



End Gender Segregation in Schools



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In April 2013, Peer Steinbrück, a prominent politician of the Social Democratic Party, suggested schools should accommodate Muslim citizens by separating along gender lines in school swim classes. Sylvia Löhrmann – a high-ranking official in German education – proposed separate tables for girls and boys in the classroom. In an interview in 2012, she argued separate classes would be advantageous because boys and girls had a different approach to learning. Teachers could stir girls’ interest in chemistry by making the connection to cosmetics rather than motor oil, for example. Boys would be better served if non-fiction books were read in class or books related to sports, such as *The Wild Guys*, rather than Enid Blyton’s boarding school stories, suitable for the teaching of girls. Clearly the question beckons as to what happens to students who do not easily fit the stereotypic mold. Girls, for example, who are themselves “wild guys” or have an avid interest in natural sciences even in the absence of any practical application.

May students in Germany be excluded from a class or a group in school solely because they have the “wrong” sex? This question is currently being debated before the Berlin administrative courts.

So far, the Berlin government retains the upper hand: Provided a school considers it pedagogically expedient, students may be separated by sex in any subject. The plaintiffs, on the other hand, are asserting the right of students to switch groups when gender is the sole criterion for differentiation in the classroom.

No one in Germany would consider segregating students of different “racial” background. If someone did, however, one phone call to the local authorities would suffice to put a stop to it. It is immediately obvious that grouping by race would not only be blatantly racist but would also weaken the class spirit, lead to in-group behavior along racial lines and emphasize perceived differences between these groups. Racial segregation and other racist behavior on the part of teachers would likely impact on the behavior of students as well – within and outside of the classroom. Despite coeducation racial discrimination is a common problem in schools as detailed in a report by the Federal Anti-Discrimination Agency in 2013, but at least schools do not reinforce discrimination through racial segregating.

The German Constitution does not only protect its citizens from racial discrimination but also from sexual discrimination. The German Constitutional Court has repeatedly ruled that gender may not generally be used as a criterion for differentiation. Article 3 of the German Constitution states, “No person shall be favored or disfavored because of sex, parentage, race



...”, and decrees that “(t)he state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.”

Exceptions to coeducation would therefore only be in line with the constitution if they served the purpose of eliminating existing gender disadvantages. This interpretation agrees with the the Hessian administrative court’s ruling in the “Burkini” trial of 2012. It is furthermore compatible with German school laws such as the Berlin school law that permits monoeducation only if “it is pedagogically expedient *and* serves to provide a specific form of assistance”. It is, however, in sharp contrast to current school policies and the present legal interpretation by the Berlin administrative courts.

Mandatory grouping by gender without the right to switch groups implies that the abilities and interests of students do not count. Students are assumed to have “gender-specific interests” and gender-specific capabilities. And when teachers treat students differently on the basis of gender and group by gender, it is hardly surprising that students emulate their behavior without any sense of wrongdoing.

In the 21st century, are we really willing to silently accept that our children are educated on the basis of gender-specific assumptions of what they are capable of or interested in? To tolerate that girls are excluded from the PE class that is „athletically more challenging“ according to the Berlin Senat only because they are girls? Or that teachers use different methods of instruction for boys and girls because purported neuroscientific evidence leads them to believe that girls would benefit more from a gentle, cooperative environment, boys from a tough, competitive one?

Our Constitution, our school laws as well as articles 21 and 23 of the EU Charter of Fundamental Rights suggest that students should be treated as individuals in school. The campaign of the Federal Anti-Discrimination Agency gets right to the heart of the issue: Nobody fits in a box!

The right to switch groups – asserted by the plaintiffs in the current litigation – would demonstrate that generally sex is not generally a valid criterion for differentiation. Currently Berlin teachers are allowed to segregate boys and girls already in first grade – be it for running laps, playing ball or reenacting historical events.

Irrespective of the underlying motivation, thinking in groups necessarily implies thinking in stereotypes. Ultimately the Federal Constitutional Court will have to decide whether in the classroom, Germany’s stringent anti-discrimination regulations also apply to the attribute sex.