

This item is the archived peer-reviewed author-version of:

Learning to live together : religious education and religious symbols in Flanders and Québec

Reference:

Franken Leni.- Learning to live together : religious education and religious symbols in Flanders and Québec
Education, citizenship and social justice - ISSN 1746-1979 - (2019), p. 1-15
Full text (Publisher's DOI): <https://doi.org/10.1177/1746197919859487>

Learning to live together: Religious education and religious symbols in Flanders and Québec

Leni Franken, University of Antwerp
Leni.franken@uantwerpen.be

Abstract

Like most Western nations and regions, Flanders and Québec are characterized by increasing religious diversity and secularization. Accordingly, 'learning to live together' is a main objective in their public education programmes. In spite of this similarity, both regions seem to interpret the concept of 'living together' in a different way and especially when it comes to wearing religious symbols and organizing religious education in governmental schools, there is a huge difference between the Flemish and Québec policy. In this article, we will have a closer look at both policies and try to find out which one is to be preferred in their present educational contexts.

Keywords

Flanders (Belgium), Québec, reasonable accommodation, religious education, religious symbols

Education 2.0: learning to live together

Today, most schools in the Western world are meeting places of diversity, characterized by a religious and cultural mix and aimed at the cultivation of tolerance and autonomous and critical reflection.

This is also the case in Flanders and Québec: both regions are characterized by increasing diversity and secularization and accordingly, 'learning to live together' or 'living together in harmony' are main objectives in their public education programmes.

In spite of this similarity, Flanders and Québec seem to interpret the concept of 'living together' in a different way, and especially when it comes to wearing religious symbols and organizing religious education (RE) in governmental schools,¹ there is a huge difference between the Flemish and Québec policy. In this article, we will have a closer look at both regions and try to find out which policy is to be preferred in the present educational context.

Education in Québec and Flanders: context and history

In 2008, the school subject 'Ethics and Religious Culture' (ERC) was introduced in all recognized schools in Québec.² This was the last step in a profound reorganization and a related deconfessionalization of the Québec educational system: before 1997, public school boards were divided between Roman Catholic and Protestant, and accordingly, all public schools were denominational schools, where students could only take RE in the respective Christian religion, or chose for a nonreligious course called 'moral education'.³ As a result of increasing diversity and secularization, this system was considered no longer appropriate without infringing on the freedom of religion and education, hence the recent deconfessionalization of the Québec school system and the introduction of ERC as a substitute for the confessional RE classes.⁴

In Flanders (but also in the other parts of Belgium),⁵ the situation is different. Even though similar societal changes challenge the present (religious) education system, the situation in the Flemish Community has not changed (yet): most schools (68%) are still confessional, Catholic schools, and accordingly, most students have Catholic RE on their compulsory curriculum.

In addition, 32% of the Flemish schools are governmental schools. The majority of these schools are Flemish Community Schools ('*Gemeenschapsonderwijs*'), but there are also municipal, provincial and urban schools. While the schools of the Flemish Community are run by a centralized, autonomous council (*Raad van het Gemeenschapsonderwijs*), the municipal, provincial and urban schools are run on a local level. In addition to this different structure and legal status, these two main types of state schools or 'official schools' also have their own pedagogical project. In this article, we will only focus on Flemish Community Schools ('*Gemeenschapsonderwijs*') which are,

within the group of governmental schools, an important provider of education, representing 15.6% of the students in primary schools and 19.5% in secondary schools in the Flemish Community.⁶

Governmental schools and their pedagogical project

Flanders: learning to live together

Most schools in the Flemish Community (and in the other parts of Belgium) are non-governmental, state-funded Catholic schools. Although these schools are open for students of different religions and worldviews, their pedagogical project is explicitly based on the Bible, and in particular on the person of Jesus Christ. In line with this view, Roman-Catholic RE is a compulsory school subject for all the students attending Catholic schools. Other religious activities (e.g. moments of prayer and worship services) are also organized, but usually on a voluntary basis.

In governmental schools, the situation is different. According to the Constitution (art.24 §1), these schools organize 'non-denominational education', which implies 'in particular the respect of the philosophical, ideological or religious beliefs of parents and pupils'. In Flemish Community schools, this constitutional requirement is an important aspect of their pedagogical project,⁷ which must be signed by teaching staff, but also by the parents.⁸ In this pedagogical project, neutrality is seen as a necessary requirement for 'living together'. Different from Catholic schools, Community schools do not start from the truth of a particular worldview or religion, but from the equal dignity of different religious and non-religious convictions. As defined in the pedagogical project, which is common for all Community schools, neutrality implies the following:

- Teaching the values that are typical for and common in our democratic society and in the legal state
- Protecting against each form of oppression that would obstruct personal choices
- Operating in an active way against each form of discrimination or exclusion, based on gender, sexual orientation, ethnicity, worldview and other traits
- Not excluding beforehand any subject during classes and not excluding any subject from scientific and pedagogical enquiry, in order to guarantee the openness for diverse views in society

In order to make sure that all individuals are free to adhere to a particular religious or philosophical worldview and in order to facilitate a 'dialogue between different religions on the basis of equality', Community schools strongly support liberal-democratic values such as freedom, equality and solidarity; equality of sexes; separation of church and state; and freedom of conscience. As stated in their pedagogical project,

people (teachers, students, technical staff ...) with different convictions are welcome in Community schools and their authenticity will be respected as long as they respect national law, are engaged to guarantee human rights and children's rights, and are actively involved with the basic values and core aims of the pedagogical project.

In addition to this pedagogical project, staff must also sign an 'engagement of neutrality', wherein they declare to treat facts and meanings in the most objective and impartial way, and wherein they reject every form of indoctrination and/or proselytism. This engagement of neutrality, does, however, not apply to teachers of RE since these teachers are, within the Belgian system of confessional RE, seen not only as experts and moderators but also as 'witnesses' of their own faith:

With an exception for the lessons in the recognized religions and non-confessional ethics, education in Community schools is, as explained in the pedagogical project, neutral. Neutrality does not mean that individuals are neutral or 'colourless', but it starts from the diversity of religious and philosophical perspectives. Neutrality thereby implies that no single worldview gets a priority position (nonpreferentiality) (*Neutrality defined by the Council of Community schools.*)⁹

Québec: living together in harmony

Like in Flanders, living together is a core concept in Québec public education programmes, whose aim is to 'prepare the citizens of tomorrow to meet the challenges of a pluralistic society that welcomes

diversity, a knowledge-based job market that is constantly evolving, and economic globalization' (MELS, 2012: 2). In Québec schools, students of diverse social and cultural origins are prepared 'to live together in harmony' (MELS, 2012: 3) and to learn 'to live together on the basis of a set of values' (MELS, 2012: 34).

In order to guarantee the freedom of religion and education in the present school context, governmental schools in Québec are – like Flemish Community schools – non-confessional or 'neutral'. In a brief to the Minister of Education, Recreation and Sports entitled '*Secular Schools in Québec. A Necessary Change in Institutional Culture*', this neutrality is described as follows:

The new legislative framework surrounding Québec public schools conveys the State's neutrality with respect to religion. Open to the student's spiritual development, this framework makes room for the diversity of religious traditions within schools while respecting the 'freedom of conscience and of religion of the students, the parents and the school staff' and without favoring any particular religious or secular perspective. (MELS, 2007: 1)

Different from the previous (confessional) school system, the present school system in Québec is no longer 'the instrument of any religious or spiritual organization' (MELS, 2007: 33, 38), but a system 'that is common, inclusive, open and democratic' (MELS, 2007: 26; also MELS, 2003: 23). Like Flemish Community schools, Québec governmental schools consider themselves to be schools where the opinions and beliefs of those it serves are respected, without favouring one particular belief. And in order to guarantee this, a position of neutrality is required.

This neutrality does, however, not mean that religion is taken out of the school, as is for instance the case in France.¹⁰ Rather, the school's mission reveals a form of secularity that is open to religion ('open secularism'),¹¹ taking into account the social and historical existence of religious phenomena in all their diversity. As stated in section 37 of the (revised) Education Act, 'the educational project of the school must respect the freedom of conscience and of religion of the students, the parents and the school staff' and this implies, among others, that students – unlike schools – are 'not required to be neutral in matters of religion' (MELS, 2007: 26).

For school staff, however, the situation is different. Because staff receive their mandates from a State that is neutral in matters of religion, they are called upon "to show discernment and prudence in expressing their personal opinions" (MELS, 2007: 30). In order to respect the students' freedom of conscience and religion and in order to respect their right to be exempted from all forms of religious discrimination or from any direct or indirect pressure in the area of religion, a professional stance of impartiality is required from school staff, which means "that each and every teacher must refrain from promoting his or her preferences in spiritual or religious matters, and avoid making such preferences the focus of teaching (MELS, 2003: 70, 2007: 30–31).¹² This impartial stance, which is required for all teachers, but is explicitly highlighted for RE teachers, is considered necessary in order to realize the main objectives of the Québec Education programme: fostering in students an attitude of openness to the world and respect for diversity; developing a culture of peace; promoting the values underpinning democracy; and preparing young people to act as responsible citizens in a changing world (cf. MELS, 2007: 27; see also MELS, 2004a, 2004b, 2012).

Different from the Flemish Community schools, it is allowed for teachers in Québec governmental schools to wear religious symbols/gear. However, this policy is not uncontested: in 2018, The Coalition Avenir Québec (CAQ) won a majority in the provincial election and a core item on its policy agenda is the introduction of a law prohibiting civil servants – including judges, police officers, prosecutors and teachers – from wearing religious symbols in the workplace.¹³ At present, this law is not (yet) a fact, but the issue is largely discussed and shows at least that the Québec policy of 'inclusive neutrality' (cf. Pierik and Van der Burg, 2014) is controversial and will perhaps not continue in the (near) future.

Religious education

Flanders: confessional and separative

Along the lines of the constitution (art.24, n §1), Flemish Community schools (and other governmental schools) 'offer, until the end of compulsory education, the choice between the teaching of

one of the recognized religions and non-denominational ethics teaching'. Hence, students in these schools can choose now between Roman-Catholic RE, Protestant RE, Orthodox Christianity, Anglicanism,¹⁴ Judaism, Islam and Non-confessional Ethics. All the religious classes are organized by the recognized religious communities, while non-confessional ethics is organized by the recognized community of freethinkers.¹⁵ Although there is a possibility to be exempted from RE, there is no alternative class organized for exempted students.¹⁶

This way of organizing RE in a 'multi-religious' way is, especially among representatives of the recognized religions/worldviews, defended as one of the many ways to take the pupils' religious identity into consideration in an active way. Last years, however, the system is often discussed on both sides of the language border by academics (e.g. Franken and Loobuyck, 2013; Loobuyck, 2014; Loobuyck and Franken, 2011; Modood, 2017; Sägeser, 2015; Schreiber, 2014, Ch. 5), by politicians, and in the media. Apart from some practical problems (finding qualified teachers and required accommodation; making schedules; establishing teacher-training programmes), there are also more fundamental problems with this system.

A first problem is the artificial distinction between recognized and non-recognized religions and worldviews, which leads to *inequality*. Even though, for instance, Jehovah Witnesses and Buddhists form a larger religious minority than adherents of the Anglican Church, only the latter is, for historic reasons,¹⁷ recognized and has, accordingly, the right to organize RE in governmental schools. Second, there is the problem that curricula do not need approval from the state, but only from the religious communities. Even though the curricula must officially be in accordance with the international and constitutional requirements concerning the rights of man and of children in particular, this *religious autonomy* nevertheless permits the teaching of ideas that are opposed to the principles of liberal democracy, or teaching religious theories such as creationism, under the guise of a 'true' scientific theory. As a result of the separation between church and state, it is almost impossible for the state to intervene here. Because there are no general, state-controlled aims with regard to RE, students' average knowledge of religion is also inadequate and this *religious illiteracy* often leads to misunderstanding, intolerance and a non-nuanced view on religion. Finally, there is also the problem of *separation*: during RE classes, students in governmental schools are segregated according to their religion or worldview, which is considered not the most desirable practice if we agree that some core aims of 21st-century RE are 'to cultivate reciprocity, sensitivity and empathy and to combat prejudice, intolerance, bigotry and racism' (Jackson, 2014b: 137).¹⁸ In order to counter these problems, there is since 2009 a proposal to introduce a new, independent, and compulsory subject about religions, ethics, philosophy, and citizenship, called 'LEF' ('Levensbeschouwing, Ethiek, Filosofie'), in *all* subsidized (and thus recognized) schools in the Flemish Community (Franken and Loobuyck, 2013; Loobuyck, 2014; Loobuyck and Franken, 2011). Even though there are many pedagogical, societal, legal and practical reasons for the introduction of such a subject, this proposal is controversial because it is very critical towards the present way of organizing RE in governmental schools and towards its constitutional embeddedness. This is one of the reasons why there is, more than 10 years after this proposal, still a *status quo* as regards RE in Flemish Community schools.

Québec: non-confessional and integrative

Up until 2008, RE in Québec was, like in Flanders, organized in a confessional, denominational and separative way: students could either choose between Roman-Catholic or Protestant RE organized by the religious communities, and for those students who did not prefer any of these RE classes, an alternative subject 'moral education' was organized. In 2008, this confessional and separative RE model was replaced by a non-confessional and integrative model:¹⁹ in this year, the school subject *Ethics and Religious Culture* (ERC) was implemented as a compulsory subject in all recognized (and thus subsidized) schools (governmental and non-governmental). Different from the previous RE programme, students in ERC are no longer segregated according to their religion, but students with different religious and non-religious convictions are present in the same classroom, where the teacher offers them the necessary tools for a better comprehension of Québec society and its cultural and religious heritage and for engaging in (critical) dialogue:

Students are encouraged to open themselves to the world and to develop their ability to act with others. By grouping all the students together, rather than dividing them into groups according to their beliefs, and by promoting the development of attitudes of tolerance, respect and openness, we are preparing them to live

in a pluralist and democratic society. (MELS, 2008, preamble)

The aim of RE in Québec is thus no longer to convert students or to educate or socialize them in their own religious tradition, but rather to understand the phenomenon of religion, to engage in critical reflection on ethical questions and to foster dialogue. Hence, the subject's two main objectives: 'recognition of the others' and the 'pursuit of the common good' (MELS, 2008: 2). As stated in the programme (MELS, 2008: 1),

[L]iving together in today's society requires that we collectively learn to build on this diversity [of values and beliefs]. It is therefore important to develop an awareness of this diversity and to reflect upon and take actions that foster community life. The Ethics and Religious Culture program endeavors to contribute to this learning. [...] Students will be encouraged to engage in critical reflection on ethical questions and to understand the phenomenon of religion by practicing, in a spirit of openness, dialogue that is oriented toward contributing to community life.

With this new programme, schools in Québec take into account the fact that the school population today is religiously diversified and to a large extent also secularized, without losing sight of the fact that religion still plays an important role in public and private life and in Québec history and culture. Hence the need for religious literacy, but also for ethical and dialogical competencies: they are all required today in order to learn to 'live together'.

Religious symbols

Flanders: a contested policy of exclusion

In Flemish Community schools, the wearing of religious symbols is probably one of the main contested issues today. In order to understand this controversy, we will have a closer look at the Flemish 'headscarf affaire'; the 'ban on wearing ostentatious religious symbols' in Flemish Community Schools; and the legal arrests of the Council of State concerning this ban. First, there is the so-called 'headscarf-affaire' in Flemish Community schools. In September 2009, two Community schools in the city of Antwerp decided to ban the wearing of ostentatious religious symbols because several girls were forced by their co-students to wear the headscarf.²⁰ According to one of the school principals, this ban was thus required in order to protect freedom and equality in these schools.²¹ After the ban, the situation was quite tense: there were several manifestations against the ban and some students have left school. In order to create clarity and peace and avoid legal complexities, the Council of Community schools subsequently decided to implement a general ban on 'ostentatious religious symbols' in all its schools.

However, as a result of several complex legal issues and judgements, almost four extra years were needed before this general ban could be put into practice: in February 2013, the Council of Community schools sent a circular letter to the different local school boards of the Community schools, requiring the implementation of a ban on the wearing of ostentatious religious symbols in their school regulations.²² Not much later, a Sikh boy in the village of Sint-Truiden and several Muslim girls in the village of Dendermonde complained about this ban and their cases were heard by the Council of State, which argued in October 2014 that a *general ban* on religious symbols in Community schools is unconstitutional because it infringes on the freedom of religion.²³ In both cases, the Council of State defended a *case by case* approach, wherein a ban on religious symbols is only permitted as a '*measure of last resort*' (Lievens and Vrielink, 2014: 8) and under the condition that it serves a *real* (and not a presupposed or fictive) legitimate purpose (e.g. avoiding peer pressure or proselytism) in a democratic society.

As a consequence of some technical legal matters, the Council of State could not abolish the abovementioned circular letter, but it could (and still can) only abolish and/or condemn particular school regulations. Accordingly, the school regulations in Sint-Truiden and Dendermonde were adapted, but the Council of Community Schools did not abolish its circular letter, nor did it abolish the general ban on ostentatious religious symbols. As stated by this Council, such a ban is still required in order to guarantee the school's neutrality and its related ideas of equal respect, living together and citizenship.

Québec: a contested policy of inclusion

Like Flanders, Québec has had its own headscarf controversy as well (cf. MELS, 2003: 8–10), but the most famous example of wearing religious signs at schools is without any doubt the court case *Multani v. Commission scolaire Marguerite-Bourgeoys* (2006 SCC 6). In this case, the Canadian Supreme Court argued that the prohibition of a Sikh pupil to wear a kirpan at school, leads to a violation of the freedom of religion. The case caused much media attention and public discussion and in order to create clarity for the future policy, a ‘Consultation Commission on Accommodation Practices Related to Cultural Differences’, co-chaired by Gérard Bouchard and Charles Taylor was created in March 2007. This resulted in 2008 in the report *Building the Future. A Time for Reconciliation* (Bouchard and Taylor, 2008), wherein open secularism and a related policy of reasonable accommodation are defended as an alternative for rigid secularism and for the exclusion of religion (and religious symbols) in the public sphere.

In line with this open secularism, governmental schools in Québec adapted a policy of accommodation of religious symbols: since these symbols are seen as fundamental for one’s religious identity and since this identity should be respected in order to guarantee the freedom of religion, conscience and expression, schools should not abolish or ban the wearing of religious symbols. Hence, pupils in Québec governmental schools are allowed to wear ‘ostentatious’ religious symbols such as headscarves, turbans, kirpans, visible necklaces with a cross and yarmulkes, as long as this happens in a way that ‘respects the secular character of public schools and the views of others’ (MELS, 2007: 26). According to the Québec Ministry of Education, governmental schools should thus ‘respect each student’s right to expression in the name of fair and equitable treatment and facilitate all possible accommodations permitted by the constraints of the environment in question’ (MELS, 2007: 33). We should, however, always keep in mind that this policy of accommodation should be reasonable and is thus not unconditional:

Some people, more fervent or involved than others, consider it important – indeed compulsory – to display their religious affiliation by wearing symbolic clothes or objects, or by practicing specific rituals. Others, meanwhile, do not subscribe to any religion and prefer to keep their beliefs a private matter. According to the Charters of rights and freedoms, both groups are entitled to express their views within the Québec secular school system. Those who opt to display their convictions must, however, do so in a way that respects the secular character of public schools and the views of others. No person can impose his or her beliefs, opinions or specific practices on any other, much less on the school as a whole; nor can anyone expect the school to meet all of his or her demands. (MELS, 2007: 26)

Evaluation

Both in governmental schools in Québec and in Flemish Community schools, ‘living together’ is a core educational objective. Its practical implementation is, however, different in both regions, especially with regard to the organization of RE and the policy concerning ‘ostentatious religious symbols’. Obviously, similar arguments – living together in harmony; avoiding oppression; respecting the freedom of conscience, religion and expression – are used, but they lead to dissimilar policies and practices. At this point, the question raises which policy is to be preferred: would it be better for Flemish Community schools to accommodate religious symbols as is the case in Québec? Or is a ban on religious symbols to be preferred – both in Flanders and in Québec? And what about RE? Is it, in view of religious freedom and ‘living together’, appropriate to separate students during RE classes and to educate them mainly into their own religion? Or would it be better to have one common school subject wherein knowledge about different religious traditions (religious literacy) as well as competences of ethics and dialogue are stimulated?

Given the religious, historical, institutional, political, sociological and cultural particularities of different nations and regions, it would be impossible to have a ‘one size fits all’ model with regard to religion at school. This is probably the main reason why the European Court of Human Rights gives the different nation states a wide ‘margin of appreciation’ when it comes to this matter. In *Folgerø v. Norway* (Appl. no. 15472/02 (2002)), for instance, the Court argued that governmental schools can organize a compulsory subject about religion, as long as the subject is taught in a ‘critical, objective and pluralistic manner’ and does not lead to indoctrination. This, however, does not imply that education into religion – as organized in Flanders/Belgium, but also in many other

European nation states – would not be allowed in Europe, provided that there is a right to withdraw (cf. *Hasan and Eylem Zengin v. Turkey*, Appl. no. 1448/04 (2007) §53).

In a similar vein, the European Court's jurisprudence on religious symbols in public education takes into account the fact that particular nations and contexts can be very different, hence the requirement for a Swiss state school teacher to remove her headscarf (*Dahlab v. Switzerland*, Appl. No. 42393/98 (2001)), the ban on wearing religious symbols in Turkish state universities (*Leyla Sahin v. Turkey*, Appl. no. 44774/98 (2005)), and the allowance of Christian crosses in Italian state schools (*Lautsi v. Italy*, Appl. no. 30814/06 (2011)).²⁴

Although the European Court allows different context-related practices with regard to religion in school, it is, in view of freedom and equality, important that a given policy is consequent and that schools handle in an even-handed way with different religious and non-religious worldviews. In France, for instance, there are no RE classes in governmental schools²⁵ and also wearing religious symbols is forbidden for teachers and students – a policy that is indebted to the French tradition of strict secularism (*laïcité*). Whatever one's view on this policy of exclusion may be, the policy is in itself consequent: in order to stimulate the French identity and a feeling of belonging, and in order to prevent proselytism and oppression, both the wearing of religious symbols *and* the teaching of religious classes are not allowed in French governmental schools.²⁶

A different, but also consequent, policy can be found in the Netherlands, where governmental schools can organize confessional RE classes at request and where pupils in these schools are allowed to wear religious symbols (cf. Rijksoverheid NI, 2005).²⁷ This policy of inclusion, which is in line with the Dutch tradition of tolerance and multiculturalism, is, like the French policy of exclusion, consequent.

Also in Québec is the present education policy consistent and are different religious and nonreligious worldviews approached in an even-handed way. In order to guarantee the freedom of religion and expression for all the students and in order to encourage 'living together', pupils are at present allowed to wear religious symbols at school. And with the aim of these same objectives, all students participate in one common class wherein religious literacy as well as ethical and dialogical competences are actively stimulated. As Milot (2014) rightly says, it would be hard to understand how one could have ERC on the curriculum on the one hand, and forbids pupils to wear religious signs on the other:

C

omme les normes et les pratiques de l'école relatives à la religion constituent un ensemble cohérent du point de vue des politiques éducatives et du droit, on voit mal comment l'école pourrait avoir pour mandat la compréhension de la diversité religieuse, par le cours ECR, si l'expression de l'appartenance religieuse de ceux qui fréquentent ou travaillent dans l'établissement doivent cacher leur propre appartenance. (p. 66)

Different from Québec, confessional RE classes are still on the curriculum in Flemish Community schools, which can be seen as a positive implementation of religious freedom in these schools. It is, however, in these same schools not allowed for pupils to wear 'ostentatious' religious symbols, except when they have RE classes. This regulation shows that the policy with regard to religion in Flemish Community schools is at least ambivalent: on the one hand, religion is, via RE classes in the recognized religions and in non-confessional ethics, partially (i.e. for students belonging to these recognized religions/worldviews) *included* in Community schools. On the other hand, religion is, by means of a ban on wearing religious symbols, *excluded*. If Community schools want to be consistent in their policy concerning religion and if they want to treat pupils with different religious and non-religious affiliations in an even-handed way, an adaptation of their policy with regard to religion seems necessary.

Religion in Flemish Community schools: future prospects

RE: non-confessional, integrative RE for all?

In order to meet present societal tendencies of secularization and religious diversity, and in order to guarantee the freedom of religion and education in the most extended way, the Québec education system changed profoundly with the introduction of ERC in 2008 as a final step in this paradigm shift. Even though the ERC subject is often criticized and was twice brought to the Canadian Supreme Court (*SL v. Commission scolaire des Chênes*, SCC 7, 1 S.C.R. 235 (2012); *Loyola High*

School v. Quebec, SCC 12, 1 S.C.R. 613 (2015)), the Court argued that the subject can be compulsory for all students, as long as it is taught in a 'critical, objective and pluralistic manner' and as long as it does not lead to indoctrination.²⁸

In a similar vein, the aims of RE in Europe are, as a result of the changing religious landscape, no longer formulated in a confessional way (Council of Europe, 2004, 2008; Jackson, 2014a; OSCE, 2007) and many European states (e.g. Sweden, the United Kingdom, Norway) and federated states (several Swiss cantons, Brandenburg in Germany) have deconfessionalized their RE programme. The main idea behind this deconfessionalization is that RE should contribute to the objective of 'living together': it should no longer educate pupils in their 'own' religion, but it should stimulate their intercultural attitudes, prepare them for participation as future citizens in our secularized, multicultural society, and inform them about different religions and non-confessional worldviews as human phenomena.

In this context, it is an anomaly that the Flemish education system is in governmental schools still organized in a confessional way and that students are segregated according to their religion or worldview. In order to improve the situation and adapt Flemish RE to the present educational context, non-confessional and integrative RE, combined with ethics, philosophy, citizenship and dialogical skills – as in Québec – could open a lot of opportunities.

Religious symbols: inclusion as a rule, exclusion as an exception?

In January 2018, the parents of 11 Muslim girls in the Flemish village of Maasmechelen went to the Court because their daughters are no longer allowed to wear their headscarf at school.²⁹ Since the ban on religious symbols in Community schools in 2013, this is the third legal case, but probably not the last. According to legal scholar Jogchum Vrielink, the current policy of Community schools is a policy of mistaken civil obedience³⁰ and should be adapted, in order to be in line with the Belgian constitution. This is also the opinion of several NGO's such as Amnesty International, the Commission for Education and Equal opportunities, the Commissary of Children's Rights, the Coalition of Children's Rights and the Forum for Minorities. They all agree, with the Council of State, that the general ban on ostentatious religious symbols in Flemish Community schools infringes upon the freedom of religion and leads to discrimination. As an alternative, a case-by-case approach is recommended, which is also the opinion of the Québec Ministry of Education:

In managing religious expression, like any other field of activity, it is not advisable to try and apply uniform solutions issuing from higher decision-making levels. Indeed, a decision imposed by outside authorities, even a judicious one, has less chance of winning over the majority and leading to consensus than a locally made decision that ensues from democratic discussion among members of the governing board. Since such discussions are also a means of furthering an understanding of the issues at stake, local authorities, who are familiar with the reality of the school and in whose interest it is to seek solutions that will best serve the school community, should make the decisions while accepting that an outside viewpoint can sometimes be useful. (MELS, 2003: 57)

Although we should not minimize the problems some schools face today with regard to religious fundamentalism and peer pressure, a *general ban* on ostentatious religious symbols, as presently operative in schools of the Flemish Community, seems not the right solution to these problems. On the other hand, an unconditional and too permissive policy with regard to the wearing of religious symbols in *all contexts* can also lead to problematic situations, as the Antwerp case has shown. Neither a general ban, nor an unconditional policy of allowance, will foster mutual understanding and harmonious coexistence and contribute to 'the common good'. Alternatively, a context-related policy of reasonable accommodation, as adapted in Québec, would enable individuals

to understand that no right is absolute and that life in society requires compromises compatible with the mission, functions and resources of public institutions. Thus this kind of negotiation, which makes it possible to deal with requests on a case-by-case basis, enables both institutions and individuals to learn valuable lessons. (MELS, 2007: 28)

Even though this case-by-case approach will not always be the most easy one, it seems at least to be the most fair and promising one, especially if we want to protect the freedom of religion and expression for all the students in the most extensive way and if we agree that schools should learn

their students to live together in a society characterized by religious diversity.

Multiculturalism – how should society deal with it?

Very recently, an international survey proved that Flanders scores very low on the integration and schooling of people with a non-European background: 40.9% of migrants born outside Europe have a poor education qualification and the gap between migrants and natives with regard to their level of education is nowhere in Europe as big as in Flanders.³¹ In addition, a large world-wide survey (IPSOS, 2017) showed that 69% of Belgian citizens see religion as a force for bad rather than for good in the world, which is the highest rating of any country in the survey. In this context, it is not a surprise that the Royal Flemish Academy of Belgium for Science and the Arts organized in 2017 a thinkers programme about multiculturalism, wherein two ‘thinkers in residence’ (Tariq Modood and Frank Bovenkerk) were invited to reflect on the current policy of multiculturalism in Flanders and to give recommendations where needed.

In his draft report, Modood criticizes the organization of RE in Flemish schools and pleads for a non-confessional, integrative RE subject in all publicly funded schools (governmental and nongovernmental). As said by Modood (2017), such a subject will not only ‘improve religious literacy for all, an understanding of the different faiths/worldviews and an understanding of the good and the bad that religion can contribute to in the lives of individuals and in society’, but it is also ‘important for building a pillar of commonality and an appreciation of diversity’ (p. 40). Needless to say, these objectives are very similar to the objectives of the Québec ERC programme.³² In line with his view of ‘moderate secularism’, Modood (2017) also criticizes the ban on ostentatious religious symbols in Flemish Community schools, which ‘aligns Flanders with some of the most antimulticulturalist practices in Europe’ (p. 40). Alternatively, he pleads for a more open and inclusive approach which is, once again, very similar to the Québec policy, wherein taking responsibility for religious diversity is seen as

an important duty for the schools, but also an exciting educational challenge. This challenge involves discovering, understanding and appreciating a key dimension of society in all its multi-faceted richness, and helping to build this society on a solid foundation of democratic values. (MELS, 2003: 77)

Without any doubt, implementing educational changes as suggested by Modood is one of the most urgent, but also one of the most difficult, challenges today, not the least because (constitutional) religious privileges, on the one hand, and stereotyping views on religion and on reasonable accommodation, on the other, often obstruct the public debate. If, however, Flanders will adapt itself to the present multicultural and multi-religious reality and take the freedom of religion, education, conscience and expression seriously into consideration, a profound change in the Flemish education policy and underlying mentality is required. This is what Flanders owes to its ‘Flemish’ and ‘foreign’ students; this is what Flanders owes to its present and future citizens.

Funding

This article is part of the post-doc research project “Religious and citizenship education in a liberal, postsecular framework – with a special focus on the subject ERC in Québec”, conducted between 2015 and 2018. The project was funded by the Flemish Research Foundation (FWO).

Notes

1. Like Maussen and Bader (2015), I will use the term ‘governmental schools’ for schools ‘to be owned, run, and financed by (a flexible combination of) governmental (federal, state, municipal) authorities’, while non-governmental schools ‘are owned and run by (central or local) organizations or associations whether (partly or fully) publicly financed or not’ (p. 3).
2. These schools are mainly governmental schools, but there are also non-governmental schools (e.g. faithbased schools) which are recognized and subsidized by the state. These schools are mainly (but not exclusively) Catholic and are attended by approximately 12% of the province’s students (Clemens et al., 2014).
3. In addition to these public schools, there were also private schools, which were partly funded by the state, for instance, Islamic and Jewish schools.
4. For a profound overview of this deconfessionalization, see Estivalèzes and Lefèbvre (2012) (in French). For an English overview, see the special issue of *Religion & Education*, edited by Grelle and Jensen

- (2011). An overview of reflections on the programme can be found in Baril and Baillargeon, 2016, and in the special issue of *Religion & Education*, edited by Chan and McDonough (2019).
5. Belgium is a federal state, with a complex structure, containing three regions (Flanders, Wallonia and Brussels-Capital) and three Communities (French, German and Flemish). While the regions have jurisdiction over 'space-bounded' matters (e.g. regional economy, agriculture, environment, infrastructure and transport), the Communities have jurisdiction over 'person-related' matters (e.g. health care, social policy, culture, the use of language and education). With more than 6,500,000 inhabitants, the Flemish Community is the largest Community in Belgium.
6. Statistisch Jaarboek Onderwijs 2017-18, <https://onderwijs.vlaanderen.be/nl/nl/onderwijsstatistieken/statistisch-jaarboek/statistisch-jaarboek-van-het-vlaams-onderwijs-2017-2018> (accessed 11 March 2019).
7. *Pedagogisch project van het GO! onderwijs van de Vlaamse Gemeenschap (PPGO!)*, available at http://www.g-o.be/media/1542/pedagogisch-project_2016_def.pdf (accessed 11 March 2019).
8. As we will see below, this requirement is not only a formality, but has also practical consequences, especially with regard to wearing religious symbols.
9. Available at http://pro.g-o.be/blog/Documents/Definitie%20Neutraliteit_2016_DEF.pdf (accessed 8 February 2018).
10. In French governmental schools, religion is explicitly excluded in at least two ways: (1) since the law of 2004 (Loi 2004, 228 du 15 Mars 2004 concernant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics), it is no longer allowed for students (and teachers) to wear 'ostentatious religious symbols'. In addition (2), there is no RE on the curriculum, with the exemption of the French transoceanic territories and the region Alsace-Moselle: since these regions are still regulated by the concordat of 1801 and its organic laws of 1802–1808, RE in the recognized religions (Catholicism, Lutheranism, Calvinism and Judaism) is organized in their governmental schools.
11. For a defence of this open or inclusive secularism in the French context, see Beaubérot, 2008.
12. In order to guarantee the students' right to freedom of conscience and religion, displaying one or more symbols from a single religious tradition in public (i.e. governmental) schools may also prove to be problematic (MELS, 2007: 36).
13. See *CBC News* (2018a, 2018b, 2018c, 2019).
14. Anglicanism is only organized as a school subject in the Flemish Community. It is not organized in the French and German Communities.
15. This is only the case in the Flemish Community. In the French and German Communities, the state is responsible for the school subject 'non-confessional ethics'.
16. This is also different in the French Community, where the system in Governmental schools has been reformed in 2016–2017. In the aftermath of a court case about Exemption (Raad van State, *de Pascale* nr. 5885, 12-03-2015), the amount of RE hours has been cut in half and a new subject 'Education in Philosophy and Citizenship' (EPC) was introduced in 2016–2017. In case of exemption for the remaining RE class, students attend a second hour of Philosophy and Citizenship. For state of the art of RE in the French Community, see Sägesser (2017).
17. Anglicanism was recognized in 1835. The main reason for this recognition was diplomatic, but we also mention the strong bonds between the Belgian and English monarchies at this time: the Belgian king Leopold I was not only married with Charlotte Augusta (daughter of king George IV), but he was also uncle of Queen Victoria. Both royal ladies were member of the Anglican Church.
18. In 2010, the Flemish 'Commission of religious education' signed a charter wherein cooperation and interreligious dialogue between the different religious classes is assumed. In practice, however, this is far insufficient: only a minimum of 6 hours per year is recommended for cooperation, which means that students in governmental schools are for the main part of their RE classes still segregated along religious lines.
19. 'Integrative' RE relates to education about different religions in religiously mixed classrooms, as opposed to separative confessional approaches (cf. Alberts, 2007).
20. We notice that these schools were the last two schools in the city of Antwerp (600,000 inhabitants; approximately 20% Muslims) where the headscarf was allowed. In all the other governmental schools as well as in non-governmental (mainly Catholic) schools, it was at that time no longer allowed to wear the headscarf.
21. See *Gazet van Antwerpen* (2009).
22. Raad van het Gemeenschapsonderwijs, omzendbrief 2013/1/omz inzake het verbod op het dragen van levensbeschouwelijke kentekens.
23. RvS October, 14th 2014, nrs. 228.748 and 228.751-228.756.
24. The case of *Lautsi*, which was finally judged by the Great Chamber in 2011, is not uncontested and the decision is characterized by very poor and unsatisfactory arguments (see e.g. Zucca, 2013; the list of further comments on this case is impressive). Notwithstanding its shortcomings, the case clearly shows the context-related matter of religion and education and illustrates that different – and sometimes very contested – legal outcomes can be reached in different contexts.

25. Education about 'religious facts' (le fait religieux) is in French schools integrated in other subjects such as history, languages and geography.
26. As stated above (note 10), the French transoceanic territories and the region Alsace-Moselle are an exception here. Even though there are historical reasons for these exceptions, they are, in the French context of secularism (*laïcité*) an anomaly. Moreover, the fact that RE classes in the recognized religions are organized in governmental schools in these regions, while at the same time these governmental schools do not allow the wearing of ostentatious religious symbols, seems to be an inconsistent exception in a more or less consistent church-state system.
27. Full-covering religious gear such as the burqa and nikab are not allowed since face-to-face contact is considered necessary in educational contexts.
28. Notwithstanding this decision, the Canadian Supreme Court limited the mandatory character of ERC in the case *Loyola High School v. Quebec*, arguing that the state cannot oblige (state supported and thus recognized) faith-based schools to teach in a non-confessional way about their *own* religion.
29. See *De Standaard* (2018b).
30. See *De Morgen* (2018).
31. See *De Standaard* (2018a).
32. Different from the Québec education policy, Modood (2017: 40) adds the possibility of optional (and thus extra-curricular) RE in the recognized religions if a significant number of parents and/or pupils request it. As argued elsewhere, this 'dual system' of RE can, under certain conditions, be organized in order to guarantee to education in conformity with the parents' religious and philosophical convictions (ECHR art.2, 1st prot.) in an active and not merely in a passive way.

ORCID iD

Leni Franken <https://orcid.org/0000-0003-4324-7823>

References

- Alberts W (2007) *Integrative Religious Education in Europe: A Study-of-Religions Approach*. Berlin; New York: Walter de Gruyter.
- Baril D and Baillargeon N (eds) (2016) *La face cachée du cours éthique et culture religieuse*. Montréal, QC, Canada: Leméac.
- Beaubérot J (2008) *La laïcité expliquée à M. Sarkozy et à ceux qui écrivent ses discours*. Paris: Albin Michel.
- Bouchard G and Taylor C (2008) *Building the Future. A Time for Reconciliation*. Québec, QC, Canada: Ministry of Québec.
- CBC News* (2018a) CAQ government wants to know how many teachers wear religious symbols. *CBC News*, 28 January. Available at: <https://www.cbc.ca/news/canada/montreal/quebec-religious-symbols-1.4995774> (accessed 11 March 2019).
- CBC News* (2018b) François Legault would invoke notwithstanding clause to ban hijabs from civil service. *CBC News*, 2 October. Available at: <https://www.cbc.ca/news/canada/montreal/francois-legault-coalition-avenir-quebec-1.4846838> (accessed 11 March 2019).
- CBC News* (2018c) Quebec's plan to ban religious symbols amounts to a 'witch hunt', teacher says'. *CBC News*, 5 October. Available at: <https://www.cbc.ca/news/canada/montreal/quebec-caq-religious-symbols-1.4851301>
- CBC News* (2019) Ban on religious symbols, education reforms top agenda as National Assembly resumes. *CBC News*, 5 February. Available at: <https://www.cbc.ca/news/canada/montreal/caq-legault-national-assembly-1.5005263> (accessed 11 March 2019).
- Chan WYA and McDonough K (2019) 10 years on: new perspectives on Quebec's ethics and religious course [Special issue]. *Religion & Education* 45: 249–250.
- Clemens J, Palacios M, Loyer J et al. (2014) *Measuring Choice and Competition in Canadian Education an Update on School Choice in Canada*. Montreal, QC, Canada: Fraser Institute.
- Council of Europe (2004) *The Religious Dimension of Intercultural Education*. Strasbourg: Council of Europe Publishing.
- Council of Europe (2008) *Recommendation CM/Rec 12 of the Committee of Ministers to Member States on the Dimension of Religions and Non-Religious Convictions within Intercultural Education*. Strasbourg: Council of Europe.
- De Morgen* (2018) Hoofddoekenverbod op school: 'GO! schendt grondwet met ongehoorzaamheid'. *De Morgen*, 16 January. Available at: <https://www.demorgen.be/nieuws/hoofddoekenverbod-op-school-go-schendt-grondwet-met-ongehoorzaamheid~bea203557/>
- De Standaard* (2018a) De diepe barst. *De Standaard*, 3 February. Available at: https://www.standaard.be/cnt/dmf20180202_03336726
- De Standaard* (2018b) Ouders van elf leerlingen starten rechtszaak tegen hoofddoekenverbod op school. *De Standaard*, 15 January. Available at: https://www.standaard.be/cnt/dmf20180115_03300760
- Estivalèzes M and Lefèbvre S (eds) (2012) *Le Programme d'Éthique et Culture Religieuse. De L'exigeante conciliation entre le soi, l'autre et le nous*. Québec, QC, Canada: Presses de l'Université de Laval.
- Franken L and Loobuyck P (2013) The future of religious education on the Flemish school curriculum: a plea

for integrative religious education for all. *Religious Education* 108(5): 482–498.

Gazet van Antwerpen (2009) Met een verbod beschermen we meisjes zonder hoofddoek. *Gazet van Antwerpen*, 23 June. Available at: <https://www.gva.be/cnt/aid842566/met-een-verbod-beschermen-we-meisjes-zonder-hoofddoek-3>

Grelle B and Jensen T (eds) (2011) The Quebec ethics and religious culture program [Special issue]. *Religion & Education* 38(3): 278–287.

IPSOS (2017) Ipsos global study shows half think that religion does more harm than good. Available at: <https://www.ipsos.com/en-au/ipsos-global-study-shows-half-think-religion-does-more-harm-good> (accessed 20 April 2018).

Jackson R (2014a) *Signposts—Policy and Practice for Teaching about Religions and Non-Religious Worldviews in Intercultural Education*. Strasbourg: Council of Europe Publishing.

Jackson R (2014b) The development and dissemination of Council of Europe policy on education about religions and non-religious convictions. *Journal of Beliefs and Values* 35(2): 133–143.

Lievens J and Vrieling J (2014) Symbolenstrijd. De Raad van State en religieuze kentekens in het (Gemeenschaps) onderwijs. *TORB* 2014(3): 4–14.

Loobuyck P (2014) *Meer LEF in het onderwijs: Levensbeschouwing, Ethiek en Filosofie voor iedereen*. Brussels: VUB Press.

Loobuyck P and Franken L (2011) Toward integrative religious education in Belgium and Flanders: challenges and opportunities. *British Journal of Religious Education* 33(1): 17–30.

Maussen M and Bader V (2015) Non-governmental religious schools in Europe: institutional opportunities, associational freedoms, and contemporary challenges. *Comparative Education* 51(1): 1–21.

MELS (2003) *Religious Rites and Symbols in the Schools the Educational Challenges of Diversity Brief to the Minister of Education*. Québec, QC, Canada: Gouvernement du Québec, Ministère de l'Éducation, du Loisir et du Sport.

MELS (2004a) *Québec Education Program Secondary School Education, Cycle One*. Québec, QC, Canada: Gouvernement du Québec, Ministère de l'Éducation, du Loisir et du Sport.

MELS (2004b) *Québec Education Program Secondary School Education, Cycle Two*. Québec, QC, Canada: Gouvernement du Québec, Ministère de l'Éducation, du Loisir et du Sport.

MELS (2007) *Secular Schools in Québec. A Necessary Change in Institutional Culture Brief to the Minister of Education, Recreation and Sports*. Québec, QC, Canada: Gouvernement du Québec, Ministère de l'Éducation, du Loisir et du Sport.

MELS (2008) *Ethics and Religious Culture Program, Secondary Education Cycles One and Two*. Québec, QC, Canada: Gouvernement du Québec, Ministère de l'Éducation, du Loisir et du Sport. Available at: http://www.education.gouv.qc.ca/fileadmin/site_web/documents/dpse/formation_jeunes/ecr_secondary.pdf (accessed 8 February 2018).

MELS (2012) Québec education program – preschool and elementary education. Available at: <http://www.education.gouv.qc.ca/en/references/publications/results/detail/article/quebec-educationprogram-preschool-and-elementary-education/> (accessed 2 August 2018).

Milot M (2014) École et religions au Québec: principes en débat et pratiques en questionnement. *Histoire, monde et cultures religieuses* 4(32): 55–66.

Modood T (2017) Multicultural nationalism, political secularism and religious education. In: *Multiculturalism – How Can Society Deal With It? A Thinking Exercise in Flanders (Report of the KVAB Thinkers in Residence Programme 2017)*. Brussels: KVAB Press, 13–42. Available at: <http://www.kvab.be/sites/default/rest/blobs/1144/Draft%20report%20Thinkers%20on%20Multiculturalism.pdf> (accessed 11 March 2019).

OSCE (2007) *The Toledo Guiding Principles on Teaching about Religion or Belief*. Warsaw: Office for Democratic Institutions and Human Rights [ODIHR]

Pierik R and Van der Burg W (2014) What is neutrality? *Ratio Juris* 27(4): 496–515.

Rijksoverheid NI (2003) *Leidraad kleding op scholen* [Guiding line garments at school]. Available at: <https://www.rijksoverheid.nl/documenten/rapporten/2005/10/14/leidraad-kleding-op-scholen> (accessed 19 June 2019).

Sägesser C (2015) Vers une adaptation de l'enseignement de la religion et de la morale au paysage convictionnel du XXIème siècle? In: Leclercq J (éd.) *Morale et religions à l'école? Changeons de paradigme (Empreintes philosophiques n°9, 2015)*. Louvain-la-Neuve: Presses Universitaires de Louvain, 35–53.

Sägesser C (2017) Belgium—the French community. *British Journal of Religious Education* 39(3): 240–246.

Schreiber J-P (2014) *La Belgique, Etat laïque ... ou Presque. Du principe à la réalité*. Bruxelles: Espace de Libertés.

Zucca L (2013) Lautsi: a commentary on a decision by the ECtHR grand chamber. *International Journal of Constitutional Law* 11(1): 218–229.