

Kluge, Anna E.

Book Part — Published Version

The diffusion of knowledge responsibility: polity insights into the regulation of sexuality education across the German states

Provided in Cooperation with:

WZB Berlin Social Science Center

Suggested Citation: Kluge, Anna E. (2024) : The diffusion of knowledge responsibility: polity insights into the regulation of sexuality education across the German states, In: Zagel, Hannah (Ed.): Reproduction Policy in the Twenty-First Century. A Comparative Analysis, ISBN 978-1-0353-2416-3, Edward Elgar Publishing, Cheltenham, Northampton, MA, pp. 35-51, <https://doi.org/10.4337/9781035324163.00010>

This Version is available at:

<https://hdl.handle.net/10419/307403>

Standard-Nutzungsbedingungen:

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

Terms of use:

Documents in EconStor may be saved and copied for your personal and scholarly purposes.

You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.

If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.



<https://creativecommons.org/licenses/by-nc-nd/4.0/>

3. The diffusion of knowledge responsibility: polity insights into the regulation of sexuality education across the German states

Anna E. Kluge

INTRODUCTION

Educating young people about sexuality has always been a contested topic, particularly since its integration into public school education (Zimmerman, 2016). The controversy stems not least from its close ties to conceptions of sexuality and family (Sauerteig & Davidson, 2012), rendering it a socially and politically “touchy subject” (Bialystok & Andersen, 2022). Moreover, unlike other school subjects, sexuality education stands out as one of the most politically contested areas of education. This is manifest, for instance, in large protests and policy-pushbacks in numerous countries such as Hungary, Poland, and Belgium (BNN Correspondents, 2023; Korolczuk, 2020; Rankin, 2021). By touching on issues of social norms, sexuality education is frequently regarded as a matter of “morality” (Engeli et al., 2012), rather than economic interests or political technicality.

Considering the controversy around sexuality education, it comes as no surprise that the responsibility for providing knowledge about reproduction, encompassing both procreative and non-procreative aspects of sexuality, remains the subject of intense debate today. Since who is made responsible for sexuality education has rarely been considered systematically, this chapter explores the question: how can differences in who is (made) responsible for deciding on sexuality education policy be conceptualised? I argue that it is important to unravel the configurations of the political responsibility for sexuality education to identify the relevant actors and institutions at different stages of the policymaking process. This, in turn, helps to understand how different policies come into place or not, and which actors and institutional structures are (made) responsible for it. The political responsibility for sexuality education is rarely straightforward. Unlike other education policies, sexuality education

often involves a multitude of stakeholders that have a say in the arrangements of the school subject (Ketting & Ivanova, 2018). This chapter addresses the intricate regulatory landscape of sexuality education by introducing a new analytical framework with a specific focus on the polity level.

Most previous research on sexuality education focuses on the analysis of policies but does not consider the polity context. For example, a large body of research examines curricula and the type of content provided in schools (e.g., Cassar, 2022; Ezer et al., 2019). The focus is often on “comprehensiveness” of curricula, that is, whether a broad range of information on sexuality and reproduction tailored to students’ lived experiences is provided, and on the context of delivery (Ketting et al., 2020). Others examine mandatory sexuality education, and at which ages it is taught, if at all (Parker et al., 2009). The politics of sexuality education form another strand of research, which is driven by the political controversy surrounding the topic. Here, political preferences for comprehensive sexuality education, especially in contrast to abstinence-based approaches are investigated (Arsneault, 2001), as well as political debates about whether sexuality education should be taught at all, and whose perspectives should be reflected in curricula (Svendson, 2017; Taragin-Zeller & Kasstan, 2021). A systematic analysis of sexuality education from a polity perspective is lacking.

In this chapter, I address this gap by analysing who is (made) responsible for providing sexuality education in schools. I propose the concept of *knowledge responsibility*, adapted from Taragin-Zeller and Kasstan’s (2021) work on the state–religion relationship regarding sexuality education in Israel and England. The concept is made applicable for comparison across different political contexts. Knowledge responsibility provides a useful analytical framework to explore variations in the regulation of sexuality education. As defined in this chapter, it illustrates the distribution of authority over sexuality education and shows whose perspectives are considered relevant to be included. I suggest that four regulatory dimensions define the configuration of knowledge responsibility in sexuality education: state control over education policy, curriculum development processes, the inclusion of external professionals in providing sexuality education, and the influence of court decisions. I will show that knowledge responsibility can be more or less *diffused*, depending on the dispersion of responsibility among different actors on the four regulatory dimensions.

Knowledge responsibility as a concept allows to critically assess who is responsible in the policymaking processes of sexuality education. As such, it is intricately linked to *educational sovereignty*, that is, the authority over education policy (cf. Moll, 2002) and thereby relates to general education policy frameworks. Nonetheless, there are specifics to sexuality education that leave general education policy theorising insufficient, which are outlined throughout

this chapter. Empirically, the chapter provides an illustration of knowledge responsibility by comparing the regulatory landscape of sexuality education across federal states in Germany. I combine previous literature with original data collection, and offer new empirical insights into variations of knowledge responsibility within one country but also between distinctly regulated federal states. With this, the chapter introduces a novel comparative perspective on the regulation of the contested school subject, and provides the first polity analysis of sexuality education.

KNOWLEDGE RESPONSIBILITY

The concept of knowledge responsibility is an analytical tool to comparatively assess regulations of sexuality education across diverse contexts. I build on the work of Taragin-Zeller and Kasstan (2021), who use knowledge responsibility for analysing sexuality education for Haredi Jews in Israel and the UK. They show how distinct state–minority relationships shape responsibilities in providing sexuality education knowledge in these contexts. For the purposes of this chapter, I define knowledge responsibility as a *formal designation of decision-making power over form and content of knowledge provision in schools*, and apply the concept to the case of school-based sexuality education. Knowledge responsibility is different from regulation of the knowledge itself, such as curriculum content or teacher training. Instead, analysing knowledge responsibility shows who is responsible for deciding on form and content of sexuality education in schools, helping to understand how and by whose involvement different sexuality education policies (e.g., curriculum content, or mandatory sexuality education in schools) come into place. What is more, knowledge responsibility can serve as an indication of whether sexuality education is treated as a public or rather a private (individual) matter, by incorporating more or fewer (public) actors in the policymaking process (cf. “moral responsibility” in Boryczka, 2009).

Four regulatory dimensions define knowledge responsibility for school-based sexuality education. The first dimension is the level of (de-)centralisation of education policy in general, such as whether the educational authority is located at the national level or in subnational units such as provinces or federal states. The second dimension is the process of curriculum development and the extent to which this is a “participatory” process. The third dimension is the degree to which external professionals are involved in the provision of knowledge in sexuality education classes (rather than the respective subject teachers). The fourth dimension is the extent of involvement in, and the significance of, court decisions for the policy landscape of sexuality education.

Each of the four dimensions has a specific relevance for sexuality education. First, the level of state control over education policy varies depending on

the institutional structures that are in place, such as federalism or decentralism. These are historically rooted and relatively stable over time (Arnold & Stadelmann-Steffen, 2017). Central governments, subnational states, or even individual schools may have (some degree) of knowledge responsibility. Typically, central and regional governments have power over different aspects of the education system. For example, central governments tend to be responsible for large-scale regulatory aspects such as whether schooling is mandatory, or overarching curriculum guidelines, whereas districts and schools may have authority over the more fine-grained processes of delivery (Ball, 2012). There are notable differences in the level on which decisions on sexuality education are made across countries. Data from the International Reproduction Policy Database¹ (1980–2020), show that, in Bulgaria, Latvia, Romania, Slovakia, Slovenia, and the UK, it was primarily up to individual schools to regulate sexuality education in schools. What is more, in a large number of countries, such as in Belgium, Estonia, the Netherlands, Germany, or the US, sexuality education is primarily regulated sub-nationally, such as the Cantons in Switzerland or federal states in the US.

The (de-)centralisation of education policies serves as a baseline dimension for the three other regulatory dimensions. That means for example that, in countries with decentralised political systems (such as in Germany, Canada, Italy, etc.), there are differences between subnational states, leading to variation in sexuality education policy within a country. Consequently, there may also be more variation in curriculum development, involvement of external actors and court ruling impact. This connection underscores that the four regulatory dimensions are intricately interrelated.

Second, the degree to which curriculum development is a participatory process that includes public stakeholders beyond pedagogical staff is a further dimension. It indicates whether curricula are seen as a public matter or as a purely administrative task (compare Vollstädt, 2003). Curriculum development is one of the central regulatory tools in education policy with school curricula being reflections of dominant political interests (Vollstädt, 2003). Research highlights that curriculum development can include a spectrum of “participatory” practices (Standley et al., 2024). This refers to the extent to which the curriculum development procedure for a specific school subject engages the targeted audiences and stakeholders (Standley et al., 2024). Curriculum development methods vary significantly across and within countries (Priestley et al., 2021). The variation revolves around who is involved in the development process of curricula (e.g., teachers, researchers, students) and the extent of public discussion at different stages of the curriculum development process (public development of curricula drafts vs. the possibility of statements) (Standley et al., 2024).

Third, the extent of external professionals' involvement in sexuality education delivery is another dimension of knowledge responsibility. It indicates whether sexuality education is primarily organised as a technical, pedagogical task or also as a matter of broader public concern. In many countries, sexuality education lessons are partially carried out by external professionals rather than by teachers (Parker et al., 2009). The range and extent of professionals engaged can vary significantly (ibid.). The responsibility for actually delivering the content of sexuality education can be seen to sit with different kinds of so-called "street-level bureaucrats" (Lipsky, 2010). This concept highlights that governmental resources, while decided in policy frameworks, are commonly shaped and implemented by small-scale bureaucracies and individual bureaucrats (ibid.). Teachers are often considered street-level bureaucrats due to their considerable discretion in the teaching process (Taylor, 2007). Consequently, the inclusion of external professionals indicates the degree to which teaching responsibility is transferred to others rather than school teachers.

How external involvement of professionals in sexuality education teaching is regulated varies. In some contexts, professionals are granted discretion in shaping instructional content, while in others, different types of professionals are involved with limited autonomy. Moreover, depending on the type of professionals involved, the knowledge that is taught can vary. For instance, while health professionals emphasise aspects related to health, violence prevention professionals focus more on aspects related to their goals (Douglas et al., 2001; Ketting & Ivanova, 2018).

Fourth, the courts' relevance for sexuality education policy can differ substantively in that they may act as veto players in the policymaking processes. Court involvement is not regulated a priori but rather contingent upon the "constitutional context" (Patton, 2007), which renders court involvement more or less likely. Political systems with stronger courts that are more politicised often show what is called "judicial activism" (Lindquist & Cross, 2009). Here, court decisions effectively denote policy content. Conversely, courts employing "judicial constraint" (Langer & Brace, 2005) are less policy-focused. Here, major political decisions tend to be made in the legislative.

Court involvement depends not only on the constitutional context but also on the political environment of the policies in question. Insights from research on so-called "morality policies" (Knill, 2013), which are as equally controversial as sexuality education (e.g., abortion or medically assisted reproduction policy), reveal systematic cross-country differences in the extent to which courts or parliaments decide over policies (Studlar et al., 2013). This research shows that morally charged policies are often decided via court decisions, even in countries with overall low court involvement in policymaking (ibid.). Irrespective of whether sexuality education policy can be categorised as

Table 3.1 Regulatory dimensions of knowledge responsibility of sexuality education

Regulatory dimension	Conceptual range
Level of State Control	Nation state Federal states Communities Schools
Curriculum Development	Closed, administrative-style curriculum development <i>to</i> Participatory curriculum development, inclusion of civil society at various states
Involvement of External Professionals	No involvement of external experts, relying on teachers <i>to</i> Regular and strong reliance on external experts
Court Involvement	No court decisions (have) influence(d) sexuality education, policy based on parliamentary decisions <i>to</i> Court decisions form main basis for sexuality education policy

Note: Shows exemplary cases and ideal types of knowledge responsibility of sex education by Level of State Control, Curriculum Development, Involvement of External Professionals, and Court Involvement.

morality policy, courts shape the policy landscape of sexuality education to varying extents in different political contexts.

Table 3.1 gives an overview of the range of how knowledge responsibility can be configured within and across countries on the four dimensions. For the dimension “level of state control”, the table gives an exhaustive overview based on examples in research; although there may be more possibilities in some states which have not been considered in the literature so far. For the other dimensions, the table indicates the range by giving ideal types marking the poles of a continuum, for example between completely closed curriculum development at the one end to participatory curriculum development at the other end.

Overall, knowledge responsibility can be more or less *diffused* within each of the regulatory dimensions, that is, the power can be more or less concentrated on one or on several actors respectively. Specifically, a more decentralised system, a more participatory process, the inclusion of external professionals, and a stronger court involvement indicate a higher diffusion of responsibility. Depending on the configuration of regulation across the dimensions, overall knowledge responsibility can also be more or less diffused.

Configurations of knowledge responsibility do not have a direct impact on sexuality education policy, but the level of diffusion of knowledge responsibility *structures* the political conflicts that result in specific policy outputs. The key determinants of policy outcomes are (the congruence of) public opinion, economic conditions and social structures (Brooks & Manza, 2008; Budde & Heichel, 2015; Ezrow et al., 2020). For sexuality education specifically, it has been shown that political parties and the church–state relationship appear to influence the type of sexuality education policy in a country (Bialystok et al., 2020; Lewis & Knijn, 2002).

The following examples illustrate how knowledge responsibility structures politics, rather than determining policy output: In decentralised political systems, the positions of political parties at subnational level tend to be contingent on national actors' positions (Katz & Crotty, 2006). For example, under a right-wing central government that is in favour of conservative sexuality education policy, subnational actors may introduce comprehensive sexuality education policies to position themselves against national policies. Likewise, allowing participation of different actors in curriculum development can affect politics in this context: liberal actors are better able to formulate curricula in line with their preferences despite the conservative national government. By contrast, liberal political actors advocating for comprehensive sexuality education may also encounter opposition from conservative actors such as a conservative constitutional court. In summary, considering the different dimensions of knowledge responsibility does not foremost serve to make predictions about the nature of policy outputs. Rather, the framework helps to understand which actors and institutions are (made) responsible for specific aspects of policy-making and how this may lead to interest collision.

Finally, a scenario not explicitly covered in the framework of knowledge responsibility should be noted: the absence of regulations. One interpretation is that it is a deliberate choice by the state to refrain from regulation (cf. Engeli, 2009), thus allowing for a greater degree of variability in sexuality education policy. However, it may also be the result of a lack of political agreement over responsibility structures. As can be seen in the empirical example below, non-regulation regarding the involvement of external professionals results in greater responsibility of individual teachers to decide on whether (and which) external professionals should be involved in sexuality education classes.

ANALYTICAL APPROACH

For empirical illustration, the concept of knowledge responsibility is applied to the German federal states. Germany is an ideal case to comparatively examine knowledge responsibility in sexuality education, because of its federal structure. It hosts considerable variation in the approach to sexuality education

among the different federal states while still featuring a common national framework of shared social, economic, cultural and institutional characteristics (Grotz & Schroeder, 2021). The autonomy of each federal state to shape its own education policies creates a diverse landscape, showcasing variations of knowledge responsibility across the country.

For describing knowledge responsibility in the German states across the four regulatory dimensions, different sources of data were used. The first source is previous literature. However, for two of the four dimensions – curriculum development and involvement of external professionals – little to no empirical description exists for Germany. To address this gap, the second step included original data collection. First, for information on curriculum development, I contacted all education ministries responsible for sexuality education in the German federal states. Interviews were held between April and June 2023. The final sample includes seven states² for which I was able to gather detailed information regarding the curriculum development process. The other states could not be considered because ministries never responded to emails (despite follow-ups to initial non-responses) or were not able to provide sufficient information. The sample covers different geographical regions across Germany, in both western and eastern states, thus accounting for historical and contemporary differences in education systems and outcomes between the regions (Blossfeld et al., 2015). The information given by the ministries was recorded during the interviews with handwritten notes, which were completed from memory directly after to comprehensively reflect the information given by the administrators. Second, for information on the involvement of external professionals, I consulted the curriculum guidelines of the federal states. Due to the public accessibility of the guidelines, I was able to gather information on all federal states for this dimension. The obtained data were then analysed in two steps. In the first step, I evaluated similarities and differences between the cases on the four dimensions. Second, I categorised the data for each federal state according to the ideal types of regulatory dimensions outlined in Table 3.1.

THE REGULATORY LANDSCAPE OF SEXUALITY EDUCATION ACROSS THE GERMAN STATES

Level of (De-)Centralisation of Education Policymaking

Germany is a federalist country with a national central government and 16 federal states, in which the federal states have political autonomy over some policy fields and not over others. Areas such as fiscal or foreign policy are decided on the national level, whereas others, such as agricultural and also

education policy, remain (largely) in the hands of the federal states (Schmidt, 2021).

Education policy, including sexuality education in schools, is primarily governed within the federal states, while the national government provides, for example, state-wide curriculum guidelines that have to be adapted by the individual states (Schmidt, 2019). However, the federal states have the main education policymaking authority, for instance, over curricula and compulsory schooling (Helbig & Nikolai, 2015). Therefore, the educational outputs can be seen to reflect political preferences on the state level, rather than those of the national government.

Curriculum-making

Curricula may denote different aspects of the provision of knowledge (Vollstädt, 2003), ranging from describing overarching goals of schooling to specific classroom timetables. Here, I focus on the creation of specific *syllabi* that describe substantive topics and competences that should be taught in school. In Germany, sexuality education is taught as part of different subjects, including biology, ethics, and sometimes broader social sciences classes (Scharmanski et al., 2021).

The procedure of developing school curricula is often described as a practice that has undergone only few changes in Germany in the past decades (Vollstädt, 2003). In principle, the education ministries of the federal states delegate the curriculum development processes for a specific subject to one of their agencies, which then develops the curriculum and passes it back to the ministry, who accepts it with no or minor revisions. However, beyond this procedural description, we have little insight into the processes within the ministry or its agencies regarding the development of curricula.

According to the data material gathered from the ministries, the process of creating the curriculum generally follows a similar pattern between the different states. All of the ministries described that, whenever the need arises for the development of a new curriculum or the revision of an existing one, the education ministries delegate this task to the respective sub-agency responsible for curricula and teacher training. This agency convenes a curriculum commission, entrusted with the task of formulating the curriculum. Subsequently, the proposed curriculum is submitted to the education ministry for approval. The initiative for the creation or revision of curricula formally comes from the ministry; however, diverse stakeholders have the possibility to submit requests for such modifications through curriculum and teacher-training agencies, predominantly teachers and teacher associations.

There are two noteworthy differences in curriculum-making processes across the states. First, the composition of the curriculum commission

installed by the sub-agencies varies. In some states (Baden-Wurttemberg, Rhineland-Palatinate, Saxony, Schleswig-Holstein), the commission comprises exclusively or primarily teachers, occasionally in conjunction with education researchers from universities. In other states, there is a somewhat higher degree of public involvement in the commissions. For example, in Lower Saxony, the association of local schools has the possibility to have one of its representatives join a commission. Similarly, in Saxony-Anhalt, the law specifies the possibility of involving consultants but does not detail which consultants may be included and when. Similar regulations apply to Bavaria.

Second, the level of public deliberation on proposed curricula varies among states. Some states, such as Rhineland-Palatinate, Bavaria, Schleswig-Holstein, and Baden-Wurttemberg, partially publish curricula and engage a wide range of stakeholders. For example, in Schleswig-Holstein, mandated stakeholders include teachers, student associations and representatives from the political sphere. Comparable regulations exist in Saxony-Anhalt. In contrast, Rhineland-Palatinate and Lower Saxony do not specify who can provide curriculum feedback, granting more discretion to the ministry. Baden-Wurttemberg has a standing advisory board that involves representatives from universities, churches, teacher associations, employer and employee associations, and political parties. The advisory board has significant influence. Conversely, Saxony does not have explicit regulations but the ministry mentions occasional contact with select public stakeholders for input.

In summary, states adopt two contrasting strategies for stakeholder engagement. Some German states do not regulate public input in the curriculum development process. Conversely, others actively involve a broad range of civil society stakeholders, including actors in the field of education (teacher and student associations) or political actors. This variation highlights the different degrees to which curricula are made a public – and political – matter.

Involvement of External Professionals

The regulation of external professionals' involvement in German sexuality education classes is still largely a black-box with little systematic empirical insights so far. The following overview is the first of its kind and draws on original data collection as described above. The findings reveal three categories of regulations.

First, some states make no explicit reference to the involvement of external professionals in sexuality education classes (e.g., Baden-Wurttemberg,³ Hamburg,⁴ Bremen,⁵ Saxony-Anhalt,⁶ Schleswig-Holstein,⁷ Thuringia⁸). This may imply that teachers autonomously determine whether to collaborate with external professionals, or that school-specific regulations address the involvement of external professionals.

Second, in some states, regulations mention the general possibility of collaborating with organisations that promote sexuality education and sexual wellbeing or run counselling facilities (in Berlin/Brandenburg,⁹ Rhineland-Palatinate,¹⁰ Saarland,¹¹ Hesse¹²). In these contexts, external professionals may be involved in sexuality education sessions in classroom settings or as facilitators of information sessions outside the school setting.

Third, in some states, regulations refer to specific institutions which teachers could work with for sexuality education, such as the Federal Center for Health Education (Berlin, Hesse, Mecklenburg-West Pomerania,¹³ Lower Saxony,¹⁴ Saarland), health departments (North Rhine-Westphalia,¹⁵ Saarland, Saxony¹⁶), AIDS counselling organisations (Saarland), or organisations providing counselling for issues related to (sexualised) violence (Saarland). In Bavaria,¹⁷ the curriculum guidelines call for an annual “Day for Life” (*Tag für das Leben*) in which the state appeals to schools to acknowledge “the unborn life”. This regulation entails a recommendation for collaboration with external agencies. Among the states in my sample, this is the sole instance of a content-specific collaboration mandate or potentiality.

In summary, states differ in acknowledging external professionals’ involvement in sexuality education. Some have detailed regulations, while others omit the issue. Notably, none of the examined curricula contain explicit guidance on integrating external professionals regarding duration or specific content. School-specific laws might offer more details, but analysing such regulations exceeds this chapter’s scope. In any case, the absence of regulations raises questions about responsibility, in that schools or instructors are granted independence in shaping sexuality education.

Court Involvement

The trajectory of sexuality education in Germany has been significantly shaped by court ruling, and only to a lesser extent by (national) parliamentary decisions. Four key rulings continue to exert a profound impact on sexuality education policies (Hilgers, 2004). First, in 1977, the Federal Constitutional Court confirmed the legality of sexuality education in schools, following an appeal by parents who advocated for a ban. The court also affirmed that sexuality education content is permitted to diverge from parents’ individual preferences on the subject (Hilgers, 2004).

Second, in 1979, the Federal Administrative Court clarified the 1977 position. It emphasised the importance of sexuality education classes having to be considerate of various religious and ethical perspectives (Hilgers, 2004). These pivotal court rulings continue to be invoked in current legal deliberations when actors contest pupils’ participation in sexuality education within school contexts (Bundesverfassungsgericht, 2009). Furthermore, these two rulings

secured the autonomy of states in the realm of education vis-à-vis parental preferences (Müller, 2017).

Third, in 1993, the Federal Constitutional Court asserted – in a ruling originally pertaining to abortion policy – that sexuality education ought to extend beyond the teaching of factual knowledge, encompassing emotional engagement as well. In response to this decree, nearly all federal states were asked and consequently did revise their sexuality education curricula to include facets beyond mere biological processes, often integrating topics related to contraception. In this instance, the court assumed an active role as a policy influencer by delineating a concrete policy agenda across all federal states.

The fourth influential ruling was in 2006 when the Federal Constitutional Court specified the so-called “indoctrination prohibition”. The court ruled that it is prohibited for educators to steer students towards specific political or ideological orientations, or openly identify with a particular ideology or religion. While the state may adopt a specific ideological stance in education, it must remain receptive to alternative values and content (Widmaier & Zorn, 2016), meaning that also sexuality education must maintain an openness in its content.

Nonetheless, the legal realm is not only shaped by court decisions, but also by national legislative law. A notable law is the Pregnancy and Family Assistance Act of 1992 which established the provision of reproduction knowledge and counselling as a collective concern across all federal states. This statute has, in part, superseded the exclusive jurisdiction of individual federal states. According to this law, federal states’ sexuality education curricula and guidelines should be “comprehensive in order to appeal to a wide range of age and target groups” by providing a wide range of factually correct information (Hilgers, 2004). The law was reinforced by the above-mentioned 1993 ruling. It is hence evident that court rulings, rather than legislative choices, play a significant role in shaping overall policy directions for sexuality education. This indicates that, in Germany, courts harmonise policies across the otherwise independent federal states, particularly in terms of broad guidelines.

Taken together, knowledge responsibility for sexuality education in Germany is highly diffused due to its decentralised political structure on three of the four dimensions, with a strongly harmonising influence of national courts. There is significant variation among states in curriculum development, ranging from administrative processes to involving diverse stakeholders. The involvement of external professionals also varies strongly, and many states do not have any explicit regulations. Notably, judicial activism has significantly shaped policies through court decisions across all federal states.

CONCLUSION

This chapter introduced the concept of knowledge responsibility as a tool for comparative analysis of sexuality education to gain insights into the distribution of power over reproduction knowledge across various polity dimensions. The framework includes the analysis of responsibilities for education policy, curricula, implementation in schools, and overarching jurisdiction in sexuality education. Comparative analysis of knowledge responsibility facilitates understanding regulatory structures in sexuality education across countries by identifying different actors and institutions across the policymaking process.

The chapter uses the concept of knowledge responsibility to empirically compare sexuality education policy across the German federal states. The exploratory analysis yields novel empirical insights based on original data collection. I demonstrate that Germany has a high level of diffusion of knowledge responsibility across three of the four analytical dimensions, delegating responsibility to numerous actors. First, education policymaking is decentralised, with substantial autonomy granted to individual states in shaping their educational systems. Second, the process of curriculum-making in Germany shows some similarities across the federal states, with notable differences relating to the composition of commissions that are responsible for curriculum development and the level of public deliberation that is possible over curricula. Third, the involvement of external professionals varies significantly between states. While some states explicitly mention collaboration possibilities, others do not regulate the involvement of external professionals, leaving it to teachers or school-specific regulations. Fourth, court rulings significantly shape sexuality education policies in Germany, with pivotal decisions influencing and partially harmonising curriculum content across the federal states. The diffusion of responsibilities across a diverse set of actors and different levels of the policymaking process highlights the complexity of the sexuality education landscape. Decisions on different policy aspects, including the engagement of experts or the requirement of mandatory sexuality education, are made at different political levels. Disentangling these aspects of knowledge responsibility for sexuality education helps to gain a more comprehensive understanding of policy-processes in this field, and provides a roadmap for political actors aiming to influence these processes.

Sexuality education holds a distinct role compared with other school subjects because it provides reproduction knowledge, which has been shown to impact reproductive experiences and outcomes (Guzzo et al., 2018). Hence, understanding who has the responsibility to decide over sexuality education also reveals who is involved in shaping reproductive experiences. The concept of knowledge responsibility adds a critical perspective in sexuality education

and broader education research, allowing insights into the societal role of reproduction and the extent to which it is regarded as a public concern, if at all.

NOTES

1. See Zagel et al. (forthcoming).
2. Baden-Wurttemberg, Bavaria, Lower Saxony, Rhineland-Palatinate, Saxony, Saxony-Anhalt, Schleswig-Holstein.
3. Guidelines for sexuality education in Baden-Wurttemberg: <https://www.landesrecht-bw.de/jportal/?quelle=jlink&query=VVBW-2206-KM-20010512-SF&psml=bsbawueprod.psml&max=true>
4. School curricula for Hamburg: <https://www.hamburg.de/bildungsplaene/>
5. Guidelines for sexuality education in Bremen: <https://www.transparenz.bremen.de/metainformationen/verfuegung-nr-59-2013-schulische-sexualerziehung-98788?asl=bremen02.c.732.de>
6. Guidelines for sexuality education in Saxony-Anhalt: https://mb.sachsen-anhalt.de/fileadmin/Bibliothek/Landesjournal/Bildung_und_Wissenschaft/Erlasse/Sexualerziehung.pdf
7. School curricula for Schleswig-Holstein: <https://lisa.sachsen-anhalt.de/unterricht/lehrplaenerahmenrichtlinien>
8. Curriculum guidelines for Thuringia: <https://bildung.thueringen.de/bildung/bildungsplan>
9. Sexuality education curriculum guidelines for Berlin/Brandenburg: https://lisum.berlin-brandenburg.de/einzelansicht-tt-news-fuer-solr?tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Bnews%5D=5632&cHash=2fb31793a97294c773c373082b1e82a0
10. Sexuality education guidelines for Rhineland-Palatinate: <https://gesundheitsfoerderung.bildung-rp.de/sexualerziehung/richtlinien-zur-sexualerziehung.html>
11. Sexuality education guidelines for Saarland: https://www.saarland.de/SharedDocs/Downloads/DE/mbk/00_Portalstart/publikationen/RichtlinienSexualerziehung2013.pdf?__blob=publicationFile&v=2
12. Sexuality education guidelines for Hessen https://www.lsvd.de/media/doc/3972/2016_hessen_lehrplan_sexualerziehung.pdf
13. Curriculum guidelines in health education for Mecklenburg-West Pomerania: https://www.bildung-mv.de/export/sites/bildungsserver/downloads/unterricht/rahmenplaene_allgemeinbildende_schulen/fachuebergreifend/rp-gesundheitserziehung.pdf
14. School curricula for Lower Saxony: https://www.mk.niedersachsen.de/startseite/service/rechts_und_verwaltungsvorschriften/Lehrplane/
15. Sexuality education guidelines for Nordrhein-Westfalen: <https://www.schulministerium.nrw/Schulsystem/RuL/Richtlinien-fuer-die-Sexualerziehung-in-NRW.pdf>
16. Sexuality education guidelines for Saxony: https://www.schule.sachsen.de/download/0R_FSE_Endfassung_August_2016.pdf

17. Sexuality education guidelines for Bavaria: https://www.gesetze-bayern.de/Content/Document/BayVV_2230_1_1_1_1_3_K_964

REFERENCES

- Arnold, T., & Stadelmann-Steffen, I. (2017). How federalism influences welfare spending: Belgium federalism reform through the perspective of the synthetic control method. *European Journal of Political Research*, 56(3), 680–702.
- Arsneault, S. (2001). Values and virtue: The politics of abstinence-only sex education. *The American Review of Public Administration*, 31(4), 436–454.
- Ball, S. J. (2012). *Politics and Policy Making in Education: Explorations in Sociology*. Routledge.
- Bialystok, L., & Andersen, L. M. F. (2022). *Touchy Subject: The History and Philosophy of Sex Education*. University of Chicago Press.
- Bialystok, L., Wright, J., Berzins, T., Guy, C., & Osborne, E. (2020). The appropriation of sex education by conservative populism. *Curriculum Inquiry*, 50(4), 330–351.
- Blossfeld, P. N., Blossfeld, G. J., & Blossfeld, H.-P. (2015). Educational expansion and inequalities in educational opportunity: Long-term changes for East and West Germany. *European Sociological Review*, 31(2), 144–160.
- BNN Correspondents. (2023, September 24). *Belgium's Sexual Education Controversy: The Intersection of Cultural Leftism and Islamism*. BNN Breaking. <https://bnn.network/politics/belgiums-sexual-education-controversy-the-intersection-of-cultural-leftism-and-islamism/>
- Boryczka, J. (2009). Whose responsibility? The politics of sex education policy in the United States. *Politics & Gender*, 5(2), 185–210. <https://doi.org/10.1017/S1743923X09000154>
- Brooks, C., & Manza, J. (2008). *Why Welfare States Persist: The Importance of Public Opinion in Democracies*. University of Chicago Press.
- Budde, E. T., & Heichel, S. (2015). *Liberalising Reproductive Rights in Europe*. ‘Regulating Morality Policies in the European Union: The Influence of Gender-related Explanations’ Panel. ECPG Conference, Uppsala.
- Bundesverfassungsgericht, 1 Senat. (2009, July 21). *Bundesverfassungsgericht—Entscheidungen—Keine Verletzung von GG Art 4 Abs 1 iVm Art 6 Abs 2 S 1 durch Verhängung eines Bußgelds für einen Verstoß gegen die Schulpflicht aus religiösen Gründen (de)*. Bundesverfassungsgericht. https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2009/07/rk20090721_1bvr135809.html
- Cassar, J. (2022). Sun sea sex: A comparative study of sexuality education policies in Southern Europe. In *Social Welfare Issues in Southern Europe*. Routledge.
- Douglas, N., Kemp, S., Aggleton, P., & Warwick, I. (2001). The role of external professionals in education about sexual orientation: Towards good practice. *Sex Education*, 1(2), 149–162.
- Engeli, I. (2009). The challenges of abortion and assisted reproductive technologies policies in Europe. *Comparative European Politics*, 7(1), 56–74.
- Engeli, I., Green-Pedersen, C., & Larsen, L. T. (2012). *Morality Politics in Western Europe: Parties, Agendas and Policy Choices*. Springer.
- Ezer, P., Jones, T., Fisher, C., & Power, J. (2019). A critical discourse analysis of sexuality education in the Australian curriculum. *Sex Education*, 19(5), 551–567.

- Ezrow, L., Hellwig, T., & Fenzl, M. (2020). Responsiveness, if you can afford it: Policy responsiveness in good and bad economic times. *The Journal of Politics*, 82(3), 1166–1170.
- Grotz, F., & Schroeder, W. (2021). *Das politische System der Bundesrepublik Deutschland: Eine Einführung*. Springer Fachmedien.
- Guzzo, K. B., Hayford, S. R., Lang, V. W., Wu, H.-S., Barber, J., & Kusunoki, Y. (2018). Dimensions of reproductive attitudes and knowledge related to unintended childbearing among U.S. adolescents and young adults. *Demography*, 56(1), 201–228.
- Helbig, M., & Nikolai, R. (2015). *Die Unvergleichbaren. Der Wandel der Schulsysteme in den deutschen Bundesländern seit 1949*. Klinkhardt.
- Hilgers, A. (2004). *Richtlinien und Lehrpläne zur Sexualerziehung: Eine Analyse der Inhalte, Normen, Werte und Methoden zur Sexualaufklärung in den 16 Ländern der Bundesrepublik Deutschland; eine Expertise* ([2.] Aufl., Stand: Aug. 2003). BZgA.
- Katz, R., & Crotty, W. (2006). *Handbook of Party Politics*. Sage.
- Ketting, E., Brockschmidt, L., & Ivanova, O. (2020). Investigating the ‘C’ in CSE: Implementation and effectiveness of comprehensive sexuality education in the WHO European region. *Sex Education*, 21, 1–15.
- Ketting, E., & Ivanova, O. (2018). *Sexuality education in Europe and Central Asia: State of the art and recent developments. An overview of 25 countries (2018)*. Federal Centre for Health Education BZgA & International Planned Parenthood Federation European Network IPPF EN.
- Knill, C. (2013). The study of morality policy: Analytical implications from a public policy perspective. *Journal of European Public Policy*, 20(3), 309–317.
- Korolczuk, E. (2020). The fight against ‘gender’ and ‘LGBT ideology’: New developments in Poland. *European Journal of Politics and Gender*, 3(1), 165–167.
- Langer, L., & Brace, P. (2005). The preemptive power of state supreme courts: Adoption of abortion and death penalty legislation. *Policy Studies Journal*, 33(3), 317–340.
- Lewis, J., & Knijn, T. (2002). The politics of sex education policy in England and Wales and the Netherlands since the 1980s. *Journal of Social Policy*, 31(4), 669–694.
- Lindquist, S., & Cross, F. (2009). *Measuring Judicial Activism*. Oxford University Press.
- Lipsky, M. (2010). *Street-level Bureaucracy, 30th Anniversary Edition: Dilemmas of the Individual in Public Service*. Russell Sage Foundation.
- Moll, L. (2002). The concept of educational sovereignty. *Penn GSE Perspectives on Urban Education*, 1(2), 1–11.
- Müller, U. A. C. (2017). Bienen und Blumen im Dreieck. In U. Lembke (Ed.), *Regulierungen des Intimen* (pp. 237–253). Springer Fachmedien Wiesbaden.
- Parker, R., Wellings, K., & Lazarus, J. V. (2009). Sexuality education in Europe: An overview of current policies. *Sex Education*, 9(3), 227–242.
- Patton, D. (2007). The Supreme Court and morality policy adoption in the American states: The impact of constitutional context. *Political Research Quarterly*, 60(3), 468–488.
- Priestley, M., Philippou, S., Alvunger, D., & Soini, T. (2021). Curriculum making: A conceptual framing. In M. Priestley, D. Alvunger, S. Philippou, & T. Soini (Eds.), *Curriculum Making in Europe: Policy and Practice within and Across Diverse Contexts* (pp. 1–28). Emerald Publishing Limited.

- Rankin, J. (2021, June 15). Hungary passes law banning LGBT content in schools or kids' TV. *The Guardian*. <https://www.theguardian.com/world/2021/jun/15/hungary-passes-law-banning-lgbt-content-in-schools>
- Sauerteig, L., & Davidson, R. (2012). *Shaping Sexual Knowledge: A Cultural History of Sex Education in Twentieth Century Europe*. Routledge, Taylor & Francis Group.
- Scharmanski, S., Hessling, A., & Bundeszentrale Für Gesundheitliche Aufklärung (BZgA). (2021). Sexualaufklärung in der Schule. Jugendsexualität 9. Welle.: Faktenblatt Juli 2021: Factsheet July 2021. *Faktenblatt Sexualaufklärung, Verhütung und Familienplanung*.
- Schmidt, M. G. (2019). Sozialpolitik in Demokratien und Autokratien. In H. Obinger & M. G. Schmidt (Eds.), *Handbuch Sozialpolitik* (pp. 235–254). Springer Fachmedien.
- Schmidt, M. G. (2021). *Das politische System Deutschlands: Institutionen, Willensbildung und Politikfelder*. C.H. Beck.
- Standley, K., Sage, R., Hargrove, T., Willard, M., Boehm Barrett, T., Ender, J., & Ravesloot, C. (2024). Participatory curriculum development for health and independent living for disabled people: A qualitative study of participant experiences. *Disability & Society*, 39(3), 720–742.
- Studlar, D. T., Cagossi, A., & Duval, R. D. (2013). Is morality policy different? Institutional explanations for post-war Western Europe. *Journal of European Public Policy*, 20(3), 353–371.
- Svensen, S. H. B. (2017). The cultural politics of sex education in the Nordics. In L. Allen & M. L. Rasmussen (Eds.), *The Palgrave Handbook of Sexuality Education* (pp. 137–155). Palgrave Macmillan UK.
- Taragin-Zeller, L., & Kasstan, B. (2021). 'I didn't know how to be with my husband': State-religion struggles over sex education in Israel and England. *Anthropology & Education Quarterly*, 52(1), 5–20.
- Taylor, I. (2007). Discretion and control in education: The teacher as street-level bureaucrat. *Educational Management Administration & Leadership*, 35(4), 555–572.
- Vollstädt, W. (2003). *Steuerung von Schulentwicklung und Unterrichtsqualität durch staatliche Lehrpläne?* Beltz.
- Widmaier, B., & Zorn, P. (Eds.). (2016). *Brauchen wir den Beutelsbacher Konsens? Eine Debatte der politischen Bildung*. BPB.
- Zagel, H., Khan, R., Kluge, A. E., Tamakoshi, M., & Gädecke, M. (forthcoming). International Reproduction Policy Database (IRPD). <https://irpd.wzb.eu>
- Zimmerman, J. (2016). *Too Hot to Handle: A Global History of Sex Education* (Reprint Edition). Princeton University Press.

Reproduction Policy in the Twenty-First Century

A Comparative Analysis

Edited by

Hannah Zagel

*Professor of Life Course Sociology, WZB Berlin Social Science
Center and TU Dortmund University, Germany*

 **Edward Elgar**
PUBLISHING

Cheltenham, UK • Northampton, MA, USA

© Editor and Contributing Authors Severally 2024



This is an open access work distributed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International (<https://creativecommons.org/licenses/by-nc-nd/4.0/>) license.

Published by
Edward Elgar Publishing Limited
The Lypiatts
15 Lansdown Road
Cheltenham
Glos GL50 2JA
UK

Edward Elgar Publishing, Inc.
William Pratt House
9 Dewey Court
Northampton
Massachusetts 01060
USA

A catalogue record for this book
is available from the British Library

Library of Congress Control Number: 2024944329

This book is available electronically in the **Elgaronline**
Sociology, Social Policy and Education subject collection
<https://doi.org/10.4337/9781035324163>

ISBN 978 1 0353 2415 6 (cased)
ISBN 978 1 0353 2416 3 (eBook)