



Volume 8. Occupation and the Emergence of Two States, 1945-1961
The Constitution of the Free Hanseatic City of Bremen (October 21, 1947)

The constitution of the Free Hanseatic city of Bremen of October 21, 1947, was noticeably more reform-oriented than the southern German constitutions when it came to education and the school system. The constitution affirmed the right of all citizens to an education, allowed room for far-reaching changes in the traditional structure of the school system, and abolished Catholic and Protestant religion as a regular subject in school. In addition, a number of state educational goals were defined and parental rights were indirectly restricted.

[. . .]

Second main part. The order of social life.

Section 1. The Family

Art. 21. [Marriage and family] Marriage and family form the foundation of communal life and are therefore entitled to the state's protection and support.

Art. 22. [Equality] Husband and wife have the same civic rights and obligations as a matter of principal. The wife's domestic work is considered equal to the husband's job.

Art. 23. [The right to raise children] Parents have the right and duty to educate their children into upstanding individuals fit for life. The state and the community provide them with the necessary help in doing so.

In personal questions of child rearing, the will of the parents is decisive.

The right to raise their children can be taken from the parents only through a decision by a judge in accordance with the law.

Art. 24. [Equality of illegitimate children] Legitimate and illegitimate children have the same claim to support and are treated equally in public occupational life.

Art. 25. [Protection of youth] It is the task of the state to protect the youth from exploitation and from physical, spiritual, and moral neglect.

Welfare measures that are based on coercion require a legal basis.

2. Section. Upbringing and education

Art. 26. [Goals of child rearing] The upbringing and education of the youth have the following tasks:

1. Raising children to a communal spirit based on respect for the dignity of every person and on a desire for social justice and political responsibility that leads to objectivity and tolerance toward the opinions of others and calls for peaceful collaboration with other people and nations.
2. Raising children to a readiness to work that integrates itself into the common good, and providing them with the knowledge and skills necessary for entry into the working world.
3. Raising children to think for themselves, to respect truth, to have the courage to stand up for it, and to do what is recognized as right and necessary.
4. Raising children to participate in the cultural life of one's own nation and of foreign nations.
5. Raising children to have a sense of responsibility for nature and the environment.

Art. 27. [Law and education] Everyone has the same right to education in keeping with his abilities.

This right is secured through public institutions.

Art. 28. [State supervision of schools] The school system is under the supervision of the state.

Art. 29. [Private schools] Private schools can be established on the basis of state permits and can be operated with adherence to the conditions demanded by the law. Details are determined by the law, taking into account the will of the legal guardians.

Art. 30. [Obligatory school attendance-*Schulpflicht*] There is a general obligation to attend school. Details are determined by the law.

Art. 31. [Cost-free teaching and learning materials, support for the gifted] The public school system should be given an organic structure.

Education at all public schools is free.

Teaching and learning materials will be provided free of charge.

Lower-income students of the requisite abilities are to be given the opportunity, beyond the general obligation to attend school, to attend a higher school, a college, or a university through grants and other measures. Details are regulated by the law.

Art. 32. [*Gemeinschaftsschulen*, religious instruction] The general education public schools are nondenominational schools with confessionally non-specific instruction in Biblical history on a general Christian basis.

Instruction in Biblical history will be given only by teachers who have agreed to do so. The legal guardians decide whether the children participate in this instruction.

Churches, religious and ideological communities have the right, outside of school hours, to provide instruction in their creed or ideology to those children whose legal guardians so desire.

Art. 33. [Demand for toleration] The principle of toleration prevails in all schools. In each case, the teacher must show consideration for the religious and ideological sensitivities of all students.

Art. 34. [Universities] Universities are generally state-run. They can also be established and maintained in conjunction with other states or as a branch of the university of another state.

Art. 35. [Adult education] All adults are to be given the opportunity to continue their education through public institutions.

Art. 36. [Youth organizations] The state accords youth organizations protection and support.

[. . .]

Source: Christian Pestalozza, ed., *Verfassungen der Deutschen Bundesländer. Gesetze über die Landesverfassungsgerichte, Grundgesetze* [*Constitutions of the German Federal States. Laws on the State Constitutional Courts, Basic Laws*]. Munich: Deutscher Taschenbuch Verlag, 1988, pp. 151-58.

Translation: Thomas Dunlap