

## Teacher unionism in Germany: fragmented competitors

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### Angaben zur Veröffentlichung / Publication details:

Nikolai, Rita, Kendra Briken, and Dennis Niemann. 2016. "Teacher unionism in Germany: fragmented competitors." In *The comparative politics of education: teachers unions and education systems around the world*, edited by Terry Moe and Susanne Wiborg, 114–43. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781316717653.005>.



## Teacher Unionism in Germany

### *Fragmented Competitors*

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#### Introduction

This chapter underscores the historically significant role that teachers unions have played in German education policy. As we will show, German teaching unionism is highly fragmented. In comparative social stratification research, Germany is considered a prototype of a stratified school system with distinct educational tracks and early academic selection (Schneider and Thieben, 2011). In contrast to most Western democracies, Germany has not yet introduced comprehensive schooling as a nationwide standard in secondary education (Wiborg, 2010). After the Second World War the Federal Republic of Germany reinstated the traditional tripartite school system comprising the *Gymnasium*, *Realschule*, and *Hauptschule*.<sup>1</sup> After four<sup>2</sup> years of elementary schooling, students were traditionally referred to distinct secondary educational tracks, each associated with a different curriculum and certificate. The academic track (*Gymnasium*) prepared pupils for the university entrance qualification (*Abitur*); the two other tracks prepared them for vocational training – with the shortest track (*Hauptschule*) primarily directed at crafts and manual occupations, and the middle track (*Realschule*) at technical and service occupations (Nikolai and West, 2013). Based on this tripartite school system, German teacher education is also highly stratified (Blömeke, 2002), and teachers unions have emerged around each school type of the German secondary school system. Accordingly, German teaching unionism is highly fragmented. However, two unions stand out as the leading lobby groups for teachers: the Trade Union of Education and Science (GEW, Gewerkschaft

<sup>1</sup> For the period between 1949–90 this chapter mainly follows developments in the Federal Republic of Germany, and does not address the situation in the German Democratic Republic.

<sup>2</sup> In two *Länder*, Berlin and Brandenburg, elementary schooling lasts six years.

Erziehung und Wissenschaft) and the German Philological Association (DPhV, Deutscher Philologenverband). Together, they represent 23 percent (GEW) and 12 percent (DPhV) of the teaching workforce. They rely on different kinds of members and face each other as political counterparts. Since they are the leading collective actors in the realm of teaching unionism and vested interests, the remainder of this chapter will focus on the two.

Following this introduction, we discuss the historical developments of teacher unionism since the nineteenth century by outlining how certain legacies constituted paths in education policy and politics that have influenced Germany's teachers unions until today. We elaborate on the political agenda of teachers unions in the light of their vested interests (Moe, 2015) and their various opportunities for exerting influence in collective bargaining and in determining the duration of elementary schooling, school structures, and in influencing encompassing education reforms after the so-called 'PISA shock' of 2001.

### Historical Development

Teaching unionism in Germany is rooted in the historical development path of the tripartite school system, teachers' employment status as civil servants, and teacher training – the origins of these three defining characteristics go back far beyond the foundation of the Federal Republic of Germany in 1949.

Discovering the potential of education for the shaping of national identity, German state authorities gradually began to set up a public education system in the eighteenth century (Luhmann, 2002). Prussia, first and foremost, set out to establish a state-run and state-supervised education apparatus in 1794. At that time the education system, which had been mainly in the hands of the clergy, came under the authority of the state. Just as with the military, teachers were defined as inherently obligated to the state and thus the teaching profession was integrated as a state-employed civil service. As civil servants, teachers were (and still are) directly subordinate to state authorities and, taking an official oath, bound to principles of political neutrality. Historically, teaching was a typical civil service profession, with the appointment of teachers as civil servants being the general rule in Germany until the end of the 1980s (Gehrke and Latocha, 2013). German civil servant status is entwined with the person – meaning that even after work hours public servants still have to act in support of the state. The right to strike and other collective actions do not apply to them. In return for their loyalty, civil servants were offered comprehensive assurances following the so-called principle of *alimentation* – which in practical terms means a secure, life-long income. This system of remuneration was designed to guarantee civil servants and their families a standard of living appropriate to their position in society. However, significant income differences existed across the

teaching profession, reflecting the tripartite structure of the German school system: the higher the school level, the better the work and employment conditions. This class-stabilizing divide is one of the three pillars underpinning German teachers' unionism.

The second important pillar is the German school system itself. In the nineteenth century, a class-based, segmented school system emerged with the institutional segregation of elementary schools (*Volksschule*) and secondary schools (*Gymnasium*, *Realgymnasium*, *Oberrealschule*). The eight-year-long elementary school was reserved for the lower social strata and provided a basic education. Secondary schools (including their special pre-schools) were accessible to the upper classes and the emerging middle classes.

Across Germany, the *Gymnasium* played a significant role as it was the only school form that granted access to higher education. Unlike in England, the United States, or at the *Grand Ecoles* in France, the entry requirement for higher education did not consist of an entrance examination. Instead, the successful completion of a higher education entrance qualification, which could only be acquired at the *Gymnasium* (Trautwein and Neumann, 2008), provided the necessary requirement in Prussia from 1834 onwards.<sup>3</sup> This strengthened the *Gymnasium's* dominant position.

The exclusive role of the *Gymnasium* was, furthermore, sustained by the educated elite (*Bildungsbürgertum*) which emerged as part of the process of monarchical state-building and the strong bureaucratization that was occurring across the German states during the nineteenth century (Wiborg, 2010). The educated elite consisted of officials, priests, university professors and *Gymnasium* teachers. This broad social group was united by the classical ideal of *Bildung*. Based on an education in the humanities, they emphasized romantic and idealist literature, the classics, and philosophy (Ringer, 1969). Separated from the rest of society by their exclusive educational institutions, this educated elite formed a bulwark against any attempts to democratize schooling.

Following the establishment of the elitist *Gymnasium*, different teaching professions evolved in the nineteenth century. Only teachers with a university degree were entitled to teach at secondary schools (Jeismann, 1999). Teachers at elementary schools attended so-called state seminars and were not university-educated (Geißler, 2011a: 124–6, 130). Both groups held a specific civil servant status. Whereas elementary school teachers were local officials, secondary school teachers were state officials (Bölling, 1978: 24).<sup>4</sup> These differences in

<sup>3</sup> The developments in Prussian school policy provided the guidelines for developments in the other federal states during the period of the German Empire (1871–1918) and the Weimar Republic (1919–33).

<sup>4</sup> This changed with the Weimar Constitution (*Weimarer Reichsverfassung*) of 1919, which subordinated most of the teachers to the *Länder* authorities. Only in Bavaria and Bremen have teachers remained local officials (Füssel, 2011).

training and civil servant status led to differences in remuneration, career prospects and social status. Even though school teachers' qualifications and training became harmonized over time, remuneration, career prospects and social status were not in turn adjusted (Blömeke, 2002; Herrlitz *et al.*, 2009: 124).

These developments impacted significantly on the emergence of teachers unions in Germany. It was during the course of the German revolution of 1848 that a nationwide teachers' union<sup>5</sup> was established: the General German Teacher Association (ADLV, Allgemeiner Deutscher Lehrerverein), which was closely aligned to Political Liberalism and was involved in the revolution itself. The majority of teachers at the *Gymnasium* did not join the ADLV since the association was regarded as too radical and was threatening to abolish status privileges. Hence, the ADLV did not succeed in forming a common organization for all teachers and was abolished shortly afterwards (Bölling, 1978).

The ADLV's legacy was revived by the German Teacher League (DLV, Deutscher Lehrerverein). Founded in 1871, it understood itself as a non-denominational teachers' union. The teacher associations from all federal states of the German Empire joined the DLV before the First World War (Bölling, 1978; Kopitzsch, 1983). Members of the DLV were mainly male elementary school teachers (*Volksschule*)<sup>6</sup> (Morell, 1973). The precursors of modern teachers unions were not allowed to act collectively due to civil servants' obligation to neutrality. However, they played an important role in the establishment of the teaching profession, teacher education, and knowledge transfer within the profession itself (Kemnitz, 1999). It was after the First World War that civil servants in general, and hence teachers, obtained the right to organize – but still they had no right to strike (Ebbinghaus *et al.*, 2000: 292). In 1918, the German Association of Civil Servants (DBB, Deutscher Beamtenbund) was founded as an independent umbrella federation representing the interests of all German civil servants, including teachers.

Teachers at secondary schools unionized comparatively late. Local secondary school teachers joined for the first time in the Union of Academically Educated Teachers in Germany (Vereinsband akademisch gebildeter Lehrer Deutschlands) in 1903. In 1921, the union was renamed the German Philological Association (DPPhV, Deutscher Philologenverband), the name it is still known by. Soon the DPPhV became the leading professional association of male teachers at secondary schools.<sup>7</sup> At a political level, it became influential

<sup>5</sup> All organizations representing teachers' interests in Germany before the Second World War should be seen more as associations rather than as employee union representations.

<sup>6</sup> Female teachers organized themselves in their own unions (Bölling, 1978).

<sup>7</sup> In Prussia, female students were only admitted to the *Abitur*, and university, in 1908. University training became compulsory for female teachers in upper secondary schools in 1909 (Gass-Bolm, 2005; Kraul, 1991).

since many *Gymnasium* teachers were also members of conservative parties and held political offices (Bölling, 1977: 26; Kopitzsch, 1983).

The establishment of a union expressly for secondary school teachers can be regarded as a critical juncture (Mahoney, 2000; Pierson, 2000) because it was at this time that a new dynamic of teachers' representation emerged. The institutional divide between elementary and secondary schooling led to the evolution of two distinct teaching professions and two 'opposing' teachers unions (Herrlitz et al., 2009: 40). Following the dissolution of teachers unions during the period of National Socialism (1933–45) (Feiten, 1981), the dichotomy between elementary school and secondary school teachers was re-established after the Second World War and remains to this date a constitutive element of German teaching unionism.

The ADLV, for elementary school teachers, was revitalized in the British occupation zone in 1947<sup>8</sup> under the name of the 'General German Union of Male and Female Teachers' (ADLLV, Allgemeiner Deutscher Lehrer- und Lehrerinnenverband), and for the first time included women (Morell, 1973). The ADLLV merged a year later with the Trade Union of Education and Science (GEW, Gewerkschaft Erziehung und Wissenschaft). The GEW united members and interests in all education-related subfields, such as higher and further education and pre-school. Most of the latter were employed as salaried workers and were in full possession of the right to strike.<sup>9</sup> The DPhV, as the organization for *Gymnasium* teachers, was also quickly re-established in 1947. As we will see, the restoration of the vertically structured school system in all German *Länder* (Geißler, 2011b; Herrlitz et al., 2009) was backed by the country's social and political elites, and organized and mobilized specifically by the DPhV. Despite this rapid re-establishment of teachers unions after the Second World War, the unification of all of them under a single umbrella institution did not take place.

On the contrary, the dualism of German teachers unions became more strongly institutionalized with the post-war re-establishment of both the German Association of Civil Servants (DBB, Deutscher Beamtenbund) and the German Trade Union Association (DGB, Deutscher Gewerkschaftsbund) as umbrella groups. Both the DGB and the DBB basically targeted the same constituency – teachers – but had different political positions, interests, and mindsets regarding the organization of schooling and the employment status of teachers, to name but two examples. While the DGB would soon pursue the vested interest of the traditional working class by targeting a more social democratic political agenda, the rationale for the DBB lay in forming

<sup>8</sup> The American and French occupation zones were integrated in 1949 (Fuhrig, 1969).

<sup>9</sup> Only the Bavarian Association for Elementary Teachers, which in 1951 was renamed the Bavarian Teacher Union (BLLV, Bayrischer Lehrer- und Lehrerinnenverein), has remained independent until today.

an exclusive representation for civil servants 'given their lack of bargaining and strike rights and the uneasiness with the DGB's left political leaning' (Ebbinghaus *et al.*, 2000: 292). Consequently, the GEW joined forces with the DGB,<sup>10</sup> while the DPhV continued to be a member of the DBB (Kopitzsch, 1983).

The GEW policy during the 1950s and 1960s was dominated by the specific interests of teachers from elementary schools (Heidenheimer, 1974; Ratzke, 1981). Over the decades, the education system became further differentiated and stratified. The once homogenous composition of union membership was challenged with the separation of the elementary schools into a four-year elementary school (*Grundschule*) and the *Hauptschule*, as well as the establishment of comprehensive schools as pilot schools in the 1960s. Additionally, the expansion of the German welfare state was accompanied by a strong focus on education (*Bildungsexpansion*) (Gottschall, 2009: 469), and the GEW successfully unionized new and growing groups within the teaching profession – including research associates at universities and university teachers, nursery school teachers, teachers from comprehensive schools and the *Hauptschule*, and even students – leading to a considerable increase in membership. The GEW became an all-encompassing education union with various departments; the determination of school policy was only one its many concerns.

Despite this widening remit, GEW membership nevertheless failed to become attractive for most *Gymnasium* teachers.<sup>11</sup> Following its obvious social democratic bias, the GEW aimed for equal pay for all teachers and the right to strike for civil servant teachers. The GEW questioned the traditional and conservative vested interests of privileged civil servant teachers to perpetuate the status quo of different payment schemes and the general prohibition to go on strike. For the DBB and the DPhV, this meant a move to the political left and deepened the already-existing rifts between the GEW and the DPhV.

To counterbalance the large membership of the GEW, the DPhV joined forces with other like-minded secondary schools teachers unions such as the *Realschule*, as well as vocational schools and commercial schools. In 1969 this led to the creation of the German Teachers' Union (DLV, Deutscher Lehrerverband) as an umbrella organization, a process that consolidated the fragmentation of German teacher unionism.

German reunification in 1990 hardly changed the landscape for the teachers unions. Many members of teachers unions in the German Democratic Republic

<sup>10</sup> However, this was only on the condition that the DGB supported civil servant status for all teachers (Morell, 1973). Only since the end of the 1960s has the GEW questioned the civil servant status of teachers (Brinkmann, 1977).

<sup>11</sup> In 2012 the GEW had around 31,000 members employed in the *Gymnasium*. Compared to the DPhV, the GEW is the weaker teachers union when it comes to membership numbers in the German *Gymnasium*.

joined the GEW. The number of members, including non-teachers, nearly doubled from 190,000 to 360,000. The GEW immediately moved into East Germany by setting up headquarters and cooperating with key representatives of the teaching profession in East Germany even before the fall of the Berlin Wall in 1989 (Hildebrand, 1993). In parallel to this, the DPhV also launched regional associations in the new German *Länder* but could not increase its membership by as much as the GEW was able to (Ballauf, 2009). For most of the teachers in the East, joining the GEW was more attractive: the GEW was traditionally perceived as much less of an elite organization of the West than the DPhV was (Hildebrand, 1993). Furthermore, the GEW offered collective action and was even in favor of the right to strike, making it even more attractive to teachers from the East.

German reunification created a division in teacher employment status between *Länder* in the East and those in the West. Teachers who were redeployed in the East *Länder* became salaried workers (employees). With this action, the East *Länder* broke with the former principle of employing teachers as civil servants.<sup>12</sup> This led to a diversification of teachers' employment status – with some employed as civil servants, and others as salaried workers. However, in recent years some of the East *Länder* have begun to assign teachers the status of civil servant. In contrast to the West *Länder*, teachers at the *Gymnasium* in most of the East *Länder* were not employed as civil servants, and teachers at the *Gymnasium* in the East *Länder* even became members of the GEW rather than the DPhV. Today the GEW is the largest German education union, and 170,000 of its members were school teachers in 2012. Taking into consideration the total number of German teachers (about 730,000 in 2011 (KMK, 2012)), the GEW represents about 23 percent of the German teaching workforce.<sup>13</sup> The DPhV with its 90,000 members (about 12 percent of the teaching workforce) represents the largest section of teachers in higher secondary education (primarily those of the *Gymnasium*). In sum, teaching unionism is characterized by a monopoly of representation: the DPhV is still the main advocating body for the teachers of the *Gymnasium*.

This section has highlighted the fact that teaching unionism in Germany is divided, but monopolized by two strong collective bodies that reflect the vested interests of their class-based constituencies. The DPhV is regarded as the representative of the bourgeois coalition of interests in education policy (Kuhlmann, 1970: 170). As we will see in the following section, the GEW often faced difficulty in mobilizing the educated elite behind its policy goals.

<sup>12</sup> Before 1990, in the West *Länder* teachers were employed only as salaried workers if they did not reach the requirements for civil servants, or because of illness, or because they exceeded the age limit for civil servants (Gehrke and Bruno-Latocha, 2013).

<sup>13</sup> This number represents full-time teaching positions in Germany. Taking the number of part-time teachers into consideration, the total number of teachers is higher and therefore the degree of representation of the GEW is lower.



## Teachers Unions' Interests and Influence

Teachers unions' interests are strongly affected by the employment status of their members. Since 1990 an increasing number of teachers have not been employed solely as civil servants. Of the GEW's membership, only around 27 percent (2014) are civil servants (DGB, 2016), compared to the DPhV representing 81 percent of the civil servant members.<sup>14</sup>

One of the priorities of the GEW in education is the abolition of a status-related system that structurally disadvantages not only schoolchildren but also their members in terms of wages and working hours. In line with their social democratic convictions, the GEW promotes a 'school for everyone' and battles for a unified school system in which all children study together over an extended period and in which all teachers teach at the same type of school. The GEW aims for a public education system that offers a variety of learning opportunities and guarantees equal educational opportunities for all children, as well as calling for a larger teaching workforce. The GEW criticizes the early segregation of students and the tripartite school system on the grounds that it hampers equality of condition (Brinkmann, 1977; DGB, 2009; Fuhrig, 1969; GEW, 2006). According to the GEW, a comprehensive school system is able to compensate for disadvantages caused by pupils' socioeconomic backgrounds. Based on the principles of social justice and an egalitarian society, the GEW emphasizes the support and promotion of children's individual needs instead of advocating a selection policy that follows ability levels. The GEW calls for the implementation of an inclusive education system and the abolition of special schools, in accordance with the UN Convention on the Rights of Persons with Disabilities (GEW, 2013b). It also objects to differentiation according to type of school, and therefore calls for standardized teacher training as well as the equalization of salaries and status. The status of teachers as civil servants is not considered mandatory by the GEW, but as long as teachers remain civil servants the GEW argues that they are entitled to strike according to the provisions of the European Declaration of Human Rights as well as European case law.

The call for a right to strike ultimately serves the GEW's vested interests. Its membership structure is oriented more towards the political left and GEW members are considered to be politically active. The GEW is also experienced in organizing strikes and is supported by the resources and the apparatus of the larger and well organized unions of the DGB (Briken *et al.*, 2014). In this regard the most recent decision of the Federal Administrative Court, once again confirming the absence of a right to strike for teachers, is of relevance with regard to the GEW's resources and influence. The court emphasized that Parliament should decide the status of civil servants in Germany, given that their public service holds a political dimension.<sup>15</sup> As we will see in the following sections,

<sup>14</sup> These figures were kindly provided to us by the DPhV.

<sup>15</sup> See the decision of the Federal Administrative Court of February 17, 2014.

the GEW's power in the political arena is weak compared to its counterpart, the DPhV.

Through its membership in the DBB, the DPhV pursues the continuation of civil servant status for teachers as essential to securing its members' privileges. Thus, the DPhV opposes the right to strike for teachers and favors the Federal Administrative Court's decision. For the DPhV, as well as for the DBB, civil servant status symbolizes the register of their members' interests. In contrast to the GEW, the DPhV aims to secure the vested interests of its core members, the *Gymnasium* teachers; and to perpetuate their privileged work and employment conditions over and above their colleagues in other types of school. This requires the maintenance of a multi-tiered school system with a four-year-long elementary school system (DPhV, 2010a). The DLV, as the umbrella organization, and other teachers unions organized in the DLV, also support this demand. The DPhV legitimizes its profound belief in the need for a multi-tiered school system through an ideological conviction and theoretical underpinning that education be based on individual ability. According to these premises, learning outcomes will always be better in same-ability groups than in mixed-ability ones. Students, therefore, are to be assigned to different types of schools, with varying degrees of academic rigor, according to their 'talent' – and to teachers with varying qualifications. Thus, the DPhV was for decades the main advocate for a tripartite school system and the early selection of students (DPhV, 2004b, 2006; Ried 1955). In some German *Länder* it resisted the establishment of comprehensive schools as an additional school track in the 1960s and 1970s, considering it as an attack on the 'approved' tripartite school system and the exclusive role of the *Gymnasium* (as well as its teaching staff). The DPhV fights to preserve the *Gymnasium* as an independent school type, and therefore opposes a uniform teacher education. In contrast to the GEW, the DPhV does not call for an overall inclusive education system. It favors a mixture of joint teaching of disabled and non-disabled children, but without abandoning special needs schools (DPhV, 2010b). In the 2000s, a change in teachers' union policy could be recognized: the DPhV no longer blocked attempts for partial school integration and is now ready to accept the introduction of models that consist of an academic and a combined vocational track, with *Hauptschule* and *Realschule* partially integrated (DPhV, 2010a). This slight shift is the result of strategic requirements rather than a change in overall conviction. As long as the *Gymnasium* is not affected by the integration of schools, their members' interests are not jeopardized.

Although the GEW and DPhV emphasize in their statutes and publications their independence from political parties, strong relationships between teachers unions and the main political dispositions exist. Close ties can be found between the GEW and the center-left Social Democratic Party (SPD), and a large proportion of GEW members are also members of the SPD (Ebbinghaus, 2003: 184). In contrast, members of the DPhV are seen as closer to the conservative Christian Democratic Union (CDU). Whereas in most other cases

discussed in this book teacher unions were historically allied with the leftist parties, there is a strong political fragmentation in the German teacher union landscape. An analysis of party political manifestos reveals that significant differences in education policy can be found between the left and the conservative parties in Germany. The SPD still votes for an 'equality of condition' whereas the CDU emphasizes an 'equality of opportunity' (Nikolai and Rothe, 2013). In line with the GEW, the SPD argues for comprehensive schools and is against the early selection of students. But in view of several unsuccessful attempts to extend primary schooling, and following a number of electoral defeats, the SPD abstains from abolishing the *Gymnasium* (Helbig and Nikolai, 2015; Nikolai and Rothe, 2013). The CDU gives priority to a multi-tiered school system and the early selection of children in accordance with the principle of schooling children according to their level of performance (Hepp, 2011; Hüfner *et al.* 1977; Kuhlmann, 1970; Nikolai and Rothe, 2013). Like the DPhV, the CDU is committed to a specific teacher education for teachers at the *Gymnasium*. Any attempts at establishing a uniform teacher education is interpreted as the introduction of an overall comprehensive school 'by the back door' (Die Welt, 2013; FAZ, 2013; Hüfner and Naumann, 1977: 49–51; Reuter, 1980). According to German teachers unions the classic political cleavages apply: the DPhV forms a close bond with the conservative CDU while the GEW is associated with the SPD.

Even though teachers unions cannot make use of collective bargaining privileges, the opportunities teachers unions have to influence school policy are manifold in Germany. Due to *Länder* sovereignty in the field of education the regional associations of the teachers unions are the main actors in school policy at the subnational level.<sup>16</sup> The German Constitution refers the regulation, planning, design and supervision of the school system to the Parliaments of the *Länder* – the main arenas of political decision-making in relation to education issues (Wolf, 2008).<sup>17</sup> In the past the *Länder* Parliaments made abundant use of their exclusive legislative competencies, one outcome being that the educational systems of the *Länder* differ in the length of elementary schooling, secondary school types and their pedagogical orientations, as well as the organization and curricula of teacher education.

Teachers unions are consulted by the ministerial bureaucracy in decision-making processes, such as during the preparation of school laws or legislative changes, and are asked for their written expertise on the given subject (Schröder, 1999: 441). With regard to the Christian Social Union (CSU) in Bavaria – the sister party of the CDU – Kral (1984: 427) shows how, in the past, it adopted its

<sup>16</sup> Germany has a strong tradition of regional government. Since unification in 1990, the Federal Republic has consisted of 16 *Länder*: the ten of the former West Germany, five new *Länder* of the former East Germany, and Berlin.

<sup>17</sup> Since the Federalism Reform of 2006 the *Länder* have exclusive responsibility for education policy (Burkhart, 2008).

reasoning and programs from the DPhV. Furthermore, civil servants are over-represented in the *Länder* Parliaments and therefore are more likely to express empathy and understanding for the positions of the DPhV. Teachers unions are able to influence details, and even partly govern changes, by submitting their own proposals. Consultation is possible, for example at parliamentary evenings, official hearings of parliamentary school committees and consultative bodies – namely, councils at school, regional and *Land* levels where teachers unions are represented. Even though these are only consultation rights, without any formal veto power, the strong corporatist tradition in decision-making processes in Germany (Abromeit, 1993; Weßels, 2000) also holds true for the public sector (Briken *et al.*, 2014). This is why German public sector unions in general, and teachers unions in particular, have a central role to play for the ministerial bureaucracy.

Teachers unions hold a huge ‘threat potential’ as far as elections and referenda are concerned (Keller, 1983: 172). Hence, and so as not to risk defeat at the ballot box, the ministerial bureaucracy very much takes into account teaching union positions during decision-making processes. As we will see in the next section, teachers unions mobilize both teachers and parents during election campaigns. Here, the DPhV is very successful in mobilizing the educated elite and in exerting pressure on the *Länder* governments. Over the past half century the higher tracks of early secondary education (*Gymnasium* and *Realschule*) have expanded considerably, leading to substantial changes in the distribution of students in Germany’s secondary school system (Nikolai and West, 2013). The once so elite *Gymnasium* has become accessible for an increasing number of students from all socioeconomic backgrounds. In the wake of educational expansion, the educated strata of society has also increased considerably. Thus, between 1970 and 2009, the proportion of parents with a *Hauptschule* education as their highest level of attainment fell by nearly 57 percentage points (from 83 percent to 26 percent). The proportion of parents with at least a higher education entrance qualification (*Abitur*) increased by 24 percentage points (from 9 percent to 33 percent) and the proportion with at least a tertiary-level education increased by 17 percentage points (from 7 percent to 24 percent) (Helbig and Nikolai, 2015). As an important part of the German electorate, this educated sector of the population consists of a significant proportion of parents who themselves reaped the largest benefits from the status-(re-)producing effects of the German school structure, and who therefore broadly support a multi-tiered school structure (Blanck *et al.*, 2013; Edelstein and Nikolai, 2013; Kuhlmann, 1970: 170–1).

Furthermore, the unions’ right of co-determination strengthens their influence at school level, where an elected staff council represents all employees. Due to their co-determination rights, staff councils have a huge influence in teachers’ working life. Staff councils’ rights are threefold. The strongest co-determination rights are assigned to decisions regarding appointments, shift working time and work schedules, as well as applications for part-time work.

At the school level, staff councils have further veto powers over the organization of day-to-day work and related social aspects. Additionally, all measures undertaken by school management to increase teachers' performance (such as the integration of Information Technology), and to changes in the organization of teaching (such as changing job descriptions), preventative healthcare, as well as the introduction of new forms of control (visits during class hours, exams, etc.), are subject to co-determination. Co-determination means approval by the staff council is required. If the staff council does not consent, the case will be submitted to arbitration at the school board. If arbitration fails, the dispute is referred to the main staff council in the education ministry. Last but not least, the school management has to inform the staff council of every planned project, e.g., the introduction of student assessments. The council also has the right to request information. Even though this does not imply any veto powers (for example, redundancies are legally void without the staff council's comment), staff councils are formally involved in every decision made at the school level. For the unions they become an important part in supporting their members' interests. Although the elected members of the staff council do not need to be union members, most of them are. Unions make use of this double structure to mobilize parents and teachers, and they offer training opportunities to the school-level representatives.

In sum, German teachers unions can use multiple veto points at the parliamentary level, at the ministerial bureaucracy level, and at the school level, to protect and promote the vested interests of their members. In the arena of employment conditions and collective bargaining, reforms of payscales or civil servant law are discussed with teachers unions beforehand. In other educational policy fields like the employment condition, school structure, or PISA reforms, teachers unions have the potential to influence or even block reforms by threatening the withdrawal of public support and votes during elections and referenda. Even though their institutionalized powers in traditional trade union terms are rather weak, the overall administration structure allows teachers unions to play a strong role in education policies.

In line with these observations, the DPhV as a professional association has proven to be more influential than the GEW. Focusing on lobbying more than on protesting in the streets, the DPhV has successfully defended its members' vested interests. With the *Gymnasium* still seen as the most prestigious of all the school types, and with an increase in attendance at such institutions (36 percent of pupils in grade 8 attended a *Gymnasium* in 2013, see Allmendinger *et al.*, Forthcoming),<sup>18</sup> the DPhV could even strengthen its position. Across the German population, parents from middle and upper classes have a preference to send their children to the *Gymnasium* and are strongly opposed to the abolition of the tripartite system. And even the SPD is no longer a natural ally since

<sup>18</sup> In 1955, only 16 percent of pupils in grade 8 attended the *Gymnasium* and 69 percent the *Hauptschule*.

it increasingly also represents a clientele advocating for the maintenance of the *Gymnasium* (Nikolai and Rothe, 2013). The DPhV successfully mobilizes support for the maintenance of the stratified school system during elections and referenda. This ability to activate broad public support to maintain the *Gymnasium* (including its privileges) explains why the DPhV has the potential to block reforms that could alter the stratified school system. In contrast, the GEW is less capable of mobilizing support for the comprehensive schools and the abrogation of early tracking of students. Compared to the DPhV, the GEW represents a plethora of different subgroups. In addition, general public opinion regarding teachers impedes the GEW from forming an alliance with the broader public. In the German context, the public image of non-*Gymnasium* teachers is rather poor. The common stereotype is that they are lazy (having lots of holidays), and that they do not have a challenging job profile (see Ricken, 2007). In consequence, political and public support for teachers' demands for the further improvement of their employment conditions is rather weak, and even the SPD is no longer a reliable ally in this regard.

### The Impact of Teachers Unions in German Education Policy

Teachers unions play an important role in formulating educational policy and they have a strong impact on ministerial bureaucracy and the *Länder* governments – as the next section will show. Although comprehensive analysis of teachers' union influences after 1945 is still rare, a few studies on individual reform processes in the German *Länder* exist. These enable us to examine the role of teachers unions in the politics of education. Our analysis refers to four arenas of teachers' union activities, all of them central to school politics: employment conditions and collective bargaining, the duration of elementary schooling, school form integration, and governance reforms after the 'PISA shock' of 2001.

#### *Employment Conditions and Collective Bargaining*

Despite the differences in status and the varying union impact mentioned earlier, teacher salaries in Germany are among the highest in the OECD – albeit with stark differences between the different levels of education taught. For instance, in 2011, upper secondary teachers with 15 years of experience earned 20 percent more than elementary teachers, and 11 percent more than lower secondary teachers.<sup>19</sup> On average across OECD countries, upper secondary teachers earned only 9 percent more than elementary teachers and 4 percent more than lower secondary teachers. The disparity between elementary and secondary

<sup>19</sup> In comparison to other states the salaries of teachers in Germany are above average. After 15 years of service a teacher's average annual salary in elementary education is \$59,000, in lower secondary education \$64,000, and in upper secondary education \$70,000; while the OECD averages are \$38,000, \$40,000, and \$43,000 respectively (OECD, 2013: 388–9).

teachers in Germany is also reflected in their teaching hours. Whereas in 2011, elementary school teachers spent 804 hours a year teaching, teachers in lower secondary education spent 757 hours, and in upper secondary education 715 hours. In international comparison, however, these differences in teaching hours are equivalent to other OECD member states (OECD, 2013).

Teachers are employed directly by one of the 16 *Länder*.<sup>20</sup> Due to the regional fragmentation of education policy in Germany, the labor market of teachers is segregated and can be characterized as pluralist (Causarano, 2012). Even though the majority of teachers in Germany are employed as civil servants (approximately 75 percent (StBa, 2013: 58)), there are substantial differences between the German *Länder* with regard to the share of teachers being civil servants.<sup>21</sup> An important consequence of this diversification of teachers' employment status for the influence of teachers unions is that the ability for collective action (including strikes) varies between *Länder*. Hence, the formal capacities for the influence of teachers unions are unevenly distributed across Germany.

With the Federalism Reforms of 2006 and 2009, the jurisdiction and political competences were reorganized between the *Länder* and the federal government. The now 17 employers of civil servants (the federal government plus the 16 *Länder*) are independent with respect to the employment conditions of the public service. The legislators made use of these newly acquired competencies, particularly in the fields of pay and career structure (Briken *et al.*, 2014; Tondorf, 2008).<sup>22</sup>

Collective bargaining now takes place at the *Länder* level, and teachers unions in general are challenged on two levels. First, they need to build up the resources (human resources, knowledge transfer, money) to follow and intervene in 17 bargaining arenas. Second, austerity as a new factual constraint becomes a strong argument against any payrise, especially in the public sector, and so interest representation requires new arguments. By now it seems obvious that with a more and more diversified bargaining process the unions have to face additional expenses to support their members. Having said that, teachers unions, as a collective, possess relatively little formal power to pursue their interests within the system of collective bargaining.<sup>23</sup> For the group

<sup>20</sup> Except for Bavaria and Bremen: in both of these *Länder* teachers are employed directly by the municipalities (Füssel, 2011).

<sup>21</sup> In most West German *Länder* around 90 percent of teachers are civil servants, but in some East German *Länder* this quota is well below 20 percent (Behörden Spiegel, 2012: 6).

<sup>22</sup> According to the latest figures published by the DGB, the pay gap between Bavaria and Bremen amounted to €5,000 (net) per annum in 2012 at the most common pay grade for teachers (GEW, 2013c).

<sup>23</sup> It is important to recall that collective bargaining in Germany involves only the issues of wages and working hours. Any other organizational, educational, or pedagogical issues are part of political negotiations. It is here where the teachers unions in Germany can make use of their power.

of the public service workforce employed as civil servants, neither collective bargaining nor negotiations for each profession take place. In contrast, as the employer the central state (and since 2009 also the *Länder*) unilaterally decides upon the salary levels and other job-related regulations of *all* civil servants, including teachers. During the formal law-making procedure, the unions have the right to be heard and to take advantage of so-called consultation with the state representative. However, the informal modes of influence are manifold. In the German corporate system, union representatives are approved as informal lobbying partners for the state representatives at the local, the *Länder*, and the federal level, as well as during all phases of law-making.

While the teachers unions are barely visible during the salary-setting process, they are highly influential when it comes to group-specific improvements to pay. The DPhV in particular, was able to achieve substantial improvements in salaries and promotion for *Gymnasium* teachers following petitions made to state parliaments and as a result of negotiations with ministries of education (Kral, 1984; Schröder, 1999). In contrast, a uniform salary system for all teachers as a central goal of the GEW has not yet been achieved.

In Berlin, where newly recruited teachers can only become employees, a lively debate is taking place. In 2013, the GEW called on employed teachers to strike as part of a fight for the removal of income differentials between employed teachers and teachers with civil servant status. There is some evidence that political action is taking place more and more frequently; members appear ready to rally against austerity measures, and media coverage remains at a high level (Briken *et al.*, 2014). In sum, the strike action that was taken was successful to the extent that parent associations began to complain about the number of lessons lost and about how their children were being instrumentalized (GEW, 2013a; TSP, 2013a, 2013b). It became clear that in pursuing their members' interests the GEW still struggles to form reliable alliances with parent organizations. Unlike the DPhV, the GEW was not able to articulate its interest as being conducive to the perceived needs of good (or, to be precise, more equal) education.

### *The Duration of Elementary Schooling*

The duration of elementary schooling, and thus the time shared with all students in a non-stratified school form, is a highly controversial and ideologically laden discussion in Germany (Helbig and Nikolai, 2015). The governing SPD of some German *Länder* established a six-year elementary school (Bremen, Hamburg, Schleswig-Holstein) or even an eight-year elementary school (in Berlin, as part of the 12-year comprehensive school) after 1945. In all these *Länder* the prolonged elementary schooling was criticized by conservative parties, churches, and conservative teachers unions and associations in the DPhV. The DPhV mobilized parents, teachers and professors in numerous events and publications against the six-year elementary school, because it threatened the *Gymnasium*'s existence (Gass-Bolm, 2005: 131). The parliamentary elections



in the 1950s saw a fierce controversy developing over the future course of school policy. The SPD lost their majority in Hamburg, Schleswig-Holstein and Berlin, and the victorious CDU returned to the four-year elementary school in Hamburg and Schleswig-Holstein, and in Berlin to the six-year elementary school. The SPD were able to win the election in Bremen, but, facing electoral defeat in other *Länder*, withdrew the obligatory six-year elementary school<sup>24</sup> and allowed children to switch to the *Gymnasium* after Year 4 (Helbig and Nikolai, 2015).

The controversy about the duration of elementary schooling is still evident. In Hamburg, the CDU decided in their coalition treaty with the Greens in 2008 to extend primary education from four to six years, and to integrate *Hauptschule*, *Realschule* and the comprehensive *Gesamtschule* into one school form. This reform was supported by a unanimous vote of all parties represented in the Hamburg state parliament. A grassroots initiative was formed with the goal of stopping the introduction of 'primary schools as comprehensive schools until Year 6 as a compulsory model for all' (Edelstein and Nikolai, 2013; Töller *et al.* 2011).<sup>25</sup> In close cooperation with the DPhV the initiative was highly effective in mobilizing the *Gymnasium* clientele in a political campaign for a referendum in July 2010 in which the opponents of a six-year elementary school prevailed. This recent example from Hamburg emphasizes how the *Gymnasium* clientele form a powerful coalition of resistance against any reform attempts to extend the four-year elementary school, even today. By working together with the parents' associations, the DPhV has a powerful partner. The success of the grassroots initiative in Hamburg also shows a new development in school policy: the increased importance of parents associations, which are deeply embedded in the *Gymnasium* clientele and have initiated several popular initiatives in the last few years. However, parents' initiatives have only a realistic chance of success when they form alliances with teachers unions and/or opposition parties (Hepp, 2011: 76). On the other hand, German teachers unions can compensate the loss of party allies by building extra-parliamentary coalitions with parents' associations or other actors to pursue their interests.

### *School Form Integration*

In stark contrast to other Western European nations that converged towards models of comprehensive schooling (Wiborg, 2009), Germany has for decades retained a traditional tripartite school system which tracks students into hierarchically structured and spatially segregated school types.

<sup>24</sup> In Bremen, the six-year elementary school was officially abolished in the school year 1977–78.

<sup>25</sup> In comparison to the other *Länder*, Hamburg's population has the highest education level with 49 percent of parents with at least a higher education entrance qualification (Helbig and Nikolai, 2015).

Some *Länder*, governed by the SPD, established the comprehensive *Gesamtschule* in the 1970s, catering for all ability levels and preparing students for the leaving certificates of the other three main school types within one institutional setting (Köller, 2008). This school form did not significantly alter the basic school structure since it was established as an additional fourth track and remained a marginal school type in most of the *Länder*. In 2010, only 10 percent of students nationwide attended the *Gesamtschule* (Nikolai and West, 2013).

The rigorous tracking system has been repeatedly challenged and criticized for being socially selective and more recently for being incompatible with the skills requirements of an increasingly knowledge-based economy (Allmendinger et al., Forthcoming; Nikolai and West, 2013; Schneider and Thieben, 2011). Despite this criticism, the school structure has remained largely unchanged for decades. In the *Länder* with a clear conservative majority and with strong regional associations to the DPhV (Bavaria, Baden-Württemberg) the comprehensive *Gesamtschule* was not established as a regular school type at all (Kral, 1984). Only in those *Länder* where the SPD have long held a majority, and where there are strong regional associations with the GEW, has the comprehensive school become increasingly important, growing to be the most popular school type besides the *Gymnasium*. However, by the end of the 1970s, the Social Democrat-led *Länder* had refrained from implementing the comprehensive school as the only school type when faced with electoral defeat (Herrlitz et al., 2009: 178). The *Gymnasium* is firmly anchored in society as a 'lead institution' (Tenorth, 2008) and it is strongly supported by its growing educated clientele.

In recent years, though, many *Länder* have implemented reforms that enforce a partial integration of school types (Edelstein and Nikolai, 2013). While some of the East *Länder* adopted the basic idea of a multi-tiered school system, they refrained from introducing the *Hauptschule* as an independent school form in the aftermath of reunification. After decades of polarizing controversies and failed attempts at reform, most West German *Länder* started to change their traditional school structures and abolished the *Hauptschule*.<sup>26</sup> In some of these *Länder*, the integrated school forms are conceived as a 'second pillar,' integrating all tracks and offering the full range of secondary school certificates, including the *Abitur*. Bavaria is the only German state that has not made any changes to its school structure so far. It is crucial to note though that despite the extensive school reforms implemented over the last two decades, none of the *Länder* replaced the *Gymnasium*.

In contrast, and something that in part explains this stubborn stability, over the past half century the higher tracks of lower secondary education (*Gymnasium* and *Realschule*) have expanded considerably. Today, 36 percent

<sup>26</sup> Such as the city states of Bremen, Hamburg and Berlin, Rhineland-Palatinate, Saarland, and Schleswig-Holstein.

(2013) of all pupils in grade 8 attend the *Gymnasium* compared to 16 per cent in 1955. Thus, between 1955 and 2013, the proportion of students in the *Hauptschule* fell by nearly 60 percentage points (from 69 per cent to 14 per cent) (Allmendinger *et al.*, Forthcoming). The associated decline in enrolments at the *Hauptschule*, and the degeneration of the *Hauptschule* into a 'school for leftovers' (Rösner, 2007), has made the preservation of the *Hauptschule* as an independent school type increasingly difficult.

For decades the DPhV was the main advocate for the maintenance of the tripartite school system. Its position was challenged by the establishment of two-tiered school structures in most of the *Länder* and the reorientation of the CDU, its traditional ally. Since 2011, the federal CDU has called for a two-tiered school structure in all *Länder* (CDU, 2011). It was strongly criticized for this turn by the DPhV as evidence of furthering the 'social democratization of the CDU' (Kraus, 2007, own translation); and for abandoning its principles concerning education policy (DPhV, 2001; Kraus, 2010). In order to avoid a more and more defensive position, the DPhV is now prepared to accept a two-tiered school structure so long as it does not endanger the existence of a multi-tiered school system in which the *Gymnasium* retains its distinctive position (DPhV, 2010a). With this demand, the DPhV did not abandon its core tenet that homogenous learning groups lead to better achievement. Its acceptance of a two-tiered school structure is more a strategic position than a change in ideology. In sum, the distinctive position of the *Gymnasium* as an elite educational institution was never endangered, but is in fact further strengthened. In contrast to the DPhV, the GEW considers the integration of the *Hauptschule* and the *Realschule* (and in some *Länder* with the comprehensive *Gesamtschule*) in one institutional setting only as an interim step towards a comprehensive school for all students (Lohmann, 2011; Ratzki, 2009).

In sum, both GEW and DPhV tried to influence the political decision process by addressing parents, politicians and partisans. In this case, the DPhV could clearly profit from the strong support that the *Gymnasium* has both in terms of the teachers working there and the politically overrepresented middle and upper classes.

### Teachers Unions and the PISA Reforms

Between the mid-1970s and the early 2000s the German education system was comparatively resistant to reform, and no fundamental changes took place to substantially challenge conservative teachers unions and their vested interests. As illustrated above, the DPhV played its part in supporting educational conservatism regarding school structures and the length of elementary schooling.

The situation of the educational reform deadlock eventually changed with the publication of the first PISA study in 2001.<sup>27</sup> PISA showed that the

<sup>27</sup> See [www.oecd.org/pisa/](http://www.oecd.org/pisa/) [accessed January 2016].

performance of students in Germany was below the OECD average and it highlighted significant weaknesses of the German education system from an internationally comparative perspective. This result was in stark contrast to what the country generally perceived about its own position (Martens and Niemann, 2013). An extensive public reaction was generated in the aftermath of PISA – often referred to as the ‘PISA shock’ – and almost all areas of the German secondary education system were reformed, referring to best practice examples from other countries as provided by PISA (Niemann, 2010). This PISA shock explains why the governments in the *Länder* were more committed to education reform than were other countries discussed in this book (Martens et al., 2014). Overall, the reforms comprised measures intended to directly improve the academic performance of students in Germany, the expansion of quality assurance, the extension of all-day services, and improvements in the methodological and diagnostic skills of teachers (KMK and BMBF, 2008; Tillmann et al., 2008). Additionally, strong emphasis was placed on the introduction and monitoring of binding educational standards that defined what skills students should have at certain points in their academic career (Ertl, 2006; Klieme et al., 2003; KMK, 2011). This reflects a paradigmatic change towards output-oriented education governance. Previously, education governance relied on ex-ante budget allocations and structured education plans, which were set up centrally. A shift occurred from a system driven by bureaucratic supervision towards practices of continuous performance evaluation (Herrmann, 2009), and, hence, more accountability was introduced into the German school debate (Gruber, 2006).

The comprehensive post-PISA reforms affected the work of teachers, and, hence, deeply challenged teachers unions’ vested interests. Accordingly, teachers unions were alert to saving their clientele from unwelcome change. At the same time, the unions (GEW and DPhV) widely acknowledged that education reforms were overdue and tried to seize the opportunity offered by reformist momentum to further their own interests and preferences. In this, some interests and preferences of the DPhV and the GEW were identical, such as more funding (also for teacher education) and better employment conditions (more preparation time, more assistance from social workers). However, both teachers unions pursued different positions regarding other issues. While the GEW used PISA to call for the establishment of more comprehensive schools to counteract the diagnosed performance variation between students from different school types and from different socioeconomic backgrounds (GEW, 2001, 2013d), the DPhV vehemently defended the tripartite school structure by also making references to PISA. The DPhV argued that those *Länder* with the strictest tripartite school structures (e.g., Bavaria, Baden-Württemberg) achieved the best test scores in PISA (DPhV, 2004a, 2005). Thus, according to the DPhV, the tripartite structure was crucial for good education performance outcomes. In contrast, the GEW’s line of reasoning was fueled by PISA’s best practice examples from Scandinavian countries such as Finland. These countries were characterized by

very good PISA test scores, low performance variations between social strata, and also by comprehensive school systems (OECD, 2001, 2004).

In general, however, the teachers unions did not evaluate the reforms as a chance to further their own interests and to improve teachers' working conditions; first and foremost they regarded them as a potential threat to their vested interests. In contrast to neoliberal reforms (as discussed in this book using the examples of Sweden and England), German teachers unions were able to block reforms that aimed at the further introduction of performance management, accountability or privatization. These measures would have undermined the autonomy of teachers by establishing instruments to monitor and evaluate their work. Their resistance was strongly driven by defending the job interests of their members in regard to salaries, careers and job security – which would all have been jeopardized if mechanisms of external review and evaluation were introduced.

The teachers unions focused on criticizing some reforms as going too far, and being counterproductive to improving students' performances. Controversy was provoked from the unions regarding the introduction of accountability through empirical tests. It is important to note that the turn to output-oriented governance entailed two main consequences for teachers in Germany. First, the introduced education standards defined goals; while the way to achieve these was not regulated in detail. Thus, teachers were more autonomous in applying strategies to achieve the goals, and they had to 'fill the vacuum caused by the absence of curricular guidance' (Ertl, 2006: 626). Second, teachers were now increasingly faced with evaluations and PISA-like testing. Schools and school districts were externally monitored through national and international comparative assessments, while internal evaluations (on the level of individual schools) were also standardized and expanded.

Generally, the GEW claimed that the implementation of reforms was rather poorly done and that a lack of human and financial resources made effective implementation at school level difficult (GEW, 2010). First and foremost, the GEW argued strongly against the overemphasis of testing measures. Constant evaluations led to a teaching-to-the-test mentality whereby teachers just concentrate on achieving good test results instead of good education (GEW, 2012, 2014). Instead of extensive testing and performance evaluations, teachers and schools needed more assistance and better infrastructure to produce better outcomes (GEW, 2010: 3).

Furthermore, the GEW supported a series of protest events in 2009 in which students, parents, university employees, and teachers called for the cutting back of some of the more controversial education reforms. However, the protests did not exclusively address the interests of teachers but can be understood as a broad alliance against too many education reforms within a short period of time. Furthermore, the GEW refused any future attempts at more market orientation in school policy (Avenarius, 2011; GEW, 2007) since these threatened the employment position of their members, who are

mainly public school teachers. Here the GEW position is in line with the DPhV, who see the civil servant status of their members threatened by the increasing number of privatized schools. Incidentally, it should be noted for Germany, in contrast to many other countries, market-based reforms play a marginal role in school policy. Although the private school sector has increased in size over the last few years (Koinzër and Leschinsky, 2009), the share of private schools is rather small compared to other OECD countries (OECD, 2013: 272). Also, unlike in other countries, parental school choice is not a prominent topic in teacher unions policy because of the existence of school districts.<sup>28</sup>

In the context of recent education reforms, the DPhV was not particularly skeptical towards education tests and performance evaluations. Instead, the DPhV claimed to use evaluations for monitoring compliance with education standards across all *Länder* in order to mitigate performance variations across Germany (DPhV, 2004b). The DPhV also emphasized that the implementation of reforms, and their positive effect on educational performances, depended heavily on more efforts and more assistance in teacher training (DPhV, 2005). The greatest concern of the DPhV was that the debate regarding school structures was going to be revived in the context of PISA reforms. The arguments of some interest groups (e.g., the GEW) who called for the introduction of comprehensive schools in the light of the PISA results were met with great concern (DPhV, 2004a, 2011: 8). Consequently, the DPhV put great effort into the preservation of the traditional German school structure.

Overall, during the course of PISA reforms the German teachers unions, particularly the DPhV, were not able to activate their usual alliances to stave off pending reforms. This was for two reasons. First, necessity and impulses for reform were initiated outside the usual political processes; an external, international initiative was exerting pressure for reform. Reforms were not discussed behind closed doors, but rather came under the focus of the public-political discourse. Second, teachers unions (especially the DPhV) were almost always successful in preventing disadvantageous reforms by forming alliances with parents' organizations interested in keeping the school system separate and to conserve the status of the elite *Gymnasium*. In the case of PISA, this alliance was split because all parents were interested in improving the education system. However, the DPhV was successful in preventing an extensive debate over school structures by constantly referring to the satisfactory performances of the *Gymnasium*.

<sup>28</sup> Only North Rhine-Westphalia and Lower Saxony allow free school choice for public denominational schools (Riedel et al., 2010). Since 2010, Berlin is the only federal state which introduced free school choice for all public secondary schools.

## Conclusion

In Germany, there exists a highly fragmented teaching unionism that represents teachers according to different school types. As a political legacy, the historical distinction between teachers at the *Gymnasium* (represented by the DPhV) and the elementary school teachers (represented by the GEW) is still evident today. Despite the fragmented structure, teachers unions had a strong impact on school policy in the past. The strength of the teachers unions in Germany becomes apparent when they are able to mobilize the educated elite. Several failed attempts for a longer duration of elementary schooling and a uniform teacher education from the 1950s, through until today, demonstrate an important point: the DPhV is a 'powerful interest group' (Wiborg, 2009: 199) able to block reforms for extended elementary schooling as a result of its ability to mobilize the *Gymnasium* clientele.

As noted above, in Germany the highly educated middle class (*Bildungsbürgertum*) forms a strongly pro-*Gymnasium* interest group that reaps the biggest benefits from the status-(re-)producing effects of the German school structure. In the wake of educational expansion, the once-so-elite *Gymnasium* has become accessible for an increasing number of students from all socioeconomic backgrounds. The *Gymnasium* clientele constitutes an important part of the German electorate, not only in quantitative terms but also in terms of its ability to engage in advocacy and wield considerable political clout. It shares the DPhV's view that learning outcomes will always be better in same-ability groups than in mixed-ability ones, and the view that to sort students into different types of school is inevitable. Strongly embodied in middle-class parents' associations, the *Gymnasium* clientele forms – together with the DPhV and other secondary school teachers' associations – a powerful coalition of resistance to comprehensive schooling (Blanck *et al.*, 2013; Edelstein and Nikolai, 2013; Kral, 1984: 419; Wiborg, 2009: 199). In contrast to the DPhV, the more diversified GEW has encountered difficulties in mobilizing the educated elite and forming a competitive counterforce against the conservative coalition. Thus, its ability to exert pressure is considerably lower than that of the DPhV.

The DPhV not only shapes the school structure, it also pursues the employment-related interests of its members. With its commitment to a multi-tiered school system with early student selection and a divided teacher education, along different school forms, the DPhV also fights for the maintenance of the pay and working conditions of their teaching members at the *Gymnasium*. The GEW stands for a unified school system and the equalization of teachers' salaries and status, but unlike the DPhV it has failed to form a decisive alliance with parents' organizations in the past. Just as in the United States or France, teacher unions in Germany have been able to block profound changes to their education systems in the *Länder*. In comparison to other countries discussed in this book, German teachers unions, especially the DPhV, are powerful. Because

of their informal participation in pre-parliamentary debates and parliamentary hearings, as well as their capacity to mobilize the highly educated middle class in elections and referenda, teachers unions in Germany have been able to defend their vested interests. Some of the political positions the DPhV pursues (e.g., the preservation of the *Gymnasium*) are deeply rooted in large parts of German society and allow for strong leverage by the DPhV. Nevertheless, so long as the interests of their members regarding job security, careers and salaries are not affected, teacher unions are able and willing to contribute more constructively to reforms (e.g., integration of refugee children in the school systems) (DPhV, 2015a, 2015b; GEW, 2015).

Future research will need to consider how far teachers unions in Germany will still be able to influence school policy and defend their vested interests in the light of a reconfiguration of school governance. Over the past two decades schools in Germany have obtained a greater scope to determine their own profile as well as greater decision-making powers (Nikolai and Helbig, 2013). In contrast to the cases of Sweden and England presented in this book, Germany has experienced more decentralization in education policy. In the realm of the Federalism Reforms of 2006 and 2009, jurisdiction and political competencies between the *Länder* and the Federal Government were reorganized. The now-17 employers of civil servants (the federal government and the 16 *Länder*) are independent with respect to the employment conditions of civil servants but are still confined to special, traditional principles. The former close connection between the two status groups (civil servants and employees) has been undermined, and decentralization and fragmentation of employment regulation, the Federalism Reform for the civil servants, and the break-up of the bargaining alliance of public employers, has set into motion a growing divergence of the terms and conditions of employment (Gottschall et al., 2015; Tondorf, 2008). The unsettling effect of the two reforms – brought about by PISA in 2001 and the Federalism Reform process that started in 2003 – hit German teachers' unions almost simultaneously. It remains an open question as to how far these processes will lead to the decline of teachers unions' power in education policy and how strong this decline will be in comparison to other countries. The implementation of the UN Convention on the Rights of Persons with Disabilities constitutes a further challenge for teacher unionism, and it remains to be seen to what extent teachers unions in Germany facilitate or hinder inclusive education. Further research is needed into whether the outlined reforms will weaken the unions' political bargaining and veto powers.

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