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Session I:

Autonomy and evolution of education models – a
comparative perspective

The German case

International Seminar Manuel Giménez Abad Foundation
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Characteristics of German federalism

Nearly all policies in the German federal state are organized in the way that the federal government (including the Bundesrat as second chamber) is responsible for the legislation and that it is the competency of the Länder to implement this federal legislation.

= *intertwined federalism*



Educational federalism as a special case within German federalism

- Primary, secondary as well as tertiary (higher) education are – generally speaking – in the competence of the *Länder*.
- Legislation as well as the administration of the education system lie in the responsibility of the *Länder* (governments and parliaments).



Historic evolution of German educational federalism I

“Although centralist Prussia took a prominent role in the shaping of the modern German model of education in the late 18th and early 19th centuries, the politically diverse German Länder have always enjoyed a rather far-reaching cultural and educational sovereignty until the present day”.
(Hans-Georg Kotthoff 2011)



Historic evolution II

- Historic tradition of regional and cultural diversity in education based on a particularistic tradition.
- No common and uniform education system in the German Reich (1871-1918) nor during the Weimar Republic (1918-1933).
- After the breakdown of the Nazi-Regime: control of the education system by the allied forces.
- Joint conference of the ministers of education and cultural affairs established by the Länder in the 3 western occupational zones (1948).



Educational federalism – the theory

1. Legally guaranteed strong position of the Länder in education: legislative and administrative competence.
2. Ability of the Länder to respond to territorially distinctive views among their electorates and pursue distinctive policy priorities (at least in principle).
3. Formal competences of the federal government as an exception.
4. Convergence between the Länder with regard to educational standards to be achieved by the Joint Conference.



Educational federalism as highly symbolic feature of Germany's federal system

- Educational federalism as symbol for the federal system as a whole: diminishing federal structures in education policy would give a negative signal for the Länder and esp. their parliaments and could be interpreted as violation of basic principles of the constitution.



Educational federalism – the practice

- Publicly bemoaned lack of a strong federal role in education; demand for “uniform” living conditions.
- Necessity of similar provisions concerning the level of student achievements in the final secondary-school examinations => Art. 12 Basic Law: “All Germans shall have the right freely to choose their occupation or profession”.

=> Important role of the “Joint Conference of the ministers of education and cultural affairs”
(Kultusministerkonferenz) = horizontal coordination



Federal reform 2006

General objective:

Disentangling the interwoven legislative, administrative and financial competences in the federal system of Germany.

Proceeding:

Transferring responsibility to the Länder for several aspects of education as a necessary compromise for achieving success in the federalism reform package.



Elements of the reform 2006

Abolishment of “mixed financing” (*Mischfinanzierung*) which had increased the federal role and had also brought an element of hierarchy at the expense of the Länder and reduced their autonomy.

Consequence:

Prohibition of educational grants-in-aid since 2006.

Former investment programs of the federal government in the field of secondary education are no longer allowed.



Reform of the reform?

New discussion with regard to educational federalism:

The willingness of the Länder to make use of these new competences in educational matters (in both schools as well as universities) is fading due to the fiscal heterogeneity of the Länder and due to the influence of party-oriented considerations.



Resistance of several Länder towards a stronger educational federalism

- Financial reasons: Unwillingness or disability of several Länder to finance their education sector on their own.
- Political reasons: The separation of legislative competences in the education sector as counterproductive with regard to high ambitions in education politics – especially after PISA.



Reasons for the non-competitiveness in German federalism

- Main reasons for the reluctance towards the educational federalism:
 - the demographic change
 - fiscal restraints
- And: Unwillingness of the German public – with regard to education – to accept differences based on competition.

Jan Erk: „*Federal Germany and Its Non-Federal Society*”