

# Excerpt from the Constitution of the State of Baden (May 18, 1947)

## Abstract

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Since culture and education were traditionally within the purview of the states and were not centrally regulated, the individual states had leeway in shaping the legislation governing their school systems. The constitution of the state of Baden of May 18, 1947, allowed the continuation of the existing, structured school system, including private schools, emphasized the Christian character of public schools, and retained religion as a regular subject.

## Source

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### Second Main Section

[...]

Basic Obligations and Communal Life

Section I:

Family, Child-rearing, and Education

Article 21.

Marriage and family, as the foundations of the national order, enjoy the special protection and support of the state. The life of the family shall unfold free from external coercion and interfering interventions.

The family-oriented household work of the woman is regarded as equal to paid work. The woman shall be entitled to an appropriate share of the wealth acquired during the marriage.

Families with many children are entitled to appropriate compensation.

Article 22.

Motherhood is entitled to the protection and support of the state.

Article 23.

Parentless children who cannot be raised in a family shall be admitted into institutions that can provide them a replacement for a healthy family life. Legitimate and illegitimate children are equal in occupational and public life.

Article 24.

The youth must be protected against exploitation and against threats to their moral, mental, and physical well-being. It is the responsibility of the state and self-governing bodies to create the necessary institutions for this purpose. Their tasks can be fulfilled through institutions of non-governmental welfare.

Welfare measures by way of coercion are permissible only on the basis of law.

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Article 25.

In all questions concerning child-rearing, the will of the parents is decisive, in accordance with the constitution.

Article 26.

The youth must be raised with reverence for God, love for nation and homeland, in the spirit of the love of peace, altruism, and understanding among nations, with moral and political responsibility, with a sense of proving for oneself in work and society, and with a liberal, democratic political frame of mind.

Article 27.

School attendance is obligatory for all.

The entire school system is subject to the laws and oversight of the state. Schools of every kind and level are institutions of the state or of self-governing bodies. Private schools can be established only in accordance with the law and with permission from the state. Education at public *Volksschulen* and vocational schools is free of charge. The attendance at higher educational institutions and universities by gifted children from low-income families should be facilitated through public funds, especially through exemption from school fees and child rearing allowances. For admission to certain schools, including universities, ability and aptitude are the only decisive criteria for admission, not the economic, professional, or social status of the parents.

Article 28.

The public schools are nondenominational schools with a Christian character in the traditional Baden way. During instruction in all schools, the religious sensitivities of all must be respected. In every subject, the teacher must show consideration for the religious and ideological sentiments of all students and present religious and ideological beliefs objectively.

Religion is a regular subject at all *Volksschulen*, vocational schools, and middle and higher institutions of learning. It will be taught in keeping with the principles of the particular religious community and supervised by the latter. No teacher can be compelled to teach religion or be prevented from doing so; no negative consequences must arise from his decision. Teachers of religious instruction require authorization by their religious community. Where religious classes are taught by the religious communities themselves, the required facilities shall be made available to them. Details are regulated by the school law.

Participation in religious instruction and church events is left to the declared intent of the legal guardians. An ethics class shall be set up for students who do not participate in religious instruction.

The membership or non-membership of teaching personnel in a religious confession must not be an impediment to their professional advancement.

Article 29.

Constitution-based civics instruction is a regular subject in all types of schools. Upon leaving school, every student shall be solemnly presented with a copy of the constitution.

Article 30.

The university is free with respect to research and teaching. It administers its affairs in accordance with the laws and under the oversight of the state. The state shall involve the university in matters in which

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state supervision of teaching has an effect on it; in particular, the university's suggestions will be heard when it comes to expanding the faculty.

The faculty of theology at the university is retained with its existing rights. The appointment of chairs proceeds in agreement with the church.

Article 31.

The education of adults through *Volkshochschulen* (adult education schools), scientific and public libraries, public theaters, concerts, museum, and other places of learning, receives state support.

[...]

Source: Bodo Dennewitz and Boris Meißner, eds., *Die Verfassungen der modernen Staaten. Eine Dokumentensammlung*, vol. 2. Hamburg: Hansischer Gildenverlag, 1948, pp. 123–32; reprinted in Udo Wengst, *Geschichte der Sozialpolitik in Deutschland*, Bd. 2/2: 1945–1949: *Die Zeit der Besatzungszonen. Sozialpolitik zwischen Kriegsende und der Gründung zweier deutscher Staaten. Dokumente*. Baden-Baden: Nomos, 2001, no. 156, pp. 342–44.

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