

GHI RESEARCH

AUTHORITY IN THE “BLACKBOARD JUNGLE”: PARENTS AND TEACHERS, EXPERTS AND THE STATE, AND THE MODERNIZATION OF WEST GERMANY IN THE 1950S¹

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Contested Modernization

In recent years, research on West German history has shifted its focus in two respects. Mentalities, consumer culture, gender and generational relations, forms of social control—“cultural” issues in a broad sense—have replaced political institutions, decision-making, and economic development as dominant topics. The period from the late 1950s to the early 1970s is now attracting more interest than the first postwar decade.² Not surprisingly, this shift has also changed interpretations of postwar West German history. Both the concept of a “restoration” of the capitalist order with its missed opportunities and the concept of a “zero hour” from which a completely new democratic West Germany emerged have been discarded, the former as overstating historical possibilities, the latter as being too schematic. Recent interpretive models are based on notions of westernization and Americanization, and they describe the driving forces behind as well as the obstacles to this process that made West Germany eventually a stable part of the Western world. From this perspective, the 1950s no longer appear as a decade of apolitical materialism and authoritarianism, but rather as a time of transition during which Nazi and pre-Nazi authoritarian attitudes were being undermined by mass culture and Western ideas. The 1960s then saw a new generation assuming leadership positions and calls for reform in many areas. This happened long before the student protest movement of 1968 took the stage.

Ulrich Herbert has most recently summed up this new paradigm of West German history by describing developments from the 1950s on as a “process of liberalization,” which “began in the late 1950s, came to a peak over the course of the 1960s, and continued in diversified forms until the 1980s.”³ Herbert defines liberalization as the modernization of “ways of life and political attitudes” in terms of “participation, democratization, and pluralization.”⁴ Liberalization tackled and overcame “existing deficits of liberalism and modernity.”⁵ This definition, while being much more subtle and flexible than previous ones, raises a number of questions.

First, it seems to suggest that every deviation from the attitudes and mentalities that were predominant in the 1950s had positive effects. This may undoubtedly be true in many, but hardly all respects. For instance, the widespread notion that comprehensive planning would solve all problems, most notably in the fields of urban and educational planning, is no longer seen by many observers as evidence of a successful modernization of attitudes in the 1950s and 1960s. If all change is basically regarded as positive, then an unwarranted teleology creeps into the concept, as in previous models of modernization. Second, it can well be argued that the ideology of thorough planning as a precondition of successful reform was not "liberal" at all, at least not in the European sense of the term, although it was certainly "modern." Third, Herbert's concept of modernization and liberalization seems to imply that their main developments occurred at the same time and were linked to each other. For example, this was arguably not the case with the grassroots politicization that brought the Greens to national prominence. It took place rather from the late 1970s on, well after the Bundestag had passed the great reform bills of the Brandt era. In sum, while Herbert's concept sheds new light on the roots of processes of liberalization in West Germany, as a linear concept it entails a number of problems, particularly in light of the experiences of the 1990s, during which modernization (i.e. democratization) and outbreaks of devastating violence happened simultaneously in Eastern Europe. Modernization and liberalization should therefore be conceptually separated. Modernization may be better understood as the growing complexity of society in all fields and as a reaction to this complexity, with liberalization being one of its possible outcomes, but not a necessary one.

The Concept of the Project

This essay is part of a research project that examines West German education in the 1950s and 1960s as a crucial element of West German modernization. By "education" (*Erziehung*) I mean the activities of all institutions devoted to the task of instilling norms and knowledge in children and youth, centering on family and school as core institutions. I want to explore two issues in particular: how West German education dealt with the legacy of the Nazi past, and how it reacted to the emerging consumer society, in which children and young people seemed more than ever to be in need of attention and guidance. The project will focus specifically on concepts and practices of punishment and the conflicts they generated, as these conflicts always throw the positions in question into sharp relief. I am also planning to make the project comparative by examining American education in the 1950s and 1960s. Here, too, education had to meet

the challenges of an emerging consumer society, and it faced its own problematic legacy of the past through the process of desegregation. Processes of transfer will be given particular attention, since references to American concepts were made frequently in the West German pedagogic debate, and many schoolteachers had gained firsthand experience of American education through postwar exchange programs.

Historical research in the field of West German education thus far has mainly focused on Allied attempts to reform school education in the immediate postwar years.⁶ Studies of the family in postwar Germany have largely been concerned with demography, gender roles, and social policy, but not with education.⁷ West German youth culture has come under close scrutiny in recent years, but the focus of these sophisticated studies has been primarily on cultural Americanization, not on the relations between youth culture and education in family and school.⁸

This essay looks into the problem of authority at West German schools in the 1950s. Contrary to what one might expect during a supposedly authoritarian period, the authority of teachers did not go unchallenged during the Adenauer years. There were serious problems of discipline, and the methods to enforce discipline were contested. Parents wanted to be heard and were ready to criticize teachers and to use legal means against them. The following part of this essay will examine one such conflict in detail: the debate over corporal punishment. Corporal punishment became the subject of heated debates in the 1950s, fueled by lawsuits that resulted in rulings by the highest West German criminal court in 1954 and 1957. The final part of this essay will take a closer look at these debates. In both cases, state governments were called upon to make decisions and settle conflicts. At stake in these conflicts and debates was the acceptability of methods of enforcing discipline at school and, by implication, notions of order in society as a whole. These methods were not determined by political fiat, but negotiated among the various actors. Participation was taking place and, all in all, furthered democratization, although this participation was guided by various motives.

The Uerdingen Scandal

In the fall of 1951, the parents of two students who had just been dismissed from one of the high schools in Uerdingen, an industrial city north of Cologne, filed a lengthy complaint against the school, in which they stated:

“In the present case, the great majority of teachers in this Uerdingen school display a remarkable lack of a democratic mindset. They rely on traditional teaching authority that shares its roots

with Prussian militarism and the arrogance of officials, which, thank God, is abhorred today. They deny the right of co-determination to those who are interested and active in school affairs. They neglect the primordial right, the right of parents.”⁹

Terrible things seem to have happened in Uerdingen. Following the publication of an anonymous letter in a local paper which criticized the school principal for not canceling classes on *Kirmes*-Monday in late July, when many of the city’s factories had closed down for the day, the author, Hermann Simons, a tenth-grader from one of the city’s *Gymnasien*, had been dismissed from school. Klaus Eilemann, one of his classmates, had met the same fate for helping to organize the collection of signatures against Simon’s dismissal.¹⁰ The city was in turmoil. Protest meetings were held, and the regional conference of high school principals proclaimed their solidarity with their colleague. Meanwhile, local and regional papers covered the developing *Uerdinger Schulskandal*, and Uerdingen’s mayor, who also was a member of the North Rhine-Westphalian parliament for the conservative CDU, weighed in on behalf of the two students. Eventually, the state minister of education had to take action after the parents of the two students had filed a formal complaint against the principal. While Minister Teusch upheld the principal’s decision, she criticized him and the teachers’ council of the *Gymnasium* for not having applied appropriate pedagogical discretion in the process. The case was settled with a decision that attempted to accommodate both sides, although the principal’s authority was given priority over the position of the parents. Was democracy in jeopardy here? Was Adenauer’s Germany showing its authoritarian face? Certainly not, as a closer look reveals. The case is telling not so much for its outcome but for the arguments made in the process about the acceptable means to maintain authority and discipline at the Uerdingen *Realgymnasium*.¹¹

The complaint, as the above quote shows, made two historical references and one legal as well as moral point to bolster its case. It denounced Prussian militarism as an outmoded attitude incompatible with new West German democracy and therefore inappropriate in schools. Hence, it was not only Nazism that now had to be overcome, but a certain feature of the much older Prussian tradition as well, which had never been wholeheartedly accepted in the Rhineland. Rediscovering one’s regional identity meant rediscovering democratic roots. The second historical argument—the rejection of the “arrogance of officials” (*bonzenmäßiges Beamtentum*)—was somewhat ambiguous. It can again be read as alluding to Prussian officials in the nineteenth century, who had descended upon the Rhineland after 1815 and found themselves embroiled in a number of conflicts soon after, most prominently religious conflicts between Catholicism and

Protestantism. It can also be read as a retrospective attack on corrupt Nazi officials, in particular those who, in the final stages of the war, had taken care of themselves and left it to others to meet the advancing Allied forces and arrange surrender. However, the term "Bonzen" in conjunction with "Beamte" also had been a staple of Nazi and other antirepublican propaganda before the takeover in 1933. The term had been directed against officials backing the Weimar Republic who were accused of having been appointed only due to their party allegiances and of being interested only in their personal well-being. In sum, the term was problematic.

The third key argument made in the complaint faulted the authorities for not involving the parents properly in the decision-making process. The parents were addressed as "interested and active" because in the preceding years, councils giving parents a say in school affairs (*Elternausschüsse*) had been set up all over the country. The local council had not been contacted in this case, however. In addition, this parental right to voice an opinion was construed as something more fundamental, as the "primordial right," assuming priority over states' rights. This was an implicit reference to Section 6 of the Basic Law of 1949, which had stipulated that education was the parents' "natural right." It also referred to Nazi school policy, which had abolished elected parental councils in favor of small bodies of appointed representatives that were under tight control of the principal and lacked the right even to discuss disciplinary matters.¹² Reinstating parents' rights and redefining the private sphere in this vein was of major importance in the early Federal Republic, particularly for conservatives.

One crucial element of the conflict was not mentioned in the complaint, for it definitely would have hurt the case brought against principal Dr. Borucki. The last sentence of Heiner Simons' letter to the *Rheinische Post* had originally read: "This should even be obvious to a principal who does not hail from Uerdingen, but rather from east of the Oder-Neisse-line."¹³ This reference to the former German East had obviously been too harsh for the editor, and had been left out of the published version.¹⁴ Simons depicted his principal as an unwanted outsider out of touch with local customs and Rhenish mentality. Others used even stronger terms. One week after Klaus Eilemann had been dismissed as well, Adolf Dembach, the CDU mayor of Uerdingen, stated in a letter to one of the parents who had tried to act as mediators in the conflict that Borucki had completely lost the trust of Uerdingen's citizenry. He would no longer be able to continue his work in the city, "for a large part of Uerdingen's elite disapproves of him."¹⁵ Borucki had never been accepted in the first place, Dembach claimed, because he had never made any effort to understand his fellow citizens and "to adapt somewhat to our local mentality. He represents the fairly unpleasant East-Elbian (the monocle-wearing Prus-

sian *Junker*), whom we always loathed here in the West."¹⁶ While the complaint had focused on methods, Dembach's letter attacked the person himself, blending Rhenish regionalism with rejection of the refugees from the East, who had to face resentment fairly often in the late 1940s and 50s.¹⁷

However, most of the teachers, as well as the regional and state school officials, most of whom were unlikely to be refugees themselves, sided with Borucki. He seems to have been a very active principal: he initiated the first alumni meeting the school ever held, started a school newspaper, got parents involved in major school events, raised funds among the Uerdingen business community to support students from poor families, and helped raise a huge sum for the construction of a new building for the *Gymnasium*.¹⁸ From this perspective, Borucki was successful, and he apparently enjoyed the support of important segments of the Uerdingen citizenry. What is more, his decision on *Kirmes*-day had not been as out of touch with tradition as the complaint claimed. As the Düsseldorf school board (*Schulkollegium*), which supervised all schools in the region, explained to the ministry, it was tradition that on *Kirmes*-Monday, classes were held for only half of the regular school day. This tradition stemmed from "before the war," which included the Nazi period.¹⁹ Borucki's decision had been in keeping with this tradition, except that due to the irregularities of schooling in the postwar years, *Gymnasium* classes had not been scheduled for Monday morning but for Monday afternoon. Hence, students were free to enjoy the *Kirmes* attractions in the morning, but had to return to school for three hours in the afternoon. Both sides could claim to be right.

There could hardly be any question, however, that Borucki was not very liberal when it came to questions of school discipline. Defending himself in a letter to the ministry of education, he cited attacks on his "honor" and attempts by certain parents to undermine his position. He had stood his ground because he knew "that in my position, I have to defend the freedom, the honor, and the pedagogical efficacy of our country's high schools." Very often, he added, "a measured stern handling of a situation is not inhumane, but rather truly compassionate."²⁰ Having learned about Simons's anonymous article in the *Rheinische Post*, Borucki quickly made clear what he saw as "truly compassionate." Right after the article had appeared on the morning of July 28 (a Saturday), Borucki interrogated several "suspects" and quickly found out who the culprit was. Since Simons himself was on leave this day (the reasons are unclear), he was summoned to the principal's private home at 9 p.m. Upon his arrival, Simons met not only the principal himself but also another teacher, who then took the minutes of the interrogation (the term *Verhör* was used by all parties involved). It lasted one hour. More students were

interrogated the following Sunday and on Monday, both at school and again at the principal's home. On Monday afternoon, the teachers' conference decided to dismiss Simons and to issue a warning to Eilemann; the decision was submitted to the Düsseldorf school board for approval. When summer break began on the following morning, both students were not given their grade reports. Their parents had not been allowed to express their opinion, nor had they been informed about the pending decision.²¹

When classes resumed at the beginning of September, the parents were eventually told that a decision was imminent and that both students were suspended from classes until its announcement. Public outcry followed. Eilemann's energetic older brother, a university student, published an open letter to Borucki in a local paper, and the local school board (*Schulkuratorium*), part of the city government and responsible for part of the school budget, scheduled a meeting to voice its opinion on the matter. While its members were gathering, the Düsseldorf school board, now in obvious haste, announced that it had upheld the principal's decision. This was adding fuel to the fire. The local school board condemned the stance of the Düsseldorf officials. On the evening of the same day, parents and former students organized a protest meeting in the hall of a local brewery. Eilemann collected signatures on a petition criticizing the decision, while his brother drove a car with a loudspeaker on top through the town announcing the meeting. The meeting was well attended, Mayor Dembach was present (and promised to take the case to Minister of Education Teusch), and the local press covered it in depth. A committee of three, among them the head of the parents' council of the *Gymnasium*, was elected to contact all parties involved and seek to reconcile their positions. To no avail, however; the principal was unwilling to change his school's decision, and he received the public backing of the regional conference of high school principals.

Despite the outcome of the affair, it is remarkable how quick and adept the families in question and other Uerdingen citizens were in using the new democratic means of voicing protest against administrative decisions. They knew how to appeal to the public, get politicians involved, and get the press interested. The prejudices against Borucki's Eastern background probably helped to rally people for the cause, but the press coverage of the protest meeting neither backed such a position nor reported this as a factor in the affair. Public criticism of the dismissal centered on the disproportionate character of the punishment. Simons's letter was seen as an act of misconduct that warranted a more lenient punishment.

A second argument that took on equal importance was put forth in the press coverage: that the principal and the teachers' conference had not

followed due process of law. Not only had the parents not been contacted before the decision had been reached, but the parents' council of the *Gymnasium* had not been contacted either. As it turned out, it had not even met for two years. More blunders of this nature became apparent when the complaint, filed by the parents after public pressure had not resulted in overturning the dismissals, was examined by the state ministry of education. The official in charge at the Düsseldorf school board initially had refused even to meet with the parents of the two students. Furthermore, he had given them misleading information about the consequences of the punishment, failing to explain the difference between dismissal (*Entlassung*) as a pedagogical measure and expulsion (*Verweis*) as a legal (and more severe) punishment.²² For his part, by failing to submit his letter to the principal prior to publication, Simons himself had not followed the rules laid out in the school's bylaws.²³ When Minister Teusch finally answered the parents' complaint, she made clear that she regretted both the inept pedagogical and the deficient legal handling of the case, even though she saw the dismissals, which had been followed by the two students being accepted at another local *Gymnasium*, as appropriate.²⁴

Authority at school rested upon upholding pedagogical principles and legal rules. Protecting the "honor" of the principal, however, was not a motive of the minister's decision. Nor did she take offense at the public activities that Simons's and Eilemann's families had launched. Here, Christine Teusch, a staunch Catholic, evidently did not agree with the principals' conference, which had condemned those activities as "a claim to rule, if not on the part of the 'street,' at least on the part of those lacking the expertise to rule."²⁵ When it came to parents' rights, blunt assertions of authority on the part of the state would not be sufficient. Decisions concerning school discipline had to be well founded—if not, parents would not hesitate to criticize them and challenge those responsible. A host of issues could trigger such conflicts: female students wearing pants, the timing of summer and fall breaks, student protests against construction delays, and, most notably, the use of corporal punishment.²⁶ The 1950s were a decade in which conservatism prevailed, but this should not be mistaken for unquestioned acceptance of authority.

The Debate about Corporal Punishment

"It is my opinion that the war and the collapse are the powerful judgement of God, who has punished our people's mind, soul, and body. . . . The teacher, as an educator, acts on behalf of the parents, while the parents act on behalf of God. Should the punishment that the Lord God inescapably metes out to us not be available to those who represent him?"²⁷

The protestant pastor who made this point in a letter to the North Rhine-Westphalian minister of education in September 1947 may have expressed a somewhat extreme position by deriving the legitimacy of corporal punishment in school from God's punishment of the German people in the immediate past. But he was not alone in placing the issue of corporal punishment in a much wider historical and ideological context. The minister of education responded by adding another element to this context, pointing to the positive experience "of other, non-German countries in which corporal punishment by teachers has long since ceased to be used" as a reason for setting precise limits on the use of corporal punishment by teachers in a decree he had issued in June 1947.²⁸ The West German debate about corporal punishment in school, starting in the late 1940s and continuing with unmitigated intensity throughout the 1950s, was also a debate about national identity. The acceptability of corporal punishment was not assessed on pedagogical grounds alone, but also with reference to the fundamental issues of German guilt and democratic reconstruction. Parents and teachers voiced their opinions in the debate, state governments attempted to set and enforce rules, pedagogical and legal experts weighed in, and the courts had to settle conflicts. Justifying or rejecting corporal punishment was a complex task. Transforming it into a legal issue was a way to defuse the problem, but this transformation remained incomplete since it created new difficulties.

In the first years after the war, most of the newly appointed state ministers of education had issued decrees to regulate the use of corporal punishment by teachers. Hesse, Bavaria (its first education minister, who held office only for a few months, was a Social Democrat), West Berlin, and Saarland banned it completely, while the other states, including North Rhine-Westphalia and Lower Saxony, wanted its use limited to punishing acts of brutality, cruelty, and other very severe violations of school discipline. These decrees made explicit reference to the unrestrained violence with which the Nazi regime had oppressed its opponents, and defined the new regulations as a clear break with this immediate past. They also explicitly referred to a decree of the Prussian coalition government of 1920, which characterized corporal punishment as "the very last resort," thus pointing to the positive legacy of the first German democracy.²⁹

When the second Bavarian minister of education, ultra-conservative Catholic Alois Hundhammer, rescinded his predecessor's decree in June 1947 and permitted corporal punishment in cases of severe disruptions of school discipline by students, it became clear that learning from the Nazi experience could lead in a different direction. In preparing his decision, Hundhammer had asked Bavarian parents if they were in favor of teachers wielding the cane. Sixty-one percent of the parents supported their

minister's proposal, and he could therefore cite popular backing for his measure. It had helped, though, that the ballots had had to be signed by the parents and had been collected in class. Given that teachers generally favored corporal punishment, opposition could have exposed one's children to unpleasant treatment.³⁰ However, Hundhammer's decree and its democratic legitimation, however questionable, represented one possible way of distancing new West German democracy from the Nazi past. The totalitarian Nazi regime had defined itself as the supreme authority over education as a whole, and relegated all other actors, including parents, to a subordinate position. The Basic Law of 1949 had reinstated parents' rights and, by characterizing those rights as "natural," vested them with an authority that superseded any statutory law.³¹ Hundhammer and other conservative Catholics could therefore very well argue that by permitting corporal punishment in school, they were only fulfilling parents' wishes. From this perspective, teachers acted simply *in loco parentis*.

Proponents of this position could also point to empirical findings about family upbringing and corporal punishment in the home. In the Hessian city of Darmstadt, more than a tenth of the parents polled in 1951 regarded corporal punishment as generally acceptable, while over a third considered it a means of "last resort"; four-fifths of the high school students polled reported personal experience with this form of punishment.³² The nature of change over the following decade is far from clear. In 1965, according to an Allensbach survey, a third of those polled all over Germany deemed corporal punishment generally acceptable, while almost half saw it as a legitimate "last resort."³³ What was acceptable at home would not be easily abolished at school.

Banning corporal punishment completely would therefore require more, not less, state intervention. State governments and parliaments would have to enact the necessary laws, the courts would have to uphold them, and then teachers and parents would hopefully follow suit. In a widely discussed ruling in July 1954, the fifth Chamber of the *Bundesgerichtshof*, the highest West German criminal court, seemed to move the debate in this direction. A teacher from Lower Saxony had slapped and spanked students on eight occasions and had been sentenced to a fine; the fifth Chamber now rejected his appeal. In its ruling, the court cited both historical and pedagogical arguments. It listed and discussed in detail the dismantling of legal regulations that had allowed corporal punishment in the military, in prisons, in marriage, and at school over the previous 150 years. It also expressed deep skepticism whether school education should require corporal punishment at all, and referred to the decrees and their pedagogical rationales in those states that had completely abolished corporal punishment. While the Senate did not want to finally settle this matter, it came to the conclusion that "in rare exceptional cases, a mea-

sured corporal punishment by the teacher may be warranted.”³⁴ From this point of view, wielding the cane or spanking was supposed to be the very rare exception, not a normal feature of school education.

Proponents of the practice were outraged, and reacted with defiance. Max Kohlhaas, a prolific legal commentator, claimed that the ruling had created in many teachers a “feeling of total helplessness even towards the manifestly evil elements.”³⁵ Kohlhaas and other advocates of the practice argued that not only were teachers acting on behalf of parents, they were also forced to resort to the cane by the constraints under which they were operating, *i.e.*, large classes and students coming from broken families. Legal scholars in particular made the point that teachers also had a customary right to mete out corporal punishment. In addition, societal developments in the second half of the 1950s seemed to lend further credibility to its proponents. From 1956 to 1958, a wave of youth riots disturbed the West German public. While harmless-seeming by more recent standards, the riots of the *Halbstarken* were seen by many observers as indicative of the failure of West German democracy. Often occurring in conjunction with the screening of American movies featuring rebellious characters and rock-’n’-roll music, the riots seemed to demonstrate the dangerous effects of cultural Americanization, leading immature youths to act violently and, potentially, to turn against the democratic order in forms akin to those of the late Weimar years.³⁶ Reinforcing order was imperative, and corporal punishment seemed an appropriate means to this end.

Advocates of this position were therefore greatly pleased when the second Chamber of the *Bundesgerichtshof* handed down a ruling in a case of corporal punishment in October 1957 that was markedly different from the 1954 ruling of the fifth Chamber. Charges had been brought against a teacher from Hesse, where corporal punishment had been banned completely in 1946, for hitting students with a cane and slapping them in the face in seven cases. After the lower court had thrown out the case, the state attorney had filed an appeal. The second Chamber confirmed the ruling of the lower court. Drawing upon a number of rulings of the former *Reichsgericht*, the justices saw corporal punishment in school as an accepted, common practice throughout the nineteenth and twentieth centuries and thus—in legal terms—a customary law that was considered to be among teachers’ educational responsibilities. This could only be changed either through laws made by state parliaments or through new customary law. Neither condition had been fulfilled thus far; ministerial decrees were no substitute for laws. Unless the teacher overstepped the boundaries of a “measured punishment”—which in the case in question he had not, according to the second Chamber—he had every right to wield the cane whenever he saw fit.³⁷

Compared to the 1954 ruling, the new ruling constituted a clear step back. Implicitly agreeing with conservative fears about unruly youth, it called for relying on traditional practice rather than discarding it in favor of liberal responses to the challenges of the Nazi past and the emerging consumer society, in which young people were to assert their independence in novel ways. However, judging from the Allensbach survey of 1965, the ruling seemed to be consistent with what many teachers and parents deemed acceptable forms of punishing children and youths. It took another twenty years to settle the issue of corporal punishment in school. The 1960s saw an intense debate about a root and branch reform of education in West Germany, but this debate addressed the question of corporal punishment only implicitly in the context of revising school bylaws and the various forms of disciplinary methods that had already been an issue in the Uerdingen case. Decisions that schools took in this respect came to be subject to a growing body of legal regulations, and could be challenged in court.³⁸ The tendency to turn conflicts about discipline into legal proceedings (*Verrechtlichung*) accompanied the general liberalization of school practices over the course of the 1960s and early 1970s. In the process, corporal punishment lost prominence but remained an issue. The state parliaments of Bavaria, Baden-Württemberg, Berlin, Bremen, Lower Saxony, and Rhineland-Palatinate passed bills in the first half of the 1970s that unequivocally banned corporal punishment in school. In 1976, the *Bundesgerichtshof* in another landmark ruling finally declared that the practice had no legal basis whatsoever, bringing its legal erosion to a close.³⁹

This was not the end of the story, however. Some states refrained from passing laws explicitly abolishing corporal punishment for fear of being forced to intervene if teachers violated them. The grey zone of customary law and decrees had, after all, allowed for some flexibility on the part of school authorities. On the basis of the laws prior to the early 1970s, parents whose children were hit by teachers could file assault charges. Now, school authorities had to add charges for committing assault and battery while acting in official capacity (*Körperverletzung im Amt*), which would carry even heavier sentences.⁴⁰ Transforming questions of acceptable methods of discipline into legal questions was a mixed blessing. It helped to diffuse conflicts, but it also brought about new reasons for state intervention. A modernization it was, but it was not necessarily a liberalization.

Notes

¹ This essay is a revised version of a paper presented in Roger Chickering's Standing Seminar at Georgetown University on April 3, 2003. I would like to thank all participants for their valuable comments.

² Hanna Schissler, ed., *The Miracle Years. A Cultural History of West Germany, 1949–1968* (Princeton: Princeton University Press, 2001); Axel Schildt, Detlef Siegfried, and Karl Christian Lammers, eds., *Dynamische Zeiten. Die 60er Jahre in den beiden deutschen Gesellschaften* (Hamburg: Christians, 2000); Ulrich Herbert, ed., *Wandlungsprozesse in Westdeutschland. Belastung, Integration, Liberalisierung 1945–1980* (Göttingen: Wallstein, 2002).

³ Herbert, "Liberalisierung als Lernprozeß. Die Bundesrepublik in der deutschen Geschichte—eine Skizze," in Herbert, *Wandlungsprozesse*, 7–49, quote on p. 14.

⁴ *Ibid.*, 12.

⁵ *Ibid.*, 47.

⁶ Winfried Müller, *Schulpolitik in Bayern im Spannungsfeld von Kultusbürokratie und Besatzungsmacht, 1945–1949* (München: Oldenbourg, 1995) is the most recent monograph; Torsten Gass-Bolm, "Das Ende der Schulzucht," in Herbert, *Wandlungsprozesse*, 436–466, represents a novel approach.

⁷ Robert G. Moeller, *Protecting Motherhood. Women and the Family in the Politics of Postwar Germany* (Berkeley: University of California Press, 1993); Merith Niehuss, *Familie, Frau und Gesellschaft. Studien zur Strukturgeschichte der Familie in Westdeutschland 1945–1960* (Göttingen: Vandenhoeck & Ruprecht, 2001); Christine von Oertzen, *Teilzeitarbeit und die Lust am Zuverdienen. Geschlechterpolitik und gesellschaftlicher Wandel in Westdeutschland 1948–1969* (Göttingen: Vandenhoeck & Ruprecht, 1999). For a partial exception, see Lukas Rölli-Allkemper, *Familie im Wiederaufbau. Katholizismus und bürgerliches Familienideal in der Bundesrepublik Deutschland 1945–1965* (Paderborn: Schöningh, 2000).

⁸ See, for example, Uta Poiger, *Jazz, Rock, and Rebels. Cold War Politics and American Culture in a Divided Germany* (Berkeley: University of California Press, 2000); Kaspar Maase, *BRAVO Amerika: Erkundungen zur Jugendkultur der Bundesrepublik in den fünfziger Jahren* (Hamburg: Junius, 1992); Thomas Grotum, *Die Halbstarke: zur Geschichte einer Jugendkultur der 50er Jahre* (Frankfurt: Campus, 1994); Peter Spengler, *Jugendfreizeit zwischen Kommerz und Pädagogik: empirische Studien in einer Kleinstadt (1945–1990)* (Weinheim: Beltz, 1994) is a good local case study (of the Bavarian town of Aichach).

⁹ HSTA Düsseldorf, NW 19—251, fol. 24 (formal complaint [*Dienstaufsichtsbeschwerde*] to Minister Teusch, received 9/26/1951).

¹⁰ Both names have been changed.

¹¹ The case is well documented in HSTA Düsseldorf, NW 19—251, fol. 9–201.

¹² Ottwilm Ottweiler, *Die Volksschule im Nationalsozialismus* (Weinheim: Beltz, 1979), 73–79.

¹³ HSTA Düsseldorf, NW 19—251, fol. 75. "Das müßte selbst einem Herrn Direktor einleuchten, der nicht aus Uerdingen stammt," was the wording in the published version.

¹⁴ *Ibid.*, fol. 11.

¹⁵ *Ibid.*, fol. 30.

¹⁶ *Ibid.*

¹⁷ See, for example, Paul Erker, *Vom Heimatvertriebenen zum Neubürger. Sozialgeschichte der Flüchtlinge in einer agrarischen Region Mittelfrankens 1945–1955* (Stuttgart: Steiner, 1988).

¹⁸ HSTA Düsseldorf, NW 19—251, fol. 125.

¹⁹ *Ibid.*, fol. 74.

²⁰ *Ibid.*, fol. 126.

²¹ *Ibid.*, fol. 11–14.

²² *Ibid.*, fol. 132f.

²³ *Ibid.*, fol. 74.

²⁴ *Ibid.*, fol. 147f.

- ²⁵ Ibid., fol. 62.
- ²⁶ Examples in HSTA Düsseldorf NW 20—106, 108, 109; BR 1039/ 612, 1038/940, Reg. Aachen 24317 et al.
- ²⁷ HSTA Düsseldorf NW 20—106, fol. 154 (Pastor W. B. to Minister of Education, 9/10/1947).
- ²⁸ Ibid., fol. 158.
- ²⁹ Jürgen Rohrbach, *Die körperliche Züchtigung in der Volksschule: eine pädagogische und rechtliche Betrachtung* (Essen: Neue Deutsche Schule Verlags-Gesellschaft, 1962), 18, 40–43.
- ³⁰ Müller, 226-230.
- ³¹ Rohrbach, 43–47.
- ³² Gerhard Baumert, *Jugend der Nachkriegszeit. Lebensverhältnisse und Reaktionsweisen* (Darmstadt: E. Roether, 1952), 87f.
- ³³ Horst Petri / Matthias Lauterbach, *Gewalt in der Erziehung. Plädoyer zur Abschaffung der Prügelstrafe. Analysen und Argumente* (Frankfurt: Athenäum Fischer, 1975), 124. Cf. the sometimes bizarre findings and arguments of cane advocate Walter Hävernich, *'Schläge' als Strafe. Ein Bestandteil der heutigen Familiensitte in volkskundlicher Sicht* (Hamburg: Museum für Hamburgische Geschichte, 1964).
- ³⁴ Heinrich Stettner, *Die strafrechtliche Problematik der körperlichen Züchtigung* (Berlin-Spandau: Luchterhand, 1958), 74-78. For a detailed discussion of the pedagogical arguments against corporal punishment, see, for example, Wolfgang Scheibe, *Die Strafe als Problem der Erziehung. Eine historische und systematische pädagogische Untersuchung* (Weinheim: Beltz, 1967), 341ff.; Heinrich Meng, *Zwang und Freiheit in der Erziehung* (Bern: H. Huber, 2d ed., 1961 (1945)); Rohrbach, 20-27; Otto Menne, "Von der Prügelstrafe zur Erziehungskunst," in *Die Pädagogische Provinz* 4 (1950): 708–713.
- ³⁵ Max Kohlhaas, "Das Recht zur körperlichen Züchtigung. Übersicht über den derzeitigen Stand der Rechtsprechung und Rechtslehre," in *Unsere Jugend* 10 (1958): 401–411, quote on p. 401.
- ³⁶ Cf. Poiger, Grotum. Examples of the profound apprehension on the part of some contemporary observers: Adolf Busemann, "Verwilderung und Verrohung," in *Unsere Jugend* 8 (1956): 159–168; Paul Diwo, "Die Diktatur der 'Halbstarken,'" in *Die Pädagogische Provinz* 10 (1956): 314–318.
- ³⁷ Stettner, 82–92.
- ³⁸ Cf. Gass-Bolm, 450ff.
- ³⁹ Josef Fellsches, *Disziplin, Konflikt und Gewalt in der Schule. Systematische Analyse und schulpraktische Folgerungen* (Heidelberg: Quelle und Meyer, 1978), 45.
- ⁴⁰ Heike Jung, *Das Züchtigungsrecht des Lehrers* (Berlin: Duncker und Humblot, 1977), 93.