept of integrating various subjects;
- what curricular priorities (within the boundaries set by the agreements of the Conference of Ministers of Education) should be adopted to develop individual school profiles;
- whether an additional (tenth) school year should be introduced in short-course secondary schools (*Hauptschulen*).

The initiators of the Education Act consider it to be a possible means of getting under way those education reforms that allegedly can no longer be decided on politically in parliament, on a small scale at grassroots level where, according to their opinion, the involved parties are more likely to reach agreement about the issues. In this way they hope to re-establish 'school peace' in Hesse, which has been disturbed for a long time. The reactions to the Act by opposition groups, and particularly by large sections of the teaching staff, seem, however, to indicate the opposite. It is to be expected that in future the conflicts will increasingly be fought out in school, leading to increased social and organizational costs. The parallel existence of three decision-making bodies is considered the most likely source of conflict: the principal, the teacher conference and the newly created school conference. Many teachers regard granting parents such far-reaching rights to participate in decision making as a professional imposition. In view of the reactions to the submitted draft of a new Education Act shown up to now, doubts about its legitimating effect are justified even if the position of parents (or rather specific groups of parents) would be strengthened by it.

The Education Act also offers parents greater scope for exercising their rights in choosing educational courses and school types after primary school by obliging the providing bodies (cities, districts) to make a variety of schools available. Furthermore the coalition government of Hesse has revoked the requirement of making access to education courses and school types leading to university entrance qualification subject to specific achievement requirements (a recommendation from the primary school or, if the parents' aspirations are higher than what was recommended by the primary school, a trial period of instruction). If the law is adopted in its present form parents in Hesse will have two ways of influencing the educational supply of the system: by free choice of the type of secondary school after the completion of the (four year) primary school and by actively participating in shaping the pedagogical and curricular profile of the chosen school via the school conference.

The strategy of parent empowerment and strengthening school autonomy meets with a market configuration in many urban school systems that shows significant 'distortions'. Being primarily a consequence of structural deficiencies, this situation cannot be changed by a policy of shifting responsibility to the individual school. Rather, there is reason to assume that the evident problems on local educational markets will be aggravated by this policy because it tends to increase the already existing disparities in the competitiveness of schools. This, however, gives rise to doubts as to its effectiveness as a means of political legitimation.

Despite differences in the ideological foundation of the shift in educational policy in nations where it has occurred, similar effects can be expected: a greater differentiation and 'hierarchization' of school systems and a trend towards 'quasi-markets'. A closer look at the German situation gives some insights into the consequences of this development. The 'market analysis' presented in the next section clearly shows the detrimental effects on schools that operate under quasi-market conditions in a highly differentiated system. Even though the conclusions drawn from this analysis refer to the structural peculiarities of the German educational system with its formal hierarchy of schools, they nevertheless are also of some relevance for those countries that have decided on a differentiation of their school systems by introducing market-oriented reforms.

Characterization of 'educational markets' in the German school system

Supply side

One of the distinctive structural features of the West German educational system is its differentiated school system with three (hierarchically ranked) types of secondary schools:[1] the *Hauptschule* (short-course secondary school, grades 5–9 or 10), the *Realschule* (intermediate school, grades 5/7–10) and the *Gymnasium* (grammar school, grades 5–13). Some *Länder* have introduced the *Gesamtschule* (comprehensive school) which integrates or combines the three different types of secondary school, as an alternative (or sometimes as a substitute) alongside the traditional schools. After four (in Brandenburg and Berlin six) years of primary schooling at a uniform *Grundschule* all children transfer to one of these types of secondary schools, according to their ability and their parents' preferences.

The diversity of the German general education school system is, however, not restricted to the tripartite or respectively four-part school structure. Differentiations of curricular and extracurricular profiles also occur within the individual groups of school types. Furthermore, there are also specific types of school that are privately run (e.g., denominational schools, Steiner schools, free schools). At first glance this diversity of provision appears to be 'postmodern' in character. At the same time it is, however, also a sign of political failure to achieve a common school structure through consensus (Bargel and Kuthe 1992: 45). And it also serves as an – economically quite expensive – means to preserve 'school political peace'.

The opportunities available at regional and community level (cities, districts) vary considerably. Five different configurations can be identified (Bargel and Kuthe 1992: 49–50):

1. communities without any secondary school or with only one short-course secondary school;
2. incompletely structured school system: short-course secondary and intermediate school or short-course secondary school and *Gymnasium*;
3. completely structured school system: short-course secondary school, intermediate school, *Gymnasium*;
4. integrated system: comprehensive school, and in part remnants of the structured school system;
5. diverse school environment: all four types of school are available – often several times (partly with different profiles), frequently augmented by privately maintained schools.

One can only speak of an 'educational market' with competing schools in the last case. In accordance with the outlined configurations of school provision, the opportunities available to parents concerning the course of education for their children vary considerably from region to region and community to community. This is not only determined by differences in population density and in the size of communities but also by differences in educational policy of the individual *Länder* and communities. The result of the overall effect of these factors becomes evident when comparing Baden-Württemberg, a federal state that has had a conservative majority for a long time, and North Rhine-Westphalia, a federal state in which the Social Democrats as ruling party have for a long time determined school policy. Whereas in Baden-Württemberg nearly 28% of all communities provide no secondary schooling at all and nearly 40% provide the short-course secondary school as the only type of secondary schooling, the respective percentages for North Rhine-Westphalia are 1.3 and 20.2. Only 2.5% of the communities in Baden-Württemberg provide a diverse school environment, while in North Rhine-Westphalia this amounts to nearly 17% (cf. Bargel and Kuthe 1992: 47).

Demand side

The school-leaving certificates that can be obtained in the different school types have a decisive influence on parents' school choice, as they are of outstanding importance in allocating occupational positions. As surveys, regularly conducted since 1979, on parents' educational aspirations for their children have shown (Rolff *et al.* 1990), nine out of ten parents now consider a 'middle qualification' as the minimum requirement. The proportion of these who want the *Abitur* (which is the qualification necessary for general university entrance) as the school-leaving qualification has risen steadily: from 37% in 1979 to an actual figure of more than 50%. This trend in educational aspirations indicates that the parents' own educational level has continuously risen during the period of educational expansion ('echo-effect'), that the vocational and societal qualification requirements have increased and that the *Abitur* is a necessary prerequisite for an ever growing number of occupations. In the meantime the lowest school-leaving qualification of the general education school system, the short-course secondary school-leaving certificate, is considered sufficient by only 10% of parents. In 1979 the figure was 31%. Surveys on parents' aspirations conducted in the new federal states have produced comparable results.

These wishes and reality do not match, however, because of the outlined limitations on the supply side and the existing selection mechanisms. Such mechanisms are to be found in most *Länder* in the form of a primary school recommendation or aptitude tests administered by the chosen secondary school (school entrance examination, trial period of instruction) if the aspirations of parents exceed this recommendation. Furthermore, transportation costs will not be refunded by the state if a student does not attend the chosen type of school nearest his/her home. None the less the trend toward the highest possible school-leaving qualifications is obvious: whereas the proportion of school leavers of the 15- to under 17-year-old resident population with a short-course secondary school-leaving certificate decreased from 53.4% in 1960 to 31.6% in 1991, the proportion of school-leavers of the 16- to under 18-year-old resident population with a middle certificate (intermediate school or a corresponding school-leaving certificate) increased from 15.1% in 1960 to 44% in 1991. During the same period the proportion of school leavers with the entrance qualification for institutions of higher education of the 18- to under 21-year-old resident population increased from 6.1% to 36.2%. In the old Federal Republic of

Germany more pupils attended the *Gymnasium* than the short-course secondary school for the first time in the school year 1990–91.

The *choice of school type* is closely linked to the desired school-leaving qualification. The development in the distribution of the number of pupils attending the various school types corresponds to the trend in preferred educational qualification outlined above (see table 1). Those school types, at which a middle qualification can be attained (intermediate school, *Gymnasium*, comprehensive school) and highest school-leaving certificates (*Gymnasium*, comprehensive schools with *Gymnasium* upper level classes), experienced a significant growth. On the other hand, as the short-course secondary school-leaving certificate is considered inadequate by an overwhelming majority of parents, this has led to a drastic reduction in the preference for this school type.

Table 1. Proportion of pupils in grades 7–9 at different types of school (West Germany)

Type	*1960*	*1970*	*1980*	*1991*
Hauptschule	63.9	55.4	40.3	33.4
Realschule	15.6	21.5	28.2	28.7
Gymnasium	20.5	23.1	27.5	31.1
Integrated comprehensive	–	–	4.0	6.8

Source: Der Bundesminister für Bildung und Wissenschaft (ed.): *Grund- und Strukturdaten 1992–93*, p. 66.

These general trends in the choice of school type are more or less pronounced at the level of the concrete local school system – depending on the respective situational conditions (socio-demographic structure, conditions of the regional labour market, school supply situation, etc.). It has been shown repeatedly (recently by Steinert *et al.* 1991) that, apart from the family background, the local school structure and the density of school provision are important determinants of educational careers (realized educational aspiration). In rural communities, where the first configuration of school provision occurs most often (see above), a relatively high proportion of pupils continue their schooling at a short-course secondary school because there are no schools offering higher school-leaving qualifications and they are difficult to reach elsewhere. The importance of proximity to homes for educational participation has also been shown empirically with regard to the proportion of transfers to the *Gymnasium* (cf. Steinert *et al.* 1991).

The 'educational market' configuration, to be found particularly in big cities and conurbations, provides the opportunity for a differentiated analysis of parents' school choice behaviour, its interrelationship with the local school structure and the competitive relationships existing between schools. Here one can not only examine the preferences for different, yet formally equivalent schools (schools at which the same school-leaving qualifications can be gained), but also the relative influence of *school-specific factors* (e.g., school size, all-day school care, pedagogical concept, curricular profile, reputation, etc.) on parents' school choice behaviour as well as the 'external effects' related to this.

In 'educational markets' the following trends can be identified with regard to the individual school types:

- The particular competitive situation facing the short-course secondary school (*Hauptschule*) leads to an enrolment ratio that is significantly below the state-wide average for this school type, particularly when it coincides with a socio-economic environment that is to its disadvantage (high professional

qualifications and – related to this – educational aspirations of the population, high qualification demands of the labour market). The *Hauptschule* is even less accepted if comprehensive schools are available as equivalent fourth school type. Many short-course secondary schools would have had to be closed down if an unrestricted market mechanism had been in effect. By restricting this mechanism for political reasons many short-course secondary schools are being maintained artificially – with school sizes that are no longer tolerable pedagogically and economically. In some conurbations with a high proportion of migrant families the position of short-course secondary schools could be backed up because an overproportional number of these families choose this school type. However, these schools tend to become 'schools for the leftovers' in which the main problem groups are concentrated: socially disadvantaged German pupils, pupils with learning disabilities and foreign children of different origin and command of the German language who sometimes represent more than three-quarters of the student population at these schools. In such an environment of negatively selected pupils improvements in schooling can hardly succeed. Expensive measures of 'positive discrimination' (e.g., improving the standard of equipment, extending the curricular and extracurricular offers) have not been able to stop the dwindling attractiveness of the short-course secondary school. Many thus speak of this school as an 'expiring model'. Regardless of whether this is true or not the short-course secondary school in many areas will only be able to survive in future within a compound system: as combined short-course/intermediate secondary school (which is legally laid down in three of the new federal states) or as part of a comprehensive school that combines the three different school types.

- The unchallenged 'market leader' in the esteem of parents is the *Gymnasium* which offers the most attractive course in that it qualifies for entrance to universities. Although this school-leaving qualification can also be obtained via other school types – comprehensive schools and intermediate schools if a student's achievement level meets the admission requirements for the upper level of the *Gymnasium* (sometimes incorporated into comprehensive schools) – the overwhelming majority of parents who want their children to obtain the *Abitur* choose the direct way ('royal road') by sending their children to a *Gymnasium*. The essential reasons for parents are: avoiding having to transfer to another school after the 10th grade, the achievement orientation and the prestigious image of the *Gymnasium* and placing their children in a setting that offers the preferred social and cultural milieu. Together with the socio-economic context the relatively favourable supply situation explains the overproportionally high enrolment rates at the *Gymnasium* on the urban educational market. Whereas in university towns frequently more than half of an age-group is now attending the *Gymnasium*, in some rural areas the proportion does not even amount to one-fifth. One of the most striking phenomena is that the transfer ratio to the *Gymnasium* is particularly high in those areas in whose vicinity comprehensive schools have been established. The competition between schools that flared up in the period of demographic decline has created an 'attraction effect' as many *Gymnasien*, anxious not to operate at undercapacity and to avoid possible closure, showed a market-like behaviour by developing advertising activities. In view of the high educational aspirations of parents one can assume that the run on the *Gymnasium* will continue. All school types on the educational market will be affected by this

development, not least of all the *Gymnasium* itself. Having already lost the character of an elite institution in the course of the educational expansion in the 1960s and 1970s, the *Gymnasium* is on the way to becoming the new 'main school', i.e., the school that the major proportion of pupils at secondary level will attend. The changing clientele attended by this process will have consequences for both the *Gymnasium*'s achievement profile and its mission, which can no longer be exclusively geared to the preparation for academic study.[2] One reaction to this development was a greater differentiation *between* schools. Partly this was guided by the intention of regaining exclusivity by developing special curricular profiles (e.g., bilingual instruction, different sequence of foreign language teaching) that are targeted at the traditional clientele of the *Gymnasium*, the education-conscious middle class. Those sections of this group that value the 'fine distinctions' (Bourdieu), have already reacted to the loss of exclusivity of the average *Gymnasium* by sending their children to traditional classical or private *Gymnasien*.

- The *comprehensive school* is winner and loser at the same time: winner in comparison with the short-course secondary school (see above) and loser in comparison with the *Gymnasium* and frequently also the organizationally independent intermediate school that competes for the same clientele. The comprehensive school has not managed to become generally accepted in the 'educational market' as an alternative to the tripartite school system. Its acceptance by parents with children capable of attending a *Gymnasium* is very low: only a few of the pupils who are recommended for the *Gymnasium* by the primary school transfer to a comprehensive if a *Gymnasium* is available.[3] The negative image of the comprehensive school is strongly shaped by the controversial public debate on this school type.[4] It is, however, an attractive alternative for those parents whose children show a 'broken' achievement profile in the three most important subjects (German, Mathematics and Elementary Science) in primary school and who rate the risk of failing in the *Gymnasium* very high. The 'creaming effect' becoming apparent at comprehensive schools as a result of the competition of the *Gymnasium* has the consequence that the goal of achieving social integration through a student population of mixed ability, which was the main impetus for the introduction of comprehensives, has not been attained. According to the experiences gained up to now one can say that this goal will only be achieved if comprehensive schools – screened off from the competition of the *Gymnasium* – are the only schools provided (configuration four: 'integrated system', see above) or if they have a unique position in the educational market with the profile of a model or alternative school for educationally committed parents. It has also been shown that comprehensive schools affected by the 'creaming effect' can recruit pupils (even high achievers) through 'niche marketing', i.e., if they fill a market gap by developing a profile that is targeted at the specific needs of particular groups of the student population in their catchment area, e.g., by providing special care-taking services, special supportive measures for pupils with poor knowledge of German, homework assistance, etc. (see Rauin and Weishaupt 1991). There is also evidence that the competitive disadvantage is partially compensated for by lowering performance standards. At any rate, the discrepancy between the low proportion of high achievers at many comprehensive schools and the frequently high ratio of pupils given the right to attend the *Gymnasium* upper level grades is particularly striking.[5]

- Up to now the intermediate school (*Realschule*) has been able to maintain its position. This has been possible particularly because of the continuing trend towards attaining (at least) a 'middle certificate'. The success of the *Realschule* in the past resulted from its special function for the social ascent of pupils belonging to the lower social strata and to previously disadvantaged groups (especially girls), the provision of an academically *and* vocationally oriented curriculum and from the value of its certificate, which not only qualifies for a variety of possibilities of employment, especially in the service sector, but also provides access to all higher levels of secondary education (and in so doing to higher education). Like the *Gymnasium* the profile of the *Realschule* has changed fundamentally, though as a result of the changes in the student body. In general the following trend applies: 'Those who would have enrolled at an intermediate school twenty years ago are nowadays attending a *Gymnasium* or a comprehensive school and those who would have enrolled at a short-course secondary school twenty years ago are now attending the intermediate school' (Rolff 1992: 107). It appears that under educational market conditions the intermediate school has the most heterogeneous student body with regard to abilities (cf. Klemm and Rolff 1988: 68–69). This situation confronts the *Realschule* with special pedagogical challenges and evidently also has implications for parents' satisfaction with this school. As surveys have shown (Rolff *et al.* 1990) intermediate schools do relatively badly in this respect: for example, nearly one-third of the parents feel that their children are in part overtaxed by the school – which is the highest proportion as compared with other school types. Viewed from a purely quantitative perspective the intermediate school could benefit from two developments in future: first from the growing educational aspirations of migrant families; and second from the overcrowding of the *Gymnasium* which could increase the number of pupils rejected. This would, however, aggravate the pedagogical problems at intermediate schools. But many are particularly concerned that this will happen as a result of combining short-course secondary schools and intermediate schools as intended in many locations in the hope of saving the *Hauptschule*. Critics of this measure thus predict a significant downgrading of the intermediate school.

Conclusions

In the first part of this paper it was argued that in Germany the shift in educational policy towards pluralism, decentralization, strengthening school autonomy and parent empowerment can be regarded first and foremost as a response to the progressive erosion of legitimacy of the politico-administrative system and the fundamental disagreement over school policy. It could be demonstrated that other strategies which had been applied before to regulate conflicts and to preserve legitimation were effective only temporarily. It was hypothesized that the new policy strategy will also fail since it cannot solve the structural problems which manifest themselves in the indidividual school types. The analysis of 'educational markets' given in the previous section focused on that issue suggesting the following conclusions.

Due to the hierarchically structured school system in Germany schools operate under quite different conditions in educational markets. Because of the special significance of the 'entitlement system' (*Berechtigungswesen*) their competitive ability depends to a large

extent on the kind of school-leaving qualifications they award. Those schools at which a 'middle qualification', now considered the minimum standard, cannot be obtained are at a disadvantage from the outset. *All* schools should thus be able to confer at least this school-leaving certificate (cf. Zedler 1992). This would be an important step toward reducing the inequality among the suppliers in the education market. In effect this implies the abandonment of the present prevailing tripartite school structure in the old *Länder*. At present the model of a 'bipartite school structure' advocated by Hurrelmann (1988) is intensively (and controversially) discussed: alongside the *Gymnasium* with its propaedeutic orientation towards academic studies a new kind of comprehensive school should be established as an alternative, which combines vocational and general educational curricular contents (practical and theoretical learning) and also provides the opportunity to obtain the *Abitur*. Whether these schools, which lack the 'goodwill' of the traditional *Gymnasien*, will be able to assert their position in direct competition with these, is still an open question. However, one thing is fairly certain: despite the formal equivalence of both types of school their social differentiation is already predetermined because their programmes are geared to different abilities. Nevertheless the 'bipartite structure' marks out the direction of future development in the German education system. Whereas the corresponding measures have partly been initiated in the new *Länder* (e.g., Klemm 1992), those politically responsible in the old *Länder* have up to now only reacted to the 'market signs' in a hesitant way in order to avoid political conflict. However, the 'peace' that has been reached after the long-lasting 'cultural struggle' over the school structure at lower secondary level in the 1970s should not hide the fact that the obvious structural deficiencies of the German school system press for political action. There is sufficient evidence that the tripartite school system cannot adjust effectively to shifts in educational demand and that the coexistence of different competing secondary schools tend to increase total system costs.

The hope of ensuring an enduring 'school peace' by refraining from making the overdue structural adaptations will probably prove to be misplaced. Measures of positive discrimination have not been able to improve the situation at those school types which are particularly affected by the structural deficiencies. They cannot be an alternative to reforming the school structure. The same holds true for the substitute strategy of shifting responsibility to the individual school. The structurally determined competitive disadvantage of a school type cannot be removed at the school building level through greater school autonomy and parent participation. On the contrary, it is likely that this strategy will increase the inequalities because the cultural and social resources, which are unevenly distributed among school types, will gain greater importance for the success or failure of a school.

Politicians cannot shift the onus for the issue of school structure (and other important decisions) on to schools and parents, i.e., to a decision-making body not democratically legitimated. The consequence would be that decisions focused solely on the individual school would be made without consideration of their system-wide effects on higher-level efficiency and equity goals. This would, however, be incompatible with the task of educational policy in a school system responsible to society. 'Unlike private schools, public schools are not independent islands. They are, and must remain, part of a larger system serving broad social interests' (Boyd 1992: 7). The accomplishment of this purpose implies the fulfilment of co-ordination and control tasks by the politico-administrative system. Shifting responsibility for these tasks to the operational level and delegating important decisions to school-level negotiations would be regarded as political failure if negative system-effects were to occur. This, however, is exactly what this legitimation strategy was intended to prevent. As a symbolic policy that is only suitable temporarily as a means

of *procedural* legitimation (Weiler) it will thus share the same fate as the strategy of involving scientific expertise in the early reform period of the 1970s. What ultimately matters for the legitimacy of the political system is its problem-solving ability. In the case of school structure it has failed to prove this ability so far.

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Notes

1. This is the basic structure in the old *Länder*. With the exception of Mecklenburg-Western Pomerania the new *Länder* decided on a dual rather than a tripartite school structure at the lower secondary level. Alongside the *Gymnasium* there exists a differently labelled type of school that combines *Hauptschule* and *Realschule* courses (for details see Führ 1992).
2. Studies conducted during the mid-1980s in North Rhine-Westphalia and Baden-Württemberg showed that only between two-thirds and three-quarters of the pupils enrolled in the fifth grade of a *Gymnasium* obtained their *Abitur* in grade 13 and that of these only about 70% took up university studies (Klemm and Rolff 1988: 82).
3. Studies in Dortmund have shown that nearly 90% of the parents of fourth graders with the best marks (an average of 2 or better) send their children to the *Gymnasium*. Only 5% choose the comprehensive school (Hansen and Rolff 1990).
4. In representative opinion polls the comprehensive school is regularly given the lowest marks: about one-third of the respondents give it the worst grade of 4–6 (*Gymnasium*: 9%), grades 1 or 2 are awarded by only about 40% (*Gymnasium*: just under 70% – cf. Rolff *et al.* 1990: 27).
5. This, by the way, refutes the belief of market ideologists that competition on educational markets will bring about quality improvements for all schools.

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