



Mandatory Single-Sex Instruction: A Violation of Civil Rights

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Female midwives are not entitled to see only women in their profession, just as men in the upper crust of corporate governance have no prerogative to be „among themselves“. Similarly, students in public schools are not entitled to be taught in single-sex groups. How could they be? If they were, students would learn that it is acceptable or even desirable in our society to exclude people solely on the basis of sex or to infer an individual's interests or abilities from their gender. Unthinkable in 21st century democracies with liberal civil rights regulations.

Or maybe not? In 8 of the 16 German states, school law allows schools to instruct students independently of their abilities and interests in single-sex groups or classes and in additional states, such as Bavaria and Saxony, curriculum plans exist that call for sex segregation. An illustrative example: At the beginning of fifth grade in 2011, a student in Berlin wanted to join the “boys’ class” in physical education. She was prevented from doing so by both teachers and administration. The Berlin authorities overruled the school's decision for one school year but ultimately allowed the school's gender-separation policy to prevail.

Thus the circle closes: If students learn in school that gender outweighs abilities and interests, how can we expect them later in life to weigh people's interests and abilities more than their gender, be it consciously or unconsciously? This is all the more so as many people seem to believe that boys have a right to engage, for example, in sports ‘undisturbed by girls’. In similar vein, girls are thought to require protection from ‘the wild boys’ and benefit from pursuing ‘their own’ athletic interests.

Pedagogues who believe that instruction must be targeted at specific groups may have a point. However, grouping students by gender cannot be justified, despite studies purporting to show significant gender differences in brain activity, inclination and learning behavior. Even if these studies, and especially their rendition in popular-science journals, did not suffer grave shortcomings in scientific diligence, they would allow inferences only about the majority within each group or probability statements about individuals in that group. Not every immigrant child requires a language course and not all Afro-Americans have rhythm in their blood. Likewise, not every boy is an ardent climber or football player who reacts best to hard-handed instruction and not every girl an impassioned gymnast who prefers soft-spoken interaction.

Schools do not instruct groups but individuals. In line with article 3 of the German constitution, students may be grouped according to ability or interests, not, however, by skin



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color or gender – most certainly not against their will. If schools want to offer subjects differentiated by learning method and content, students must be given a choice: in physical education, for example, between the group with more cooperative games, a focus on gymnastics and a gentle demeanor, and the group fostering competition and endurance, in which students may be yelled at army-style when doing push-ups. Should pedagogues one day decide that differentiated approaches are called for in chemistry, it would be equally appropriate to detail the respective instruction content and method and to allow students to decide whether they find chemistry more interesting when the focus is on cosmetics or on motor fuels, for example.

Given the still deep gender divide in German society, a legal ruling against sex discrimination in public schools appears long overdue. Statements such as “I don’t like foreigner” and “I don’t play with Turks” are rare and generally not tolerated by German society. In contrast, equally discriminating statements as such as ‘I don’t play with boys’ and ‘You throw like a girl’ are generally condoned and even reinforced, as in the case of single-sex instruction. Given the prevailing legal situation in Germany, students prevented from switching groups based solely on gender first have to appeal to the local authorities. In case of denial, the legal recourse leads from the administrative court to the upper administrative court and ultimately to the constitutional court – a time- and money-consuming endeavor. In the United States, the educational amendments of 1972 – Title IX – make it possible to end to such a civil rights violation by taking it to court directly.