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## The Organization of Public Schools along Religious Lines and the End of the Swiss Confessional States

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## THE ORGANIZATION OF PUBLIC SCHOOLS ALONG RELIGIOUS LINES AND THE END OF THE SWISS CONFESSIONAL STATES

### Introduction

In democratic countries, public institutions must not break norms based on fundamental rights. This means that state schools must respect religious freedom. In this paper, I discuss this relationship and how it came about. My subject is the relationship between state education and religion, and more specifically the history of how the balance was struck between the general duty to provide an education and the constitutional right to religious freedom in Switzerland's state schools.

From a historical point of view, *religious freedom* is primarily the *right* of the individual to *protect* him or herself against the possibility of a state-imposed religion (1). The individual can believe what he or she wants to believe and can express this faith in any manner he or she chooses, as long as this does not disturb public order or curtail the rights of other individuals against their will. This right of the individual to determine his or her own religion stands opposite to the *duty to provide an education*. Which means the minimum level of education that the state is required to pass on the younger generation (2). It is regarded that the purpose of this minimum education is to ensure that children and young people acquire as much culture as is deemed relevant to enable individuals to become politically mature and economically independent, as this will ultimately benefit society as a whole.

But what consequences does a political guarantee of religious freedom have for the duty to educate? The right to an education – which is bound up with the fundamental rights – formalises this relationship by imposing rules on state schools, governing how they may refer to religious beliefs, religious practices and different

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(1) HÄFELIN, HALLER, 1998, pp. 410-422.

(2) PLOTKE, 1979, pp. 143-150.

denominations. Regarding religious beliefs, the individual regulations making up Switzerland's national legal framework and the canton laws (3) state that it must be possible to fulfil the duty to educate without pupils being required to subscribe to any particular religious belief or take part in any particular religious practice. As a provider of education, the Liberal state is not permitted to run schools with denominational obligations. This duty is referred to in the "school article" of the Swiss Federal Constitution, the wording of which remained unchanged from 1874 to 1999. This states "It shall be possible for the adherents of all religious beliefs to attend public schools (author's note: state-run schools) without being affected in any way in their freedom of creed or conscience" (4). Accordingly, religious beliefs or practices may not form any compulsory part of state education (5). This regulation is also a way of saying that schools are not dealing with a uniform denomination, into which it could or should introduce the younger generation. This sociological and educational conclusion has a *pedagogical* implication. The above-mentioned right to education presupposes that education, which is morally justifiable and has morally justifiable results, is possible without religion. From a historical point of view, this conviction is anything but self-evident.

At the beginning of the 19<sup>th</sup> century, Switzerland was a confederation composed of individual religious states (cantons). In addition to the Roman Catholic and Protestant Reformed areas there were a few places where the two religions had equal status. The denominational orientation of the cantons was justified by the idea that state welfare went hand in hand with membership of and belief in a single faith and that public morality was dependent on an absolute concept of the truth, to which the population had to be committed. In this scenario, state schools played an important part: their role was to provide individuals with a religious and moral education in order to prepare them for life, not only as Christians and human beings but also as citizens.

In the 19<sup>th</sup> century this denominational role of the state was called into question. The consequences of this were significant, and the result was a change of the concept of public education. The result of the arguments that took place was a legal understanding of the state and public institutions which required that the latter had to be "neutral" in their religious orientation. Historically, it is clear – and this is also one of the theories discussed in this paper – that the declared neutrality of state institutions with regard to religious issues was not simply the idea of a particular political group that ultimately became the norm. The first theory says that the basic principle of neutrality laid down in constitutional law was in fact the result of public discussion, in which each of the participants insisted on their own concept of the truth, but was forced to give up the idea of it being imposed by the state. The second theory says that the secularisation of state schools not only followed on from

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(3) Until today there is no national right to education in Switzerland, only certain constitutional regulations in the legal framework of the Swiss Confederation with which the cantons are required to comply. The cantons have sovereignty over the form their educational systems take; up to now, joint projects have always been governed by regulations laid down in inter-cantonal concordats. See PLOTKE, 1979.

(4) *Federal Constitution of the Swiss Confederation, 29th May 1874*, article 27 paragraph 3.

(5) The new Federal constitution of 1999 no longer explicitly refers to this connection between religious freedom and state education; instead, it is implied in the regulations concerning freedom of worship and conscience (Art. 15 of the Federal Constitution of the Swiss Confederation of 18<sup>th</sup> April 1999).

the secularisation of the state but that public education and its denominational character or ideological orientation and underlying pedagogical concepts were themselves the subject of considerable controversy, and this encouraged the process of the secularisation of state institutions.

This change in Switzerland is the subject of this paper (6). I begin with an account of the point in history at which the task of state schools was to prepare individuals to become part of the denominational state, and I end at the point when consensus broke down over whether state schools should have this role at all. I aim to show how *public controversy* over the content of school lessons in the 19<sup>th</sup> century led to a situation where state schools lost their denominational character, which was originally guaranteed by law; and where this process of debate led to an increasingly widespread understanding of socialisation at school that came to the fore in an irreligious environment. In other words, the state school system not only provided the framework for the legal relationship between the state and religious communities, but – because of the controversy it caused – drove forward not only the process of the secularisation of state institutions but also the laicisation of religion.

I shall deal with the detail of these theories in three stages. The first part outlines the historical starting point I have chosen, when schools were a place of religious socialisation with regard to the established religious community. In the second part I will outline the school reform that took place in the Liberal cantons after 1830. The third part deals with the political differences over the concepts of public education and their relationship to religious issues.

## 1. The state school system in the religious state

In the 17<sup>th</sup> and 18<sup>th</sup> century, Switzerland was made up of territories that remained strictly separated along denominational lines. This arrangement was known as the “Confederation of XIII”, which governed subservient areas and was joined by other allied territories, which in the 19<sup>th</sup> century grew into cantons. These territories were either Catholic or Protestant. Only people who could prove that they were of the appropriate denomination were permitted to settle there, and citizen’s rights were only granted to those who professed the “right” religion (7). The religious states of Switzerland were strictly separated religious communities, united above all by common geopolitical interests (8).

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(6) This paper is part of a research project supported by the Swiss National Science Foundation, entitled: “The secularisation of the public school in Switzerland during the 19<sup>th</sup> century”. Project nbr. 11-56893.99. Responsible: Martina Späni; research assistant: Carmen Pirovano.

(7) See STEINER, 1976, pp. 68-81; FINSLER, 1854, pp. 2-11.

(8) This denominational separatism was laid down by law, but was gradually abolished, initially by intercantonal concordats at the beginning of the 19<sup>th</sup> century. In 1848 freedom of religion at national level was decreed, but only for the Christian denominations. To this right to freedom was added the right to free settlement; from 1860 Jews were permitted to move freely throughout Switzerland, and finally in 1874 religious freedom throughout Switzerland was decreed, and all state institutions became non-denominational (STEINER, 1976, GIACOMETTI, 1926).

In the religious state of the 18<sup>th</sup> and early 19<sup>th</sup> century, received opinion was that the welfare of society was tied up with a specific religious faith. In the religious state, being part of society was the same thing as being part of a particular religious category. Moral order in society was inextricably bound up with religious order. In the religious state it was not considered sufficient simply to demand moral behaviour, in the sense that such a demand was enough to forbid killing, for example. The ability to act morally was made dependent on the knowledge of the only true salvation – the order and rules governing the world and the individual.

Consequently, instruction in the true faith took on an important role; children and adults had to know about the existence of the true faith and the knowledge that this faith was the right one had to be reinforced; so, they had to be taught these things (9). It was the state-recognised Church that was responsible for this task, but the organisational power was lying with the state in the case of the Protestant Reformed cantons and – until the beginning of the 19<sup>th</sup> century – with the Catholic Church in the case of the Catholic cantons (10).

The first elementary schools can be regarded as the organisational differentiation of the Church's missionary function. This is how the often-used metaphor of the school as a daughter of the Church is to be understood. The missionary function of the state elementary schools in the 18<sup>th</sup> century is stated, for example, in the "School Ordinance for the German Lands of the Town of Bern" of 1720: "No pupil shall be considered as finished and released from school until he has learned the fundament of the true religion as instructed to us in the catechism" (11). Instruction was required to lead to the acquisition of this "fundament of the true fundament", through the children learning "to read and pray diligently, intelligibly and expressively" (12). Children were taught from the psalm book, the Old and New Testament and the catechism, which presented and summarised the doctrine systematically.

If this paper is to consider the relationship between the school, the state and the Church from the point of view of the laicisation of religion and the secularisation of the state and state institutions, in order to proceed systematically we must consider to what extent the denominational schools of the 18<sup>th</sup> century were already lay and secular organisations and to what extent they must be considered as independ-

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(9) This is shown for example by the "Regulations on Schools" (1776) of the earldom of Baden. The "Purpose" article states: "Experience therefore shows that establishing schools in the city and the country and instructing young persons promotes Christianity, implants good morals and is beneficial in the service of the common good..." (Earldom of Baden). And also in the "Regulations governing New Schooling and Teaching for the Schools of the Countryside of Zurich" (1778): "Meanwhile, the way to spread the glory of God and to promote the prosperity of the people, next to God's grace, is most indisputably based and dependent on a good education and a true instruction of our dear and delicate youth in all useful and salutary knowledge, the basis of which must be laid in the public schools" (Mayor and council of the city of Zurich). See also GREINER, 1933, pp. 1-11.

(10) Unfortunately there are no historical descriptions available for the purposes of comparison. There are a few old studies on a small number of cantons, e.g. GREINER, 1933, VISCHER, 1931, and more recent information in WICKI, 1990, pp. 392-477; a general account of schools in 1800 is in SCHNEIDER, 1905, BOUCARD, 1938 and SIALM, 1949.

(11) SCHOOL ORDINANCE of 1720, section 20.

(12) See footnote 10.

ent institutions. In distinguishing between state schools, the church and religion, I have limited myself to four characteristics:

1. *The purpose of the state school as an institution:* The purpose of the state elementary school as an institution was justified by the fact that it prepared individuals for admission to the community of the faithful (13). As such, the elementary school was an institution for preparing the individual on behalf of the state and the Church, and was not a secular organisation.

2. *The content of school instruction:* The content of school instruction was linked to religious dogma. The faith taught one about how the world is ordered and how mankind fits in to the world, and to observe a certain code of behaviour. This dogma was passed on to the school by the Church, which oversaw the teaching to ensure that it remained pure. The teaching material used was first and foremost the catechism (14), which systematically presented the religious order, and the psalm book.

3. *The concept of education:* I will devote more space to this third point, to show how slight the distinction between religion and morality or religious and moral education was; this distinction was so slight that the traditional understanding of education became the real problem. The question was whether religious and secular education could be separated and whether it was even possible to organise common education within the framework of the state school system for a multi-religious society.

The educational concept of state schools in the religious state was derived from the content, or rather the religious economic content, of the Christian faith. I refer here to the central points found in both the Catholic and Protestant Reformed catechisms. At the centre of the Christian faith is man, who is required to prove himself before God, the righteous. In order to be righteous, man must be able to obey the Ten Commandments, which consist of duties before God and duties to mankind. However, man is unable to carry out these duties because his strength is sapped by original sin. Man can only be righteous in the eyes of God if he is willing to tread the path to redemption, which is obtained through the revelation of the faith (either through the Bible or through the Church). He must hope that the grace of God or the effect of the means of grace of the Church will purify and redeem him. Without faith and left only with his own resources, man is bound to fail.

To aid the understanding of religious education, I would like to emphasise just one point: morality and faith were inextricably linked. In order to act morally it was necessary (although not sufficient) to know the contents of the revealed order of salvation. There was no epistemologically or developmental psychologically conditioned problem with imparting this, unless man wilfully shut out the truth. The truths of the faith were communicated to man through the Holy Scriptures or the Petri Church. This faith was irrational, to the extent that the continued existence of religious knowledge was based primarily on revelation and not on empirical research about the world. It was divine revelation and not the work of man. In this sense, religious doctrine was sacrosanct. Man had to be instructed in these revealed

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(13) In the 18<sup>th</sup> century, the duty to attend school in the Protestant Reformed cantons ceased with the call to the evening meal.

(14) Instead of referring to individual catechisms, see ANGST, 1947, pp. 135-148.

truths, because alone he was incapable of recognising what he needed to recognise for his own good.

But, the central problem for the secularisation of moral education and the removal of the religious content from schooling was that moral behaviour could not be instilled without religion.

4. *Teaching staff and their authority*: In 18<sup>th</sup>-century schools the teachers were either priests or lay teachers. Lay teachers were selected or approved by the Church authorities. They were subordinated to the local priests and obliged to take on certain tasks during the Church service. Despite their subordinate position, schoolmasters were teachers of religion and, as history shows, in competition with the priests.

At the same time, from a theoretical and practical point of view, there was a contradiction between denominational schools and the religious state, whose role was to act as a father, caring for its citizens. In the next section I will outline how the relationship between state schools and the Church changed under the new political system of Liberalism.

## 2. The liberal school reform and its pedagogical concepts

The new political model of sovereignty of the people and the separation of powers assumed that citizens were to be sufficiently educated to take up political office, make judgements on matters of public interest and control the government. When French troops occupied Switzerland in 1798 and the Ancien Régime was forced to step down, an attempt was made to institutionalise the new political system of democracy and to overhaul the educational system (15). The first signs of the failure of this venture became apparent in 1803, and by 1814 its fate was sealed. The Ancien Régime returned, albeit no longer in the same way and not in all parts of Switzerland. However, this victory was short-lived, because around 15 years later, in about 1830, a second attempt was made to install a Liberal democracy. However, by 1830 not all of the 25 sovereign cantons of Switzerland had adopted new, Liberal constitutions. But in about 1848, after losing a short war, the remaining cantons were forced to adopt them (16).

The withdrawal of the Ancien Régime in Switzerland in around 1830 and the restructuring of the cantons along Liberal principles led to a guarantee of freedom of worship and conscience. Initially, however, this protection of faith and conscience acted only as a kind of protection for minorities in a society that was largely of a single faith, and which furthermore was determined along the lines of that faith. In addition, this religious freedom applied only to Christian faiths (17). The “Liberal” state expressly protected and guaranteed the religion of the old religious state. However, this protection did not mean that Liberal government politics did not attempt to influence religious thinking in the Church. The aim was *not* to

(15) BÖNING, 1998, STAEHELIN, 1980, pp. 829-832.

(16) On the subject of this entire complex, see KÖLZ, 1992.

(17) STEINER, 1976.

abolish religion, nor to separate the Church and the state, but to *reform* the Church and religion.

My aim is to show what part state schools – as the traditional provider of religious and Church socialisation – played in this process, and how the institutional separation of Church and school progressed, but without religion as both the means and the subject of instruction being removed from the school curriculum. To this end I shall once again turn to the four aspects referred to in the section on the religious state, namely the purpose of the school as an institution, the content of school instruction, the concept of education, and finally the teaching staff.

1. *The purpose of the school as an institution:* State schools as they were run between 1830 and 1860 under the patronage of the Liberal state can clearly be described as denominational in the sense that they continued to see it as their task to prepare children for religious instruction and for the Church community. In addition to their long-standing task of religious socialisation, schools now had two new tasks, which were not to do with a moral and religious or Church-based society. The task of education was to provide individuals with the means to become part of the political and economic system as independent and responsible individuals. Indeed, these are the two tasks that legitimise the role of state schools today.

And this is also one of the reasons mentioned above why the *organisational* separation of the school and Church as state institutions was required. Both institutions were supposed to have specific functions: the Church as a provider of spiritual welfare for adults and the school as a provider of education for children and young people. The school still referred to the Church, but its function was no longer simply derived from the Church. From the beginning of the Regeneration, the Church forfeited its right to have an *overall* say in the organisation and running of the school and to control it *as a whole*. Its right to participation and control was limited to religious instruction, the teaching material used and in some cases also a right of supervision at municipal level (18).

Despite these remaining rights, which were mainly to do with religion, a new situation arose for the Church and unity of creed. The institution of the school became separated from the Church through being given new tasks not derived from the Church. There was henceforth the threat that even the part of school instruction in which the Church had a right to participate and control would be taken over by the Liberal school reform and its concept of education.

2. *The content of school instruction:* In the Liberal educational system, further subjects were added to school instruction. These included instruction in the native language, history, geography and natural history, and in some cases also instruction in the constitution. These subjects were designed to fulfil the school's new tasks, i.e. to turn the pupils into independent and responsible citizens with specific knowledge of nature, culture and the state and able to express themselves both orally and in writing. However, it was not the intention of those behind this Liberal education policy to found an irreligious school, which would no longer have any connection

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(18) An example of this is the *Law governing the institutions of the entire school system in the canton of Aargau*: "paragraph 6. (...) In the case of religious books, suggestions shall be made by the Canton Schools Council, in agreement with the Church Council of the appropriate denomination" (1835). It was the municipal council that was responsible for choosing the other school books and teaching materials.

with the state-recognised Church. Neither was there any suggestion that a moral education was possible without religion. If the school was to provide a proper (moral) education, it had also to have recourse to religion (19).

Nevertheless, in the context of state schools in the early Liberal state, the content and methods of religious instruction came under pressure. Put briefly and succinctly, denominational faith became censored by pedagogical and psychological points of view. This concerned above all the Bible and the catechism. They were to be replaced by moral and religious tales, some of which were inspired by the Bible but which also came from many other sources. In Liberal schools, *religious belief* and the *system of faith* as expressed in the catechism – and which had been the goal of religious instruction under the Ancien Régime – was declared to be of secondary importance and delegated to the Church. The school was to introduce the concept of religious belief but no longer to provide instruction in it.

An explanation is required of what is meant by pedagogically and psychologically motivated censorship. This is covered in my third point:

3. *The concept of education*: The pedagogically and psychologically motivated censorship of religious doctrine and the sources from which it was taken, particularly the Bible, arose from the conviction that knowledge has – or should have! – a basis in experience (20). Knowledge was based on objects that could be experienced, by the senses and ordered rationally, and what was real could also be experienced, rationally observed and expressed in a comprehensible way. This was the epistemological premise. The modern educational theory developed at the close of the 18th century put this conclusion in the centre of its concept: for children, concepts were initially just meaningless acoustically recognisable signals. In order for children to understand the content of concepts, they had to be introduced to these objects through experiences detected by their senses. This was the first premise of educational theory. The second premise was to teach simple concepts first, before moving on to complicated ones. The third premise stressed the following: do not teach anything that is not suitable for children and does not occur in a child's scope of experience. These fundamental convictions were also applied to religious instruction, and this had serious consequences for the dogmatic content of this instruction.

For example, in 1833 the Liberal Catholic newspaper *Der Eidgenosse* printed the following: “No elementary school book, and therefore also no book for elementary Christian teaching, shall contain anything that may not be explained to children or that is entirely unsuitable for their age. However, sodomy and other sins forbidden by the 6<sup>th</sup> and 9<sup>th</sup> of God's Commandments are included (author's note: in the catechism recommended by Bishop Salzmann). He even desires that children

(19) Inter alia SCHERR, 1839, SNELL, 1840.

(20) For example, as the following anonymous contribution to a pedagogical journal stated quite unequivocally: “All of our insight and knowledge has its roots in what our senses perceive. We learn about things, characteristics and activities by actually perceiving them with one of our senses. For a child, there is no such thing as the Church as long as he has not seen one; the sound of the organ is unknown to him as long as his ear has not heard it; he knows nothing of the scent of a rose, nothing of the sharp taste of vinegar, unless he has smelled and tasted these things” (*Allgemeine schweizerische Schulblätter*, 1839, p. 34). See also SCHERR, 1839.

of that age be instructed in the ways of marriage and its requirements” (21). The Zurich educational politician and director of the teacher training college Ignaz Thomas Scherr (22) made a similar criticism in his extremely polemical reply to attacks by conservatives claiming that the new schools founded by the Liberals were anti-religious. Scherr wrote: “To my mind we should not be in a hurry to fill up innocent children with rules and regulations: Thou shalt not commit adultery; thou shalt not kill; thou shalt not covet they neighbour’s wife, nor his servant, nor his maid, nor his ox, nor his ass. For Heaven’s sake! What has an innocent child to do with these things?” (23).

It should be stressed that denominational doctrine was not publicly questioned by the Liberal educational politicians and newly trained teachers of the Regeneration, which took place between 1830 and 1850. The interest in the reform of religious instruction at school was not directed at questioning religious truths but rather at how they should be introduced to children (24). This point is important. It was not until the *Kulturkampf*, which took place in around 1870 that the question of whether the old religious beliefs were true was discussed loud and clear in teachers’ educational journals in the context of the state school curriculum. The theologians’ discussions were thus received, or at least came into the public domain, some thirty years later (25).

The idea that the way faith is tailored pedagogically has no effect on doctrine itself is of course wrong. Anything that is removed for pedagogical purposes is no longer there and consequently changes the doctrine. In addition there is an increased risk of the censored material never again being included or of this proving impossible. And thirdly: how can the pedagogical and psychological reorganisation of faith ever have any legitimacy when doctrine excludes the possibility of organising knowledge of the world according to criteria of human reason and experience? By his very being, man is not able to do this, because he is a sinner. For this reason, mankind is dependent on an order that is not the result of reason and experience. This was the complaint of committed churchgoers and of religious circles. For that reason, educational theory was denied the right to alter the doctrine of salvation for pedagogical purposes, because such a change would distort the contents of the true faith (26).

But the concept of Liberal education theory not only called into question the salvational effectiveness of the revealed truths handed down through the generations, it also automatically competed with the Church’s doctrinal authority and monopoly on interpretation in religious matters. This became increasingly the case as teachers received a better education. This brings me to the fourth point.

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(21) On religious education, 1833.

(22) In 1839 Scherr was dismissed as director of the teacher training college by the new Zurich government, allegedly because he was irreligious.

(23) SCHERR 1839, p. 7.

(24) This religious education issue was a major topic of discussion even in the 18<sup>th</sup> century. However, there was no difference between the epistemological arguments and methodological and didactic approaches. What had changed by the 19<sup>th</sup> century, however, were the political context and finally the place that these matters had in public discussion.

(25) For the arguments between the Protestant Reformed theologians in Switzerland, see FINSLER, 1881, who gives a very good account of the controversies aired.

(26) Inter alia BRUCH, 1840.

4. *Teaching staff*: In the Liberal state, teachers were provided with their own training institutions, and very quickly came to think of themselves as the only experts in teaching children. The consequence of this was a change in the subordinate position of teachers with respect to priests. Teachers laid claim to the status of experts in matters of school instruction, and claimed that priests were no longer capable of this task. The priest was to be replaced by an inspector, a government official and former teacher. His job was to check whether teachers were providing instruction in line with the regulations and were suitably qualified.

Overall, it is true to say that as an institution of the Liberal state, the school gained its organisational independence with respect to the Churches. This gaining of independence also gave rise to the pedagogical demand to tailor religious instruction according to the school's own pedagogical premises. In stating at the beginning of my paper that schools brought about the laicisation of religion, I meant this in two respects: firstly, judgements on religious matters were passed outside the Church, and secondly, this airing of pedagogical and psychological issues concerning religion provoked a public controversy, which can also be regarded as laicisation. Religion was finally relieved of its theological and Church monopoly on interpretation and was released into the sphere of public debate.

### **3. The beginning of the end for denominational schools**

The debate on religious matters in the context of Liberal education policy resulted in a public argument which would not have had the same resonance if theologians and scientists alone had instigated and taken part in it. The question of the content of religious socialisation at school concerned the way the entire population regarded itself. It reached everyone, even those who themselves were hardly able to read but had to send children to school. Religion and education became the subject of a public debate – to some extent this was a historical novelty.

The public reaction to the Liberal policy towards the school and Church was harsh and clear. Some of the new school subjects were regarded as pointless, or as dangerous competition for religious education. In newspapers and occasional polemical leaflets, as well as in petitions presented to the governments, citizens complained that their “fathers’ belief” was being destroyed by school education. What is interesting about this movement is that it was not simply the official Churches that were organising these movements and resistant reactions. It also involved lay movements that were attempting to hold on to parts of the old order. They were convinced that religious convictions should be shared by the family, local authority, school and Church. This order included teachers being subordinate to priests and the right of the priest to have a say in all areas of schooling and to judge whether teachers were of the true faith. They also demanded that at state level, the Church Council or governing body of the Church should have an influence on the government's educational policy.

These demands came to be expressed most forcefully in 1839 in the Protestant canton of Zurich, the canton in which the Liberals' reformist intentions were most rapidly implemented. The rural population occupied the city, the Liberal govern-

ment stepped down and a conservative government was formed (27). The same happened in the Catholic canton of Lucerne in 1840, the difference being that the change in government occurred in accordance with the constitution. The conservative actions in Aargau and Vaud were less successful (28).

However, the success of this undertaking was far from uniform. From a historical point of view there were clear geographical differences corresponding with the previous denominational boundaries. In the *Catholic* cantons, the Catholic Church was successful in reclaiming its sovereignty over the Christian doctrine of salvation, or more precisely it was staunchly supported by the strong lay movements in the country (29). In the Protestant Reformed cantons similar lay movements existed, but they were not supported by a theologically united Church. In these cantons the Church was divided into different camps that were not on good terms with each other (30). In contrast to the earlier situation, the argument was now taking place in *public* and was increasingly becoming a subject of public debate.

It is important to realise that in the first half of the 19<sup>th</sup> century none of the parties questioned the necessity, and in particular the possibility, of a standard religious and moral education, but it proved impossible to agree on what form this should take. This situation was worsened after 1848 by migration. The federal constitution of 1848 guaranteed the right to free settlement to members of all the Christian denominations, and this subsequently led to the first large-scale mixing of denominations in individual municipalities. It was only in this context that freedom of worship and conscience were used publicly as arguments. Some used it to stave off the danger that their own children would be confronted with an understanding of religion that was very different to their true inherited belief. They saw it as a bearable compromise, although they were convinced that bringing up children, whether at home or at school, was not possible without religion. Others used the argument of freedom of religion to break the hold of denominational education where it was still practised in state schools. This was the case for those with an “enlightened” liberal understanding of religion.

Given the premise that the practice of a standardised and common public education should not be given up, and in view of the fact that it was no longer possible to find consensus on the content of a shared religious belief, the only remaining possibility was to exclude religious instruction from schools – or at least to allow people with other beliefs to be excused from it. In 1874 the denominational neutrality of state schools in Switzerland was grounded in constitutional law (31). Since then, *legally* nothing has changed but culturally a great deal has changed, and the debate continues, albeit in the background.

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Translation from German

(27) It was the appointment of the liberal theologian David Friedrich Strauss at the University of Zurich that triggered this revolt. See GELZER, 1843, KÖLZ, 1992, pp. 409-416, *Züriputsch*, 1989.

(28) On the conservative reaction, see KÖLZ, 1992, pp. 409-458.

(29) On Catholicism, see ALTERMATT, 1989, STADLER, 1984.

(30) FINSLER, 1881.

(31) See HOLENSTEIN, 1931, MARSCHALL, general information on the article in the constitution that deals with state schools CRIBLEZ, 1999.

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*Abstract*

*This contribution addresses the legal and pedagogical aspects of religious confession in Swiss public schools. More precisely, it examines how controversies over legal and pedagogical issues in Switzerland have changed over time. At the beginning of the 19<sup>th</sup> century Switzerland saw itself as a union of individual confessional states (cantons); a small number of non-denominational villages neighbored the otherwise Catholic and Evangelical-Reform territories. Consequently, confessional organization of individual cantons was based on the principle that national well-being was linked to the unity of a religious confession and public morality was dependent upon an absolute concept of truth to which the people were bound. In this scenario public schools naturally played an important role: a religiously- and morally-directed education was designed to prepare individuals to live not only as Christians and moral human beings, but also as citizens.*

*This self-image as a confessional state, as well as the concept of public education with which it was connected, were called into serious question in the 19<sup>th</sup> century. Subsequent controversies yielded a legal understanding of the state and public institutions, amongst which were those requiring a "neutral" organization. This paper also puts forward that it is historically demonstrable that the declared neutrality of state institutions regarding the question of faith was not simply an idea imposed by a particular political group. We furthermore argue that the constitutional principle of neutrality more accurately represents a sort of stalemate rather than the result of public discussions. The few participants of the discussions which did take place relied each on his own conception of truth and thereafter came to regret their blindness. The second thesis of this paper is therefore that the de-confessionalization of Swiss public schools not only took place, but also that public education and its confessional character (i.e., its specifically religious organization and basic underlying pedagogical concepts) were themselves objects of fierce controversies which accelerated this process of state institution de-confessionalization.*

*Résumé*

*Cet article s'intéresse à la dimension juridique de l'enseignement confessionnel dans les écoles publiques suisses et, plus précisément, à l'évolution de la réflexion autour de la formation et de la pédagogie. Au début du XIX<sup>e</sup> siècle, la Suisse se présente comme une confédération d'États confessionnels (cantons). À côté des régions catholiques et protestantes, il existe un petit nombre de lieux paritaires. L'orientation confessionnelle des cantons s'explique par le lien étroit supposé exister entre la prospérité de l'État et l'unité confessionnelle et par le caractère absolu et contraignant de la vérité qui sert de fondement à la morale publique. Dans ce contexte, les écoles publiques occupent une place importante : elles préparent l'individu non seulement en tant que chrétien moralement irréprochable, mais aussi en tant que citoyen. Au XIX<sup>e</sup> siècle, cette approche est remise en question, ce qui a des répercussions sur la conception de l'éducation publique : l'approche confessionnelle cède la place à un dispositif juridique défenseur de la « neutralité » de l'État et des institutions publiques. Deux thèses sont ici défendues. Historiquement, la neutralité déclarée des institutions étatiques face aux questions de croyance n'est pas simplement l'idée d'un groupe politique précis qui finit par s'imposer. De fait, les divers participants qui défendent leur conception propre de la vérité doivent renoncer au caractère obligatoire de celle-ci face au blocage que constitue pour eux le principe même du droit constitutionnel de la neutralité. Par ailleurs, le caractère confessionnel des écoles publiques, l'orientation idéologique et les conceptions pédagogiques sur lesquelles se fonde l'éducation publique, sont elles-mêmes l'objet de violentes controverses qui font avancer ce processus de déconfessionnalisation des institutions étatiques.*

*Resumen*

*Este artículo trata de la dimensión jurídica de la enseñanza confesional en las escuelas públicas suizas y, más precisamente, de la evolución de la reflexión sobre la formación y de la pedagogía. A principios del siglo XIX, Suiza se presenta como una confederación de Estados confesionales (cantones). Al lado de las regiones católicas y protestantes, existe un pequeño número de comarcas paritarias. La orientación confesional de los cantones se explica por el lazo estrecho que supuestamente existe entre la prosperidad del Estado y la unidad confesional y por el carácter absoluto y vinculante de la verdad que sirve de fundamento a la moral pública. En este contexto, las escuelas públicas ocupan un lugar importante: ellas preparan al individuo no sólo en tanto que cristiano moralmente irreprochable, sino también en tanto que ciudadano. En el siglo XIX, esta perspectiva es cuestionada, lo que tiene repercusiones en la concepción de la educación pública: la perspectiva confesional cede su lugar a un dispositivo jurídico defensor de la « neutralidad » del Estado y de las instituciones públicas. Dos tesis se defienden aquí. Históricamente, la neutralidad declarada de las instituciones estatales frente a las cuestiones de creencias no es simplemente la idea de un grupo político preciso la que termina imponiéndose. De hecho, los distintos participantes que defienden su concepción propia de la verdad tienen que renunciar al carácter obligatorio de ésta frente a la barrera que constituye para ellos el principio mismo del derecho constitucional de la neutralidad. Por otro lado, el carácter confesional de las escuelas públicas, la orientación ideológica y las concepciones pedagógicas sobre las que se funda la educación pública son objeto de violentas controversias que hacen avanzar este proceso de deconfesionalización de las instituciones estatales.*