

## Tolerance and Civic Education: Regulating Danish Private Schools

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In the last 15 years there has been an increased emphasis on integration of immigrants and the creation a national democratic identity in Denmark. The emphasis on creating a national democratic identity through schooling has been increased in the legislation regulating the public school as well as those private schools which currently account for 13 % of the student population of the in the 6-15 age group.

Where does this leave cultural and religious diversity? Creating space for minorities within the school system will arguably enhance both their academic achievement and their attachment to society. Moreover, while the state may make legitimate demands on children as future citizens, parents' and children's rights cannot be completely taken out of the equation. Accepting differences may lead to inclusion and integration into mainstream society, but it may also be a question of respecting the legitimate rights of minorities to be 'different'.

In Denmark, the constitution and the law on private schools allow cultural and religious minorities to establish their own schools with substantial state subsidy. The constitutional protection of home and private schooling can be construed as democratic minority protection which places a strong emphasis on the rights of parents to have their children educated according to their preferred ideological outlook. It has generally been regarded as the institutional embodiment of Danish toleration.

However, private schools, which attract an ever increasing number of students, have been placed under stricter regulation regarding academic standards and their obligation to provide students with civic education. While the latter can be seen as the expression of concerns about the democratic credentials of private schools, in particular immigrant schools, it also entails the risk of a homogenization of the school sector: a reduced diversity and freedom to be different. Moreover, if the state's monitoring of the private schools is not done properly, it may entail the risk of alienating rather than including the staff and, more importantly, the students at immigrant schools. It is hence worth considering whether or not the strategy for state monitoring, including its criteria of evaluation, is appropriate.

This policy brief recommends that **the main criterion for evaluating whether not private schools live up to the civic education requirement is that students are provided with the relevant knowledge about the democratic principles and institutions of society, not that they are inculcated the right convictions and attitudes.** For convictions and attitudes are difficult to

measure and may leave schools with uncertainty about how to express them in the right way.

## Evidence & Analysis (Key Findings)

Private schooling in Denmark is based on a constitutional clause from 1849 which reflected discontent with state schools. First, starting from 1787 the bourgeois class had established private schools to educate their children to enter into the (modern) trades of the estate, including international commerce, and to bestow them with bourgeois virtues. Secondly, the school movement led by N.F.S. Grundtvig and K. Kold saw the state school as repressive and reactionary ('the school of death', Grundtvig). It pleaded for 'the school of life' which should raise the children of especially independent peasants/farmers to a life in freedom, (national) enlightenment and self-determination (individually and collectively) by teaching history, languages, poetry, singing and storytelling. Public schools were established in the first half of the 19<sup>th</sup> century and defied the formal strictures of tests and exams.

The constitutional protection of home and private schooling can be construed as democratic minority protection. In terms of educational policy it places a strong emphasis on the rights of parents (and not the state) to have their children educated according to their preferred ideological outlook. The freedom of free primary schools peaked in 1979 when the state subsidy was at about 85 % and the schools' only formal obligation was to fulfill the general aims of education as stipulated in the law on the public primary school (The People's School). This allowed minorities to make use of their minority rights, determining the content and form of education for their children. The schools were thus considered to embody the Danish notion of free-mindedness ('*frisind*') and hence also of tolerance towards diverse views and needs on education.

*"All children of school age shall be entitled to free instruction in primary schools. Parents or guardians making their own arrangements for their children or wards to receive instruction equivalent to the general primary school standard shall not be obliged to have their children or wards taught in a publicly provided school."*

Article 76 of the Danish Constitution

"Precisely the free schools are a unique Danish value since nothing like them can be found anywhere else. The fact that one does not only give equality to the minority, but gives them extra support is very unique for Denmark. The free school legislation means that one has the right to send one's children in a school that fits with one's ideas of what a good school is"

Minister of Education, B. Haarder, 2009

However, in the last 13 years more conditions for the reception of state funds have been placed on free primary schools and they are increasingly seen as a part of a common educational system. This reflects the increased number of students attending these schools (now 13 % of all students) as well as concerns about their academic quality and about religious and cultural diversity. The schools are monitored more closely by the state. They have to teach in Danish and their staff and board all have to be proficient in Danish. Moreover, in 2002 and 2005 civic education became obligatory for the schools.

Students in private schools must receive liberal civic education and not taught political, religious and cultural doctrines that are socially and politically divisive. The state will no longer fund schools that do not teach democratic virtues.

After 2005 the law on Danish Free Schools hence contained the following clause demanding civic education at free primary schools:

*According to their purpose and in all of their work [the schools] shall prepare the students to live in a society like the Danish one with freedom and democracy and develop and strengthen the students' knowledge of and respect for fundamental freedoms and human rights, including equality between the sexes (Law on Free Schools, article 1.2).*

The 2005 revision of the Law on Free Schools is seen as a specification and expansion of a clause that was introduced in 2002. It does not only include teaching but all activities connected with the school. The expansion is made to ensure that 'that fundamentalist or extremist actions, which are justified on religious grounds, etc., but which contradict human rights and fundamental freedoms, including gender equality, cannot take place *at or from* a free primary school.' (Legislative Bill 2004/2 LF 105, emphasis added)

The government has underlined that this clause is consonant with the European Convention on Human Rights because the Convention only protects 'associations, statements/utterances and gatherings, etc., which respect democracy and the equality between the sexes' (Legislative Bill 2004/2 LF 105). This arguably restricts the freedom of schools and students to express opinions which diverge from endorsement of democracy and gender equality and come close to demanding a democratic and sex-egalitarian ethos in free schools. It hence construes the space of toleration of diverging beliefs and opinions rather narrowly.

*Recent years' tightening of the control represents a break with a tradition that goes way back in time. But the reason is that we now have a number of schools which do not place themselves in the classic free school tradition. Earlier [...] there were not a lot of schools whose support for the democracy we live in could be questioned,*

Ove Korsgaard,  
Education expert, 2005.

As mentioned, the 2005 revision also requires that teachers and board members are proficient in Danish and that the schools set goals for their own subjects or adopt those formulated for the public school, publish them and evaluate them continuously. The latter should increase the focus on academic standards and facilitate external monitoring of the schools.

In general the parents have the responsibility for the monitoring and evaluation of individual free primary schools. According to a recent legislative change, they can either decide to apply a state approved a self-evaluation model or they can select a state certified inspector to carry out the evaluation. Should the parents or the inspector find shortcomings and not get any appropriate response from the school in due time (three months), they can bring the case to the Ministry of Education who can then choose to subject the school to its own monitoring. The Ministry may also initiate monitoring on the basis of random selection, low academic results and information from students, parents or third parties (e.g. through the press). Should the Ministry find reason for special concern about a particular school's ability to meet academic standards or the civic education requirement, it can subject the school to an especially thorough monitoring exercise involving interviews with staff and many hours of observing classes at the school. Again, the criteria for subjecting individual schools to such 'special monitoring' are not very clearly specified.

The Ministry has adopted a flexible approach to evaluation of whether schools meet the civic education requirement. It uses a 140-indicator model as guide relating to whether the school has clearly formulated goals, the goals and intentions of its teaching, the concrete teaching (content and learning processes), the results, and the overall culture of the school. One of the intentions behind the model is that there are many ways in which one can prepare the students to live in a society with freedom and democracy and that the signs that schools live up to the requirement may vary.

The evaluation is hence based on a 'general assessment', not on a strict list of criteria that must be fulfilled. The Ministry's general experience is that problems in relation to the freedom and democracy clause are predominantly due to the fact that schools have not provided the students with sufficient knowledge about society and its fundamental principles, not that the schools transmit controversial convictions and attitudes.

Interviews with people from the free school sector reveal the perception that the monitoring of free schools represents a lack of trust in Islamic free schools. The latter have felt discriminated against, also in connection with 'random' selection of 25 schools for monitoring in continuation of a 2009 government anti-radicalisation plan. Interviewees generally think that the increased monitoring is unnecessary and is an example of symbolic politics. Lastly, it is suggested that although the legislation continues to allow for large degrees of freedom, some schools are inclined to copy the subjects and the teaching methods from the public school in order not to have to defend themselves in connection with state monitoring. Documenting that they live up to standards in alternative ways is too costly and too risky for individual schools.

Interviewed school directors of monitored schools generally express great uncertainty about how to demonstrate that the school and its teaching is really democratic and non-extremist. They describe how their school and staff make great efforts to come across as democratic. They also express great concern about the method and feel that it is random whether or not a school is found to be failing in regard to civic education. They furthermore see it as (part of) a general suspicion of (or construction of suspicion) Islam, Islamic free schools and Muslims. They point to the ensuing feeling of discrimination and exclusion, especially among the students.

State monitoring of free schools has led to the closing of a few schools. Before the 2002 legislative change three Muslim free schools were closed (i.e. their state subsidy was taken away). Two because of failing academic standards and one because it was suspected that it was not an independent unit (as required by the free school legislation). After the 2002 legislative change one Muslim school has been closed (in 2011) due to concerns that it did not live up freedom and democracy requirement. The same applied to one Christian school belonging to the Pentecostal movement. Two other Muslims schools and one Scientology school have been closed due to failing academic standards. However these are sporadic cases; the effects of state monitoring have not led to some massive wave of school closures.

Undoubtedly, the legal requirements and state monitoring prevent schools from teaching openly divisive and fundamentalist doctrines and they are likely to have reduced the number of schools with low academic quality and deficient civic education strategies. The closing of schools and the effect of the perception of being under general suspicion suggest that the policies have a knock-on effect in the free school world. **Most likely schools are and will become more alert to the possibility of being closed if they do not come across as sufficiently democratic.** Another likely effect is that **they reduce their diversity in order not to have to defend their own alternative standards (i.e. definition of subjects and teaching methods) and hence become more similar to the public school.** In addition, monitoring may as an unintended consequence have the opposite effect of what the civic education requirement aims to achieve, namely **alienation of Muslim students from society.** The interviewees do not convey a feeling of freedom and an experience of secure rights and toleration from the Danish state.

On this background it is hence questionable that the policies can be regarded as unequivocal successes. **It is legitimate to ask whether the 2002 and 2005 legislative changes do not restrict the space of toleration in the Danish school system too much and do not in fact reduce the constitutionally guaranteed freedom of parents to choose the education for the children and generally reduce educational diversity in Denmark.**

*"We are living in a time where there is no free-mindedness. We get a stronger society if we dare accept that some are of a different opinion than the majority - because society develops in the dialogue that arises from the fact that not all people think the same"*

*Arne Pedersen, The Association of Free School Teachers*

## Key Messages for Policy Makers

National policy makers stand by the tradition of maintaining a diverse free school sector in Denmark. They however have placed in recent years increased emphasis on the need to document academic standards and the requirement to provide for civic education in the 'free schools'.

Our research shows that **educators and managers of Muslim free schools believe it remains unclear what it takes to live up to requirements.** Since they want to avoid the risk of a negative evaluation as regards academic standards and/or the teaching of civics, **they opt for standardising their curriculum and teaching methods**, in line with the state curriculum, and hence **do not use to the full the degree of freedom and flexibility that the current law on free schools actually allows them.** This of course impinges also upon the freedom of parents to have their children educated in line with their own philosophical, religious and pedagogical convictions.

- The situation can be improved if a simpler and more transparent evaluation model is adopted by the states which would make it clearer for free schools (in particular Muslim free schools) on what it takes to meet the standards and would thus foster a feeling of certainty among educators, managers and parents in these schools.
- Certainty of rights is essential for their utilization and is likely to lead to more educational diversity and freedom of choice.
- The assessment should be mainly oriented towards evaluating the kind of knowledge that should be transmitted through lessons.
- A requirement to create a specific democratic ethos among students arguably is much more difficult to measure: when does for example criticism of certain aspects of democracy as a form of government represents lack of commitment to democratic values? After all, criticism of democracy abounds, even among people who carry no totalitarian convictions.

- The emphasis on knowledge rather than on ethos is also in line with the experience the Danish Ministry of Education has had with monitoring and assessment. Usually, the problem in Muslim free schools concerns the limited amount of knowledge transmitted in classes, rather than the inculcation of negative attitudes towards democracy and freedom.
- A simpler and clearer assessment system would also reduce the potential alienating effects of monitoring (which is now lived as an experience of ‘being suspect’. It is worth considering whether such potential unintended consequences are not better avoided since, after all, the intention behind the civic education requirement is to further democratic identity and integration into society rather than alienation from it.

## Methodology

This policy brief is based on desk research as well as interviews with people working with or in the Danish school sector. The desk research is based on media coverage, official policy statements, legal changes and preparatory document, official reports and data as well as handbooks and recommendations issued by ministries and other stakeholders in the school sector. Sixteen semi-structured interviews were conducted with people who have an informed view on the public and private schools, including three national party spokespersons (MPs) on educational policy, two members of the city council in Copenhagen (including the Mayor for Education), two civil servants working in the Ministry of Education; two civil servants working with education and integration in the municipality of Copenhagen; the two chairmen of the associations of public school teachers and of public school directors, one representative of a local Copenhagen parents’ association; one public school board chairman; a vice headmaster of a private school and two representatives for the private schools in Denmark.

## Project Identity

<b>Acronym:</b>	ACCEPT PLURALISM
<b>Title:</b>	Tolerance, Pluralism and Social Cohesion: Responding to the Challenges of the 21st Century in Europe
<b>Short Description:</b>	<p>ACCEPT PLURALISM questions how much cultural diversity can be accommodated within liberal and secular democracies in Europe. The notions of tolerance, acceptance, respect and recognition are central to the project. ACCEPT PLURALISM looks at both native and immigrant minority groups.</p> <p>Through comparative, theoretical and empirical analysis the project studies individuals, groups or practices for whom tolerance is sought but which we should not tolerate; of which we disapprove but which should be tolerated; and for which we ask to go beyond toleration and achieve respect and recognition.</p> <p>In particular, we investigate when, what and who is being not tolerated / tolerated / respected in 15 European countries; why this is happening in each case; the reasons that different social actors put forward for not tolerating / tolerating / respecting specific minority groups/individuals and specific practices.</p> <p>The project analyses practices, policies and institutions, and produces key messages for policy makers with a view to making European societies more respectful towards diversity.</p>
<b>Website:</b>	<a href="http://www.accept-pluralism.eu">www.accept-pluralism.eu</a>
<b>Duration:</b>	March 2010-May 2013 (39 months)
<b>Funding Scheme:</b>	Small and medium-scale collaborative project
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<b>Consortium:</b>	17 partners (15 countries)
<b>Coordinator:</b>	European University Institute (Robert Schuman Centre for Advanced Studies)
<b>Person Responsible:</b>	Prof. Anna Triandafyllidou
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