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Robert D. Reisz

Public Policy for Private Higher Education in Central and Eastern Europe

Conceptual clarifications, statistical evidence, open questions

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Der vorliegende Bericht ist als einführende Studie zu einem Forschungsvorhaben konzipiert, das die Politik staatlicher Instanzen gegenüber privaten Hochschulen in Mittel- und Osteuropa untersucht. Ziel des Berichtes ist die Sichtung und Aufarbeitung der wichtigsten Veröffentlichungen zu diesem Thema. Gleichzeitig werden theoretische Probleme erörtert und ein konzeptueller Rahmen für künftige empirische Untersuchungen vorgestellt. Zu Beginn erfolgt eine Analyse „privater" Hochschulen. Daran schließt sich ein Vorschlag für eine Hochschultypologie in Mittel- und Osteuropa als analytisches Instrumentarium an.
Im zweiten Teil des Berichtes werden wichtige Forschungsergebnisse über Entstehung und Funktion privater Hochschulen erörtert. Für eine Analyse der Politik des Staates gegenüber den privaten Hochschulen wird ein entsprechender Rahmen entwickelt.
Nach einem statistischen Überblick über die Lage der privaten Hochschulen in Mittel- und Osteuropa wird eine Reihe wichtiger Fragen zur Diskussion gestellt:

- Warum werden private Hochschulen in Mittel- und Osteuropa von den Regierungen, staatlichen Hochschulen, aber auch der Bevölkerung (laut Meinungsumfragen) negativ wahrgenommen?
- Was bedeutet „akademische Legitimität" und warum fehlt es den privaten Hochschulen in Mittel- und Osteuropa daran?
- Sind private Hochschulen „undemokratisch"? Wenn ja, in welchem Sinn (Zugang, Verantwortlichkeit, Rechenschaft)?

In den abschließenden Bemerkungen wird auf die Bedeutung des Themas im europäischen und globalen Kontext in Verbindung mit den aktuellen GATS Verhandlungen eingegangen.

This paper is designed as an introductory study for a research project directed at the study of public policy for private higher education institutions in Central and Eastern Europe. The aim of this paper is to provide a comprehensive literature review of the subject area, to point out some important theoretical problems and to offer conceptual clarifications necesary for the empirical part of our research. The paper starts with an analysis of definitions for private higher education. Following this conceptual analysis a typology of higher education institutions in Central and Eastern Europe is proposed as an analytical tool.
The second section approaches private higher education by presenting major research results related to the rationales and functions of private higher education. A framework for public policy analysis for private higher education follows.
After presenting statistical data on Central and Eastern European higher education a number of major questions is discussed:

- Why are private universities in CEE countries perceived so negatively by government, public universities and large parts of the population (according to opinion polls)?
- What constitutes "academic legitimacy" and why do private higher education institutions lack it?
- Are private universities "undemocratic"? And if so, in what respects (access, responsibility, accountability)?

The final comments of the paper hint upon the relevance of private higher education issues in a European and global context related to the current GATS negotiations.

Inhalt

This paper presents an introductory study for a research project, directed at the study of public policy for private higher education in Central and Eastern Europe. The aim of this paper is to analyze some of the major literature of the area, to point out some of the important theoretical problems of the subject, and to offer conceptual clarifications necesary for the empirical part of our research.

Private higher education has become an important issue for public policy in all Central and East European (CEE) countries during the 90s. Following the liberalisation of political, economic and social structures in the former state-socialist world, the need for educational expansion led to significant growth, mainly in the higher education sector. The main characteristic of the post-1990 expansion was the fact that is was not planned by governments but happened when universities were permitted to react to the existing demand for higher education, which previously had manifested itself in high competition for study places. Governments acted mainly on diminishing the expansionist trend, due to financial reasons. The acceptance of tuition fees, which would enable governements to accept more expansion, appeared in most systems only a few years later.

All countries of the region had waves of expansion that led to a series of critiques and conflicts, some quite similar to the discourses that accompanied the major expansions in Western higher education systems some decades ago. One rather surprising new element was the appearance in almost all of these countries of institutions independent from the state, generally called private universities or colleges. The size of the sector ranges now, after more than a decade, from 30% of the total enrolment in Poland or Romania, to less than 1% in the Slovak Republic. An international comparison of the sectors and especially of the public policies directed at them, faces the preliminary question of comparability of institutions. Defining private higher education institutions in an international comparison is unavoidable.

1. Defining private higher education

Private higher education institutions are generally institutions of higher education that have a private ownership. Although this seems very straightforward, a closer look at the sector defined as such proves that the international comparability has to suffer as long as no closer definitions or classifications are found. Aggregations on sectoral levels, of e.g. financial sources or enrolment would also be leading to errors.

The logical step would be to rely on the formal (legal) definitions usually related to ownership. But do they say anything about the actual functioning of an institution? The problem that arises is the fact that such a treatment could include in the private sector institutions that are largely isomorphous to public institutions, differing only by form of ownership. This is certainly relevant as long as a national system is homogeneous and includes both types of public and private ownership of institutions. Such is the case of the Vrije Universiteit Amsterdam, a private institution in Benelux terms, that should probably be considered a public one when compared to other systems. It is nevertheless the case in many countries, in CEE as well as elsewhere, that public(-isomorphous) private institutions coexist with distinctively private institutions. That is the case in Hungary and Poland. Three Catholic teacher training colleges in Hungary are, for in-

stance, former public institutions that have regained their pre-1948 status as confessional schools, but continue to be fully funded from the state budget and do not charge tuition. Many sectoral statistics for education put them into the private group. Averaging income sources over the sector leads to distortions in this case. A similar situation arises with regional higher education institutions that can be public or private but are supported to a relevant degree by local budgets. The case of universities owned or created by enterprises is also not easy to handle, if the creating institution is itself owned or funded by the state.

In trying to find a better conceptual framework to study private higher education, one basically ends up with a set of questions rather than a series of models. Let us first review and comment on a major piece of work on the definition of private universities in an international comparison, written by Daniel C. Levy in 1979 (Levy, 1979) and republished in an extended form in 1986 (Levy, 1986).

According to Levy, the main **defining criteria** for private institutions (or "the independent sector" as some U.S. sources prefer to name it) could be: financial sources, control and institutional mission. The major problem with these criteria is that they are not dichotomic variables. Where financial sources are in fact numeric scale variables, control might be seen as an ordinal variable aggregating different decision making rules and patterns, while mission is probably almost impossible to operationalise due to its clearly nominal character.

Let us take a closer look at problems that arise when considering the *sources of financing* of higher education institutions as an indicator of the privateness of an institution. Private colleges in Hungary, for instance, raised in 1992 only half of their income from private sources, the rest emerging from the central as well as from the local government (Drahos, 1992). A similar percentage of private financial input, through tuition fees, can also be found at some Ukrainian public universities. It remains nevertheless relevant to note, that in both countries mentioned, the financial sources are indeed discriminators within the national systems. While Hungarian public universities have a public input of finances of over 80%, Ukrainian private universities are fully funded by private sources.

If Levy considers mainly the sources of funding, Altbach introduces a criterion. Private higher education has the *responsibility for its funding*, whatever the sources are. This would of course fail to consider as private the Belgian and Dutch free universities, as well as some others, mostly denominational, institutions, including Catholic teacher training colleges in Hungary and the Catholic University in Poland. The problem that it does not solve, is the status of public universities that have aquired a quasi-private behaviour in the Ukraine, as well as in other places. Another consideration to be taken into account is that in systems that have intended to promote a convergence of private and public sectors (Romania, Bulgaria, Hungary, etc.) de facto financing may allow for this differentiation, but de jure conditions make no difference between private and public institutions. Private universities and colleges in these countries can, after accreditation, apply for governmental funding according to per-capita funding formulas. This is currently the case in Hungary, where the numbers of study places financed by government in private institutions are relatively high in the confessional institutions, but very low at the so-called foundation colleges.

In an international perspective, the use of these criteria can eventually produce a kind of a scale of public-privateness. Such a classification would nevertheless be very hard to use as a basis for empirical research of the sector.

The solution to the definition problem that private universities are "universities defined as private" (Levy names this the "extant solution" to definition) should not be dismissed easily. **The extant definition fits the CEE case well**, but as we have seen from the example of the Hungarian Catholic teacher training colleges, it is not sufficient. The case of the Catholic University in Lublin, founded in 1918, is largely similar and the fact that it coexists in the private sector with the large number of private business schools and regional colleges that have emerged in the last decade also leads to definition problems.

The Catholic University has all characteristics of the public sector universities in Poland, including financing, control, and even mission, its profile being that of a multidisciplinary elite institution. It should be mentioned that from this point of view the Polish system largely resembles the structure of the Portuguese system, which also knows a private sector including the traditional high prestige Catholic University and a relatively large number of newer, private universities and colleges, depending on tuition fees.

What evidently arises from the discussion on defining private higher education sectors in the world is their *large diversity*. As we have seen, this diversity can also be noted within some national systems (typically the U.S., but also others). Almost all CEE private systems appear rather homogeneous in this context. This is probably one of the basic remarks that have to be made. The only clear exceptions are Poland, including the new business schools as well as the Catholic University in Lublin, and Hungary, including the confessional colleges as well as the foundation colleges. If - according mainly to American research (both North and South) - the public sectors are more homogeneous than the private ones, the situation is reversed in the case of many CEE countries, private universities being more similar to each other than the public ones. It is nevertheless also the case that detailed information on the private institutions is not yet available and an individual reputation of certain private institutions has not arisen so far, mainly due to their novelty. Still the major traits of homogeneity are present: practically all private higher education institutions have been created in a 5 year span, have similar sizes, educate mainly in the economical and social sciences and law, use a large proportion of part-time teaching staff, do not conduct research, are depending on tuition fees, have a relatively low prestige, etc. Differentiation of private institutions could appear only in those countries where the sector also includes pre-existing institutions.

In fact, a comparative study of private higher education by Teixeira and Amaral (2002) justly finds private higher education institutions to have a "low-risk behaviour, and a concentration in low-cost and/or safer initiatives". This leads to their major conclusion that the diversity that is produced by private higher education institutions is lower and more partial in transition countries.

According also to Levy, a good approach would be to define **ideal types** of private/public universities fit for the CEE context, based on a number of variables to be collected (including the criteria above):

- Financial sources/income:
  - ratio of private – public income (most important)
  - profit vs. non-profit
  - tuition vs. subsidies
  - indirect subsidies vs. government subsidies
- Control:
  - admissions
  - personnel
  - curriculum
  - ressource allocation, etc.
- Mission
  - functions for public or private sector
  - simply, noticeably different missions.

We will indeed continue later in this paper to construct a series of ideal types of private/public universities that will be typical of the CEE region and try to identify these in the respective countries.

As the previous classifications and definition attempts refer to institutions, it should be mentioned that another series of theoretically oriented papers approaches the problem of private higher education on a system level.

A classification proposed by Levy (Levy, 1986) separates systems according to the blend of private – public sectors in:

- Single sector
  - Statist (e.g. communist systems, but also France, Sweden, African systems, etc.)
  - public-autonomous (e.g. U.K., Commonwealth, Israel, etc.)
- Dual sectors
  - homogenised (e.g. Belgium, the Netherlands, Argentina, Hungary (?))
  - distinctive
    - minority
    - majority private (most of Latin America, U.S., almost all of the CEE countries, Turkey)private (Japan, Brazil, the Philippines)

These patterns are in fact also policy patterns, in as much as the shape of the sectoral structure is also a result of public policy.

Another classification of public and private sectors is proposed by Roger L. Geiger (1988). According to his paper three structural types of higher education systems should be considered as patterns of the public – private differentiation:

- Mass private and restricted public sectors (Japan, Philippines, Brazil, Columbia). Some CEE systems that include mostly demand-compensating higher education could have something in common with the systems Geiger enumerates. Still, all the systems mentioned by him have a numerical overrepresentation of private vs. public enrollment in higher education, which is not the case in any of the CEE countries.

- Parallel public and private sectors. Systems where cultural pluralism led to private and public sectors can be included here, such as Belgium and the Netherlands, or more recently Chile and Hong Kong. Again, although elements of such a structure can be found in some CEE countries, none of them is characterised by this type of parallelism of the private and public sectors.
- Comprehensive public and peripherial private sectors. This is the case of higher education systems as Germany, Sweden, the U.K., where a very small number of private institutions exists but hardly constitutes a sector within the educational system. The Stockholm School of Economics, the University of Buckingham, or the University of Witten-Herdecke are exceptional cases, hardly relevant for the higher education systems they are located in. Even though in Germany a relatively large number (36) of private business and law schools has emerged since the publication of Geiger´s article, the general outlook of the system still resembles this pattern (Turner, 2001). Of the CEE countries, Slovakia and the former Yugoslav countries are closest to this model. But Bulgaria and Hungary also show some resemblance with their small number of private institutions.

Reconsidering Geiger´s classification, which was developed before the relevant events leading to the emergence of private higher education took place in the CEE countries, we find no good positions for most of these systems. Cases like Poland or Romania can definitely not be located in this classification.

Still, an important issue that Geiger brings up in the same article should not be overlooked by our research. Geiger considers patterns of institutional orientation and behaviour that correspond to the three basic types of the private – public differentiation. These are:

- towards research and academic attainment
- towards the marketplace
- towards patronage, service relationships to external parties.

These orientations are not necessarily mutually exclusive. Reviewing the upper orientations in the CEE perspective, we will have to differentiate between declarative orientations, which, due to academic drift and search for prestige and legitimacy on a very conservative educational market, have to include the research and academic attainment orientation, while the rationale of survival directs new private higher education institutions towards the market. It should also be clearly stated that the market on which private higher education institutions are active is the education market rather than the labour market. The institutions compete for clients, students, trying to get the best offer on the market in competition with the other private and public institutions. The effect of the labour market enters in a mitigated fashion through the demands of the prospective students and as a discourse for better market positioning.

On the basis of the considerations above, let us now construct an **outline of ideal types** that could characterise the higher education sectors of Central and East European countries. It should be mentioned that our typology does not construct ideal types in the true sense of Max Weber´s concept. The typology can more closely be related to a form of simplified real types. Our approach follows the already presented proposal of Levy to define private higher education not in a dual private-public framework, but rather in a larger spectrum of what he calls ideal types. The following list stems from empirical information of the Central and East European higher educa-

tion systems and is definitely not easy to relate to typologies that would fit the Western European sectors of higher education institutions.

1. public universities of national interest
2. public technical universities of national interest
3. public universities or colleges of regional interest
4. public single-discipline institutions
5. private confessional universities or colleges
6. private universities or colleges without regional focus
7. private universities or colleges of regional interest

Let us first comment upon the terminology used in this typology. The first word is always the extant definition of the ideal type. Then follows the disciplinary span of the institution. The third discriminant that was included, differentiates regional interest institutions from those that consider themselves of national interest.

Another remark should go to the fact that this typology does not differentiate between university and non-university sectors in the CEE countries. Let us first note that some countries have a clear binary system, like Hungary, Slovenia, etc. while others have a homogenous system from the point of view of academic level, like Romania. Again others have the Soviet system according to which there are different kinds of institutions (institutes, academies, universities, etc.) all of the same formal academic level along with institutions of a lower level (teacher training colleges, technical colleges). Considering the characteristics (finance, control, mission) of different institutions, an immediate result is that in international comparison the differentiations are not to be found along the university – non-university divide. Even if these differences might be significant within countries, similar institutions in different countries stem from different sides of the mentioned demarcation. The two elements that proved to be significant as discriminators along with the mentioned variables are size and disciplinary structure.

Let us take a closer look at these ideal types of universities. We will begin with the following summary presentation of the types followed by a tabular overview.

1. **Public universities of national interest**: All higher education systems of the CEE countries are dominated by large public universities. Located in the capital or other large cities, these institutions have high prestige and usually a long history (e.g. the Charles University in Prague, the Eötvös Lorant University in Budapest, the Jagellonian University in Cracow). They contain many faculties encompassing the whole disciplinary spectrum, and a large number of students and staff. Sometimes these institutions also have formally a leading position, as is the case in the Ukraine where they determine the curriculum for all other institutions. Even if they are not formally leading, the large public universities are the most important sources of isomorphism in the whole higher education sector. Academics from these universities have usually a monopoly for the most important positions in consultative and buffer organisations. They sit on expert commissions of the accreditation bodies and impose their values throughout the whole higher education system. They usually have a strong influence on the ministry of education, the rector's conference, etc.

The missions of the large public universities are never less than producing academic excellence in research and teaching. All these universities subscribe to a Humboldtian ideal of higher education, giving a major importance to research activities and to academic freedom.

Large public universities are financed primarily by the state, but are the ones that are also able to collect most of the research funding from both national and international sources. If the national systems allow it, they usually raise high tuition fees. Large public universities are generally not respondent to market signals.

2. **Public technical universities of national interest**. All CEE countries have separate technical universities. These institutions had an important part during the politechnisation reforms of the 1950^{s}. All the Soviet systems experienced an important expansion in those years primarily due to the steep increase in the technical higher education sector. Most of these institutions are nevertheless older, having been created usually under the influence of the Napoleonic model of technical schools. Large public technical institutions used to be the largest institutions in their respective countries, a position which they lost in the early 1990s. This led to certain problems due to their overdimensionation, and thus produced a certain market orientation. Most large public technical universities have passed successfully through the harder years, and as the economies of the CEE countries experience a positive trend, these institutions have also regained most of their importance.

   The mission of the large public technical universities is generally service directed. These institutions used to have a large number of contracts with the industry. Even though most of these have been lost in the early 1990s some have been reconstructed and a traditional openness towards industry-university cooperation exists. These institutions keep close contact with the labor market and generally see themselves as producing graduates as well as research for the economy.

   The financial resources stem mainly from the state, but research contracts from internal and external institutions as well as the industry are common. These institutions get most of the voluntary support that usually comes from the new multinational enterprises.

3. **Public universities or colleges of regional interest** are mostly new institutions that have appeared during the expansion periods of higher education. Most of these have started out as teacher training colleges or technical colleges and have been eventually upgraded to universities. They have generally a lower prestige than any of the formerly mentioned institutions and cater to a regional market of students. Their teaching staff includes typically a relatively high percentage of part-time staff. Their links to the local administration are important, sometimes being created on demands of the local administration, or being financially supported by the local administration if this is possible, which is the case in Hungary, but for instance not in Romania. These institutions typically have a smaller number of faculties, always including economical sciences, humanities, natural sciences, but many times also technical disciplines, law or administration.

   Small regional public universities mainly attract students who have no financial means to support the expenses of moving to a large city to study or who did not succeed in entering the large public universities.

The financial resources of these institutions are rather limited coming from the state and sometimes from local administration. These institutions find it difficult to obtain research funding and do usually not raise tuition.

4. **Public single-discipline institutions.** One of the particularities of the Soviet system was the existence of single discipline institutions specifically for medicine, arts, architecture, sports, but also police and military education. Many of these were named academies, some institutes. After the changes of 1990, many of these institutions took up the name “university”. Some were somewhat larger, like the medical schools, some typically very small, like most arts or drama schools.

   Most single discipline public institutions are high prestige traditional institutions, located in large cities and having a longer history. These are generally relatively unique in their surrounding and due to their disciplinary structures have close links to professional communities outside academe. All these institutions offer a form of vocational higher education. Funding comes from both public and private sources. An exception are institutions (academies) of the army, police, information services that are structurally and from the point of view of their loyalties in this category, but receive only public funding.

   All these institutions are to be considered national interest institutions as they have relatively unique positions in the educational systems and address as such a national market of students and funds and relate to a national community of professionals.

5. **Private confessional universities or colleges** are in the CEE region mostly Catholic. But also some Protestant and Neo-protestant institutions can be found. Even if this is a small category it should be mentioned as it largely differs from the other private universities. These institutions are offering theological as well as other programs. They have typically not been created in the post-1990 years but have a longer history that has led to their inclusion in the public system. Some had even been nationalised and only returned to the church in recent years. There are two patterns for their financing that nevertheless lead to the same overall structure of income sources. These schools are either financed by the state in the same fashion as all public institutions or their funding comes from the state channeled through the church but specifically ear-marked for that particular higher education institution. Confessional institutions are generally also recipients of voluntary support from international and sometimes national donors. They rarely raise tuition fees, but there are large differences between countries in this respect. Confessional institutions are to be considered of national, rather than regional interest. In this respect they are rather similar to the public single-discipline universities.

6. **Private universities or colleges without regional focus** are most of the new private institutions that have been created in the CEE countries during the last decade. These have usually a small number of disciplines including economical sciences, social sciences, law and very rarely others. These institutions are on average smaller than public universities in all CEE countries. Their teaching staff always includes a relatively high percentage of part-time employees. These institutions have been created in locations where student demand and a supply

7. of qualified teaching staff are available, i.e. large cities. In most CEE countries such institutions have formally a non-profit character. The Ukraine is in this sense an exception. Still many consider them primarily as sources of income for their staff. These institutions are usually fully financed by tuition fees.
8. **Private universities or colleges of regional interest** are very similar to the previous type. Still some differences in control and funding derive from their typical rationales and ways of creation. Whereas the previous type of institutions were almost always created by academics, these institutions appeared where no supply of higher education existed before. Local authorities, industry or even private donors created these institutions with a very similar mission as the regional public institutions. Their funding sometimes also includes public sources through inputs from the local authorities. Their tuition fees are not always lower than those of the institutions in larger cities as they generally cater to a niche market.
   In some cases these institutions are branches of other private institutions located in large cities nearby, in others they have evolved from such branches to become autonomous institutions.

Let us now summarise the data above in a simple tabular form:

	Funding	Control	Mission	Size	Disciplinary structure
Public universities of national interest	Public private mix	Public	Excellence	Large	Wide
Public technical universities of national interest	Public private mix	Public	Service to economy, industry	Large	Narrow (technical, economical)
Universities or colleges of regional interest	Public	Public	Service to the region	Variable	Wide
Public single discipline institutions	Public	Public	Service to professional community	Small	Single discipline
Private confessional institutions	Public private mix	Public Private mix	Service to professional community	Small	Narrow
Private institutions without regional focus	Private	Private	Demand driven	Variable	Narrow (economical, social, law)
Private institutions of regional interest	Private public mix	Private	Service to the region	Variable	Narrow (economical, social, law)

Comparing ideal types across nations can lead to distinctive system profiles and to a classification of the degree of pluralism and diversity of a national system from the point of view of private/public relationships.

The blend of higher education institutions is strongly influenced by pre-1990 structures, as current policies build on existing institutions. In many of the countries discussed here the private sector was originally developed in a deregulated fashion which eventually lead to post-factum political recognition. Even though this is not always the case, it is evident that in all CEE countries public policy in the 1990s had to build upon an institutional structure inherited from the state-socialist period without having the mandate of redefining the whole system.

2. Rationales and functions of private higher education

After a definition process, be it by ideal types or by adopting the extant solution, the next major step is discussing **the rationale** for the existence of the private sector. According to an opinion cited by Levy (1979), "if (Yale, as well as private higher education in general) does not perform a mission sufficiently distinct from that of the University of Connecticut then, well, it may as well join it". Why does private higher education exist? It is clear that no unique and simple answer can be found that would respond to all situations in an international comparison. Similar to the problem of defining private higher education, discussing its rationales takes us amidst ambiguity.

In fact it might be better to talk about the rationales that led to the appearance of private higher education. In most of the America´s and Western Europe, the private or public status of universities has changed according to the historical development of the system. Whitehead (1977) considers that the separation of the two sectors of U.S. higher education appeared only after the civil war, and in a most accidental manner.

In a recent paper Levy (2002) notes that: "Private higher education's roles emerge mostly unanticipated, not following a broad preconception or systemic design". According to him, these roles are least understood in countries where private higher education has just recently gained prominence.

Geiger (1986) identifies the following three **functions** of private higher education:

- The development of "mass private sector" (Japan, Brazil, Turkey, Romania, etc) in response to growing student demand. It leads to the well known conflicts of massification, related mainly to quality concerns. Such institutions are also called demand-compensating institutions. ("**more"**)
- The development of "parallel public and private sectors" (Belgium, the Netherlands, Poland before the expansion of the business schools). Cultural and religious preferences lead to the emergence of institutions "free" from the state. ("**different"**)
- The quest for "better" higher education (Mexico, Venezuela) in response to the expansion and politisation of the public system. ("**better"**)

Although in the U.S. all three functions can be found within the same system this is generally not the case in the CEE countries. In order to categorise institutions according to functions Geiger distinguishes:

- the private research universities (“better”)
- liberal arts colleges (“different”)
- large urban universities (“more”)

Geiger also constructs 11 sub-types. We will not go into more detail here as the U.S. system of higher education is highly different from all European systems. In our opinion, the comparison between private higher education in the U.S. and CEE leads to no relevant result as it is neither a “most similar case comparison” in which differences in the development of the educational systems have to be found in similar social environments, nor a “most different case comparison” in which similarities in the educational systems in different social environments attract our attention (Dogan, Pelassy, 1990).

At first glance, the confessional colleges and universities in Europe, East and West, might be an example of Geiger’s second function, all the rest having to be filed under the third category (“more”). According to our information, no higher education provision similar to the private research universities has evolved in CEE, offering “better”, elite education as a mission statement. This may still happen, but it is unlikely without massive financial input at the start.

The large private urban universities in the U.S. might be somewhat similar to the CEE case. Even though the parallelism is certainly not complete, it is interesting to note that some of these joined the state sector in the 1960s. This was mainly possible because no specific mission existed other than fulfilling the demand for more higher education in the respective area. Many of the private universities in CEE countries fit this model, still their joining the public sector seems nowadays impossible due to a specific function that does not appear in the Western literature, but is mentioned in many studies on the subject refering to South America as well as to India and South-East Asia: Private higher education institutions are also a source of supplementary income for academics in badly financed public systems. The role of the entrepreneur should not be neglected, even if nowadays few of the CEE countries accept for-profit higher education.

Most similar to the CEE private institutions of private higher education are the institutions at the lowest level of the Carnegie classification in the private sector. These are completely dependent on tuition fees (even if tuition fees are relatively low), as they are conducting no research, getting no voluntary support but having a relatively large number of students. The basic difference lies in the curricular contents of such institutions, contents that differ a great deal between the U.S. and the CEE countries, latter following the usual Continental European model of curriculum. This means, that professional academic education is pursued from the start of the programme of study, and also that major curricular similarities can be noted throughout the entire system.

Geiger concludes that the major difference between the private and the public sector is its funding, and identifies three archetypical strategies: research income (R), voluntary support (V) and tuition fees (T). These strategies appear usually in the following combinations: R + V + T, V + T and T.

“The perpetual quest for resources, then, is the true wellspring of diversity in American higher education” (Geiger, 1986).

According to Altbach, the major reason for the recent prominence of private higher education in transition countries is the increasing demand for higher education and the inability or unwill-

ingness of the public sector to act on it (Altbach, 1999). This is also connected with the now prominent idea of a degree as a “private good” rather than a “public good”, leading to an increase in the private financial input in public higher education. It is a fact that some private revenues of higher education are economically easily computable, such as enhanced income, protection against unemployment, etc. All these as well as the internationalisation of the higher education supply and demand lead Altbach (2002) to the conclusion that education and knowledge have become “international commodities”.

3. A framework for public policy for private higher education

In the United States, as well as other advanced societies, private higher education is strongly supported by **public policy**: research grants go to both sectors, donors are encouraged by taxation policy, public student financial aid, etc. This leads to the basic question whether politics or markets determine the way private higher education functions and develops.

First of all it should be noted that no “pure” free market arrangements are possible in the higher education sector, or anywhere else, without at least a minimal public policy support. On the other hand, if some degree of institutional autonomy is granted, certain mechanisms of supply and demand are inevitable. Markets emerge, as such, even if central authorities tend to subject to political decisions many of the characteristics and functionalities of the higher education system. The concept that tends to describe best the market-like arrangements in higher education sectors is the quasi-market. Quasi-markets as forms of coordination in higher education appear in Burton Clark´s triangle of coordination (Clark, 1983) along with the state bureaucracy and the academic oligarchy. Still, the quasi-market concept is a public policy concept rather than an academic one. Quasi-markets are market like steering solutions, proposed mainly in the second half of the 1980s and the 1990s in health services (the British Health Care System started it in 1984), education, etc.

The concept of the quasi-market refers to the creation of an environment where choice can influence the supply of services from a number of providers (Le Grand, 2001). Quasi-markets are in many respects not markets. The major difference is the fact that purchasing power comes from the state or another appointed agent acting as a purchaser in the benefit of the real clients (e.g. students). Typical situations in higher education appear in research funding by governmental or even non-governmental agencies, voucher systems and, to some extent, even per capita financing of education. Major failures that have been reported include the failures of competition, high importance of externalities, asymetric information, high transaction costs, as well as government failures such as aggregation failure, moral hazard problems and bureaucratic problems (Le Grand, 2001, Feiock and Carr, 1998).

CEE higher education systems experienced of a fully regulated system with almost no autonomy. The degree to which markets replace or complement political decisions is a major issue in the educational policy debates of the 1990s in all these countries. The case of public policy for private higher education was one of the more important problems in which governments had to deal with market arrangements. The actual situation found all CEE governments as well as most

countries where private higher education expanded in recent years in a state of surprise (Levy, 2002). The emergence of the private sectors in CEE countries, as well as in China, South Africa, and many other places around the world, could take place in an unregulated system. Although the possibility of the existence of a private educational sector appeared in some of the countries in laws and in others not, the overall functioning of the private sector surprised, even shocked the respective governments. No coherent policies for private higher education existed in most countries and when these policies were designed, they had to regulate a sector that was largely unknown.

The issues that have to be decided by any educational policy design relate to basic, programmatic political decisions. These are practically determined by the major decision between pluralist (private – public mix) and corporatist models (only public) of the educational system. The issue is to decide whether to offer each client what fits him best (the diversity rationale) or whether to provided each client with the same value (the equity rationale). Critiques of the diversity approach generally find that the information costs on the educational market are so high that its suboptimality will never be surpassed in real life. Critiques of the equity approach consider that demands for education are so differentiated in the current environment that offering a single kind of higher education will leave labour market demands as well as educational (student) demands unfulfilled.

It can actually be also considered the major difference of viewing higher education as “market commodity” rather than “public good”.

The basic decision for a pluralist model would lead to policies in support of diversity enabling markets, while the second variant for a system of political steering.

As already discussed in this paper, Geiger considered three functions of private higher education: “more”, “different” and “better”. He goes on to determine values connected to these functions: “service”, “distinctiveness”, “excellence”. These values should also be considered in a discussion of goals of public policy for private higher education. A framework for public policy for private higher education could relate in a form of a matrix, the possible goals of educational policy related to private higher education with the form of steering: market vs. governmental/state steering (pluralist vs. corporatist). Public policy could then be positioned according to these characteristics in the matrix.

It is nevertheless the case that the steering mechanism already orients the possible goals to be attained. We can actually see how both steering models would address “service” and would argue in terms of offering best efficiency, or fitness-for-purpose. Distinctiveness would nevertheless be a value only in the pluralist context, while the corporatist model would consider homogeneity (its negation) as a value. Excellence will be a value for both models, but while corporatist models would act on it by organising structures, the pluralist model would simply leave it to the market. This will lead corporatists to declare that the pluralists do not really care for excellence as no public policies for quality seem to be necessary from a pluralist point of view.

Some possible goals, actually declared and pursued, have been:

- Accommodating educational expansion without state financing. (Brazil)
- Assuring common standards of quality in the whole system. (Romania)
- Including the private sector in the overall national coordination (Romania, Hungary)
- Promoting fair competition. (Hungary)
- Protecting the public system from competition. (Russia)
- Making private education more responsible to public good.
- Promoting and maintaining diversity. (U.S.)
- Assuring common curricula. (Ukraine)

The countries mentioned in the brackets are only tentative positionings, which should be inquired in more detail. It is nevertheless the case with many of the CEE systems of higher education that still no coherent policy towards the private sector exists (according to Kwiek, 2002) and a pattern of "deciding as we go" under the influence of the different pressure groups can be detected. It is interesting that the possible goals of public policy mentioned above can go for or against the mentioned values.

Levy argues against one of the major goals of public policy towards private higher education: the setting of roles for private institutions through public policy. According to his analysis this is not possible even though some of the public policies in transition countries have tried such approaches (Levy, 2002). Mainly in environments favouring a corporatist approach to educational policy, national authorities have seeked to find a role for private higher education that is basically isomorphous to public higher education. The major examples in the CEE area are Romania and the Ukraine that have rejected the opportunity to create binary higher education systems and impose common standards to all higher education institutions. In the Ukraine, the higher education curriculum is even set on a national basis by the so-called leading universities (Over, 1995). These systems have imposed the roles of public institutions on the private institutions, not to mention that giving common roles to all public institutions is also hard to maintain.

Programmatic documents have existed in most of the CEE countries and these generally appeared after the private sector already existed. Further enquiry will have to look for these and see how they stand.

A framework to analyse the public policy for private higher education could be the following matrix. The overall concept of the matrix is to position a policy goal in a matrix cell according to the model it belongs to and the values of private education it is supposed to promote. We have taken the policy goals mentioned above, which have empirical validity, and positioned them in the matrix. As policies are often not only determined by a single value, it is obvious why some policy goals appear in more cells.

Values\models	Pluralist	Corporatist
Service	1. Accomodating educational expansion without state financing 2. Promoting fair competition 3. Promoting and maintaining diversity	1. Protecting the public system from competition 2. Making private education more responsible to public good
Distinctiveness	1. Promoting fair competition 2. Promoting and maintaining diversity	1. Including the private sector under the overall national coordination (-)
Excellence		1. Assuring common standards of quality in the entire system 2. Assuring common curricula

The positioning of different goals is not definitive, as the matrix itself is only an example of a possible analytical tool.

It should also be noted that the diversification accepted and even promoted by the pluralist model seems empirically to be inevitable in the context of higher education expansion.

4. The case material – summary

We will start by presenting some general tables introducing the basic data of private sectors in the CEE countries.

In the context of its activities for the dissemination of information, UNESCO-CEPES is publishing basic statistical information on higher education in Central and Eastern Europe, covering the post-1998 period. An effort is being made to present data that is as recent as possible. The information presented here provides data for the respective academic year in the following areas:

- Number of institutions (public and private) and teaching staff (in public and private institutions)
- Student enrollments (public and private)
- Number of students per 100,000 inhabitants
- Student/teaching staff ratio

Table 1: Number of students, teaching staff and population (academic year 2000-2001)

Country	Number of students					Number of teaching staff	Total population in 2000 (in millions)
	Public	**%**	**Private**	**%**	**Total**		
Russian Federation	4.270.800	90,0	470.600	10,0	4.741.400	…	144,8
Ukraine	[1]…	…	…	…	1.931.000	128.000	49,1
Poland[2]	1.106.798	70,1	471.443	29,9	1.578.241	80.208	38,6
Romania	322.129	71,1	130.492	28,9	452.621	26.977	22,4
Hungary	255.943	85,7	42.561	14,3	298.504	22.873	10,2
Belarus	241.100	87,0	35.900	13,0	277.000	20.086	10,0
Bulgaria	215.676	88,5	27.916	11,5	243.595	23.329	8,0
Czech Republic	213.207	99,0	2.000	1,0	215.207	14.890	10,3
Slovak Republic	125.054	99,3	842	0,7	125.896	11.559	5,4
Croatia	117.205	98,6	1.646	1,4	118.851	5.585	4,3
Moldova	79.713	77,4	23.210	22,6	102.923	7.700	4,3
Lithuania	…	…	…	…	99.140	…	3,7
Latvia	78.156	87,3	11.353	12,7	89.509	5.160	2,3
Slovenia	64.989	95,7	2.900	4,3	67.889	…	1,9
Estonia	38.511	74,8	12.963	25,2	51.474	3.715	1,4
The FYR of Macedonia	39.978	97,7	923	2,3	40.901	[3]2.634	2,0
Albania	[4]23.704	100,0	0	0,0	23.704	3.075	3,4

[1] … = Data not available

[2] For Poland, the number of teaching staff indicates only full-time employees (in addition, there are 5235 part-time and 15.452 short-term contract employees). For the case of multiple employment, a particular member of academic staff is counted multiple times, depending on the number of institutions in which he/she is formally employed.

[3] public sector

[4] plus 1.392 part-time students

Table 2: Number of institutions (academic year 2000-2001)

Country	Number of institutions				
	Public	%	Private	%	Total
Ukraine	816	83,3	163	16,4	979
Russian Federation	607	62,9	358	37,1	965
Poland	115	37,1	195	62,9	310
Romania	57	40,7	83	59,3	140
Moldova	57	50,0	57	50,0	114
Bulgaria	79	89,7	9	10,3	88
Hungary	30	48,4	32	51,6	62
Belarus	42	73,7	15	26,3	57
Czech Republic	28	66,7	14	33,3	42
Lithuania	38	90,4	4	9,6	42
Estonia	14	40,0	21	60,0	35
Latvia	20	60,6	13	39,4	33
Croatia	17	65,4	9	34,6	26
Slovak Republic	18	90,0	2	10,0	20
Albania	[1]11	100,0	0	0	11
Slovenia	2	18,1	9	81,9	11
The FYR of Macedonia	2	66,7	1	33,3	[2]3

[1] 8 universities, 1 academy of defence, 1 academy of police, 1 nursery high school
[2] plus the illegal Albanian "University" of Tetovo.

Table 3: Number of students per 100,000 inhabitants (academic year 2000-2001)

Country	Number of students per 100.000 inhabitants
Poland	4.084
Ukraine	3.920
Latvia	3.892
Estonia	3.677
Slovenia	3.573
Russian Federation	3.274
Bulgaria	3.045
Hungary	2.927
Belarus	2.770
Croatia	2.641
Lithuania	2.590
Moldova	2.393
Slovak Republic	2.330
Czech Republic	2.089
The FYR of Macedonia	2.045
Romania	2.020
Albania	697

[1] Data presented in this table were calculated on the basis of the data presented in Table 1

Table 4: Ratio student/teaching staff (academic year 2000-2001)[1]

	Ratio student/ teaching staff
Croatia	20,9
Poland	19,7
Latvia	17,4
Romania	16,8
The FYR of Macedonia	15,2
Czech Republic	14,4
Estonia	13,9
Belarus	13,8
Albania	13,7
Moldova	13,4
Hungary	13,1
Slovak Republic	10,9
Bulgaria	10,4
Ukraine	10,0
Lithuania	…
Russian Federation	…
Slovenia	…

Explanatory Note:

Data sources and internet sources presented as follows, were numbered corresponding to the number assigned to each country in Table 1 and 2.

Data Sources:

1. Data provided by *Visit Report in Albania*, Karl Kaser, UNESCO-CEPES, 2002 (forthcoming)
2. The Development of Education - *National Report of the Republic of Belarus*, Ministry of Education: Minsk, 2001
3. Data provided by National Institute for Education, Sofia: Centre for Higher Education Research, 2001
4. Data sent by the University of Zagreb, 2001
5. *Higher Education in the Czech Republic*, Ministry of Education, Youth and Sports, Prague: Centre for Higher Education Studies, 2001
6. Data provided by Estonian Academic Recognition Information Centre: Tallinn, 2001

[1] Please note that a 'multiple teaching position' is quite a common practice in certain countries in Central and Eastern Europe.
Data presented in this table were calculated on the basis of the data presented in Table 1.

7. Data provided by Central Institute of Statistics, Ministry of Educational. Hungary, 2001
8. *Education Institutions in Latvia at the Beginning of School Year 1999/2000*, Riga: Central Statistical Bureau, 2000
9. Data provided by Ministry of Education and Science: Riga, 2001
10. Data provided by *Visit Report in Macedonia,* Karl Kaser, UNESCO-CEPES, 2002 (forthcoming)
11. Data provided by the Ministry of Education of Moldova Republic, Chisinau, 2001
12. *Higher Schools and Their Finances in 2000,* Central Statistical Office: Warszawa, 2001
13. *Romanian Statistical Yearbook,* National Institute for Statistics: Bucharest, 2000
14. *Handbook Russia 2001,* State Committee of the Russian Federation on Statistics: Moscow, 2001
15. Data provided by Higher Education and Recognition Practices – Slovakia. Institute of Information and Prognoses of Education: Bratislava, 2001

Internet Data Sources:

1. http://www.org.uva.nl/eair/porto/papers/Hagelund%20Poster.pdf (Bente Hagelund: Higher Education in Albania: Present Problems and Future Possibilites)
9. http://www.std.lt/STATISTIKA/Gyventojai/Liet_gyventojai_e.htm
16. http://www.sigov.si/vrs/ang/slovenia/education.html
17. http://www.education.gov.ua:8800/edu
http://www.education.gov.ua:8800/edu/docs/common/higher_educ_eng.html

Data Sources for Population:

http://dsbb.imf.org/country.htm

5. Particularities of CEE private higher education

Having seen the factual data above, we shall present some of the basic issues and controversies that surround the private higher education sector in order to develop a basis for the design of public policy for it. In the last few years, private higher education in the CEE countries has been a subject of many scholarly articles (Drahos, 1992; Nagy-Darvas & Darvas, 1999; Nicolescu, 2002; Reisz, 1992, 1997b; Setenyi, 1992; Sadlak; 1994, Slantcheva, 2001; Sapatoru, 2001) Still, not much work has been done beyond a descriptive presentation of the sectors. Even though also some comparative work has appeared, public policy for private higher education has not itself been a subject of research. Let us approach the particular problems of public policy in CEE countries with a series of considerations on what seems to us a major element in the current status of almost all private sectors in the area: the legitimacy problem of private higher education.

The **major questions** about private universities in CEE countries seem to be:

- Why are private universities in CEE countries so negatively perceived by government, public universities and large sectors of the population (according to opinion polls)?
- What actually is **"academic legitimacy"**?
- Are private universities "undemocratic"? And if so, in what respect (access, responsibility, general good, accountability)?

Academic legitimacy differs in the public and private sectors. Even if the term appears in some of Levy´s work, it is mostly taken for granted. It is evident that the private universities in CEE countries are not considered "legitimate" universities, at least by the older universities as well as by the government, if not also by the general public. What renders a university legitimate? Is it related to content, legal status or something else? Let us get closer to the term and try to propose a definition. The issue of organizational legitimacy is increasingly gaining the attention of researchers and managers and has recently been viewed in the context of pluralistic definitions and as the result of a legitimation process (Mazza, 1999).

According to Suddaby (2002) legitimacy is a central concept in organization theory. It is also named an important element in the establishment and survival of new organizational forms as well as a fundamental component of institutional change.

The CEE private universities however have not been abstractions that formally did not exist, but rather institutions that have legally not been accepted as what they claimed to be. Even though private educational institutions legally existed, up to the middle of the decade their status as higher education institutions was at least debatable. In some cases this was due to the fact that no framework for the appearance of private universities existed, in others because the process for the creation of a higher education institution is lengthy and complicated, and has not yet been completed.

Suddaby (2002, p.2 - 3) considers that there are three fundamental elements of legitimacy, which are mentioned in nearly all theoretical treatments of the term. These are:

- "an important *regulatory/legal* component, in which the legitimacy of a particular organizational form depends upon its conformity with explicit rules and regulations (Dowling and Pfeffer, 1975; Scott, 1995: 47; Aldrich, 1999)."
- "a strong *moral* element to legitimacy (Suchman, 1995; Dowling and Pfeffer, 1975; Aldrich, 1999; Scott, 1995) in which new organizational forms or practices are evaluated against commonly held values and beliefs and shared assumptions about whether the action or structure is 'good' or 'bad'."
- "*economic* prowess or *technical* efficiency is an important determinant of the acceptability of an innovation (Dowling and Pfeffer, 1975; Suchman, 1995)."

As any problem of legitimacy, academic legitimacy is a social concept. It gains its meaning from the social acceptance of an institution as "academic". This refers to expectations related to the "academic-ness" of an institution. Although these are contextually related to historical and cultural elements within the studied societies, the CEE countries may be said to share a fairly homogenous value background with respect to higher education; they all adhere to the Continental European university model of elite education and research. According to Scott (2000) as well as

many other analysts of the higher education sectors in CEE, universities in these countries were traditionally Humboldtian universities, with some exceptions of Napoleonic influence in Romania.

Most CEE countries lagged behind the Western European higher education systems in expansion, a supplementary reason for the perception of higher education as basically elite education. Whereas the first post-war expansion of European higher education happened more or less simultaneously in both halves of the continent, the Western part of Europe encountered another important wave of expansion and democratisation in the 1970s and 1980s, which was paralleled by the period of stagnation that characterised the re-stalinisation of the Brezhnevian period. This led to increased differences in system size and mission at the fall of the Communist regimes.

On the other hand, governmental experts and academics of public universities can hardly be accused of accepting only a limited elite concept of the university. Another strand of illegitimacy discourse of the new private higher education institutions has to be related to the concept of the university as knowledge-based organisation (Pellert, 1999). Universities can be considered to be organisations, where groups of specialists work on common goals (Pellert, 1999). The role of the university even if very manifold and vague, has nevertheless been defined in this organisational context as the **creation, distribution and dissemination** of knowledge.

Adding up the previous two concepts, private higher education institutions are not accepted as organisations, because they have a particular way of living and working community typical for the concept of an university and able to create knowledge. Such an understanding of the higher education institution seems to be the background for the systems of accreditation conditions, centered on teaching staff (as for instance in Romania). Private higher education institutions are basically accepted as institutions were knowledge is disseminated, but not created. The dissemination of knowledge in itself, even if accepted as a function, has never been considered enough to legitimate a university in the Continental European model.

Concern has also been voiced at the role of private institutions as distributors of knowledge, mostly due to the traditional notion that money should not be related with knowledge distribution. False as such concepts may be, they reside deeply in the post-communist egalitarian mythologies of CEE countries. It is evident that the illegitimacy motives enumerated above are not to be found simultanously as they are also not necessarily fully separated.

So, what are the simple motives that lead to the view that private universities are not legitimate universities? The three basic elements, which theoretically describe legitimacy: legal, moral, and technological (economical, efficiency related) issues, have to be discussed individually in their meaning for the case of private higher education in CEE.

Let us first comment on the third element of legitimacy construction. According to Pasternack (1998) “in higher education efficiency and effectiveness are resources of legitimacy, as well as legitimacy is a resource for efficiency and effectiveness”(trans. Reisz). The motivation of the role of efficiency as a resource for legitimacy lies mainly in the fact that “legitimate concepts of structure and process that lack efficiency and effectiveness lead to a lack of legitimacy of activities” (Pasternack, 1998). On the one hand, efficiency has an important position in the new discourse of higher education management. On the other hand, a very well rooted critique of efficiency arguments in the academic management has been made by Scott (1995). According to

Scott, “academic values” are not to be related to efficiency. Efficiency as an economical concept is generally related to productivity and has a quantitative basis as a relation of costs towards benefits. If productivity remains a simple quantitative concept, efficiency surpasses quantitative arguments leading to concepts of “fitness-for-purpose”. Taking the quantitative aspects of efficiency we have to accept that while costs of education can generally be calculated, the problem of computing the benefits of higher education is still largely open. The qualitative aspects of efficiency in the higher education sector can as such not easily be operationalised. All these problems are generally found in the literature on evaluation and quality, concepts closely related to efficiency.

It is evident that an organisation will enter a legitimacy crisis as the level of efficiency declines below a generally accepted benchmark that allows for the respective institution or organisation to be considered as a legitimate institution or organisation of its type. Taken to the extreme, an institution that produces no graduates at all, is definitely not a legitimate educational facility. Still, we would argue that such benchmarks do not traditionally exist in the higher education sector. It is one of the major problems of accreditation and evaluation to produce such benchmarks, transforming the general argument of illegitimacy due to inefficiency in the clearer form, according to which legitimacy is a result of a legal process, that also ensures the minimum requirements of efficiency.

In many CEE countries private higher education institutions appeared before their legal basis existed. Even if this is not the case anymore, the image of legally not legitimate institutions still looms like a shadow above the private sectors. Much more important, the moral “right” or “wrong” of private higher education institutions is largely questioned. Possible reasons are:

- they educate for money, “they sell degrees” (nevertheless, in most countries public universities also collect tuition fees, at least from some of their students)
- they have “second-rate” students
- “Their exams are fake.” “Everybody has to pass.” (most important critique!)
- no research
- no personnel of their own. (not true anymore)
- no buildings of their own. (not true anymore)
- no tradition
- Information allowing to differentiate between “good” and “bad” private universities is not yet available

This negative image of private universities seems to be detectable, at least in Romania, among employers and students alike (Sapatoru, 2001; Nicolescu, 2002). Similar information comes from the Ukraine (Over, 1995) and Russia (Teichmann, 2002). (Some research still has to be done to see if Poland follows the same pattern.) In Hungary studies show a different situation, due to the relation of the private sector with confessional organisations and its small size. Hungarian private higher education has clearly a rationale of distinctiveness rather than mass. The size issue is similar in Bulgaria. Private higher education institutions are also criticised for their lack of quality in India, Brazil, Turkey and the Philippines. Some authors believe that this leads to an underrepresentation of private institutions among “universities”, most of them being “colleges” or other types of tertiary education institutions generally thought to be of lower academic level. The solution of a dual system of higher education exists in Hungary, Poland, Slovenia and other countries as well but, for instance, not in Romania (short term “college” education exists in Romania but,

according to the law, only in institutions that also offer long term education). Levy (1999) also mentions that many new private institutions that claim to be universities are regarded with derision. He considers this situation typical for the demand-driven expansion of the private sector.

In fact, Levy (1999) states that until recently, public policy in most countries was restricting growth in the private higher education sector in Latin America and most of Asia as well. The same development can be seen in CEE now.

Let us take examples of the illegitimacy rethoric based on moral grounds. Even if they come from regions geographically quite far from CEE, they raise issues that have also been voiced in CEE. A series of not very fair arguments against private higher education is listed by Tilak (1999), refering specifically to the Indian case of self-financing colleges:

- They perpetuate inequalities in the system
- They produce a massive erosion in quality and standards of education
- Private colleges will dominate the whole system
- Other social evils will be accentuated (dowries, corruption)
- They produce serious imbalances on the labour market

All these concerns are even more critical than the previous ones.

Another quite aggressive critique comes from South Africa, where private higher education according to the Ministry of Education White Paper suffers from a "lack of institutional focus and mission incoherence, rampant and even destructive competition in which historically advantaged institutions could reinforce their inherited privileges; unwarranted duplication of activities and programmes; exclusive focus on 'only' paying programmes; excessive marketisation and commodification with little attention to social and educational goals; and insufficient attention to quality" (South Africa, Department of Education 1997, as quoted by Schwartzman, 2002).

From a more scientifical point of view, the problems of acceptance of private higher education institutions in transition countries are also analysed by Lewis, Hendel and Dundar (2002). They list the following perceptions about private higher education. Their point of view is that these types of questions frequently arise in discussions across many national populations, but especially within parliaments and governments of transition countries.

- "Does the development of private universities detract from the "public good" that public universities produce to society?"
- "Will the emergence of private higher education result in corrupting the public and common purpose of existing culture and civic order?"
- "Will private higher education result in the heavy transfer of tuition and fees for the profit and benefit of private institutional owners and investors?"
- "Will the emergence of private universities result in more degrees of inefficiency in higher education?"
- "Are the faculty and administrators in public universities harmed or helped by the emergence of private universities?"
- "Will the public universities loose revenue and students from the emergence of private universities?"
- "Will the emergence of private institutions reduce the power and control of higher education by the Ministry of Education?"

- "Will corruption or fraudulent behavior in higher education be enhanced or reduced through the expansion of private higher education?"
- "Will the expansion of private higher education enhance or reduce student choice in making decisions in higher education?"
- "Will expanding private higher education reduce or enhance the equity effects resulting from higher education?"
- "Will taxpayers in developing countries gain or loose as private higher education expands?" (Lewis, Hendel and Dundar, 2002 p.19-27)

All these problems of private higher education add up to a series of arguments against their legitimacy as institutions, from a moral point of view. It is definitely true that all these issues relate also to the changing role of the university. In the expansion of the post-1990 years the step from elite higher education to mass higher education was taken in the CEE countries (Trow, 1973). This development clearly led to changes in goals and functions of the higher education system, putting more stress on the legitimacy of the system as a whole. As the public sector has always had the advantage of the legal form of legitimacy and a certain lag in pace of change, the private sector emerging along with the massification and because of the massification, has become the major target of critiques and therefore is in need of legitimation. The efforts of private universities to gain legitimacy were insufficient, at least as long as they enjoyed the inflow of a satisfactory amount of clients. One of the important elements of the lack of mission statements or their relative low importance in many CEE higher education institutions is their novelty as a concept itself. During the state socialist period, governments defined and imposed nation-wide missions for the higher education system. These were usually strongly related to presumptions of labor market needs as well as political arguments. Institutions were not supposed to have individual missions, but to subordinate their goals to central planning. Even after the disappearance of central planning and the autonomisation of the institutions, most of these did not consider that institutional missions have to change from those set by former governmental policies. It can be said safely that no awareness of institutional missions existed and in many places still does not exist. Even if these consideration apply primarily to the public sector, as most private universities have been created by academics coming from the public sector, they also explain the lag in time of the appearance of explicite missions in the private sector as well as the existance of fuzzy public-isomorphous missions in some institutions, which are not justifying legitimacy.

The legitimation discourse of new private higher education institutions has to be related to another problem concerning the role of the private sector in a changing context. Public higher education is coming to terms with the expansion wave by increasing provisions and accepting tuition paying students in order to be able to finance it, along with an upcoming demographical decline higher education will be facing in a decade.

The basic issue is whether CEE private universities are only placeholders for the public sector lagging behind in its expansion. Similar cases can be reported from Brazil in the 1960s as well as Turkey. There are other examples as well, where the private sector took over the excess demand for higher education and actually worked in a quasi-for-profit manner (meaning that these were formally non-profit organisations, but existed as sources of income for their educators and administrators). Will private institutions disappear after the public sector expansion reaches the

required level? In Brazil and Turkey they survived until now, the state sector remaining underdeveloped. In the Brazilian case the state simply accepted the growth of the private sector as a good way of accommodating educational growth without state investment. The Brazilian state still does not finance private institutions, which enroll two thirds of the countries entire student population.

Should private universities look for a new "raison d`être" or new markets? The need for "more" education will evidently decrease as a demographic recession is expected according to birth rates. In ten years time the population of potential students (who are now approximately 8 years old) will be much lower than currently in most of the CEE countries.

In such a context the process of legitimation has to be connected to the finding of missions and discourses that would justify the existence of private higher education after the expansion wave will have receeded. Let us try to construct a typology of mission-legitimation discourses that can actually be found currently in CEE higher education. It is obvious that in some cases these legitimation discourses are related to the ideal types presented in the present paper. Still, we have to pay attention to the fact that more often than not, the objective elements taken into consideration for the ideal types (funding, control, size, disciplinary spectrum) do not discriminate in the same groups like these discoursive strategies. Whereas regional private universities are both an ideal type as well as a legitimation strategy, the legitimation strategy of confessional higher education includes many more institutions than the confesional higher education ideal type, while the foundation institution ideal type can generally have any form of legitimation discourse.

- **Confessional higher education.** In addition to the old confessional higher education institutions, new institutions formally related to the church also have appeared. These institutions are related to the Catholic, Protestant or Neo-protestant denominations. Also institutions, which present a religion-influenced rhetoric and mission without formally being related to a religious organisation (e.g. the Dimitrie Cantemir Christian University in Romania) exist.
- **"International" higher education institutions.** Many of the new private higher education establishments in Bulgaria, Poland, Romania etc. include in their names "international", "European" or clearer references like "American", "German", etc. These institutions seek to legitimise their programms, mainly in economics, business and law in relation to external, mostly American models of business and law schools. They often import curricula, sometimes even lecturers. An interesting mix of the first two strategies is the International Christian University in Kiev.
- **Regional higher education institutions,** as we have already mentioned, are a particular type of institution from financial and organisational points of view. It should be noted that their status as institutions of regional interest also legitimises them and provides a clear mission statement. Regional institutions can depend upon cost-effectiveness calculations from prospective students and parents who have to balance tuition costs at home with living expenses and possibly tuition costs at a larger institution in another city.
- **Diversity institutions,** have had a certain market niche at the beginning of the 1990s. The first new private university in the region, according to our knowledge, was the Ecological University in Bucharest that started for-profit higher education in 1990 on such grounds. The trend was followed by other institutions with an ecological mission, which were appearing and eventually disappearing in the following decade.

- **Institutions owned by enterprises,** have generally tried to gain legitimacy from the image of the founding institution and sustain missions related to the profile of the founder. The typical example is the Gabor Denes College in Hungary founded by the national Computer Science Institute that also offered courses, although not in degree programmes during the state socialist period in collaboration with foundations and enterprises (the LSI Education Center, the "Mikroelektronika Alkalmazásának Kultúrájáért" Foundation and SZÁMALK RT. OKK). Similar cases are the Media University owned by Romania´s top media group MediaPro, or the Romanian Banking Institute founded by the Romanian National Bank and the Romanian Association of Banks, but formally a private (foundation) university. The legitimacy of these institutions is constructed as an outcome of the legitimacy of its founders in their respective domains of activity. Their disciplinary range is also related to the profile of the founder. It should be added that in none of the cases of our knowledge did the founding organization financially support the higher education institution beyond its creation.
- **Public-isomorphous institutions,** are institutions that basically argue to be no different from public universities.

Most of the private higher education institutions in CEE countries with a larger sectoral enrolment currently do not seem to have a distinctive mission-legitimacy discourse, as they belong in the latter of our categories. Most private universities in Romania, the Ukraine, etc. concentrate their image-making strategies on isomorphism in the "new institutional" sense. Levy (1999) finds all following three forms of isomorphism equally important and present in the relationship between public and private sectors: coercive, mimetic and normative. All these isomorphisms can be found in the CEE countries, all in private universities copying public institutions. The isomorphous relationships that represent the basis of legitimacy discourses are typically mimetic isomorphisms.

An important element of the legitimacy discourses is its setting in an internal/external framework. Universities have, according to Trow (1975), a "public life", relating them to government, potential clients, etc. as well as a "private life", the actual teaching/learning/research/administration conglomerate. While legitimacy discourses are part of the "public life" of the university, these could be undermined by the "private life" of the institutions or by the existing perception of this "private life". While mission-legitimacy discourses are important in the gaining of acceptance, in the case of the CEE private higher education institutions a discrepancy between discourse and practice is obviously often suspected.

Another strand of arguments against private higher education, next to their illegitimacy as universities, is their indifference to **democratic** procedures. It would inevitably stretch beyond the scope of the present paper to argue upon the definition of democracy. We hope that our arguments below will implicitely cover the generally accepted term of liberal representative democracy. Let us first enumerate the basic reasons for which private higher education is often labelled as "undemocratic":

- It is less accountable to the democratic government than public institutions.
- It restricts access to education by extra-academic, financial means.
- It is often led by externally appointed rather than internally elected presidents.
- It is subject to non-democratic influence, especially to business influence.

The first of these arguments has to be related to the prevailing patriarchal function of the state in Eastern Europe and especially in the former Soviet states. While the newly democratic states have gained increased legitimacy through democratic elections, they reinforced their position as supreme holders of the public good. It should nevertheless be accepted that while public institutions accept to be accountable to democratically elected authorities, private institutions are typically accountable only to their owners and clients. As long as higher education is stricly considered a "private good" this may be sufficient. Still, the character of higher education as "public good" can, even if understated, not be neglected. This line of argumentation asks for accountability of private institutions to public authorities and considers as undemocratic those not willing to do so. In all CEE countries accreditation and evaluation procedures are introduced in response to this. Still, much is open to debate, as a major difference between accountability and accreditation as concepts is the emphasis of accountability on societal needs (Woodhouse, 1999), an issue that generally lies beyond the scope of accreditation. According to Woodhouse, accreditation evaluates if an institution qualifies for a certain status. Is the institution fit (good enough) to be approved and admitted to a category? Accountability also focuses on particular concerns and priorities of constituencies that have vested interest in the performance of an institution (Lewis et al., 2002). Governments want, and need to be assured that private higher education institutions address broad societal needs by producing needed graduates. This point of view typically continues the pre-1989 rationale of higher education in CEE as catering for the labour market, all possible serendipity being left apart. It is than to be noted that while the lack of accountability of private higher education can be viewed as undemocratic in a certain context, the concern for this lack of accountability is mainly based on a corporatist model of higher education systems and a continuation of centralist practices, that along with the rejection of diversity are to a certain extent not democratic in itself.

The second argument concerns the funding of private universities. Tuition fees have always been and probably will always be issues of major controversy since the emergence of public education. Keeping education free of charge was one of the major political decisions of all real socialist governments and it is also an important element in the social-democrat educational policies in Western Europe. In some countries free education is a constitutional provision (Romania), while in others one of the major election promises (Russia). The modernisation of higher education, its expansion and massification, as well as the concept of education as a "citizens' right" (Stock, 2002) has led to consider educational charges as immoral and undemocratic. The major argument in this respect relates to education as a right. If any citizen has the right to education, access to higher education should not be restricted by other factors than ability. The problem of tuition fees in public as well as in private higher education has led to different conflictual situations in Hungary, Romania, Russia, the Ukraine, and other countries. We should mention here at least the Hungarian case, where generalised tuition fees were introduced in 1996, only to be retracted in a few month time along with the change of government.

The third and fourth arguments have to be related to a traditional image of higher education institutions as collegial communities where a kind of a direct democracy exists and where external influences are few and restricted to the national steering bodies. According to one of the major works on academic organisation (Clark, 1983), four ideal types of academic governance can be distinguished, namely:

- a collegial model
- a professional model
- a managerial model
- a political model

What is generally viewed as an undemocratic and also non-academic form of governance of private higher education institutions is more or less equivalent to the so-called managerial model of governance. This is nevertheless not only characteristic for private higher education institutions. It is generally considered to be of increasing importance and share, throughout higher education systems in the world, as higher education institutions diversify their financial sources and have to be more sensitive to market signals and to be economically more efficient.

While it is possible that among private higher education institutions the managerial model is more widely spread than among public institutions, this model is not restricted to the private institutions and the image of the university as a democratically led institution is not supported by empirical evidence.

6. Final Comments

This paper should be viewed as an introductory discussion and presentation of preliminary data. It tries to highlight some of the problems that appear in the context of an empirical study of private higher education institutions in CEE. We have begun by investigating the problems of defining private higher education as well as the rationales for its existence. Issues of public policy for private higher education in CEE have to be related to the major problems these institutions face. Two directions have been investigated more closely: the problem of academic legitimacy and that of the democratic character of these institutions, arguments being taken from CEE as well as other regions that face somewhat similar problems.

As our work on public policy for private higher education is still in progress, we consider that presenting conclusions would be premature at the present point of the research. Nonetheless, the urgency of investigating private higher education as a topic of increasing significance for Eastern as well as Western Europe should have become clear.

Private higher education became an important issue in the CEE area starting in the 1990s. It should be noted that the EU countries are also becoming more and more aware of and sensitive to the problems of private alternatives to higher education. The GATS negotiations with the WTO are progressing and higher education is one of the potential subjects of the GATS agreements. Most national higher education systems of the EU countries include marginal private sectors. The EU countries are unlikely to be able to resist the pressure to include higher education into the list of internationally marketable services. Eventually, they will have to accept a certain degree of

internationalisation of their higher education sectors, including the appearance of international providers, along with the already promoted appearance of international clients of higher education.

Along with the globalisation trend, and related to it, another important controversy influences the recent interest in the privatisation of higher education. The shift from seeing higher education as a public good and a civic right to it being considered an individual commodity logically leads to both, increased private financing of higher education as well as acceptance of private control over the provision of higher education. Both external privatisation, by appearance of private institutions, as well as internal privatisation, by an increase of private funding of and control over existing institutions, become rational developments, resulting from the decision that individual benefits from higher education are much easier to calculate and to prove than its social benefits. Public higher education has been already considered to represent a subsidising of the rich by the poor, as it is funded by state budget but acts as a form of reproduction of the social capital, the lower levels of society being generally underrepresented as clients of higher education. All this adds up to encourage governments to accept and even promote private higher education.

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