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Europeanization of Higher Education in Germany

A Case Study of Alternative Access
Routes to Higher Education in the
Free Hanseatic City of Bremen

Gregor S. P. Spanke
Master Thesis European Studies

First Supervisor: Dr. Harry F. de Boer
(Universiteit Twente, Faculty of Behavioral,
Management and Social Sciences)

Second Supervisor: Prof. Dr. Karsten Mause
(Westfälische Wilhelms-Universität Münster,
Institut für Politikwissenschaft)

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Table of Contents

1. Introduction.....	1
2. Research about Europeanization of Higher Education and Alternative Access	4
3. Theory: Europeanization.....	8
3.1. Concepts of Europeanization.....	9
3.2. Outcomes of Europeanization	13
3.3. Explaining Europeanization	15
4. Methodology	18
5. Analysis of the EU Level	21
5.1. Higher Education on the EU Level – the Decision-Making Process between Member States and the EU.....	21
5.1.1. The Lisbon Strategy.....	23
5.1.2. The Bologna Process.....	25
5.2. The Issue of Alternative Access to Higher Education on the EU Level.....	27
6. Analysis of the Domestic and State Level.....	32
6.1. The German Higher Education System.....	32
6.2. Alternative Access in Germany and in Bremen	35
6.2.1. Alternative Access to Higher Education in Germany	36
6.2.2. Alternative Access to Higher Education in Bremen	38
7. Analysis of the Europeanization of Alternative Access Routes.....	43
7.1. Misfit.....	44
7.2. Outcomes of Europeanization	50
7.3. Explaining Europeanization	51
8. Conclusion.....	53
9. Discussion.....	54
References.....	58

1. Introduction

The concept of Europeanization has become a growing field for researchers to study policy and institutional transformation processes (Börzel & Risse, 2000; Knill & Lehmkuhl, 2000; Radaelli, 2000). Europeanization is applied to analyze changes of governmental institutions (polity), decision-making processes (politics) and policy outcomes (policies) (Olsen, 2002; Trondal, 2002). In general, there are two dominant perspectives that either focus on so-called 'top-down' or 'bottom-up' processes of Europeanization. Whereas the bottom-up approach expects that member states of the European Union (EU) influence or shape EU policies and the institutional setting of the EU in their favor, the perspective of the top-down approach focuses on domestic changes triggered by the EU. Top-down research can be divided into the development of theoretical concepts of how far different policy fields have been influenced by the EU and how governmental institutions respond to EU requirements. In addition, there are studies on the effects of EU policies on non-governmental actors, like interest groups, labor unions or civil societies (Börzel, 2003; Börzel & Risse, 2003; Sittermann, 2006). In practice, Europeanization can relatively easy be used to analyze processes in which the EU has exclusive competences, like for monetary policy or for competition rules. But for fields where only non-binding instruments exist, one has to carefully analyze the processes and the role EU institutions play in it. Especially, the role of the European Commission (EC) and its influence within such non-binding processes represents an interesting field of research. Higher Education (HE) can be regarded as such a field due to the fact that it is reserved to the legal command of the member states by the Principle of Subsidiarity. In accordance to Article 165 of Treaty on the Functioning of European Union (TFEU), the EU has only supporting, coordinating and complementary competences (Garben, 2012). From a research perspective the question arises how EU actors, like the EC, influence the field of HE, although there are no binding EU acts for the harmonization of national laws or regulations?

This research picks up this question by focusing on the area of HE and in specific on alternative access to HE for people without a school-based university entrance qualification (*allgemeine Hochschulreife/Abitur*¹). In the field of HE, properly the most dominant EU level process appears to be the so-called Bologna Process, which started in 1999. Within the Bologna Process there exist a bunch of different topics in the area of HE that aimed to be harmonized among the 46 Bologna countries. These topics range from the introduction of a European Credit Transfer System (ECTS) to the topic of lifelong learning.

¹ When we are speaking of alternative access routes we refer only to the group of persons without a school-based university entrance qualification (*allgemeine Hochschulreife/Abitur*).

The topic of lifelong learning in the Bologna Process includes, among other things, the opening of the HE system. In 2003, by the Berlin Communiqué, the ministers of HE of the 46 Bologna countries jointly agreed on the aim that HE should become more equally accessible for traditionally underrepresented groups due to social and economic reasons (Berlin Communiqué, 2003). Six years later, similar considerations to introduce flexible access routes into HE can be identified at the domestic level in Germany by the German Standing Conference of Education and Culture Ministers (*Ständige Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland*, KMK). In 2009, the KMK passed a resolution that allowed people with certain vocational and professional qualifications to be equally treated as having a school-based university entrance qualification in terms of access to HE institutions (KMK, 2009). The resolution can be seen as revolutionary regarding alternative access to HE, because there existed a long-lasting historical separation between academic and vocational education and the dominance of a single 'royal route' to HE by a school-based university entrance qualification (Wolter, Banscherus, Kamm, Otto, & Spexard, 2014). However, the implementation of the resolution, which had a non-binding legal character, was left to the sixteen federal states (hereafter *Länder*) based on their culture sovereignty (*Kulturhoheit*) in the field of education (Duong & Püttmann, 2014). The smallest German state (*Land*), namely the Free Hanseatic City of Bremen, incorporated the KMK resolution into its Higher Education Act (*Bremisches Hochschulgesetz*, BremHG) by the Second Reform of the Higher Education Act in 2010 (hereafter Second Reform of the BremHG) (*Bremisches Hochschulgesetz*, 2010).

Derived from this development, the working hypothesis of this master thesis assumes that the Second Reform of the BremHG in 2010 and, more precisely the establishment of alternative access routes for people without a school-based university entrance qualification to HE, was influenced by a top-down process of Europeanization, in which the EC was involved. For our thesis the case of the Bremen seems to be a good example to show how processes on the EU level influence small sovereign *Länder* in the field of HE where no binding EU competences exist. The decision to choose the smallest *Land* is due to that Bremen has not yet been in the focus of research on widening access to HE in contrast to its big neighbor Lower Saxony (Herzog & Sander, 2013). Additional, there is no research in general about how the topic of alternative access at the domestic level is influenced by the EU level.

Based on this problem statement, this thesis raises the overall research question:

“To what extent do preferences on the EU level influence higher education processes at the domestic level with respect to alternative access routes into higher education?”

This overall research question can be divided into four sub-questions:

1. How is the issue of alternative access to higher education treated at the EU level?
2. What were the policies of alternative access to higher education in the Free Hanseatic City of Bremen before 2010²?
3. To what extent have policies in the Free Hanseatic City of Bremen changed in 2010 regarding alternative access routes?
4. Is there a relationship between the preferences towards alternative access at the EU level and the policies changes in the Free Hanseatic City of Bremen and how can this relationship be explained?

In order to explain the influence of the EU level on the domestic level, the second chapter starts with a short literature review about previous research on Europeanization in HE and alternative access routes. The third chapter illustrates the concept of Europeanization as the main theoretical and operational core element of this research on the basis of the top-down approach and the idea of misfit (Börzel & Risse, 2003). Moreover, possible outcomes of Europeanization are explained. Chapter 4 is our methodological part and outlines our research design, case selection, data collection and analysis. Chapter 5 to 7 presents the analytical part of this master thesis. The fifth chapter starts with background information on the formal relationship between EU institutions, in particular the EC and the member states in the area of HE. Special attention is given to the Lisbon Strategy and the Bologna Process as the main influential reform agendas in the field of HE on the EU level. This helps to understand the following analytical part that focuses on providing an answer to the first sub-question by examining how the issue of alternative access to HE is treated on the EU level. Chapter 6 includes the analysis of the domestic level, by first providing necessary background information about the HE system in Germany in general and about alternative access to higher education in specific. As a next step, the second sub-question with regard to alternative access to HE in Bremen is answered by analyzing the HE law in 2006. Chapter 7, in turn, focuses on the relationship between the issue of alternative access at the EU level and

² The BremHG towards alternative access to HE remained unchanged from 1999-2010. Although we took the decision to use the version of 2006 it would be possible to use any other version within this period as well. Thus speaking of the BremHG in 2006 implies the whole period from 1999-2009 regarding alternative access to HE (see Bremisches Hochschulgesetz (1999) and KMK (2006)).

the higher educational policies of Bremen by identifying the misfit, the mechanisms and the effects of Europeanization and, thereby, providing answers to the fourth sub-question. Chapter 8 includes the conclusion of the overall results from the analysis by taking the findings of the previous three analytical chapters into account. Hence, this chapter provides an answer to the overall research question of this thesis. The master thesis concludes with the ninth chapter, comprising the discussion, which summarizes the contributions of this work to previous research, outlines the limitations of the study and gives considerations for issues that future research may focus on.

2. Research about Europeanization of Higher Education and Alternative Access

To date, several studies investigated the effects of EU level initiatives in the field of HE on national policies, which pointed out to the potential changes that EU level policy reforms bring about. Most extensively, the Bologna Process reinforced a high amount of research efforts to examine how this intergovernmental commitment to restructure HE systems with the aim of creating a common European Higher Education Area (EHEA) has resulted in substantial changes of national HE systems, which was triggered by a wide range of more or less extensive national reforms. In this context, tendencies of Europeanization have been studied in the context of changed degree structure and curricula design (Witte, 2006), the introduction of quality assurance (Serrano-Velarde, 2008; Vukasovic, 2013), internationalization and student mobility (Luijten-Lub, 2007; Huisman & van der Wende, 2005), institutional diversity (Reichert, 2009; Teichler, 2008; Maassen, Muller, & Vught, 2009) and governance (de Boer, Enders, & Jongbloed, 2009; Neave, 2012; Gornitzka & Maassen, 2000). Amongst others, very influential work was published within three editorial books that were concerned with processes of European integration and university dynamics (Maassen & Olsen, 2007), perspectives on the EHEA as a moving target (Kehm, Huisman, & Stensaker, 2009) and European integration in the context of governance of HE and research (Amaral, Neave, Musselin, & Maassen, 2009).

Former studies on topics related to Europeanization of HE can be differentiated according to their level of analysis, either with a focus on the micro-level of HE institutions (Huisman & van der Wende, 2005; Luijten-Lub, 2007) on the meso-level of national policy reforms (Gornitzka & Maassen, 2000; Knill, Vögtle, & Döbbins, 2013; Neave, 2012; van der Wende, 2001; Witte, 2006) or on the macro-level of EU level initiatives and discourses (Amaral &

Rosa, 2010; Keeling, 2006; Maassen & Stensaker, 2011; Veiga & Amaral, 2006; Vukasovic, 2013). An alternative differentiation is possible between comparative studies of several national HE systems (Knill et al., 2013; Witte, 2006) and single-case studies of one national HE system (Välimaa, Hoffman, & Huusko, 2006; Leisyte, Zelvys, & Zenkiene, 2015).

A common critique in the literature on Europeanization of HE is the lack of a clear definition of terms like 'Europeanization' and 'European integration'. Therefore, several papers pursue the goal of a more concrete conceptualization and operationalization of these concepts (Elken, Gornitzka, Maassen, & Vukasovic, 2011; Vukasovic, 2013). Further, research indicates that adaptation pressures from the EU level result seldom in identical effects at the national level. This is related to existing path dependencies, i. e., certain structures, cultures and traditions impact the way external pressures are translated into the national context (Elken et al., 2011). These research findings put emphasis on the importance of taking the domestic background into account when analyzing Europeanization effects at the national level.

In addition, research points out that the Bologna Process exists of several distinctive topics. In order to gain an in-depth understanding of the quite diverse set of issues, research should focus on only a selected set of topics rather than trying to describe a comprehensive picture of Europeanization effects in the context of Bologna, which can only provide results on a surface level (Kehm et al., 2009). In this context, the complexity in the implementation of the Bologna Process is emphasized, which involves three different levels (European, national and local), while HE institutions, as the final actors in the implementation process, possess a remarkable amount of autonomy (Veiga & Amaral, 2006). Therefore, it can be beneficial for the quality of research to consider beforehand on which level(s) of analysis the research should focus on.

In several papers, the increasing role of the EC in the field of HE has been emphasized, although its lack of formal legal authority. In this context, it has been criticized how the EC and its policy documents have shaped the HE discourse in EU not only within the Bologna Process, but also by the Lisbon Strategy (Keeling, 2006). According to the literature, the EC impacts European processes by incorporating their predominantly economic-oriented perspective, which is characterized by depicting "HE as an industrial branch" (Gornitzka & Maassen, 2000, p. 219). By using a wide range of different instruments, like funding programs, recommendations and strategy documents, they stress coherence and consistency among HE governance policies and research policies in the EHEA in order to create a

common European educational market (Amaral et al., 2009). However, due to the increasing complexity of multiple actors and interests, it is far from being clear how processes of Europeanization by means of intergovernmental or supranational mechanisms affect national policies and what kind of role the EC plays therein. Therefore, more and extensive research is needed to analyze in more detail how these mechanisms work out.

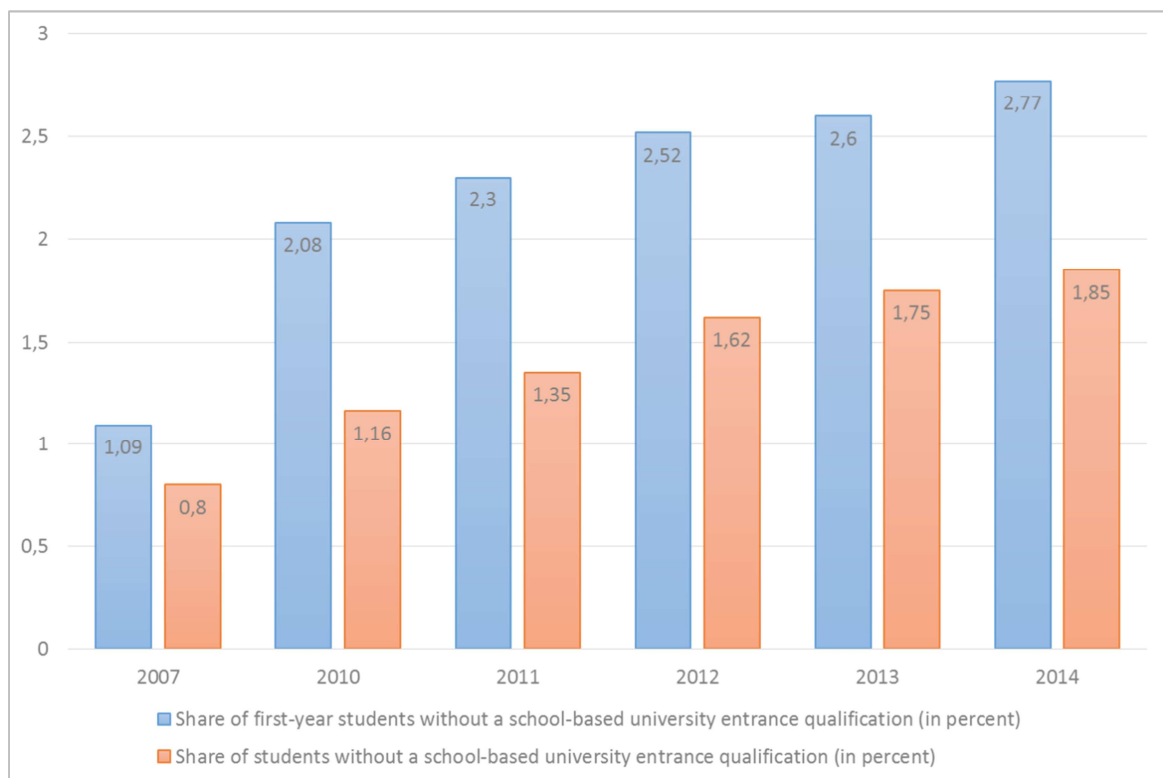
Overall, the literature reveals that the main common topics in research on Europeanization in HE are the harmonization of degree structures and the introduction of quality assurance systems. Next to these topics, there is research on the social dimension of the Bologna Process, which aims at improving equality of opportunities in HE with regard to access, participation and successful completion of studies (Nyborg, 2014). This topic often goes along with research on widening participation and the inclusion of under-represented student groups (Davies, 2003; Osborne, 2003; Riddell & Weedon, 2014). For example, Wolter (2015) examined the effects of HE expansion and whether it has resulted in a changing composition of the student body in Germany and Europe. Alternatively, the topic of lifelong learning, which operates as an interface between the Bologna Process and the Lisbon Strategy, has been an object of investigation in several national comparative studies (Jakobi & Rusconi, 2008; Riddell, Weedon, & Holford, 2014), examining the extent to which lifelong learning reforms have been implemented in the national context.

Research on alternative access routes in a European context, however, is rare: Only Orr and Hovdhaugen (2014) provide a comparative study of second chance routes into HE in Sweden, Norway and Germany. But this study did neither include an analysis of the European perspective on alternative access routes nor take the differences between *Länder* in the German context into account. Thus, it requires, first, a more comprehensive discussion about the European position towards alternative access routes and, second, a detailed analysis of how alternative access routes are treated within the HE state laws of specific *Länder*.

Considering the findings of former research, this study, on the one hand, aims to contribute to the field of research on HE by deriving a comprehensive analysis of the European position towards alternative access routes. On the other hand, we will analyze how the EU position has influenced policy reforms on the state level of the *Land* Bremen by examining changes of the HE law. Therefore, this study contributes to previous research on Europeanization of HE by adding the example of alternative access as well as the domestic level of Bremen.

Further, the topic of alternative access to HE has gained more relevance due to the reason that not only the numbers of students coming via alternative access has increased, but also within the political and societal discourse the topic receives growing attention (Duong & Püttmann, 2014). Thus, in Germany the share of students and first-year students without a school-based university entrance qualification among all students has increased from 1.09 percent, respectively 0.8 percent, in 2007 to 2.77 percent, respectively, 1.85 percent, in 2014. Thus, we argue that this development underlines the importance of our topic in the field of HE and that this phenomenon should be subject to further research (see figure 1).

Figure 1. Share of students without a school-based university entrance qualification at HE institutions in Germany from 2007-2014.



Source: Duong and Püttmann (2014); Studieren ohne Abitur (2017).

3. Theory: Europeanization

The intensive application of the concept of 'Europeanization' in political science has emerged in the 1990s in order to explain changes occurring in EU politics and how these changes affect the member states. The popularity of this concept can also be retrieved from the academic discourse: Whereas in the beginning of the 1990s there existed less than 10 publications on this topic, in 2001 there were already 22 publications released (Featherstone, 2003).

As a research agenda Europeanization covers an extensive field of different policy areas, like social policy, monetary policy, cohesion policy, environmental policy, and - like in our case - HE. In particular, the Europeanization of the nation state has become subject for scholars by studying the conditions for policy transformation and institutional change (Trondal, 2002). These studies can be divided into the analysis of government institutions (polity), decision-making processes (politics) and policy outcome (policy). The thesis can be understood as a study of policy outcomes and we focus on concepts regarding this issue.

In scientific literature, Europeanization refers to very different concepts and beliefs and there is no universal accepted definition of Europeanization (Elken et al., 2011). Europeanization remains "a fashionable but contested" concept (Olsen, 2002, p. 921). In general, research on this topic can be divided into the development of theoretical concepts (Börzel & Risse, 2003), research that deals with the issue of how far different policy fields have been influenced by EU policies (Blumer & Radaelli, 2004) and how governmental institutions respond to EU requirements (Börzel, 2002). Further, research focuses on the effects of EU policies on non-governmental actors, like interest groups, labor unions or civil societies (Sittermann, 2006).

These different perspectives of Europeanization allow differentiation between the theoretical development of concepts and the operationalization of Europeanization by using these concepts. All operationalizations of Europeanization in the fields mentioned above assume a top-down perspective (sometimes labelled as downgrading), which can be regarded as the dominant concept of Europeanization (Börzel, 1999, 2002, ; Elken et al., 2011, p. 25; Olsen, 2002; Radaelli, 2000). The top-down perspective is also relevant for this thesis in order to examine to what extent Bremen policies towards alternative access routes into HE have been influenced by the EU level. Although the HE processes on the EU level seem to have an intergovernmental character (e.g. Bologna), this research pays special attention to the

influence of the supranational EC on policy changes regarding alternative access to HE on the state level.

Beside the top-down perspective, there exist a bottom-up approach that focuses on the member states and how they shape EU policies or the institutional setting at the EU level. Based on the bottom-up approach, the member states influence European policy-making in favor of their interests and institutional traditions. Recently an increased number of literature can be found that focuses on the link between the top-down approach and the bottom-down approach. This third perspective is based on the idea that the relationship between the EU and the member states is not a one-way street due to the assumption that actors on both levels are not passively receiving demands for change and proactively shaping institutions, processes and policies (Börzel, 2004, p. 19).

In the context of this research, it is important to use a concept that is well suitable and reasonable to answer the (sub)research question(s). This chapter consists of two main parts, whereas the first part generally focuses on the most prominent concepts of Europeanization and explains the differences between them. The second part implies the operationalization of Europeanization by using the first two steps of the three-step approach of Europeanization by Börzel and Risse (2000) who state that a misfit between EU and domestic rules is the cause for Europeanization. Furthermore, we introduce a systematization of possible outcomes of Europeanization and provide an analytical framework how changes by Europeanization can be explained.

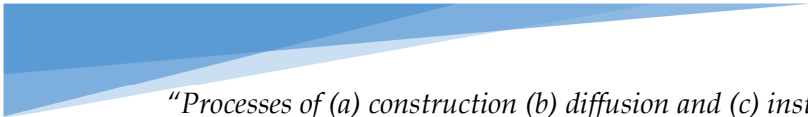
3.1. Concepts of Europeanization

Knill and Lehmkuhl (2000) argue that prior to the 1990s most of the European studies focused on processes of European integration on the supranational level by analyzing European institution-building rather than concentrating on the effects of Europeanization on domestic institutional structures and policy processes of the member states. Europeanization differs from the classic theories of European integration, like intergovernmentalism, which focuses on rational, powerful domestic sources, as well as neo-functionalism and its emphasis on supranational actors, mainly at the conceptual level. Whereas intergovernmentalism and neo-functionalism examine issues whether European integration strengthens “the state, weakens it or triggers multi-level governance”, Europeanization discusses more specific questions, such as “the role of domestic institutions in the process of

adaptation to Europe” (Radaelli, 2000, p. 6). Thus, Europeanization emphasizes the domestic level and the implementation of EU policies rather than analyzing the creation of the European political area and its key players as the classic integration theories do (Graziano & Vink, 2007). However, although Europeanization is not European integration, we have to keep in mind that “Europeanization would not exist without European integration” (Radaelli, 2000, p. 6).

The development in the scientific discourse reflects a shift from traditional theories out of a bottom-up perspective towards the development of theories on top-down processes (sometimes labelled as ‘downgrading’ and ‘upgrading’) (Elken et al., 2011, p. 25). Most scholars consider this as a positive development as it contributes to getting a more comprehensive picture of the complex processes and structures between the different European, national and subnational players (Börzel & Risse, 2000).

Thus, recently an increased number of literature can be found that explains the effects of European processes on national structures. These concepts have become important and they explain Europeanization by “mechanisms of change” (Radaelli, 2000) and see a “European logic of behavior” (Börzel, 1999). Radaelli (2000) defines Europeanization as:



“Processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms, which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures, and public policies” (Radaelli, 2000, p. 4).

Radaelli’s definition focuses on formal and informal rules with the result that his idea of Europeanization can be applied to a variety of processes, also in cases where formal institutions have not been developed. Moreover, his definition mentions the importance of change in the logic of political behavior. According to Elken et al. (2011) this means that not only the system level, but also individuals and organizations might be in the center of analysis. However, Radaelli’s definition does not take into account that certain phenomena have an effect beyond EU structures and borders. For example, the Bologna Process has also an effect on the system of HE of countries that are not part of the EU. Further, Elken et al. (2011) argues that Radaelli’s definition is not useful for discussing “unintentional”

Europeanization, which refers to processes that lack a clear strategy of EU or similar European structures.

Radaelli's definition distinguishes the term 'Europeanization' from other related concepts. Europeanization should not be confused to the concepts of convergence, harmonization, EU policy formation or political integration, although Europeanization might be related to their emergence (Radaelli, 2000). But Radaelli's assumption is contested and some scholars, such as Trondal (2002), argue that Europeanization "equals transformational change in general" (p. 335) and policy convergence is an important field of interest of the application of Europeanization.

Börzel and Risse (2000) assume that changes by processes of Europeanization (top-down) require the precondition of a misfit between the EU level and the domestic level. This misfit will generate adaption pressure. Further, the authors introduced the idea of certain mediating factors that follow the logic of "resource redistribution emphasizing the absence of multiple veto points and the presence of supporting institutions as the main factors facilitating change" and/or learning processes on norm entrepreneurs as "change agents and the presence of a cooperative political culture as the main mediating factors" (Börzel & Risse, 2000, p. 13). Based on this idea, they developed an approach by focusing on domestic changes in the light of Europeanization and the sufficient and necessary conditions that promote the Europeanization process from a top-down perspective. By means of their three-step approach the researcher should be able to analyze Europeanization and its domestic structural impact.

The first step involves the identification of the Europeanization process at the EU level in the specific research field of interest. This means the source of Europeanization should be identified by analyzing official EU documents, like regulatory or strategic documents as well as domestic documents, statements and publications of cooperation programs from institutions, from official staff, from independent agencies, trade unions and researchers or journalists. Whether to put the focus on European or national sources of Europeanization depends on the choice of two different approaches or strategies that can be used depending on the research question at hand. Elken et al. (2011) distinguish between studies of implementation and studies of change at the system and institutional level. Studies of implementation look at certain EU directives and how they have been implemented and what kind of actors were involved in the process. These kinds of studies require the analysis

of a smaller net of 'output' provided on the EU level, but include a larger net at the level of systems and institutions. Studies of changes at the system and institutional level, in turn, concentrate on the effects of a single aspect and how it has provided changes at the system and institutional level. However, in this case "net for suspects for causes has to be cast quite wide" and has to include factors that are not related to the EU level. This is in fact a common critique to studies of Europeanization because they lack to provide and proof clear causal mechanisms (Elken et al., 2011). This thesis can be classified as a study of change due to the fact that it focuses on the single aspect of alternative access routes on the EU level and how this has contributed to policy changes in Bremen.

The second step includes the 'goodness of fit' or misfit between the formal and informal rules of the EU level and the domestic setting of either policy, polity or politics, whereas the degree of fit constitutes the adaptation pressure for the actors on the domestic level in order to change or harmonize their domestic setting to the proposed EU preference. It is assumed that only if European institutions, policies and/or process are significantly different from those on the domestic level, the member states feel a need for change (Börzel, 2003). Thus, an existing misfit between the domestic level and institutions, policies and/or process on the EU level is a necessary condition for a certain change. According to Falkner (2003) such a misfit can be a policy misfit, a misfit of polity and politics and/or a misfit of costs. A policy misfit can either have a qualitative or quantitative nature. A qualitative policy misfit can occur when a particular policy aspect, for example, the accreditation of HE institutions, is not part of domestic policy. A quantitative policy misfit enhances differences in degree in particular aspects, like differences in the duration of undergraduate studies (Falkner, 2003). The idea of a misfit in politics and polity relates to differences between actors. It affects the nature of public-private interaction and the question of who and in which way is involved. In general, it is likely that the larger the misfit between the domestic institutional settings and the formal and informal rules promoted by the relevant EU institutions, the more pressure for the adaptation of EU rules will appear (Börzel & Risse, 2000, p. 5). However, when the misfit between the EU level and the domestic level is very huge it is possible that the costs of change are too high and no change will take place. Such a non-adoption depends on the issue and on the political risk connected to the issue on the domestic level. According to Falkner (2003), such costs are difficult to estimate due to two reasons. One the one hand, different actors estimate costs differently. On the other hand, costs can be higher in the short-run than in the long-run. It can happen that costs are relatively low even if the policy, polity,

and politics misfit is high and vice versa. Applying this cost assumption to our case, it is more likely that Bremen will incorporate EU level preferences when they are to some extent familiar with the topic of alternative access to HE. For example, if there is a legal provision regarding alternative access to HE but this provision is different to the preference of the EU level, it is more likely that Bremen will adopt the preferences from the EU level compared to a situation in which Bremen has no experience with this issue. In such a case it is important to include the costs in the composite picture of adaptation pressure (Falkner, 2003). The adaptation pressure can differ between systems or institutions and depends on the particular issue at hand. Hence, the misfit might be related to structures or beliefs or it might be related to policy instruments. Börzel and Risse (2000) assume that every member state has experience with misfits in certain policy areas, in particular, when a country is not able to upload its preferences to the EU level.

The third step involves the identification and analysis of adaptation pressure and mediating factors. In case of high adaptation pressure, the presence or absence of mediating factors is crucial for the expected degree of Europeanization at the domestic level. Mediating factors include multiple veto points in the domestic institutional structure, formal and informal institutions, change agents or norm entrepreneurs and the political culture.

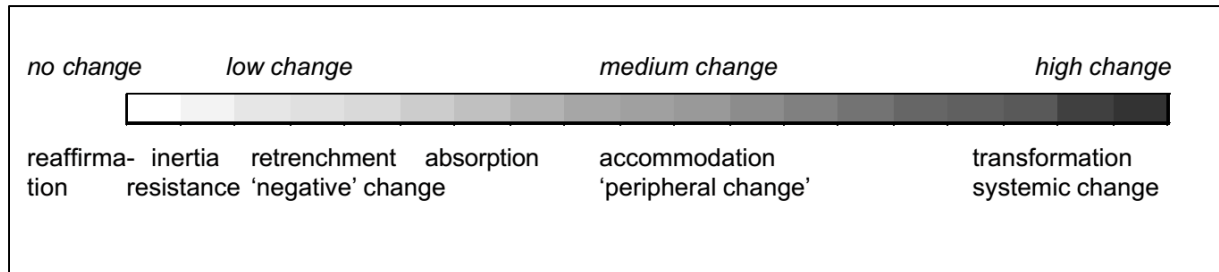
While the part above provided the theoretical considerations about the concept of Europeanization and defined the necessary conditions (i.e., misfit) for Europeanization, as a next step, we will turn to the outcomes of Europeanization and how these outcomes can be explained.

3.2. Outcomes of Europeanization

When it comes to the outcomes of Europeanization, we refer to the scope of domestic change at the domestic level. As explained above, while a misfit is the necessary condition for domestic change, it should be stated that the lower the misfit the lower is the expected domestic change (except when the adaptation costs are too high, than no change takes place). However, further differentiations about possible outcomes should be taken into account. According to the literature, five different outcomes regarding the degree of domestic change have been categorized: Inertia, retrenchment, absorption, accommodation and

transformation (Börzel, 2003). These range in this order from low to high change (see figure 2).

Figure 2. The scope of domestic change



Source: Börzel (2003)

Inertia describes the domestic outcome of no change, which might also be apparent despite the existence of a misfit, because, for example, the adaptation costs are too high for implementation. Hence, it describes resistance to pressures of adoption on the domestic level. Retrenchment refers to negative change, which means that change takes place, but in the opposite direction of the intended European efforts. This is the case when policies on the domestic level counteract policies at the EU level. Absorption implies changes on the domestic level by the letter of the law, but not in substance. In other words, European rules and norms are adopted at the domestic level, but the existing arrangements at the domestic level remain unaffected. This is resembled, for example, in unchanged institutional structures and perceptions of policy problems and associated approaches. Hence, the substantial effects by new rules and requirements are rendered close to meaningless. Accommodation describes changes at the domestic level that react to pressures of adaption by adding policies and institutions to those existing at the domestic level without affecting the existing institutional structure and policies. Accommodation goes beyond absorption by incorporating norms and policy makers' perceptions, but put these on the side-lines of the policy field so that institutional structures and existing understandings remain dominant. Lastly, transformation describes instances in which European requirements are adopted on the domestic scale, while existing domestic policies, institutions and beliefs are altered to suit them or abolished and/or replaced (Börzel, 2003).

Operationalized in the context of alternative access to HE, the first effect, inertia, can be identified in case the institutional legal framework remains unaltered and no new access routes to HE are implemented. Additionally, the perception of professional experience for

the eligibility of HE has to be analyzed to see whether it is seen as insufficiently preparing for HE, hence an indicator for an unaltered collective understanding. Retrenchment is likely to take place when policy makers actively introduce measures constraining access to HE via additional requirements for non-traditional access routes that had existed before, e.g. via age requirements for new students or more informally by discouraging non-traditional candidates to apply for HE, e.g. by not providing consultancy for prospective applicants. Absorption in the context of alternative access to HE will be identified in case widening access of HE is formally implemented into law, but institutional frameworks and behavior remain unchanged, so that alternative access routes are not effectively used, although they exist. Accommodation can be identified where access routes are widened and recognition of prior professional experience is effectively implemented, but additional necessary resources remain constrained on part of the budget of HE institutions and are not widened to accommodate for the additional influx of students. Furthermore, if no complementary measures, such as financial support programs, part time education tracks or child support facilities are implemented, the domestic change will be seen as peripheral. One can speak of a transformation outcome in case alternative access routes are implemented in a wider sense, for example not only recognizing the need for fair access conditions, equal status and recognition of prior qualifications, but involves an institutional change in a wider sense, resulting in a taken-for-grantedness for students coming via alternative access routes.

3.3. Explaining Europeanization

After the identification of possible outcomes of Europeanization, the following question is how the impact of Europeanization can be analyzed. Thus, researchers need to explain how changes on the domestic level take place. In order to be able to explain patterns of adaption, this thesis builds on the theory of institutional adaption. A crucial foundation of this theory is the assumption that institutions develop robustness that limits and prescribes distinct forms of institutional adaption. First, institutions are considered to be path-dependent, which means that existing rules and norms and their associated resource allocation will seldom be changed abruptly. Second, increases in changes in the institutions come from their institutional fit, hence the degree of misfit decreases the intensity of institutional adaption. Within the theory, institutional adaption is seen as a long-term process.

Based on this theory, domestic changes induced by European institutions are the result of norms, practices and structures of meaning that can in principle according to institutional approaches be diffused via four mechanisms: coercion, mimetic imitation/normative pressure, competitive selection/regulatory competition and framing (Börzel, 2003). Coercion describes instances when the EU determines clear policy goals that are legally binding. The EU enforces rules, norms and institutional design and sanctions for non-compliance. Mimetic imitation and normative pressure describe mechanisms in which a certain model is developed at the EU level, which is non-binding. At the domestic level the model is followed, for example, due to the benefit that it brings in reducing uncertainty. Likewise, normative pressure at the domestic level describes when a certain model is imitated due to positive experiences made in other jurisdictions. Competitive selection or regulatory competition describes instances in which a certain model is absent at the EU level, but at the domestic level there exists competition in a policy area about the most efficient approach to achieve a policy goal in between jurisdictions. Adaption pressure arises out of the need to avoid comparative disadvantages and on the domestic level policy makers are pushed towards adoption of certain arrangements that promotes domestic interests in relation to other jurisdictions arrangements. Framing describes a process in which actors at the EU level develop ideas and concepts that are diffused to the domestic level via changes in which policy problems and the policies are perceived on by domestic level (Börzel, 2003).

Here, again the question arises how to operationalize this concepts for the context of alternative access to HE. It should be noted first, that of the four institutional adaption mechanisms only coercion does not apply to the field of HE policy due to the fact that the EU's competence in this field is subsidiary in nature and member states retain effective control over HE policy.

For the second mechanism, normative pressure and mimetic imitation, the first indicator would be the existence of a European model that prescribes in more detail how alternative access to HE should look like. On this basis, the second indicator for this mechanism is whether the political decision to broaden access for non-traditional prospective students to HE was surrounded by uncertainty due to a lack of experience with the topic at hand. As a consequence, as a third indicator, the policy changes at the domestic level of Bremen might replicate the way other member states have designed legal conditions for alternative access routes. By this mechanism, Bremen would invoke to these other member states models as

frames of references while emphasizing their positive experiences. In this regard, these alternative models are referred to as “best-practice”- examples.

Regarding competitive selection/regulatory competition in alternative access to HE, the first indicator for this mechanism would be that the EU level does not dictate directly an EU model of alternative access routes. However, as a second indicator, this mechanism implies the existence of a market for academic professionals, in particular for potential students coming via alternative access routes, at the EU level. The successful attraction of these professionals would then, as a third indicator, generate competitive advantages for Bremen as an important location for science and industry.

For the final mechanism of framing, the first indicator is the non-existence of an EU model for alternative access routes. Nevertheless, in this case, a certain European position on the issue of alternative access can be identified, which entails certain underlying beliefs and expectations about the moral value of enabling alternative access for certain potential student groups. This European position is spread within the political and societal discourse via several communicative ways. The second indicator then is the reference to this European position as the main argument for policy changes with regard to alternative access routes at the domestic level. In other words, by this mechanism, Bremen would propagate certain ideas about alternative access in the same way it is done at the EU level.

In sum, our research uses the approach of Börzel and Risse (2000) by identifying first the EU level processes and Bremen policies reflected in the formal rules (an analysis of informal rules, beliefs and norms is not part of our research) towards alternative access routes to HE (first step). Due to our top-down approach, especially the supranational role of the EC within EU level is outlined and related to the state level. Second, we analyze the misfit(s) between the EU level and the Bremen policy until 2010. Although Börzel and Risse’s (2000) approach includes a third step, namely mediating factors and adaptation pressure, we took the decision to operationalize the first and the second step in this research, otherwise it would go beyond the workload of a master thesis. However, we expand their approach by applying the institutional adaptation theory and look first, at the outcome of Europeanization or, in other words, the degree of change at the domestic level that has taken place after 2010 (i. e., inertia, retrenchment, absorption, accommodation, transformation). Second, we ought to seek for an explanation for the respective outcomes of Europeanization by examining

whether the outcome is related to coercion, mimetic imitation/normative pressure, competitive selection/regulatory competition or framing.

4. Methodology

Research Design. The purpose of the study is first, to describe the European processes towards alternative access routes into HE and the policies of Bremen in this regard, and second, to explore to what extent the policies in Bremen were influenced by the EU level. Therefore, the thesis serves the aim of description and exploration research.

In this context, a case study design was selected that follows the idea of an unobtrusive design. A case study design is an appropriate qualitative research instrument to investigate a contemporary phenomenon within its real-life context. Therefore, the researcher is able to analyze a certain phenomenon in relation to its context. Furthermore, a case study design is useful to answer studies that answer 'why' and 'how' question. According to Babbie (2007), unobtrusive or nonreactive research is well suited to study social behavior without affecting it. We have no influence on the EU influence on HE policies of the Bremen that is reflected in laws. Therefore, this study does not consist of an experimental design but, rather, of a passive observational non-experimental design. Shadish, Cook, and Campbell (2002) argue that non-experimental designs "refer to situations in which a presumed cause and effect are identified and measured but in which other structural features of experiments are missing" (p. 18). Applied to our thesis the independent variable of interest can be identified as the EU level preferences regarding alternative access to HE and to what extent they have influenced the dependent variable, respectively the policies of Bremen. We have to keep in mind that the relationship between the dependent and independent variable might be spurious and therefore influenced by other variables, such as national party politics, demographic changes, and economic factors or by other imponderable elements. Although, these possible third variables are not in the focus of this study we discuss them in the last chapter. Furthermore, there exists the possibility that there is a two-way relationship between the dependent and independent variable, which implies that Germany and/or Bremen have influenced the EU level as well. This is very likely when we look at the role of domestic education ministers in the field of HE (e.g. within the Bologna Process) at the EU level (see chapter 5).

According to our unobtrusive research design, we expect that the reliability of our thesis is good because the units of analysis are considered as social artefacts, such as speeches, but mostly written documents like laws, official governmental documents and research publications that will not change and thus the results of the study can be repeated. Nevertheless, a possible threat to reliability exists due to the problem that one could interpret the documents mentioned above differently than we did.

Focusing on validity of the chosen research design implicates the threat of third variables that might influence the bivariate relationship. Such a case can be regarded as the most important threat to the internal validity of this study connected with the possible threat of a two-way relationship of the dependent and independent variable (Babbie, 2007, p. 230). Due to the limited space and time of this thesis, it will not be possible to examine the influence of third variables in detail.

Although the research solely focuses on Bremen, the generalization of research findings to other *Länder* is regarded as high. This is based on the fact that the governmental structures of HE systems in other *Länder* are almost identical to those of the HE system in Bremen, although they might reflect a different historical and structural background (e.g., experience with alternative access routes, size of the federal state, number of HE organizations) that should be taken into account for further research. Thus, in order to increase external validity of the research findings, further research should use a larger number of cases. Based on the decision to analyze European preferences and Bremen policies by using indicators like the mentioning of lifelong learning, the Bologna Process, Social Dimension, European integration etc. in the context of the Second Reform of the BremHG to detect influence from the EU level, implies the possibility to use these indicators across Europe. Hence, the external validity of this study is assumed to be good because one could use the same indicators for the analysis of the degree of EU influence with regard to the development of alternative access routes in other *Länder* and other related political reforms within the area of HE.

Case selection. Case selection can be performed in several ways, whereas randomization and conscious case selection are the most dominant methods. However, the selection depends on the goal of researcher and on external factors like budgetary constraints (Shadish et al., 2002). Perhaps the easiest and most unbiased method of case selection is randomization, whereas there must exist a relevant number of cases that could be randomized selected. Due to the

fact that this paper follows the aim of analyzing the Bremen policies towards alternative access to HE, we only have one case and a randomized case selection is not feasible.

Data. At the EU level, the issue of alternative access routes came on the agenda for the first time in the Prague Communiqué in 2001. The issue was specified and further discussed in the Bergen Communiqué (2005), the London Communiqué (2007), the Leuven and Louvain-la-Neuve Communiqué (2009) and the Bucharest Communiqué (2012), therefore all these Communiqués are analyzed. Around all these events, there are several documents, reports and guidelines available in which the European preferences towards the policy issue at hand can be derived from and which are included in the analysis. This involves in particular text material from the EU-funded research projects Eurostudent and Eurydice and stocktaking reports from the Bologna Follow-Up Group (BFUG).

In the case study of Bremen, the research question is answered by means of primary and secondary data sources. The primary sources include two versions of the BremHG from 2006 and from 2010. Moreover, supportive and communicative documents of the governmental level with regards to alternative access routes are studied. In addition, the KMK resolution of 2009 is an important data source of this study because we assume that it is related to policy changes of Bremen regarding alternative access to HE (see chapter 6.2.2.) (Duong & Püttmann, 2014, p. 3). The secondary sources comprise reports, such as the periodical national reports of the KMK and the Federal Ministry of Education and Research (BMBF) about the achievement of the Bologna Process Objectives, but also scientific publications about the policy issue at hand and data about the development of numbers of students without a school-based university entrance qualification in Germany and Bremen.

Data collection and analysis. Data include qualitative materials from different sources including policy documents, reports, and scientific articles. Data is selected starting from the Prague Communiqué in 2001 until the Bucharest Communiqué in 2012. At the state level, the BremHG is analyzed in 2006 and after the Second Reform in 2010.

Data is analyzed by means of a qualitative content analysis according to Kuckartz (2012). A qualitative content analysis can help to reconstruct the development of attitudes, policies, and instruments towards the issue at hand. In particular, the content analysis uses the first two steps of the three-step-approach by Börzel and Risse (2000). First, the European preferences and HE policies of Bremen towards alternative access routes are identified by

analyzing the previously mentioned data. For the EU level we analyze data of the period 2001 until 2012. For Bremen 2006 and 2010 are two important points in time as they show to what extent HE policies regarding alternative access routes have changed. The second step includes the analysis of the misfit of the formal rules derived from the EU level and Bremen HE policies. Moreover, the degree of misfit between EU level preferences and Bremen policies is identified in order to give an answer to the research question to what extent policy changes of Bremen HE policy were influenced by the EU level. After the identification of a possible misfit, we analyze whether or not such a misfit has decreased by policy changes at the state level and what kind of change took place and why.

Qualitative content analysis is a procedure for the exact description of selected text meanings. Here, the description is made by a two-step approach, where first, relevant meanings are explicated as categories of a content analytical categorical system, and second, text passages are assigned to these categories of the categorical system. These categories act analogous to variables whose expression is detected for each relevant passage. Both the creation and the application of the categorical system involve interpretive elements while simultaneously the procedure is systematic, guided by rules and oriented towards the quality criteria of validity and reliability. In order to guarantee validity, the categorical system should be developed in such a way that it captures the most significant meanings and aspects of the material. This generally requires that at least some categories are derived inductively from the material (Schreier, 2012). Thus, in the tradition of Kuckartz (2012) the categories will be developed in a deductive-inductive manner. Some or the main categories will be guided by theory about Europeanization, while other (sub-) categories will be identified from the material. Here, it might be that the review of the material reveals that there are aspects addressed that were not thought of before.

5. Analysis of the EU Level

5.1. Higher Education on the EU Level – the Decision-Making Process between Member States and the EU

This chapter focuses on the topic of HE at the EU level and how the member states and different EU institutions - above all the EC - have been involved in this policy area, especially in the decision-making process of the Lisbon Strategy and Bologna Process.

The EU is governed by Treaties. Since the implementation of the Lisbon Treaty in December 2009, the EU is governed by the Treaty on the European Union (TEU) which took effect in 1992 (commonly known as the Maastricht Treaty) and the Treaty on the Functioning of European Union (also known as the Lisbon Treaty) (TFEU). These two Treaties build up the current legal framework for the competencies of European institutions and its formal relationship to its member states regarding the decision-making process (Bache, George, & Bulmer, 2011, p. 225). The development of these two Treaties can be seen as a long lasting process that started in 1951 by the European Coal and Steel Community (ECSC) in which the establishment of TFEU in 2009 marks the latest treaty development of the EU.

According to Article 165 TFEU, the EU has only supporting, coordinating and complementary competences within the field of HE (Garben, 2012). Hence, according to the Treaties, the area of HE is reserved to the legal command of the member states by the Principle of Subsidiarity. Thus, the EU is not able to use its traditional community method to pass legislations. Until the late 1990s the HE sector was actually not even in the focus of the European integration process (Amaral et al., 2009). Hence, HE was originally not mentioned in the founding Treaties of the European Economic Community (TEC) in 1957 (Knill et al., 2013).

Traditionally, member states refused to grant competencies on EU level for their education systems due to the importance of HE systems as socializing institutions that are responsible for the foundation and formation of national identities. Additional reasons are the diversity of national systems and practices in respect of financing, contents, rights, obligations and different approaches of monitoring (Knill et al., 2013). Accordingly EU competences were limited to areas that support the establishment of a common labor market referring in particular to mobility programs for students and academics and vocational training. A first step was taken here by the 1985 'Gravier Judgement' that equipped the EC legally to create policies tailored to universities and spurred the development in the educational and vocational field (Amaral et al., 2009). By the 'Gravier Judgement' the European Court of Justice (ECJ) ruled that member states are not allowed to demand higher tuition fees to non-national EU students (Garben, 2012, p. 4).

In 1992, by the Treaty of Maastricht many member states feared a growing centralization because of the introduction of the Principle of Subsidiarity in the policy area of HE (Olsen, 2005). The Principle of Subsidiarity is applied in areas where the EU does not have exclusive

competences and implies that the smallest, lowest or least centralized competent authority should take decisions if possible. To guarantee the application of the Principle of Subsidiarity, the member states have an 'early warning mechanism' that allows them to control proposals of the EC. If the EC makes a proposal, it has to send the proposal to the national parliaments in order to give them a chance to read it for compliance with the Principle of Subsidiarity. When one third of the national parliaments reacts with arguments that fall within the Principle of Subsidiarity, the EC must review its position. This procedure is named 'yellow card'. With the Treaty of Lisbon, an 'orange card' was additionally introduced, which refers to that 51 percent of the national parliaments can force a review by the EC. As a consequence, the EU was not able to launch any legislation that aimed at harmonizing education policies without approval by a qualified majority of the member states.

5.1.1. The Lisbon Strategy

The Lisbon summit in 2000 was important for a remaking of the European educational sector. From then on, the member states were willing to approach common policies in the educational sector.

The design of the implementation structure of Lisbon ensured that member states were able to have control over matters of high political salience. The Council defined the agenda setting and was the major decision maker, while the EC only assessed the policies and progress of the member states and presented recommendations and proposals to the Council (Amaral & Veiga, 2012, pp. 35–36). Based on this, within the Lisbon Strategy the Council agreed on common medium- to long-term priorities that were proposed by the EC.

The history of supranational policymaking by the EU and the HE sector supports the idea that the EU was actively spurring the design of laws in that field. From that perspective the integration of the HE sector was justified by economic means (Olsen, 2005). The Lisbon Strategy partly had social and cultural components, but it was dominantly constituted by economic motivations. This is anchored in the strategic goal of the Lisbon Strategy for the EU "to become the most competitive and dynamic knowledge-based economy in the world" (EC, 2000). Insofar the Lisbon Strategy is an example of vertical integration while discretion is distributed within several governance layers. This was explained by the use of the Open

Method of Coordination (OMC) and moreover by spillover effects from staff working for the Directorate General for Education and Culture (DG EAC).

The OMC intended to bolster mutual learning by benchmarking, national actions plans and indicators (Tamtik & Sa, 2014). Benchmarking is used by the OMC to identify good practices among the member states, but as well for 'naming-and-shaming' poor performers. Examples of such educational benchmarks are objectives for "improving the quality and effectiveness of the EU education and training systems, facilitating access of all to education and training systems, and opening them up to the wider world" (Amaral & Veiga, 2012, pp. 35–36). National actions plans are published every year by the member states to report their progress towards the proposed objectives and to set new targets for the next year. The establishment of indicators was a central aspect of the Lisbon Strategy and part of the OMC. Within the Lisbon Strategy, countries are evaluated according to five issues: innovation, liberalization, sustainable development, enterprise, social inclusion, and employment, whereas good performers are labelled 'heroes' and the worst performers 'villains' (Amaral & Veiga, 2012). By developing a joint agenda member states were encouraged to further specify the multi-level governance system in the policy fields that are limited by formal and legal barriers for the EU such as HE. Although, the member states are the agenda setters within the soft law instrument of the OMC, the role of the EC should not be overlooked. According to Amaral and Veiga (2012) the core of the OMC is the search for cognitive convergence, which involves certain tasks that only the EC can fulfil, like the monitoring of national action plans or the preparation of reports. Furthermore, within the OMC the EC has strong informal influence by using its technical expertise, its budget and its knowledge of policy issues.

In 2010, the Lisbon Strategy was followed by the Europe 2020 Strategy, which also aimed at making Europe the most competitive knowledge economy in the world, and, therefore, underlines the development of enhanced integration of HE justified by economic motives (Garben, 2012, p. 5). By the Europe 2020 Strategy, the Union has set five objectives on innovation, employment, social inclusion, climate and education that should be fulfilled in 2020. Regarding education the school drop-out rate shall be reduced to 10 percent and at least 40 percent of all 30-34 year-olds shall complete third level education. Although the economic motivation for an European harmonization of HE seem to be the most dominant factor, the social dimension can be found as well (Garben, 2012).

5.1.2. The Bologna Process

In 1999, the Bologna declaration was signed by the European ministers responsible for HE. At the beginning the Bologna declaration laid out policies and joint measures for establishing the EHEA. The EC did not take part in the negotiations. It was agreed to create a follow-up structure in order to coordinate the necessary actions to reach the goals of the Bologna declaration. Every two years the ministers responsible for HE come together on the biannual conferences and set new goals and insert new ambitions into the Bologna agenda, which is registered in respective communiqués (Neave & Maassen, 2007). In order to prepare the Ministerial Conferences, policy forums and to oversee the Bologna Process, the Declaration launched a so-called Bologna Follow-Up Group (BFUG). In addition, the BFUG forwards matters that do not need to be decided by the ministers or that have been delegated by the ministers. Since the agreement of the Bologna Declaration there is a constant change of policies and, thus, we can speak of a Bologna Process due to its changing policy targets. However, there is not only a constant change on the policy agenda within the Bologna Process, decided in the biannual conferences, but also the influence of institutional actors has shifted during this process.

Initially, the Bologna Process was intergovernmental – the Council took the decision by unanimity and each member state had the capacity to block the decision by using a veto (Amaral & Veiga, 2012). The EC was excluded from the Bologna Declaration even if it was expected that the EC would be a member. This was related to the attitude of the French and UK ministers that argued that the EC should not be part of an intergovernmental process. Nevertheless, the EC co-drafted the Bologna Declaration and funded the initial trends reports. Two ministers refused to sign the declaration until the EC was not mentioned anymore as a participant in the declaration. Some people argue that taking the EU out helped to receive large-scale support for the Bologna Declaration (Corbett, 2011). Further, other authors argue that the EC has been present all the time during the policy-making process due to their co-drafting role, even though Bologna was – in the end – an intergovernmental summit (Amaral et al., 2009; Knill et al., 2013). As mentioned above within the Bologna Declaration the most important forum for decision-making is the biannual conference, where the ministers take decisions and plan the course for the future whereas the BFUG is important to oversee the Bologna Process. Since the Bologna Declaration the composition of BFUG has changed. This was especially the case after the

biannual conference in Prague 2001, where the ministers decided to include the EC to join the BFUG. To monitor the successful implementation of the Bologna declaration, the BFUG used the soft law instrument of preparing stocktaking reports. The stocktaking reports address three areas: the two-cycle degree system, the quality assurance, and the recognition of degrees and periods of studies. Within the stocktaking reports, the BFUG uses a scorecard to show the success or failure (commonly referred as naming-and-shaming) of member states' progress. In addition, the BFUG organizes Bologna Follow-up Seminars on special issues on a regular basis, in which topics like the Social Dimension in the Bologna Process are discussed in more detail. The results of these seminars are summarized by means of reports that are commissioned by the EC (e. g., the report on the Bologna Process between Prague and Berlin (2003)). The EC thus fortifies its position in the HE area in spite of a legal formal basis by using soft law instruments. By this development it could be recognized as a shift of power towards a more supranational influence of the EC (Keeling, 2006).

Further, the EU was able to use its executive administrative arm in form of the Directorate General for Education and Culture (DG EAC) during the Bologna Process and developed important instances, like the European Research Council (ERC) and the European Institute of Innovation and Technology (EIT) and instruments like the European Qualifications Framework (EQF) (Curaj, Scott, Vlasceanu, & Wilson, 2012).

In sum, the EU has no exclusive legal command in the area of HE, the responsibility lies within the hands of its member states, although there are some decisions made by the European Court of Justice (ECJ) that influences HE more or less directly (e.g., the removal of barriers for students in the 'Gravier Judgement'). However, the influence of the EU in this particular area is executed mostly in alternative ways. Over the last two decades, and in particular with the two most comprehensive reform initiatives, the Lisbon Strategy and the Bologna Process, the EU has expanded its influence by the usage of several soft law instruments, like the OMC. This includes the deployment of guidelines, indicators and stocktaking reports, whose effectiveness relies on 'naming-and-shaming' practices and peer pressure. Whereas the position of the EC appeared to be weak at the beginning of these developments, the EC was constantly able to increase its influence over European HE e.g. by becoming part of the stocktaking reports within Bologna or by monitoring national actions plans. In addition, the establishment of working groups, administrative institutions (e.g., DG EAC), and instruments (e.g., EQF) guarantees the continuous monitoring of EU member states' progress in fulfilling the objectives that they commonly agreed on. This is

supplemented by the initiation of several funding programs to promote the realization of EU HE policy objectives at the institutional and individual level. One example is the Lifelong Learning program, which is since 2014 incorporated into the Erasmus+ program, that aim to “enable people, at any stage of their life, to take part in stimulating learning experience” (EC, 2013).

5.2. The Issue of Alternative Access to Higher Education on the EU Level

As has already been stated in this chapter, two main policy agendas at the EU level are crucial of HE, namely the Bologna Process and the Lisbon agenda while both provide the basis for the development of alternative access routes to HE as a policy tool (Maassen & Stensaker, 2011).

The issue of alternative access routes was first touched within the Bologna Process in 2001. In the Prague Communiqué the policy goals of lifelong learning and the social dimension first found their way into the Bologna Process and were acknowledged by the member states and the EC, which at the same time became a member of the BFUG. However, while the recognition of the policy goals of lifelong learning and the social dimension are prerequisites for the development of alternative access routes to HE, the Prague Communiqué was tacit on explicit policy choices to be promoted or pursued, whether best practices should be identified or on indicators to be developed or harmonized. In this sense, while providing a foundation for further policy development, the Communiqué was not directly referring towards alternative access as such. Specifically, lifelong learning was emphasized as “necessary to face the challenges of competitiveness (...) and to improve social cohesion, equal opportunities and the quality of life” (Prague Communiqué, 2001, p. 2).

Within the Berlin Communiqué 2003, these broad goals were reconfirmed, but also became more explicit. In comparison to the Prague Communiqué, the relation between increasing competitiveness and the social dimension was specified as having to be “balanced”, while equal opportunities now gained substance by explicitly referring to a reduction of “social and gender inequalities”, hence implying a more proactive stance. At the same time, the relationship between the goals of the Lisbon Strategy and the Bologna Process gained in prominence as they were explicitly mentioned, while at the same time “action and closer co-operation” towards the Lisbon goals was called for. As regards more direct initiatives towards alternative access to HE, the Berlin Communiqué, for the first time, included a

“commitment making higher education equally accessible to all” but qualifies this by referring to “capacity” and “appropriate means” (p. 4). As regards the social dimension in which alternative access to HE is situated, this call for equal access is considered to be the first concrete (but insufficient) step towards alternative access to HE in the Bologna Process (Kooij, 2015). From the perspective of lifelong learning, the Berlin Communiqué is much more directly concerned with alternative access to HE. Specifically, it is called for “flexible learning pathways” and “recognition of prior learning”, while linking these to opportunities for all citizens, in accordance with “(...) aspirations and abilities, to follow the lifelong learning paths into and within higher education” (Berlin Communiqué, 2003, p. 6). Hence, the Berlin Communiqué marks a starting point for concrete measures to be taken within the Bologna Process for alternative access to HE. Nonetheless, these are more pronounced in the economic logic that defines the lifelong learning policy goal, than they are linked with the social dimension (Berlin Communiqué, 2003).

As part of the mid-term review on the Bologna Process, the Bergen Communiqué marks the first attempt at the development of measurable indicators to support concrete steps towards actually widening access to higher education. First of all, it defined the social dimension in a less narrow way regarding widening access routes towards HE than previously imagined by the ministerial communiqués. As stated in Bergen, the goal of “higher education equally accessible to all” (Berlin Communiqué, 2003, p. 3) is specified to “need (...) appropriate conditions for students so that they can complete their studies without obstacles related to their social and economic background” (p. 3). The social background is regarded to involve “measures taken by governments” targeting “socially disadvantaged groups (...) with a view to widening access” (p. 3). Hence the qualifications of “appropriateness” and “capacity” regarding equal access, which follow predominantly the economic human capital logic prominent in the lifelong learning approach take a step back in favor of more affirmative action to actively increase the participation of groups from a socially based perspective.

Secondly, the Bergen Communiqué extended the stocktaking process, stemming from the Berlin Communiqué and conducted by the BFUG, to work towards these stated goals on the social dimension and develop “comparable data (...) on the social and economic situation of students” (Bergen Communiqué, 2005, p. 5) taking into account the aforementioned Social Dimension.

Following its mandate given in the Bergen Communiqué, the BFUG Working Group Social Dimension considered it very difficult to find a definition of the Social Dimension due to the

diversity presented in the group of Bologna countries. Its approach was to define the Social Dimension in a very broad sense to encompass the diversity. It therefore considered the Social Dimension to be a process, focusing on the national level as regards distinct actions, towards a common goal. The goal it proposed was that “the student body entering, participating in and completing higher education should reflect the diversity of our populations” (Bologna Secretariat, 2007, p. 9). Hence, reading alternative access routes to HE was neither excluded, but also considered as only one policy tool amongst many at the discretion of the Bologna countries. While this approach was taken towards the definition of the Social Dimension, when it comes to the standing of alternative access routes into HE in the Working Group’s task to develop comparable data, one must consider the choice of their data sources. The various data sources (Eurostat, Eurydice, Eurostudent) show in one instance a clear focus on alternative access routes to HE as a policy tool for the Social Dimension (Bologna Process Working Group on Social Dimension and Data on Mobility of Staff and Students in Participating Countries, 2007). The Eurostudent survey, commissioned by the BMBF and co-funded by the EC, specifically defines widening access to HE as the recognition of prior learning and the existence of flexible learning paths into higher education. Further they use non-traditional routes into higher education as an indicator, leaving it to the countries to define these routes themselves. Work experience prior to higher education is also reported as an indicator of prior-experience pre-entry into higher education in the Eurostudent survey. (Eurostudent, 2008). Through the use of this data source and its definition of widening access, alternative access routes to HE found their way into the Bologna Process, at the motivation of the Commission and the German Ministry in particular.

In the London Communiqué (2007), the approach of the BFUG Working Group to use a broad definition of the Social Dimension was taken over. They specifically used their definition “that the student body entering, participating in and completing higher education at all levels should reflect the diversity of our populations” (p. 5). At the same time, they state to “continue our efforts to provide adequate student services, create more flexible learning pathways into and within higher education, and to widen participation at all levels on the basis of equal opportunity” (p. 5). Therefore, while in London the common goal of taking alternative access routes to HE into account has been agreed on, no additional actions, as the wording “to continue” implies, were openly discussed. Nevertheless, as regards monitoring of efforts, the Bologna ministers agreed to report national action plans, which made certain policy tools, such as the one under investigation, more visible on the EU level.

Furthermore, data coming from the Eurostudent project received growing attention. The London Communiqué aimed to “improve the availability of data on both mobility and the social dimension” (p. 6), with the clear goal “to measure progress towards the overall objective for the social dimension” (p. 6), for which Eurostudent, Eurostat and the BFUG Working Group should work “in conjunction”. Here, the policy tool of alternative access to HE gained importance due to the reason that it was used as a direct indicator in the methodology (London Communiqué, 2007).

In the Stocktaking Report for 2007 - 2009 (2009), the BFUG Coordination Group on Social Dimension pointed out to several complications in measuring the accomplishments of the signed member states to fulfill the aims formulated in the London Communiqué. According to the report, “it was (...) impossible to evaluate the various countries’ policy measures in terms of effectiveness or appropriateness. The national reports simply do not contain the empirical evidence required for such a comparative evaluation. Moreover, the constitutional contexts in which the various countries are operating can differ substantially” (Stocktaking Working Group 2007-2009, 2009, p. 125). Notwithstanding, the policy tool of alternative access routes to HE became more distinctly visible. The BFUG coordination group defined non-traditional students as a category of underrepresented groups in HE. They explicitly determine the necessity of “the availability of non-traditional access routes to HE” (p. 129) and even more concretely, they cite the case of “students (who) previously followed vocational training programmes” (p. 129), which “require bridging courses between vocational education and training and more academic HE programmes” (p. 129). Furthermore, the need to compensate for the financial loss a move from work to studying requires is explicitly mentioned. While this development indicates more prominence for the topic of alternative access routes to HE, the recommendations for the Bologna countries remained cautious. The BFUG Coordination Group stayed with the previous target “to continue collecting and developing sound data and indicators to facilitate monitoring of progress and evidence-based adjustments of policy-making” (p. 140). Hence, while it can be concluded that the topic of alternative access routes to HE became more visible on the policy agenda, the lack of coordinated monitoring and best practices reduced the direct policy impact (Bologna Follow-up Coordination Group on Social Dimension, 2009).

In the Leuven and Louvain-la-Neuve Communiqué (2009), the Coordination Groups findings were incorporated. Specifically they stated that “access into higher education should be widened by fostering the potential of students from underrepresented groups” (p. 2). Pressure on Bologna countries was increased as each participating country was asked to

set measurable targets for widening overall participation and increasing participation of underrepresented groups in HE. At the same time, the topic of alternative access routes to HE was brought into context with the topic of lifelong learning by stating that “widening participation shall also be achieved through lifelong learning”, specifically “non-formal, or informal learning paths” that should be supported by “adequate organizational structures and funding” (p. 3). Nevertheless, while being further specified, the development of measurable progress had yet to be achieved. Lastly, the role of Eurostat and Eurostudent for data collection were reiterated (Leuven and Louvain-la-Neuve Communiqué, 2009).

The position that alternative access to HE had gained to this point continued in the following efforts by the BFUG Working group and the ministerial conference in 2012. Specifically, the BFUG emphasized “the benefits of alternative access routes into higher education”(p. 13). Access to HE should be designed to permit entry “regardless of prior formal learning achievements” (p. 13). Furthermore, the link with Qualification Frameworks was explicated as they are “essential to ensuring widening access (...) through more alternative and flexible access routes into higher education” (Bologna Follow-up Working Group on the Social Dimension, 2012, p. 14).

The Bucharest Communiqué (2012) even updated the status of alternative access routes to HE as ministers declared to “to develop (...) flexible learning paths and alternative access routes, including recognition of prior learning” (p. 2). Consequently, it was declared that the Bologna countries should “strengthen policies of widening overall access and raising completion rates, including measures targeting the increased participation of underrepresented groups” (p. 5). The process of measurement was retained from the foregone ministerial conferences, with Eurostat, Eurydice and Eurostudent tasked to monitor reforms.

Within the EU’s Lisbon Strategy, being the guiding overall process towards the ‘knowledge economy’ at the EU level, the Education and Training 2010 (ET2010) process was the most important field of action regarding alternative access routes to HE. Lifelong learning was the “guiding principle” for the ET2010 process. The strategic goal in the ET2010 process that can be regarded as directly relevant for the recognition of alternative access as a policy tool was “access for all” within the member state’s education and training systems. The objective was to raise the percentage of adults engaged in lifelong learning to at least 12.5 percent (Pépin, 2007). Nevertheless, it is important to note that in general the measures for cooperation at EU level were not sufficient. Compared to other areas, in the ET2010 process, the Open Method

of Coordination (OMC) has been criticized by experts as being “rather soft” in comparison to the application of the OMC in other policy areas. In particular, the lifelong learning part was considered insufficient and did not take social inclusion into account (Nicaise, 2012).

Regarding the role of the EC as the potential primary driver behind a common EU position towards alternative access routes to HE a paradoxical picture is shown. While as part of the Lisbon Strategy no concrete proposals and suggestions for policy action could be identified, the EC, due to its influential role in the BFUG, had identifiable influence in the recognition of alternative access to HE as a “best practice” policy tool. In particular, its monitoring and measuring efforts considerably influenced the Bologna Process with regard to the trajectory of policy development. This can be considered in line with the initial role of the EC and its strategy of framing the discourse identified in the literature (Keeling, 2006).

6. Analysis of the Domestic and State Level

6.1. The German Higher Education System

This chapter provides an overview about the German HE system by analyzing the governmental role within the German HE system and explaining the characteristics of HE institutions. Further, this chapter includes an analysis of the legal regulations with regard to alternative access routes to HE at the state level of Bremen. Thereby, it provides an analysis of the BremHG of 2006 and of the legal changes that occurred by the Second Reform in 2010 and by the KMK resolution of 2009.

In Germany, existing public and private state-accredited HE institutions can be divided into three different types of HE institutions, namely universities, universities of applied science (*Fachhochschulen*) and colleges of art/music. In addition, private HE institutions are mostly operated by churches, foundations or companies. These private HE institutions are primary universities of applied science that are officially recognized by the state (HRK, 2016b). Universities are more research-oriented and have the right to award doctoral degrees. They provide a wider range of different studies, although some are specialized in specific research fields, like medicine or technology. Colleges of art and music have an equivalent status like universities and focus on musical subjects, creative arts, performing arts, and visual arts.

In contrast to the strong research-oriented character of universities, universities of applied science put greater emphasis on practical orientation and applicability of knowledge. Their range of disciplines mostly focus on social science, engineering and business studies.

Moreover, there are more than 30 universities of applied science that provide access only for civil servants of public authorities (HRK, 2016b). On the one hand, these institutions provide basic education for future public servants and on the other hand, further education for experienced senior governmental officials.

In general, universities of applied science play a major role within the field of further education for work experienced students. The amount of students with completed vocational training is much higher at universities of applied science than at regular universities. According to the 20th Social Survey published by the German Federal Ministry of Education and Research (BMBF) in 2012, 42 percent of all students at universities of applied science have completed vocational training prior to their study, compared to 13 percent at universities (BMBF, 2012).

The different HE institutions are commonly organized within the *Hochschulrektorenkonferenz* (HRK). The HRK is a voluntary association of German state and state-recognized HE institutions. It is a forum for forming joint positions, policies and practices and can be regarded as the political and public voice of HE institutions (HRK, 2016a).

Within the Federal Republic of Germany, the *Länder* are responsible for education and culture and have cultural sovereignty (Kulturhoheit). However, the German Federal Constitution (*Grundgesetz*) guarantees equal opportunities and living conditions at the national level regarding employment-related and private mobility, which requires a certain degree of cooperation among the *Länder* (Kehm, 1999). Public HE institutions are supervised by the respective ministry of the *Land* responsible for HE education. Every *Land* has its own HE regulations including:

- the regulation of institutional administration and organization by HE laws, above all the administration of staff, finances and budgets;
- the approval of the statutes of HE institutions;
- the approval of new study programs;
- the conformation of rectors and presidents after their election;
- the confirmation of professors.

Nevertheless, HE institutions still have a relatively high amount of autonomy regarding their internal academic affairs, which includes predominantly their freedom of research and teaching (Kehm, 1999). Kaulisch and Huisman (2007) state that the relationship between the state and the HE institutions can be described as a combination of political guidance by the state and self-regulation of oligarchic academic communities. Regarding decision-making

this combination implies that the *Länder* decide on issues like “the organisational allocation of posts, the appointment of professors, the establishment or elimination of departments, and the internal decision-making procedures” (Kaulisch & Huisman, 2007, p. 48), whereas the academics (professors) decide on most academic issues. At German universities decision-making is carried out at the decentral and central level. At the central level, HE institutions are governed by a rector/president or a rectorate/presidium (Blümel, 2013). In addition, there is a chancellor, who is the leading administrative servant by being responsible for the administrative personnel and supervises the budget. Further, the academic senate represents the highest self-governing administrative authority that composes of representatives of professors, administrative and academic staff and students and is involved in all important decisions of the university, including the election of the president/rector and the issuing of guidelines.

Although every *Land* has its own HE regulation, there is a need for cooperation and coordination of HE. The main political body to ensure cooperation and coordination among the *Länder* is the *KMK*, which was established in 1948. The *KMK* is funded by the *Länder* and is the assembly of the Ministers of Education, Cultural Affairs and Science. In the *KMK*, the ministers (in the “city-states” Berlin, Hamburg and Bremen called senators) decide on common positions on various aspects of education, cultural issues and science. The agenda of the *KMK* addresses “(...) educational, higher education, research and cultural policy issues of supra-regional significance with the aim of forming a joint view and intention and of providing representation for common objectives” (*KMK*, 2016). However, the decisions of the ministers formulated by the *KMK* are not legally binding for the *Länder* and must first be transferred into state law. Another important function of the *KMK* is the asserting of joint interests and common positions of the *Länder* vis-à-vis the federal government, the OECD, the United Nations, the Council of Europe and the EU. The *KMK* composes of a plenum of ministers and senators responsible for educational and cultural affairs in the sixteen *Länder*. Each *Land* has one vote in the *KMK* and one minister is selected as the president who chairs the plenary sessions and represents the *KMK* externally. The president’s position rotates every year among the *Länder* and is supported by three vice-presidents who collectively prepare important issues for the plenary sessions. In addition to the Plenum of Ministers, there exists the Chief of Staff Conference where the chiefs of staff from the ministries of Education, Cultural Affairs and Science take decisions that do not require discussion by the Plenum and prepare deliberations for the Plenum. Both, the Plenum of Ministers and the Chief of Staff Conference meet four times per year. Within the organizational structure of the

KMK there are four main committees and six standing commissions. The main committees and the commissions are concerned with preparatory work for decisions and resolutions that will be taken by the Plenum and the Chief of Staff Conference. The day-to-day work of the *KMK* is carried out by the Secretariat that prepares meetings held by the Plenum, the committees and the commissions. Further, the Secretariat is concerned with the evaluation and implementation of the results (*KMK*, 2016).

Beside the *KMK* as the joint institution of the *Länder*, there exists the Joint Science Conference (*Gemeinsame Wissenschaftskonferenz* abbr. *GWK*), in which the *Länder* and the Federal Ministry of Education and Research (*Bundesministerium für Bildung und Forschung* abbr. *BMBF*) deal “with questions of research funding, science and research policy strategies and the science system which jointly affect the Federal Government and the *Länder*” (*GWK*, 2016)). Due to the federal structure of Germany, the *BMBF* does not have a direct influence on educational policies. The federal competences are limited to professional licensing of lawyers, access to HE (here the *Länder* are able to decide differently), degrees, promotion of scientific research and technological development including research trainees (e.g. by founding certain scientific sectors), and provision of students loans (*BAföG*). However, the influence of the *BMBF* has increased substantially in the last years due to the expanded use of funding programs, like the Excellence Initiative, the Quality Pact on Teaching and Learning and the Higher Education Pact 2020.

6.2. Alternative Access in Germany and in Bremen

This part deals in particular with the topic of alternative access routes in Germany in general and in Bremen in specific. We give insights about the historical development of alternative access routes in Germany and Bremen. Thereby we analyze the *BremHG* in 2006 and the Second Reform of the *BremHG* in 2010. Hence, this chapter answers the second sub-research question by asking what constitutes the policy of Bremen towards alternative access routes.

According to Orr and Hovdhaugen (2014), the decision on access to HE is either qualitative or quantitative in nature. The decision based on qualitative access criteria implies certain assumptions about who is the right person for HE in general or for HE in a specific institution (Orr & Hovdhaugen, 2014). The decision based on quantitative access focuses on state regulated mechanisms that include that the government makes provisions about the number of students who can enter a certain study. Qualitative access mechanisms rest upon the assumption that participation in HE programs requires particular cognitive abilities.

Taking this into account it becomes obvious that access criteria depend on both national setting and the organizational setting. The organizational practice (on the supply side) and the behavior of prospective students (on the demand side) have a direct influence on the implementation level of access routes. For example, HE institutions could be unwilling to widen access, whereas policy-makers wish to do so. The opposite might also be true. Orr and Hovdhaugen (2014) mention that universities use admission regulations as a filter and only allow to enter the best qualified students. This is even strengthened by the fact that the funding of HE institutions is partly based on the performance of their students (e.g. graduation rates). Therefore, widening access might be a financial disadvantage for these HE institutions based on the assumption that students with an alternative qualification have a lower chance to succeed. From the demand perspective, students may not make use of alternative access routes because they do not see studying as an alternative because they might not even know about the possibility to study without an academic school-leaving qualification (Archer, 2007).

6.2.1. Alternative Access to Higher Education in Germany

Germany has a long lasting tradition of a strict separation between academic and vocational education, which has its roots in the Humboldtian ideal of the 19th century (Orr & Hovdhaugen, 2014). Thus, the German HE admission system traditionally distinguishes among those who can and those who cannot enter HE institutions. In Germany, entry into HE is determined by the school exit qualification. The traditional route, which represents the “royal route” into HE, is the successful completion of an academic school-leaving qualification (*allgemeine Hochschulreife/Abitur*). This qualification is considered as the main indicator for academic competences that are necessary for a successful completion of studies. 88 percent of all school leavers with an *Abitur* obtain it at an academic track school (*Gymnasium*) (Autorengruppe Bildungsberichterstattung, 2016). The decision whether or not to go to an academic track school is made after the fourth grade at the end of the primary school based on teachers’ recommendations³, whereas a transition to an academic track school at a later point in time is not likely (Orr & Hovdhaugen, 2014). Hence, in the German education system the setting of the course for an academic school-leaving qualification takes places at an early stage of a future student’s career.

³ In some federal states, the decision with regard to the type of secondary school education is no longer solely based on teachers’ recommendations.

In addition to the *Abitur*, there are two alternative school-based university entrance qualifications in the German education system, namely the *Fachhochschulreife* and the *fachgebundene Hochschulreife*. The *fachgebundene Hochschulreife* allows access only to a limited number of HE programs at universities and universities of applied science. The HE programs must have a similar focus as the major school subjects. These HE programs are listed in the final school certificate (e.g. social or economic focus). Thus, the *fachgebundene Hochschulreife* is a subject-related school-based university entrance qualification. The *Fachhochschulreife* has a vocational and an educational part. The educational part implies two years of secondary education (after eleven school years) and the vocational part a one-year internship (in some *Länder* half a year). After successful competition, the students have full access to universities of applied science.

Despite the traditional school-based qualification routes into HE mentioned above, there has been a remarkable amount of political and legal reforms on the German federal, but especially on the state level, during the last years to facilitate second-chance routes into HE and enable a better transition between vocational education and training and HE (Orr & Hovdhaugen, 2014). These reforms, which will be discussed later in this chapter, mark the temporary end of a long process that already started in the end of 1980s. In the period between the end of the 1980s and the end of the 1990s many *Länder* undertook several measures to open up access to HE for professionals without a formal academic school-based qualification in order to increase transition between vocational education and academic education. Nevertheless, these measures established by the *Länder* and legally anchored in the different HE laws were very different and lacked any common rules (Rau, 1999). For example, in the 1990s certain *Länder* allowed access to HE only for applicants who lived or worked in the respective *Land*. Furthermore, some *Länder* opened up access to all study programs, even to programs with a generally restricted access (*numerus clausus*) while in other *Länder* access to HE was only allowed to study programs that were related to the respective prior vocational experience of potential students. Thus, according to Teichler and Wolter (Teichler & Wolter, 2004), the 1990s can be characterized as a phase in which a stricter selection among potential students took place (e.g. through inner-university selection procedures) while admission requirements remained unchanged.

6.2.2. Alternative Access to Higher Education in Bremen

Access to HE in Bremen is regulated by Article 33 of the BremHG. In 2006⁴, the BremHG allowed access for applicants without a school-based university entrance qualification only under certain restrictions and regulations. These applicants were only able to study at a HE institution when they passed one of the following options; 1) they had to pass an entrance exam (a test measuring study-related competences), or 2) completed successfully a trial course of studies (a one-year study, in which students participate “on trial” in lectures and are required to accomplish certain study and examination achievements) or 3) to do a “contact study” (a further education study program that aims to deepen insights into scientific and artistic specific knowledge while implicating practical professional experience) (KMK, 2006). However, to gain access to one of these options, applicants had to meet the following requirements:

According to Article 33 (6) sentence 1 in conjunction with Article 55 of the BremHG with respect to the entrance exam, only applicants that fulfill all of the following criteria are admitted to such an exam:

- successful completion of vocational training
- at least 3 years of professional activity
- primary residency in Bremen or in neighboring districts since at least one year
- successful completion of a further training and development program

According to Article 35 (2) of the BremHG with respect to doing a trial course of study, only applicants that fulfill all of the following criteria are admitted for such trials:

- successful completion of vocational training
- further training to master craftsman (*Meister*), state certified technician (*staatlich geprüfter Techniker*), state certified business economist (*staatlich geprüfter Betriebswirt*) or comparable training
- primary residency in Bremen or in neighboring districts since at least one year

⁴ The BremHG towards alternative access to HE remained unchanged from 1999-2009. Although we took the decision to use the version of 2006 it would be possible to use any other version within this period as well. Thus speaking of the BremHG in 2006 implies the whole period from 1999-2009 regarding alternative access to HE (see Bremisches Hochschulgesetz (1999) and KMK (2006)).

According to Article 33 (6) sentence 2 in conjunction with Article 58a of the BremHG, for a contact study only applicants that fulfill all of the following criteria are admitted:

- successful completion of vocational training in which related disciplinary contents have been taught
- primary residency in Bremen or in neighboring districts since at least one year

Putting the above mentioned requirements into a nutshell there are two main groups of candidates for alternative access to HE; 1) persons with a vocational training and professional activity and, 2) persons with a further training. Moreover, in 2006 access to HE in Bremen for those applicants without a school-based university entrance qualification was rather difficult and, therefore, in practice limited. None of those candidates was able to directly access a regular study at a HE institution but had to successfully pass an entrance exam, a trail course of studies or a contact study. In order to gain access to these options, several conditions had to be met. In other words, all three options required more than a regular vocational training. Nevertheless, applying these findings to our findings about Europeanization (chapter 3), we already found evidence that Bremen had experience with the issue. Thus, we assume that the adaptation costs might not be very high because the HE system in Bremen was to some extent familiar with the topic.

Although alternative access to HE was limited in Bremen, in comparison to other *Länder*, like Bavaria, it appeared to be more open. In other *Länder*, for example, master craftsmen (*Meister*) were only allowed to study after they took a preparatory course for six months (*Propädeutikum*) and successfully passed a supplementary test. In addition, only craftsmen with at least a good certificate were admitted to preparatory courses (KMK, 2006). In this regard, every *Land* had their own requirements for alternative access. In Germany, there were no common rules and strategies with respect to alternative access ways into HE.

In 2009, the members of the KMK agreed for the first time on setting common standards for persons without a school-based university entrance qualification. Within this resolution, the KMK (2009) formulated the objective that general access to HE (*allgemeine Hochschulreife/Abitur*) should be provided for candidates who meet one of the following requirements:

- master craftsman (*Meister*)
- state certified technician (*staatlich geprüfter Techniker*)
- state certified business economist (*staatlich geprüfter Betriebswirt*)

- persons with a comparable further training of at least 400 teaching lessons

Moreover, the 2009 KMK resolution stipulated that subject-related entrance qualification to HE (*fachgebundene Hochschulreife*) should be provided for candidates fulfilling the following requirements:

- completed vocational training (at least two-year duration)
- at least 3 years of subject-related professional activity
- successful aptitude assessment procedure (*Eignungsfeststellungsverfahren*) or successful trial course of study for at least one year

Due to the non-binding character of KMK resolution the *Länder* needed to implement the provisions into the respective HE law. This implementation lasted until 2014 when Brandenburg amended as the last *Land* its HE law (Duong & Püttmann, 2014). Furthermore, the KMK resolution explicitly mentioned that the *Länder* can adopt measures that go beyond the above mentioned issue (KMK, 2011). For example, North Rhine-Westphalia allows candidates who have completed vocational training and professional activity to study regularly at HE institutions in a subject-related field without further obligations (KMK, 2011).

In Bremen, the necessary reform took place in 2010 by the Second Reform of the BremHG. Although, the second reform focused on several HE issues, like excellence, gender equality, doctoral regulations and budgetary law, alternative access was an essential cornerstone (Bremisches Hochschulgesetz, 2010). With regard to alternative access to HE, the following new regulations were established:

According to Article 33 (3a) of the BremHG, general access to HE (*allgemeine Hochschulreife/Abitur*) is granted⁵ for persons who meet one of the below mentioned requirements:

- master craftsmen (*Meister*)
- a further training which is comparable to a master's craftsman certificate
- state certified technician (*staatlich geprüfter Techniker*)
- state certified business economist (*staatlich geprüfter Betriebswirt*)
- persons with a comparable further training of at least 400 teaching lessons

⁵ In addition to persons with Abitur or equivalent diploma (foreign high school diploma) or persons with a diploma from universities of applied science

According to Article 33 of the BremHG subject-related entrance qualification (*fachgebundene Hochschulreife*) to HE is granted for persons who meet all of the below mentioned requirements:

- completed vocational training (at least two-year duration)
- at least 3 years of subject-related professional activity
- successful entrance exam (*Einstufungsprüfung*) or successful trial course of study for at least one year

As indicated by the lists above, the Second Reform of BremHG in 2010 incorporated all provisions of the KMK resolution of 2009. General access to HE (*allgemeine Hochschulreife/Abitur*) was granted to persons who completed further vocational training (e. g., *Meister, staatlich geprüfter Techniker, staatlich geprüfter Betriebswirt*). This can be regarded as a substantial legal change, because prior to that resolution they were only able to apply for a trial course of studies or an entrance exam. Based on this, further vocational training is nowadays recognized as equal to an academic school-based qualification (*allgemeine Hochschulreife/Abitur*). Further, by 2010, the obligatory primary residency in Bremen or in neighboring districts has been omitted for both groups (vocational training and further vocational training). However, regarding the group of vocational qualified persons, who have no further training, access to HE still remains to be difficult after 2010. These candidates can only apply for the entrance exam and - after successful passing - are able to study in a subject-related study program at any HE institution (*fachgebundene Hochschulreife*) in Bremen.

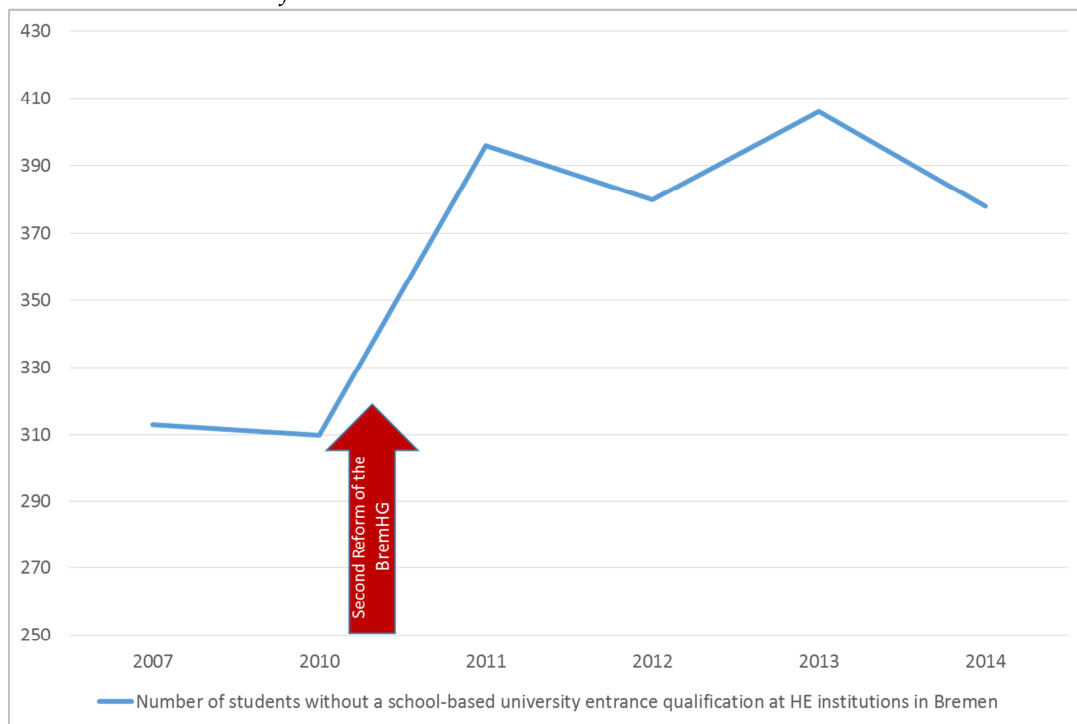
The new law was adopted by the Parliament on the 22nd of June 2010. With respect to alternative access, it can be noticed that the Senator of Education and Science⁶ in her speech at the Bremen Parliament mentioned explicitly the KMK resolution as the reason for adopting regulations with regard to alternative access to HE with the Second Reform of BremHG (*Bremisches Hochschulgesetz, 2010*). In addition, the proposal submitted by the Senator of Education and Science to the Senate (government) and the additional explanatory statement of the same ministry both refer to the 2009 KMK resolution as the reason for widening access to HE (*Die Senatorin für Bildung und Wissenschaft, 2010a; 2010b*). By further analyzing these documents it is very striking that none of them mentioned the EU or the EU level at all. None governmental and administrative actors at the top level referred to the EU level or the EU as a reason for change. This provides evidence that there was no

⁶ In 2015 the competences have changed and the ministry is now named Senator of Science, Health and Consumer Protection

direct link between the EU level and Bremen regarding the Second Reform of the BremHG. Nevertheless, this does not mean that the policy outcome was not influenced by the EU level as the next chapter shows.

Although the reform included a substantial legal change regarding alternative access to HE, data about this period draw a contradictory picture. On the one hand, the total number of students without a school-based university entrance qualification at HE institutions in Bremen has increased after the Second Reform of the BremHG from 310 in 2010 to 396 in 2011 (+27.1 percent) and remained high until 2013, where the numbers decrease again to 378 students (see figure 3).

Figure 3. Number of students without a school-based university entrance qualification at HE institutions in Bremen from 2007-2014.

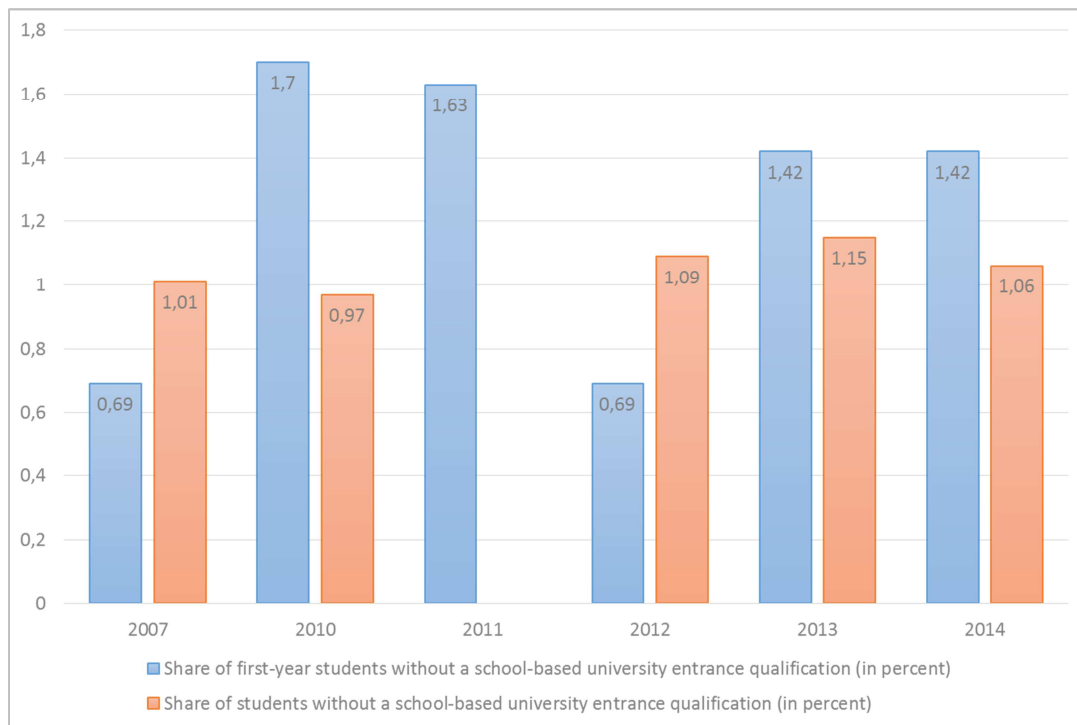


Source: Duong and Püttmann (2014); *Studieren ohne Abitur* (2017)

On the other hand, when looking at the overall share of first-year students without a school-based university entrance qualification among all first-year students in Bremen, data shows first an increase from 0.69 percent in 2007 to 1.7 percent in 2010 and 1.63 percent in 2011. But this share decreases substantially in 2012 back to the level of 0.69 percent again (see figure 4). In 2013 and 2014, the share of first-year students without a school-based university entrance qualification stabilizes on the level of 1.42 percent. However, the overall share of students without a school-based university entrance qualification does not change much between 2007 (1.01 percent) and 2014 (1.06 percent). It should be noted here that these developments

can only be explained by looking at the institutional level of HE institutions, which would go beyond the scope of this analytical chapter. Possible explanations and factors responsible for these developments will be raised in the discussion in chapter 9.

Figure 4. Share of first-year students and students without a school-based university entrance qualification at HE institutions in Bremen from 2007-2014.



Source: Duong and Püttmann (2014); Studieren ohne Abitur (2017). *Missing data for the share of students in 2011.

7. Analysis of the Europeanization of Alternative Access Routes

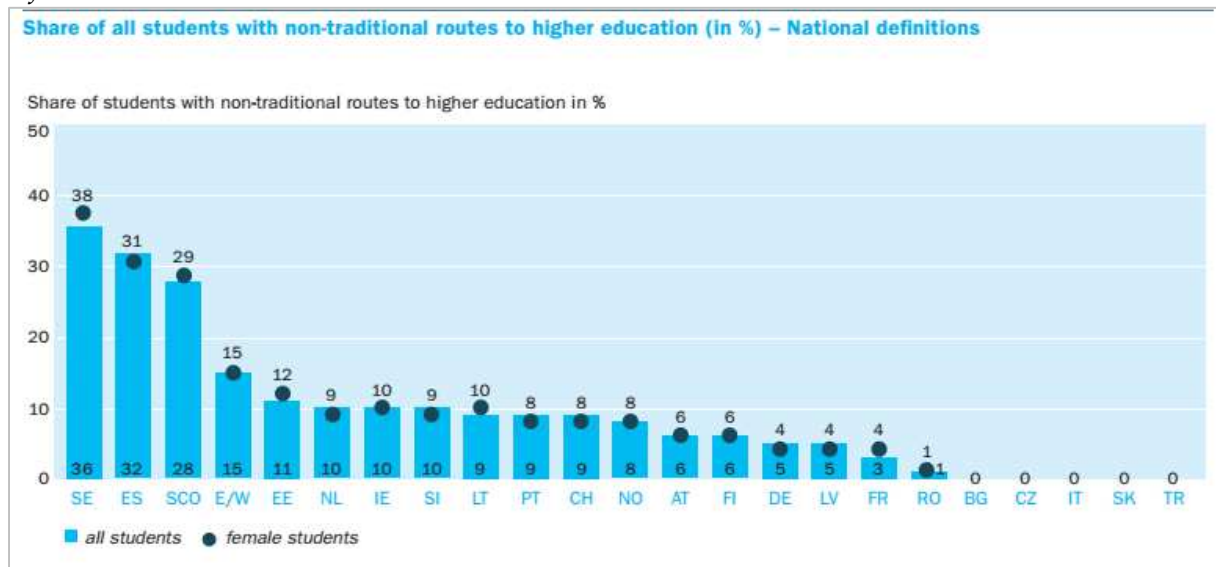
In accordance to Börzel and Risse (2000), policy changes take place when there is the necessary condition of a misfit between European institutions, policies and/or processes and the domestic level. In order to detect the influence of Europeanization on the state level, we need to identify if there existed a misfit regarding alternative access to HE between the EU and the Bremen. This part of my thesis follows the second-step of Börzel & Risse (2000) by providing first a comparison between the policies in Bremen prior to the Second Reform of the BremHG and the position on the EU level within the same period of time. Second, we analyze to what extent changes introduced by the Second Reform of BremHG reflect the position of the EU level. In other words, we intend to show to what extent the misfit between the EU level and the state level has decreased after the legal changes of Second Reform of BremHG in 2010. These legal changes are classified by analyzing the scope of change that took place within the legal frameworks of Bremen (Börzel, 2003). Hereafter, this research illustrates how such changes can be explained and which impact the EU level had on them.

7.1. Misfit

Taking our findings from chapter 6 into account it becomes obvious that prior to the Second Reform of the BremHG alternative access to HE in Bremen already existed but it was limited. People without a school-based university entrance qualification were not able to directly access a regular study at a HE institution although they could apply for an entrance exam, a trail course of studies or a contact study. The barriers were quite high because all three options required not only a vocational training and professional experience but a further training as well. Comparing the legal basis of the BremHG in 2006 with the position on the EU level one can argue that there was no clear recommendation of the EU level about legal reforms regarding alternative access to HE. Although, in 2001, alternative access was not mentioned by the Prague Communiqué - this Communiqué provided the basis for this issue by introducing lifelong learning as an action line within the Bologna Process. Two years later, in the Berlin Communiqué (2003), the topic was explicitly taken on the agenda. On the one hand, the Berlin Communiqué included a commitment “making higher education equally accessible to all” regarding the social dimension. On the other hand “flexible learning pathways” and “recognition of prior learning” were mentioned in the context of lifelong learning. The report for the ministers “Bologna Process between Prague and Berlin”, which is commissioned by the Commission, includes a more concrete list of recommendations directed at different actor groups (Follow-up Group of the Bologna Process, 2003). This report summarizes the results of two seminars that were organized in the time period between Prague and Berlin in order to discuss more specifically topics regarding the Social Dimension and student participation in Governance. For example, the report stated that public authorities responsible for HE should “develop new style national qualifications frameworks that integrate forms of lifelong learning as possible paths leading to higher education qualifications, as well as access qualifications, within this qualifications framework”. In addition, they are required to “ensure the right to fair recognition of qualifications acquired in different learning environments” (Follow-up Group of the Bologna Process, 2003, p. 83). This report provided the necessary background for the Bergen Communiqué (2005), which was quite more narrow by proclaiming the improvement of the “recognition of prior learning, including, where possible, non-formal and informal learning for access to (...) in higher education programmes” (Bergen Communiqué, 2005, p.3). Much more influential was the establishment of the BFUG Working Group Social Dimension, who fostered to find similar definitions and objectives concerning the Social Dimension and was

responsible for gathering data on the progress of implementing EHEA reforms. Further, the Communiqué required the BFUG to collect “comparable data (...) on the social and economic situation of students”. Interestingly, the Working Group incorporates mainly data from either Commission-funded projects (e. g. Eurostudent) or institutions in which the Commission is a dominant actor (e. g. Eurydice). Eurydice is a network of the Bologna members that aims to facilitate European cooperation in the field of lifelong learning. The coordinating unit of Eurydice is based in the EU Education, Audiovisual and Culture Executive Agency (EACEA), which operates under the supervision of the DGs of Education and Culture (DG EAC), Communications Networks, Content and Technology (DG CONNECT), Migration and Home Affairs (DG HOME), Humanitarian Aid and Civil Protection (DG ECHO) (EACEA, 2017). These institutions and projects produce data reports on a regularly basis that are used by the Working Group for informing about the performance of EU member states with regard to the Bologna tasks. These efforts of data collection were further strengthened by the London Communiqué (2007), which “called on the European Commission in conjunction with Eurostudent to develop comparable and reliable indicators and data to measure progress towards the overall objective for the social dimension, including participative equity, staff and student mobility as well as employability of graduates” (London Communiqué, 2007, p. 9). Therefore, special attention should be paid to the Eurostudent Report III, which provided data on the social and economic conditions of student life in Europe for the period of 2005-2008 (Eurostudent, 2008). More specifically, this report investigated patterns of access to HE while focusing on “non-traditional” routes to HE, which is regarded as essential for informing policy actors on issues concerning widening access and participation to HE. Concerning the share of students that enter HE via non-traditional routes, Germany belongs with only 4 percent - compared to a median percentage of 8.4 percent - to the countries with a rather low percentage of non-traditional students (see figure 5).

Figure 5. Share of all students with non-traditional routes to higher education (in percent) – National definitions in 2006.

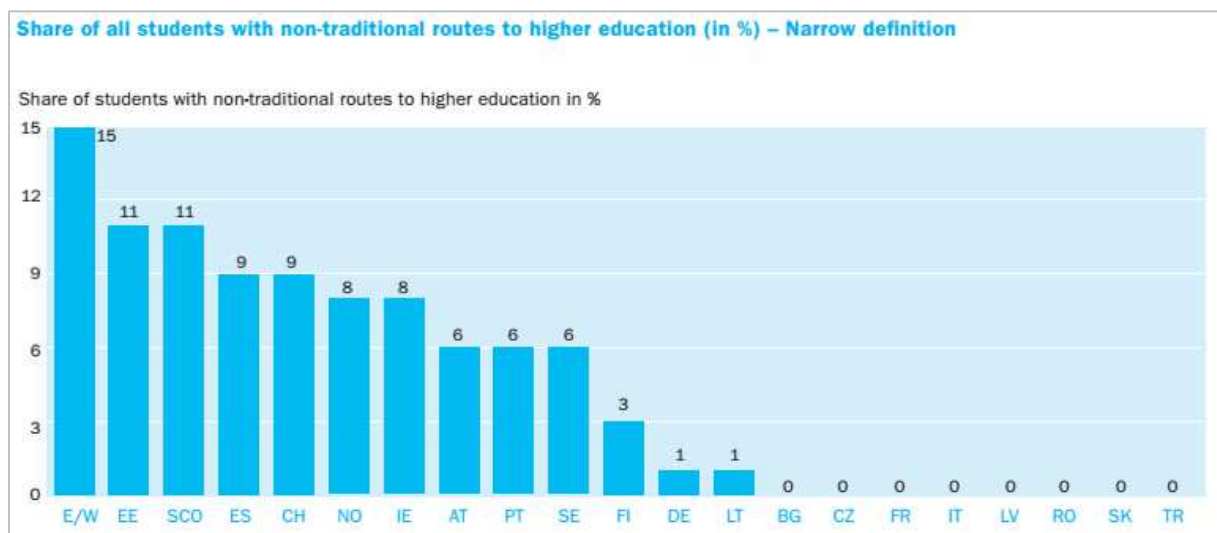


Source: Eurostudent (2008).

However, this number indicates the share of non-traditional students according to each country's own definition of "non-traditional" routes, in order to account for the quite distinctiveness of HE systems. The report exposed that the German definition also included students coming via the second educational path, which refers to students that enter HE after having obtained an upper secondary school diploma through adult education. The report, in order to obtain a better comparability, suggests to use a more narrow definition of "non-traditional" routes to HE, which includes "access to HE through the validation of prior learning and work experience – with or without a HE entrance examination" (Eurostudent, 2008, p. 41). Such a definition emphasizes to a much higher extent the recognition and accreditation of competences that are acquired by means of vocational training or professional activity, laying outside the "traditional" route of having an HE entrance examination. As the Eurostudent report emphasizes this definition as the more concrete one, we suggest that it reflects more "the European opinion" on what constitutes non-traditional access routes. Looking at the numbers with such a more narrow definition of "non-traditional" routes, it became obvious that Germany cut a bad figure: The report pointed out that "the size of the German non-traditional student population is only one fifth of Germany's own count" (Eurostudent, 2008, p. 41). Accordingly, with the narrow definition the share of students entering HE via non-traditional routes dropped to only 1 percent (see figure 6). The data of Eurostudent (2008) were collected in summer 2006 and are referring to the average number of all sixteen *Länder*. Due to our research focus on Bremen, it is important to relate these data to our case. Unfortunately, there are no data available of

Bremen in 2006, but we have data from 2007 (see figure 4), which are only a few months older than the data of Eurostudent from summer 2006. In 2007, the share of students without a school-based university entrance qualification at HE institutions among all students in Bremen accounted for 1.01 percent which reflects the German average (see figure 4 and figure 6). Hence, we assume that the picture drawn by the Eurostudent Report III about Germany is congruent with Bremen.

Figure 6. Share of all students with non-traditional routes to higher education (in percent) – Narrow definition in 2006.



Source: Eurostudent (2008).

By Eurostudent (2008), Germany is displayed as a country with a low share of students entering HE via non-traditional routes and the report even suggests in the next paragraph that this might be linked to a country's degree of participative equity in HE with regard to social background. In this context, data indicated that students from a low-educated background⁷ are rather underrepresented according to their overall share in population, which seem to be linked to the relatively low share of student taking non-traditional access routes.

We argue that this report can be understood in the context of "naming-and-shaming" practices, as it was concretely targeting at reporting to the EU level the progress of reform initiatives. Thereby, the report displayed "good" and "bad" performers on several indicators. With regard to the development of alternative access routes, Germany with its rather low share of students entering HE via non-traditional access routes in comparison to other EU

⁷ Measured as a ratio between the share of students' fathers with low education (among all students' fathers) and the share of low-educated men aged 40-60 years (among all men of that age group) in order to account for countries' variations in level of education.

member states, is presented as a “bad” performer on this indicator. This is also valid for our case due to the fact that Bremen represents the mean with 1.01 percent within the *Länder*. We identify a misfit between the European aspirations, which defines non-traditional routes according to the validation of prior learning and work experience, and the German definition, which acknowledges second educational paths as “non-traditional” routes. We argue that this definition reflects European aspirations to that extent that exact this definition can be retrieved as well from the Stocktaking Report 2009 that was prepared by the Stocktaking Working Group 2007-2009. On the basis of Eurostudent data, the Stocktaking Working Group 2007-2009 postulated explicitly that “there is a need for HE institutions to play a more active role in providing lifelong learning opportunities, by widening access to students from all background and by recognizing prior learning and work experience as a valid route of entry” (Stocktaking Working Group 2007-2009, 2009, p.86). The Stocktaking Report of 2009 further recommended that “countries need to pay more attention to developing flexible learning paths” (Stocktaking Working Group 2007-2009, 2009, p 86). These recommendations shaped the design of the Leuven and Louvain-la-Neuve Communiqué (2009) in which it was agreed that “widening participation shall also be achieved through lifelong learning (...). Lifelong learning implies that qualifications may be obtained through flexible learning paths, including part-time studies, as well as work-based routes” (Leuven and Louvain-la-Neuve Communiqué, 2009, p. 3).

However, the most striking characteristic of the Stocktaking Report of 2009 is the application of indicators and data by scorecards. This new element was agreed on within the London Communiqué in 2007 and provided an overview about the performances of the member states with regard to qualifications frameworks, quality assurance, recognition and lifelong learning. The scorecard about the issue of lifelong learning included the indicator “recognition of prior learning” and used the colors red, orange, yellow, light green and dark green to show the performance of the respective member states. Germany received a light green regarding recognition of prior learning, which implies that “there are nationally established procedures, guidelines or policy for assessment of prior learning but they are demonstrably used in practice for only (...) 1) access to higher education programmes or 2) allocation of credits towards a qualification and/or exemption from some programme requirements” (Stocktaking Working Group 2007-2009, 2009, p. 81). Although this statement was not further explained regarding Germany, it appears as a first impression that the German performance was good (light green). However, if we analyze the overall results of all member states, 19 countries out of 48 countries performed better than Germany and

received a dark green grading. Germany was not among the top 40 percent and due to the fact that other “big members” with a comparable economic and HE standard, like the UK and France, received a dark green grading, the results can be seen as not so good. Thus, within the “naming-and-shaming” practice of the Stocktaking Report of 2009 one can say that a medium misfit regarding alternative access can be recognized. In particular if we keep in mind that the EC was highly active in the methodological design of the grading system (one of the three authors of the report was a consultant of the EC) and that the Stocktaking Report had a great influence on the Leuven and Louvain-la-Neuve Communiqué (2009). Further, the EC has funded the Stocktaking Report and because Eurydice, a network in which the EC is very powerful (see above), was a member of the Stocktaking Working Group 2007-2009, we argue for a strong supranational influence by the Commission regarding the issue of alternative access to HE.

The misfit between the EU level and the domestic level is also recognizable by analyzing the National Report for Germany 2007-2009 on the Bologna Process. This report of the National Bologna Follow-up Group is jointly written by the BMBF and KMK and outlines the progress regarding the goals of Bologna. Under the rubric “Which concrete goals do you want to achieve?” the National Report mentions with respect to alternative access to HE “enhance access to higher education for vocationally qualified persons without formal higher education entrance qualifications by transnational regulations” (National Bologna Follow-up Group, 2008, p. 55). This statement underlines that the *Länder* and the Federal Government had noticed and accepted the misfit between the EU level and the domestic level.

Therefore, we conclude that between 2006-2009 (analyzed period within the Eurostudent Report III (2008), the Stocktaking Report 2007-2009 (2009) and the National Report of Germany (2008)), there was a misfit between the EU level policies with respect to alternative routes in HE and the policies and practices in Germany. We argue that this finding of a misfit is transferable to Bremen due to two reasons. First, Bremen represents an ideal average performer of Germany because its share of students without a school-based university entrance qualification is almost equal to the average number in Germany. Second, based on our findings in chapter 6, we suggest that Bremen has already some experience with alternative access routes to HE because there existed some limited legal requirements. These results, we argue, indicate a medium degree misfit between the EU level and Bremen.

Our argument is strengthened by the Stocktaking Report of 2009 where Germany got a light green and was an average performer on the EU level. Hence, Bremen and its performance

regarding alternative access to HE represents an ideal average on the EU level due to its similar ranking within Germany. As we have stated in chapter 3, whereas a misfit represents a necessary condition, a misfit which is too huge can result in no change due to high costs of adaptation. However, based on the medium degree the pre-conditions of a possible change at the domestic level are quite good.

Based on our findings of a medium degree misfit between Bremen and the EU level, the next section analyzes the policy change of Bremen and explains how this can be related to the EU level, although the EU level was not explicitly mentioned as the reason for the Second Reform of the BremHG at all (see chapter 6.2.2.).

7.2. Outcomes of Europeanization

As shown in chapter 6.2.2. Bremen justified the Second Reform of the BremHG by the KMK resolution of 2009 and not by agreements on the EU level. However, in this context we want to point to our finding that the KMK resolution of 2009 is congruent with the Second Reform of the BremHG due to the fact that all the recommendations of the KMK resolution has been integrated into state law. Therefore, we are able to treat the KMK resolution as equal as the reform of Bremen. Following this consideration, in order to see whether the misfit between Bremen and the EU level has decreased after the Second Reform of the BremHG, we analyze changes related to the KMK resolution of 2009.

The National Report about the Bologna Process implementation 2009-2012, which was jointly written by the German BFUG members BMBF and KMK, presented the main developments regarding the Bologna Process in Germany (BMBF & KMK, 2012). In the context of alternative access to HE the report explicitly mentioned the KMK resolution of 2009 as the general German policy approach to “(...) increase and widen participation and to overcome obstacles to access” (BMBF & KMK, 2012, p. 25). The German efforts are also reflected in the general Bologna Process Implementation Report of 2012 that uses, just like the Stocktaking Report of 2009, the same scorecards regarding the performance of the member states towards the issue “recognition of prior learning” for alternative access to HE (EACEA, 2012). In this report Germany received a dark green grade and, therefore, ranged among the thirteen top performers. According to the report, Germany had “nationally established procedures, guidelines or policy for assessment and recognition of prior learning as a basis for 1) access to higher education programmes, and 2) allocation of credits towards a qualification and/or exemption from some programme requirements, AND these procedures are demonstrably

applied in practice” (EACEA, 2012, p.144). Further, the report mentioned that the recognition of prior learning regarding alternative access was a standard practice in the majority of HE institutions in Germany (EACEA, 2012, p. 143). If we compare these results with the Stocktaking Report of 2009, in which the country only received a light green grading, we are able to recognize a positive development for Germany between 2009 and 2012. Due to the fact that the EC was directly (BFUG membership) and indirectly (Eurydice, Eurostudent and Eurostat) involved in the development of indicators, we argue that the grading scheme reflects the EC’s preference about alternative access to HE. Although there were no clear recommendations for the member states provided by the EU how to change their legal system, the Second Reform of the BremHG in 2010 widely reflects the EU position because the KMK resolution of 2009 mediated the EC’s preference to state level. Thus, we conclude that after the Second Reform of the BremHG the misfit between the EU level and the state level in Bremen has decreased by a process in which the KMK resolution of 2009 mediated the removal of the misfit.

Overall, Germany – and following our argumentation, Bremen as well - was criticized on the EU level for its performance regarding alternative access HE prior to 2010 and lauded afterwards by “naming-and-shaming”. Applying Börzel's (2003) framework about the degree of change, we argue to distinguish between two levels. On the one hand, there were modest changes on the legal level made by the Second Reform of the BremHG, which reflected the EU’s position and, thus, we are able to speak of accommodation. On the other hand, data from 2014 indicate that at the institutional level the share of first-year students without a school-based university entrance qualification in Bremen remains relatively low with 1.42 percent coming via alternative access routes to HE (see figure 4). This might be an indicator for absorption because although the state incorporated the EU’s preferences into HE law, alternative access routes to HE are still not used extensively. However, further research is needed to support whether our assumptions derived from this data are correct or not (see chapter 9).

7.3. Explaining Europeanization

After the identification of the misfit and the degree of change that has taken place at the domestic level of Bremen, the following question is why and how has this change happened, i. e., what kind of explanations underlie the outcome of Europeanization. Here we see the necessity to distinguish between two levels as we have identified that there is no direct link

between the EU level and the state level. Therefore, we investigate the explaining mechanisms of Europeanization first for the national level, in specific the KMK, and, second, the state level of Bremen.

As mentioned above, the EU level impacts the national level by means of “naming-and-shaming” practices within the Bologna Stocktaking Reports and Eurostudent reports, which influences the national level more indirectly by transporting certain assumptions and beliefs about best-practices and what constitutes a good or bad performance with regard to alternative access. However, the EU level does not provide any concrete model for establishing alternative access routes. Thus, there does not exist an EU blueprint about how concrete measures and steps towards alternative access routes should look like. Such measures are left to the respective member states.

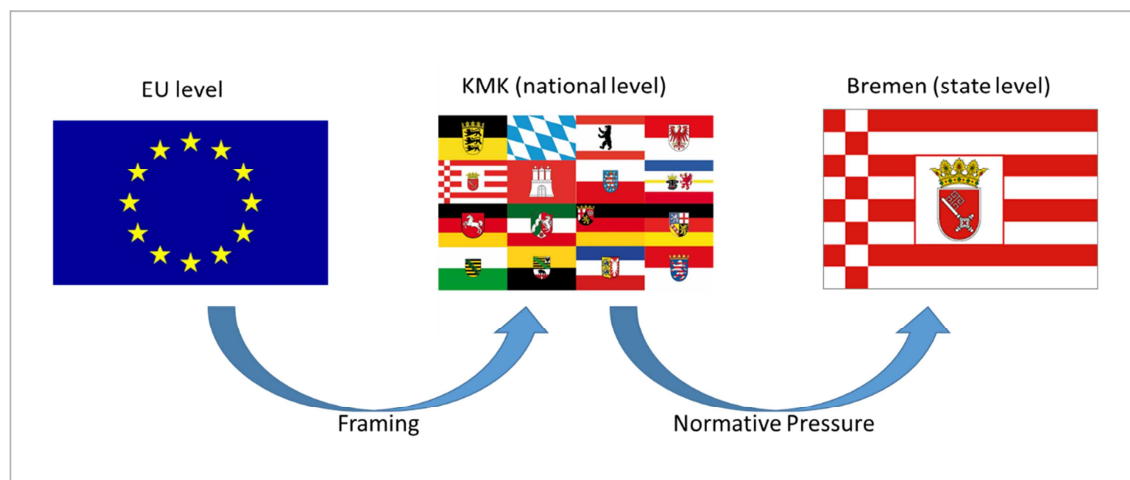
Applying the framework of Börzel (2003) about explaining mechanisms of Europeanization to our case, we argue that the KMK level was *framed* by the EU level because the EU position towards alternative access routes was transformed into a concrete model, namely the KMK resolution of 2009. Framing refers to the more indirect impact of European policy by “altering the beliefs and expectations of domestic actors” (Knill & Lehmkuhl, 1999, p. 4). This mechanism describes the domestic impact of the EU level in case that no European model exists and domestic structures cannot be modified. Thereby, EU policies aim at influencing values at the domestic level in order to make them more compatible with special projects and ideas at the EU level. In this context it should be highlighted that the debate about alternative access routes on the EU level transports certain normative aspirations about the role of HE within society and how it should contribute to social (e. g., HE is a public good, it has the social responsibility to ensure that everyone has the same right to participate in HE) and economic well-being (e. g., HE is responsible for strengthening economic competitiveness by building the basis for innovation and knowledge creation). Such a discussion displays more a “vision” about alternative access routes than describing in concrete and pragmatic terms what kind of steps should be undertaken by member states to establish alternative access routes.

However, the mechanism of framing does not penetrate to the state level of Bremen due to the fact that the KMK transforms the EU position into a concrete model. This model has no binding character for the *Länder*, but provides a detailed description about legal changes with regard to alternative access routes. Despite its non-binding character, by now all *Länder* have incorporated – to a more or less degree – this model. In Bremen, the KMK resolution of

2009 was even adopted on a one-to-one basis. Looking at the explanations for this legal adoption, the political and governmental actors justified the changes by referring solely to the KMK resolution. They do not emphasize alternative reasons, like the social responsibility of the HE system to improve access to HE for persons without a school-based entrance qualification, which would suggest hints for underlying *framing* mechanisms. Further, they do not argue for a competitive advantage Bremen would gain by attracting a new target group of potential students in order to train a higher number of academic professionals and, thereby, strengthen Bremen as an attractive location of science, which would refer to the mechanism of *competitive selection*. Instead, this provides substantial evidence for *normative pressure* as the main explanation for change at the state level.

Hence, we conclude that between the EU level and the national level, mechanisms of change can be regarded as *framing*, whereas between the national level and the state level, we suggest that *normative pressure* plays a major role for seeking to explain changes (see figure 7).

Figure 7. Explaining mechanisms of Europeanization for alternative access routes to HE.



8. Conclusion

This research demonstrated a “top-down” process of Europeanization that has indirectly, but widely, influenced the legal level of Bremen regarding alternative access to HE. Within this process particularly the EC can be identified as a strong actor on the EU level due to their co-design of the issue. Thereby, the EC was directly involved as a full BFUG member and in supporting networks, while funding research projects, like Eurostudent. Moreover, the application of scorecards within the BFUG Stocktaking Reports equipped the EU level to pressure the member states. Although this soft law instrument is non-binding, it was important to download the preferences of the EU level to the domestic level. In order to

answer our overall research question, we applied the first two steps of the “three-step” approach developed by Börzel and Risse (2000). We used relevant EU level documents and agreements and, by comparing these documents with the BremHG, we found evidence for a moderate misfit between the EU level and the state level prior to the Second Reform of 2010. We argued that after 2010, by the Second Reform of the BremHG, the legal misfit has decreased by a moderate legal change. Bremen incorporated the preferences of the EU level into its HE law by “pathing up” existing legal requirements, which refers to *accommodation* (Börzel, 2003). But data indicate that at the institutional level the share of first-year students without a school-based university entrance qualification in Bremen is still relatively low, which might be an indicator for *absorption* because alternative access routes to HE are still not used extensively. Therefore, the “real” degree of the outcome of Europeanization regarding alternative access to HE in Bremen is ambiguous. However, due to the fact that this research primarily focuses on the legal level, our findings of *accommodation* should be highlighted.

Probably the most important outcome of this research is our explanation of how the EU level has shaped HE policies of Bremen. It turned out that there is no direct link between the EU level and Bremen. The preferences of the EU level regarding alternative access to HE were transferred by the KMK. Hence the KMK can be regarded as the linking institution between the EU level and Bremen, which implies that the mechanism of change between the EU level and national level (KMK) can be classified, on the one hand, as *framing*, while, on the other hand, between the national level (KMK) and the state level (Bremen) *normative pressures* can be identified.

9. Discussion

This study provides a contribution to HE research in the context of Europeanization in several ways.

First, it applies a clear definition of the concept of Europeanization. Second, this study analyzes alternative access routes as a European topic that has not been studied before. Third, it does not solely focus on policies on the national level of Germany, but puts special attention on analyzing the policies on the state level of the *Land* Bremen. This is of crucial importance in the German context, as the *Länder* have the cultural sovereignty and, thus, the political decision-making power in HE. Fourth, it incorporates a detailed analysis of the state laws of Bremen, which revealed a misfit between the EU level and the BremHG of 2006 with regard to alternative access routes. This misfit was reduced by the Second Reform of the

BremHG in 2010, which was mediated via the KMK reform of 2009. Overall, this study reveals the multiple ways by which the EU level has influenced HE law at the state level and how instruments, in particular 'naming-and-shaming' practices, are deployed to impact domestic policies.

Nevertheless, this study has some limitations that should be discussed in order to inform future research about necessary next steps. Properly the most important limitations of this study are possible third variables that might have influenced the relationship between the EU and the state level. We argued that the EU level influence was mediated through the institutional linkage of the KMK to Bremen. However, we did not take into account what kind of alternative factors might have influenced this relationship. Based on the "three-step" approach of Börzel & Risse (2000) these variables can be seen as possible mediating factors. Mediating factors refer to institutional and cultural conditions within the domestic/state level that might block or enable adaptational change (Risse, Cowles, & Caporaso, 2001).

The first mediating factor that could be in the focus of future research are possible veto points: The more actors are involved in political decision making, the more difficult is domestic consensus, which is necessary for adaptation. In general, it is assumed that federal systems involve more veto actors than centralized system (Risse et al., 2001, p. 9). In our case this means, the role of the different institutions or actors like the BMBF, the *Länder*, the HRK, parties or the Senator of Education and Science within the decision making process could be further analyzed by focusing on their position(s) towards alternative access to HE and to what their position is reflected by the Second Reform of the BremHG and/or by the KMK resolution. These different positions might have impacted the policy outcome, in our case the Second Reform of the BremHG, as much as the EU level did. Nevertheless, we are already able to say that the role of the KMK as a formal mediating institution increased the possibility for consensus among the different *Länder* and, thus, it is a relevant mediating factor due to its ability to overcome multiple veto points.

The second mediating factor or variable that could be the object of further research is the organizational culture of HE institutions. The fact that the share of students without a school-based university entrance qualification in 2014 was only 1.42 percent among all first-year students, might be a sign for absorption of Europeanization because the classical way into HE remains the 'royal route' (Studieren ohne Abitur, 2017). It appears likely that the traditional HE culture is still resistant to fully apply the legal changes of 2010. For further studying this assumptions, researchers could perform expert-interviews at HE institutions in

Bremen in order to find out why the share of these group is still relatively low, despite changes in legal provisions.

Further data on our target group reflects a contradictory picture. As indicated in the analysis of alternative access to HE in Bremen (chapter 6.2.2.), the total number of students without school-based university entrance qualification increased from 2007 until 2014. However, looking instead at the overall share of students without school-based university entrance qualification among all students, this number did not change substantially. In fact, when analyzing the share of first-year students without school-based university entrance qualification, data indicates a remarkable decrease in 2012 back to the level of 0.69 percent, which Bremen already had in 2007. Thus, it can be assumed that the overall number of first-year students increased in the period 2007-2014 to a much larger extent than the share of first-year students without a school-based university entrance qualification. Thereby, Bremen shows an opposite trend with regard to the number of students coming via alternative access routes to HE in comparison to other *Länder* (Studieren ohne Abitur, 2017). The question following from this observation is what might be reasons for this development. Answers to this question can only be found at the institutional level of HE institutions. As mentioned before, HE institutions have a relatively high autonomy to what extent they are going to pursue the legal amendments. Further, HE institutions differ whether they regard the group of persons without a school-based university entrance qualification as a potential new target group that they want to address. For example, some HE institutions have implemented a special quota for students without a school-based university entrance qualification for some study programs. Concurrently, studies indicate that this group of persons has somehow different interests, living conditions and priorities than other groups of students so that they are more attracted to certain types of HE institutions (for example, universities of applied science) and/or certain study programs (for example, part-time study programs or certificate-based programs) (Wolter, 2013; Wolter et al., 2014). Thus, possible reasons for the low number of students coming via alternative access routes might be the lack of special programs that address the needs of this special group or the lack of information about the new facilitated access to HE. In this context, one explanation for the remarkable decrease in first-year students without a school-based university entrance qualification in 2012 might be changes in study structures, for example the closing down of a part-time study program, which had a high share of students coming via alternative access routes to HE. However, multiple reasons for this development are possible and it should be a task for future research to investigate how HE institutions respond to the political interest of

increasing the number of students coming via alternative access routes to HE and what actions are taken at the institutional level to improve their attractiveness for this special group.

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