

Jan De Groof - Gracienne Lauwers (eds.)

RELIGION and EDUCATION



Studies in Human Rights in Education

Religion and Education

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Introduction

This collection contains the essays and answers to questionnaires on the legal framework underpinning policy making in the area of religious instruction in schools and religious rights in education.

Characterized by rationalization, functionalism, and individualism, the European public sphere offers space for religious demands although to a different degree and with variations in each member state, as reflected in the so-called 'margin of appreciation' doctrine of the European courts.

Apart from the Government, one can distinguish a number of other important players in education.

There are the traditional Christian churches. However secular European politicians may be in their outlook, they have often regarded faith and religious institutions as pillars of public order. Notwithstanding the fact that many churches have lost influence on social life, they often offer religious instruction in public and state funded schools as a means for inculcating moral principles and historical traditions. Denominational schools have in many cases been brought under the influence or even the control of government through public funding and requirements, emulating many of the organizational and curricular standards of public schools, but continue to play a significant role in education in some countries. To what extent denominational schools may continue to exercise a distinctive mission is a question for public policy; to what extent they seek to do so is an equally interesting question in sociology.

There are also communal frameworks with a religious character developed by migrants, particularly those from predominantly Muslim countries. A question of vital importance is to what extent the religious institutions which migrants create sustain community life and nurture youth but also isolate them from the host society. In the West, they have the right to practice their faith, but not as the basis of exemptions from the principles of the secular state. Like all the other citizens, migrants and their children born in Europe are compelled to accept European values, legislation and administrative structures. For many, the norms of Western secular culture based on individual rights and freedoms are in conflict with deeply-held communal values.

This tension is also reflected in legal doctrines. European institutions and courts have accommodated national identities resulting from national histories based on the doctrine of the 'margin of appreciation'. Did they

succeed to accommodate ‘denationalised identities’ defined by culture and religion that are not part of a country’s history?

Europe has come to understand its public life as functioning in a secularized sphere. The presence of communities that define their identity in religious terms and seek to make this the basis of their participation in public life, often invoking human rights principles of freedom of conscience and of culture, offers a fundamental challenge to European policy-makers, educators, and legal experts.

This publication addresses the treatment of these demands in education and thereby hope to shed light on the corresponding legal framework adopted by Governments in European and non-European countries.

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Belgium, February 2015

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This collection of essays results from a series of conference held in 2012 and 2013, organized to draw attention to legal problems arising out of religious diversity in education. Contributors include internationally renowned judges and experts on education law as well as a number of lawyers actively engaged in education policy making. Concern over the accommodation of various religious groups in education is strong, and this book makes an important contribution to the legal literature on the situation in Europe.

Readership: Academic lawyers; practising lawyers, students and scholars of education law and education policy; government officials.

Partners



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