

Let's Talk About It: Accommodating Religious Diversity in Europe's Schools



This Policy Brief focuses on European efforts to accommodate religious and cultural diversity in everyday school life. It offers findings from 10 qualitative case studies in Denmark, France, Germany, Greece, Ireland, Poland, Romania, Sweden, Turkey and the UK.

On-going project

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INTRODUCTION

Accommodating cultural diversity presents policymakers with numerous challenges. Arguably, the most formidable of these challenges stems from the need to accommodate religious diversity in public schools.

Why should religious diversity be accommodated in schools?

There are compelling ethical arguments for meeting this need. Indeed, freedom of conscience and religion is a basic human right enshrined in key international conventions. The right implies that people a) should not be discriminated against because of their religion and b) should be free from having religious beliefs imposed upon them. Unfortunately, these two ideals often come into conflict in school contexts where people with different religious and philosophical convictions are regularly brought together. Despite broad recognition of the importance of respecting freedom of conscience and religion, policies aimed at protecting this freedom have proven highly problematic.

What are the main sources of tension?

Disputes over accommodation of religious diversity in public schools have polarized societies in several European countries in recent years. Typically these conflicts revolve around deeply held views concerning religious symbols, faith-based apparel, religious instruction or prayer. In many cases the disputes have not been satisfactorily resolved. The underlying tensions are potentially explosive and subject to political exploitation. Effective strategies are needed to alleviate these tensions and reduce the risks they pose to social cohesion. This Policy Brief, which relates findings from case studies in 10 countries, urges policymakers to consider a mandatory dialogue-based approach to the task of accommodating religious diversity in Europe's schools.

KEY OBSERVATIONS

What is the basic conflict in accommodating religious diversity?

When it comes to religious diversity in public schools, the basic tension is between the need to assure freedom *of* religious expression, on the one hand, and the need to assure freedom *from* religion on the other.

What interests must be balanced in any policy response?

Efforts to resolve this tension must aim to balance the rights of the child, the parents and the state in regard to the education of children.

Why are religious diversity conflicts so pronounced in schools?

Such efforts must also strike a balance between the need for clear national rules regarding diversity in everyday school life and the need to give schools sufficient autonomy to accommodate diversity in practice according to their individual circumstances.

What power structures need to be taken into account in formulating a policy response?

Schools are institutional environments where challenges of diversity are often acute and unavoidable. There are three main reasons for this. First, nearly all countries have compulsory education, which means that children will necessarily attend school and meet children with other backgrounds. Second, in the school context social interaction is intensive and of considerable duration. Third, the school is an arena where different stakeholders (students, teachers, parents, principals, school boards, state agencies, churches and NGOs) may have different views on how challenges of diversity should be dealt with.

Accommodating cultural diversity requires awareness that education is an institutional sphere marked by important power asymmetries. These asymmetries exist not only between the relevant stakeholders (enumerated above), but also between various ethnic and religious groups. Such power asymmetries are particularly relevant in addressing challenges of cultural diversity in everyday school life.

Local solutions or universal rules?

Clear national rules on accommodating religious diversity in schools have one important advantage: they create legal certainty and relieve school staff from having to negotiate accommodation with parents and students. But national rules also have a major drawback: they are frequent inflexibility in meeting demands at local level where individual solutions may be more favourable for everyday school life and produce a better learning environment. Local school autonomy, on the other hand, allows for such flexibility, but if it is unstructured it has the risk of becoming arbitrary. How schools address diversity issues on their own – or whether they address them at all – can become unpredictable.

The absence of clear and strict rules gives more local autonomy, but also more uncertainty as regards rights and obligations of students, parents and schools. Where no procedures exist on how to accommodate and draw the boundaries of what is acceptable and what is not, the problem is intensified: some schools and local authorities may be very open and accepting, perhaps even working to move beyond toleration towards positive recognition of differences and identities. Others, however, may ignore claims from minorities or reject them straight away.

COMPARATIVE ANALYSIS

Each country has its own individual approach

A common theme running through the 10 cases we examined concerns the ability to adopt local solutions to resolve problems relating to cultural and religious differences. In France the prohibition on religious symbols was in part requested by school principals in order to have unambiguous rules on the matter and to be relieved from the negotiations with parents and students that followed from lack of clarity. In other cases (Turkey, Ireland, Sweden, Germany and Romania) we see similar moves to clarify the 'normative situation' through the issue of new legislation or guidelines and through court cases. In Denmark, the UK, Poland and Greece important decisions about differences are left to local school authorities, individual schools and headmasters. This also applies to Ireland and Sweden since the national guidelines issued in those countries are by no means exhaustive and leave many issues to local decision.

France mandates obligatory 'dialogue' when conflicts arise, but it amounts to one-way communication

In France school principals have obligatory 'dialogues' with parents and students in order to make them understand the prohibition against conspicuous religious symbols in schools. The model is an attempt to address the risk posed by prohibition which can push students to withdraw from school. This solution has a drawback: it is not a true dialogue but more of a one-way communication where the principal explains to parents and students what they, according to the law, *have to* accept. There is very little room for an equal exchange of views and even less for negotiating the terms of an accommodation that all parties can accept.

Denmark's voluntary dialogue model is more interactive, but implementation is arbitrary

In the Danish school system, where there is much more autonomy given to individual schools, there is a different model of communication between schools, parents and students. The Danish model is based on the notion of '**appreciative dialogue.**' Here efforts are being made to bestow on all the participants the status of equal and competent speaking partners in order to solve a problem. This also includes the use of special dialogue training for teachers and other school staff. The model is characterized by keeping a focus on tangible and practical matters, downplaying issues of identity, moral principles and values and is reported to work well.

In Denmark the appreciative dialogue model is not obligatory for schools to use. This implies a high risk of arbitrary application, leaving the situation uncertain.

A modified version of the Danish model could offer a way forward

Combining local autonomy with an obligatory model for the discussion about if and how to accommodate diversity claims could alleviate the risk of the model being applied arbitrarily. Such a combined model would couple flexibility with security of procedural rights. The procedural rights of participation would allow all stakeholders to participate in the decision about how to accommodate diversity. Individual immunities or rights claims with a specific and non-negotiable content would not be part of any such accommodation.

CASE STUDIES

Theme 1: Religious dress codes

Comparing different ways of dealing with religious dress yields two main observations. First, tolerance or acceptance of special claims for accommodating religious dress has its limits: headscarves seem to fall within the limits of what is acceptable or tolerable while full veils seem to fall outside these limits. Second, while some countries (e.g. France) aim for legal certainty, others (e.g. Ireland, Turkey and Sweden) favour local contextual solutions.

France

In France, debate on accommodating religious diversity has developed around the prohibition against conspicuous religious symbols in schools. This prohibition prevents female Muslim students from wearing headscarves at public schools. The matter was settled by the introduction of a specific law in 2004 accompanied by a sort of 'compulsory dialogue' between teachers and parents of pupils who violate the law. In other words, headmasters of schools invite parents and explain to them why their children should not be wearing a particular religious dress (usually the issue of concern is adolescent girls wearing the headscarf). Thus legal certainty and specific instructions have relieved school authorities from negotiating local compromises with parents. The law, however, makes no distinction between schools situated in the *banlieues* with largely Muslim student populations and schools situated in middle class neighbourhoods where Muslim children may be a small minority.

Turkey

The issue of wearing headscarves in public institutions has been debated in Turkey for many years, with special reference to universities. The headscarf has been seen as a sign of and vehicle for Islamic protest and, as such, a real and tangible political threat to the established (secular) political order. In 2005, the Turkish state won a court case at the European Court of Human Rights (ECrHR) against a university student claiming that the ban on headscarves at public universities was against her combined right to express her religious belief and to education. The ECrHR verdict has been working against attempts to lift the ban, and some individual universities are reluctant to lift the ban despite a general policy to the contrary that has been introduced with a reference to the right to education as enshrined in the European Convention of Human Rights.

Ireland

In Ireland, a controversy arose when a school headmaster asked the Ministry of Education to issue guidelines on how to accommodate religious minorities. Guidelines issued by the Department of Education left it up to the school principal to decide. More specific guidelines issued by the Catholic Church to schools were very open for accommodation and emphasised that school uniforms should not be designed to exclude people of specific religious observances. There were no strict limits although the ministry did not *recommend* 'wearing clothing in the classroom which obscures a facial view and creates an artificial barrier between pupil and teacher'.

Sweden

In Sweden, the debate has focused on the wearing of the full veil. In 2003, a school headmaster was granted permission to ban full veils on school grounds. The decision was based on nationally issued guidelines from the Swedish National Agency for Education. It was argued that full veils disturb the school order and communication between students and teacher. Freedom *from* religion in public schools was given priority over the freedom to express religion in school life. In 2009, the debate arose again and a general ban (in line with those in France and Belgium) was considered. However, as argued in a legal opinion by the Discrimination Ombudsman in 2010, preventing women who wear a full veil from attending school was nonetheless considered to be illegal discrimination. The issue has yet to be settled.

Theme 2: Accommodating prayer during school hours

An important issue of concern for some minority parents and children is the possibility to perform one's religious duties during school hours. Accommodating this entails giving permission to pray and providing appropriate places for prayer at specific times during the day.

Germany

In Germany, in the *Land* of Berlin, which allows headscarves on students but not on teachers, a legal controversy arose over a Muslim student's wish to be allowed to pray on school premises. The Berlin educational system (education is the responsibility of the German *Länder*) is based on a neutralist conception of religion in school, banning conspicuous symbols of all kinds on buildings and staff.

Three main arguments were offered in favour of accommodating the student's wish. These arguments were based on 1) the right to express religion while attending public mandatory education (right to education); 2) the 'positive neutrality' of the German constitutions, which entails an 'even-handed' relation between the state and religious communities; and 3) acknowledgement of the fact that the student's wish could be met in a relatively simple manner by reserving a small multi-religious-purpose room at the school with no religious symbols in it for the purpose. Arguments against accommodating his wish put weight on a distinction between inward, silent forms of practicing religion and outward proselytizing forms of religious practice. The latter is seen as placing social pressure on non-religious students to observe religious practices, for example prayer, against their will (freedom from religion).

Most recently, the German *Bundesverwaltungsgericht* passed a verdict on a case concerning whether or not the practice of Muslim prayer should be allowed during school hours. The court pronounced that such prayer should be permitted unless it contributes to inter-religious conflicts at individual schools. Thus, the court offered a balanced position allowing then for schools to appreciate their specific local circumstances.

Theme 3: Objections to positive accommodation

Denmark

How far accommodation of cultural and religious minorities should go was the issue in Denmark when a dispute arose over an initiative by a Copenhagen public school to hold parents meetings with women only. The school believed this would attract immigrant mothers who would otherwise not participate because of their reluctance to attend functions involving both men and women. (In some cases husbands forbid their wives from attending such mixed functions). The school was criticised for going against the norm of gender equality and accused of undermining integration efforts by failing to ensure transmission of key Danish and liberal values to students and their parents. However, the measure was also defended on the pragmatic grounds that this kind of accommodation facilitates inclusion of groups (that is, women) who otherwise would not participate. It was argued that this particular accommodation would advance integration (through inclusion) more effectively than a rigid and uniform transmission of official values from schools to students and parents.

The UK

In the UK the debate in question concerned guidelines for positively accommodating the needs of Muslim students at public schools. The guidelines were proposed by the Muslim Council of Britain, a private organisation. The British debate supported the view that when respect is due to religious choices made by Muslim students (and their parents), it encompasses the content of choices and not only to the right of making them. Respect was understood here as the right to have their needs taken into account and accommodated in the organisation of the everyday school life and activities. This view leaves more room for negotiation by individual schools and appreciates their particular local context, but it fails to create any kind of legal certainty for school authorities or parents (including majority parents).

Theme 4: Crucifixes in classrooms

Romania

In Romania people of minority and those professing no religion have challenged both the ubiquitous presence of Romanian Orthodox iconography and the fact that the right of students to be exempted from religious instruction is generally ignored. The National Council for Combating Discrimination (NCCD) ruled that the 'unlimited and uncontrolled presence' of religious icons in public schools outside the provided religion classes and areas assigned specifically to the study of religion violated the principle of neutrality of the state and the freedom of conscience. However, the decision of the NCCD was opposed by the Ministry of Education and Research. Along with other complainants, the Ministry won a case in the Romanian High Court, which, in effect, maintained the status quo. The status quo means that the presence of icons remains formally under the auspices of parents and local communities. Informally this means that the everyday operation of schools is heavily influenced by Romanian Orthodox practices. Teachers and priests typically discourage alternative worldviews and religious practices. While students are legally entitled to be exempted from religious classes, school staff (as well as parents and students) are generally not aware of this legal right.

Theme 5: Ethics classes as an alternative to majority religion teaching

Poland

In Poland (where the presence of Catholic crucifixes in public school class rooms is also contested) controversy has surrounded the provision of non-religious ethics classes to minorities as alternatives to Catholic religious education. One student won confirmation from the ECtHR that he was entitled to such courses. However, since the case is perceived to be settled between the school and the student, the Polish educational system has made no effort to ensure that such ethics classes are a real choice option for the minority who may want them. Again, it is generally left to individual schools and headmasters to make decisions about crucifixes and the provision of ethics classes.

Theme 6: Institutional indifference ('pre-tolerance')

Greece

In Greece, immigrant minorities are coping with assimilatory pressure to adopt the majority religion dominating the public school environment. This pressure restricts their ability to express their own religious and cultural identities. The issue of religious diversity has not been the centre of any significant political events and is not seen as a problem in Greek schools. The Greek system does not aim for neutrality or secularism but, like the Romanian and Polish systems, provides exemptions from religious classes if requested by a child's parents. Similar to the Polish and Romanian cases, it could be argued that the Greek situation is one of 'pre-tolerance' where the system reacts to minority claims with indifference. The claims have either not been voiced or not been heard and responded to. Hence the claims have not led to any serious discussions about the accommodation of religious difference in everyday school life.

RECOMMENDATIONS FOR POLICY-MAKERS

Recommendations: (for national & regional policymakers)

- **Avoid moves to introduce one-size-fits-all obligatory rules and guidelines.**
- **Allow schools to accommodate diversity based on local experiences and circumstances.**
- **Provide a framework within which school principals and teachers can make decisions.**
- **Introduce as mandatory a model of dialogue between school, parents and students.**

Notes on the recommended model

A mandatory dialogue model would combine (a) flexibility in meeting claims relating to cultural and religious diversity with (b) legal certainty and security of rights.

The model should be adapted to fit individual national or regional contexts, including the distribution of competences and responsibility within school systems.

Implement the model at school level

The most appropriate level of implementation is likely to be the individual school and not the wider school district or municipality. (Moving up organisational levels makes matters less accessible and transparent for students and parents. It also bars dialogue in dealing with concrete circumstances at individual schools.)

Engage parents in a continuous dialogue

The binding obligation to dialogue must rest with school authorities and staff, not *prima facie* with students and parents. For parents and students, participation in the dialogue would be a legitimate expectation but non-enforceable. The point is that dialogue has to be voluntary to be genuine. There is a significant difference between *forcing* people to participate and *inviting* them to do so.

Foster a culture of mutual respect

Fundamentally, schools should make the most of dialogue with parents with a view to gaining their trust and cooperation. This can help in gaining the trust of pupils and in making them (and their families) feel welcome in the school environment.

Be conscious of power symmetries

While not ignoring power symmetries, the proposed dialogue model operates on the principle that all participants in the dialogue are equals in seeking solutions for accommodation of cultural and religious diversity that will allow all children to attend school and be educated.

Those responsible for implementing the model should be reminded that parents and students (particularly those with immigrant backgrounds) are likely not to feel on an equal footing with school authorities or staff. The model requires that all participants in the dialogue show **equal respect** for one another as competent speaking partners having important and relevant views on the education of the children.

Power asymmetries between staff and parents/students in the

school context can never be completely suspended, but they can be levelled. To create a space of equality to discuss the local accommodation of cultural and religious diversity, attention should be paid to the fact that 'equal speaking partner' status emerges as a result of social and communicative processes. Formally defined rights do not suffice. Therefore, school staff have the responsibility not only to initiate dialogue (when not forthcoming on its own) but also to make sure that the dialogue becomes a *true dialogue* by asking the right kind of questions, indicating true interest in the views of parents and students and opening up for new perspectives. This requires training of staff in the right question and dialogue technique.

Participants in the dialogue should be encouraged to reflect upon the workings of the dialogue itself and on how it should be structured. In a word, the dialogue should be 'self-reflexive'.

RESEARCH PARAMETERS

The ACCEPT PLURALISM studies on School Life and Cultural Diversity Challenges

Accept-Pluralism is a research project funded by the European Union under the Seventh Framework Programme. It has studied how cultural and religious diversity in school life has been discussed in national public debates and in the school sector itself in 15 different countries in Europe (Cyprus, Denmark, France, Germany, Greece, Ireland, Italy, the Netherlands, Romania, Poland, Spain, Sweden, the UK, and Turkey).

The research is based qualitative case studies of national controversies and events in the period from 2000 to 2011 which are deemed significant in identifying and setting the parameters for the debates and policies of accommodating diversity in school life in the respective countries. Out of a total of 30 controversial issues studied in the 15 countries (we selected 2 controversial issues in each country) 10 case-studies in 10 countries focused on how to accommodate diversity in everyday school life. They include issues such as

- the presence of religious symbols on students and in schools buildings,
- religious practices of majorities and minorities on school premises
- accommodation of special culturally or religiously grounded needs in the execution of individual classes.

All case studies relate to compulsory education (primary and lower secondary), but two of them (Turkey and Sweden) also concern university students and students at teachers college.

Data analysed

The data analysed in each country include media debates, parliamentary debates, policy papers, court verdicts, legislation and other relevant documents as well as qualitative interviews with people located at different levels in relation to the school system ranging from national politicians, experts, civil servants to school principals, teachers and students.

Further Readings

The country reports on which this Policy Brief is based are available at the ACCEPT PLURALISM project web site: www.accept-pluralism.eu

Maussen, M. & Bader, V. 2012 Tolerance and Cultural Diversity in Schools – Comparative Report. Florence: European University Institute Robert Schuman Centre for Advanced Studies.

PROJECT IDENTITY

Acronym	ACCEPT PLURALISM
Title	Tolerance, Pluralism and Social Cohesion: Responding to the Challenges of the 21st Century in Europe
Short Description	<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>
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