

An Inquiry Into the Evolution of German Compulsory Education Law

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Abstract—Germany has a long tradition of compulsory education. It is not only the first country introducing a compulsory education system in the world, but also the first country enacting relevant laws. Compulsory education, as the cornerstone of prosperous Germany with high-quality nationals, has always been highlighted by German governments. The evolution of German compulsory education law since the 16th century, including its birth, is studied in this paper as a reference for China's improvement in education law.

Keywords: *Germany, compulsory education law, evolution*

I. INTRODUCTION

Compulsory education has its origin in Germany, which established compulsory education as a legal system more than four centuries ago. It has produced considerable influence over other countries' educational development. In today's world, most countries regard education, in particular, compulsory education, as a basic guarantee for enriching countries and improving its nationals' quality. Given the increasingly fierce competitions that we are facing, to review and study the history of compulsory education in Germany has great theoretical and practical significance.

II. BEGINNING OF COMPULSORY EDUCATION IN GERMANY

Germany has a long tradition of compulsory education, while the rudiments of the idea for establishing compulsory education as a legal system goes back to the age when Martin Luther (1484-1546) started the Reformation in the mid of the 16th century. The Reformation, a milestone in the history of Germany, had a profound impact on the country. Before the 16th century, Germany was politically, economically and educationally backward and most schools were in the hands of the Catholic Church (the Roman Catholic Church). Martin Luther thought that education reform could effectively contribute to the Reformation, so in 1530, he pointed out that "if the government could compel such of its subjects as were fit for military service and do other kinds of work in time of war, how much more could it and should it compel its subjects to keep their children in school" [1]. His thought on national education was based on the notion that "salvation comes through Christ alone, by faith alone, through grace alone" [2]. He believed that to

secure true freedom, a man must believe in the Scripture, so a Christian ought to be able to read the Scripture and receive the education about reading, writing, and doing arithmetic. Protestantism believed that all men were created equal and all believers had equal rights and duties before God; everyone had the same right to receive education; every child should receive education, regardless of sex and class; education was to be popularized among all strata to break the church's monopoly on education. Martin Luther proposed that the Christian Church and the national government should take over schools, and education should be popularized by establishing public schools in towns across the country for providing free education to the children of common people. In his view, the worldly authority had an inescapable and sacred responsibility to offer education to children. In "A Sermon on Keeping Children in School", he further proposed that compelled schooling should be enforced by the country and compelled schooling was "not be to take the child away from his parents, but to train him for the benefit of the whole community"; it was the duty of the temporal authority to compel its subjects to keep their children in school and assume the obligation of having their children receive education [3]. Afterward, his assistant, Philipp Melancthon (1497-1560) drafted a school plan for Württemberg in 1559, which stated that every village should be established with a vernacular school, where reading, religion, writing, arithmetic (4R) and music were taught to enable the children of commoners to understand Christian teachings [4] and compelling people to keep children in school. Some small states in Germany gradually introduced regulations on compulsory education. The School Regulations of Weimar (Weimarer Schulordnung, 1619) stipulated that all children should learn to read and write, and all children from 6 to 12 years of age should be kept in school for supervision, while the parents unwilling to have their children receive compulsory education should be exhorted. Thus, Germany was the first country enacting laws on compulsory education. The compulsory education in this period was introduced on religious grounds and for the benefit of religion. The advocates regarded compulsory education as an essential instrument for winning over the young people, propagating Protestantism, and fighting Catholicism, while such a historical background gave birth to Germany's compulsory education law.

III. INHERITANCE OF GERMAN COMPULSORY EDUCATION LAW IN THE 18TH AND 19TH CENTURIES

In the 17th century, Germany was a decentralized country with more than 300 states, while Prussia was most powerful. The compulsory education law of Germany in this paper mainly refers to Prussia's legislation on compulsory education. In the early 18th century, Prussia rose for Frederic William I, who established the autocracy of Prussia. On the one hand, he gave priority to the development of industry and commerce, and the creation of the most powerful armed forces in Europe; on the other hand, he laid stress on education, demanded that the right to open school should be transferred from the Church to the State, imposed the regulation that general compulsory education should be implemented and schools should be managed by the State. In 1737, Prussia issued a school decree (Principia Regulativa), which stated the following points:

“The parishes forming school societies are obliged to build schoolhouses and to keep them in repair; the tuition fees for each child, from 4 to 12 years of age, are 4 groschen per year; the government pays the fee when a peasant sends more than one child to the school; the government gives the teacher one acre of land, which villagers are to till for him.”[5]According to the decree, over 1,000 primary schools were established in Prussia, so Frederic William I was also reputed to be the “Father of Prussian Primary Schools”.

Frederick II succeeded his father, continued to strengthen the military and promote expansion, while enhancing the development of industry and commerce, and imposing compelled education. In 1763, a general school regulation (General Land-Schule Reglement) was promulgated for enforcing compelled education. The provisions concerning compulsory education mainly included:

“Primary schools are fully controlled by the State; all subjects must send their children from 5 to 13 years of age to schools and parents will be fined for not implementing the code.” With the enforcement of the decree, Germany became the first country taking over power over education from the

Church among Western countries. It should be noted that Germany's compulsory education at that time was “political education” with militaristic meaning, as it was developed with the enforcement of a compulsory military service system.

In 1806, the war between France and Prussia ended in the Prussian army's rout in the battle of Jena and Prussia was forced to sign the Treaty of Tilsit, by which Prussia ceded territories and paid indemnities. It kindled the passion of the rulers and the peoples for rejuvenating the State through vitalizing education. As Lenin said, “The Peace of Tilsit was a supreme humiliation for Germany, but at the same time it marked a turn towards a supreme national resurgence.”[6] Later, Prussia tightened the controls over education and established the Department of Public Instruction within the Interior Department of the State in 1808. In 1817, a department of education under the title of “Department of Worship, Public Instruction, and Medical Affairs” was separated from the Interior Department of the State. Compulsory education and the dual system for schooling were strengthened. The greatest achievement of this period was that education was completely regained from the Church, thus putting an end to the feudal Church's control over education.

In 1871, Prussia won a sweeping victory in the Franco-Prussian War and the German Empire (German Reich) was founded. In 1872, Germany published the General School Law for consolidating the power of the emerging landlord bourgeoisie, and training educated laborers and loyal soldiers; the law provided that education was compulsory for all children aged between 6 and 14, and continued vocational education was offered to all employed young people until the age of 18 years.

Up to the end of the 19th century, universal compulsory education was enforced for almost all children aged between 6 and 14 in Germany. The number of illiterate people decreased significantly; the figures of Prussia are given in the following "Table I":

TABLE I. ILLITERACY RATES OF PRUSSIA'S PROVINCES[7]

Province \ Year	1841	1864—1865	1881	1894—1895
	1841	1864—1865	1881	1894—1895
East Prussia	15.33	16.5	7.05	0.99
West Prussia	15.33	16.5	7.05	0.99
			8.79	1.23
Brandenburg	2.4	0.96	0.32	0.06
	2.4	0.96	0.32	0.06
Pomerania	1.23	1.47	0.43	0.12
	1.23	1.47	0.43	0.12
Posen	41.00	16.90	9.97	0.98
	41.00	16.90	9.97	0.98
Silesia	9.22	3.78	2.33	0.43
	9.22	3.78	2.33	0.43
Saxony	1.19	0.49	0.28	0.09
	1.19	0.49	0.28	0.09
Westphalia	2.14	1.03	0.60	0.02
	2.14	1.03	0.60	0.02

Year Province	1841 1841	1864—1865 1864—1865	1881 1881	1894—1895 1894—1895
Rhenish Prussia	7.06 7.06	1.13 1.13	0.23 0.23	0.05 0.05
Hohenzollern	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00
Whole State	9.30 9.30	5.52 5.52	2.38 2.38	0.33 0.33

German compulsory education law in the 18th and 19th centuries was characterized by fully retaking controls over education from the Church, and secularization and state domination of education. Specifically speaking, the change was enforced by the country through decrees; the enforcement was safeguarded by administrative bodies. Germany's strict resident registration system deserves mentioning. In April and before the beginning of a school year, headmasters or teachers would receive the lists of the children for compulsory attendance from the police, and parents would also be informed by the police. If any child on the list did not go to school, the headmaster would notify the police for investigation and correction. All of these reflected the two basic characteristics of compulsory education: enforceability and universality. The enforcement specified by law guaranteed the attendance by school-age children.

The said legislation basically ensured the popularization of compulsory primary education in Germany and thus laid a foundation for future economic development and national prosperity. In the early 20th century, Germany surpassed Britain and France and became the second-largest industrial power in the world. The legislation on education in the said period was a major contributory factor.

IV. DEVELOPMENT OF GERMAN COMPULSORY EDUCATION LAW IN THE 10TH CENTURY

The development of education in Germany in the 20th century can be divided into two stages: the first half and the second half of the century. In the early 20th century, the education policies established by the German Empire in the second half of the 19th century were still followed. So, militaristic education was promoted in every type of school in Germany, which was used to facilitate the country's expansion. With such education and the policies, Germany was plunged into the abyss of war.

After the First World War, the Weimar Republic, the first republic in the history of Germany, was founded. This period proved crucial or the renaissance of Germany's modern education, as both its basic ideas and frameworks were derived from the era. In 1933, Hitler established a fascist dictatorship in Germany and education became an instrument of such dictatorship.

The Weimar Constitution (the Constitution of the German Reich) was promulgated formally on August 11, 1919. As a fundamental charter of the country, it not only regulated affairs concerning education and school, but also adjusted the powers for legislation over education and school, showing that the Weimar Republic attached great importance

to education. The law had chapters providing education and school according to the principle of democracy. The articles concerning compulsory education mainly included: Paragraph 1 of Article 143: "The education of youth shall be provided through public institutions. The Reich, the States, and the municipalities shall cooperate in their establishment." Paragraph 1 of Article 145: "Attendance at school is universally obligatory. In principle, this duty is fulfilled by attending an elementary school (Volksschule) for at least eight school years and a connected continuation school (Fortbildung-schule) until the completion of the eighteenth year. Instruction and school supplies are free of charge in the elementary and continuation schools." It is noted that the elementary school here meant a school offering compulsory education, and it was divided into two stages, a primary school (Grundschule) and a lower secondary school.

On April 28, 1920, the Law Concerning Primary Schools and the Abolition of Preschools. The law mainly detailed the provisions on the abolishment of private preschools as specified in the Weimar Constitution, and provided the establishment of four-year primary schools (Grundschule) for all people and detailed practices; while the most profound significance of the Law on the Religious Education of Children promulgated lay in that the law acknowledged parents' right to educate their children.

The said provisions on education and school in the Weimar Constitution facilitated the popularization of 8-year compulsory education. A unified 4-year primary school system was established. After studying in a primary school and proving excellent in examinations, the children of working people may enter a 4-year lower secondary school for further study to complete compulsory education. All these measures were progressive in a sense.

After rising to power in January 1933, Adolf Hitler conducted so-called unified reform, reversed the liberal education policy in the era of the Weimar Constitution, and turned Germany's education into a tool for his fascist dictatorship. He delivered many speeches on the education of German youth. Once he clamored arrogantly, "I want a brutal, domineering, fearless, cruel youth. Youth must be all that. It must bear the pain. There must be nothing weak and gentle about it." [8] The educational materials of schools at all levels must not show any tendency towards democracy and must embody the spirit of Nazism. In 1938, Germany published the National Compulsory Schooling Law (Reichsschulpflichtgesetz), with all former laws and regulations on compulsory schooling being annulled thereby. The law provided 8 years of compulsory attendance at a

primary school. Normally compulsory attendance at a primary school was followed by compulsory attendance at a part-time vocational school for 3 years. Thus, Germany's compulsory education pattern was basically finalized.

In summary, the period from the early 20th century to the 1930s saw tremendous changes in German compulsory education. After the previous reform, Germany formed a basically complete education system in leadership and school rules, but there was a growth of nationalism and politicization in the development of education. During the Nazi era, education became a tool of fascist dictatorship.

After Nazi Germany surrendered for defeat, Germany was divided into two countries: West Germany (the Federal Republic of Germany) and East Germany (the German Democratic Republic). In the following 40 more years, the two countries established their political, economic, and educational systems respectively. After Germany was reunified on October 3, 1990, the education system of West Germany was basically adopted for the whole of Germany. So, compulsory education in West Germany after the Second World War is the focus of this paper.

The immediate postwar years saw paralysis of education and heavy loss in the economy in West Germany. The latter precluded significant advances in education. The education sector was restoring vitality. West Germany did not start reform in the sector until the end of the 1950s and the early 1960s.

On February 14, 1959, West Germany published the Outline Plan (Outline Plan on Restructuring and Unifying the General Public School System, Rahmenplan), which did not involve higher education but focused on how to improve general primary education and secondary education.[9]It stated that all children should receive 4 years of primary school education and then 2 years of promotion education so that their orientations can be identified, they have the opportunity to develop their competencies and special skills, thus they can enter different types of secondary schools after selection through examinations. In 1964, to adapt to Europe's need for integration and industrialization, the state governors of West Germany signed the Revision of the Agreement between the States of the Federal Republic for the Unification of the School System (the Hamburg Agreement, Hamburger Abkommen) in Hamburg. According to the agreement, the 4-year lower secondary school would be changed to a 5-year secondary school (Hauptschule), and the compulsory education would be extended by 1 year accordingly, which meant that considering the 4-year primary school, the full-time compulsory education would last for 9 years. If a teenager finished 9-year compulsory education but did not enter a general or special high school (Gymnasium), he/she should receive a 3-year part-time compulsory education at a vocational school. Thus, compulsory education in West Germany normally covered 12 years for students from 6 to 18 years of age.

The Hamburg Agreement provided for compulsory education in detail. For example, "all children and teenagers

reaching certain age and having the capacity for receiving education must receive compulsory education; compulsory education is only available from public schools or private schools getting the approval of the country; schools for compulsory education normally mean the aforesaid primary schools (Grundschule), secondary schools (Hauptschule), and some part-time vocational schools; during compulsory education, the school year begins at all schools on August 1 and ends on July 31 of the following calendar year; for all children reaching the age of 6 before June 30 of a year, compulsory schooling begins on August 1 of the same year. Compulsory full-time schooling ends after 9 school years. But an extension to a tenth school year is permitted." The Agreement was a turning point in Germany's transformation from restoration to reform in education, a basic document for West Germany to unify educational affairs and a foundation for the schooling of later reunified Germany.

Since the late 1960s, West Germany experienced fast economic growth. In February 1970, the German Council of Education put forward the "Structural Plan for the Educational System" (Strukturplan für das Bildungswesen), which stated that preschool educational institutions, namely kindergartens, were to be included in the education system as "early childhood sector", this stage would last for 2 years, and children were to enter kindergartens at the age of 3; primary schools were to be reformed, the primary schools reformed were called "primary sector"; this would last for 4 to 6 years and children would enter the schools at the age of 5; the 4-year primary sector was divided into an entrance stage and a basic stage; the 6-year primary sector would include an entrance stage, a basic stage, and an orientation stage. This had a major influence over the later "Education Master Plan" (Bildungsgesamtplan, 1973). Although the plan was not successfully implemented due to sharp divergence between parties in states, the education systems of the states of West Germany were basically finalized. The primary education was compulsory and would be mainly offered by the aforementioned primary schools.

After unification in 1991, unified Germany basically followed West Germany's pattern in education in accordance with the Unification Treaty (Einigungsvertrag) signed on August 31, 1990. In fact, before the unification, East Germany had implemented a compulsory education system similar to that of West Germany, offered a 12-year free compulsory schooling, which comprised full-time compulsory schooling and compulsory vocational schooling. In the 1990s, in response to the European Union's initiatives for domination over education, Germany adjusted its policies on basic education and reduced the school years of the secondary school education by 1 year (a grade between Grade 5 and Grade 10), thus, the whole compulsory education covered 12 school years.

V. ADVANCEMENT OF GERMAN COMPULSORY EDUCATION SYSTEM IN THE 21ST CENTURY

At present, except that Berlin, Bremen, North Rhine-Westphalia, Saarland implements a 10-year full-time compulsory education system, most other states adopt a 9-

year full-time compulsory education system. According to a new policy introduced later, the students unable to attend a full-time school may receive three-year part-time compulsory education (compulsory vocational education). In 2003, the Federal Ministry of Education and Research launched the investment program of the “Future of Education and Care” (Zukunft Bildung und Betreuung) and planned to build new full-time schools or expand existing schools into full-time schools between 2003 and 2007, which would involve 100,000 schools, about 1/3 of German schools. [10] On January 26, 2004, Berlin, the capital of Germany, promulgated the revised Compulsory Schooling Law, which features change in three aspects: (1) to give teenagers of school-age equal opportunities for education; (2) to improve the quality of compulsory education; (3) to promote integration through compulsory education. As remarked by Klaus Berg, a senator in charge of education in the State, this initiative aimed to provide a solid legal guarantee for the in-depth and necessary reform of Germany’s education system. German government hoped that the said projects would enable better education for German students of primary and secondary schools, improve education quality, and enhance the students’ competitiveness in the international arena.

VI. CONCLUSION

In the past 4 centuries, Germany's compulsory education evolved from scratch and developed steadily. With the introduction of a number of education decrees, Germany became the first country enforcing compelled attendance and also the first country popularizing compulsory education. Experience and lessons can be drawn from the success and failure in the development of Germany compulsory education law, whose advancement with twist and turn offers examples for the development of compulsory education law in other countries around the world.

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