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Tolerance and cultural diversity in schools Comparative report

Dr. Marcel Maussen and prof.dr. Veit Bader (eds.)
University of Amsterdam

2012/01

**3. National Case Studies – School Life
Comparative Report**



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Tolerance and cultural diversity in schools

Comparative report

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Work Package 3: National Case Studies of Challenges to Tolerance in School Life

Deliverable D 3.2: Synthesis and highlights of country reports on concepts
and practices of tolerance addressing cultural diversity in schools

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5. Religious schools and tolerance

Veit Bader and Marcel Maussen

5.1 Introduction

In the context of increasing religious and cultural pluralisation of European societies the role and functioning of religious schools is an important issue in discussions about the structure of education systems. Public and political debates focus on whether and how religious schools merit “toleration” or “recognition”, and/or whether some of their educational and organizational practices are perhaps “intolerable”. This comparative chapter considers the broader debate on religious schools and tolerance by selectively drawing on the experience of six country cases.

Educational systems vary widely with regard to the recognition and financing of religious schools, and different relative “market shares” of governmental and non-governmental schools. Similar variation occurs in freedoms of these schools as well as the types and degrees of public scrutiny and control. For example, there can be (limited) freedom to shape the curriculum and to select teaching materials, to govern diversity in the school context, to recruit teachers and staff, and to select and admit pupils. In order to situate the public debates and issues around religious schools we therefore begin by setting the stage and highlight some of the commonalities and differences, the structural problems, the ways they are framed and dealt with in these six countries, against the broader background of experiences in “Western” liberal democracies (section 5.2). We then explore, in a comparative perspective, the questions and issues that are raised and framed in our selected countries and the respective case studies (section 5.3). We conclude with a tentative attempt to reach more general conclusions with regard to the role of religious schools in plural societies in Europe and the debates on tolerance and diversity.

This comparative chapter builds on the insights developed in the studies on the embodiment of tolerance in discourses and practices in schools in Denmark, the Netherlands, Sweden, Ireland, Italy and Spain. Even though all these reports dealt in one way or another with the issue of “religious schools”, the focus of the respective case studies was somewhat different. The Danish and Swedish studies focus on the debate on “free” or “independent” schools, especially in the light of debates on Islamic schools. The Dutch report compares the debates on the existence and associational freedoms of Christian Orthodox (Reformed) schools and Islamic schools. The Irish study concentrates on the ending of ancillary grants for fee-paying Protestant schools. The Italian case study focuses on a contentious local debate around the closing down of an Egyptian school in Milan. The Spanish report investigates public policies and discussions around the logics of segregation in education in Barcelona, especially with regard to schools that are “under contract” (*concertadas*) with the state.

5.2 Religious schools: institutional arrangements

It seems to be generally agreed amongst legal scholars that international human rights law, the ECHR and the ECtHR as well as most liberal-democratic constitutions and courts oblige states to permit *freedoms of education* in all their consequences for religious schools (Vermeulen 2004: 38; Glenn and Groof 2002a: 245ff.). Even states that have been characterized by an *actual* monopoly for governmental schools, such as Sweden, Norway, Bulgaria, Italy, and most Swiss cantons have increasingly acknowledged the right to freedom of education (interpreted as the right of parents to choose a particular type of school for their children). The right to create and operate faith-based schools is seen as a crucial aspect of freedom of education. Contrary to the US, however, in all European countries “home schooling” is actually almost “non-existent” even if it would be allowed “in principle” in Denmark (Olsen and Ahlgren 2011: 6). As a matter of fact, religious schools exist in all West European liberal democratic states.

Before entering the analysis of contentious debates and policies with regard to religious schools we need an idea of the institutional variety across European countries, and in particular of the countries included in this comparative chapter. We do not intend to give a full-scale historical or synchronic map of all educational systems but only sketch the most important existing options in order to locate our cases in a comparative perspective.

5.2.1. Governmental and non-governmental schools: legal status and “market share”

The legal status of non-governmental religious schools varies. In a country such as Britain, Voluntary Aided (VA) and Voluntary Controlled (VC) Church of England Schools schools (most of them Anglican, some Roman-Catholic, only very few others) are treated as “public” or “state schools”, in many countries they are classified as “private schools” (such as in the US but also in Denmark (“free primary schools” are “private schools”), in Sweden (“independent schools”), and in Italy. In the majority of countries their legal status is a “status aparte”, neither fully public nor private but somewhere “in-between” (such as “special” or “*bijzonder*” (in the Netherlands), as “with contract” (*concertadas*) (in Spain, different from “private schools” that don’t receive public money), or as “national schools” (also called “denominational” or “faith schools”) in Ireland. For us, this is the reason to choose as neutral and precise a term as possible.

We therefore distinguish between governmental and non-governmental schools. Governmental schools are understood to be owned, run, and financed by (a flexible combination of) governmental (federal, state, municipal) authorities. Non-governmental religious schools are owned and run by (central or local) religious organisations or associations whether (partly or fully) publicly financed or not.

In order to have an idea of the importance of religious schools within different countries we need to look not only at their legal status, but also at the number of pupils attending these schools and their “market share” compared to other types of schools. A very rough comparison of the “market share” of student enrolment in non-governmental, religious schools or the relative numbers of religious schools, based on

the recent country templates in Wolf and Macedo 2004 and Glenn and Groof (2002) shows the following picture, ranging from high to low (excluding our six countries).^[10]

The market share of religious schools is high in Belgium: 68.8 % of all pupils in Flanders are in subsidized “free” schools, 14.6 in Flemish community schools, and 16.5 in municipal or provincial government schools (Groof 2004:159; together roughly 70% of all Kindergarden-through-12th grade students are in nongovernmental schools).

It is considerably lower but still high in Australia, with more than 30% (19.8% in Catholic, 11% in other) nongovernmental schools, showing a remarkable increase in the last decade (Glenn and Groof 2002: 9ff.). Austria and Canada (Glenn and Groof 2002a: 142ff.): Catholic schools: 21% in Saskatchewan, 23% in Alberta, 30% in Ontario (marginal “separate” Protestant schools). In France: 20 % in non-governmental (predominantly Catholic) schools, 65% in assigned governmental and 15% in other than assigned governmental schools (Meuret 2004: 238, 249). In England/Wales roughly 30% of all schools are nongovernmental schools providing for 7.5 million pupils. In the United States more than 80% of all pupils are in governmental schools (McConnell 2002: 94).

The market share of religious schools is lowest in Germany: only 5.8% of all students are in private (primary and secondary) schools (highest in Bavaria: 8.9%). In the Scandinavian countries: Finland has 9% in “private, grant-aided schools” and 91% in governmental schools (Glenn/Groof 2002: 235ff. for more details). In Norway in primary and lower secondary schools 98,5% is public and 1.5% private; in upper secondary schools 95% is public and 5% private; in higher education 90% is public. (Glenn and Groof 2002: 401). In Switzerland, only about 5 % of the pupils attend independent schools (Glenn and Groof 2002: 529).

Our selected countries are spread along the continuum including both very high and very low percentages:

Extremely High in Ireland: of the total number of primary schools roughly 95% are “national” or “denominational schools” (89.65 Catholic, 5.49 Church of Ireland). In secondary education “Voluntary Secondary Schools” (largely Catholic) educate approximately 54% of second level students, “Vocational and Community Colleges” (owned and run by local VECs) educate approximately 30.4 %, and “Community and Comprehensive Schools” educate approximately 15.6% of all pupils. The 77 “Community Schools” in Ireland, less than 10% of the total number, are the nearest to being called governmental schools in secondary education.

Very high in the Netherlands: in 2003 in primary education 32% of all schools were governmental, whereas 33% was Roman Catholic, 27% Protestant, and 8% other (mainly pedagogical) schools. In secondary education: 27% of all schools are governmental, 28% Roman Catholic, 26% Protestant, and 19% other (Vermeulen 2004: 35ff.); in 2009 the percentages for primary education were 32.1% public and 67.9 non-governmental (29.9% Roman Catholic, 25.7 Protestant-Christian, 3.4% Reformed

10 This is, depending on existing information and evidence, a very rough estimate indeed because, obviously, it makes a difference whether one takes percentages of students or of the number of schools. In the Netherlands, e.g., many non-governmental schools (particularly Montessori, Islamic and Reformed schools) have much less than average number of students so that the percentage of non-governmental schools is higher than the percentage of students. Still, the overall estimates give a good indication of the relative importance of the “non-governmental” sector.

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amongst them and 7.3 pedagogical); and in secondary schools: 29.6 public, 24% Roman Catholic, 19.1 Protestant Christian, 2% Reformed, 14% pedagogical and 9.4% collaborative schools (Versteegt and Maussen 2011: 7).

In Spain the number of *concertadas* (with contract) schools is increasing. In 2010 it was around 30% of all students, (especially strong in Madrid and Barcelona (more than 50%). The majority of them (around 65%) are Catholic schools (Zapata-Barrero and Burchianti 2011: 8)

In Denmark in primary schools the number of students in public schools decreased by 3% from 2005 to 2008 (81%), the number in free primary schools rose by 6% (13%) (Olsen and Ahlgren 2011: 8). According to Glenn and Groof in 2001 the distribution of *friskoler* has been: 210 Grundtvigian schools, 112 realskoler, 50 socialist lilleskoler, 70 religious schools (35 Protestant, 20 Islamic), 19 Waldorf schools.

In Italy 8% of the primary schools, 5% of the middle and 7% of the upper secondary schools are private schools (Riboldi 2004: 275) In 2007/08 18% of all Italian schools are private. More than half of these private schools are Catholic (in 2008/09 57%) and most of them are nursery schools (Ambrosini and Caneva 2011: 4).

At the lowest end we find Sweden: according to Glenn and Groof (2002: 516) only 4% independent compulsory and upper secondary students in 518 *fristønde skolor*. In 2011 there were 714 independent schools on primary and 41 on secondary level (about 10 percent in confessional independent schools, roughly 8000 pupils at primary level). In 2009 there were 9 Muslim schools at the primary level (Hertzberg 2011: 8 and 13).

5.2.2 Public financing

It is highly contested whether religious schools should be publicly funded and, if so, how (see discussion in Bader 2007, chapter 10.5).^[11] Empirically, the overwhelming majority of states with liberal-democratic constitutions, one way or the other, do publicly finance non-governmental religious schools. Public financing of non-governmental schools in existing educational regimes is perplexingly complex and diverse, depending on *who* is financing *how* (i.e. directly and/or indirectly; by contract), *when*, and *what*.^[12]

As with governmental schools, in most states the public funding of nongovernmental religious schools is divided in various degrees between federal, state, local or municipal authorities, which may or may not have an independent tax-base. Governmental authorities are financing religious schools either directly

11 Two sets of reasons may be the most convincing ones: Firstly, in all cases in which majority religious schools are recognized and publicly financed *equality before the law* requires a fair and even-handed treatment of all religious schools (Bader 2007:160); and secondly, if states depend, as the above mapping exercise demonstrates for many, considerably on religious schools to live up to their obligations to provide education for all (for whatever historical or recent reasons), i.e. if religious schools meaningfully *help to realize mandatory public services*, fairness requires that they should be equally publicly funded.

12 See the country studies in Macedo and Wolf 2004 and the comparative analysis and its results by Glenn and Groof 2002:578ff., 584ff, chart 2 and 2002a, ch. 9.

(by fixed or flexible subsidies for facilities, number of enrolled students and so on) and/or indirectly by granting schools certain tax-exemptions or by paying vouchers and/or grants for students or tax-credits to parents. Financing can be constitutionally and legally obligatory and enforceable by court action or at the discretion of administrations. It can be lump-sum or expense related, it can be contractual (France, Portugal, Spain, partly New Zealand and Iceland), it can be withheld under specified conditions, it can be directly to schools or to networks or associations of providers as for the “systemic schools” in Australia. It is usually restricted to “non-profit” schools. It can be *ex ante* and/or *ex post*, it can be conditional on property and capital of school owners or not, and it commonly is conditional on school type. Finally, many different costs can be financed (by different authorities, to different degrees, under divergent conditions): capital costs for construction of school building (premises), costs for maintenance, operational costs and costs for administrative/supportive staff, for teaching staff (and additional training courses etc.), for inspection, for schoolbooks, school-meals, uniforms, transportation, and for many extra-curricular activities.^[13]

The upshot of the complexity and intransparency of public financing of religious schools within states and among states is that it is difficult to exactly calculate the comparative overall-amount of public money for nongovernmental religious schools in relation to governmental schools. Roughly the following picture of groups of countries emerges (Glenn and Groof 2002: 584ff., 597, chart 2; 2002a: 252ff.): Some states (Austria, Belgium, Netherlands, England/Wales) cover virtually all costs (*full funding*), the Scandinavian model (Denmark, Finland, Sweden) is characterized by *large subsidization*. *Partial funding* is known in many other countries as well (e.g. Australia, Germany, Hungary and countries where public funding depends on contracts as in France or Spain). In the Canadian federal system “ome provinces fund only secular public schools (New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, Quebec), some use public revenue to fully fund a Catholic schools system whose students pay no tuition (Alberta, Saskatchewan, and Ontario). Finally a few countries still do not allow that nongovernmental schools receive public money (*no funding*: Greece, Bulgaria, most Swiss cantons). The United States recently (Zelman ruling of the Constitutional Court in 2002) allowed indirect public funding via vouchers.

Most systems combine direct subsidies for schools, teachers and staff *and* for the number of enrolled students with indirect subsidies for students and parents (like vouchers or tax-credits). This mixed approach has – apart from apparent moral advantages – also prudential and realist advantages compared with for example voucher-funding only. It allows more stability and predictability to run schools without making them insensitive to considerable changes in student-enrolment, and it allows better public control of what schools actually do for instance with supplementary funding for “poor, minority, and immigrant” students. As a consequence of this, one could conclude that public financing of religious schools is an “emerging international legal norm” (Glenn and Groof 2002: 578). This is expressed in most detail in the *Lüster Resolution* of March 1984 of the European Parliament representing “the high-water mark, to date, in the international recognition of an *effective* right to education freedom, supported by its appropriate share of public resources” (Glenn and Groof 2002).

13 “Depending on the legislation in different countries, public subsidies may cover the full cost or more selective personnel wages and pensions, the functioning costs, equipment, building, loans or grants for capital expenditure, fees, fiscal advantages, and supplemental services for pupils. Fernández and Nordmann concluded that Australia, Belgium, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, the Netherlands, Pakistan, South Korea and Sweden subsidized essentially the entire costs of non-state schools, while Germany, New Zealand, Norway, Poland, Portugal, Russia, Slovenia, Spain, Thailand, and the United Kingdom paid salaries and operating expenses but no facility costs” (Glenn and Groof 2002a: 253).

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The variety in degrees and types of public funding of religious schools is also represented in our six countries.^[14]

In the Netherlands there is “statutory equality” of governmental and non-governmental schools and both are funded according to identical and equivalent criteria. Sometimes non-governmental schools receive even more funding than public schools, due to inflexibility of the system of financing.

In Denmark in 1979 free primary schools were subsidized with state funds by almost 85% (almost without conditions), since then this has declined to 73% (Olsen and Ahlgren 2011: 14).^[15]

Ireland has a complex system of state funding in primary education. The Department of Education pays salaries directly to teachers (but schools are their legal employers) and gives grants directly to schools to meet their day-to-day running costs. In the past, costs of buildings were provided by churches, who remain owners of the schools. The state has paid for building of schools since 1999. State payment normally does not cover all running costs; students make what is called a “voluntary contribution” to running costs. The state does not pay for uniforms, books, materials, school meals, etc, except in the case of some grants, based on need. School transport costs for those living outside a radius of a school are also paid by the state.^[16] Art 42.4 of the Irish Constitution stipulates: “The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation”. Up to recently, this article has been interpreted to mean that the state primarily supports bodies providing education, rather than being involved in providing it itself. In the case of secondary education, the state pays teachers’ salaries in nongovernmental (voluntary) secondary schools, most of which do not have fee income. The state pays capitation grants and additional grants for disadvantaged students, but pupils have to pay for books and examination fees, school uniforms (covered by various schemes to help low-income families).^[17]

In Spain there is since 2006 no legal difference between public and *concertadas* schools in terms of financing. Schools that are “with contract” receive equal funding compared with public schools for the costs of teachers’ salaries (including all taxes and contributions to the social security system), costs of administrative personnel, costs for the maintenance and upkeep of facilities, and costs of teachers replacement. All autonomous communities can add other financing to this general framework. In Catalonia, for example, there is additional funding for the salaries of professional when the school caters to disabled children of the “reception classes” for immigrants. Despite this equality by law, the majority of investments to create and develop *concertadas* schools are reimbursed ex post by the public administration, which makes it difficult for this private school sector to develop. On the other hand, it appears that often *concertadas* schools do not respect the legal obligation to eliminate tuition fees and provide full gratuity of education.

14 We have no detailed information on the situation in Sweden on this aspect.

15 The Danish *taximeter system* comprises four grants: a basic grant (lump sum), a teaching, an administration/ operations, and a building grant to cover rent, interest, debt servicing and maintenance based on the actual levels of verified number of enrolled pupils. (Glenn and Groof 2002:190).

16 Communication from Iseult Honohan and Nathalie Rougier.

17 Communication from Iseult Honohan and Nathalie Rougier.

In Italy there was, for a long time, no public funding of religious schools. However, Italy is now providing indirect funding (school vouchers for families since 1994 by judgement no. 454/94 of the Constitutional Court) and also direct funding from some local and regional governments for nursery and primary schools and for projects to improve secondary schools (decrees D.M. 261/98 and D.M. 279/99). Only from 2000 on (by Law 62) private schools could ask to be officially recognized and be treated equal to public schools regarding their tax regime and their right to receive funding (Ambrosini and Caneva 2011: 1) if they satisfy specific requirements (qualified teachers, educational approach in line with Italian Constitution, non-discrimination in selection of pupils, suitable building). In 2010 public funds for private schools were about 522 million Euro. In 2011 the decreased to 496 million Euro but the funds for public schools have also been cut.

5.2.3 Types and degrees of public regulation

The empirical variety of public regulation and control of non-governmental religious schools (and its counterpart: their associational freedoms) is considerable with regard to the selection of staff and of students, the forms of organization and internal governance of ethno-religious diversity, the content of the curriculum and even classes and lessons, the selection of teaching material, didactics, examination, recognition of diplomas, and public inspection. Systems of governance range from strongly centralized and specified nearly full regulation and control with little or no autonomy in nearly all regards (in France, in Italy before 2000), to minimal regulation and control.^[18] It is also important to note, that fairly high degrees of associational autonomy in specific regards, for example the associational freedom to recruit teachers or to select and admit pupils, can go hand in hand with nearly no autonomy in other regards, for example the associational freedom to shape the curriculum and select teaching material. The latter is the case, for example, in the Netherlands (see Vermeulen 2004: 46ff., 67).

In our six countries, Denmark represents the highest overall amount of associational freedoms. In Denmark the constitutional right to freedom of education (Art. 76) implies five principles (1) ideological freedom, (2) pedagogical freedom, (3) economic independence, (4) staff recruitment, and (5) freedom of the pupil. The Danish educational system is fairly radically decentralized and guarantees “quite a lot of autonomy” to schools and puts a strong emphasis on “the rights of parents (not the state) to have their children educated according to their preferred ideological outlook” (Olsen and Ahlgren 2011: 6).

Compared with Denmark, the Netherlands also has a strong constitutional guarantee of educational freedom (article 23 of the Dutch Constitution) which guarantees the rights of groups and individuals to create and operate primary and secondary schools, within certain limits, and the freedom of parents to choose a school for their children (Versteeg and Maussen 2011: 12). Non-governmental, denominational schools (*bijzondere scholen*) are subject to the same general education regulations and quality standards and they should employ certified teachers, but they are allowed to select teachers and pupils on the basis of their religious and philosophical views, to decide on curriculum in relation to the religious identity of the school, and to impose rules with regard to dress and behaviour in the school context. However, the Dutch educational system is also fairly centralised and all schools have to respect qualitative standards set by the Ministry of Education, including for example the subjects to be studied, the attainment targets

18 See Glenn and Groof 2002: 596 ff.: Charts for Rating the National Systems with regard to Freedom, Equal Treatment, and Autonomy. See Bader 2007, chapter 10.6.

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of examination syllabuses, the content of national examinations, the number of teaching periods per year, etcetera (Versteegt and Maussen 2011: 13).

In Ireland the Department of Education sets down a broad regulatory framework within which schools in receipt of State funding are required to operate. The regulatory framework includes the curriculum to be followed by schools, the governance structures for individual schools and the timeframe within which schools are required to operate. While Ireland has a centrally devised curriculum, there is a strong emphasis on school and classroom planning. Schools have considerable autonomy in deciding on the teaching methods and assessment methods to be used. However, national externally set and marked examinations, run by the State Examinations Commission, apply to all students at the end of lower second level education and on completion of upper second level education. The Inspectorate is responsible for the evaluation of first and second level schools and centres for education in accordance with Section 13 of the Education Act of 1998.

Sweden has a schooling system that is decentralized: “a number of general goals and guidelines are formulated on the national, central level, and then the municipalities and the local schools are given the responsibility to design and work out the activity which has to arrive at the national goals; it is a goal-based system with a high degree of local responsibility” (Hertzberg 2011: 6).

The Spanish education system is marked by a tension between, on the one hand, territorial and national diversity regarding education policies and, on the other hand, a strong self-perception of the country’s religious homogeneity (Zapata-Barrero and Burchianti 2011: 4). Importantly, during the pre-democratic period (before 1978) education “was at the service of the regime, strongly centralised at the State level and delegated in great part to the administration of the Catholic Church” (ibidem: 5). Since 1978 attempts have been made to give more autonomy to the regions with regard to education and to roll back the influence of the Catholic Church in public education. The freedom to choose a school according to the interests and beliefs of the families is a core principle of the Spanish education system, but regional governments can impose constraints and priorities for admission. The Catalan government, for example, has created schooling zones from which parents are in principle compelled to choose their school, which is valid both for public and *concertadas*-schools (ibidem: 23)

The radical reform of the educational system in Italy, carried through in 2000, introduced more autonomy of schools with regards to their organization: “the Ministry of Education set out general national guidelines and established the core curriculum, but every school could develop its own programme and curricula, could decide on how to distribute the total number of school hours, how to provide in-service teacher training and how to set up teaching programmes for groups of students” (Ambrosini and Caneva 2011: 8).

5.2.4 Public scrutiny and associational freedoms

In general terms one may argue that schools that do not ask for or accept public money should only be minimally controlled, whereas schools that are publicly financed are legitimately subject to more exten-

sive forms of control and accountability.^[19] The main impact of the “public trust theory”, in our view, lies in rules requiring schools to be non-profit organizations (actually imposed in all countries) and in legitimate control of financial affairs: Private schools may spoil their own money if they so wish, but publicly financed schools are accountable and should respect standards of efficiency and effectiveness. However, the differences between private and publicly financed schools are less evident with regard to the selection of teachers and students. Private religious schools, which are not publicly funded, still are subject to basic non-discrimination legislation, for example they cannot discriminate on the basis of race and ethnicity, in employment and student selection. All religious schools, publicly financed or not, may argue for mission-based and circumscribed exemptions. The differences between public and private schools are even weaker regarding matters of content and pedagogy: all schools have to teach “non-discrimination and non-oppression” and, obviously, if they want their exams to be recognized, the minimal cognitive content of the curriculum. In the end, the moral intuition that public funding of schools also makes a huge difference in terms of content-control, seems correct only *prima facie*. The empirical case studies and country reports show a broad variety of ways to balance associational freedoms of schools, liberal principles (including non-discrimination), worthwhile collective goals (social cohesion, equal opportunities) and norms of public scrutiny, and different institutionalised forms of governance of religious schools. Also it is clear that these issues are deeply contested..

In Denmark the emphasis on the rights of parents in education and the tradition of free schools has over the past 13 years been challenged by policies imposing more conditions for the reception of state funds on free primary schools and by more close monitoring of these schools by the state (Olsen and Ahlgren 2011: 6). Besides concerns about academic standards and mandatory civic education, in the case of Islamic schools state monitoring is also connected with government anti-radicalization programs (ibidem, p.13).

In the Netherlands the issue of autonomy of religious schools is widely debated, especially with regard to orthodox Christian (Reformed) schools and Islamic schools. An important aspect of these debates concerns the ways associational freedoms of schools should be balanced with other constitutional principles (such as non-discrimination) or worthwhile collective goals (such as good education or social cohesion). The Dutch report explores four aspects of associational freedoms of religious schools and the ways these are being contested. First, the right of schools to select and admit pupils based on the school’s religious identity. At present there is a political debate about a proposal to introduce a so-called “duty to accept” (*acceptatieplicht*) on non-governmental schools. Second, schools have the freedom to select and recruit personnel. Religious affiliation may be a reason for selecting (or refusing to select) a specific teacher, but more fiercely contested are other selection criteria related to gender norms (e.g. being divorced, living together unmarried) or sexual orientation. Third, religious schools can make a choice with respect to their curriculum, for example in the case of teaching evolution theory or teaching about sexuality and gender norms. Fourth, religious schools can make rules related to dress codes and other forms of behaviour of teachers and pupils. Reformed schools may oblige female teacher and pupils to wear skirts, and Islamic schools may oblige female teachers and pupils to wear a headscarf. Even though there is still wide support to uphold a “dual system” (i.e. statutory equality of governmental and religious schools) there is thus a wide public debate on the scope of freedom of education and of associational freedoms of these schools.

19 In England/Wales, for example, all schools except independent schools are included in inspection regimes (Harris 2004:102-107; Leenknecht 1997:107ff), in Belgium only if a school asks for community support and for “recognition of certificates” (Groof 2004: 166). *Vrije scholen* in the Netherlands are also exempted from regulation, control and inspection.

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In Sweden the question of parental versus state influence became more important in the 1990s and educational reforms gave municipalities more influence over primary and secondary educations. Furthermore, as the report observes: “parents were given the right to decide which school their children should attend, and a voucher system was introduced giving parents the right to choose between public and private (so-called independent) schools” (Hertzberg 2011: 7).

In Ireland the particular character of the school makes a vital contribution to shaping the curriculum in classrooms. Adaptation of the curriculum to suit the individual school is achieved through the preparation and continuous updating of a school plan. The selection of text books and classroom resources to support the implementation of the curriculum is made by schools, rather than by the Department of Education and Science or the National Council for Curriculum and Assessment.^[20] Schools in general appoint their own teachers, and have a somewhat controversial exemption from the conditions of equality legislation and discrimination on grounds of religion. They can also select among pupils on grounds of religion. But state challenges other grounds for exclusion. Under section 7(3) of the Equal Status Act 2000 schools can discriminate by giving preference in admissions to children of a particular denomination, or by refusing to admit a child where such refusal is essential to maintain the ethos of the school.^[21] Under the Employment Equality Act 1998 certain religious, educational and medical institutions may give “more favourable treatment on the religion ground to an employee or prospective employee where it is reasonable to do so in order to maintain the religious ethos of the institution” or take “action which is necessary to prevent an employee or a prospective employee from undermining the religious ethos of the institution” All primary schools are obliged to publish a school plan that describes their ethos, admissions policy and objectives. The admissions policy of most primary schools is fairly straightforward - they give priority to children from their local area, which, for denominational schools, is usually the local parish. Where there is an accommodation problem, the school must give priority on the basis of their admissions policy, sometimes called an enrolment policy. This is drawn up by the board of management and should be available to parents on request. Schools run by the minority religions usually give priority to their co-religionists. The admissions policy for multi-denominational and non-denominational schools and Gaelscoileanna (schools in which Irish is the teaching and working language) is decided by each school. The admissions policy must comply with section 7 of the Equal Status Act 2000. If a school refuses to enrol their child parents may appeal the decision to the school’s board of management. If this does not succeed they may appeal the decision to the Department of Education. For secondary schools, the board of management of each school must devise its own admissions policy and make this information available to parents. Parents should know the criteria used in selecting or rejecting children for enrolment. Schools are allowed to follow their religious and educational philosophy when developing an admissions policy. They cannot however refuse admittance to a student unless that refusal is in accordance with their stated policy and does not discriminate under the Equal Status Acts 2000. Parents can appeal a decision to refuse enrolment to the Department of Education. When choosing a primary school, parents may also need to know about the admissions policies of secondary schools as some secondary schools give priority to the students from certain primary schools.^[22]

In Spain the education system is characterized by a diversity that mirrors the autonomy of different regions, and by consequence it is a very decentralised system. It is more accurate to speak of three different educa-

20 From NCCA Website – http://www.ncca.ie/en/Curriculum_and_Assessment/. See communication from Iseult Honohan and Nathalie Rougier.

21 See: <http://www.irishstatutebook.ie/2000/en/act/pub/0008/print.html#sec7>

22 Communication from Iseult Honohan and Nathalie Rougier.

tional systems in Catalonia, the Basque Country and the rest of Spain (Zapata-Barrero and Burchianti 2011: 6). Especially with regard to schools with a contract with the state (*concertadas*) there is a need to balance between school autonomy and public scrutiny: “the signature of a contract (*concierto*) between the State and the school which grants the status of *escuela concertada* includes rights for the school (essentially the right to public funding for the salary of professors and of administrative personnel and other costs deriving from the teaching of subjects and grades which are subject to the agreement) and some obligations too, such as the gratuity of the teaching part (...) the respect of all beliefs of the pupils as well as some obligations for the admission of pupils following the model of admission existing for public schools” (ibidem: 16-17).

In Italy the greater autonomy of schools, a result of the Berlinguer reform of 2000, provides the opportunity for schools to organize curricula and use funding quite freely. This autonomy allows schools to “adapt curricula to the presence of foreign students”, but it also produces differences between schools and some schools are “more welcoming and open-minded to foreign students” (Ambrosini and Caneva 2011: 11).

Given the empirical diversity in the ways educational systems balance between associational freedoms and forms of institutionalized public scrutiny and control of religious schools, it is useful to elaborate on the various options and their respective moral and practical trade-offs. Finding reasonable balances then crucially depends on finding the least invasive or obtrusive but still effective ways and means of public regulation and control. Regulation and control of accreditation ranges from the pole of detailed specification in advance of maximum conditions in terms of numbers of expected/enrolled students, facilities, geographical spread, qualification of teaching staff, trustworthiness of provider, mission, curriculum guide, etc. (approached by Russia and, to a lesser degree by France and Germany) to more lenient rules and practices and shorter periods between recognition and public financing. In some countries accredited schools are controlled regularly (e.g. in England/Wales once in 6 years) in others only after a “notice of complaint”, and withdrawal of financing or accreditation is more or less imminent and open to judicial appeal. Fairness, in our view, requires low thresholds in terms of numbers of students and short waiting periods before financing is granted because high numbers and long periods tend to exclude or discriminate against smaller and new religious minorities or alternative candidates and directly or indirectly privileges established providers.

Input regulation and control can be detailed and specified in all possible regards. In addition to general curriculum-guides or frameworks, accepted in most countries, some require curriculum plans specifying in detail not only subjects^[23] but also courses, minimum number of lessons or hours, schedules or even prescribe textbooks and teacher guides. The more detailed these regulations and controls are, the less autonomy for teachers and schools generally, for religious schools in particular. In addition, the requirement to document all kinds of aspects of educational activities and to give account for a great number of internal decisions results in extra man hours and costs, which is especially problematical for smaller schools. Opposition against this tendency is mounting even inside governmental schools.

Alternatives are “outcome driven approaches” or output regulation and control favoured by “pro-choice” authors as “smart regulation”. They require final attainment targets following from general curriculum guides or frameworks but leave schools and teachers – also in governmental but particularly in nongov-

23 Hotly contested cases are music and drama in orthodox religious schools (Jewish, Christian, Islamic), sex education either explicitly or in “personal, social and health teaching”, and, obviously, evolution theory vs. creationism or intelligent design. See Versteegt and Maussen 2011.

ernmental schools – “free to express its distinctive character and its method of teaching and to a considerable extent in the content of teaching, as well as in other aspects of school life” (Groof 2004: 172). In order to make outcomes comparable and to test whether cognitive and non-cognitive achievements live up to minimum standards, they also require *common*, state or nation-wide examinations^[24] at least at the end of primary, secondary and high-school education. The kinds of exams differ widely (oral, written, from Multiple Choice to open essays, course-work) and legitimately so regarding different subjects. Yet, one should be aware of two combined dangers. First, one can use common exams as a backdoor strategy to impose statism and professionalist secularism on all schools. This danger can be prevented effectively only by integration of the different educational providers in standard-setting and preparing common exams. Second, one should also be aware of the combined pressure from the side of “free-choice-parents” and governmental authorities to introduce testing in all schools and classes all the time starting from pre-schooling: teaching to the test from the cradle to the grave.^[25]

Particularly in examinations in civic education, essays are preferable because they avoid the “negative outcome of standardized testing” (Campbell 2004: 209) but they also can only test cognitive outcomes. The “pedagogical climate” of a school, its “atmosphere, ethos or culture”, the character of interactions in classes, school, and school environment as well as the actual learning of civic/democratic virtues could be controlled, if at all, only by throughput control or external inspection in classes or schools (Eisgruber 2002:70, 82). Some countries, for example France, go very far in this regard (at least in theory), others are much more reluctant.^[26] Throughput control, particularly unannounced state-inspection, is clearly the most effective control if “we” really want to know what is actually going on in classrooms and schools but it is also the most invasive one.^[27] Our desire to know and to control (the ceaseless “quest for control”) generally stimulates the tendency towards massive overregulation but particularly if it is driven by dramatized “fringe” cases and by the logic of moral and political panic, of distrust and its escalating dynamics. If at all, it should be confined to cases of “clear and present danger”.^[28]

In a comparative perspective, in sum, we have many, combined moral and pedagogic reasons to prefer regimes of regulation and control, which are mainly output-oriented and “humble” but maybe not so “de-

24 Hotly contested in federal education regimes like Germany or the U.S. The Dutch regime is fully centralized in this, as in all other regards (see Versteegt and Maussen 2011: 13 et pass.). Also in Finland, where schools and teachers have an extremely high degree of autonomy, they are “disciplined” by national exams.

25 This should not be misunderstood as an argument against obligations for schools to provide information on (i) admission of students; (ii) curriculum and pedagogy, (iii) student achievements, (iv) expenditure and financial information (Witte 2004: 363f). Both in Denmark and in Sweden, public ranking of schools is proscribed.

26 See for the excessively comprehensive and centralized rules: Meuret 2004: 247ff. Norway seems still to be free of any inspection (Glenn and Groof 2002: 593) and also of standard testing until the end of compulsory education (401ff.) and Finland is free of any inspection (and, by the way, all other types of regulations: it completely trusts highly educated and qualified (and highly paid) teachers). In Sweden and Denmark there is also no national inspectorate, quality control is left up to parents “who can select the person who will supervise their compliance” and either may appoint an external evaluator or ask the municipal council to assume this role, based on self-assessments (Glenn and Groof 2002: 197, 200, 579).

27 In the case of Islamic schools in Denmark and the Netherlands, there is now more political support for government inspection of “civic education” and the teaching of “democratic values”.

28 In Denmark, e.g. only in “extraordinary circumstance” or “extreme cases” direct inspection and supervision take place (Glenn and Groof 2002:198).

volved” (Witte 2004: 362). In all regards, it is crucial that all standards and procedures of regulation and control, even if minimal, are as “objective” (Glenn and Groof 2002) – or in our language: as relationally neutral and even-handed – as possible. Instead of counterfactually assuming that government educational authorities and teaching professions are “neutral” by definition, institutions and processes of defining general curriculum frameworks, final achievement targets and also exams should try to guarantee that the divergent perspectives be included. This is particularly relevant if one realizes that worldviews or perspectives are not only important when it comes to religious instruction. It is remarkable that only very few countries have tried to set up fair and even-handed institutions and procedures for standard-setting and control. Most trust that fairly intransparent institutions and committees composed of state-officials and co-opted teachers and scientists (as the Inspectorate of Education (*Onderwijsinspectie*) and Education Council (*Onderwijsraad*) in the Netherlands) would be best in realizing “independence and objectivity”. Belgium and Denmark are the exception. Belgium knows a “longstanding tradition of consultation with educational networks and stakeholders” (Groof 2004:171). The Flemish Education-Council (*Onderwijsraad*) is composed of “representatives of networks (i.e. recognized umbrella-organizations of religious or philosophical and communal providers), trade-unions, parents, students, economic and social experts, ministry officials”. Parent and student-associations are supported by government. The Educational Inspectorate (*Onderwijsinspectie*) is composed of 50% from the official governmental networks and 50% from the subsidized private educational networks, and this “equal representation in the inspectorate corps is intended to guarantee objectivity” (ibidem: 177). In Denmark also, nongovernmental schools participate in selecting inspectors (Glenn and Groof 2002: 593, see Olsen and Ahlgren 2011). Both are working examples of associational standard setting and control as proposed by associative democracy (Bader 2007: 283ff.).

5.3 Religious schools: key issues, basic tensions and public debates in six countries

All institutional arrangements and all educational systems have to deal with the following main tensions: (1) The right to freedom of education interpreted as parental choice can conflict with the (proto-) freedoms of pupils, increasingly gaining in “autonomy”.^[29] (2) The tension between educational/pedagogical freedoms of religious schools and principles and rights of non-discrimination (e.g. in the selection of teachers and students). (3) The tension between associational freedoms of religious schools to select students and principles and rights of equal educational opportunities for all. (4) The tension between educational/pedagogical freedoms of religious schools and demanding requirements of teaching and learning democratic citizenship and democratic virtues. (5) The possible and actual tensions between far going decentralization or autonomy of schools/teachers (in general, for religious schools in particular) and educational performance, as one version of difficult trade-offs and balancing in the organization of educational systems in general.^[30] Obviously, the way these tensions are framed and the way in which problems are perceived, does not only depend on such structural tensions but also, maybe mainly on the history and the recent development of the institutional arrangements in different countries.

29 See the brief treatment in Bader 2011.

30 Clearly it is not “autonomy of schools or teachers” in itself that is responsible for low performance, as is clear from Finland, where very high degrees of autonomy go hand in hand with comparatively high standards of performance (and, in addition, comparatively low costs). The “public secret” of the “Finnish success” is: highly qualified teachers (and the “trust” they gain combined with “respect”). This can be compared with the situation in Denmark, where there is high school autonomy but comparatively poor performance while amongst the most costly (Olsen and Ahlgren 2011).

Although the various empirical studies had a different focus on public debates and contestation around (different types of) religious schools, it is possible to detect three major themes related to issues of tolerance, cultural pluralism and equality. In the first place, there is a debate ongoing in a number of countries on the legitimacy of having religious schools, especially in relation to socio-economic, cultural and religious segregation *and* especially in relation to the more recently established Islamic schools. In the second place, there is debate on the scope of associational freedoms of religious schools. Third, there is a debate on the issue of public financing of religious schools. Even though these themes emerge in nearly all case studies we highlight only those countries where they were most prominent.

5.3.1 Religious schools and “segregation”

In Sweden the selected use of school choice is said to have augmented social and ethnic segregation (Hertzberg 2011: 8). The independent school system that was introduced in 1992 created opportunities for the founding of Islamic schools and in 2009 there were 9 of such schools. However, since about ten years there is a media debate on the existence of Islamic schools. These schools are “allegedly divisive, both culturally and socially, and the quality of their instructions is supposed to be inadequate, in relation to the standards explicated in the national curriculum and syllabi” (Hertzberg 2011: 23). Few calls for the shutting down of these schools have been voiced however, and Muslim denominational schools are tolerated but not liked. Yet, “the provision of a judicial and institutional space for religious minorities to establish denominational schools is part of politics of recognition” (idem).

In Denmark the arguments brought forward in the debate on Islamic free schools can be divided in two discourses. On the one hand, there is a discourse of nationalist intolerance, which “argues that the establishment of Islamic free schools undermines fundamental Danish values and traditions” (Olsen and Ahlgren 2011: 26). On the other hand, there is a discourse of liberal intolerance, concentrated around the need to divide between public and private, the need to educate “liberal people” and the protection of cultural cohesion and liberal values. Those who defend Islamic free schools argue their case in light of “the Danish free school tradition, on notions of tolerance and the democratic rights of minorities as well as on pragmatic arguments about maintaining peace” (idem). Despite the intense public debate, the effects of increased state monitoring of free, and especially of Islamic, schools has not resulted in the closing down of a great number of schools (ibidem: p.32). Still, interviews with people from the free school sector reveal that there is a perception of a lack of trust in Islamic free schools and a feeling of discrimination. A similar feeling of non-acceptance, discrimination and being under extreme scrutiny was found among directors of Islamic schools in the Netherlands.

The Italian case study analysed the public and political debate around an Egyptian school in Milan which was closed down by the municipality in 2005. The debate is illustrative of the wider Italian debate on private foreign and faith schools, and about cultural and religious pluralism. Whereas the mass media and politicians described the school as religious (calling it a *Madrasa*), the Islamic community in Milan described the school as an “Arab school” that served primarily to teach Egyptian students so that they could go back home knowing Arabic and having a valid qualification (Ambrosini and Caneva 2011: 35). The local debate in Milan was illustrative of struggles over claims of minorities and pluralism, in which it is both necessary to protect the right of minorities to build their own schools and to oblige these schools to adhere to national regulations and educational programmes (ibidem, p.36).

In the Spanish study on logics of segregation in Barcelona the focus was on the role attributed to the associational autonomy of schools “with contract” with regard to selection of pupils. These freedoms

are said to contribute to concentration of immigrant children in public schools. The discourses about the segregation processes affecting immigrant children build upon different rationales, frames and ways to remedy this inequality. Distinct discourses were found with respect to the interests of children and their families, the interests of the school and the interest of society as a whole (Zapata-Barrero and Burchianti 2011: 17). In Spain segregation dynamics raise questions of tolerance toward diversity (ibidem, p.23). The Spanish study demonstrates a structural dilemma, which is also visible in other countries, namely the need to balance between freedom of choice of families in matters of education and equal opportunities for all children (ibidem, p.24). In Ireland, by contrast, there is “no evidence of school segregation in relation to immigrant students relative to international comparisons, as most immigrant students are quite broadly dispersed, and in schools with a low proportion of immigrant students (Hohan and Rougier 2011: 10).

5.3.2 Religious schools: associational freedoms

The Dutch case study was concentrated around the debate on the legitimacy and scope of associational freedoms of religious schools. Two main conclusions could be derived with respect to the ways Islamic and Reformed schools make use of their associational freedoms. First, the identity of the school, the interpretation of associational freedoms and the school’s policy is negotiated between school management (principal and teachers), school board and parents. Sometimes parents want the school to be stricter in implementing religious dogma, and at other times parents are unwilling to accept religiously motivated rules imposed by the school. Important contextual factors influencing these negotiations are: the need for the school to have sufficient pupils, the image of the school, the interpretation of educational goals, the media debate, and the criteria set by the Ministry of education as well as the scrutiny exercised by the Inspectorate of Education. Second, it seems that Reformed schools are stricter in the sense that their religious identity informs the schools’ policy with regard to admission of pupils, selection of staff, curriculum and handling of diversity (dress codes etc.). Islamic schools are less strict. Aside from the choices made by school management with regard to the school’s policy, there are also more structural reasons why Islamic schools are less strict than Reformed schools. They have predominantly non-Muslim teachers and management, there are no special text books for Islamic schools on general subjects (history, biology etc.) and, overall, there is less support in Dutch society for a strict application of Islamic religious rules in the school context. In a sense it is misleading to speak of Islamic schools in the Netherlands as orthodox religious schools.

Similar issues arise around Islamic schools in Denmark and Sweden. In Sweden the scope for a distinctly Islamic or Muslim curriculum is quite limited (Hertzberg 2011: 15). In the Netherlands, Sweden and Denmark there are voices and directives seeking to monitor religious schools, primarily Islamic schools, for example via compulsory civic education (in Denmark since 2005, in the Netherlands since 2006) or in the context of anti-radicalization policies.

5.3.3 Religious schools and public funding

The issue of public funding was of direct concern in the Irish case study, which analyzed the public debate about a decision made in 2008 to remove ancillary grants for fee-paying Protestant schools and to increase their pupil-teacher ratio. The special arrangement for Protestant secondary schools that existed

from 1967 onwards then was considered as part of the free education scheme and was seen as a way of allowing the Protestant population to maintain affordable education provisions in accordance with their religious ethos (Honohan and Rougier 2011: 19). This debate could be analyzed as involving three major *topoi*: (1) whether the special scheme was illustrative of minority rights or whether it was a form of elite privileges; (2) that the decision to abolish the existing scheme was a kind of retaliation by the Minister of Education because of an earlier conflict with Protestant schools about the redeployment of teachers; and (3) that it was essentially a controversy about different ways of dealing with recognition of and support for diversity in Ireland.

5.4 Concluding observations and messages for policy makers

Tolerance and religious schools: issues

One important finding was the way the issue of religious schools in the six countries is predominantly situated in the debate on immigration and Islam, notably in Denmark, Sweden and the Netherlands, and to a lesser extent in Italy and Spain, but hardly in Ireland. In Ireland the establishment of two Islamic schools has not been a real issue and both receive funding in a similar way as other religious schools (Honohan and Rougier 2011: 7-8). A common feature is also the difference between the more established, historical and “native” religious minorities and immigrant minorities. The former usually have distinctive “privileges” or “rights” that are based on history and tradition (for example the Dutch Reformed, Jews in Sweden and Protestants in Ireland). New minorities, notably Muslims, have entered the scene and also make use of their constitutional rights to freedom and equality, which results in renewed debates on tolerance, pluralism and freedom of education. It turns out that Muslim claims for recognition are constitutionally and legally well founded and the demand to found and operate Islamic schools have generally been accommodated.

Yet, when we look at the debate it seems that what is being offered to Islamic schools is merely to be “tolerated”. Students, teachers, parents and management of these schools feel they do not encounter genuine “recognition” (for example in Sweden, Denmark and the Netherlands). On the other hand, one can also argue that the existence of a “juridical and institutional space for religious minorities to establish denominational schools” is in itself part of policies of recognition (Hertzberg 2011: 37). However it may be, it is clear that when we look at public debate there are important differences between “native”, established religious minorities and newcomers with respect to their satisfaction with existing institutional and legal regimes. Underlying these differences are important power-asymmetries, for example in relation to levels of professionalization and organisation, and given the negative stereotypes that are associated with particular minorities (especially Islam). However, in some countries, there is also a public questioning around the “privileges” of “native groups”, such as the Dutch Reformed (in the Netherlands) and Protestants (in Ireland). Contentious debates on “special” regimes for religious minorities may thus result in a broader questioning of the educational system as a whole.

A second common theme across all case studies was that religious schools are nearly always discussed in relation to the issue of (cultural and ethnic) “segregation” and of socio-economic inequalities (especially those related to immigration). Religious schools are said to be illustrative of minorities’ strategies of “isolation” or “self-segregation” (Italy), as institutions that are illustrative of “backwardness”, “gender discriminatory ideologies and practices” or “religious fundamentalism” (the Netherlands) or as “socially and

culturally divisive and lacking in educational performance” (Sweden). In nearly all countries the contrast space to this danger of segregation is discursively structured around the concept of “integration”, which is seen as a crucial goal of education. Additional arguments against religious schools are found, not surprisingly, by invoking the “neutrality of the state” and “secularism” (notably in Italy, but also in Denmark, the Netherlands and Sweden).

However, we hasten to add that despite the fact that similar issues and concerns arise in the different countries, they need to be situated in a national context marked by social and political differences (also related to different histories of migration) and against the background of different institutional environments that have their own histories.

Strategies of accommodation of religious schools

We were able to identify broader sets of strategies with regard to religious schools that result from, on the one hand, constitutional and/or European regulations with regard to religious freedom, freedom of education and liberal non-discrimination and, on the other hand, a whole set of public concerns and policy goals. First, as we noted, all educational systems guarantee freedom of education, allow for the existence of religious schools, give these schools (different forms and degrees of) associational freedoms, and in one way or another publicly finance faith-based education. Nonetheless, there are important voices in public, political and policy debate that advocate curtailing certain aspects of associational freedoms of religious schools. In the Netherlands the Education Council (*Onderwijsraad*) is preparing an advice on the future of article 23 that forms the constitutional basis for educational freedom (Versteegt and Maussen 2011: 22). In Denmark proposals to more strictly regulate non-governmental schools can be seen as a “break with the free school tradition” (Olsen and Ahlgren 2011: 35). In Ireland the debate on ancillary grants for protestant schools also led to a questioning about whether “identical treatment for all or special accommodation for minorities are appropriate ways to deal with diversity” (Honohan and Rougier 2011: 48). In Italy there is a debate on whether it is possible to “satisfy the demands of all minorities” and how it relates to the universalism that is stated to be a central part of the education system (Ambrosini and Caneva 2011: 36).

Second, all countries are pursuing different forms of “policies of desegregation” (at different institutional levels: national, regional, municipal, city district) and often these kind of policies are complicated by freedoms of (religious) schools and parents in terms of selection and admission of pupils.³¹ Another set of policies that risks reducing associational freedoms of religious schools are the policies aiming to stimulate “civic virtues”, impose “civic education” and attempts to subject religious schools that are deemed “problematical” to more intense systems of monitoring (with regard to internal management, educational performance and possible radical religious messages). We cannot judge in general terms whether or not such policies are “justified”, “proportional” or “effective”. Yet, it is clear that of all religious schools Islamic schools are most subject both to public debate and to these more extensive forms of regulation, notably in the Netherlands, Denmark and Sweden.

Third, in most of the countries discussed here we found that religious minorities have developed similar coping strategies with regard to an environment that is (increasingly) critical if not hostile. Muslims seem

31 We should add that for many different reasons “desegregation policies” in education have limited effect (Bader 2007).

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to opt for fairly moderate (if not submissive) strategies of acceptance and seek to demonstrate their ability to provide good education in order for their schools to be seen as “normal” schools and no longer to be seen as essentially “foreign” (for example in the Netherlands). It seems that in the present day context, some religious minorities aim to secure the fact that they are being “tolerated”, rather than trying to achieve more genuine “recognition”.

Tensions and trade-offs

It should be clear from this chapter that inevitably tensions arise with regard to education, pluralism and tolerance. These have to be acknowledged in order to find reasonable, context-specific solutions, but from the outset it should be clear, in our view, that no one institutional and policy-model fits all countries or contexts. Phrased in terms of possible “policy-messages” this means: instead of looking for “the optimal” arrangement or “best practices” we have to look for “satisfying” solutions, i.e. minimal, morally permissible versus impermissible solutions or, more demanding: better or worse solutions given these contextual constraints (Bader 2007: 263, 288f, see also Vogt 1997: 213ff). Also, we need to add that the case studies that were discussed in this comparative chapter have mostly focussed on “public debate” and therefore it is difficult to reach any clear conclusions with regard to practice and policy. Still, we think it is useful to mention three broader concerns.

First, states should primarily be concerned about respect for minimal moral and legal requirements. The value of tolerance is deeply enshrined in European and national institutional arrangements, especially in the domain of education. Even though there are important worthwhile collective goals at stake in education, notably in relation to social equality and segregation, the institutional guarantees of pluralism should be upheld. Also there is a danger that increasing public scrutiny and monitoring of all aspects of the functioning of religious schools (e.g. requirements with regard to effective teaching of democratic ethos of students, requirements with regard to curriculum etc.) reduce the freedom of these schools to effectively pursue alternative approaches in pedagogy and philosophy, and thus to contribute to the overall diversity of the education system as a whole (notably in Denmark (Olsen and Ahlgren 2011: 38), but also in the Netherlands and Sweden).

Second, it is clear that in dealing with diversity in education there are conflicting principles and rights at stake. There is no context-independent hierarchy. We cannot simply declare, for example, that non-discrimination should always be considered more important than associational freedoms of schools, or that policies of “desegregation” should always take priority over educational freedoms. We need to learn from the reasonable weighing and balancing in specific contexts. A sensible balancing of the liberal principles of non-discrimination and of collective freedoms and associational freedoms is necessary in order to uphold a truly pluralistic society in which there remains room for more orthodox religious groups. Another possibility, depending on the societal situation, is to give priority to equality of education to counter strong tendencies of socio-economic and ethnic segregation, as advocated by the Spanish researchers (Zapata-Barrero and Burchianti 2011: 39).

Third, there is not one ideal or best institutional model or practice, and revisions of (aspects of) educational systems or policies should most certainly not be built upon idealized views of other country’s “models”. Still, there are possibilities to learn from one another by exploring the way trade-offs are being made and for what reasons. Also, as is rightfully highlighted in the Irish report, educational systems may well be shaped by the past and constrained by the (social, economic) context, but they are not totally rigid

and static and have proven “quite capable of accommodating rapid change” (Honohan and Rougier 2011: 49). Thus European educational systems may incrementally “learn to cope” with present day challenges raised by old and new forms of pluralism, by the multiple and often conflicting goals of “education”, and the need to balance different principles, policy goals and interests in societal contexts marked by inequalities and power-asymmetries.

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