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Home Education in Germany: An Overview of the Contemporary Situation

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This paper gives an overview of the situation of home education in Germany. The first results from a predominantly qualitative research project are presented. This combines participant observation, content analysis and qualitative interviews for a thorough sociological analysis of the German home education movement. Compulsory school attendance exists in Germany and home education is not allowed. Contraventions are regarded as an administrative or an indictable offence. Nevertheless, about 500 children are home educated. This takes place in secret, with tacit toleration by the local authorities or with legal consequences, ranging from a fine to partial loss of child custody, or even the possibility of a prison sentence. The parents who educate their children at home differ concerning their socio-demographic characteristics, reasons and learning concepts. Several networks exist which are either in their initial stages or expanding. This paper gives insight into the legal position, describes how home education in Germany is practised and explains the existing main areas of tension. In the conclusion it is pointed out, why, even if the conditions do not change, the field of home education is expected to grow.

Keywords: home education, Germany, compulsory school attendance

Introduction

Home education in Germany is not allowed as an alternative to public schooling. It is unknown to most people and until recently, widely unnoticed by educational and sociological research. Yet it exists and is increasing. The following paper presents the first results from a still ongoing exploratory research project. It combines several methods of qualitative research such as participant observation, content analysis and qualitative interviews. The objective of the project is to gain an insight into the German home education movement and to analyse the findings from a sociological point of view.

The following is subdivided in three parts. The first part shows the characteristics of compulsory schooling in Germany and its consequences for the legal position of home education. The next part describes the development and contemporary situation of the German home education movement. Finally, the main areas of conflict regarding home education are described. In conclusion, it is pointed out why, in spite of the contemporary situation, the field of home education is expected to grow.

Compulsory School Attendance in Germany and the Legal Position Regarding Home Education

Compulsory school attendance in Germany

School attendance is compulsory in all German states. Children from the age of six or seven up are required to attend a public or a state-approved private school for at least nine years. The parents are obliged to ensure the school attendance of their children, until the children are of age (Avenarius, 2000: 448–456).

The development of the contemporary form of compulsory school attendance was a long process with several starting points. The first efforts with national education were seen by Charlemagne in the 9th century. These were, like many of the following, primarily directed at religious instruction (Mors, 1986: 18–26).

Many local school rules are handed down from the 16th century. Their aim was to make school attendance compulsory. The *Weimarer Schulordnung* (Weimar school-law) from 1619 was the first one that mentioned the possibility that the secular authorities could exert pressure on those who neglect their school attendance.

However, there are good reasons to assume that school rules until the 19th century were predominantly only declarations of intent. In most of the areas, they failed to put compulsory school attendance into effect (Herrlitz, 1998: 52–53; Mors, 1986: 151–152). Until 1919, Germany had compulsory education, which could be fulfilled by private tuition or home education (Avenarius, 2000: 450). The first obligatory compulsory school attendance arose in the Weimar Republic. But even the primary school law of the German Reich (*Reichsgrundschulgesetz*) from 1920 included a special regulation which was used a lot to maintain the possibility of private tuition (Nave, 1980: 141). Only the law about compulsory school attendance from 1938 (*Reichsschulpflichtgesetz*) was the first general regulation in the German Reich without exceptions and with criminal consequences in case of contraventions (Habermalz, 2001: 218). This law had considerable influence on the formation of the contemporary laws about compulsory school attendance in the German Länder.

Legal position regarding home education

As mentioned above, it is only possible to fulfil compulsory school attendance by attending a public or a state-approved private school. Home education is not accepted as a reason for exemption from regular school attendance. Furthermore, it is stressed in several points that religious beliefs are not to serve as a basis for an excuse from compulsory schooling (Achilles, 2003; Avenarius, 2000: 453). The existing correspondence schools in Germany are allowed to teach children abroad, but for children living in Germany correspondence courses are usually not accepted as an alternative to school attendance.

Home education is, from a legal point of view, a contravention to school laws. This is regarded in all Länder as an administrative offence and can be punished with a fine up to several thousand Euro (Rinio, 2001). The local

administration also has the possibility to use the support of the police to bring absent pupils back into school. This is practised in some areas in connection with truants as a means to avoid juvenile delinquency (Denso, 2003; Nürnberger, 2001). But as is shown later, enforced appearance at school has also been used in a case of home education.

If parents wilfully and repeatedly keep their children away from school attendance, the responsible court has the possibility of partial or complete withdrawal of child custody from the parents (Avenarius, 2000: 471). In six states, additional to this, it is possible to consider such cases as indictable offences. The maximum penalty is a six-month prison sentence or a fine of up to 180 daily rates of income (Rinio, 2001).

These measures have been questioned several times (e.g. Habermalz, 2001; Pousset, 2000: 108–112; Winter, 1978). Lately the education commission of the Heinrich Böll Foundation demanded abolition of compulsory schooling in favour of a right of schooling (Bildungskommission, 2002). But apart from Pousset, none of the mentioned critics deals with the question of legalisation of home education.

The sobering results of Germany in the PISA test (2001) gave rise to discussions about the German school system which are at the moment nearly ubiquitous at all levels. Compulsory school attendance is in this context only seldom questioned, and if then, without a chance of success. In the centre of the debate are topics like the structure of the school system, teaching methods and the question of appropriate education at preschool age. The considerations to adopt elements from countries that were more successful in PISA are mostly in connection with these points. There is no attention paid to the fact that the German laws concerning compulsory schooling belong to the most restrictive regulations in Europe (Beck, 2002).

The Development and Contemporary Situation of Home Education in Germany

Historical development

It is difficult to determine a specific starting point regarding home education. Like in other countries, German home educators refer to the fact that education at home was common in most of the past centuries. It may be helpful to query the contemporary fixation on a certain learning place but it does not elucidate the historical process which has led to the development of a home education movement. Ways of thinking, motivations and challenges of home education in the present are too distinct from the conditions of the past.

The earliest starting point of the German home education movement can be seen in the life and work of the educationalist Berthold Otto in the beginning of the 20th century. He already realised during his university days, which he financed by working as private tutor, that his own idea of education was quite different to the common point of view at this time. Later he devoted himself undividedly to the work as private tutor and founded the weekly *Der Hauslehrer*. This magazine was dedicated to questions of appropriate methods for dealing with children. Several other publications followed. Otto practised

home education with his own children. But in the course of time, children from other families joined this group. A homeschool developed whose education was dedicated to the children's needs. Berthold Otto died in 1933 and his work had only a small effect on the following generations. One reason is that National Socialism was rising in Germany (Roedl, 1959: 5–9). Otto was not the founder of the German home education movement, but his work is an important and often underestimated precursor.

The number of books and articles about topics like alternative learning concepts, children rights, school critics and *Antipädagogik* (anti-pedagogy) increased during the 1960s. John Holt, Ivan Illich, Ekkehard von Braunmühl and Hubertus von Schoenebeck are only some of the influential persons in this regard (Klemm, 1992). The first refusals concerning compulsory school attendance also took place at this time. The mental climate that developed in these years is still alive in some parts of the contemporary home education movement. The work of John Holt in particular has continuous influence.

Three of the early cases of home education in Germany that attracted nationwide attention occurred in the 1980s. The accountant Helmut Stücher began in 1980 to educate two of his children at home as the conditions at the public school seemed to him incompatible with his Christian belief and moral values. Above all he criticised the sex education, the teaching of the theory of evolution and the anti-authoritarian education at school. Several years of legal disputes arose with fines, loss of child custody and a five-day prison sentence for Stücher. Later he taught more of his 11 children at home plus some from the surrounding area. Not until 1989 did the parents regain full child custody (Buyny, 1998). At present, Stücher is the leader of the 'Philadelphia School' in Siegen, which I will describe in greater detail. His ideal approach to education has less to do with home education than with small Christian schools connected to a local church.

In 1985 the teacher-couple Bartmann refused to put their son in school as he declared, of his own free will, that he did not want to attend the school. The father, who was active in the child rights movement, referred in explanation to his Christian idea of man. According to this, each person has dignity, which does not allow the parents in this case to ignore a declaration of intention from the child. An extensive legal dispute lasting several years arose with several fines and penalty payment. A complaint from the parents of unconstitutionality was dismissed by the Federal Constitutional Court. While the legal dispute was going on, the parents employed a teacher to educate their son. The younger brother attended school on his own initiative. To escape increasing pressure from the local authorities, the family finally moved to Austria, where home education was allowed. In spite of that, Bartmann was sentenced to a 10-day arrest, as he had not paid former fines (Bartmann, 1991).

The third case became well known in connection with the name Tilmann. Tilmann Holsten was in 1987 a nine-year-old boy, living in Bavaria and attending the third class of a public school. He grew up in a long-term relationship of two musician families. The parents described him as cautious and conscientious – influenced by the respectful and anti-authoritarian manners in the community. After school he increasingly suffered from different physical pains. The parents had several conversa-

tions relating to this with the school administration and the responsible authorities. But they remained unsuccessful. After a further negative experience at school, Tilmann did not want to go to school any longer. His parents decided to support this plan. In the beginning they got a certificate from a doctor. Half a year later they were fined and this was the starting point of an intensive legal dispute. In the course of the proceeding the authorities applied to withdraw the child custody from the parents. Tilmann accepted during this time several alternative offers of education and he passed the entrance examination of a high school he wanted to attend from the fifth class. In September 1989 the parents were unexpectedly acquitted in a court hearing concerning their outstanding fines. The public prosecutor's announcement of an appeal has never been implemented (Heimrath, 1991).

In the 1990s there were several further cases of parents who refused to send their children to school. At the Philadelphia School in Siegen, led by Stücher (see above), children of several families were taught until 1997. Parallel to that, the school started in 1984 to send teaching materials to families who wanted to educate their children at home. Since 1997 the Philadelphia School has only been working as a correspondence school. It is not recognised by the state but is generally tolerated. In 1999 about 50 families with 100 children were enrolled at the school. In the following four years this number increased to 300 children, about half of them in the primary sector. Some of the pupils come from families who are ethnic Germans from Russia. The offered service of mentoring home educators is predominantly done by qualified educators. In addition, many families are supported by the school concerning their own dispute with authorities. The Philadelphia School has no permission to offer school-leaving qualifications, but mostly the pupils have the opportunity to take final exams at other schools.

Contemporary situation of the German home education movement

The above-described Philadelphia School has an unmistakably Christian orientation. According to its own description, the intended aim is to align the educational process with the Gospel. Parental responsibility for the education of their children is seen as derived from the Bible. Although most members of the school are evangelically influenced Christians, several kinds and intensities of Christian belief exist alongside one other. It has not strived to reach homogeneity at this point.

The overview of the three early cases shows the differences regarding the backgrounds and reasons for home education. As well as the Christian sector exists a further group of parents who practise home education and fight for its legalisation. These parents seem no less heterogeneous than the members of the Philadelphia School. But in spite of that, it is possible to recognise some central ideas that are shared by nearly all members. These are topics like freedom of the child, self-directed learning and natural or informal learning. It is a common aim in this group to arrange the learning processes in accordance to the individual interests, needs and abilities of a child. Most of these families are in contact with the *Initiative für Selbstbestimmtes Lernen* (Initiative [or interest group] for self-directed learning), which was established in 2000.

This group organises regular local and nationwide meetings. The work of the Initiative is supported by the registered association *Lernen ist Leben – Bundesverband Natürlich Lernen! e.V.* Next to its commitment to home education, this association is trying hard to establish so-called family schools as an approved method of education. According to this concept, several families from the same area join together to form a learning group. The education should take place at a fixed learning place, in parental flats or houses and elsewhere. The necessary work of organisation, instruction and supporting should be done by the parents in cooperation with a person they have elected to do this job.

The extent of home education in this field is difficult to determine. The regular nationwide meetings are attended by about 20–40 adults and just as many children. A look back at the short history of this group indicates a tendency to growth. It can be assumed that the number of home-educated children in this sector is not above 50. But many of the families who are connected to the initiative have little children and they plan to practise home education when these are required to attend school. The *Initiative für Selbstbestimmtes Lernen* as well as the Philadelphia School publish a regular circular magazine with information about relevant topics, the work of the group and the situation and experiences of individual families.

The Twelve Tribes in Bavaria are a further group that is relevant to this topic. It is a messianic community of several families who live, work and worship together. Their life is orientated on biblical rules and the aim, to become more like Yahshua, the Messiah. These families educate their children by themselves. A legal dispute has been ongoing for years. In 2002 about 20 school-aged children were forced by the police to appear at the local school. But on the next day the parents continued with home education. At the time of writing the end of the proceedings is still not in sight.

It can be assumed that in addition to these groups and networks other home educating families exist, but numbers are difficult to estimate. Sometimes parents who refuse to send their children to school come into contact with the existing networks only after starting to home educate. With this reservation the total number of children who are currently home educated in Germany can be estimated at about 500.

In 2000 the national organisation *Schulunterricht zu Hause e.V.* (SCHUZH) was founded to offer legal counsel in issues related to home education. In their fight for legalisation of home education in Germany, they concentrate on the courts, political lobbying and the media. Though the board of SCHUZH and most of its members are Christian, the organisation is open to all families who want support. According to SCHUZH, the organisation wants to be a national voice but it does not intend to compete with already existing groups. Members of the board include personnel connected to the Home School Legal Defence Association (HSLDA) in the USA.

Next, several groups exist at a local level. They aim to provide a place where home education families can meet, exchange ideas and experiences and support each other. An increase in networking is visible. This is supported by growing use of the internet. At the end of 2002 a home education mailing list

was founded in Germany. It now has more than 80 members from different backgrounds and over 1000 mails have been written. The number of home-pages dealing with home education is rising as well. As more groups use this medium to present themselves in public, it becomes easier for interested people to find an appropriate organisation or network. It can be assumed that growth in this field is continuing.

It has become clear that home educating families in Germany are not a homogenous group. The ideological orientations range from strict faithfulness to the Bible, to persons with a diverse spiritual openness into several directions. Furthermore, the parents differ concerning their financial situation, occupational group and educational qualifications. The reasons for home education are also different and complex. They range from religious beliefs about other moral concepts and educational convictions, to efforts for appropriate forms of education that enable children who seem to suffer from the contemporary school system to learn in a suitable environment. In addition it has to be assumed that the motivation for home education can shift in the course of time.

The learning methods are different as well. From an open 'unschooling' approach, which bases the learning process primarily on the child's needs and interests, to a structured timetable for schooling at home, a multitude of methodological approaches and different combinations are visible.

The situation of home education in Germany is obviously influenced by the fact that each attempt to educate children outside compulsory school attendance is considered a breach of the law. Parents react in different ways to this. Some try to keep their home education a secret as long as possible. Others succeed in maintaining the impression that the children are attending school, e.g. by enrolment at Philadelphia School. But there are also parents who describe their individual situation to the authorities to get an exemption from compulsory school attendance.

Although the legal position is quite uniform within Germany, the individual experiences and situations of home educating parents vary widely. Some remain undisturbed by the authorities and some obtain tacit permission, but other are fined or threatened with loss of child custody. Some proceedings last for years, but other cases are dismissed surprisingly quickly. There are convictions and acquittals and their revocation at the next higher level. The situation for home education families is extremely unpredictable. The decision makers at the local authorities have decisive influence on whether a legal dispute arises or not.

Central Areas of Tension Regarding Home Education

I now turn to some of the main areas of tension regarding home education in Germany. Four of the points mentioned concern the legal position. This is due to its strong influence on the whole field.

The Basic Law: Parental rights versus rights of the state

Already in the Basic Law of the Federal Republic of Germany the rights of parents and of the state are in conflict with each other. This has been the

starting point of several contradictory cases (for an overview see Avenarius, 2000: 435, 448). The freedom of religion and conscience is based in article 4 paragraph 1. According to article 6 paragraph 2, education and care of children are natural rights of the parents. These are firstly parental duty. But it is added that the state (the community) has the role of a guardian in this parental task.

It should be pointed out that the German word *Erziehung*, which occurs in this paragraph, and is translated here with *education*, focuses primarily on the field of upbringing. It includes forming a character and passing on values: but it does not mean teaching.

In article 7 paragraph 1 it is laid down that the state has the supervision of the schooling system. The relationship of this supervision regarding the parental right to educate their children is not limited to the role of a guardian as in article 6. In accordance with the Federal Constitutional Court, the state has responsibility for education [Erziehungsauftrag], which is tantamount to the parental right of education (BverfGE 34, 165 [183]; Avenarius, 2000: 436–437). To justify this, it is argued that the task of education in the hands of the state is necessary to guarantee the function of democratic institutions, the passing on of constitutional basic values and hence by the existence of state and society (Rux, 2002: 432–434).

Concerning home education, this tension increases as it is disputed whether it is possible to derive compulsory school attendance, which is grounded in the constitutions of the federal states, from the Basic Law. This question becomes important if parents refer to the constitutional freedom of conscience or their right to educate their children and claim that these rights are in conflict with compulsory school attendance.

The parents: Supporting versus demanding

The aforementioned juxtaposition of parental rights with the claim of education by the state becomes more explosive as the parents are obligated to impose the aims of the state. They are responsible for the regular school attendance of their child. In an explanation of the legal position it is pointed out that the parents have to use all available ways and means to take care that their child attends school (Rinio, 2001: 224). It is obvious that this is a point of conflict if parents have doubts about whether school attendance is useful or if they get the impression that their own efforts concerning imparting of values are disturbed by school. At this point an interesting question arises: ‘which values and authorities affect the parents’ choice with regard to their children’s education?’

The parents: Taking care versus losing child custody

A judgement of the Bavarian administrative court concerning the above-mentioned case of Tilmann Holsten said that if parents are not willing to impose compulsory school attendance, they are obviously not able fulfil the task of education which is entrusted them and the support by a guardianship court seems necessary (Heimrath, 1991: 142). This connection between refusal of compulsory school attendance and the threat of loss of child custody is an enormous burden for many parents. As several examples show, it is more than

a harmless threatening gesture. From the parental point of view it is the borderline where their efforts for optimal development could change to the opposite. The pressure increases as in this case, unlike a fine, it is primarily the child who has to bear the consequences. In several conversations with home-educating parents they described the enormous psychological exertion and the fear they feel in this situation. The detailed documentation of the case of Tilmann Holsten says at this point:

On this evening we four adults had the loudest conversation we ever had had on our table. We shouted at each other, not as we quarrelled but as the tension was unbearable. Each of us had his specific problem with this situation. Had we finally gone too far? (Heimrath, 1991: 196 [translated by the author])

At this point again and again home-educating families decide to move abroad, often with Austria or Great Britain as their destination.

The parents at the legal dispute: Own freedom versus freedom for all

In connection with the legal dispute, a conflict of interests arises for many home education families. On the one hand they wish to retain as much freedom as possible to educate their own children. But on the other hand they are interested in supporting the efforts for legalisation of home education for all. They have to decide whether they want to go one way or the other. To push on with the legalisation it is considered necessary to fight a legal dispute consequently up to the court of last instance. Owing to the contemporary legal position, many parents are afraid that it could turn out badly. So they have in the interest of their own children a reason to keep their home education secret, to accept a tacit toleration or to use other individual niches without making home education the subject of discussion.

The central point of this inner conflict is that parents who have freedom to home educate (however they got it), put this freedom on the line and risk harming their own children if they make a public effort for the wider cause.

The authorities: Educational opportunities versus compulsory school attendances

First and foremost, compulsory school attendance aims to pass on knowledge and skills to pupils. Home educating parents have models of learning that have the same educational aims as the regulations but are nevertheless contrary to them. This is similar to 'innovation' in Merton's (1968: 194) typology of modes of individual adaptation. But it is an innovation in the form of an administrative and indictable offence. The competent authority (primarily the school authority) has to decide which point of view to accept. Priority is usually given to the letter of the law. In this case the decision makers have clear instructions and it is not necessary to take a closer look at the question, how far is home education able to reach at least partly the same aim as compulsory school attendance? It follows that the communication between authority and parents is dominated by the topic

of school attendance and the educational opportunities of the child do not receive much attention.

This reinforces the parents' impression that the school authority is not primarily concerned with the child's education, but with not disturbing the system. In the defence of compulsory school attendance, arguments arise which do not refer to the quality of education but put secondary areas at the centre. A letter from the education authority in connection with the case of Tilmann Holsten put the goal of passing on knowledge and skills equal to the aim of improving his ability to act as part of a community. Additionally, it pointed out that the latter can only be reached if children are part of a school class (Heimrath, 1991: 175). A judgement from 2001 states that it is of prime importance to educate the children to be self-responsible members of the society without compromising on adequate training standards (Amtsgericht Homberg, 2001).

The arguments which are mentioned as advantages of compulsory school attendance compared with home education are often connected to topics like socialisation, equality of opportunity and development of citizens who have learned to be part of a democratic community. For home-educating parents, this is difficult to comprehend. First they point to the lack of arguments based on the quality and success of education. And secondly they point to the lack of evidence (e.g. empirical studies or international comparisons) for the assumption that the above-mentioned aims are only achievable by school attendance. The more the authorities stress the question of compulsory school attendance, the more the parents get the impression that the quality of education is not adequately taken into account in the public school system.

The networks: Freedom of child versus freedom of parents

Both of the above-mentioned bigger networks have the aim to legalise home education. But apart from this they have obvious differences. The Philadelphia School pursues religious freedom, which allows parents to align the education of their children with their own beliefs and the values resulting from this. In contrast to this, the *Initiative für Selbstbestimmtes Lernen* stresses the freedom of the child. It should have an influence concerning the questions when, where and how, which topics or skills are going to be learned. The sociologist Mitchell Stevens called this 'both poles', which are visible in USA as well: 'heaven based' and 'earth based' (Stevens, 2001: 108–109). At both points are people who believe in something good. For one side it is God and the Bible as his message. For the other group, which is not as homogenous as the Christian one, man is inherently good. The consequences that follow, concerning the idea of man and parenthood, are very different.

However, the situations in Germany and USA differ in this respect. In Germany both areas already exist quite separately before they reach the common aim of legalisation. If we talk about a German home education movement, we should bear in mind that this movement is still to a large extent divided into different movements. But on the other hand we cannot fail to notice that at the grass roots level this distinction sometimes is less clear. In the

Bartmann case is an example of a combination of Christian beliefs and child rights. The future will show how far the different camps are ready, willing and able to work together.

Conclusion and Prospects

In conclusion, I want to throw light on the question of further development of the German home education movement. There are several indications that even if the legal position regarding home education does not change, the movement is going to grow. Some reasons for this assumption follow.

- As mentioned above, in both networks there are many parents whose children are not yet required to attend school but who wish to start home education in the years to come.
- In connection to the ongoing discussion about school, caused by the results of the PISA test, the public education system has been strongly criticised. On some points home educators are no longer alone in their criticisms.
- Contemporary German politics gives rise to the assumption that, as the state's provision declines, more self-responsibility is necessary. Concerning the educational system, these developments till now are limited to financial aspects, but it cannot be ruled out that interest in self-directed forms of education is furthered by this.
- Owing to the increasing networking and professionalisation within the home education movement it is to be expected that the different groups will work more effectively and improve their ability to support home-educating families.
- Every year the number of young people who have been home educated for at least a part of their education increases. If further research cannot confirm the assumption that they are deficient in their level of education, socialisation and their understanding of democracy, it will strengthen the position of home educators in discussions of this topic.

Apart from the last mentioned point, there are many others that need to be taken up by further research. In particular the fact that it is still illegal in Germany to home educate raises some interesting questions. For example, 'how can parents, who often have high moral values, legitimise their educational preference, when their choice contradicts the law that every child must be educated at school?' Furthermore, it is possible to analyse home education in terms of how it succeeds in achieving a public good. The influence of the worldview on the development of the movement is another interesting point. As the movement is still in an early stage, it is possible to obtain a closer look at the process of development and to analyse it.

This paper gives an overview of the situation regarding home education in Germany. It presents the first results from a qualitative research project. But this research is on going and at least some of the questions mentioned will be answered by this.

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