



CENTRE FOR ADVANCED STUDY SOFIA

## CAS WORKING PAPER SERIES

**Issue 4**

Sofia 2011

This publication presents part of the research outcome of a project carried out at the Centre for Advanced Study Sofia under the title

# **Shaken Order: Authority and Social Trust in Post-Communist Societies**

(Case Studies in Law)  
2007–2009

*Available in electronic form at  
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CENTRE FOR ADVANCED STUDY SOFIA

7 B, Stefan Karadja St., Sofia 1000, Bulgaria  
phone:+359 2 9803704, fax:+359 2 9803662  
[cas@cas.bg](mailto:cas@cas.bg), [www.cas.bg](http://www.cas.bg)

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CAS Working Paper Series No. 4/2011

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Preferred Citation: Stoilova, Rumiana, *Role of Student Fees and Loans in Gaining Access to Higher Education. Germany and Bulgaria in Comparison*. CAS Working Paper Series No. 4/2011: Sofia 2011. *Shaken Order: Authority and Social Trust in Post-Communist Societies (Case Studies in Law)*, a project of the Centre for Advanced Study Sofia.

**RUMIANA STOILOVA**

**ROLE OF STUDENT FEES AND LOANS IN GAINING ACCESS  
TO HIGHER EDUCATION.  
GERMANY AND BULGARIA IN COMPARISON**

***RECENT CHANGES AND NON-CHANGES IN HIGHER EDUCATION***

Since 1989 systematic legislative changes have transformed the institutional relations between the state and higher education in Bulgaria. Parallel to this, public discussion has been going on, both amongst experts and politicians. In this debate, the importance of openness, inclusiveness and access to higher education is underestimated, because it is falsely perceived as socialistic. Taking examples from the reforms in higher education, we will illustrate the tendency that, although liberalization of the state is occurring, the access of individuals to resources relevant to tertiary education (namely access to student loans) has not become a central issue. A key reason for this unequal pace of reforms is society's growing distrust. In turn, this low level of trust accounts for the prolonged process of enforcement of public policies which would potentially lead to greater opportunities for "individualistic inclusion" in the modern societies (Münch 2008). Western societies are based on constitutional liberalism. The legal discourse increasingly reflects issues of individual rights. In this context the access to higher education is a matter of individual rights. All this increases the interest of the case study of laws on education. The guaranteed opportunity for social participation and equal opportunities is a central goal that educational systems address at the system level<sup>1</sup>. This goal points to the relationship between education and social structure. The aim is "to minimize the interdependencies between social background and educational, life and income opportunities, and to enhance the social integration and participation of young people in processes that shape the social and political community" (Baethge, Arends 2008:31).

1 Some additional ones are: the development of an individual's potential for occupational mobility, self regulation and autonomy, and the safeguarding of human resources in a society.

A central dimension of the institutional reforms is the financing of higher education. The direction is towards increasing private funding through tuition fees paid by students and their families, and greater financial autonomy of the universities. On one hand the required payment of tuition fees is an obstacle to university access for young people from less educated families; on the other hand, the system of tuition fees leads to diversification of funding of tertiary education, and competitiveness among higher schools. The use of private funding for public higher education contributes significantly to the access issue by opening educational institutions to new segments of society that were previously effectively excluded from a largely elitist higher education. The effect on achieving equity, however, may be questioned. The same ambivalent development – access representing the “success story” and the “equity failure” seen as the dark side – is formulated by researchers from Central and Eastern European countries (Kwiek 2008)

The balance between equality of opportunity and competitiveness has to be restored through students’ grants and loans. The Higher Education Act (1995) stipulates the obligation of the state to provide a system for student loans. While student fees were introduced with the Law of Higher Education (1999), the Law for crediting was only adopted eight years later – in 2008 via the Student Loan Act. What is evident is the implementation of one part of the Law – introduction of tuition fees (Art.95) – and the postponement of the state engagement towards another part – introduction of state guaranteed bank credits for the students (Art.96)<sup>2</sup>.

#### *EXPERTS’ VIEWS (1999)*<sup>3</sup>

Regarding reforms in financing higher education, experts support an increasing involvement of the students and their families in this funding and greater financial autonomy of the universities.

- The abolishment of paid education in the state universities and the introduction of minimal student tuition fees contribute to greater justice in the access to higher education (*university teacher*).
- The state should guarantee credits instead of giving grants. Private institutions – for example, foundations – should distribute grants (*university*

2 Cf. Yanev, N. 2005:71 In: Slancheva, S. Pashkina, Y. (eds.) 2005 Private Higher Schools: Myths and Reality. Regional Centre for Study of Private Higher Education in Central and Eastern Europe, Sofia: Iztok-Zapad Publishers. The functions stipulated in art. 8 of the Higher Education Act are to provide high-quality education, to subsidise students and post-graduate students in state higher schools, to provide scholarships, dormitories, canteens, to provide property for state higher schools, and to ensure tax and other concessions for all higher schools for the conducting of their activities. Art. 8, par. 4. (Amendment – State Gazette, issue 60 of 1999, amendment, issue 41 of 2007).

3 The experts’ views are cited in: Boyadjieva, P. 1999 (ed.) University Autonomy and Academic Responsibility, Sofia, LIK Pbs. (in Bulgarian)

*teacher, ex-minister of education and science).*

- The state should determine the disciplines for which grants are to be made available. The state should not, however, determine the universities where the students may receive these grants. The best way to finance education is through the choice of the students (*university teacher from a private higher school*).
- The existence of higher schools outside the capital city is very important. Poorer families cannot pay for studies far from the family's place of residence (*teacher from a university in a small town*)

Criticism has been voiced by a few people, stating that the introduction of tuition fees for students does not lead to diversification of funding of tertiary education or to competition. State universities rely for their financing mainly on the state. They are not interested in improving the quality (Bogdanov, Angelov 2004). Policy implementation remains concentrated in the Ministry of Education and Science. Student tuition fees have been introduced, but the number of students subsidised by the state remains the same (Boyajieva, Dimitrov 2005). State intervention continues to exist: it takes the form of centralised specification of the number of students in state universities. Thus the old inequality between the financing of private and state higher schools still exists. The Student Loan Act fills the gap between the centralised public financing going directly to the institutions and the limited public funding going directly to the students.

### **OBJECTIVES AND METHODS OF INVESTIGATION**

The article compares laws in the field of the funding of higher education in Bulgaria and in Germany. The comparison offers a sociological analysis of the cost-sharing schemes (involvement of tuition fees). Cost-sharing schemes have mostly been interpreted from economic, rational, and institutional perspectives, emphasising the financial autonomy of universities. Such a treatment is insufficient as it ignores social contexts of decision making. The sociological perspective analyses the obstacles to the individual's choice (in the field of higher education) created by the limited resources of the individual and the family.

The method applied is case-oriented comparative research. Higher education reforms that are important for the issue of inequality and openness of education are being carried out in Bulgaria and Germany. The Student Loan Act was adopted in Bulgaria in 2008; the introduction of university tuition fees in Germany is a process that started in 2005 and is still continuing at present. Germany has been taken as an example in studying the legal steps

to introducing general tuition fees. Specifically, comparisons have been made between the options for postponed payment. Also, an empirical survey was conducted on students' attitudes (dependent on origin) towards the need for student loans. Systematic research in Bulgaria on these topics does not exist; the present study is focused on producing comparative results. The comparison relies on criteria applied in Germany for the evaluation of German laws; the aim is to develop a methodology for evaluation of public policies in higher education in Bulgaria.

### *SOCIAL STRUCTURE*

There are different possible approaches to educational inequalities. Here the focus is on the obtainment of higher education as an individual resource. John Goldthorpe's offers a critique of Pierre Bourdieu's concept of cultural capital. Using the concept of cultural resources, it is possible to make distinctions that cannot be made through the concept of cultural capital – for example, distinctions between cultural resources and cultural values, between cultural resources and academic ability. Contrary to this, the cultural capital theory is focused on the implications of the processes of the inter-generational cultural transmission that follow from Bourdieu's concepts of habitus and the “cultural arbitrary” (Goldthorpe 2007: 98).

The theoretical debate concerning the reproduction of inequalities and opportunities for individual prosperity through obtainment of cultural resources has entered Germany's public debate on higher education reforms. Three preconditions exist for the success of the reforms in higher education: first – reforms in higher education have to be accompanied with reforms in the secondary schools; second – the openness of tertiary education has to be guaranteed; third – higher education should be the central mechanism for social mobility. Access to labour market has to depend on educational performance, not on secondary criteria; on achievement, not on belonging to the habitué<sup>4</sup>.

The theories used for explanation rely on methodological individualism and develop their arguments on the basis of rational choice theory and in political terms are close to those of liberalism (see Boudon 1989, Colemann 1990, Goldthorpe 2007). In keeping with methodological individualism, a theoretical distinction is usually made between primary and secondary effects of social origin (Boudon 1974). Social origin is a factor in differential educational attainments, as measured by school grades and diploma grades, the primary affected outcomes. Under the conditions of equal academic achievement, secondary school leavers of different origins choose different types of post-secondary educational tracks/institutions – these are secondary effects. The

4 Marius R. Busemeyer, 28. 5. 08, TAZ.

existence of secondary effects is registered by comparing students with equal academic records.

The stratification research shows that young people with equal academic achievements have a different chance to continue into the third level of education according to their origin. In Germany the influence of the family background on higher education can be seen in differences of attendance at general universities, with higher prestige, and universities of applied sciences (Hochschule), with lower prestige. While 62% of the university students have a parent with an academic degree, at universities for applied sciences it is 47%. High school graduates of higher social origin more often choose a university and less often a professional education than do graduates of lower social origin. The difference between the two is nearly 20 percentage points. The social origin component is twice stronger than the grades factor (Müller et.al. 2008:23). Success in higher education is not only a question of academic excellence. The level of education of parents has an impact on success in higher education. People whose parents have a high educational level have better chances of accessing and completing tertiary education than others. In the EU-25, for every 100 persons whose parents have completed at most lower-secondary education, 17 have completed higher education themselves. This share rises to 32 % for those whose parents have upper-secondary education and reaches 63 % for those whose parents have completed tertiary education<sup>5</sup>.

Data from a representative survey for Bulgaria shows that 3.9% of men with tertiary education aged 30 years, and 4.8% of women in the same age cohort, have a father with only a basic education (Tab. 1). The correlation between the education of the respondents and the education of the father is stronger for men than for women. At the same time the possession of tertiary education is very important for the access to a secure and well paid job.

5 The Bologna Process in Higher Education in Europe. Key indicators on the social dimension and mobility. Luxembourg: Office for Official Publications of the European Communities, 2009, p.12.

**Table 1.** Cross tabulation of education level of fathers and sons (born after 1974) %

		Highest educational level of the respondent				Total
		Tertiary	Secondary	Basic	Without education	
Highest educational level of the father	Tertiary	42,9	16,1	<b>9,1</b>		16,4
	Secondary	53,2	65,6	<b>26,3</b>	<b>3,8</b>	52,9
	Basic	3,9	18,0	<b>53,0</b>	<b>23,1</b>	25,3
	Without education		0,4	<b>11,6</b>	<b>73,1</b>	5,4
Total		100,0	100,0	100,0	100,0	100,0

**Source:** Gender and Generations Survey, 2004, N=9000, Cramer's V 0,427, Institute of Sociology.

Cross tabulation of education level fathers and daughters (born after 1974) %

		Highest educational level of the respondent				Total
		Tertiary	Secondary	Basic	Without education	
Highest educational level of the father	Tertiary	34,7	12,6	<b>3,3</b>		15,0%
	Secondary	60,6	69,5	<b>31,3</b>	<b>7,3</b>	57,3%
	Basic	4,8	17,9	<b>53,3</b>	<b>29,3</b>	22,9%
	Without education		0,4	<b>12,1</b>	<b>63,4</b>	4,8
Total		100,0	100,0	100,0	100,0	100,0

**Source:** Gender and Generations Survey, 2004, N=9000, Cramer's V, 375, Institute of Sociology.

The strongest impact of social origin on the access to tertiary level of education (compared with secondary and basic) is observed among people born in the period 1958-1967: this was the last socialist cohort that applied for university in a situation of administrative restrictions on the number of universities and students, and the existence of political quotas, which made it easier for young people of the 'proper' social origin (coming from families close to the ruling party) to be enrolled in university (Stoilova, Haralampiev 2009).

All this indicates the importance of achieving openness of access to tertiary education by minimizing the dividing lines related to origin. One option for this is the opportunity for a postponed payment for education.

However, stratification research rarely has a policy focus. This analysis intends to fill the existing gap. Reforms aimed at equalizing educational opportunities contain three components – comprehensive schooling, free tertiary education, and a generous universal study loan system (Jonsson, Erikson 2007). Here the focus is on the reforms in tertiary education, which has ceased to be free of charge with the introduction of tuition fees for students, and on the legal solutions that enable students to access higher education independently of their social origin.

### *THE TRUST CONCEPT*

For the study, it is essential to focus on the transitions between the micro level of individual action and the macro level of system behaviour. In this frame the concept of trust is relevant. The macro level is described “as the institutional structure and the micro level as the behaviour of the actors within such a structure” (Coleman, Fararo 1992). According to James Coleman, at the individual level the high level of trust increases the chances for free action of citizens. At the macro level trust is seen as a form of social capital and characterizes the entire society. Withdrawal of trust from one sector of society leads to investment of trust somewhere else (Coleman 1990).

Trust in education means that people see in education a significant mechanism for the improvement of their life chances. Furthermore, it means that individuals are willing to make long-term investments in education. In this context trust in education relates to the general trust in society. Coleman’s concept of trust is characterized through liberalism in theory and in political implementation. He does not agree with the laissez faire thesis, neither with the thesis that regulation is unnecessary (Mayer 1998: 189). Coleman discusses the integration dilemma of modern societies by pointing out the importance of normative consensus. According to him there is a need for state intervention in education. The criteria for effective interventions are that the affected actors see them as satisfactory and accept them with consensus (Coleman 1986). A critical question is that the institutional change guarantees the individual’s rights to a free choice; and that the relevant public decisions depend more on individual preferences and choices. The opposite would imply that the individual is seen merely as an agent of decisions taken by the corporative actors.

According to the trust concept, low levels of trust in higher education means that people will not be ready to invest financial resources, and that interest in the Student Loan Act will be limited. In this context, trust in education and

in a specific legal norm is correlated with a society's generally low level of trust. Previous research has indicated a trend of decreasing trust in the legal system and in higher education. Trust in the educational system is decreasing gradually (from 2.64 in 1999 to 2.35 in 2008). At the same time, the individual educational level represents a significant factor of increasing trust in others. Twice as many respondents with tertiary education (28,9%) express the belief that one can trust other people – among the respondents with secondary education this belief is shared by 11,5 percent (Boyadjieva, P. 2009). The inclusion of young people in higher education is a precondition for the increase of trust in society.

Niklas Luhmann (2000) pointed out the impact of the lack of trust on the potential of the system to act adequately. According to him, “When several demands, which could be met in the longer period of time, have not been satisfied because of lack of trust, this leads to abolishing the fulfilment of the system's capacity.” What is important here is the relationship between needs and the expectation that these needs will actually be fulfilled. The important thing for Luhmann with regard to trust is control. Trust in the system's capacity to function effectively means trust in the system's immanent control. Trust is an important capital for individuals, as it enables them to be more active in society. Trust is seen as a measure of the effectiveness of the societal system. In Bulgarian society, which is characterized both by a low level of interpersonal trust and a low level of trust in institutions, one might expect postponement rather than realisation of public policies that are significant from the individual's point of view.

#### *THE ROLE OF THE LEGAL CASE STUDY IN THE FIELD OF HIGHER EDUCATION*

An important issue is the social legitimacy of the law. Democratic governance is possible only if a democracy is fully functioning. This characteristic involves the need for public debate regarding the adoption of laws. The concept of “deliberative democracy” (Habermas 1996) is important here, for it provides the support of public reflection and deliberation with respect to the aims of government policy expressed in legislation. Peter Goodrich develops the concept of law as a social discourse. According to this view, law is a process, or a set of processes, responsible “for its place and role within the ethical, political and sexual commitments of its times. In short, law and legal texts are to be treated as accessible and as committed, precisely because they are in themselves contingent, rather than universal – even if their historical variability is limited – and because the social or cultural value attributed to legal discourse changes, albeit slowly.” (Goodrich 1987:159). From this perspective, the analysis will focus on public culture and its contribution to the quality of the adopted laws and the efficiency of their implementation.

The problem of adoption of new laws and parliamentary practice are closely related to political publicity. The analysis of this publicity enhances the understanding of the social stratification and of the relevant social groups and interests (Hristov 2007:64). The analysis of the parliamentary groups' participation during the debates on the Student Loan Act will show to what extent this debate has reflected the interests of specific social groups.

An integral part of the research on legal norms concerns their implementation. Law is important for the foundation of public policy and its effectiveness depends on policy implementation. The critical question in this regard is to identify how the institutions implement the laws. The dimensions of the present research are: (1) Legal norms (policy foundation); (2) Institutional (policy implementation); (3) Public culture (public debate, law as a discourse – parliamentary debate, trust); (4) Social-structural (students' family background). There are two levels of analysis – policy foundation (1) and policy implementation (2). The trust concept (3) and the social structural aspect (4) are investigated across the two levels (Table 2). The social-structural analysis tests two hypotheses:

- The legal norm (Student Loan Act) is imposed in Bulgaria from the top, being adopted from the practice in developed Western societies (Germany); or
- The legal norm is oriented to the needs of social groups and individuals exerting pressure from below for its adoption.

**Table 2.** *Role of student tuition fees and bank loans for access to higher education*

	Germany	Bulgaria
Foundation of the policy	<p>Comparison between the regulations for introducing university fees in different federal states</p> <p>Comparison between the options for postponed payment in different federal states</p> <p>Expert evaluation of proposals for laws for abolishing the regulation of tuition fees, which reflect the political debate</p>	<p>Place of the Student Loan Act in the overall higher education policy</p> <p>History of the introduction of the Student Loan Act</p> <p>Parliamentary debate before passing the Student Loan Act</p>
Policy Implementation	<p>Empirical survey on students' attitudes concerning bank loans</p>	<p>Empirical survey on students' attitudes concerning bank loans</p>

## **DESCRIPTIVE OVERVIEW: QUANTITATIVE DATA ON HIGHER EDUCATION**

It was shown already that the widening of the access to higher education contributes to the opening of the society and to the increase of the number of active citizens. Further on, the system of higher education will be characterized exclusively from the point of view of openness on the basis of comparative statistical data.

In 2005 Bulgaria (in one group with Cyprus and Latvia) reported very high shares of private funding, representing more than double the Bologna median (Eurostat 2009:83). Student contributions to higher education institutions (HEI) account for a larger share of the private funding. Students' financial contributions to higher education institutions in the form of tuition and other fees paid to higher education institutions can vary in a proportion of 1 to 8: from EUR 30 PPS in France and Slovenia to EUR 240 PPS in Bulgaria (Eurostat 2009:85). Bulgaria is the country with the highest amount paid for tuition fees. The latter were introduced in 1999. In Germany tuition fees were gradually introduced across the federal states (or Bundesländer) between 2006 and 2008. The process of introducing student fees will be studied at the level of the legal mechanisms and the impact on students, assessed through empirical survey.

Supporting higher education promotes openness in society. The openness of higher education institutions requires proper division between direct investment in the institutions and in students. The share of the public funding directed to students in Bulgaria is very low (10%) (of which 89.4% go directly to the educational institutions). In comparison, the EU average is 16.1%; for Germany it is 17.1%; and for the northern countries, which have the highest position with respect to equality of educational opportunities, the share is: Sweden – 28.4%, Netherlands – 25.9%, Norway – 36.7%<sup>6</sup>.

State support is provided to students on the bases of universal, compensatory, or meritocratic criteria. The compensatory criteria aim to alleviate the financial barriers to higher education. These criteria allow the targeting at students in need of such support (e.g. based on their socio-economic background). The universal support is applicable to all students with the aim to alleviate a dependency on parental support. The implementation of meritocratic criteria means to provide a financial support to the best students on the basis of academic merit. The universal type of support is less developed in the EU countries but is preferred and is codified in the constitutional norm in Bulgaria.

Two major kinds of direct support may be considered: grants (non-repayable support) and loans (repayable)<sup>7</sup>. In Bulgaria public funding to students is in

6 Key Data on Higher Education in Europe, 2007 Edition, Eurostat

7 Students' loans (repayable cash support) are reported on a gross basis – that is, without subtract-

the form of grants. There are examples of public funding divided into grants and loans. In Sweden the division is 10% for grants and 18% for loans, in Norway – 10% for grants and 32% for loans, in Hungary – 12% for grants, 16% for loans (Eurostat: 88).

Bulgaria is ranked highly in European comparisons with regard to direct state support targeted at specific categories of students. In Ireland, Switzerland and Bulgaria, the contrast between the amounts of support by social group is highest. For example, in Ireland, students whose fathers have a low education level receive nearly double the support that an average student receives (+93%), while students from highly educated backgrounds receive around one half of this support (Eurostat 2009:93). The tendency for Bulgaria is that the state prefers investing in infrastructure instead of supporting students directly. Public (and private) scholarships, grants, or loans are provided in other European countries to students not primarily or exclusively to cover the tuition fees but often as a subsidy for their living expenses. However, the Student Loan Act in Bulgaria is meant exclusively to cover the tuition fees charged by educational institutions. The newly elaborated legal norm has a very limited and narrow scope in comparison to the potentially existing options.

All components of the overall public support to households are particularly important in Germany: the indirect cash support (via parents) is 44%; direct non-cash support is 37% (in the form of infrastructure); 19% is the direct cash support (Eurostat 2009:91). The age for obtainment of child allowances in Germany is higher (25) than in Bulgaria (18), where it does not depend on whether or not children continue their education.

In Germany the state supports parents by providing special benefits to them for the support of their children. Both in Bulgaria and Germany, direct financial support from parents accounts for 58% of students' income. Income sources for Bulgaria as a percentage of the total student income are the following: job – 24%; state assistance – 18%; family sources – 58%. The structure of sources is similar in Germany: job – 28%; state – 16%; family – 58%) (Eurostat 2009:89).

The situation in Germany is more favourable for the students and their families. The absence of opportunities for the postponed payment and the raising of the university fees may lead to different types of choices in Bulgaria: it will discourage young people from pursuing higher education (mainly young people from less educated families); it will decrease the quality of academic performance due to engagement in a full jobs positions; it will lead young people to the study abroad (mainly middle class children).

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ing or netting out repayments or interest payments from the borrowers (students or households). Thus, student loan expenditure represents the total value of loans paid by government to students during the reference year. The cost to government of servicing these loans (i.e. interest rate subsidies and the cost of default payments) is not included.

The number of Bulgarian students abroad has increased from 7% in 1999 to 28% in 2006 (Eurostat). The inflow of students into the country is remaining stable – 6.2% in 1999, 6.8% in 2006. Bulgarian students represent the fifth group of students in Germany – 1082 for 2006<sup>8</sup>. Bulgarian comes at sixth position of the number of Absolvent (934) after China (3 030), Turkey (2047), Poland (1511), Russia (1309), France (1003)<sup>9</sup>. Doubling of the foreign students in Germany is observed between 1993 and 2006 (from 26 149 to 53 554). Competition between countries for students requires reforms in Bulgarian universities, specifically expanding access to more Bulgarian and international students.

## ***POLICY FOUNDATION***

### *GERMANY – INDICATORS AND MEASURES*

The introduction of university tuition fees falls within the competence of the Landtag, and federal regulation is not required following the decision of the German Federal Constitutional Court (26.01.2005)<sup>10</sup>. The quoted judgment states that the introduction of university tuition fees is in keeping with common social, economic, and academic interests. Furthermore it states that the university fees contribute to the improvement of the quality of universities and to the economic growth.

In 2005 and 2006 six German provinces undertook legal steps to introducing general tuition fees, and a seventh was preparing to do the same<sup>11</sup>. The Centre for Higher Education Development undertook a comparative study of the existing laws in these seven federal provinces. The comparison was made according to five criteria: (1) students' orientation, (2) financial effects, (3) autonomy and competition, (4) social acceptability and orientation towards specific groups, (5) consistency and calculation. The fourth criterion, "social acceptability and orientation towards specific groups", is relevant to the present analysis. The indicators pertaining to that criterion are as follows: (1) exemption from university tuition fees (in cases of disability, chronically or severely ill students, students who are caring for a young child) (for Bulgaria the respective category referred to in the Student Loan Act is "students taking

8 China 4 028, USA 2 598, Russia 1 493, Turkey 1398 Migrationsbericht 2006 Bundesamt für Migration und Flüchtlinge, S.31,38 ([www.bmi.bund.de](http://www.bmi.bund.de)).

9 Ibid. S.62.

10 Judgment of German Federal Constitutional Court in January 2005: "The aim to open the access to higher education for the widest possible circles of the population does not require common federal regulation.... The aim to bring as many people as possible to education...is of common economic interest. However, there is no risk that different regulations introduced by states concerning students' fees may significantly deteriorate the achievement of that aim."

11 See Müller, U., Ziegele, Fr., Langer, M. 2006 Studienbeiträge: Regelungen der länder im Vergleich, CHE (Centrum für Hochschulentwicklung), Arbeitspapier Nr.78, Juli.

care of two small children” – hence the regulation in Bulgaria can be considered more restrictive than in Germany). (2) Tuition fee reduction for students studying a shorter time, i.e. doing evening studies or distance students (Teilzeitstudenten); (3) Postponed payment through student loans: this option exists in the seven Länder under comparison<sup>12</sup>.

The laws in the different federal states are very similar. In all of them there is provision for postponed payment through student loans. Social acceptability as a responsibility of the university is not referred to in any of the federal state laws being compared. This represents a next step in the implementation of the cost sharing scheme in Germany. In this comparison Hessen is seen as presenting the worse situation.

### *THE CASE OF HESSEN*

This case illustrates the political disagreement in Germany concerning the issue of university tuition fees. The first discussion, started after the change of balance that took place in September 2008 between the parties represented in parliament, concerns the abolishment of university tuition fees<sup>13</sup>. The abolishment of the university fees was proposed by Social Democrats, the Left, and the Green Party. The Conservative Party (CDU) and the Liberal Party (FDP) stood in favour of university fees. The expert evaluation made earlier in the same year criticized the proposals of the Left and of the Social Democrats/Greens<sup>14</sup>. These proposals referred to equality and the role of the state. The Liberals argued for greater university autonomy, a closer link between the university tuition fees and the concrete steps for improving the quality of higher education and increasing the responsibility of the university. The Free Democrats appealed for “shared responsibility of the higher schools” (Mitverantwortung der Hochschulen) for guaranteeing social acceptability.

The different titles reflect different concepts of justice and equity and the aim of the proposals is quite different<sup>15</sup>. A key term used by the Social Democrats is access to higher education for strata that are lower educated. The Free Democrats referred to the function of social control. Three years after the introduction of student tuition fees, a report should be submitted to the Landtag concerning the social situation and the social composition of the students. On the basis of this report decisions should be taken as to whether the effects of selectivity are occurring in the educational system. This should be done

12 Baden Wuerttemberg, Bavaria, Hessen, Hamburg, Nieder Sachsen, Nordwestfalen, Saarland.

13 The parliament of the federal state

14 Prof. Dr. Frank Ziegele, Ulrich Müller M.A., Stellungnahme des CHE Centrum für Hochschulentwicklung für den Ausschuss für Wissenschaft und Kunst des Hessischen Landtags, May 2008.

15 Titles of the proposals – Fraction of the Left – “For abolishment of student tuition fees in higher schools”; Social Democratic Party/Union of the Green – “For guaranteeing equality of chances”; Free Democrats – “For increasing financial autonomy of the higher schools”.

on the basis of a comparison between the social composition of the students prior to and after the introduction of the fees. The responsibility for this is shifted from the government to the university.

#### *THE CASE OF SAARLAND*

The example of Saarland's parliamentary decision on higher education policies further illustrates the social acceptability of university fees as a recognized aim. The Parliamentary Commissions on Economy and Science turned to the Applied Institute for Higher Education while preparing a stand on the proposed new law. The Law was passed by the CDU fraction in Parliament and concerns amendments of the Higher Education Act of the Länder<sup>16</sup>. A provision was included stating that interests on educational loans would be payable by the state budget and not by the individuals. The expert evaluation was positive and considers the Law to be of key importance for the social acceptability of tuition fees. Working in the same direction are the open access to loans, flexibility and the individual scheme for repayment of loans, and the minimal income above which students are required to repay the loan. Additional effects have been stressed: enlarging the circle of users of educational loans, minimizing unintended effects such as renouncing the pursuit of higher studies for financial reasons, alleviating the financial burdens for the students and their families during the period of study. Also mentioned is a marketing advantage of the new draft law with regard to the competition between the federal states for new students.

#### *STUDENT LOANS*

While the scholarship system in Germany is still being developed, student loans have in the meantime become a useful supplement to traditional forms of funding (student jobs, parental support, BAföG bank loans, etc.), and they are available to everybody. The Federal Act for Individual Support (BAföG) of education works at the federal level; it was passed in 1971 (BGBl. I S. 1409), and revised in 1983 and, most recently, in 2008<sup>17</sup>. The Act provides a practical argument in support of the thesis that access to education must not be restricted by the financial constraints experienced by the students, their parents, or partners. This act targets support at individuals, not at educational institutions, which is an important characteristic relevant to the present research.

- 16 The proposal was submitted on 26.03.2009, the decision was made slightly more than two months later, on 7.05.2009 ([www.che.de](http://www.che.de)), a speed that indicates the importance attached to the issue. According to the proposal, starting from the winter semester 2009/10 the loans taken for paying tuition fees will be freed from interest payments until the start of the backpayment of the loan. The provision is that interest payments in this case will be made by the state budget of the Land.
- 17 BAföG Bundesausbildungsförderungsgesetz (<http://www.das-neue-bafoeg.de/de/204.php>)

Parallel to the Federal Act, a Program for Loans for Education was introduced and has been implemented since 2001. The loans can be obtained through this program irrespectively of students' and parents' income. Different federal provinces provide different reductions of interest rates. Since 1 April 2009 new regulations have come in force. The institutions responsible for the Loans Program are the federal government and the bank – Kredit Bank für Entwicklung. The changes are targeted more flexibly, at the individual needs of people for a loan, and they make loans conditional on the amount needed and the way of receiving, favouring students preparing bachelor's degrees. In comparison, the direct payment of tuition fees provided by the Bulgarian Student Loan Act is applied for private universities. In 2007 this type of loan was used by 70 000 students in Germany. Beside bank loans, there are additional options for postponed payment of education in Germany, such as credits and funds (Career Concept)<sup>18</sup> directed to the students to ensure wider access to education.

The test for the quality of student loan offers across Germany is how well they meet the needs of students. The comparison is based on indicators like: the purposes of the loan – overall living costs, tuition fees, stays abroad and internships<sup>19</sup>. Additional indicators used in the test are: whether the obtainment is tied to specific disciplines, to the selection of a particular university, whether they can be used for visits abroad. The student loans and the other forms of individual funding were evaluated with respect to availability, associated costs, independence from parental support, risk limitation and flexibility. The conclusion is that students' preferences are oriented towards options offered by the state. The leading values that determine the choice of financial instrument are: enhancing the access to education and independence from the parents (Müller, Langer 2008:15).

## ***BULGARIA – THE CASE OF THE STUDENT LOAN ACT (2008)***

### *PARLIAMENTARY DISCUSSION*

The critical question for this part of the research is: Why was it not possible to pass the Student Loan Act for such a long time – more than 10 years, considering that student loans have existed in Germany since the 1970s? One possible reason is the low mutual trust among the political actors. The representatives of the Bulgarian Socialist Party (BSP) use the institutional change in educa-

18 Introduced in 2007 – the concept refers to support coming from a fund, and not in the form of a bank loan. The users become shareholders of the fund. The student obtains support from the fund and afterwards repays the fund from a percentage of his/her income.

19 Ulrich Müller, Markus F. Langer, Arbeitspapier (2008), Nr. 108, CHE-Studienkredit-Test 2008.34 Studienkredite, -darlehen und -fonds im Vergleich.(www.che-studienkredit-test.de).

tion concerning the relations between the state and the higher schools as a legitimizing resource for its own interest (Hadjililova 2005: 61). The attitude was the same regarding the Student Loan Act. The BSP, then in opposition, proposed the law in 1998 and 1999. Both times the proposals were not even discussed in the plenary hall. In 2002 BSP again made the proposal under the parliamentary majority of two liberal parties (NDSV + DPS). The law was rejected at first reading. In 2005 the law was proposed by the Council of Ministers and accepted at first reading (16.03.2005). However elections postponed the next steps of its adoption. In 2008 the law was proposed again by the Council of Ministers, but this time the government was a coalition between Socialist and the two liberal parties (BSP, NDSV, DPS). After three different parliaments and three different governments, consensus was finally achieved about the law. But the demonstrated interest in the law was never great. During the second reading slightly more than half of the parliamentary members were present (Table 3). The conclusion is that reaching consensus between political parties has been an extremely long process.

**Table 3.** *Parliamentary Votes for the Student Loan Act (2008)*

	<b>For</b>	<b>Against/ abstained</b>
<b>Budget Commission</b>	17	—
<b>Educational Commission</b>	14	—
<b>First reading</b>	159	2
<b>Second reading</b>	138	—

*LEGAL DISCOURSE*

The representative of the “Ataka” party, an opposition formation that uses leftist rhetoric, supported the proposal. “This is among the rare cases when we will vote together with the ruling majority in support of the Law. The reason for this is the transition from a monetary Bulgaria to a social Bulgaria... This is the first sign of the transition from a country of brutes to a country of people.”

The representative of the BSP’s “Coalition for Bulgaria” suggested expanding the grounds for cancelling the obligation of repayment of the loan, so as to include students who are willing, upon completing their studies, to work in municipalities with a population of less than 50 000 inhabitants, and graduates in disciplines and professions that are necessary but not preferred by stu-

dents. The arguments and suggestions were not accepted during the debates and were perceived as reminiscent of the planned economy of the past. The BSP is heterogeneous in its ideology, so not only the opposition but some MPs of the BSP itself were against the proposal.

The representatives of the “Movement for Rights and Freedom” (DPS) supported the law for its quality of limiting the unfair competition among universities and strengthening the financial autonomy of the universities. These effects, however, are stated but not guaranteed through any specific mechanism. For example, there is no provision for introducing a voucher system that would allow state financing to follow students’ preferences for a university. The principle of equal access should be complemented by benefits allotted to people with high academic achievements (implementation of meritocratic criteria). The suggestion was that high grades should lead to cancelling of the repayment of the credit. This suggestion was not accepted due to doubts concerning the quality of evaluation in different universities.

Distrust in the law prevails in the comments coming from the right-wing party “Democrats for Free Bulgaria“ (DSB), which asserted that: the government intends to finance education in a non-transparent way through specific banks, the Law is not social but socialistic, the role of the state as a guarantor of the credit amounts to the provision of “social crutches”. The conclusion of the MPs was: “The Bulgarian people cannot be led out of the crisis by persons relying on social crutches, no matter from what direction these are offered”. The opposition supports the Law as an additional option for increasing the individual’s ability to choose. However there is strong doubt that the Law will be practically implemented. The comments of right-wing opposition parties indicate that the low level of social trust explains the poor performance of the reforms aiming to enable individuals to access missing resources.

The mutual mistrust between the parties, the lack of a clear ideological divide, and the reminiscence of socialism, prevail over considerations of the social acceptability of the tuition fees. Distrust between the political parties blocked the inclusion within the Law of various options that exist in more stable democratic societies. The role of the state is viewed as a central one. The interests of universities, banks and students were not at all articulated during the parliamentary debates. The interests of specific groups could not be identified in the discourse. None of the parliamentary members defended the interests of the banks, which are partners of the government in the implementation of the policy. This neglect for the interests of banks later resulted in the failure to implement the Law.

*Public Discussion*

The low trust in the parties from the ruling coalition is a reason for the modest support for the legal norm in society: *“During the mandates of the government led by NMSS and the government following it, that of the triple coalition (BSP, MRF, NMSS), the ruling parties were lobbying for the opening of several colleges in small towns in different regions ... The negative impact of the establishment of these new colleges is quite obvious: they lack well qualified university teachers as part of the permanent staff; the material resources and technical equipment is bad; there are greater opportunities for corruption in the form of paying to pass exams and obtain diplomas”* (university professor).

The best formulated arguments in favour of the bank loans are given by economists. *“Introducing schemes for student crediting could be looked upon as an effective and relatively just mechanism for financing higher education. Justice is ensured through the fact that the individual, not the taxpayer, shares in the cost of educational services, which improve the individual’s capacity to generate higher income in the future”* (Industry Watch)<sup>20</sup>. But these opinions are not well accepted by the academic community. *“Recently the economic approach to science and education has become dominant. This is contrary to the step-by-step nature of education and science, which is based on knowledge, culture, and intelligence.”* (university professor)<sup>21</sup>.

In order for economic considerations to be accepted by wider social strata, the improvement of the public financing of the students should be correlated with the improvement of educational quality. Students applying for loans need more guarantees that they will receive high quality education, which will make possible a quick and smooth transition to the market and, respectively, better returns on their investments in higher education. The comparison with Germany indicates the important role of the universities for guaranteeing the link between loans (financing) and quality of education<sup>22</sup>.

Student grants and credits are received directly by individuals. They are discussed as an alternative to other, indirect, forms of allotting funding to institutions, which create the possibility for the state to make decisions in a non-transparent way, which increases the risk of corruption. The practice of the Ministry of Education to make decisions about the support of the student campus and about subsidies for lodging has led to the bad conditions evident in the so-called “students’ town” in Sofia, conditions which provoked the student protest of January 2009. The summary of the pro and contra arguments

20 The *Dnevnik* daily, October 23, 2008

21 The *Dnevnik* daily, January 29, 2008

22 The arguments of the Liberals (FDP) for improving the Student Tuition Law in the Landtag of Hessen are for greater university autonomy, a closer correspondence between the size of university tuition and the concrete steps for improving the quality of higher education proposed and undertaken by the university.

concerning the Student Loan Act are given in Table 4. Without introducing mechanisms for control, positive results cannot be obtained from the Student Loan Act. Such mechanisms are: competition between universities for attracting students by offering better quality of higher education; improvement of the quality of education by introducing student tuition fees.

**Table 4.** *Summary of the discussion concerning the Student Loan Act*

Pro	Contra
Increasing the financial autonomy of higher schools	Corruption
Increasing the competition between the higher schools (including between private and state)	Higher schools of lower quality could obtain additional financial resource
Better (more just) public financing of higher education	Some students obtaining their education in Bulgaria subsequently emigrate and find jobs in other countries
Increasing the quality of education	Insufficient control over the quality of education
Ensuring equal access to higher education, minimizing the constraints of social origin	Some academic disciplines are necessary for society, but the individual returns on them are not very high
Increase of the personal involvement and motivation of the student	Combining work and study provides similar opportunities

#### QUALITY OF THE LEGAL NORM

The reason for the blocked implementation of the Students’ Loan Act is the “struggle between institutions”<sup>23</sup>. The institutions and stakeholders within the student loan system include: the Ministry of Education and Science, higher schools, students, and commercial banks. The establishment of a National Council for Student Crediting<sup>24</sup> is provided for by the law. Its composition, however, does not satisfy the banks. The representation of the different institutions in the Council is problematic for the bank institutions. The latter are represented by only two voices: this means they will not be able to introduce the rules and must follow decisions taken by other participants concerning, for example, the amount of bonuses for good service. The greater part of the

23 *Dnevnik*, 19.01.2009

24 Art. 9 provides that, attached to the Minister of Education and Science, there will be a newly created National Council for Crediting of Students and Doctoral Students, referred to as “the National Council” (2) The National Council is a consultative organ which supports the Minister of Education and Science in implementing the state policy in the field of crediting of students and doctoral students. (3) The National Council consists of a chairman – the Deputy Minister of Education and Science – and members, one representative from each of the following: the Ministry of Science and the Ministry of Finance; two representatives from the Council of Rectors, one representative of the Bulgarian Academy of Sciences and one from the Agricultural Academy, two representatives from the National Representation of Student Councils and two representatives of the Association of Banks in Bulgaria.

suggestions of the Association of Banks in Bulgaria (ABB) has not been accepted. As a result, the legal norm could not be implemented.

The proposals of the banks include the establishment of a register of loans; facilitating the procedure whereby banks receive payment for bad credits from the state; shortening the grace period; giving to the banks the permission to gather administrative taxes for loans management. Only the first proposal was accepted, that for creating a register of students taking credits. According to this rule, the banks can obtain an access to the register in real time. The banks want a one-month period for the cases, provided for by the Law, when the state has to repay the loans – (invalidity or birth of a second child).

*“The law will remain no more than a good wish, if the banks are not adequately compensated for the risk and the cost of the resource”*, warned the bankers (CEO of bank and vice chairman of the Trustee Fund of ABB)<sup>25</sup>. This statement was made ten days after the law was passed by Parliament, but such a concern was not voiced during the debate. At the same time bank crediting of students as a relationship between banks and individuals still exists but is not used very often. About 15 banks offer credits for students. Often families prefer direct consumer loans. In this case it is administratively easier to obtain a loan, but students are not parties to the contract at all; their parents are. Such loans do not stimulate the motivation of students; the higher quality of their educational involvement is not so important a value for them as independence from the parents, as indicated in the German evaluation.

1. Crediting through banks and without the intervention of the state depends on the family status: the banks require guarantees and this is usually given by the parents. State involvement is the new component in the policy under discussion. It is needed precisely in the cases when young people cannot rely on their family. The banks calculate the credit rating of their client. UniCredit Bank, for example, offers credit for students of the American University in Blagoevgrad. The fact is that many students are forced to work while pursuing their studies due to their shortage of financial resources. How often and in which cases this happens will be investigated through questionnaires addressed to students.

### **POLICY IMPLEMENTATION**

Students’ opinions representative for Germany (HIS 2008)<sup>26</sup> and questions addressed to students in Bulgaria included in the survey of March 2009 show the actual need of options for postponed payment.

25 The weekly *Capital*, 25.07.2008

26 Ebcinoglu,F,Gersch,J. HISBUS – Kurzinformation Nr.19, Kredite zur Studienfinanzierung , Chance zu mehr Flexibilität oder Notwendigkeit zur deckung von Finanzierungslücken?

For Germany: 23% of the students rely on student loans (BAföG), and another 32% have thought about this option. Social origin and the possibility for the student to obtain a loan as a supplement for the limited family resources are essential factors of applying for a loan – 47% of the students of low social origin have taken a loan, while only 11% of those of high social origin have done so. The importance of the existence of the loan option is more important prior to applying for the university – 66% of the students of low origin, 64% of middle, 57% of higher than middle, and 50% of high origin, have thought about getting a loan prior to starting their studies. The differences between students during the time of their studies are not very significant – 16% of students of low, and 15% of high origin have thought about getting a loan during their studies. There is a relationship between students' social origin and the time period for which they make plans about their studies. Students of lower social origin make more detailed plans for their studies, including for the period after completing their education – 34% of those of low origin and only 15% of high origin, who have considered how they will fund their studies, have planned this funding far ahead in time. Thinking about getting a loan occurs to a greater degree in those provinces where tuition fees have already been introduced – 28% of the students living in provinces where there are no tuition fees are thinking about the possibility of obtaining a loan, compared with 83% of those in provinces with tuition and 87% of students in provinces where tuition is planned to be introduced. These results illustrate the importance of students' credits for Germany in a situation where tuition is in the course of being introduced.

The survey of Bulgarian students is focused on their actual financial situation and the expression of interest towards a future when the Student Loan Act will be implemented (Stoilova 2009)<sup>27</sup>. The composition of the sample is as follows: educational status of the father – only one percent (1.1%) of the respondents have a father with basic or lower level of education. In the case of 25.8% of the respondents the father has obtained secondary education, 32.6% have a father with a college or similar post secondary level of education, and 40.5% – a father with tertiary education. Similar is the educational structure of the mothers – basic and lower 1.0%, secondary 20.9%, post secondary non tertiary education 30.0%, tertiary education 48.1%. According to place of origin, the students are: from a rural origin 5.9%, small town 23%, big town 43.4%, and capital city 27.6%. The self-identification of respondents is: most frequently with the middle class – 76.8%, with the working class – 16.4%, with the upper class – 5.3%, with farmers – 0.6%. Most of the respondents are ethnic Bulgarian; Turks are 0.8%, Roma are 0.6%, others – 1.7%.

27 The survey was carried out in March 2009. Questionnaires were distributed and filled out by 533 students from 8 universities, including three private and five public ones; six were located in Sofia and two in the province. The data for Bulgaria concerning the background and the funding of the students, which is discussed further in the text, was collected in this survey.

The social composition of the students demonstrates that the access to tertiary education depends on the educational status of their parents. The universities do not reflect the social composition of the national society and local communities. The practice of “fair access office” that exists in the United Kingdom represents the responsibility taken by the higher schools of attracting students from the poorest social strata through grants and active information policy; thus they guarantee access to education by minimizing the effects of origin<sup>28</sup>. There is a need in Bulgaria to address the policy for wider access to good education towards the universities.

There is a slight prevalence of the belief that people in Bulgaria have equal chances to access tertiary education irrespectively of their gender, ethnicity and social origin: respondents who agree with this view are 52.9%; can't say – 24.4%; disagree-19.7%. But evidently, nearly half the respondents either do not share this belief about equal chances or can't make up their minds. The equal access thesis is not shared in the same proportion by students of different social origins. The opinion that there is equal access is more widespread among children of parents with a secondary – 27.7%, upper secondary – 32.3% and tertiary education – 39.3%, than among students with low educational status of the parents (father with basic education – 16.7%). Disagreement with the statement about the equal access is expressed by: 2.5% of respondents whose fathers have basic-level education, 25.0% with secondary, 32.5% with upper secondary, 32.4% with tertiary education. Complete disagreement with the equal access thesis is indicated by 5.4% of students with a family background of basic education, 21.6% of secondary education background, 40.5% of upper secondary education background, and 32.4% of tertiary background. The strongest disagreement with the equal access thesis is expressed by students whose fathers obtained upper secondary education.

The more popular part of the meritocratic thesis states that the influence of better origin is justified when it is transmitted through better education. The second part – that it is justified providing the less privileged can also have access – is less frequently indicated (Swift, Marshall 1997). Regarding the assertion that it is just for people with higher income to be able to pay a better education for their children than people with lower income, 23.5% of respondents agree, and 58.2% disagree.

In the situation of lack of family income, student loans are a form of postponed payment. Students considering taking on a loan are 42%; unwilling – 34.3%; undecided – 23.7%. Nearly half the students express readiness to take a loan, but they were not asked in the form of a representative survey during the elaboration of the Act. Students were represented by associations during the public discussions in the process of elaboration of the law. Civil society

28 Frank Ziegele, Ulrich Müller M.A., Stellungnahme des CHE Centrum für Hochschulentwicklung für den Ausschuss für Wissenschaft und Kunst des Hessischen Landtags, May 2008.

organizations, however, have shown several shortcomings as participants in the public debate. One of their deficits is their lack of expert capacity needed to take a well-grounded stand on the issue and to have authentic rather than superficial participation (Arnstein 1969)<sup>29</sup>. In order for participation to be authentic, it is important to have control over resources and be able to obtain an independent expertise.

While the loans guaranteed by the state remain unimplemented, the income from employment remains an important component of the students' income. One third of the respondents work during their university studies (33.2%). The average number of working hours per week is 35, as indicated by half the working respondents. This amounts to full time employment. The payment is as follows: up to 200 leva – 9.2%; 200 to 500 leva – 47.4%; and over 500 leva – 43.4%. Loans as a form of postponed payment could contribute to limiting the impact of origin and improve the quality of university studies, leaving more time for the core academic activity of the students.

## **CONCLUSIONS**

The present research explored the two phases in the elaboration of the public policy – the adoption of the legal norm and its implementation. The Student Loan Act has been analyzed as a specific case. Its adoption was postponed for a long period of time and its implementation is not at all guaranteed. The low level of social trust, the low level of mutual trust between the political actors represented in the parliament, and mistrust between the institutions, accounts for the delayed adoption of the Act and for the blocking of its implementation. As a result, the legal norm does not serve as a stable foundation for guaranteeing individual freedom and choice of educational services.

There is a discrepancy between the legal norm and its implementation. The interests of the different actors (corporative entities, banks) are not sufficiently guaranteed by the law. The arguments of the Association of Banks were not taken seriously due to the inertia of the past regarding the prescriptive role of the state. There are several reasons for the low quality of the law but the main obstacle is that the law left certain important questions to be decided by administrative authorities. Difficulties and inefficiency resulted from this in the implementation of the legal norm. The government remained ineffec-

29 According to Arnstein participation without division of power is an empty and frustrating process for the powerless groups. This leads to the assertion that all parties have been convinced but, in fact, only one of these parties profits from the process. In fact this type of participation preserves the status quo. Arnstein analyses the power relations and defines participation: it begins with cosmetic participation and ends with an authentic one, moving from manipulation to civil control. Necessary features for the last stage are control over the distribution of the resources and the ability to appoint consultants, which makes it possible to obtain an independent expertise.

tive in enforcing a policy for provision of financial services by independent commercial entities.

The focus in the present investigation is represented by the link between legal order and social structure. The analysis of the normative and the institutional context of the higher education are mainly in relation to the openness of the system. The question of the equal opportunity chances for young people with a different social background is essential for the investigation of the allocation of public funding to students. The analysis has provided sufficient evidence that the Student Loan Act in Bulgaria was imposed from the top, being adopted from the current practice in developed western societies. The content of the law is however quite narrow in comparison with the practice in Germany. Tuition fees will be paid directly to the university. In Germany the recent development is towards greater flexibility and individual choice of options for obtainment of state-guaranteed credits for education. The alternative hypothesis – that the legal norm is oriented to the needs of the social groups and individuals exerting pressure from below for its adoption – was not supported by the analysis of parliamentary discourse. The needs and expectations of the students and their families were not consulted by the political parties and respectively were not presented during the parliamentary debates.

The development towards liberalization is present in the reduction of public funding and the increased share of private funding for education. However, taking steps towards increasing public funding to students has been systematically postponed. The negative impact of the postponed reforms in Bulgarian higher education is evident in the competition with European universities, where students can rely on credits guaranteed by the state. An additional negative impact is the decreased quality of education due to students having to support themselves by working.

Further research on social stratification in the access to higher education is needed. For instance, the gender dimension remains unexplained. The role of gender in the choice of academic studies, in the opportunity for a non-traditional route to tertiary education<sup>30</sup>, the access to higher education for young women from families with a low educational tradition and for minority ethnic groups, are all important for the Bulgarian context and for international comparisons.

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30 The traditional path to tertiary education is in the age between 18 and 20.

## Bibliography

- Богданов, Лъчезар, Ангелов, Георги, “Финансиране на образованието” (Funding Education). В: *Държавата срещу реформите* (The State against the Reforms). Iztok-Zapad, 2004, 129-137.
- Бояджиева, Пепка, Димитров, Георги, “Стратегия за развитие на висшето образование в България”, (Strategy for Developing Higher Education in Bulgaria), В: *Анти-корупция/анти-образование. Изследвания върху корупцията във висшето образование в България*, (Anti-corruption/anti-education. Studies on Corruption in Higher Education in Bulgaria), София: Изток-Запад, 2005, 254-274.
- Бояджиева, Пепка, Доверието – невидимата ос на обществото, (Trust – the Invisible Axe of Society), непубликувана статия.
- Бурдийо, Пиер, *Практическият разум. Върху теорията на дейността*, Димитрова, Боряна, Деянова, Лиляна (превод и съст.), София: Критика и хуманизъм, 1997.
- Сланчева, Снежана, Пъшкина, Юлия, съст., *Частните висши училища. Митове и реалности*, (Private Higher Schools: Myths and Reality). София, Изток-Запад, 2005.
- Суифт, Адам, Маршъл, Гордън, Меритократично равенство на възможностите: икономическа ефективност, социална справедливост или и двете”, (Meritocratic equality of opportunities: economic efficiency, social justice or both), Социологически проблеми, 3, 1997, 5-22.
- Цекова, Елица, Станоев, Любомир, “Финансови алтернативи пред висшето образование”, В: П. Бояджиева, съст., *Университетска автономия и академична отговорност*, (University Autonomy and Academic Responsibility), София: ЛИК, 1999., 220-235.
- Хаджилилова, Катрин, “Институционалната промяна като бриколаж: отношенията между държавата и институциите във висшето образование в процеса на социална трансформация, (Institutional Change as a Bricolage: the Relationship Between the State and the Institutions of Higher Education During the Process of Social Transformation), Годишник на Софийски университет, (Annuaire de L'Université de Sofia “St.Kliment Ohridski”, Faculté de Philosophie, Livre Sociologie, Tome 99, 2006, 5-67.
- Христов, Иво, *Право и модерност*, (Law and Modernity), София:ИК “Кротал”, 2003.
- Христов, Иво, *Български правни метаморфози*, (Bulgarian Legal Metamorphoses). София: Захари Стоянов, 2007.
- Arum, Richard, Gamuran, Adam and Shavit, Yossi, “More Inclusion Than Diversion: Expansion, Differentiation and Market Structure in Higher Education”. In: Y. Shavit, R. Arum, A. Gamuran, G. Menahem ed., *Stratification in Higher Education*, Stanford: University Press, California, 2007, 1-39.
- Arnstein, Sherry R. “A Ladder of Citizen Participation,” American Institute of Planning Journal, Vol. 35, No. 4, July 1969, 216-224.
- Baethge, Martin, Arends, Lena, “International Scale Assessment of Vocational Education and Training” (VET-LSA), *Journal for Institutional Comparisons*, Summer, Vol.6, No2, CESifo, Munich, 2008, 29-36.
- Boudon, Raymond, *Education, Opportunity and Social Inequality*, USA: A Wiley Interscience publication., 1974.
- Boudon, Raymond, *The Analysis of Ideology*, Polity Press, 1989.
- Coleman, James, S., “The Concept of Equality of Educational Opportunity”. In: Miller, LaMar P., Gordon, E. W. eds., *Equality of Educational Opportunity, A Handbook for Research*, New York: AMS Press, Inc., 1974, 3-16.
- Coleman, James, S., *Equality and Achievement in Education*. Boulder, CO: Westview Press, 1990.
- Coleman, James, S., *Foundations of Social Theory*. Cambridge, Mass/London: The Belknap Press, 1990.
- Coleman, James, S., Fararo, Thomas J., eds., *Rational Choice Theory: Advocacy and Critique*, California: SAGE Publications, 1992.

- Ebcinoğlu, Fatma, Gersch, Jana, *Kredite zur Studienfinanzierung: Chance zu mehr Flexibilität oder Notwendigkeit zur Deckung von Finanzierungslücken?*, HISBUS-Kurzinformation Nr. 19, 2008.
- Goldthorpe, John, *On Sociology: Numbers, Narratives, and the Integration of Research and Theory*. Oxford:Oxford University Press, 2000.
- Goldthorpe, John, „Cultural Capital“: Some Critical Observations”, In: Scherer, S., Pollak, R., Otte, G., Gangl, M., eds., *From Origin to Destination. Trends and Mechanisms in Social Stratification Research*, Frankfurt/New York: Campus, 2007,78-102.
- Goodrich, Peter, *Legal Discourse Studies in Linguistics, Rhetoric and Legal Analysis*. England: Macmillian Press, 1987.
- Habermas, Jurgen, „Über den internen Zusammenhang von Rechtsstaat und Demokratie“.In:*Die Einbeziehung des Anderen*. FfM: Suhrkamp , 1996, 293-305.
- Hristov, Ivo, „The Sociology of Law – The Privileged Viewpoint for the Dissection of Modern Society”, *Sociological Problems*, Special Issue, 2006, 238-245.
- Kogan,I. 2008 “Education Systems of Central and Eastern European Countries”, In: Kogan,I.,Gebel,M.,Noelke,C. (ed.) 2008 *Europe Enlarged. A Handbook of Education, Labour and Welfare regimes in Central and eastern Europe*, The Policy Press,Bristol, 7-35.
- Kwiek, M. (2008). Accessibility and Equity, Market Forces and Entrepreneurship: Developments in Higher Education in Central and Eastern Europe, *Higher Education Management and Policy*, Volume 20, No. 1, OECD.
- Luhmann, Niklas, *Vertrauen. Ein Mechanismus der Reduktion sozialer Komplexität*. Stuttgart: Lucius & Lucius, 2000.
- Münch, Richard, *Die Konstruktion der Europäischen Gesellschaft. Zur Dialektik von transnationaler Integration und nationaler Desintegration* , Frankfurt:Campus, 2008.
- Müller, Walter, Pollak, Rainchard, „Weshalb gibt es so wenig Arbeiterkinder an deutschen Universitäten?“, In: R.Becker und W. Lauterbach (Hg.), *Bildung als Privileg? Erklärungen und Befunde zu den Ursachen der Bildungsungleichheit*. Wiesbaden: VS Verlag für Sozialwissenschaften, 2004. 311-352.
- Müller, Walter, Pollak, Rainchard, Reimer, David, Schindler, Stefani. *Hochschulbildung und soziale Ungleichheit*, 2008.
- Persell, Caroline, James, C., Kang, T., Snyder, K. Gender and Education in Global Perspective, In: Chafetz, J. S. (Ed.) *Handbook of the Sociology of Gender*, Kluwer Academic/Plenum Publishers, New York,1999.
- Pfeffer, Fabian T., Persistent Inequality in Educational Attainment and its Institutional Context. *ESR*, Vol. 24, No.5, 2008, 543-565.
- Stoilova, Rumiana, Haralampiev, Kaloian, “Stratification in Bulgaria. Measuring the Impact of Origin, Age, Gender and Ethnicity on Educational Attainment and Labour Market Placement”, *Annuaire De L’Université de Sofia “St.Kliment Ochridski”*, Faculté de Philosophie, Livre Sociologie, Tome 101 (submitted for print).
- Ziegele, Frank , Müller, Ulrich *Stellungnahme des CHE Centrum für Hochschulentwicklung für den Ausschuss für Wissenschaft und Kunst des Hessischen Landtags*, May 2008