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Non-governmental religious schools in Europe: institutional opportunities, associational freedoms and contemporary challenges. Introduction

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Abstract:

The European Convention on Human Rights guarantees freedom of education, including opportunities to create and operate faith-based schools. But as European societies become religiously more diverse and 'less religious' at the same time, the role of religious schools increasingly is being contested. Serious tensions have emerged between those who ardently support religious schools in various forms and those who oppose them. Given that faith-based schools enjoy basic constitutional guarantees in Europe, the controversy surrounding them often boils down to issues of public financing, degrees of organizational and pedagogical autonomy, and educational practices and management. This introduction to a special issue on controversies surrounding religious schools in a number of Western European countries briefly introduces structural pressures that affect the position of religious schools and sketches the relevant institutional arrangements in the respective countries. We then go on to introduce some of the main concerns that frame the relevant debates. The paper concludes by introducing the various contributions in the special issue.

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Introduction

In the context of increasing religious and cultural diversity of European societies the role and functioning of religious schools is often brought up in discussions about the structure of education systems, and in connection with concerns about social cohesion, immigrant integration, democratic citizenship, non-discrimination, and equal educational opportunities for all. International human rights law, the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR), as well as most liberal-democratic constitutions and courts, oblige states to permit freedoms of education in all their consequences for religious schools (De Groof 2012).[i] But educational systems vary widely with regard to the ways they recognize and finance religious schools, and the types and degrees of public scrutiny and control that are exercised over these schools. Across Europe religious schools have varying competences to decide on the curriculum, teaching materials, internal school regulations (for example with regard to dress, or gender segregation), the recruitment of teachers, the selection of pupils, and so on.

This diversity of institutional opportunities for faith based education is in itself the outcome of political struggles and different trajectories of formation of mass education systems, which developed from the late decades of the 18th century onwards. Until then education had mostly been a matter of the church. Sometimes the provision of general education was mostly government-led, for example in Prussia and France, whereas in other countries schools were set up with modest involvement of the central government, for example in Scandinavia and New England. In a context of state building, governments increasingly sought to employ a system of mandatory popular schooling to create a more homogeneous nation, and raise virtuous and loyal citizens. Many rulers, such as the Dutch King William I (r. 1813-1840), believed that in order to play a role as a nation-forming institution, the school should teach a 'liberal', non-sectarian, Christianity. In a country such as France, on the other hand, a more rigorously secular system of public schools was pursued, for example by the Minister of Education Jules Ferry in the 1880s. State-led education could in principle develop independently or in opposition to church-led education. Religious communities protested against efforts to marginalize religious schools, and both in Protestant and Catholic countries church-sponsored schools were successful in their resistance and continued to reach the majority of the population (Glenn 2012: 9). In the second half of the 19th century

controversies with regard to the status and funding of religious education culminated in series of 'school struggles', for example in Belgium, France and the Netherlands. Periods of intense confrontation ended with some form of accommodation (see Glenn 2012). In some Western countries, including the United States, the period between 1900 and 1945 was marked by the dominance of the state-led 'common school', whereas in others (such as the Netherlands) the 'statutory equality' of religious and state schools was secured in constitutions and laws (in the Constitution of 1917 and the Primary School Act of 1920). In other countries, however, contestation around religious schools would continue throughout the 20th century. In France, for example, the Debré laws of the 1950s created opportunities for recognition and funding of religious schools (mostly Catholic), but in 1983 plans to revise the model led to widespread protests in favor of freedom of education, also for religious schools. Ten years later (in 1994) fierce protests broke out when advocates of strictly secular education and *l'école Républicaine* demanded that state schools were given far more financial opportunities than private, religious ones.

Also in the more contemporary period the position of religious schools continuous to be subject to debate. European school systems have been affected by a variety of profound social transformations, including secularization, individualization, growing mobility and immigration. Pedagogical philosophies and practices of education have changed, and parents, teachers, school managers, politicians and society at large now have new ideas and concerns when it comes to providing primary and secondary education to children. Would it be fair, then, to speak of a new phase, if not a new 'school struggle'? Some say that religious schools are once again under pressure and questions are being raised as to their legitimacy in modern school systems. In the Netherlands, for example a series of recent legal amendments were aimed at enforcing more strict application of non-discrimination legislation upon conservative religious schools (with respect to the hiring of teachers and the selection of pupils) and obliging them to teach a more 'liberal' message with regard to sexual diversity (Maussen and Vermeulen 2015). The former leader of one of the Christian parties (the Christian Union, CU), André Rouvoet, wrote in October 2011 that attempts to restrict 'fundamental freedoms of religious schools' were illustrative of a climate in which there was less 'principled room for minorities, and for their opinions and practices' (Rouvoet 2011, 3). Another example is the way immigrant religious schools, above all Islamic schools,

continue to encounter social and political resistance (Merry 2013, chapter 5). Concerns about the spreading of religious hatred and 'radicalization' of Islamic youth have resulted in increasingly strict supervision of Islamic schools in several countries.[ii] However, the situation of religious schools looks rather different when we focus on other trends. For one, the market share of religious schools is stable or growing in countries such as the Netherlands, Germany (Scheunpflug 2015), and England (Hatcher 2011). And also countries that have a reputation as being reluctant to accommodate and finance religious schools, such as France and the United States, have seen an increase in the number of religious schools and have taken steps to make funding more 'fair', i.e. more equal compared to the funds that are being spent on other schools.

In our view the fact that the overall picture remains so fuzzy implies that we need to zoom in more and differentiate between developments in different countries, take into account important differences between school types and between the religions in question (majority or minority, Christian or other, established or newcomer), and specify the aspects of the 'position of religious schools' that we are discussing. This special issue aims to shed light on the developments in a number of West European countries by linking institutional differences, political contestations and broader societal trends and policies.

We begin with a note on terminology. First, we use the term religious or faith school to refer to all schools that have a distinctive religious character, playing a role in the way the school operates, for example with respect to curriculum, admission policies, selection of teaching staff, pedagogy and teaching aids, internal regulations, and so on. The exact role of the religious ethos can vary in terms of intensity (some schools are more 'nominally' religious others more 'pervasively') and in terms of direction (some schools are more conservative, others more liberal or ecumenical). The schools we are speaking of are primary and secondary schools, teaching all kinds of subjects, mostly preparing their pupils for exams and diplomas that are certified by the state, and attending these schools is at least considered as a way for children to comply with demands of compulsory education. A second important terminological issue concerns whether religious schools should be called 'private' or 'public' schools. Actually, the legal status of religious schools varies. In England Voluntary Aided (VA) and Voluntary Controlled (VC) 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', for example in the US but also in Denmark ('free primary schools') and Sweden ('independent schools'). In the majority of countries their legal status is neither fully public nor private but somewhere in-between; such as 'special' or '*bijzonder*' (in the Netherlands), 'with contract' in France ('*sous contrat*') and Spain ('*concertadas*') (different from 'private schools' that don't receive public money), or '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 and 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 schools are owned and run by (central or local) organisations or associations whether (partly or fully) publicly financed or not. A broad variety of non-governmental schools exists, not all of them faith-based, for example schools based on distinctive educational practices or pedagogy. Third, we will use the terms 'associational autonomy' and 'associational freedoms' to speak of freedoms of religious schools, enabling 'those who are engaged with individual schools – their boards and their teachers and administrators – to shape and implement a distinctive educational mission' (Glenn and de Groof 2012, 1). The significance of these freedoms depends on institutional opportunities (including but not limited to constitutional and legal regulations) and the balance of power between relevant actors, *within* school organizations (for example between school board, teachers and daily management), *around* schools (for example in relations between the school and national and local authorities, teachers' unions, and parents) and *within the wider society* (it matters for example whether the school belongs to the majority religion or to an immigrant minority religious group). The significance of school autonomy will also depend on other factors, such as prevailing education policies or ideas about the ways schools should be administrated and how states should monitor quality and performance.

We begin this introductory article by discussing the major societal trends that, over the past 30 years or so, have come to affect the position of religious schools. We then go on to discuss the broader features of the situation and institutional opportunities for religious schools in Western Europe, especially concerning the countries included in the special issue. Against this background we discuss some of the issues that have come up in contemporary

debates about religious schools. We conclude by introducing the contributions included in the special issue.

Structural pressures on religious schools

What we will tentatively describe as the 'position' of religious schools in European educational systems is related to various factors, including their relative 'market share', their perceived legitimacy in the wider society, levels of financial support and school autonomy. This position has been changing since the 1960s as a result of structural changes and societal transformations. Even though the exact nature of these social trends varies between countries four broader clusters of factors should be highlighted.

First, European societies have been undergoing important transformations in terms of their composition. Their populations now look different in terms of age, religion, class, ethnicity, and so on, but also in terms of prevailing socio-cultural values, life-styles and worldviews. These changes include for example 'secularization' (decline of church attendance, decline of church membership, decline of people positioning themselves as religious) and the emergence of all kinds of new ways of 'believing and belonging', individualisation and rising levels of education, growing social and physical mobility (including migration), growing importance of sub-cultural identities (including sexual identities and life-styles), further 'diversification of cultural pluralism' (including ethnic diversity), growing importance of post-materialist values and related political and social identifications, diversification and greater dynamic of forms of family life and personal relationships, and so on.[iii] In addition, new patterns of social inequality have emerged, some of which are tightly connected to differences in cultural, religious and ethnic background. These changes have profound consequences for the institutional arrangements via which liberal democratic states aim to accommodate societal pluralism, also in education.

These structural transformations in European societies are intimately connected to a second cluster of structural factors that is also generating institutional reorientation. These are transformations related to the sphere of politics, such as mediatization and personalization of politics, changes in party systems and party-political configurations, including: the declining role of confessional parties, growing volatility of the electorate, emergence of new political and value conflicts, the emergence of populist parties, and so on (Kriesi 2010, Mair

2013). These transformations are connected to changes in public opinion, both at the level of elites and of citizens. For our purposes, especially the renewed politicization of religion and cultural pluralism is of importance. There is a seemingly growing influence of 'secular progressive' voices in public and political debate (Shuh et al. 2012), and, on the other hand, anti-Islam rhetoric articulated by right wing populist leaders has become a constant in public debate, finding resonance among a substantial part of the electorate. Even though there is significant variance between European societies in this respect, the growing prominence of 'secular voices' sets off Europe as a whole against the United States. However, we should note that we cannot simply conclude that greater visibility of secular ideas in public debate is illustrative of a further trend of 'decline of religion' (for the Netherlands De Hart 2014). Notice should be taken of the opinions and values of increasingly substantial immigrant communities, that are, however, up till now, far less vocal in most European public spheres. Moreover, some recent mobilizations by religious groups, such as the massive demonstrations against same-sex marriages and teaching on gender and sexual diversity in France (Battaglia 2014) or the protests against speech that is considered offensive to religious people (Maussen and Grillo 2014), stand to show that religion is still an important social and political rallying force in Europe.

Third, there have been profound transformations in the relations between state and society, altering the configuration of governance in domains that are traditionally also of relevance to religion, such as health and mental care, education, social support and relief, leisure, and so on. A major factor has been the expansion of modern welfare states after World War II, followed by a period of contraction and neo-liberal reforms since the late 1970s, and more recently giving way to a new phase of 'welfare state recalibration' (Hemerijck 2013). In this context, institutional arrangements that structured the roles and interactions between the state, civil society and the market, based on specific views about the role of religion and religious organizations therein, have come under pressure. The so-called shift from 'government to governance', and new ideas about the most effective and efficient ways of producing of all kinds of public goods and services has also affected the possible role of faith based institutions (see Van Bijsterveld 2011). With regard to management philosophies and styles, many European countries have been implementing New Public Management (NPM) inspired models of 'marketization' and 'privatization' to their bureaucracies and public

service organizations. Reforms were intended to introduce 'economies of scale', rational 'company like' management based on clear 'targets', objectively measured 'output', systematic use of 'assessments' and 'accountability systems', further 'professionalization', the introduction of quasi-markets, and so on (see Whitty and Power 2000, Whitty 2009, van Zanten et al. this volume, Dronkers and Avram 2015). These changes have affected education systems in many ways, and have altered the configuration and understandings of basic freedoms. For example, nowadays parents often act as consumers scanning the educational market for the optimal offer for their children. Schools have obtained more (or perhaps better: a different kind of) 'autonomy', for example over their budget, in view of enabling them to develop a distinctive profile, optimize their achievements and market their product, whilst being subject to steering-at-a-distance on the basis of performance indicators and budget controls (for the UK see Hand 2012). In the Netherlands, for one, this has led to a renewed understanding of the freedom of education, shifting away from its 19th and 20th century image of non-governmental school as 'owned' by the parents, towards individual parents exercising freedom of choice on a market (National Education Council 2012). However, we hasten to add that this is but a broader trend, which has had different policy consequences and met different responses (see the contributions on Denmark and France in this volume).

A fourth major cluster of factors triggering changes in the field of governance of cultural and religious diversity and education is 'Europeanization', and especially the ways issues of cultural and religious diversity are embedded in supra-national human rights regimes, involving notably the ECHR and the ECtHR and, increasingly also the European Court of Justice (ECJ) and the EU Charter of Fundamental Rights. In the context of religious education, it has been observed that a human rights perspective on religious governance may contribute to an individualized understanding of religious freedom rights, in tension with collective understandings of those rights (Hunter-Henin 2011, 4). Particularly important for the debates on school autonomy are EU directives and initiatives to combat discrimination, but also the signals by the European Commission to member states asked to guarantee religious freedom and educational opportunities for 'vulnerable groups', including children from a migrant background (Foblets and Alidadi 2013).

In order to situate the impact and significance of these structural tends as well as of public debates and contestation around religious schools we 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 the countries that are included in this special issue.

Religious schools in Europe: institutional opportunities and patterns

As we mentioned, supranational and constitutional obligations demand that liberal-democratic states guarantee freedom of education for religious schools. Even states that have been characterized by a near monopoly for governmental schools, such as Sweden, Norway, Bulgaria, Italy, and most Swiss cantons, have increasingly acknowledged the right to freedom of education, which is mostly interpreted as the right of parents to choose a particular type of school for their children and the right to create and operate faith-based schools. 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 the countries and case studies in a comparative perspective. In order to do this systematically we focus on (1) legal status and 'market share', (2) opportunities for public financing, and (3) the types and degrees of public scrutiny, control and associational freedoms of religious schools.

Legal status and 'market share'

The legal status of non-governmental religious schools differs. Historically and constitutionally this status has often been shaped via the incorporation of church-sponsored schools in modern, mass education systems, and has been strongly stamped by country-specific church-state ideologies and institutions.[iv] In Denmark religious schools are institutionally recognized as 'private' schools or 'free primary schools', a category of schools that is controlled and funded by the government and which includes, besides religious schools, also academic-oriented grammar schools, progressive 'Free Schools' and boarding schools (Wiborg 2012, Olsen this volume). In the context of a church state regime shaped by the Reformation and the creation of an established Lutheran Protestant church (in 1536), the Danish education system was initially heavily biased in favour of a public school dominated by the established church (called the Danish People's Church since 1849). The so-called 'free school tradition', led by reformers such as Grundtvig and Kold, emerged in the 19th century as a protest against this state dominance and criticized the role religion played in the curriculum. With the legal recognition in 1855 of the right of parents to

assume responsibility for the education of their own children and create 'free schools', the institutional opportunities to create non-governmental schools became extremely good, which benefitted both those wanting to found non-religious schools and those intending to found minority *religious* schools (for example Catholic schools) (Rangvid 2008). In Germany a variety of statuses exists for Christian religious schools, which can be 'governmental schools' (interdenominational Christian (called *christliche* *Gemeinschaftsschulen* in some Länder) or confessional (*Bekenntnisschulen*) (usually Catholic, sometimes Evangelical)), or non-governmental schools accepted in the public system, meaning their confessional identity is limited to their periods of religious instruction and clerical influence is limited. Besides there are non-governmental religious schools, which are independent but sponsored by the state (Glenn 2012a). In light of German state-church traditions, which are based on the recognition of the autonomy of churches combined with openness for state-church partnerships that tend to be formalised and corporatist, it is not a surprise that on the whole these institutional opportunities are most favourable for *Christian* religious non-governmental schools (Monsma and Soper 2009, 169ff.). In strictly secular France religious schools are 'private' schools, but they can enter into a 'contract with the state', which creates substantial opportunities for public funding, and obliges schools to comply with the national curriculum. In Ireland *all* primary and the vast majority of secondary schools are non-governmental, and the vast majority of primary schools, that are called 'national schools', is religious (mostly Catholic) (O'Mahony 2012). The fact that primary schools have a 'patron' (often a local Bishop) and the fact that there is great institutional bias in favour of Catholicism fits in the wider pattern of the Irish state-church regime, illustrated by the fact that Catholicism was until 1972 officially recognized as 'the religion of the majority'. In the Netherlands religious schools have the legal status of 'special' (*bijzondere*) schools, which is guaranteed by article 23 of the Dutch Constitution. In line with the prevailing church state regime, in which a neutral state seeks to accommodate religious and secular worldviews on an even-handed basis, religious school have statutory equality with governmental schools (Maussen 2014). In Scotland the Presbyterian Church of Scotland functions as the national church without being an established church. Initially schooling was primarily a matter for parishes. When an important wave of Irish immigrants settled in Scotland in the 19th century there was a relative openness to dissenting Protestants and Catholic schools, but state grants only accounted for 10% of the required sources. The 1918 School Act incorporated

Catholic schools into the state system, while providing safeguards for the associational autonomy of these schools. A dual system emerged because Church of Scotland schools were incorporated into the 'secular' or 'non-denominational' state sector, whereas Roman Catholic schools remained recognisably confessional. Nowadays, non-governmental, independent or 'voluntary' schools, most of which are Catholic, are almost everywhere recognized by local educational authorities into the public system of 'state schools' (Flint 2007, 257-58, Glenn 2012b, McKinney and Conroy this volume).

With regard to the 'market share'[v] of religious schools, the countries that are included in this special issue are spread along the continuum from very high to very low percentages. In Ireland the market-share of religious schools is extremely high, and in the Netherlands the proportion is very high. Denmark and Scotland rank in between, and at the lowest end we find France and Germany. The relative market share of religious schools, as well as the diversity in types and denominations, depend both on social and historical factors (including the religious composition of the population, and the demand for this type of schools) and on institutional opportunities. It is to these institutional opportunities that we now turn.

Public financing

Empirically, the overwhelming majority of states with liberal-democratic constitutions publicly finance non-governmental religious schools.[vi] But the modalities of financings are perplexingly complex and diverse, depending on *who* is financing *how*, *when*, and *what*.[vii] 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 (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 (like in France, Portugal, Spain, 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, etcetera), for inspection, for schoolbooks, school-meals, uniforms, transportation, and for many extra-curricular activities.[viii] 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 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.

The upshot of the complexity and lack of transparency 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 (cf. also Rogers Berner 2012): Some states (Austria, Belgium, England/Wales, Ireland, Netherlands) 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). Finally a few countries still do not allow that nongovernmental schools receive public money (no funding*:* Greece, Bulgaria, most Swiss cantons).

The fact that nearly all European states are willing to finance non-governmental schools seems to be in stark contrast to what happens in the United States, but also on the other side of the Atlantic things are changing. In the United States pupils of religious schools have rights to publicly funded services, such as special education assistance, transportation or textbooks, depending on location and need. The Zelman ruling of the Constitutional Court in 2002 allowed indirect public funding via vouchers. Furthermore, since 1992, forty-two states have enacted legislation for charter schools which are, like traditional public schools, directly subsidized by a combination of primarily state and local taxes based on their student enrolments but receive, like private schools, autonomy from a variety of rules and

regulations while being accountable to the requirements that are established in the charter (Green III et al. 2013, 303). By 2012 there were roughly 6000 charter schools educating some 2 million students. The 'hybrid' character of these non-governmental, non-profit schools has created lots of troubles for American Courts and lawyers. 'Charter school supporters, private charter school boards, and EMOs' emphasize their public nature to be eligible for funding under state constitutional law, while emphasizing their private characteristics to evade federal and state statutory requirements that apply to public entities' (Idem, 336) with regard to protections of employees and students. Their opponents argue that they are really private schools that are therefore ineligible for state public funding.[ix] In addition, there are ongoing discussions about the ways in which religion may play a role in school and after-school programs, and also about whether these schools can have strong partnerships with faith-based organisations (Schlikerman 2014).[x]

One may conclude that public financing of religious schools is an 'emerging international legal norm' (Glenn and De 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' (Ibidem). The variety in degrees and types of public funding of religious schools is also represented in the countries that are discussed in this special issue.

In Denmark rough estimates indicate that between 75-85 percent of the costs of non-governmental schools are funded, depending amongst other things on the fee payments by parents and whether schools are entitled to special subsidies for some pupils (Rogers Berner 2012, 119).[xi] In Germany the procedures under which and the amounts of public funding for non-governmental schools vary greatly between the *Länder*, going from about 55 percent to 85 percent. However, in some *Länder* religious schools are part of the 'public system' (meaning equal funding), and mostly non-governmental *religious* schools receive more public resources than non-governmental pedagogically-distinctive schools, allowing the former to keep their tuition fees lower (Glenn 2012a, 218). In France both national and local governments subsidize non-governmental religious schools, although what is being subsidized (salaries, operational costs, cost of building or renovating facilities) varies according to the type of contract a school has with the state (see Pons et al. 2015) and also

depending on the local political climate. Yet, parity in funding of public and non-governmental schools is the norm, as was illustrated by the so-called *loi Carle* of 2009 that 'imposed on communes of residence the requirement to share in the operating costs of private elementary schools on the same terms as apply to public schools' (Legrand and Glenn 2012, 186). In the Netherlands non-governmental religious schools are funded according to identical and equivalent criteria as governmental schools.[xii] Ireland has a complex system of state funding. In primary education, for example, 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, but the state has paid for building of schools since 1999. State payment normally does not cover all running costs; most students make what is called a 'voluntary contribution' to running costs. The state does not pay for uniforms, books, materials, school meals, and so on, 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. In Scotland the 1918 Education Act created the opportunity for non-governmental Catholic schools to be incorporated into the system of state schools, which effectively happened from 1928 onwards. This means that these religious schools are state-funded.

School autonomy, public scrutiny and freedoms: Types and degrees

The extent to which non-governmental religious schools have effective opportunities to 'do as they please', or in other words, the scope and limits of their associational freedoms, should be understood against the background of the way countries seek to strike a balance among freedoms of parents 'to make fundamental decisions about the education of their children', the autonomy of people running individual schools (boards, teachers, daily management), and responsibilities of governments to oversee education in light of the interests of society and children (Glenn and de Groof 2012, 1). The ways these balances are struck and the ways inevitable trade-offs are being made, vary between educational systems. In the case of religious schools 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'.

(2) Organisational, educational and pedagogical freedoms of religious schools may conflict with principles and rights of non-discrimination.
(3) Associational freedoms of religious schools to select students can be in tension with rights of equal educational opportunities for all.
(4) Educational/pedagogical freedoms of religious schools may conflict with demanding requirements of teaching and learning democratic citizenship and democratic virtues.
(5) Far going decentralization or autonomy of schools and teachers (in general, for religious schools in particular) combined with the monitoring and guaranteeing of educational performance, is a challenge for educational systems in general.[xiii]

Religious schools that are publicly financed are legitimately subject to more extensive forms of control and accountability.[xiv] 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 waste their own money if they so wish, but publicly financed school 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 in employment and student selection, for example they cannot discriminate on the basis of race and ethnicity. 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: if schools want their exams to be recognized, they have to teach 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*.

To grasp the ways educational systems at certain moments in time find institutional ways of balancing these various concerns and tensions in exercising public scrutiny, and to remain sensitive to the ways things work out in reality (not only formally or legally), one should in a stepwise approach disaggregate the shaping of associational freedoms of religious schools.

At a first level the associational freedoms of non-governmental religious schools are shaped by the (earlier mentioned) legal status and the ways international and national

constitutional arrangements protect educational and associational freedoms. At this level one should be sensitive to distinctive traditions of governance of pluralism in the respective country, and specifically to the ways these have developed in the field of church-state interactions and in the educational field. Different religious groups struggled with the state about the provision of mass education, and the predominant outcomes vary between countries. For example in the Netherlands Calvinist groups demanded quite successfully the right to be 'sovereign in their own set' (the phrase used by the 19th century neo-Calvinists Groen van Prinsterer and Abraham Kuyper). The Catholic ideology of 'subsidiarity' was played out in the educational domain in the Netherlands, Belgium, Scotland and Germany, but with different results. Interactions between dominant churches and the state developed differently in countries such as France, Germany and Britain, which has affected the opportunities for religious education. Besides, many of the Scandinavian countries, Germany (and the Netherlands to a lesser extent), have known important and influential movements of educational reform, ranging from the Free School movement in Denmark, to Rudolf Steiner inspired Waldorf schools, to distinctive pedagogical programs (including Montessori). These have given wider legitimacy to the idea that schools essentially belong to parents, not to the state, and strengthened the idea that a plurality of forms of education is essential to a free society.

At a second level one needs to look at the broader (contemporary) system of governance employed in the educational domain. Systems of educational governance range from specified and strongly centralized, 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.[xv] Fairly high degrees of associational autonomy in specific regards, for example the 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 freedom to shape the curriculum and select teaching material. The latter is the case, for example, in the Netherlands. In view of protecting educational freedom the challenge is 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 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' or when withdrawal of financing or accreditation is more or less imminent. In addition to general curriculum-guides or frameworks, accepted in most countries, some require curriculum plans specifying in detail not only subjects but also courses, minimum number of lessons or hours, schedules or even prescribe textbooks and teacher guides.[xvi] 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 problematic 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 nongovernmental 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' (De 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[xvii] 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) regarding different subjects. [xviii] The 'pedagogical climate', 'atmosphere', 'ethos' or culture' of schools, related to the character of interactions in classes and in schools, as well as the actual learning of civic and democratic virtues, could be controlled, if at all, by external inspections 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.[xix] Inspection, particularly unannounced state-inspection, is clearly the most effective method if one really wants to know what is actually going on in classrooms and schools, but it is also the most invasive one.[xx]

At a third level one should look at specific trends and incidents that may matter a great deal for the significance and scope of associational freedoms of religious schools in a given society. One example is the way the founding of schools by religious newcomers (Muslim, Hindu, Sikh schools) has triggered discussions on religious schools. Especially 'radicalization'

among Islamic youth has become a key concern leading to increased scrutiny of Islamic schools. Also the general political climate may have great impact, although it need not always result in drastic changes in the legal-constitutional framework. Fluctuations in public opinion and perceptions may thus have an effect on opportunities for all religious schools, or for a specific subcategory (such as orthodox schools or Islamic schools).

At the fourth level one should take notice of the ways balances are struck at the level of individual schools (and specific sectors or types of schools). As we have mentioned, 'the school' is in itself a complex actor, making decisions and policies in a field with other actors (such as parents and inspectors) and with many incentives to be sensitive to the ways the school is being perceived by the wider society. For example, increasing societal concerns about anti-Gay intolerance in the circles of conservative Christian and Muslim communities have resulted in several initiatives of religious schools to find ways of speaking about these topics. Given that schools are dealing with children and young adults on a daily basis, there are sometimes remarkable difference between the ideological and 'scandalized' tone of public-political debates, and the ways schools pragmatically search for ways of handling sensitive topics and issues.

In the contributions to this special issues several of these levels will be discussed, but here we limit ourselves to giving a rough impression of the ways a balance is struck between associational freedoms and other principles and concerns in the respective countries.

Denmark has a system with the highest overall amount of associational freedoms for religious schools. The constitutional right to freedom of education (Art. 76) implies ideological and pedagogical freedom, economic independence, freedom in staff recruitment, and freedom of selection of pupils in relation to religious and philosophical beliefs (Olsen this volume). In addition, the Danish educational system is fairly radically decentralized and puts a strong emphasis on 'the rights of parents (not the state) to have their children educated according to their preferred ideological outlook'. However, the emphasis on the rights of parents in education and the tradition of 'Free Schools' have over the past 15 years been challenged by policies imposing more conditions for the reception of state funds on non-governmental primary schools and more close monitoring of these schools by the state. 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. For Germany the effective associational freedoms of governmental and non-governmental religious schools vary greatly between the *Länder*, because the latter have full responsibility for education and can therefore opt for diverging arrangements. Non-governmental religious schools have in most states substantial freedoms when deciding on the use of resources, but limited opportunities to choose teaching methods and decide on curriculum. They may also select teachers, but those whom they employ should be certified, and in selecting pupils they should not privilege children from wealthier families (Glenn 2012a). The French school systems is predominantly government led and centralized, and, in comparative terms, parents, local authorities and teachers have little opportunities to decide on nearly anything with respect to the ways schools operate (Legrand and Glenn 2012). For non-governmental schools that have a contract with the state the degree of autonomy depends on the type of contract. Schools with a 'simple' contract can employ teachers on the basis of a private contract, they should comply with 80% of the national curriculum, and there is no obligation on behalf of municipalities to provide financial support. Schools with an 'association contract' have less autonomy; they should follow all rules and teach the entire curriculum, their teachers are either civil servants or under contract with the state, and they receive identical funds as governmental schools (Van Zanten et al. this volume). In Ireland the Department of Education sets a broad regulatory framework within which schools in receipt of State funding are required to operate. The regulatory framework includes the curriculum, the governance structures for individual schools and the timeframe within which they are required to operate. While the country has a centrally devised curriculum, 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 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.[xxi] 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 not on other grounds.[xxii] The Netherlands also has a strong constitutional guarantee of educational freedom. Non-governmental, denominational schools (*bijzondere scholen*) are subject to the same general education regulations and quality standards as governmental schools, and they should employ certified teachers, but they have some opportunities to select teachers and pupils on the basis of their religious and philosophical views, to have some say 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 of examination syllabuses, the content of national examinations, the number of teaching periods per year, etcetera (Versteegt and Maussen 2011, 13). In the Netherlands the issue of autonomy of religious schools is now widely debated, especially with regard to conservative Christian schools and Islamic schools. In Scotland non-governmental, Catholic schools negotiated a firm position for their associational autonomy around the 1918 Education Act. They retain influence over staffing, curriculum, ethos and inspection (Flint 2007, 258).

Religious schools: key issues, basic tensions and public debates. Outline of the special issue

In the above we have discussed the ways in which educational systems provide opportunities and obstacles for the creation and operating of religious schools. The empirical contributions in this special issue explore different tensions that have arisen in various countries, and which have given rise to public debates, policy changes and sometimes legal and constitutional amendments.

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 on developments of the country-specific institutional arrangements, political opportunity structures, and the ways in which political contestation and public debates around minority and majority rights develop. Although the articles have a different focus, depending on the salience of particular issues in

specific countries, it is possible to detect common themes in them. When questions are being raised about (some specific) religious schools we mostly encounter three main issues. First, debates about the performance of this type of education compared to other (governmental or non-governmental) forms of non-religious education. These debates on performance may touch on all kinds of aspects: cognitive achievements (including mastery of the language of the 'host society' in the case of children with an immigrant background), 'teaching of citizenship and tolerance' and 'preparing pupils for life in liberal democratic and pluralistic societies'. Second, in what ways does the existence of religious schools relate to patterns of ethnic, religious and socio-economic segregation? What are the consequences of having separate religious schools and what are normative arguments for and against 'voluntary separation'. Often religious schools are said to be illustrative of minorities' strategies of 'isolation' or 'self-segregation', if not as institutions that are illustrative of 'backwardness', 'gender discriminatory ideologies and practices', and 'religious fundamentalism'. In nearly all countries the contrast space to this danger of segregation is constructed around concepts such as 'common citizenship' and 'integration', which are seen as a crucial goal of education and often connected to the need for common, state schools (see Merry 2013 and 2015). Third, often questions are being raised with regard to the outer limits of religious and educational freedoms for religious school. One of the broader underlying questions, then, is to see whether indeed this type of school and it organizational practices should continue to 'tolerated' or whether there are grounds for more forthcoming ways of recognition.

In *The Danish free school tradition under pressure* Tore Vincents Olsen explores how the right to found non-governmental 'free schools', including religious ones, and to have them funded by the state, functioned as one of the strongest expressions of Danish 'free-mindedness' or tolerance. It allowed parents to choose a school for their children according to their own ideological, religious, cultural and pedagogical convictions. However, the existence and associational freedoms of these schools are now under debate. New clauses in the law on free primary schools demands that they 'shall prepare the students to live in a society like Denmark, with freedom and democracy'. Monitoring mechanisms have been reinforced to ensure that private schools live up to academic standards and teach 'freedom and democracy' to a sufficient degree. The article analyses the debate about Danish free

schools and about Muslim schools in particular and discusses the extent to which the legislative changes have reduced the autonomy of non-governmental schools.

Annette Scheunpflug addresses the increasing demand for religious schools in Germany in an article entitled *Christian confessional schools in Germany*. Against the broader background of institutional opportunities for religious schools in the governmental and non-governmental sector, the issue is raised why in a context of increasing 'secularization' and 'decline of belief' the demand for faith-based schooling is on the rise. As the article demonstrates the demand of parents for non-governmental religious schools is not primarily driven by religious considerations, but is motivated by concerns about educational profiles of these schools, the wish for social distinction, better performance, and avoiding problems of the state schools.

In *The national management of public and Catholic schools in France: Moving from a loosely coupled towards an integrated system?* Xavier Pons, Agnès van Zanten, and Sylvie Da Costa analyse changes in the management of private Catholic schools under State contract since the 1980s. Building on ongoing research about comparing policies of accountability in France and in Quebec the authors show that the introduction of new public management (NPM) approaches and instruments in the field of education did not have a significant influence either on the public management of State-controlled non-governmental schools nor on the coupling between the public and the private sector. The management of Catholic schools is still mainly based on a consensual regulation through inputs which and leads to a loosely coupled system of management of private and public schools.

Nathalie Rougier and Iseult Honohan examine the evolution of the state-supported denominational education system in Ireland in the context of increasing social diversity in an article called *Religion and education in Ireland: growing diversity - or losing faith in the system?* The article explores the capacity for incremental change in a system of institutional pluralism hitherto dominated by a single religion. In particular, challenges to the historical arrangements that emerged in two recent contentious issues are analyzed: cuts in special funding for Protestant secondary schools, and proposed diversification of the patronage of primary schools, revealing pressures on the dominant role of the Catholic Church and on the privileged place of religion in education. They find a shift towards a more varied pluralism,

or greater 'diversity of schools', in which multi- or non-denominational schools now feature more prominently, rather than towards either a secular system or privileged recognition of religious schools. These developments entail a change in the historical balance of religious equality and freedoms; from leaning more towards collective religious freedom and equality among religions, to tilting more towards individual religious freedom and non-discrimination.

In *Liberal equality and toleration for conservative religious minorities. Decreasing opportunities for religious schools in the Netherlands?* Marcel Maussen and Floris Vermeulen begin by observing that liberal, democratic states face new challenges in, on the one hand, balancing between principles of religious freedoms and non-discrimination and, on the other hand, in balancing these constitutional principles with other concerns, including social cohesion, good education and immigrant-integration. In a context of increased dominance of a 'secular' native Dutch population, there are demands to reduce 'exceptions' for (orthodox) religious groups. The article focuses in particular on public debate and jurisprudence with regard to religious schools, including their right to select and refuse pupils (the debate on the so-called 'duty to enrol' (*acceptatieplicht*)), teaching on sexuality and sexual diversity, and the possibilities for schools to refuse hiring staff who do not support the school's philosophy (for example in relation to sexual orientation). The article concludes by arguing that the Netherlands is undergoing a shift in the conceptualization of religious freedom in relation to liberal equality, which in the longer run may destabilize a tradition of toleration and substantial collective freedoms for orthodox religious groups.

In their contribution entitled *The continued existence of state-funded Catholics schools in Scotland*, Stephen J McKinney and James C Conroy begin by locating the Scottish debate in the history and development of the faith schools debate in the UK, particularly England and Wales. The debate in Scotland has distinctive features that need to be understood. The article then focuses on a critical examination and analysis of two key contemporary themes concerning state-funded Catholic schools in the Scottish context. The first theme is the continuation of government funding of Catholic schooling. The second theme, which is more distinctive to Scotland and has some links to the debate on faith schools in Northern Ireland, concerns the allegations that Catholic schools are associated with sectarianism.

The remaining two articles in the special issue are not case studies of specific countries but aim to provide a bigger, comparative picture. In *What can international comparisons teach us about school choice and non-governmental schools in Europe?* Jaap Dronkers and Silvia Avram begin by observing that states have right to supervise non-governmental schools that they finance and to seek to guarantee that the quality of organization and teachers are not lower than those in governmental schools. Four basic arrangements exist of non-governmental and governmental schools in Europe: integrated educational systems of public and non-state schools, denomination supportive educational systems, limited support non-governmental schools, and educational systems with segregated public and non-state schools. The article then draws on an analysis of empirical data to explore three main topics: parental background and the choice for non-governmental schools, non-governmental schools and their cognitive outcomes, and non-governmental schools and their non-cognitive outcomes. It concludes that there are important differences between non-governmental-*in*dependent (without state-grants) and non-governmental-*de*pendent schools (with state-grants); that school choice for non-governmental-*de*pendent schools is more related to social mobile parents, whereas schools choice for non-governmental *in*dependent schools is more related the reproduction of social classes; that in a majority of European countries non-governmental-*de*pendent schools are more effective cognitively than governmental schools, but that non-governmental *in*dependent schools are more effective cognitively only in a few countries and more ineffective in a larger number of countries. Also non-governmental-*de*pendent schools are not more effective non-cognitively than governmental schools.

In the final contribution entitled *The Conundrum of religious schools in Europe* Michael S. Merry examines in detail the continued – and curious – popularity of religious schools in an otherwise 'secular' Europe. Various motivations underwrite the decision to place one's child in a religious school and the article then delineates what are likely the best empirically supported explanations for the continued dominant position of Protestant and Catholic schools in twenty-first century Europe. Merry argues that institutional racism may well inform both parental assessment of school quality as well as selective mechanisms many mainstream religious schools use to function as domains of exclusion. He then distinguishes between religious schools in a dominant position from those serving disadvantaged

minorities and argues that the latter are able to play a crucially important function other schools only rarely provide, and hence that vulnerable minorities may have a reason to value.

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Endnotes

[i] See 2004 Organisation for Security and Co-operation in Europe (OSCE) Guidelines for Review of Legislation Pertaining to Religion and Belief, especially the section on Religion and Education.
[ii] See Olsen on Denmark in this volume and see also the recent debate on the growing influence of radical Muslims in state schools in Birmingham. See Gilligan 2014.
[iii] For a broader overview of some of these structural social changes see Norris and Inglehart 2011.
[iv] We introduce the countries included in the special issue in alphabetic order throughout this article (Denmark, Germany, Ireland, France, Netherlands and Scotland).
[v] 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, for example, 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 an indication of the relative importance of the non-governmental religious sector.
[vi] Normatively speaking two sets of reasons are commonly taken to 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). Secondly, if states depend 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.

[vii] See the country studies in Wolf and Macedo (eds) 2004 and the comparative analysis and its results by Glenn and De Groof 2002, p.578ff., 584ff., chart 2, and 2002a, ch. 9.
[viii] 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. (Glenn and De Groof 2002a, 253).
[ix] See Green et al. (2013) for an excellent overview of the most relevant Court rulings in different states.
[x] See also http://www.edreform.com/2012/03/just-the-faqs-charter-schools/
[xi] 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 De Groof 2002, 190).
[xii] As a matter of fact, sometimes non-governmental schools receive even more funding than public schools. This is due to inflexibility of the system of financing, in itself a legacy of pillarization, meaning that sometimes resources should be distributed proportionally between governmental and non-governmental schools. For example, if local authorities in a municipality decide to spent *additional* amounts (almost all funding actually comes from the central government) for staff or material upkeep for the governmental schools (that they administrate!), they must spent the same amount for non-governmental schools (Zoontjens and Glenn 2012, 343-44).
[xiii] Clearly it is not 'autonomy of schools or teachers' in itself that is responsible for low performance, as is clear from Finland (see Sahlberg 2011), 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 being amongst the most costly models (Olsen and Ahlgren, 2011).
[xiv] In England/Wales, for example, all schools except independent schools are included in inspection regimes (Harris 2004, 102-107; Leenknegt 1997, 107ff), in Belgium only if a school asks for community support and for 'recognition of certificates' (Groof 2004, 166).

[xv] See Glenn and Groof 2002: 596 ff.: Charts for Rating the National Systems with regard to Freedom, Equal Treatment, and Autonomy. See Bader 2007, 279-83. See Dronkers and Avram 2015.

[xvi] Hotly contested cases in this respect 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 versus creationism or intelligent design. See Maussen and Vermeulen 2015.

[xvii] 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. Also in Finland, where schools and teachers have an extremely high degree of autonomy, they are 'disciplined' by national exams (see Sahlberg 2011).

[xviii] 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. This should not be misunderstood as an argument against obligations for schools to provide information on (1) admission of students; (2) curriculum and pedagogy, (3) student achievements, (4) expenditure and financial information (Witte 2004, 363ff.). Both in Denmark and in Sweden, public ranking of schools is proscribed.

[xix] See for the excessively comprehensive and centralized rules in France see 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 (idem, 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 (idem, 197, 200, 579).

[xx] 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.

[xxi] From NCCA Website - http://www.ncca.ie/en/Curriculum_and_Assessment/.

[xxii] 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. Under the Employment Equality Act 1998 certain religious, educational and medical institutions may give 'more favourable treatment on the ground of religion 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'. See:
http://www.irishstatutebook.ie/2000/en/act/pub/0008/print.html#sec7