



Keypoints of my contribution:

FREEDOM OF RELIGION & EDUCATION - the perspective from Germany

Germany is quite unique globally: Private schooling at primary level is constitutionally forbidden, and on higher levels it was not financed by the state and thus hardly developed until the late 1990s.

Why? Because of the Nazi atrocities both the occupying powers and the mothers and fathers of the 1949 constitution of West Germany did not want to allow small groups to form „states within the state“ (for example Nazi-enclaves) but created a compulsory, uniform and thus state-organized and state-controlled school system.

Only two exceptions are being made in the German constitution: denominational schools founded by parents and schools with a new pedagogical strategy.

If either of these two are existing, parents have the fundamental constitutional right to start such a school, send their children there and, fulfilling certain criteria and the quality level of state schools, be publicly recognized as „substitute schools“, i.e. fulfilling the public duty of schooling.

Because of the high stakes, the founding of denominational protestant schools by parents only started after a landmark High Court ruling in 1992.

Today, there exist about 150 such schools with some 41,000 pupils (0.4 per cent of all 11 million pupils in total).

What makes them distinct is that they only employ believing Christians.

Although denominational schools operated by believing parents and teachers are few (less than one half per cent of all pupils) and an exception in the system, our right to openly communicate our belief is a guaranteed „basic right“ of our constitution.

We not only may talk about our God and Jesus Christ as our saviour, we actually must do so! If we do not, the right to operate a school ought to be revoked!(However, this has hardly happened yet.) „The entire school day ought to be characterised by the belief of the teachers“ the High Court ruled back in 1992.

The 150 denominational schools I refer happily adhere to this constitutional demand. We openly and happily talk of our belief and teach our pupils accordingly.

And while both big churches in Germany are losing members in large numbers, there is a heavy demand for our denominational schools. And while the state is having real trouble due

to a shortage of teachers (in North Rhine Westphalia, 30 per cent of all open positions could not being filled this summer)

our schools have been able to fill nearly all vacancies - although we cannot offer the same pay as the state.

So we are a happy few - „salt of the earth“ (Mt 5, 13).

Footnotes:

- Additionally, there are more Christian schools, run by the 2 big churches, with a more liberal attitude. They teach 170,000 (evangelic) and 370,000 (catholic, total: 540,000 pupils = 5 per cent of all pupils).

- German Constitution („Grundgesetz“), Article 7:

(4) The right to establish private schools shall be guaranteed. Private schools that serve as alternatives to state schools shall require the approval of the state and shall be subject to the laws of the *Länder*. Such approval shall be given when private schools are not inferior to the state schools in terms of their educational aims, their facilities, or the professional training of their teaching staff, and when segregation of pupils according to the means of their parents will not be encouraged thereby. Approval shall be withheld if the economic and legal position of the teaching staff is not adequately assured.

(5) A private elementary school shall be approved only if the educational authority finds that it serves a special pedagogical interest or if, on the application of parents or guardians, it is to be established as a denominational or interdenominational school or as a school based on a particular philosophy and no state elementary school of that type exists in the municipality.