

Public Schools : Belgian Perspective

Mapping Religious Difference in Europe: The Atlas of Religious or Belief Minority Rights

The link to the website of the Atlas of Religious or Belief Minority Rights is

<https://atlas.webecom.site/index.php>

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The question of recognized religion and humanist morality courses in public schools is being debated at this very moment in Belgium. So the **Atlas of religious minorities** could be an interesting tool to contribute and also improve this debate. A parliamentary commission has just worked for a year but behind closed doors, without hearing the representatives of any religions, but in a very discriminatory way hearing the representatives of humanist morality. This group of members of the frenchspeaking parliament has just made its report public. This report recommends that religion and humanist morality courses should no longer be compulsory for children but should be replaced by a single compulsory course on citizenship. The working group also rejected the idea that interfaith dialogue could be integrated into this citizenship course. The frenchspeaking Parliament decided to vote urgently and without debate a resolution to recommend to the government to reflect and prepare such a change in an undefined future. It is necessary to go into some technical details of the Belgian legislation to understand this issue and to evaluate the data provided by the Atlas of Religious Minorities.

The Belgian constitution has adopted a system of compulsory teaching of religions and non confessional morality. More precisely the constitution since 1988 ruled that the public schools must offer the choice of one of the recognized religions or a non-confessional course about ethics. In 1988, the courses of recognized religions were : Catholicism, Protestantism, Judaism, Christian Orthodoxy, and Islam. The course on Islam has the greatest relative success in public schools. In the constitution, the non-denominational courses on morality is not qualified as a specific or recognized philosophy because it should be neutral to serve as a subsidiary course for children who

do not wish to follow a religion course. In 1993, the Belgian constitution was amended to create the recognition of non-denominational philosophical organizations, known in Belgium as organized secularism or *laïcité organisée*. The constitutional court considered in 2015 that the non-confessional course of morality has to be attributed to the leadership of this newly recognized secular Humanism. The Constitutional Court therefore considers that the non-confessional morality course has lost its neutrality status. Rather than reimposing the neutrality to this non-confessional morality course, the constitutional court decide that all recognized religions and recognized morality courses should be submitted to the possibility of an exemption (which was not provided until this moment. In accordance with the teachings of the European court of human rights, this exemption must lead to a specific training: this explains the birth in the French-speaking part in 2017 of a new course dedicated to citizenship. Rather than opening up religion courses to new religious minorities, the idea is to make purely optional courses for currently recognized religions. These optional courses would not be open to new minority religions but would only benefit recognized religions.

How can the Atlas system of scoring could really describe this complexity? The answer is probably that it is not the debates and history that matter but the concrete and actual results of discrimination against the most minority religions. A negative evaluation of the current Belgian system by an international scoring system can contribute to disqualify an entire system, rather than to improve it for the benefit of religious minorities. It can be seen from the tables in the figures that moral humanism received the same scores as the historically dominant religion, Catholicism. However, both courses about catholic religion and non neutral morality are progressively losing their success. The choice of the Islam course is growing within the public school, but do not benefit from a subsidized Muslim school network that would give it even more scope. This can explain the scoring of Islam in the Atlas table, which is not as good, even though Islam was actually the fastest growing beneficiary of religious teaching in public schools. The loss of success of the non neutral morality courses, and of the Catholic religion course (within the public school only, because we should not forget that the Catholic school network subsidized by the State represents 65% of the school population). The disappearance of the Catholic religion course from the public school might be compensated by the possibility of transferring children to the Catholic network itself. This will not be possible for Islam, which does not have its own network. The very minority religions will not be able to do so either, and the current Belgian restrictions on family or home schooling will frustrate even more these minority religions.

So in conclusion, Belgian system has tried to progressively widen the range of religions benefiting from courses within the public schools. This effort since 1959 can be welcomed as an effort of pluralism and integration, but it can also be criticized for its

discriminatory aspects and the privilege it gives to certain religions and philosophies. But a future single course of citizenship, denying the practice of interfaith dialogue, would it be a better solution for religious minorities? This is the democratic debate taking place in Belgium in the future. Can the Belgian originality be maintained and improved, or must it settle for a French model? The fascination of some members of the frenchspeaking Belgian Parliament for the French model is not only a question of proximity but also a question of ignorance of the variety of systems in Europe and their own complexity. This is one of the great services that the atlas of religious minorities will be able to render: to give a broad and rapid picture on a comparative performance of each system. The shortcuts due to any kind of rating index will remain questionable. The changes and debates we have examined concern only the French-speaking part of Belgium (i.e. 40% of the population, or 60% of the territory). Until now, Flanders is exempt from these changes (no new compulsory course about citizenship) : Flemish law remains more attached to the 1959 model. The fact that the Atlas presents a single score for Belgium prevents us from seeing these differences, which are linked to partially autonomous legislative competences. With this in mind, on the other hand, such an Atlas is a excellent instrument for critical thinking and legal reflexivity.

Annex about the scoring system (Prof. Silvio Ferrari & al.)

RBM rights in public schools. Explanation of scores

Cluster 0 provides information about the system of religious/belief instruction in each country. Cluster A concerns countries with a system of teaching about religions/beliefs or a system of religious/belief instruction as a transversal subject. Cluster B contains the same questions with respect to countries with a system of teaching of religion. Cluster C takes into consideration the right to be exempted from religious instruction. Cluster D examines a few issues related to the right to manifest religion or belief (right to wear religious/belief symbols at school; official display of symbols by the school; exemption from teaching and attending classes on religious holidays; right to obtain food not forbidden by religious rules).

Additional information about how scores are awarded is provided in the opening page of the section “Policy areas, RBM rights in public schools”.

P-index (States).

A coefficient of 0.50 was applied to questions 3.1, 3.2, 10. Questions 1, 2, 4, 5, 8 and 8.1 did not receive any score.

Cluster A and B

Question 3. Depending on the number of RBMs whose doctrine can be taught, the following scores were given: 0, no RBM; 0.33, one RBM up to 1/3 of all RBMs; 0.66, 1/3 to 2/3 of RBMs; 1, more than 2/3 of RBMs.

Question 3.1. If the teaching is provided within the school timetable: score 1; if outside, score 0.

Question 3.2. Lacking international standards, the same score (score 0) was given to states where instruction is provided for one or more hours per week.

Questions 6. If teachers are paid by State/school: score 1; if they are paid by RBM: 0. If they are paid by State/school only if there is a minimum number of students who attend the teaching: 0.50.

Question 6.1. Depending on the number of RBMs whose teachers are paid by school/State the following scores were given: 0, no RBM; 0.33, one RBM up to 1/3 of all RBMs; 0.66, 1/3 to 2/3 of RBMs; 1, more than 2/3 of RBMs.

Cluster C

Question 7. Teaching of religion: if the right to opt out from the teaching of religion/belief is recognized: score 0 (international standard is respected); if not: score -1. *Teaching about religions/beliefs:* in both cases the score is 0 (exemption is not required by international standards). *Religious instruction as a transversal subject:* N/A. See the relevant paragraph of the introduction to “RBM rights in public schools” in the page “Policy areas”.

Question 7.1. Lacking international standards, the same score (score 0) was given in case students are obliged/not obliged to attend a different course.

Question 7.2. Depending on the number of RBMs to which the students entitled to be exempted belong, the following scores were given: -1, no RBM; -0.66, one RBM up to 1/3 of all RBMs; -0.33, 1/3 to 2/3 of RBMs; 0, more than 2/3 of RBMs.

Cluster D

Question 9. Score 0, if wearing religious/belief symbols is forbidden; score 1, if is allowed; score 0.50, if there are limits concerning specific religious/belief symbols or the students' age.

Question 9.1. Depending on the number of RBMs to which the students entitled to wear symbols belong, the following scores were given: 0, no RBM; 0.33, one RBM up to 1/3 of all RBMs; 0.66, 1/3 to 2/3 of RBMs; 1, more than 2/3 of RBMs.

Question 10. Score 0, if the display of religious/belief symbols is forbidden; score -0.50, if the display the symbols of the majority religion is compulsory; score 0.50, if there is no provision forbidding or allowing the display of religious/belief symbols.

Question 10.1. Depending on the number of RBMs whose symbols can be officially displayed, the following scores were given: 0, no RBM; 0.33, one RBM up to 1/3 of all RBMs; 0.66, 1/3 to 2/3 of RBMs; 1, more than 2/3 of RBMs. On the meaning of “officially displayed” see the section “Data, Glossaries, Religious/belief symbols”.

Questions 11-12. If teachers and students can abstain from giving and attending classes on their religious holidays, score 1; if they are not entitled, score 0. See the section devoted to cluster 4 of the introduction to “RBM rights in public schools” in the page “Policy areas”.

Questions 11.1-12.1. Depending on the number of RBMs whose members (teachers and students) have the right to abstain from teaching and school attendance on their religious holidays, the following scores were given: 0, no RBM; 0.33, one RBM up to 1/3 of all RBMs; 0.66, 1/3 to 2/3 of RBMs; 1, more than 2/3 of RBMs.

Question 13. If students have the right to obtain food that is not forbidden by the dietary requirements of their RBM: score 1; if there is no right but just a possibility (the school will do what is possible to...): score 0.50; if there is no right and no possibility: score 0.

Question 13.1. Depending on the number of RBMs to which the students who have this right, the following scores were given: 0, no RBM; 0.33, one RBM up to 1/3 of all RBMs; 0.66, 1/3 to 2/3 of RBMs; 1, more than 2/3 of RBMs.

E- and G-index

Only the questions with a score different from that given in the P-index are listed. Questions 6, 7, 9, 10, 11, 12, 13 did not receive any score. A coefficient of 0.50 was applied to questions 3, 3.1, 3.2, 6.1.

Cluster A and B

Question 3. Score 1 for each RBM whose doctrine is taught; score -1 for each RBM whose doctrine is not taught.

Question 3.1. Score 1 for each RBM whose doctrine is taught within the school timetable; score -1 for each RBM whose doctrine is taught outside the timetable.

Question 6.1. Score 1 for each RBM whose teachers are paid by the school/state; score -1 for each RBM whose teachers are not paid by the school/state.

Cluster C

Question 7.2. N/A for the countries with a system of teaching about religions or religious instructions as a transversal subject; for the countries with a system of teaching of religion, score 0 if there is a right to be exempted, score -1 if there is no right.

Cluster D

Question 9.1. Score 1 for each RBM whose members (students) have the right to wear religious/belief symbols at school; score -1 for each RBM whose members do not have the right to wear religious/belief symbols at school.

Question 10.1. Score 1 for each RBM whose symbols can be officially displayed at school; score -1 for each RBM whose symbols cannot be officially displayed at school.

Question 11.1. Score 1 for each RBM to which the teachers entitled to abstain from teaching on their religious holidays belong; score -1 for each RBM to which the teachers who do not enjoy this right belong.

Questions 12.1. Score 1 for each RBM to which the students entitled to abstain from school attendance on their religious holidays belong; score -1 for each RBM to which the students who do not enjoy this right belong.

Question 13.1. Score 1 for each RBM whose members (students) can obtain food not forbidden by the dietary rules of their religion/belief; score -1 for each RBM whose members (students) cannot obtain food not forbidden by the dietary rules of their religion/belief.