

**The London School of Economics and Political Science**

Education and the Europeanization of Religious Freedoms:  
France and Greece in Comparative Perspective

Margarita Markoviti

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## **Declaration**

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## **Abstract**

A European consensus on the centrality of education for the guarantee and promotion of religious freedoms has emerged over the last two decades. Initially articulated in the human rights discourse of the European Convention on Human Rights and Fundamental Freedoms and subsequently elaborated through the Council of Europe's Recommendations, Declarations, Research Projects and Reference Books, this frame of reference forms a normative and legislative basis for states in Europe.

Long national traditions of particular approaches to the 'protected spaces' of religion and education, however, render the development of common policies and practices amongst states problematic. This thesis examines the impact of the European framework of freedoms of religion and education on states' education systems. An important contribution to the scholarship of social constructivism and interpretivist studies, the thesis contextualizes the research question within the conceptual framework of Europeanization. The nature and extent of the Europeanization process are approached through the structured comparative study of two cases: France and Greece. The respective educational provisions towards religion classify these countries as two of the hardest critical cases in this area of Europeanization in seemingly opposing ways. The thesis utilizes discourse analysis of the key documents of national education, including an analysis of the crucial findings of field research that investigates the social reality of religious freedoms in the educational settings of the selected cases.

The conclusions denote a discrepancy between a degree of ideational convergence in the national discourse and the discernible divergence that characterizes the practical approaches to religious freedoms in the education systems of France and Greece. The limited and differential impact of the European norms reveals the particular national factors that prove resilient to external forces of normative and policy change in the fields of religion and education. By challenging the views on the transformative impact of the European recommendations, the thesis critically raises the question on the reconsideration of the origins, the objectives and the limitations of the complex of religious rights norms in Europe.

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## **List of Abbreviations**

AP	Analytical Programs of Study
CDED	Council of Europe's Steering Committee for Education
CoE	Council of Europe
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ELSTAT	Hellenic Statistical Authority
EU	European Union
IESR	Institut Européen en Sciences des Religions
MIVILUDES	Mission Intermistérielle de Vigilance et de Lutte Contre Les Dérives Sectaires
MoE	Ministry of Education
OSCE	Organization of Security and Co-operation in Europe
RE	Religious Education
UN	United Nations

## **Chapter I**

### **Introduction**

#### **1. Research Question**

European states have long grappled with the question of how to maintain an appropriate balance between public policies and freedoms of religion. The European experience has been described as a constant struggle to create a balance between states' desire to regulate their internal affairs and the intention of the wider community to ensure individuals enjoy religious freedom (Evans 1997, p.3). This thesis focuses on the central role of state education<sup>1</sup> for the guarantee of freedoms of religion in contemporary European societies. With the turn of the century, following 9/11 and as a response to the challenges of religious diversity in pluralist European societies, the Council of Europe (CoE) and, more recently, the European Union (EU) have placed the emphasis on education as a core mechanism of integration for the guarantee of the common value of religious freedoms, shared amongst states in Europe. This framework of European recommendations sets out the criteria that education should satisfy for the guarantee of religious freedoms in religiously diverse societies. It constitutes a normative and legislative basis for states, which are asked to deal accordingly with the challenges of religious diversity and the potential of religion to act as a divisive factor both within and between communities.

All national constitutional traditions uphold the right to religious freedom. They do, however, offer different interpretations of what this entails in the relationship between public institutions and the different religious faiths (Menendez 2005, p.3). Regardless of the presence of the European framework, the question that arises and persists is whether and to what extent national policies correspond to the European recommendations on religious freedoms in education. Hunter-Henin (2011) argues that if multicultural societies in Western Europe have all been faced with the challenges of accommodating minority religious communities, 'the responses chosen to meet those challenges have varied greatly, with the most striking differences arising in the context of education' (p.1).

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<sup>1</sup> The terms 'state' or 'public education', as opposed to private education, refer in this thesis to primary and secondary schools that are offered to all children without charge, funded by the state.

The diversity of national policy approaches to religion and the differing conceptions on the role of education towards religion, render the European continent an exceptional case for investigation. This diversity challenges, moreover, the guarantee of the common value of religious freedoms in Europe.

The puzzle of this research derives precisely from the fact that European institutions declare the guarantee of the 'shared concept' of religious freedoms amongst states in Europe. Yet, the types of religious freedoms depicted through the education systems of states reflect different interpretations of the term. Long national religious traditions of particular approaches to education render the development of common concepts problematic. The thesis wishes to comprehend whether, with the renewed emphasis on religious freedoms and education, the norms embodied in the European institutions have an effect on the national understanding of the concept, as is the anticipated result of international legislation. This thesis examines the impact of the European framework on freedoms of religion on state's national education systems. It contextualizes the question on the influence of European norms within the conceptual framework of 'Europeanization', understood essentially as an interpretive process. A significant contribution to the study of social constructivism and Europeanization, the thesis proposes the following research question:

***Do national education systems demonstrate the Europeanization of religious freedoms?***

The process of Europeanization is examined in two European countries, France and Greece. The two case studies are selected on the basis of their divergence from the European benchmark on religious freedoms and education, which are least likely to be affected by the respective European norms. The state education systems of France and Greece promote a type of religious freedoms that visibly deviates from the European recommendations, in opposing ways. As hardest critical cases for the Europeanization of religious freedoms, therefore, the two case studies are investigated to assess the impact of the respective European norms.

A two-stage methodology is applied for the objectives of the research question. The first stage consists of the discourse analysis of the key official education material in

France and Greece, while the second stage entails the conduct of field research in the educational settings of the case studies. The methodology covers, as such, both the theoretical and practical dimension of religious freedoms in education.

A structured comparative analysis of the findings examines the nature and the extent of the Europeanization process in the two case studies. This thesis demonstrates a degree of ideational convergence in the concept of religious freedoms, as reflected through the national discourse on education. By contrast, the practical implementation of the presumed 'shared rhetoric' reveals the underlying divergence that limits the Europeanization of religious freedoms in the education systems of France and Greece. The thesis therefore shows that what we mean by 'religious freedoms' depends above all on the national interpretation of the concept, as reflected through state educational provisions. The transformative power of 'Europe' is reconsidered, as the obstacles to convergence towards a common concept of religious freedoms are exposed. The thesis moreover argues that the limited and differential impact of the European norms is due as much to the national traditions and institutions that prove resilient to external forces of policy and normative change, as to the shortcomings of the European framework, its weaknesses in providing definitions, its mechanisms of compliance, as well as the 'common values' of religious freedoms which it claims to represent and to guarantee.

## **2. The European Framework: Education and the Guarantee of Freedoms of Religion**

### Freedoms of Religion

Religion touches upon aspects of almost any individual and collective rights possible to imagine – civil and political rights, social rights, economic rights, cultural rights, rights to self determination and so on (Evans 1997, p.4). Within a European context, freedoms of thought, conscience or religion<sup>2</sup> were gradually incorporated into the human rights discourse under Article 9 of the European Convention on Human

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<sup>2</sup> Hereinafter, 'religious freedoms' of 'religious rights'.

Rights (ECHR)<sup>3</sup> of the Council of Europe. The Convention represents a legislative and normative basis, stating that

‘Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance’.

The ‘fundamental nature’ of the rights secured in Article 9 is recognized in one of the judgments of the European Court of Human Rights. In *Kokkinakis v. Greece*, the Court asserts that freedom of thought, conscience and religion applies as much to the religious dimension of one’s identity, as to the identity of atheists, agnostics the skeptics and the unconcerned. This pluralism, which is indissociable from a democratic society, depends precisely on the rights guaranteed by Article 9 of the Convention.<sup>4</sup>

The Convention specifies further on that these freedoms are not unconstrained and places restrictions to the manifestation of religions or beliefs, which

‘shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others’.

The European Convention on Human Rights is not only a legally binding text for the signatory states of the Convention. According to its Preamble, it is also, ‘a document that vouches for a shared ethos’ (Willaime 2009, p.30) – in particular for a ‘common understanding and observance of the human rights’ upon which the fundamental freedoms guaranteed by the Convention depend.<sup>5</sup> The declared ‘common’ understanding and guarantee of the human rights principle investigated in this thesis are freedoms of religion.

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<sup>3</sup> Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 1950.

<sup>4</sup> *Kokkinakis v Greece*, Judgement of 25 May 1993, A 260, p.31 in Arai-Takahashi 2002, p.93

<sup>5</sup> Preamble – Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4.XI.1950: [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf) (European Court of Human Rights).

Amongst the institutional representations of Europe, the European Union also deals with questions of religious freedoms. Article 10 of the EU Charter of Fundamental Rights declares the right to freedom of thought, conscience and religion, as well as the freedom to manifest this religion or belief in worship, teaching, practice and observance. Article 14 of the Charter recognizes the right of parents to ensure the education of their children in conformity with their religious or philosophical convictions, while Article 21 of the same EU Charter prohibits any kind of discrimination on the basis of religious criteria,<sup>6</sup> among others. All Member States of the European Union, including candidate countries for membership, therefore share a common feature – they have a constitutional guarantee of freedom of religion and are accordingly required to uphold the freedom to practice one’s religion by the EU’s Charter of Fundamental Rights and by the provisions of the ECHR.

In terms of the protection of human rights, the Council of Europe and the European Union have become increasingly associated. As of June 2010, Protocol No. 14 of the ECHR has entered into force, providing the legal basis for EU accession to the Convention system of the Council of Europe<sup>7</sup>. The objective of this accession is to enhance consistency between the Strasbourg and Luxembourg Courts, as the EU is now bound to respect the ECHR and is placed under the external control of the European Court of Human Rights.

The principle of ‘religious freedom’ was thereby established as a fundamental feature of liberal democratic societies and the constitutional guarantee of this feature is seen as indispensable. Indeed, the lengths to which some people are prepared to go in order to be able to live their lives in accordance with their religious beliefs are evidenced by a string of cases which have reached the European Convention of Human Rights in the past few years (Stavros 1999, p.53).

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<sup>6</sup> Charter of Fundamental Rights of the European Union, Official Journal of the European Communities, 18.12.2000.

<sup>7</sup> See Council of Europe, Directorate of Communication, Press Release 437(2010): <https://wcd.coe.int/ViewDoc.jsp?id=1628875&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE>



## Education and Freedoms of Religion

How are freedoms of religion linked to education? The two have not in fact always been associated. Though a link between education, human rights and democratic citizenship had been established,<sup>8</sup> questions over the treatment of religion remained unmentioned. Yet recent developments that throughout the last two decades placed religion at the core of community and inter-community tensions, have, as we shall see, gradually led to a correlation of religious freedoms with the institution of public education.

In 1999, the Parliamentary Assembly of the Council of Europe asserted in its Recommendation 1396 that 'there is a religious aspect to many of the problems that contemporary society faces, such as intolerant fundamentalist movements and terrorist acts, racism and xenophobia, and ethnic conflicts'. Within the Council of Europe, the approach to 'intercultural education' was developed over the years with the objective of promoting respect for the rights of others, empathy and dialogue with people from different cultural backgrounds. More specifically,

...the word 'intercultural', precisely because it contains the prefix 'inter', necessarily implies: interaction, exchange, desegregation, reciprocity, interdependence and solidarity. As it also contains the word 'culture', it further denotes in its fuller sense: recognition of the values, lifestyles and symbolic conceptions to which human beings, both as individuals and in groups, refer in their dealings with others and in their vision of the world, as well as in recognition of the interactions occurring both between the multiple registers of one and the same culture and between the various cultures in space of time (Rey 1991, qtd in Jackson 2006, p.28).

Issues relating to religion and non-religious convictions had been initially raised, but to a lesser extent. Robert Jackson argues that the reasons why religion was at first excluded from the emergent dimension of 'intercultural education' have to do with the different relationships between religion and state across Europe and the diversity in current arrangements between Member States on the place of religion in

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<sup>8</sup> See Article 26 of the Universal Declaration of Human Rights which asserts that 'everyone has the right to an education', which shall be directed 'to the full developments of the human personality and to the strengthening of respect for human rights and fundamental freedoms'.

schools. Above all, the Council was reluctant to intervene in such national affairs because, 'as a public body, (it) had to maintain neutrality with regard to expression of views on the truth or falsity of religious claims' (Jackson 2009, p.2).

Regardless of this initial avoidance of religion, the contribution of the Council did not stop at this point. Two overall developments triggered a visible, decisive shift on the priorities of European public education and religion. In the first place, the Council Reports refer to international developments that seemed to place religion at the centre of community and inter-community tensions. 9/11 and the subsequent attacks in European capitals can therefore be regarded as a symbol of explicit pressures for the entry of the study of religions in European public schools. At the same time, the Council draws particular attention to the *religious dimension of intercultural education*, within the context of growing pluralism, the large-scale migration of populations of various origins and as a means to promote a harmonious culture of co-existence between citizens belonging to different religions and cultural traditions. In the Reference Book for Schools of the Council of Europe Publishing, titled 'Religious Diversity and Intercultural Education', Milot explains that the recognition that religious differences continue all too often to be a source of tension, conflict and discrimination, has led to a growing necessity to pay due attention to the religious dimension of intercultural education. Such an educational emphasis can make a significant contribution to peace, openness to other cultures, tolerance and respect for human right in Europe (Milot 2006, p.13).

In 2002, the Council of Europe's Steering Committee for Education (CDED) launched the project entitled 'The New Challenge of Intercultural Education: Religious Diversity and Dialogue in Europe'. This action plan was based on the recognition that all countries are facing similar challenges in different environments and that they have much to gain by sharing their experience with each other. The concept of intercultural education was redefined, this time incorporating the religious dimension. This way, an intrinsic, developing link was established between religion and education.<sup>9</sup> Following the agreement of the Education Ministers of the States

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<sup>9</sup> Such views are not limited to the scope of the Council of Europe. Following the International Consultative Conference on School Education in relation with Freedom of Religion and Belief, Tolerance and Non-discrimination (November 2001), the UN Commission on Human Rights 'urged States to promote and encourage, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief and to make all appropriate efforts to encourage those engaged in teaching to cultivate respect for all religions or

Parties to the European Cultural Convention, the project on the religious dimension of intercultural education wished to

... reinforce the work carried out in the area of the contents and learning methods in order to provide the Member States with examples of teaching tools which take into consideration respect for human rights and cultural and religious diversity.<sup>10</sup>

This was a new chapter in the work and contribution of the Council. In the understanding that contemporary pluralist societies are faced with the similar challenges of religious diversity, the Council was determined to provide appropriate solutions. Education became a central medium through which these solutions were to be provided.

This thesis considers the shift in the CoE's priorities in terms of religion and education as the emergence of a European consensus on freedoms of religion and education. The European consensus is primarily, though not exclusively, represented in the Recommendations and Projects of the different bodies of the Council of Europe. The EU also recognizes the right of parents to ensure the education of their children in conformity with their religious and philosophical convictions<sup>11</sup> (EU Charter of Fundamental Rights). Moreover, it recommends that the Member States 'ensure that religious instruction in school respects cultural pluralism'.<sup>12</sup> Perhaps due to the increasing association of the CoE Convention system with the EU (see above), it is only very recently that the EU, itself, has developed a renewed, enhanced interest in a more precise contribution of education towards the guarantee of religious freedoms. In June 2013 the Council of the EU adopted a list of guidelines for the promotion and protection of freedom of religion or belief. Though not as exhaustive and detailed as the recommendations of the CoE, Principle 34 of the EU Guidelines looks at the promotion of respect for diversity and tolerance and

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beliefs, thereby promoting mutual understanding and tolerance' (Interim Report prepared by Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights on freedom of religion or belief, 15 July 2002, p.13).

<sup>10</sup> For an overview of the European Cultural Convention and the decisions of the Committee of Ministers, see '50 Years of the European Cultural Convention', Council of Europe. Available online at <http://128.121.10.98/coe/pdfopener?smd=1&md=1&did=566185>

<sup>11</sup> This principle is also included in Article 2 of the First Additional Protocol of the ECHR (1952): 'In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions'

<sup>12</sup> EU: General Policy Rec. No. 5, "Combating Intolerance and Discrimination Against Muslims", CRI, 2000, 21, 27 April 2000

adopts the type of language that is, for the first time, explicitly relevant to the decisions of the Council of Europe over similar matters. The EU, accordingly, calls on states

‘To promote, through the education system and other means, respect for diversity and mutual understanding by encouraging a wider knowledge of the diversity of religion and beliefs within their jurisdiction (34b)’.

The emergent emphasis that the EU has placed on education and religious freedoms constitutes the first such attempt of the Union to acquire an elaborate religion policy. In line with the EU accession to the Convention system, the June 2013 Guidelines seek to establish a consistency between the two institutions of Europe *also* in terms of religious freedoms. For the objectives of this thesis, the sets of recommendations, of norms and court rulings, including the research projects of the European institutions compose the overarching European framework on religious freedoms and education. The contribution of the Council of Europe is fundamental for the emergence and the development of this framework, which is continuously influenced and enriched by the work of other international human rights institutions. The Council of Europe nonetheless remains the primary institution working on the guarantee of religious freedoms amongst its Member States, through the European Convention on Human Rights and Fundamental Freedoms and the European Court of Human Rights. The European norms are translated into recommendations in the discourse of the Convention system. These recommendations are significant since they designate the key criteria that public education in European states should satisfy for the guarantee of religious freedoms. The thesis gathers these sets of recommendations and utilizes them as a benchmark for the assessment of national education systems.

### The European Framework on Religious Freedoms and Education

What are the criteria that European systems of state education should fulfill for the religious dimension of intercultural education? In other words, what does education for the guarantee of religious freedoms entail?

The first criterion set out by the European framework addresses the question of *the role of religion in schools*. According to the Toledo Guiding Principles drafted in November 2007 by the Advisory Council of Experts on Freedom of Religion or Belief for the Organization of Security and Co-operation in Europe (OSCE), there are several compelling reasons for including religions and beliefs in school curricula, provided that the ‘type of teaching occurs in the context of commitment to religious freedom and human rights’. In the first place, to the extent that religions and beliefs form important forces in the lives of individuals and communities, understanding these convictions is necessary if people are to understand one another in our diverse societies. It is not however simply a process of understanding each other, but more importantly of developing *self-understanding*, since studying about religions and beliefs opens students’ minds to questions of meaning and purpose and exposes them to the critical ethical issues addressed by humankind throughout history, the literature and culture, which are in fact unintelligible without knowledge of religions. Lastly, the role of religions and beliefs in education can help promote respectful behaviour and enhance social cohesion.<sup>13</sup>

The CoE similarly emphasizes the significance of religion in school curricula. The Chair of the Steering Committee of Education (CDED) endorses the Parliamentary Assembly Recommendation 1720 (2005) on Education and Religion, according to which governments should be encouraged to ensure that religious studies are taught. Governments should also be encouraged to promote teaching of different ways of thinking, as the purpose of this type of education is to provide a balanced general education and develop open-mindedness and critical-mindedness. The project on the Religious Dimension of Intercultural Education highlights that moral and religious convictions underlie motivation and the nature of social action. Religion is therefore not confined in the private sphere, away from the public arena. The role of the school is particularly crucial in this sense. The school forms an

... important element in the education and the formation of the critical faculties of future citizens, and also in intercultural dialogue.... It shall teach its students the history and philosophy of all major religions in a measured and objective fashion, respecting the values of the European Convention on Human Rights, and it shall

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<sup>13</sup> Toledo Guiding Principles On Teaching About Religions And Beliefs in Public Schools – Prepared by the ODIHR Advisory Council of Experts on Freedom of Religion or Belief (November 2007), p.19.

fight fanaticism, effectively. It is essential to understand the history of political conflicts on the name of religion'.<sup>14</sup>

The underlying idea that the ECHR puts forward is to approach religion – a social, cultural and political phenomenon – as a means of fostering democratic citizenship. The positive correlation between Religious Education (RE) and democratic conduct is based on the claim that 'the lesser the degree of religious education, the greater is the potential for religious difference to be instrumentalized as a tool for political mobilization'.<sup>15</sup> Specifically, the term 'religious dimension' in intercultural education is not used to refer to some type of religious education in particular, but is aimed primarily at fostering reciprocal awareness, respect, and learning how to live together in order to promote social cohesion. The choice of the content and of the type of religious education to be provided is left to national authorities, provided that this education satisfies the objectives of intercultural education. Lastly, the CoE asserts that religion in education is a matter that concerns any democratic state, even in highly secularized societies, which are obliged to take a position vis-à-vis religious diversity.<sup>16</sup> The religious dimension of intercultural education affects all schools, whether they are religiously diverse or not, because their pupils live and work in increasingly diverse societies.<sup>17</sup>

The European framework on religious freedoms and education further consists of the criteria of *promotion of tolerance*, of *reciprocity* and *civic-mindedness*, as well as the principle of *objectivity*. Regardless of the type of education provided in each national context, the respective education system should nonetheless satisfy and respect these conditions. More specifically, a crucial distinction is made between 'strong' and weak' understanding of tolerance – whereas the latter signifies resigned acceptance that others are entitled to the same freedom that we enjoy and which has been granted to us by public authority, the 'strong' understanding 'implies that we believe that our own convictions are good and true for ourselves and that those of others are equally good and true in their eyes, and that it is not for us to pass

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<sup>14</sup> Parliamentary Assembly of the Council of Europe, Recommendation 1720 ('Education and Religion'), 4 October 2005.

<sup>15</sup> Hanenclever (2003) in Wolfram (2007), 'The European Research Project on Religion and Education – "REDCo". An Introduction', p.9.

<sup>16</sup> 'Dimension of Religious and Non-Religious Convictions within Intercultural Education'. Recommendation CM/Rec (2008)12, adopted by the Committee of Ministers on 10 December 2008. Council of Europe Publishing, May 2009.

<sup>17</sup> Keast, John (2006) in Council of Europe, 'Religious Diversity and Intercultural Education – A Reference Book for Schools', p.9.

judgments on their conception of what constitutes *good life*'. In a similar line of thought, *reciprocity* in education is seen as a social skill comprising a readiness to acknowledge or grant others the same things one would like to see recognized or granted for oneself and not to offend others on matters on which one would not wish to be offended oneself. The third criterion, *civic-mindedness*, consists, in the first place, of a capacity to stand back, and reflect on one's own and on others' beliefs and values. It implies a required moderation in the public expression of one's identity and belonging, allowing the development of mutual respect and sharing. As we shall see later on, the question of moderation is a recurrent issue not only in the Council's reports, but also in the jurisprudence of the European Court of Human Rights, as well as in the constitutional frameworks of European states.

The principle of *objectivity* constitutes a key dimension of education for the respect and guarantee of religious freedom. The primary concern of such a criterion is the avoidance of indoctrination.<sup>18</sup> As we have seen, the European framework asserts that intercultural education should ensure an understanding of the different worldviews found in pluralist societies. According to the First Protocol of the ECHR (par. 3), however,

'It is imperative that the information and knowledge provided by public education are communicated in ways that are objective, critical and pluralistic. The State's intentions cannot be those of indoctrination'.

The recommendations attempt to maintain here a balance between the different patterns of religious education and religious traditions that exist throughout the countries of Europe and the overall purpose of an objective approach to religious diversity and to learning about religion/s. Recommendation 1720 on 'Religion and Education' explains how the understanding of religion is entirely different from belief in one particular religion or its practice. The Recommendation adds that

'Even the countries in which one confession largely predominates must teach the origins of all religions rather than privilege one or promote proselytizing'.<sup>19</sup>

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<sup>18</sup> In this context indoctrination means to cause pupils to have a particular set of beliefs, especially by giving them no opportunity to consider other points of view (Oxford Dictionary)

<sup>19</sup> See <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/EREC1720.htm>

The ability however to look objectively at one's own moral or religious convictions and the capacity for reflection – by means of distancing oneself from the values and convictions to which one subscribes – must not be confused with an necessarily radical or negative criticism of the characteristics of traditions. This is not an easy task, as the works of international human rights institutions emphasize. A study of the UN Special Rapporteur on freedoms of religion or belief focuses on the question of objectivity and tolerance. It acknowledges that information about religions, with the objective of achieving tolerance and the guarantee of freedoms of religion or belief, is not an easy task since it requires a significant degree of *neutrality*. The Rapporteur observes how no one can have a completely 'neutral' standpoint that would place the instruction above the different horizons of meaning, which competing religions or belief systems provide. This point is very critical since, 'without at least the aspiration to overcome biases – and to be neutral in this sense – information about religions could not unfold its beneficial effects on students' minds'.<sup>20</sup>

In recognition of the diversity in national education approaches to religion, international human rights standards have moreover suggested a measure to be taken in order to balance the potential lack of objectivity. When doctrinal religious instruction is taught in schools, opt-out clauses must be provided for those who do not want to participate in such classes.<sup>21</sup> However, some critical voices maintain that the possibility of exemption can no longer be considered a suitable remedy. Instead, 'the attention of international human rights bodies must switch to, and focus on, the nature and aim of the *integrated* curriculum being taught' (Mawhinney 2007, p.380). The debate on the opt-out clause, the option of alternative courses to religion, as well as the diffusion of religion in the school curricula is ongoing and no common agreement has been reached.

A further crucial aspect of the European recommendations concerns the *manifestation and expression of religious diversity in schools*. According to Recommendation 1720 (2005) of the Parliamentary Assembly of the CoE

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<sup>20</sup> Human Rights Council Sixteenth session Agenda item 3 – Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt (15 December 2010), p.11.

<sup>21</sup> *Hartikainen v Finland* (Comm No 40/1078), Decision of 9 April 1981, *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1979-80).



‘Education is essential for combating ignorance, stereotypes and misunderstanding of religions. Governments should also do more to guarantee freedom of conscience and of religious expression, to foster education on religions, to encourage dialogue with and between religions and to promote the cultural and social expression of religions’.

The authors of the reference book of CoE publishing, titled ‘Religious Diversity and Intercultural Education’ (2006), see the school as one of the first places where children have daily contact with the range of values and worldviews that shape individual identities. Manifestations of religious diversity in schools include visible symbols and requirements and invisible convictions and values. According to Milot,

‘Children do not leave their values and deeply felt convictions outside when they enter the classroom. Neither children nor adults can be asked to abandon a large part of their identity in order to form a relationship with others’ (Milot 2006, p.15).

Whether schools are secular, denominational or faith-based, they all form the meeting place of these different beliefs and moral preferences, which can derive from either religious, philosophical, humanist or agnostic convictions

This last criterion on the question of religious manifestation goes hand-in-hand with the principle of *moderation in the public expression of identity*, which is also relevant to the standard of *civic-mindedness*. This principle concerns the individuals in a given community who belong to minority groups, while it also applies to majority groups even within a context of secularized societies. ‘Moderation’ does not mean that one must repress or conceal one’s religious identity, but rather that it should be expressed in a way that does not impede mutual respect and sharing with others. The recommendations here suggest a subtle, yet crucial, distinction between certain forms of affirmation and belief that have a place in the codes of either *public* or *private* life, so that they do not lead to discrimination and unfair treatment of others. Though both the right to religious expression and the necessity of moderation of this expression are included in the European recommendations, their definitions and practical interpretations, as well as the line separating the two are not clear or static. The apparent vagueness of terms is in fact indicative of the holes that are found in the complex of religious rights norms of the European framework.

The above-listed criteria set out the objectives of the religious dimension of intercultural education, as articulated in the discourse of the European and international institutions. Regardless of their vagueness and general character, they represent an overall consensus on the role and purpose of education for the guarantee of religious freedoms. This European standard setting constitutes a legislative and normative basis for European states, which are asked to deal accordingly with the potential challenges of religion and religious pluralism, while safeguarding principles of freedoms of religion, thought and conscience. The thesis assesses the impact of these recommendations on European states by looking at how these recommendations are interpreted in the national setting and translated into educational approaches. On the basis of the central research question, the following issues are addressed:

- What is the impact of these recommendations on the national treatment of religious freedoms in education?
- Do the legislation, the policies and the social reality of education in European states indicate the emergence of a similar understanding of the concept of religious freedoms, as anticipated by the European framework?

### **3. Theoretical Approach and Case Selection**

#### Europeanization of Religious Freedoms: National Narratives and the Interpretation of Norms

In order to examine and measure the degree of influence of these sets of recommendations on national approaches to religious freedoms and education, the thesis uses and contributes to the theoretical approach of 'Europeanization'. Europeanization serves as a suitable theoretical framework for the research objectives of this study, as it studies the process of *change* at the domestic level in response to rules, procedures, policy paradigms, shared beliefs and norms which are defined and consolidated at the institutional representations of Europe. These sets of shared norms and policy recommendations are in this case represented in the European framework of religious freedoms and education.

So, how relevant are these European norms to the national understandings of the concept of religious freedoms? The thesis complements significantly the literature

on this field, by introducing the concept of Europeanization as a constructivist-interpretive process. In the first place, it examines the process of diffusion and the impact of the European norms on freedoms of religion and education on particular national settings. Norms are here understood as shared, collective understandings that make behavioural claims on actors (Checkel 1999, p.151). As such, the study corresponds to the interests of the literature on social constructivism (*ibid*). Parallel to this, the objectives of this thesis coincide with the research premises of the interpretive approach, which assumes that

... people create and associate their own subjective and intersubjective meanings as they interact with the world around them. Interpretive researchers thus attempt to understand phenomena through accessing the meanings that participants assign to them (Orlikowski and Baroudi 1991 qtd in Verhage 2009, p.38).

Central to this study is therefore the role that ‘meanings’ play in the understanding of social realities. This constructivist-interpretivist approach is particularly pertinent here, as it adopts a ‘broadly post-positivist perspective that places meanings – values, beliefs, and feelings or sentiments – at the centre of inquiry’ (Yanow 2014, p.3). The kind of meanings of the key concept in question constitute in this case the indicator of Europeanization: the thesis asks whether and to what extent the national interpretation of the European norms through education indicates the Europeanization of religious freedoms.<sup>22</sup>

In asking ‘how is “Europe” viewed from below’, this study shares, moreover, the research interests of the recent literature that investigates ‘national narratives’ of Europe. This is the case, for instance, with Lacroix and Nicolaïdis (2010), who investigate the mosaic of national debates about the European project, defined primarily in relation to the European Union. By focusing on the interpretations of the so-called ‘public intellectuals’ (political philosophers, scholars or writers), their volume discusses what the similarities and divergences of these ‘European stories’ since the birth of the EU in 1992 tell us about Europe, itself. This work is significant, as it constitutes the first such comparative study that addresses the question of the distinct visions of European integration across Europe, their common features and

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<sup>22</sup> See also Mörth, Ulrika (2003), ‘Europeanization as Interpretation, Translation and Editing of Public Policies’, who studies the role of the EU in the Europeanization of defence equipment.

their discrepancies. The authors discern a shift in the literature towards the normative debates of European integration, underlining that

the time is ripe to explore such a fascinating avenue of research and to take stock of recent convergence between political or legal theorists increasingly interested in the EU on one hand, and mainstream EU scholarship increasingly interested in normative matters on the other (Lacroix and Nicolaïdis 2010, p. 4).

Though this thesis does not have the EU or public intellectuals as its main focus, its research objectives coincide significantly with those of Lacroix and Nicolaïdis, as they also set out to examine the national narratives of 'Europe' and, in particular, of the European norms of religious freedoms in national systems of education. As we shall see in the following chapters, the conclusions, furthermore, of Lacroix and Nicolaïdis' study on the distinct national narratives of Europe are, to a significant extent, consistent with the findings of this study on the variety of national perceptions of religious freedoms.

Essentially a study of Europeanization that looks into the role of meanings and the interpretation of the concept of religious freedoms, the thesis further provides possible ways to measure and conceptualize the nature and degree of the European impact. The different degrees and dimensions of *convergence* and *divergence* are used as the key indicators of Europeanization, conceptualized along a continuum, as suggested by Radaelli (2004). Considering the particular domain of Europeanization in this study, which looks into questions of human rights and freedoms of religion, in particular, the thesis puts forward an additional way of conceptualizing the Europeanization process. More than simply a question of convergence or divergence, the study reassesses the origins and objectives of the European norms on religious freedoms. It subsequently raises the question of whether the Europeanization of religious freedoms may actually signify the *Westernization* of religious freedoms. The critique of the complex religious rights norms in Europe raises crucial questions about the very process of Europeanization, itself.

It is important to mention that, although most studies on Europeanization are concerned with the transformative powers of the European Union, the primary focus here is the role of the Council of Europe. On the basis of their impact on domestic affairs (see Chapter 1), the institutional structures and compliance

mechanisms of the Council and of the European Court of Human Rights are considered as possible instruments of Europeanization in the sphere of the normative understanding of religious freedoms.

By using the theoretical frame of Europeanization as an interpretive process, the thesis argues against the literature that supports signs of convergence in the educational approaches of European states. Based on the variety of often-conflicting interpretations of the concept, it demonstrates, instead, the minimal and differential impact of the European norms. The limits in the Europeanization process are reflected above all through the visible divergence that characterizes the practical implementation of the European recommendations into national educational provisions.

### Case studies

The Europeanization of religious freedoms is examined in two case studies, using a most dissimilar comparative design. France and Greece are selected primarily on the basis of their extreme and oppositional constitutional approach to religion: whereas Greece recognizes the Christian Orthodox Church as the 'prevailing' religion of the state, in France the strict separation of Church and state is embodied in the national principle of *Laïcité*. The contrasting constitutional treatment of religion is in each case respectively translated into the educational provisions towards religion of the two countries.

The thesis draws a typology of European states, which are classified along a spectrum on the basis of their educational approach to religion. The norms emanating from the European framework are located in the median, moderate position in the spectrum. The two extremes in a European context are positioned at either end of the spectrum: religious indoctrination on one end and indoctrination to secularist beliefs, from which religion is absent, on the other end. Greece and France represent either of the two extremes, respectively. Positioned further away from the European benchmark, the two countries stand as hardest critical cases in the Europeanization of religious freedoms and education. The thesis therefore argues that the 'exceptionalism' discourse that has been used to describe both

countries, for different reasons, also applies to questions of religious freedoms and education.

The thesis constitutes the first such attempt to concentrate on the *least-likely* cases for the assessment of the Europeanization of religious freedoms. The comparative approach moreover that the thesis adopts seeks precisely to give a balanced understanding of the Europeanization process. It is argued that any changes in the education systems of the two extreme cases that denotes a discernible movement towards the European median, would constitute reasonable proof that the European norms of religious education do, indeed, have a Europeanizing effect within Member States. The following guiding questions are therefore addressed in the analysis of the two case studies:

- To what extent have the European recommendations on religious freedoms and education had an impact on the understanding of religious freedoms in France and Greece?
- Have there been any transformations that denote a convergence towards the European benchmark?
- If so, what are the nature and the degree of these changes, with reference to the European norms?

#### **4. Methodology and Sources**

A two-stage methodology is applied. At a first stage, the Europeanization of religious freedoms is assessed through the discourse analysis of the official education material in the two case studies. There are many different approaches to discourses analysis, which fit different issues and questions.<sup>23</sup> The objective of the method in this thesis is the critical analysis of the language-in-use, both in terms of ‘content’ and in terms of ‘meaning’. This method fits, moreover, with the interpretive approach, which considers language as one of the main evidentiary sources of policy meanings and their communication and analyzes engaged discourses, both written and oral (Yanow 2014, p.4).

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<sup>23</sup> See Gee, James Paul (2005), ‘An Introduction to Discourse Analysis’. London, Routledge.

The analysis here focuses on the education material of France and Greece, published either by the respective Ministry of Education or other relevant national authorities, which regulate matters of religion and religious freedoms. In the first place, the analysis seeks to comprehend *whether* and *how* the themes of 'religious freedoms' appear throughout the national discourse. The particular use of the theme in the primary sources is then considered in light of the European norms on religious freedoms and education. This approach is based on the premises of discourse theory, which emerged through the growing recognition of the intertwining of language and politics in the process of societal transformation.<sup>24</sup> It is argued that any transformations in the national understanding of the concept of 'religious freedoms' are revealed through the respective official language-in-use. The discourse analysis is therefore a strong methodological tool for the study of the Europeanization of religious freedoms.

Specifically, two types of primary sources are used for the discourse analysis in the case of Greece. Firstly, the Analytical Programs of Study for the course of Religious Education (RE) in state schools. Published by the Pedagogical Institute of the Ministry of Education, these programs entail the content, the objectives and the recommended pedagogical methods to be applied for the teaching of RE. The second primary source were the actual student textbooks – and, to a lesser degree the teacher handbooks – for the course of RE for the nine years of its instruction (from the Third Grade of Primary School to the Third, and final, Grade of High School). The one-book per class/per year rule that applies to the Greek national system of education has greatly facilitated the objectives of the discourse analysis. It is important to mention that, though this thesis focuses on the study of Religious Education, the concept and meanings of religion and freedoms of religion are dispersed throughout school disciplines.<sup>25</sup> It is the particular role of Religious Education, which confronts matters of national identity and freedoms of religion directly and explicitly, that formed the key criterion of its selection for the objectives of this research.

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<sup>24</sup> See Howarth & Torfing (2005), 'Discourse Theory in European Politics. Identity, Policy and Governance'. London, Palgrave Macmillan.

<sup>25</sup> For a study on the pervasiveness of religion in Greek school subjects, see Zambeta, Evi (2003), 'School and Religion'. Athens, Themelio.

Unlike the case of Greece, in the French system of education there is no class of Religious Education and no class dedicated to religion whatsoever. Furthermore, there exist a variety of textbooks for the curricula of school subjects, which are employed by private publishers. The French Ministry of National Education does not supervise these textbooks, whose use is not mandatory. The specificities of the French case led to the search of appropriate sources for the conduct of discourse analysis. The following primary and secondary sources were therefore used:

- The Education Codes which are published by the Ministry of National Education and which bring together the current legislative arrangements related to public education;
- Two official Reports that were published under the supervision of the Ministry of National Education and which study the role and place of religion within the French education system: (i) the Report by Philosopher Régis Debray of February 2002, titled '*L'Enseignement du Fait Religieux*' ('Teaching of the Religious Fact) and, (ii) the Report of the Stasi Commission published in 2003 on the re-adaptation of the principle of *Laïcité* to the new challenges of French society and within the Republican School, in particular;
- The School Programs, published by the Ministry, which define the knowledge that should be acquired through the school subjects, as well as the teaching methods that should be used. Given the lack of a separate course of RE in France, the discourse analysis focused on those subjects of the French school which have incorporated references to religion (under the rubric of the '*fait religieux*'): History, Civic Education, French and Philosophy;
- Lastly, the recommendations and observations of the Institut Européen en Sciences des Religions (IESR) on the treatment of the '*fait religieux*' in School curricula formed a highly useful secondary source of analysis.

The second stage of the methodology consists of the conduct of field research in the two case studies in order to investigate the social and practical dimension of religious freedoms in state schools, on the ground. A number of reasons indicated the utility and even the necessity of fieldwork for the purposes of this thesis. In the first place, the thesis demonstrates how the uncertainty underlying the definitions of the key terms of international and national legislation relevant to freedoms of religion may have direct implications on the very ways in which these freedoms are being granted. The objective of the fieldwork is to comprehend how recurring



concepts in the European and national frameworks on religious freedoms are understood and translated into educational provisions. A further factor that points to the relevance of field research is the potential discrepancy between written documentation and the developments that a given society is facing. Owing to a great extent to the rigidity of the education systems of the two case studies, the field research demonstrates how the current arrangements do not always correspond to the changing reality and its respective demands. Last but not least, the opinions of key actors within the education system were asked: schools teachers and *professeurs* (in the case of France), school counselors and education experts, as well as students, albeit to a lesser degree. These actors have experienced the social reality of religious diversity and of religion in education. Their perception of religious freedoms and of the ways in which the European recommendations are interpreted at the national level is critical for the analysis of the Europeanization process.

The field research entailed primarily semi-structured interviews, but also the observation of classes. All interviews were conducted in line with the Research Ethics Framework of the Economic & Social Research Council. Due to the particularities of the national settings, the research was defined in each case by the context and respective rules. In the case of Greece, the conduct of field research in state schools required an official authorization by the Ministry of Education. After a lengthy period of preparation due to the political and social instability of the country, the application was submitted at the Ministry in early November 2011. To my great disappointment, the initial response of the Ministry in January 2012 was a negative one, based on the argument that research of such type may be very difficult and even misleading for my research objectives.<sup>26</sup> However, following a meeting at the Ministry of Education (January 2012), I received the official permission for the conduct of field research in Greek state schools in February 2012. The fieldwork therefore took place from April 2012 to early June of the same year.

A number of state schools in the capital of Athens were visited (six overall), having first received permission by the school authorities. The specific schools were selected on certain criteria, such as their location in the capital, their character (Multicultural or not), the number of foreign students, etc. Interviews were held

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<sup>26</sup> See Chapter Six.

with the theologians in charge of the teaching of Religious Education, but also with the School Directors and some other teachers. In two occasions I was able to observe the class of RE and only in one to distribute questionnaires to the students. In parallel to the school visits, I held interviews with individuals holding different capacities at the Ministry of Education.

The field research in France was an entirely different experience. Unlike the case of Greece, there existed no formal procedure through which I could acquire official authorization to conduct research in state schools. To my understanding and based on the advice I received, it is extremely difficult to enter French schools for the purposes of research. Crucially, even the researchers of the Institut Européen en Sciences des Religions (IESR) of the Ministry of Education relied on their own personal acquaintances for the conduct of interviews with either students or teachers in French schools. As such, the field research in France took place between August and October 2012 and depended to a large extent on the personal connections I could develop with individuals within the national system of education. I was able to approach and talk to a small number of High Schools *professeurs*, living and working in schools in Paris and the suburbs. At the same time, the crucial insights of a Former Senior Member of the French Supreme Court (*Conseil d'État*) over matters of religion and education in France and in Europe were extremely significant.

A particularly important part of the field research was based on the presentations and interviews held throughout the Conference on 'School and Teaching of the *Faits Religieux* in Europe', organized by the Institut Européen en Sciences des Religions. Held in Paris in September 2012, this event gathered representatives from the French education system, researchers on religion and education from a selection of European countries, as well as representatives of the Council of Europe over matters of intercultural education. Lastly, the few opinions of French school students mentioned in this thesis derive from a study by Bérengère Massignon (2011) titled '*Laïcité* in Practice: the Representations of French Teenagers'. The interesting findings of Massignon's study are considered in this thesis within the context of the Europeanization of religious freedoms.

The structured comparative analysis of the two case studies derives therefore from the discourse analysis and the findings of the field research. These methods are

useful in trying to ‘elicit understandings of what specific policies (in this case, education) might mean to various issue-relevant publics, as well as exploring how those meanings are developed, communicated and (potentially) variously understood’ (Yanow 2000, 2007).

## 5. Originality and Contribution of the Thesis

The thesis is located at the interface of political science and political sociology. It uses and revisits the scholarship on Europeanization, religion and nationalism, theories of education and religious freedoms. The contribution of the thesis is conceptual, empirical and methodological. It is reflected in terms of its precise research question and objectives, as well as through the choice of methodology.

The findings of this thesis fill in an important gap in the existing scholarship, by examining the effects of *norms* and the normative convergence in the concept of religious freedoms in Europe. State attitudes towards ‘religion’ in a comparative European perspective have formed the interest of a series of significant studies and research projects. These studies are mainly interested in the institutional structures, policy implementation and legislative frameworks of states towards the treatment of religion and religious diversity.<sup>27</sup> By contrast, the originality of this thesis lies in its focus on the underlying norms that determine social and political attitudes towards religious freedoms. Such norms emerge at a European level and are represented by the European institutions, in this case primarily through the Convention system of the Council of Europe. Adding to the legislative and policy dimension, the key research objective of this thesis are the ways in which the European institutions ‘can construct, through a process of interaction, the identities and interests of member states and groups within them’ (*ibid*, p.548).<sup>28</sup> Crucially, the findings demonstrate that the different national education approaches to religion indicate distinct understandings of the concept of ‘religious freedoms’.

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<sup>27</sup> See Jackson, Miedema, Weisse & Willaime (2007), ‘Religion and Education in Europe. Developments, Contexts and Debates’. REDCo Project. Münster, Waxmann ; Doe, Norman (2011), ‘Law and Religion in Europe: A Comparative Introduction’. Oxford Scholarship Online; Hunter-Henin, Myriam (2011) ‘Law, Religious Freedoms and Education in Europe’. UK, Ashgate.

<sup>28</sup> See Chapter Two.

Though the term ‘European integration’<sup>29</sup> has been used in the past to examine state attitudes towards religion, this thesis assesses the impact of the European norms on domestic arrangements by introducing a new dimension of ‘Europeanization’. In so doing, the thesis argues that the European norms on religious freedoms do in fact exist, regardless of their vagueness and institutional shortcomings, and that a Europeanizing effect upon domestic settings is anticipated. ‘Europeanization’ serves as a highly useful and appropriate framework of analysis for the examination of the changes in the national understanding of religious freedoms.

In terms of originality, this thesis is the first attempt to offer a structured comparative analysis of the *hardest critical cases* of Europeanization. Rather than focusing on the assumed ‘success stories’ of religious freedoms in education (see Chapter Three), the thesis chooses to examine the Europeanization of religious freedoms in the countries whose education visibly deviates from the European paradigm. It assesses, in other words, the power and impact of European norms in those countries that are least likely to be affected. The thesis argues that any findings of convergence towards the European paradigm in the two case studies would suggest the transformative power of ‘Europe’ in terms of religious freedoms and education.

Finally, the choice of methodology is not only innovative, in that it combines both discourse analysis and the field research studying the social reality of religious freedoms, it is also fundamental for providing a thorough answer to the research question. The two methods applied are complementary. While the discourse analysis traces the ‘changes’ in the national discourse over questions of religious freedoms and education, the fieldwork reveals how this discourse is translated into practice within the context of education. The findings of the thesis, which reveal precisely the discrepancy between theory and practice in the handling of religious freedoms, confirm the assets of the two-stage methodology.

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<sup>29</sup> See REDCo (2007), ‘Religion and Education in Europe – Developments, Contexts and Debates’.

## **6. Chapter Outline**

The thesis is separated into three parts. The first part (Chapter Two and Three) provides the theoretical framework for the study of the Europeanization process and discusses the selection of the case studies. The second part (Chapters Four, Five and Six) entails the discourse analysis and the field research conducted in France and Greece. The final part of the thesis includes the comparative analysis of the findings (Chapter Seven) and the Conclusion (Chapter Eight).

Chapter Two, provides the theoretical agenda of the thesis. It contextualizes the research question within the conceptual framework of Europeanization and introduces the term of the Europeanization of religious freedoms. The chapter then considers the possible ways to assess and conceptualize the Europeanization process, this way providing a critique of the European norms on religious freedoms. Given the central role of the Council of Europe and of the Convention system in this study of Europeanization, the chapter then discusses the institutional structures and compliance mechanisms of the institution that can promote Europeanization.

The chapter moves on to discuss the limitations of Europeanization by focusing primarily on the following crucial matters: the obstacles to providing common definitions of terms, the historical and contemporary diversity that defines national approaches to religion and education and, finally, the implications of the principle of the margin of appreciation granted to national authorities.

Lastly, the chapter turns to the pedagogical and teaching approaches to religion and religious freedoms. Two overarching themes emerge that represent the fundamental criteria for the Europeanization process in education: (i) the type and the objectives of religious education offered in state schools and (ii) the variety of national approaches to matters of religious expression and the manifestation of religious identity in state schools. It is on these two aspects of the national education systems that the Europeanization of religious freedoms will be assessed.

Chapter Three moves from the theory of religious freedoms and educational approaches to the actual types of education systems adopted by states in Europe. On the basis of the distinct national approaches to religious education (RE), the chapter classifies states along a spectrum. To help with their classification, each state in

Europe adopts one or other of five basic approaches to the series of issues that determine the organization of RE in states schools (Doe 2011):

- 1) Compulsory Christian RE
- 2) Compulsory Denominational RE
- 3) Optional Denominational RE
- 4) Non-Denominational RE, and
- 5) The Prohibition of RE

The Council of Europe norms represent the moderate, median position of the spectrum. Following an analysis of their education systems, states are placed either closer or further away from the European median. Each of the two ends of the spectrum is defined by states approaches representing the two opposite 'extremes' with reference to the European benchmark. France and Greece represent each of the two ends: indoctrination into secularist beliefs and religious indoctrination, respectively.

The chapter then continues with a more elaborate analysis of the education systems of France and Greece and justifies their selection as least likely cases of Europeanization. By highlighting the exceptional character of the two countries in terms of religious freedoms and education, this chapter therefore sets the basis for the analysis: it justifies the selection of France and Greece as hardest critical cases in Europe and prepares the ground for the study of the Europeanization process. At the same time, it raises the following question: if Greece is exceptional and France is also exceptional, then who is not exceptional in Europe in terms of religious freedoms? Indeed, how 'European' are these norms?

The second part of the thesis consists of Chapters Four, Five and Six. It entails the findings of the research design and of the methodology applied for the study of Europeanization. The discourse analysis of Greece and France is presented in Chapters Four and Five, respectively.

Chapter Four focuses on the discourse analysis of the Greek case. It critically discusses the constitutional provisions relevant to matters of religion and education and their implications on the national concept of religious freedoms. A history of the education system of the country indicates its overall rigidity and the numerous fruitless attempts for reform. The chapter then uses the empirical data drawn from contemporary material of the Greek Ministry of Education, Lifelong Learning and Religious Affairs to provide a nuanced understanding of the role of religion in Greek

national identity. Two primary sources are utilized: the Analytical Programs of Study published by the Pedagogical Institute for the course of Religious Education and the student textbooks for the subject, throughout the nine years of primary and secondary education.

The Discourse Analysis of the history as well as the current provisions of the course of RE shows that since the 1990s there have been signs of a Europeanization effect. This is seen most notably through a subtler and less frequent form of indoctrination, through the references to other religions and to the general value of respects of 'others' and of 'their freedoms'. The analysis further shows, however, that long established national traditions that utilize RE as a mechanism of indoctrination and of the development of the Christian Orthodox identity of the student – at the expense of other religions – are still dominant and, in spite of the visible influence of the European setting, they eventually prevail. The Europeanizing effect in the case of Greece is therefore minimal and problematic.

The discourse analysis of France (Chapter Five) similarly begins with a critical consideration of the constitutional provisions and the national Education Codes governing religion and education. Two primary sources are used to investigate the transformations that the French education system has undergone with respect to religion: the Report of the Stasi Commission and the Report by Regis Debray on the incorporation of the '*fait religieux*' in school curricula. At a second stage, the discourse analysis turns to the study of education material. Given the lack of a separate course on RE and of specific textbooks, the chapter examines the Europeanization process through the School Programs, published by the National Ministry of Education, for the school disciplines which incorporate to a large extent the religious dimension: history, civic education, French and philosophy.

The discourse analysis in the case of France shows that there have been, from 1989 onwards, clear developments in the role and place of religion in French education. Such developments are seen primarily through the incorporation of the '*fait religieux*' at the curricula of different school subjects. In this sense, France has moved closer to the European framework, by recognizing the necessity of references to religion in schools and, subsequently, by readapting its school curricula accordingly. In spite of these changes, however, the analysis indicates that the ways in which these changes are implemented into the educational provisions and school

curricula do not in fact correspond to the objectives of the European recommendations. The chapter shows that France proves resistant to those changes that may alter fundamentally some of its traditional educational values. It provides, instead, its own interpretation of the European recommendations, which are adapted to the particular national concept of *Laïcité*. The Europeanization of religious freedoms in French education is also limited.

The following Chapter (Chapter Six) entails the field research conducted in the two case studies. In both case studies, the field research shows the distance that characterizes the theory of the official state documentation on religious freedoms and the practice of its implementation on the ground, in the social reality of state schools. As such, the chapter observes that the actual treatment of freedoms of religion in the education systems of France and Greece raises some crucial questions of compatibility with the respective European recommendations. Overall, the Europeanization process in France and Greece is differential and, in distinct ways, problematic.

Chapter Seven offers the structured comparative analysis of the findings of the thesis. It provides an answer to the research question of whether the education systems of France and Greece demonstrate the Europeanization of religious freedoms. The Europeanization process is conceptualized along a continuum (Radaelli 2004). The findings demonstrate in the first place a significant degree of ideational convergence in the process of Europeanization, seen through the form of rhetoric, the language and 'common grammar' used throughout the national discourse of educational authorities. The findings further displayed a critical degree of inconsistencies between the national educational approaches to religion in the two case studies and the respective European recommendations. These inconsistencies reflect the divergence that characterizes the practical dimension of the Europeanization process. The findings denote an overall differential and problematic impact of Europe in the sphere of religious freedoms, seen through the distinct approaches that states adopt for the translation of the European norms into educational provisions. The concept of religious freedoms thus depends above all on the national context, which only coincides to a limited degree with the respective European understanding of religious freedoms.



Chapter Eight is the concluding chapter. It draws together the principal findings of the thesis and the observations of the comparative analysis of the two case studies. It moreover considers the limitations of this research and the key questions that emerge for further investigation. The chapter then considers the broader contribution of the findings, providing an indispensable assessment of the normative power of Europe and its transformative potential in the field of religious freedoms. Within this context, avenues for further research are lastly discussed.

## **Chapter II**

### **Europeanization of Religious Freedoms**

#### **1. Introduction**

This chapter provides the theoretical framework within which the central research question and concepts of this thesis are analyzed. In order to explore the impact of the European framework of religious freedoms and education on states' educational approaches, the thesis builds on the broad theoretical scope of Europeanization. This is an important addition to the extant scholarship on the transformative powers of Europe, which examines the relevance of 'European norms' to the national understanding of the concept and introduces the question of the Europeanization of religious freedoms.

The chapter opens by establishing the links between the terminology and conceptual tools of 'Europeanization' with the study of freedoms of religion. This way, it provides a clear description of the core concept of the thesis: *what do we mean by Europeanization of religious freedoms? And how is Europeanization conceptualized and measured in terms of religious freedoms and education?* At a second stage, the chapter considers the ways and mechanisms through which the Council of Europe and the specific European recommendations can have an impact on the education systems of states. The institutional structures and compliance instruments of the Council of Europe and of the European Court of Human Rights are subsequently discussed as instruments of Europeanization. In so doing, the potential of Europeanization in the case of religious freedoms leads to a critical consideration of the weaknesses of the European framework itself. The limitations of Europeanization are analyzed primarily through the following crucial matters: the obstacles to providing common definitions of terms, the historical and contemporary diversity that defines national approaches to religion and education and, lastly, the implications of the principle of the margin of appreciation granted to national authorities.

The thesis focuses on education as a medium for the study of the Europeanization of religious freedoms. In its final part therefore, this chapter turns to the pedagogical approaches relevant to religion and religious freedoms, establishing the links between the study of the Europeanization of religious freedoms and education. The Europeanization process is here placed within the context of teaching and learning approaches and the critical questions of freedoms of religion that may arise in national education systems. Two overarching themes emerge, which represent fundamental criteria for the Europeanization process: (i) the type and the objectives of religious education offered in state education on the one hand and, (ii) the variety of national approaches to matters of religious expression and the manifestation of religious identity in state schools on the other. The recommendations of the international institutions on the pedagogical approaches to religion, including the rulings of the European Court of Human Rights on cases of religious expression within education, provide a background against which the education systems of European states are analyzed in the following chapter.

## **2. Religious Freedoms as a Case of Europeanization**

### **2.1. Defining Europeanization of Religious Freedoms**

The overarching question of this thesis is whether a common understanding of religious freedoms amongst European countries has emerged, as shown through state education systems. Having discussed the content and objectives of the European framework of freedoms of religion through education,<sup>30</sup> this section contextualizes the core question of the thesis within the theory of Europeanization. To make use of the term 'Europeanization' in reference to freedoms of religion signifies opening a new chapter in the Europeanization literature, at a time when the latter has arguably reached a saturation point.<sup>31</sup> The concept has been used in a number of ways, to describe various phenomena and processes of change. It is argued here that, 'Europeanization' not only offers itself as a suitable theoretical framework, but that through an analysis of the notion of religious rights and

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<sup>30</sup> See Introduction.

<sup>31</sup> See opening lines in Olsen (2002), 'The Many Faces of Europeanization': 'Is "Europeanization" as disappointing a term as it is fashionable? Should it be abandoned or is it useful for understanding European transformations?' (p.921).

education policies in Europe, a further dimension of 'Europeanization' emerges for its understanding and its critique at a very crucial time, where states in Europe seek to tackle the challenges of religious diversity through their education (see Introduction). The study therefore employs many of the key features of the existing Europeanization literature and ongoing debates, while it introduces elements, which have not been commonly associated with the specific topic.

Precisely because of the frequent recourse to the term 'Europeanization', it is the obligation of researchers to give it a precise meaning, as there would be little value if it merely repeated an existing notion (Featherstone 2003, p.3). So what is Europeanization and, in comparison, what do we understand by 'Europeanization of religious rights' in this study? In its broad definition, Europeanization 'consists of processes of a. construction, b. diffusion and c. institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared beliefs and norms which are first defined and consolidated in the EU (European Union) policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies' (Bulmer and Radaelli 2004, p.4).

Two things distinguish so far. The first is the reference to and use of 'Europeanization' as a useful entry-point for a greater understanding of important *changes* occurring in politics and society (Featherstone 2003, p. 3). Emphasis on detecting, measuring and assessing domestic *change* – or lack of – is a common element of approaches to Europeanization. One can therefore talk about different stages and different degrees of an essentially asymmetric Europeanization process. The second aspect that emerges has to do with a relatively narrow focus on the European Union (EU) as the presumed source of Europeanization. Featherstone makes a critical distinction between a *minimal* sense of Europeanization, which involves responses exclusively to the policies of the EU, and a *maximalist* understanding of the concept, where 'the structural change that it entails must fundamentally be of a phenomenon exhibiting similar attributes to those that predominate in, or are closely identified with, "Europe"' (*ibid*).

Keeping these two initial criteria in mind, the following observations link the usages of 'Europeanization' with religious freedoms as a domain of application and of analysis. In the first place, the objective here is to study the emergence of a shared

notion of freedoms of religion or belief amongst states in Europe; the medium through which this development is examined is the legislative and political framework of states' education systems. Insofar as the aim is to identify *change* – be it in the form of convergence or divergence (see following section) – towards a set of principles agreed upon and promoted at the European level, 'Europeanization' presents itself as a relevant and useful theoretical concept. To talk about the Europeanization of religious freedoms in this case signifies to try and understand the effect of the European norms of religious freedoms and education on states' education systems and the national treatment of religious freedoms. This thesis therefore asks: have there been any transformations in the education systems across countries that indicate a discernible impact of the European recommendations? If so, what is the degree of this impact and does it differ between or within countries? And if such a finding is not perceptible, why is this the case? This could mean for instance, that education systems and the notion of religious rights are two spheres that are particularly, if not entirely, difficult for the European norms to permeate.

Though the formulation of such questions is essential at this point, the role and place of 'Europe' in these processes should not be taken for granted. While acknowledging the emphasis on *change* – or lack of – as a convenient point of departure, Radaelli raises the question of 'how does one know that change is correlated or caused by Europeanization, and not by other variables', such as globalization or domestic politics? (2004, p.8). This aspect of Europeanization is of particular significance for the study of education and religious rights: how do we know that 'Europe' is indeed the cause of any changes in countries' legislation and policies? Are other factors, closely linked to the respective history of countries or resulting from national or international developments, more likely to have a predominant effect on states' attitudes towards religious diversity or religion in general? In other words, would change have taken place either way, regardless of the European factor?

### The Role of Europe: 'EU-ization' and 'Europeanization'

Looking back at the initial, general definition of Europeanization, an important feature of this study of Europeanization, which differentiates it from the majority of

literature on the topic, is the fact that it is not EU-centered. Broadly speaking, Europeanization literature has tended to focus on political processes which relate almost exclusively to change brought about by the EU – thereby *de facto* excluding other processes which may also logically be regarded as Europeanization (Flockhart 2010, p.790). Just like Featherstone draws the line between the minimalist and maximalist understanding of the concept, Flockhart uses two separate terms: the one of ‘Europeanization’ and of ‘EU-ization’ – a concept introduced by Helen Wallace. ‘EU-ization’ is different from ‘Europeanization’ because of its focus on the EU and its concern with what the author calls ‘political encounters’, meaning the transfer of institutional and organizational practices and policies between the EU and its Member States. In contrast, ‘Europeanization’ is concerned with ‘cultural encounters’, which include all the norms, ‘constitutive rules’ and behavioural practices that make up the very identity of the community in question. What the two terms share in common is that they may exist in either ‘thin’ or ‘thick’ variants, depending on whether the respective Europeanization/EU-ization process is limited to changes in rhetoric or whether it involves ‘changes in the structures of consciousness through internalization of the rules and norms in question’ (Flockhart 2010, p.791). This depiction of the different processes and of their varying degrees applies to a great extent to the study of the Europeanization of religious freedoms. It suggests that, just as Europeanization can be about the formulation, implementation or outcomes of policies, it can also relate to ‘less tangible aspects’ (Bulmer and Radaelli 2004, p.3), such as beliefs and values – in this case, freedoms of religion.

If the literature has traditionally focused on the impact of the EU on domestic settings, to what extent can we talk about a ‘Europeanizing’ effect of the Council of Europe? As we have seen through the discussion on the European framework of religious freedoms and education, the source of policy responses and of change in this case of Europeanization is not the European Union, but rather the Council of Europe. This is surely not an innovative idea, though it has remained comparatively under-researched. One of the most interesting findings on the Europeanization of policies of candidate countries, for instance, is that the EU is only one of the actors promoting Europeanization. Organizations such as the Council of Europe are also deeply involved (perhaps to a higher degree than the EU) in the transfer of European models (Bulmer and Radaelli 2004, p.14).

The impact of the Council on domestic affairs stems from the contribution of the different institutions that make up the Convention system, amongst which the Court in Strasbourg,<sup>32</sup> the Committee of Ministers and Parliamentary Assembly, including the Committees of Experts and the Council's monitoring mechanisms. According to Christos Giakoumopoulos, Director of Monitoring, Directorate General of Human Rights and Legal Affairs, over a period of sixty years the Council has made considerable gains in the sphere of human rights. These gains

comprise not only *norms* (linked with civil and political rights, social rights, rights of minorities, action against racism, corruption, trafficking in human beings, money laundering and tax havens), but also *active supervision of compliance with these norms*.<sup>33</sup>

The role of the Council in the Europeanization of religious freedoms is in fact pivotal, considering that the Convention system 'is the most advanced legal machinery in the world for the promotion of human rights' (Matlár 2002, p.118). Contrary, therefore, to academic studies, which had until recently been almost exclusively concerned with developments within the EU, Lovecy (2002) investigates the distinctive contribution of the Council of Europe to the framing of women's rights, gender issues and mainstreaming.<sup>34</sup> Looking at another, significant field of human rights, Anagnostou (2007) studies the role of the Council in the Europeanization of minority rights and Greek citizenship,<sup>35</sup> a topic also examined by Kinga Gál (2000), who considers the strengths and weaknesses of the Council of Europe's Framework Convention for the Protection of National Minorities in Central and Eastern Europe.<sup>36</sup> These cases, including the increasing concern of the CoE for the guarantee of religious freedoms discussed in the previous sections, justify our expectations that CoE Member States are bound by similar commitments over questions of

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<sup>32</sup> For more on the impact of the European Court of Human Rights, specifically, on domestic affairs see this Chapter, Section 3.3.

<sup>33</sup> Giakoumopoulos in 'Practical Impact of the Council of Europe Monitoring Mechanisms in Improving Respect for Human Rights and the Rule of Law in Member States', Directorate General of Human Rights and Legal Affairs, Council of Europe 2010, Introduction, p.7.

<sup>34</sup> Lovecy 2002, 'Gender Mainstreaming and the Framing of Women's Rights in Europe: the Contribution of the Council of Europe', *Feminist Legal Studies* 10, pp.271-283

<sup>35</sup> Anagnostou, Dia (2007), 'Deepening Democracy or Defending the Nation? The Europeanization of Minority Rights and Greek Citizenship'. *West European Politics*, Vol 28, no.2, pp.335-357.

<sup>36</sup> Gál, Kinga (Winter 2000), 'The Council of Europe Framework Convention for the Protection of National Minorities and its Impact on Central and Eastern Europe'. European Centre for Minority Issues, Germany.

religious freedoms. This thesis therefore sets out to investigate the Council's impact on the sphere of freedoms of religion and asks whether and to what extent we can talk about the Europeanization of religious freedoms.

### Europeanization of Religious Freedoms: An Interpretive Process

The contribution of the Council of Europe has been further examined in terms of the cultural dimension of Europeanization, also touching upon the concept of 'European identity'. In contrast to the vast literature on Europeanization that tends to focus exclusively on major economic and security policies, as well as on national agencies and intergovernmental negotiations, Sassatelli (2009) looks at the comparatively neglected question of the *cultural* foundations of the European project. Given that the Council of Europe 'has always focused on culture and cultural co-operation as one of its main missions' (p. 142), Sassatelli chooses to examine the Council's strategy of Europeanization by looking at the case of the European Landscape Convention (signed in 2000), both in terms of rhetoric and through the instances of implementation.<sup>37</sup> Her findings reveal as much about Europeanization from the point of view of culture, which is seen as an *inclusive* process that is open to the differences it inherently entails, as about European identity and its essence of 'becoming', rather than the sense of 'being' ascribed to national identity.

Flockhart thus makes a distinction between the 'political' and 'cultural encounters' helps describe the purpose of this study, whose concern is not so much the policy domain – here, education systems as a *medium* of change – but predominantly the normative, constitutive rules describing a society – in this case, the norms of religious freedoms, as these stem from the European framework. Based on social constructivism for the study of European integration, norms are understood as shared, collective understandings that make behavioural claims on actors (Checkel 1999, p.551). Such norms emerge at a European level and are represented by the European institutions, in this case primarily through the Convention system of the Council of Europe. Adding to the legislative and policy dimension, the primary concern here are the ways in which the European norms 'can construct, through a process of interaction, the identities and interests of member states and groups

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<sup>37</sup> For the objectives of her research, Sassatelli carried out fieldwork, which involved document analysis, participant observation and interviews.



within them' (*ibid*, p.548). Adopting a social constructivist conception of Europeanization, this thesis 'highlights the multiple ways social reality is continuously created in processes that cannot be reduced [solely] to either agency or structures' (Delanty and Rumford 2005, p2).

By focusing on state education, the analysis to follow investigates the ways in which the European norms on religious freedoms, as embodied in the European framework, are interpreted in the national contexts. For this reason, this study conceptualizes Europeanization as an *interpretive* process and focuses on the significance of 'meaning'. It is here argued that the kind of interpretation of these European norms will determine, in each case, the nature and the extent of the Europeanization process: do the education systems of European states, with their respective treatment of religion and of religious diversity, suggest a common understanding of religious freedoms, as promoted through the European framework of the Council of Europe?

## **2.2. Conceptualizing and Measuring the Europeanization of Religious Freedoms: Convergence and Divergence**

The immediate question to follow is what would be the expected effect of Europeanization in the domain of religious freedoms? The initial expectations of the Europeanization process anticipated a homogenizing effect, which could ultimately lead to a unification of models and practices. There is however not a single empirical case on which change meant the complete homogenization of domestic structures across Member States (Borzel and Risse 2003, p.72) and, as will become clear through the discussion on state policies, education systems with respect to religious freedoms is surely not one of them. While a homogenizing effect is unlikely, due primarily to the cultural diversity and national particularities that persist, Europeanization in this case does imply common underlying principles and minimally shared norms, articulating the shared precepts and values of a 'European' (Pollis 1992, p.177). Among these bonds is a shared conception of, and adherence to, individual human rights – including freedoms of religion.

Considering the unlikelihood of homogenization, the notion of *convergence* is used to measure and to conceptualize the extent of Europeanization in each case. The

logic behind this is that the process of Europeanization gradually leads to a respective degree of convergence in the laws, institutions or policies amongst the states of Europe.

Based on the arguments of this literature for the study of Europeanization, the concern of this thesis was initially formulated in a similar vein. It sought to examine in other words the degree of convergence towards the common understanding of religious rights, as articulated in the European framework. Such an expectation derived from the assumption that, in spite of their distinct national traditions and education policies, European states were by the end of the twentieth century faced with the same challenges. These challenges ranged from secularization, the overall religious pluralisation, the implications and aftermath of 9/11, the existence of strong Muslim minorities and, lastly, the question of imposing limits to the religious expression in public spaces and in education. As noticed by Jean-Paul Willaime, there is thus a discernible degree of Europeanization in the *challenges* facing each national approach to religion in school education.

States in Europe have sought to address these developments by rethinking how schools approach, treat and teach religion. Willaime continues by arguing that these challenges have, in their turn, eventually led to the emergence of similar *responses* amongst states. This interpretation sees a degree of convergence in the ways states deal with the question of religion through their education:

‘Be it for social or legal reasons, we discern an effective *convergence* in the way European countries attempt to meet the challenges facing public education in secularized, pluralistic societies (Willaime 2007, REDCo Project, p.57)... There is, in our view, nowhere that European integration is felt more strongly than in this development where non-confessional approaches (to religious education) meet the legal and sociological changes we see in Europe’ (*ibid* p.66).

The nature and the extent of the convergence of such responses is the core interest of this thesis. Such discernible signs of a ‘Europeanization’ effect as presented through the comparative study of the REDCo project are significant and will be discussed more in detail in the analysis of state education policies to follow. The question of religious rights within education, however, needs to be broken down and analyzed in smaller pieces. The thesis demonstrates that a change in state

legislation or in policy does not necessarily indicate a parallel change either in practice or in the prevalent social norms. Indeed, the scholarship on the matter also reflects a clash of opinions. In contrast to Willaime's findings, Hunter-Henin claims that if multicultural societies in Western Europe have all been faced with the challenges of accommodating minority religious communities, 'the responses chosen to meet those challenges have varied greatly, with the most striking differences arising in the context of education' (Hunter-Henin 2011, p.1). Opinions in the current scholarship regarding national approaches to religious freedoms differ markedly. The objectives and contribution of this thesis, which seeks to examine precisely the dynamics between the European and the national dimensions, are both crucial and relevant, in this context.

This diversity in national responses emphasized by Hunter-Henin is largely due to the fact that adaptation to European developments can also leave considerable discretion to domestic factors and reflects variations in European pressure *as well* as domestic motivations and abilities to adapt. European signals are thus interpreted and modified through domestic traditions, institutions and identities in ways that limit the degree of convergence and homogenization (Olsen 2002, p.2). It is no coincidence therefore that most empirical evidence by now points towards a differential impact of 'Europe', rather than towards convergence (Radaelli 2004, p.5). Considering this domestic process of interpretation and implementation of the European norms, the aim of this thesis is to take Willaime's observation even further, by analyzing the extent to which any transformations in education systems in Europe suggest a convergence in the very *concept* of religious rights amongst states, as is the anticipated effect of international legislation. It is, to use Flockhart's terminology, the 'cultural encounters' that are the primary concern of this Europeanization study.

Given the likelihood of a differential impact of Europeanization on religious rights and education, it is constructive to utilize Radaelli's conceptualization of convergence – as measured along a continuum – in order to identify and to evaluate *change*. The different stages of this continuum apply very well to the challenge of linking theory (be it in the form of legislation or policy) to practice (as seen in the reality of the social handling of religious rights issues through education). At a minimum level convergence means that domestic policy-makers share 'European' vocabularies. 'Europe' is a recurrent reference in the national discourse of education

policies and it becomes what Radaelli in the same work calls the 'common grammar' (2004, p.11). The relationship however between ideational convergence, learning and policy change is rather problematic: people may adopt the same language and talk in terms of the same criteria without necessarily taking the same decisions (Bulmer and Radaelli, p.12). If Europeanization produces a convergence of paradigms and ideas of good practice, one can also speak of ideational convergence (Radaelli 2003, qtd in Radaelli 2004, p.14). The next stage is convergence at the level of *decisions*: 'when similar decisions are implemented in a relatively uniform way, the degree of convergence increases'. The challenge in this case is to assess the content of 'similar' decisions and of the alleged 'uniformity' in their implementation. Finally, one can imagine the case of convergence in outcomes (Radaelli 2004, p.14). It could be the case, for instance, that while states differ in their approaches to a certain matter, the outcome of their respective policies is the same.

This is not to say that convergence – in all its forms and variants – is the sole anticipated outcome in this process of Europeanization. Very often, the resilience of national factors, as well as the strength and flexibility of particular institutional arrangements at the national level need to be taken into account in order to comprehend how each state mediates such external trends and forms of pressure (Chafer and Godin 2010, p.14). Moreover, even what looks like convergence at the macro-level may still show a significant degree of divergence at the micro-level – the Economic and Monetary Union of the EU being a good indication of this (Borzell and Risse 2003, p.71). The possibility of a deviating effect should also be taken into account in the Europeanization of religious rights and education, considering in particular the nature of the policy and of the normative issue under investigation. It is a recurring observation in the Europeanization literature that not all domains are equally receptive of Europeanizing forces. Traditionally, there are certain areas over which states seek to maintain control, which explains the contrasting degrees of Europeanization between monetary policy and trade on the one hand, and employment policy or justice on the other. Education falls within the category of what Helen Wallace has described as 'protected spaces' (Wallace qtd in Olsen 2002, p. 934), as it is admittedly one of the hardest spheres for Europe to permeate. States have been reluctant to give Europe authority to shape education, as education institutions and practices – including changes in universities and in national history writing – is a sensitive issue, exactly because it is closely linked to national and sub-national identities (Olsen 2002, p.932). Through the study of the European states to

follow, it will become clear that the respective history and the national religious traditions are highly crucial actors that determine constitutional and political settings, as well as the social norms of the given society. It is expected, therefore, that these areas are difficult to penetrate and to change.

### **2.3. Reassessing the 'European' Norms on Religious Freedoms: Europeanization as Westernization**

'Convergence' and 'divergence' are therefore utilized to understand the nature and limits of any transformations in the educational provision of European states with reference to the European framework. There is however a further means of comprehending such transformations, one that looks at the very concept 'Europeanization' from a distinctly more critical perspective. This approach is concerned primarily with the origins and the meaning of the concept as it is used within the context of freedoms of religion and conscience. In an attempt to deconstruct 'Europeanization of religious rights', the discussion leads us to a reconsideration of the very emergence of the European framework, itself. In other words, what do we mean by 'European' in this case? According to what normative standards was this framework created?

Historically, Europeanization has been understood as the spread of forms of life and productions, habits of drinking and eating, religion, language, and political principles, institutions and identities typical of Europe and unknown in the rest of the world beyond European territory. In practice, this diffusion took the form of colonization, coercion and imposition or, alternatively, of imitation and voluntaristic borrowing from a successful civilization (Kohn 1937; Weber 1947, pp. 208, 215 qtd in Olsen 2002, p.937). In the contemporary period, 'Europeanization' has taken on a variety of different meanings: from exclusive adherence to the process of EU integration, as seen in the 'EU-ization' case, to 'Europeanization' as a 'bastion against globalization', the latter sometimes understood as 'Americanization' (Bulmer and Radaelli 2004, p.3). In terms of production of ideology, and closely related to the domain of human rights principles in the Western world, Diamandouros notices that 'Europeanization' has often meant adaptation to west European norms and practices, acknowledging the "pull" to convergence of the major powers of the region' (Diamandouros 1994 qtd in Featherston 2003, p.7). A very good example of

this are the enlargement negotiations with the Central and Eastern European Countries to gain membership in the EU. The use of phrases such as ‘catching up’ with the West, or even ‘return’ to the West, including the need to accept EU standards and forms as part of becoming Members of the Union, indicate status and power differentials (Olsen 2002, p.939). More recently, and to the great disappointment of the West, the Balkans would not fall into the material and moral system of Cold-War Europe, namely the rhetoric of Capitalism and Christianity. It was then believed that there simply was nothing ‘European’ about the Balkans, because ‘civilization cannot exist without both such ethical and economic components, and both of them (were) impossible under the unholy alliance between Orthodox obscurantism and Asiatic autocracy’ (Couloumbis and Veremis qtd in Todorova 2009, p. 132).

In examining the Europeanization of religious freedoms, this thesis simultaneously encounters the question of whether such power differentials as the ones described above are also at play over matters of freedoms of religion in Europe. Indeed, the sphere of human rights has been similarly criticized for this ‘hierarchization’ of societies and their constitutive norms. It is argued that the weight and the meaning of ‘Europeanization’ have, to a significant extent, become synonymous to a constructed vision of a ‘higher’ civilization and the norms that structure it. Douzinas asserts that ‘Human Rights have become the symbol of superiority of Western States, a kind of mantra, the repetition of which soothes the painful memory of past infamies and the guilt of present injustices’ (qtd in Dembour 2006, p.13).

Through the analysis of the Europeanization of religious rights, the European framework will, itself, be put under scrutiny. A visible trend of identifying ‘European’ with a particular conceptualization of ‘Western’ or ‘Westernized’ re-emerges throughout the discussion, highlighting the distance between countries, their norms and practices. And it is precisely in the sphere of religion where one finds clear discrepancies in the histories, national traditions and in the policies between (and within) Western and non-Western European states. Adamantia Pollis (1993) talks about the compatibility of Eastern Orthodoxy with Human Rights Norms (see Chapter Three) – as the latter have been framed within a Western, Catholic or Protestant Christian context. To ‘Europeanize’ would accordingly signify to adapt to the norms that have been set out by a superior core, in this case, the ‘West’. ‘Europeanization’ therefore acquires a dimension of ‘Westernization’, and,

subsequently, the use of the terms 'convergence' or 'divergence' are seen through a distinct perspective. The validity of this claim, including the extent to which it defines the very process of Europeanization in the sphere of education and freedoms of religion, form a central concern of the analysis and of its findings.

### **3. The Council of Europe and the Europeanization of Religious Freedoms**

#### **3.1. Compliance Instruments: Intergovernmentalism, 'Soft Law' and 'Shaming'**

In the previous section we have seen how the question of religious freedoms and education enters the conceptual domain of Europeanization. But how can Europeanization be achieved in the cases of religious freedoms? Which are the institutional actors and what type of control mechanisms do they employ to promote and ensure the impact of these European norms on the national setting? How much of a weight do these mechanisms have? These questions are tackled in this section, which analyzes the technical features, the measures and mechanisms utilized to promote national compliance in the domain of religious freedoms.

The primary organization within a European context that works on matters of human rights and freedoms of religion in particular is the Council of Europe (see Introduction). Specific sets of principles characterize the work of the Council of Europe, which are directly relevant to matters of education and religious rights. In the first place, the Council is an *intergovernmental* organization, which primarily signifies that choices and decisions are made by the governments of (the major) Member States. By contrast, the most dominant competing view, *supranationalism*, is that systems of supranational governance have their roots in the European-wide transactions, group formation and networks of transnational society, while governments primarily play a reactive role (Stone Sweet and Sandholtz qtd in Olsen 2002, p.930). As a mainly intergovernmental body, the Council works through Conventions, which set out detailed standards of legislation, the Committee of Ministers and their delegates, the Parliamentary Assembly and a plethora of expert bodies (Brummer qtd in Costa and Jorgensen 2012, p.187).

According to the liberal intergovernmental approach, Andrew Moravcsik sees states – and their governments – as remaining the dominant players in a process of integration, where there are clear gains to be made through establishing cooperative regimes (Moravcsik qtd in Macmullen 2003, p.408). Such a claim significantly affects our understanding of the *power* and the *limits* of the Council of Europe as a potential driving force of Europeanization. Macmullen notices that, according to the liberal intergovernmental view, the CoE can be seen as ‘a negotiating forum with institutions and procedures which provide for the exchange of information, the identification of common concerns and possible solutions within a shared set of norms, and the sealing of agreements which are collectively acceptable’. In the end however, ‘national governments retain control of the agenda and the outcomes’ (*ibid*, p.409). If national governments do in fact retain control of the agenda, this would limit our expectations of convergence and the likelihood of an Europeanization of religious rights. But how can states then claim to be respecting the same notion of religious freedoms? Or, is this a case of Europeanization where differing policies and procedures produce nonetheless similar outcomes amongst states that satisfy the objectives of the European recommendations?

A second principle that defines the institutional functioning of the Council of Europe is the production of what is commonly referred to as ‘soft law’. ‘Soft law’ relates to rules of conduct that are not legally enforceable, or legally binding, but that nonetheless have a legal scope in that they guide the conduct of the institutions, the Member States and other policy participants. The basic task of the Council is, specifically, ‘soft law’ standard setting, rather than adjudication or enforcement (Moravcsik 1995, p.169). In this context, ‘standard setting’ means all activities aiding, leading to or being part of the process of definition and concretion of human rights (Ketterman 2006, p.106). The supranational institutions have, in this case, very weak powers: they cannot act as strong agents promoting Europeanization (Bulmer and Radaelli, 2004, p.7). It appears therefore that the very constitutive elements and functions of the CoE render it an unlikely actor promoting change according to European standards. Then what happens of the common value of religious freedoms, which the European Convention claims to represent?

In spite of its intergovernmental structures and the particularities of ‘soft law’, the influence of the Council, of its Conventions and Recommendations is not as restricted or insignificant as it may first seem. According to Carole Reich, representative of the



Council of Europe on the European Dimension of Intercultural Dialogue, a Recommendation is issued under the condition that each state expresses its willingness to adopt it.<sup>38</sup> Furthermore, according to Opinion no 9 (2006) of the Consultative Council of European Judges for the attention of the Committee of Ministers of the CoE on the role of national judges in ensuring an effective application of international and European law, the recommendations of the Council of Europe are indeed considered as 'soft law'. As the Opinion specifies, however, national judges, in applying the law, should, as far as possible, interpret it in a manner which conforms to international standards even if set by 'soft law'.<sup>39</sup> The decisions of the Committee of Ministers of the Council are transmitted as recommendations to member governments or are incorporated into European Conventions and agreements, which are legally binding on governments ratifying them. 'Soft law' standards are not without significance. They appear to have a growing effect, insofar as those states which do not reach up to them, strive to do so and feel obliged to explain their position. Only very few examples of persistent objectors to standards set by the CoE expert bodies can be ascertained (Kettelman 2006, p.122). Bulmer and Radaelli therefore reconsider their initial appraisal on the weak powers of such international actors, as the Council, claiming that, 'that does not mean that no Europeanization takes place, but simply that it is much more voluntary... This is why this form of policy is concerned with the convergence of ideas' (Bulmer and Radaelli 2004, p.7). The major 'idea', which the Council represents, aiming to promote Europeanization, is in this case the norms on freedoms of religion.

How can Europeanization be achieved? Traditionally, the CoE has been seen as a weak organization, lacking the supranational attributes of the European Union model. However, the Council does make decisions and these decisions do have an effect on national governments (MacMullen 2004, p.416). Within its field of operation, the Council can even act as a powerful instrument for European operation, since it cooperates and negotiates with the governments of its members, who are required to apply the recommendations and models of the Council in their own domestic constitutional systems. More specifically, the various project proposals are approved by the political institutions of the Council and, similarly, the findings and recommendations of each project are considered and approved by

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<sup>38</sup> See Chapter Six.

<sup>39</sup> <https://wcd.coe.int/ViewDoc.jsp?id=1063017>

these political institutions or are sent back for further development. There is an expectation that, in turn, Member States will implement policies set out in declarations or be influenced by them in policy development (Jackson 2009, p.36).

Moravcsik discusses the factors that determine the efficiency of international regimes for the promotion of human rights. He discerns that the 'remarkable record of success' of the West European system lies in two significant factors. In the first place, according to the liberal approach of international relations and international law, the key to achieving compliance is not relative power but rather the level of prior convergence of national preferences, of domestic practices and institutions. A precondition for this, admittedly slow, process of legal harmonization to be effective, is that it is directed to states that already effectively guarantee basic rights and have established democratic structures (Moravcsik 1995, p.159). By definition, therefore, this precondition leaves certain countries in a disadvantageous position, meaning further away from the norms that define a democratic ideal for the respect of human rights. As we shall see, such a differentiation concerns not only European vis-à-vis non-European countries, but is apparent within the continent, itself, and its supranational institutions.

Another key factor that explains the alleged success of the West European regime is the institutional instruments of compliance and human rights protection that organizations employ. The Council of Europe, in particular, uses what Moravcsik describes as a subtle but effective institutional apparatus to promote compliance, which consists of two provisions to ensure implementation: the enforcement of human rights by a supranational Court (discussed in the following sections) and the types of sanctions it imposes in response to non-compliance. Amongst the possible sanctions, the Committee of Ministers may dictate for instance that the Commission report be published, so that the particular violation of Human Rights principles by a specific state is made known to the public, both nationally and internationally. This measure has little effect today however, for, nearly all Commission reports are published anyway. In addition, 'the desire of responsible governments not to be seen to be repudiating their Human Rights obligations is...normally all that is needed' (Robertson and Merrill, in Moravcsik 1995, p.170). Where systematic violations of the Convention occur and judicial remedies are fruitless, the only recourse is to file

for a state-to-state complaint or, as the very last resort, to demand expulsion<sup>40</sup>. By deciding to therefore join the Council, states agree to participate in a complex network of agreements, rules and monitoring mechanisms, which create norms and common standards (MacMullen 2004, p. 422). As we have seen, commitment to meet the rules is guaranteed through certain instruments that the organization utilizes.

Lastly, amongst the different methods employed for compliance, and before the ultimate resort to expulsion, the efficiency of the Council system is based on the mechanism of 'shaming'. The way this works is by creating an international and domestic climate of opinion critical of those national practices that contradict the publicly expressed standards. The aim of the 'shaming method' is to link the legitimacy of foreign pressure and international institutions with the domestic sphere: international criticism, condemnation or monitoring is meant to unleash domestic moral opprobrium and to shift the domestic balance of power in favour of the protection of human rights (Moravcsik 1995, p.161). So, how 'shameful' are religious rights violations? And how important is a denunciation of national practices coming from abroad?

### **3.2. The 'Problem' of Definition: Which Religions? What Freedoms?**

In the previous sections we saw how the principle of 'religious freedom' was established as an important feature of liberal democratic societies. The European framework for the guarantee of religious rights through education emerged within the system of the Council of Europe and its respective mechanisms of promotion, monitoring and compliance. Transnational bodies sought to provide the type of formulation that would set the wider ground-rules about such a controversial and delicate issue as religion. Yet, not unlike other rights treated under the ECHR (or the UDHR), norms about religion are left open-ended and incomplete. In fact, courts are even reluctant to define what amounts to a 'religion' or 'belief' and, being too cautious of offering too narrow a definition, they stick instead to far more general ones; this way leaving a great scope for argumentation.<sup>41</sup>

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<sup>40</sup> The latter has only arisen as a possibility against the military government of Greece in 1967.

<sup>41</sup> See 'The Definition of "Religion of Belief" in Equality and Human Rights Law: [http://www.equalityhumanrights.com/uploaded\\_files/RoB/definition\\_of\\_religion\\_and\\_belief\\_eliza\\_beth\\_prochaska.pdf](http://www.equalityhumanrights.com/uploaded_files/RoB/definition_of_religion_and_belief_eliza_beth_prochaska.pdf)

Following the analysis of the compliance instruments and the relative power of the Council as a driving force of Europeanization, this section looks at the definitions of 'religion' and of 'religious freedoms' as distinctively controversial cases of human rights. The discussion demonstrates how the difficulties in providing a common agreement on the central *terms* being used has subsequent implications on the very ways in which the Convention terms are interpreted, incorporated into national legislation and policies and eventually implemented in practice. The section examines the question of definition and discusses one of the underlying weaknesses of the European framework of religious freedoms. The interest and significance of this thesis become therefore apparent as we move from the problem of *defining* freedom of religion to the problem of *applying* the freedom that has so been defined (Macklem 2000, p.53).

The varieties of national political trajectories and religious traditions in Europe partly help explain the difficulties in the construction of an international legislative framework that would represent a set of common guidelines for the protection of religious freedoms. Indeed, the debates during the drafting of most international treaties touching upon religion<sup>42</sup> reveal how the very meaning of the term, and of the freedoms that are granted in its name, becomes problematic. The discussions on the drafting of the declarations as well as the disagreement and ambiguity of terms denote that, from the time of their adoption, even though 'there was widespread agreement concerning the texts, it is clear that there was no real consensus concerning their interpretation' (Evans 1997, p.191).

In the first place, the very nature of religious beliefs became an issue of concern. Similar to the uncertainty surrounding the questions of manifestation of religious identity in schools (see section 4.2 of this chapter), while virtually all states agreed in theory on the protection of freedom of thought and religion, views on the *restrictions* that should be placed on the expression of this right were divergent. During the drafting process, there was, in particular, substantial disagreement over the right to ensure the manifestation of non-religious beliefs. The question of the freedom and the limits in the manifestation of religious beliefs is a prevalent topic in both national

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<sup>42</sup> UDHR, ECHR, EU Constitutional Treaty, Article 18 of the International Covenant on Civil and Political Rights, the 1981 Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief

and supranational legal cases. As we shall see later on, some of the key judgments and decisions of the European Court of Human Rights of such cases relate to the question of proselytism, where the association of religious freedom with the freedom to 'manifest one's religion' comes under close scrutiny. The *Cha'are Shalom VeTsedek v. France*<sup>43</sup> case concerned the accusation of the French authorities of the refusal to approve a liturgical association wishing to perform ritual slaughter in accordance with the strict prescriptions of an Orthodox Jewish association. In its ruling, the ECtHR observed that, even if the specific refusal can be interpreted as an interference with the right to freedom to manifest one's religion, 'the measure complained of, which is prescribed by law, pursues a legitimate aim, namely protection of public health and public order, in so far as organization by the State of the exercise of worship is conducive to religious harmony and tolerance'.<sup>44</sup>

From a legislative and public policy perspective, the lack of an agreed definition of what constitutes 'religion' is strongly relevant to the interest of this study, for it will re-emerge as a key determinant of the relationship between the different interpretations of the term – in both European and national contexts. The question of how great a degree of definition was necessary was recurrent during the drafting process of the Convention and the Committee of Experts itself felt unable to resolve this fundamental issue. Subsequently, the basis on which these rights are being granted becomes central to the scheme of Articles of the Universal Declaration and the Council of Europe 'since it is key to distinguishing between the forms of belief which give rise to freedom of manifestation and those which do not' (Evans 1997, p.289). The particular formulation of the Articles relating to religion becomes a legislative concern since 'vagueness, by definition, is legal uncertainty, and legal uncertainty threatens to undermine the reason for contracting in the first place' (Milgrom and Roberts in Keller and Stone 2008, p.10). Renata Uitz argues that a lack of proper legal definition of the most basic concepts often deters courts from providing principled guidance on the scope of constitutional protection for this manifestation of free exercise (Uitz 2007, p.56). Indeed, the Commission quite often rejects applications on the grounds that the applicant's qualification of certain acts as against their religious beliefs is questionable (Stavros 1999, p.58).

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<sup>43</sup> European Court of Human Rights, *Cha'are Shalom Ve Tsedek v. France*: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58738#{"itemid":\["001-58738"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58738#{)

<sup>44</sup> Appendix I: Key Judgments and decisions of the European Court of Human Rights in Jean-Francois Renucci (2005), 'Article 9 of the European Convention on Human Rights – Freedom of Thought, Conscience and Religion' (Council of Europe Publishing), p.75.

The main disagreements in this debate of definition centre on specific sets of distinctions. One such important distinction derives from the very terminology used in the legislation and questions the potential dichotomy between patterns of 'thought and conscience' on the one hand and of 'religion or belief' on the other. Similarly, a further recurring matter focuses on the distinction between the assumed 'traditional' or 'old' religions and the newer religions. The labelling of certain religious movements as 'sects', 'cults' or 'non-traditional/new church' may signify their exclusion from the scope of legal protection.<sup>45</sup> The Interim Report of the UN Special Rapporteur on freedom of religion or belief observes the generality of this phenomenon:

'In many States in different regions of the world, members of so-called non-traditional or new religious movements are the object of suspicion, both on administrative and societal levels, and some of them are subjected to serious limitations of their right to freedom of religion or belief' (17 July 2009, p.11)

These new religious movements lack the historical legitimacy of the traditional religions and find it hard, if not impossible, to claim the same rights under Article 9 of the ECHR. Even in countries with no established church,

'... the intensity of legal recognition tends to favour those churches which are understood (at least by an elite or a majority) to have contributed to the formation of the history, identity, culture or other underlying values of the polity' (Uitz 2007, p.94).

The case of Greece is indicative of this type of distinction. The historic religion of the Orthodox Church – as 'prevailing religion' of the state, according to the Constitution of 1975 – the Muslim minorities and the Jewish community appear to benefit from a special kind of treatment by the state, as opposed to those religions that do not hold such a form of historical recognition. These allegedly ostracized religions, in

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<sup>45</sup> The Interim Report of the UN Special Rapporteur on freedom of Religion or Belief also observes the generality of this phenomenon: 'In many States in different regions of the world, members of so-called non-traditional or new religious movements are the object of suspicion, both on administrative and societal levels, and some of them are subjected to serious limitations of their right to freedom of religion or belief' (17 July 2009, p.11).

particular Jehovah's Witnesses, the Catholic Church and Scientologists, experience both legal and cultural discrimination.<sup>46</sup>

Contrary to the recognition of an official state religion in Greece, the French state has no established church and more importantly claims not to offer special treatment to any religions. However, particular provisions are established for some of the more historic religions of the population, such as the Muslim minorities, the Jewish communities and the Protestant Church. Given the doctrine that has established complete state neutrality in France, the Catholic Church provides a useful indicator of both the circumstances under which the separation of church and state occurred as well as of the current position of the Church in comparison to the culturally less dominant religious communities. The French state's suspicion towards the 'new' religions becomes clear through the establishment of the *Mission Intermistérielle de Vigilance et de Lutte Contre Les Dérives Sectaires* (MIVILUDES) whose role is to monitor the activities of new religious movements. This institution which has attracted criticism from the Council of Europe (Parliamentary Assembly Resolution of 2002), as well as from the 2005 Report of the UN Special Rapporteur on Freedom of Religion, which monitors the functions of MIVILUDES and emphasizes that

'a number of improvements (...) remain to be carried out in order to ensure that the right to freedom of religion or belief of all individuals is guaranteed, and to avoid the stigmatization of members of certain religious groups or communities of belief, including those whose members have never committed any criminal offence under French law' (United Nations, Economic and Social Council, Civil and Political Rights, Including the Questions of Religious Tolerance – Report Submitted by Asma Jahangir, Special Rapporteur on Freedom of Religion or Belief, Mission to France 18 to 29 September 2005<sup>47</sup>).

But the question of definitions does not only concern the legal domain. From an educational perspective, the difficulty in providing agreed definitions proves equally problematic. In attempting to answer the question 'what "are" religions', Robert Jackson discerns that there are no straightforward answers to this question and that this has important implications for education. It determines, in the first place,

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<sup>46</sup> See Greek Helsinki Monitor (GHM), *Minority Rights Group: Religious Freedom in Greece*, September 2002.

<sup>47</sup> <http://infosect.freeshell.org/infocult/UNREPORTFRANCE832006.pdf>

whether religions will appear or not in the school curricula as well as the ways in which they are presented. In terms of intercultural education and anti-racism, Jackson further explains the danger of stereotyping about religions and of treating them as unified, single entities. It is easy to assume that each religion has a set of fixed beliefs on which all insiders are expected to agree. However, any study of religion in everyday life would reveal that this is not the case. This is precisely why, from a point of view of teaching and learning about religious diversity, 'we need pedagogical models that resist stereotyping and allow for differences within religious traditions to be expressed and understood' (Jackson 2006, p.23). The pedagogical methods for the treatment of religion will be discussed later on. Suffice here to comprehend that the disagreement over the main terms of Article 9 of the Convention has consequences both on the legislative and political framework of states and on the respective interpretation of the ECHR. The following section discusses the efforts of the Convention to fill in the gap of terminology and definitions.

### **3.3. Subsidiarity and Proportionality: the Role of the European Court of Human Rights in the Europeanization of Religious Freedoms**

The previous section has discussed how the 'problem' of definition becomes a serious predicament in the process of 'reception' and of interpretation of religious rights within the national context. The substance of the ECHR varies from fairly specific and concrete rules to very vague and indeterminate principles. A significant part of the critique against the Convention derives therefore from the uncertainty and confusion over the very terms on which certain rights are being granted. It is this gap that the European Court of Human Rights (ECtHR) seeks to fill. One of the Court's most important functions is precisely to specify the content of the Convention by weighing and balancing the counterweighing considerations (Harmsen 2011, 193). As we shall see, the institutional role of the Court, though directed towards solving the problem of definition amongst others, generates nonetheless some further questions about the very nature and the limits of the Convention system. In spite of the attempt to provide answers, the intervention of the Court may in fact constitute a further impediment to the Europeanization process of freedoms of religion in particular.



Most states have enhanced the nature and status of the Convention through the incorporation of the Convention into domestic law (see section 3.1). As a mechanism of integration, the ECHR constitutes nonetheless an exceptional case primarily in the sense that, unlike other international treaties, it enables individuals to bring complaints to the Court. This facility of the Convention system only developed gradually and did not become available to every Member State until the 1990s. In addition to the incorporation of the Convention in domestic law, therefore, under Protocol no.11 of the Convention individuals may petition, themselves, the Court after having exhausted domestic remedies. The effective impact of the Convention system is demonstrated by the fact that at the end of this process the state is obliged to comply with any adverse findings of the Court. Amongst others, Britain changed its laws on telephone tapping, contempt of court and the treatment of transsexuals, Germany gave non-German speaking defendants the right to an interpreter and Ireland decriminalized homosexuality (Douzinas 2007, p.25). In the domain of religious freedoms, specifically, the ECtHR has also played an effective role towards promoting change in domestic arrangements. Such is the case, for instance, with Moldova, which reformed its Law on Religious Denominations, recognizing religious freedom and providing effective remedies as well as Bulgaria, which, following a decision by the Court, decriminalized conscientious objections and introduced alternative service to military obligations.<sup>48</sup>

The Court and its decisions function in a manner comparable to the 'Constitution' of states. Its establishment can be seen as an institutional response to the incomplete contract; that is, to the problems of uncertainty, vagueness of terms and enforcement discussed in the previous sections. Thus, 'adjudication then functions to clarify the meaning of the constitution over time, and to adapt it to changing circumstances' (Milgrom and Roberts qtd in Keller and Sweet 2008, p.10). The extent however to which such a function by the Court contributes to the emergence of a common perception amongst states of what these rights actually represent remains questionable. By looking at the ways in which the ECtHR functions, a clearer picture of the power relations between the Convention and national systems is drawn, helping us understand how matters of religious freedoms are handled and eventually resolved.

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<sup>48</sup> For a selection of general measures adopted following judgements of the ECtHR see CoE (2010), 'Practical Impact of the Council of Europe Monitoring Mechanisms', Part 2: 'Practical Examples of the Impact of the Council of Europe Monitoring Mechanisms on Member States'.

## The Decreasing Role of the ECtHR

For over fifty years, the Court has been considered as the core institution of the ECHR. A growing number of voices however argue that this is no longer the case, due to a number of reasons that have to do as much with the problems inherent to the Convention system, as with the exceptional difficulties of the task undertaken by the Court. The ECtHR has been suffering from a considerable increase in its caseload, as it is confronted with over 50,000 new petitions per year, and an accumulated backlog over the 100,000 mark (Harmsen 2011, p.120). A systemic problem with the Convention system is thus intimately linked to complaints about delays in the administration of justice<sup>49</sup>. Arguably the greatest challenge of this supranational Court however is the constant struggle to maintain a balance between national and international jurisdictions, preserving, at the same time, the cohesion and the legitimacy of the system for the safeguard of human rights. The thesis focuses on this fundamental responsibility of the Court and examines the ways in which this European institution maintains the balance between the diversity of national and European dimensions, with the overarching objective to guarantee the shared value of religious freedoms.

An indicative demonstration of the limitations imposed on the functions of the Court, the Strasbourg organs' attempt to formulate unified policies is compromised by the need to take into account differences deriving from disparate cultures, religions, languages and traditions among Member States. Religion here distinguishes as one of the main dimensions of this European diversification. The process of European integration, through legislative principles such as the ones of the ECHR, brings into close contact countries that have constructed themselves as political communities and as democracies with different relationships to religion (Willaime 2009, p.25). The question is how close can these countries actually come in terms of religious freedoms and, by extension, what is the role of the Convention system in promoting this rapprochement and in ensuring its successful cooperation.

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<sup>49</sup> This is the main argument of British Prime Minister, David Cameron, who, in his message to Strasbourg claimed that the endless backlog of 'small violations' have rendered the ECtHR a 'small claims court', undermining its own reputation as a Court that is meant to deal with the most serious violations of Human Rights (<http://www.guardian.co.uk/politics/reality-check-with-polly-curtis/2012/jan/25/european-court-of-human-rights> ).

According to Judge Evrigenis, the role of the Convention is to establish a 'minimum standard' for the protection of human rights:

'The Convention is not an instrument of uniform law... It merely establishes a standard for the protection of rights which it guarantees, while leaving States free, firstly, to go beyond this standard and, secondly, to select the legal ways and means of protecting them. On the basis of these features, one could describe the Convention as an instrument which harmonized the law of Contracting States around a minimum standard of protection' (qtd in Arai-Takahashi 2002, p.17).

The role of the Convention system is to therefore establish the desired objective in each case and to ensure its realization. The means however to reach this given end remains a matter of national choice and responsibility. As we shall see, this very fact explains to a large extent the diversity in the national interpretations of the Convention's objectives. Moreover, as an implication of the role of the Convention to set these 'minimum standards', the impact of the ECHR on the domestic legal systems is differential. Relevant evidence shows that the influence of the Convention varies between states: whereas in some cases it has been broad and pervasive, in others it remains weak or unregistered.<sup>50</sup>

European human rights law has therefore only become centralized in theory. In practice, we may expect to find a pluralistic legal order in which human rights standards vary from state to state, and from institution to institution (Christoffersen 2011, p.195). The role and the responsibility of the ECtHR in promoting convergence has been considerably limited, precisely because of the exceptional demands placed on it: the Court must craft a jurisprudence that maintains both an overall coherence and a more specific relevance across a range of cases which include established democratic, newly democratic, and significantly undemocratic regimes (Harmsen 2011, p.142). Such challenges have generated a series of discussions on the need to reform the system. Harmsen asks, for instance, what roles Strasbourg can most effectively play in the protection and development of human rights across the diverse member of a pan-European community (Harmsen 2011, p.143)?

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<sup>50</sup> See Keller, Hellen& Alex, Stone Sweet (2008) 'A Europe of Rights: The impact of the ECHR on National Legal Systems'. Oxford University Press, USA.

The decreasing role of the Court further manifests itself through a simultaneous empowerment of the role of Member States' domestic authorities under the ECHR. If the institutional role of the Court as a supranational guarantor of the human rights principles that countries are required to secure diminishes, what would act as the key Europeanization force in matters of religious freedoms? In other words, when more power is given to states, does the likelihood of Europeanization increase or is it seriously challenged?

### The Principles of Subsidiarity and Proportionality

Certain legislative doctrines are utilized to ensure that the Court respects and does not overrule national authorities, who arguably have a better understanding of the circumstances underlying their respective societies and are best placed to adjudicate human rights disputes both in good faith and in accordance with international standards. According to Christoffersen (2011), this is why we have the 'principle of subsidiarity' (p.191). The legal basis of the doctrine on subsidiarity, also referred to as 'margin of appreciation', is to be found not only in the jurisprudence of the French *Conseil d'État* ('*marge d'appréciation*'), but of the system of administrative law within every civil law jurisdiction. The doctrine has been developed in an attempt to strike a balance between national views of human rights and the uniform application of Convention values. It is inherent in, and naturally derived from, the original understanding that the Convention should serve as a system complementary but subsidiary to national systems (Arai-Takahashi 2002, p.3). In theory, the margin of appreciation restricts the Court's powers of reviews and places corresponding wider obligations on Member States. In practice, it means that the Court grants an enlarged measure of discretion to domestic authorities in their interpretation of the ECHR (Christoffersen 2011, p.183).

But does the principle of the margin of appreciation signify that states are free to interpret the Convention the way they wish, with no intervention from the Convention whatsoever? Does 'subsidiarity' run the risk of domestic authorities taking advantage of the room for manoeuvre to stretch the margin of appreciation offered to them to its limits? In doing so, the Convention would in fact violate one of the core principles of international human rights law, which treats 'individuals' as

central and purports to give them 'rights', as against the principal subjects of public international law, namely 'the states' (Arai-Takahashi 2002, p.17).

It appears that domestic authorities do not have complete freedom in the interpretation of the ECHR. In the first place, national governments are normally assumed to approximate their understanding of the Convention terms, even where there is vagueness and lack of clarity over norms, to the Court's interpretation of the ECHR (Christoffersen, 2011, p. 193). To counterbalance moreover the potential risk of the margin of appreciation, the Convention system resorts to the principle of 'proportionality', which has been conceived to restrain the power of state authorities to interfere with the rights of individual persons. It should therefore be regarded as a device for the protection of individual autonomy (Arai-Takahashi 2002, p.2).

What are the criteria of application of the principle of subsidiarity on the one hand and of the one of proportionality on the other? How do these two principles affect the Court's decisions in cases relating to Article 9 of the ECHR? The Court considers the lack of a unique European consensus on the significance and the treatment of religion within modern societies. It therefore accords a 'certain' margin of appreciation to domestic authorities, as they are seen as better suited to determine the threshold between appropriate and unacceptable behaviour that violates Article 9.<sup>51</sup> In *Wingrove v United Kingdom*, which questioned the legality of the British authorities' refusal to license the distribution of the applicant's allegedly blasphemous video film, the Court held that:

'By reason of their direct and continuous contact with the vital forces of their countries, State authorities are in principle in a better position than the international judge to give an opinion on the exact content of these requirements with regard to the rights of others as well as on the 'necessity' of a 'restriction' intended to protect those whose deepest feelings and convictions would be seriously offended'.<sup>52</sup>

Domestic agencies are thus accorded considerable latitude by the Court in determining what measures are necessary to protect the Article 9 beliefs of persons within their societies (Mowbray 2004, p.191).

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<sup>51</sup> See, for instance, *Otto-Preminger-Institut v Austria*:

<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57897#>

<sup>52</sup> [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58080#{\"itemid\":\[\"001-58080\"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58080#{\)

The question on the 'margin of appreciation' in the jurisprudence of Article 9 emerges particularly through the issue of proselytism and the ways in which the Court attempts to balance competing interests in its rulings. Similar to the other terms treated under international human rights law, there exists no settled definition of proselytism. Used in a neutral sense, the term refers to an act of confessing and communicating one's religious beliefs, and as such, is in close connection with such manifestations of free exercise as dispersing religious teachings, evangelization and missionary activities (Uitz 2007, p. 56). Even though freedom to manifest religious belief does also include and guarantee an attempt to proselytize or to convert, the controversy over proselytism revolves around the ways in which this exchange of ideas is done and whether this process entails any means of harassment or even pressure. While proselytism is a clear instance of the freedom to manifest one's religion or belief, it is also an activity which aims at the conversion of another to a faith of the proselytiser's own (*ibid*). Here again, the question is whether the national understanding of proselytism prevails over attempts to create a common definition of the term.

Through certain cases of proselytism, the Strasbourg organs show their inclination to make their own, independent evaluation, often replacing the outcomes of the national authorities' assessment (Arai-Takahashi 2002, p.96). In the *Larissis* case<sup>53</sup>, for instance, which concerned Greek Air Force officers convicted of the crime of proselytism, the Strasbourg organs took a more critical view than that of the domestic court's findings and abandoned any references to the 'margin of appreciation'. It is important to note here that the specific ruling of the Court, and its readiness to let go of the principles of subsidiarity, has been however criticized. Arai-Takahashi explains that 'the Court's reliance on the domestic court's findings squarely contradicted the evidence that there was no improper pressure from the applicants upon the junior airman at issue' (*ibid*). As Judge Van Dijk mentioned in his dissenting opinion, 'one cannot escape the impression that the Strasbourg organs, without their own independent and critical examination, too readily succumbed to the presumption that due to the position and rank an improper influence must have been exercised over the lower ranking person in the army' (*ibid*, p.97).

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<sup>53</sup> *Larissis and Others v Greece*: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58139#{"itemid":\["001-58139"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58139#{)

Indeed, given the ‘fundamental nature’ of freedom of religion in democracy recognized by the Court (see Introduction), there is an overall tendency to intensify the standard of proportionality in relevant cases, rather than allowing national discretion. Two further cases from Greece are indicative of such tendencies to constrain the use of subsidiarity solely to rhetoric. In both the *Kokkinakis*<sup>54</sup> and *Manoussakis*<sup>55</sup> cases, the Court recognized the margin of appreciation as a *rule*, but was willing at the same time to apply a high degree of the standard of proportionality. In the first case, concerning the Greek state’s constitutional prohibition of proselytism<sup>56</sup>, the Greek court’s failure to ‘sufficiently specify’ in what way the accused attempted to convince his neighbour by improper means, was decisive for the conclusion that the applicant’s conviction for proselytism was out of proportion (*ibid*, 99). Similarly, the Court concluded that the Greek national and ecclesiastical authorities’ attempt to prohibit the construction of a place of worship for Jehovah’s Witnesses in the *Manoussakis* case, constituted a negation of the reality of ‘religious pluralism’ and a violation moreover of the applicant’s freedom of religion.

The above examples suggest that it is evidently difficult to identify any general policy in the field of the jurisprudence of Article 9. Depending on the case and on the country concerned, the Court chooses to either interfere in the rulings of the national authorities, questioning their validity in terms of the safeguard of religious rights, or to place responsibility on the domestic forces, which are seen as better suited to offer the most appropriate decision that would not violate the Convention. These variations in the Court’s rulings are reflected in the dynamics that define the relationship between domestic authorities and the role of the Convention and of the Court as protectors of the religious freedoms, which they claim to represent and to guarantee.

The analysis of the Convention system, with the particular role of the Court, is essential for the study of the Europeanization of religious freedoms and leads us to some critical questions. To use Judge Evrigenis’ wording, we have seen how the European framework sets out the ‘minimum standard’ over terms of freedoms of

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<sup>54</sup> *Kokkinakis v. Greece*: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57827#{"itemid":\["001-57827"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57827#{)

<sup>55</sup> *Manoussakis and Others v. Greece*: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58071#{"itemid":\["001-58071"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-58071#{)

<sup>56</sup> See Chapter Four.

religion and education, as it was first established with the Convention and subsequently developed and reinforced through the recommendations and Conventions. But to what extent do states take into consideration this 'minimum standard' set out by the Convention and how do they interpret it? In which cases and under what circumstances does the Court choose to intervene in the domestic setting? The Convention system functions within a context of complicated geopolitical realities (Harmsen 2011, p.143), which are in this case primarily reflected through the diversity of national histories and approaches to matters of religion and education. An evident reluctance or, contrastingly, a potential willingness of the Convention to intervene in such 'protected spaces' of domestic affairs, sheds light on the dynamics of the interaction between national and international authorities.

#### **4. Freedoms of Religion and Education: Critical Aspects of Europeanization Between Theory and Practice**

The final part of the chapter looks into how the European framework on religious rights can be translated into educational practices, with a view to safeguard freedoms of religion. In other words, what are the crucial questions that emerge out of the handling of religious rights in European state schools? What can state schools do to ensure the protection of religious rights according to the European recommendations? An attempt to answer these questions is essential for the analysis of the comparative study of education systems in European states.

The studies and research projects both of the UN and the CoE are instrumental in demonstrating the key aspects that determine the educational treatment of religious freedoms. Two overall factors are accordingly considered as indicative of the type of education that states may adopt with respect to religious rights. In the first place, (i) respect and guarantee of religious freedoms is reflected through the type of religious education or religious instruction<sup>57</sup> provided by each national education system. Secondly, (ii) an equally important indicator of the national understanding of religious freedoms is seen through the national laws regulating matters of religious expression and religious manifestation in the context of state education. It is on

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<sup>57</sup> The distinction between the two will be discussed later on.



these two aspects that we will elaborate to understand their meaning, their potential contribution towards the guarantee of freedoms of religions and the implications for the policy agenda of national education systems.

#### **4.1. Religion in Education: Teaching and Learning Approaches and Educational Objectives**

This section addresses the following crucial questions: how can we define religious education? And what type/s of religious education are most compatible with the European framework for the guarantee and promotion of religious freedoms? The Council of Europe recommends specific pedagogical approaches, which are meant to serve as a frame of reference for European states for the organization of their religious education policies, with a view to safeguard freedoms of religion.

The overarching question treated here comes down to ‘how does one define religious education?’, the answer to which is very hard to find, not least because of the diversity of perceptions of the matter. A study of the UN’s Special Rapporteur on the question of religious intolerance attempts to provide a definition of the concept of ‘religious education’. The study states how ‘religious education should be conceived as a tool to transmit knowledge and values pertaining to all religious trends, in an inclusive way, so that individuals realize their being part of the same community and learn to create their own identity in harmony with identities different from their own’. As such, the study continues, ‘religious education radically differs from catechism or theology, defined as the formal study of the nature of God and of the foundations of religious belief, and contributes to the wider framework of education as defined in international standards’.<sup>58</sup> The above definition points to two important aspects of the doctrine of religious education within the framework of human rights: it aims first of all at familiarizing students with their own religious tradition, while it also serves the purpose of broadening the students’ general knowledge about different religions and beliefs, in particular those religions and beliefs they may encounter in the society in which they live.

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<sup>58</sup> United Nation’s Study Paper on “The Role of Religious Education in the Pursuit of Tolerance and Non-Discrimination.

In terms of the pedagogical approaches, Michael Grimmitt makes a crucial and useful distinction between the processes of 'learning religion', 'learning about religion' and 'learning from religion'.<sup>59</sup> The very first case of simply 'learning religion' describes the situation where a single religious tradition, namely the predominant religion of a given state, forms the basis of the education curriculum with the aim of enabling pupils to believe in this tradition or to strengthen their commitment to it. The approach of 'learning about religion' presents a descriptive and historical perspective and comes as a reaction to the indoctrinating purpose of the mono-religious situation of the previous process. It seeks to avoid giving unfair advantage to any particular religion and adopts instead a non-religious perspective in the study of religious sources, often under the titles of 'education in comparative religion', 'phenomenology of religions', 'history of religions' or 'ethnography of religions'. Finally, the principal objective of the last approach, 'learning from religion', is the humanization of the students, who can gain educational benefit and enhance their spiritual development from the study of religion. It is not simply a case of students learning about religion, but rather of religions themselves shaping and influencing the intellectual mind-set of students.

As an attempt to offer guidance and solutions to European states, the Council of Europe focuses on the number of pedagogical approaches to teaching about religions and beliefs in schools. In 'Religious Diversity and Intercultural Education', the CoE provides a reference book for schools and sets certain principles about the ways in which states should be required to form their pedagogical approach to religions and beliefs. As such, the following four suggestions require 'a school ethos in which difference is respected and Human Rights principles are upheld' (Toledo Guiding Principles, p.47): the one of phenomenological approach, the interpretive approach, the dialogical and the contextual approaches. These teaching and learning approaches provide different ways of enabling students to develop a genuine understanding of others and may encourage others to reflect on their own practice (Religious Diversity and Intercultural Education, 2006, p.33). They represent the recommended educational methods put forward by the Council for the organization of religious education by states.

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<sup>59</sup> Grimmitt qtd in Hull, 'The Contribution of Religious Education to Religious Freedom: A Global Perspective', International Association for Religious Freedom: <http://www.iarf.net/REBooklet/Hull.htm>).

Some of the key elements defining the *Phenomenological Approach* are teaching in order to promote knowledge and understanding, not to promote a particular religious or non-religious view, to avoid imposing one's own views and attitudes upon another's religion or way of life and, as far as possible, to empathize with the person from another religion or way of life. The phenomenological method is especially suitable in situations where pupils and teachers are expected not to share their own personal views on religion (Jackson 2006, p.49). Interestingly, an example of school material, which takes a broadly phenomenological approach, is a series of books written and published in France for students of Catholic Schools (*ibid*, p.50). The *Interpretive Approach* was developed at the University of Warwick in England and has been used in other countries, such as Germany, Norway and South Africa. In this approach, religious traditions are presented not as homogeneous systems, but in ways that recognize diversity within religions and the uniqueness of each member. Students are not expected to set their own presuppositions aside (as in phenomenology), but should compare their own concepts with those of others, with the aim of re-assessing their own ways of life (Jackson 2006, p.56). The third recommended approach – the *Dialogical* one – is based on the potential of dialogue as an educational instrument to avoid conflict – intercultural conflict in general and religious conflict in particular. Provided that the partners in dialogue agree to listen to each other and to progress, the dialogical method can serve to discover others (their horizons, values, beliefs, etc.), to help acquire the skill of empathy (Ipgrave 2006, p.63). Lastly, the *Contextual Approach* uses a common feature or a meeting place in the cultural environment of students as a basis for inter-religious and intercultural learning. Such 'authentic settings' can serve as a common ground for education, especially where there is lack of textbooks or other teaching material in the educational system (Leganger-Krogstad, 2006, p.72).

Regardless of the theoretical utility of these recommendations, their appropriation by states in their actual systems of education, as well as the very character of RE overall, remains a matter of ambiguity, as reflected in the rulings of the Convention. In fact, just like international institutions have been struggling with definitions of *religion freedoms*, so they seem unable to provide a single, agreed meaning of *religious education*. While the ECtHR is supportive of religion being taught in European classrooms, it is less clear about *how* this should be done in practice. This is illustrated by the fact that the Court sometimes simultaneously refers to the educational position of religion in two separate ways, using the terms religious

education (RE) *and* religious instruction (RI).<sup>60</sup> The distinctions that could be drawn between RE and RI are significant. RI is usually synonymous with the type of education that is based on a particular faith and which could even take the form of indoctrination, as the student might be expected to adhere to a particular religious tradition. The narrow, prescriptive focus of RI is contrasted by the more liberal educational goals of RE, which typically encompasses the study of a wider range of beliefs and seeks to encourage the students to critically examine a range of values and opinions, including their own (Cumper, 2011). The interchangeable use of RI and RE in the discourse of the Court indicates an underlying uncertainty that characterizes its judgments. At the same time, it raises questions about the potential influence of its rulings in relation to the effective setting of standards. To what extent do states take into consideration the distinctions between the two terms in the planning of their education systems? This question is tackled in Chapter Three, which looks specifically at the different types of religious education implemented across the national education systems in Europe.

#### **4.2. Religious Expression in Education: Views and Considerations**

The following criterion that is considered to determine the relationship between education and religious rights concerns the issue of religious symbols and, by extension, of religious manifestation. Here again the debate is wide and the reports of the institutional representations of religious freedoms, as well as the cases that have reached national and international courts, reflect the ambiguity and controversy of the matter: from the expelling from schools of students or teachers observing religious dress codes to the compulsory display of symbols in the classroom, such as the crucifix. The studies of the European institutions themselves suggest that no general guideline can be formulated for the very reason that 'different constellations may require different solutions, which should be precisely

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<sup>60</sup> In *Hasan and Chaush v. Bulgaria* (2000), note 7 *supra*, reference to 'religious instruction' is found in para 21, 28, 49, 71 and 84, whereas 'RE' is used in paragraphs 30-34, 39 and 71. In contrast, in *Kjeldsne, Busk Madsen and Pedersen v. Denmark* (1976), note 35 *supra* and *FolgerØ and Others v. Norway* (2007), note 9 *supra*, the Court only makes reference to 'religious instruction'. In *Grzelak v. Poland* (2010), the Court appeared to use both terms interchangeably in the same sentence [paras 55 and 77 – in para, 104, 'RE' is used to describe the Polish model, whereas elsewhere the term 'RI' is employed in this context' (Cumper 2011, p.219).

assessed on a case-by-case basis'.<sup>61</sup> The variety of interpretations and approaches, where a particular context is likely to determine the respective outcome, renders this process of Europeanization a distinctively difficult one. The overarching question that this section addresses is nonetheless straightforward: should or should not religious expression and the manifestation of religious symbols be allowed in view of religious freedoms in education? And which, if any, are the limits that should be placed in this type of freedom?

To begin with, what does religious manifestation in the school entail? In the reference book, 'Religious Diversity and Intercultural Education', Milot (2006) notices that there are manifestations of religious diversity in schools whatever their type: one only has to think of the wearing of distinctive religious symbols or ritual requirements (dietary or other) specific to certain religious groups. However, the religious dimension goes far beyond these visible signs, going right into the heart of the convictions and values that define individual and group identities (*ibid*, p.15). In the same reference book, Peter Schreiner talks about the School as a 'safe space' primarily in the sense that it can provide a secure environment to foster self-expression, to explore differences outside a context of insecurity, fear and tension and to share, tell and listen without ready-made statements (p.38).

There seems to be a common understanding therefore that the religious identities and their respective manifestation is to be found within schools in Europe, which are asked to allow and moreover encourage this type of self-expression in a neutral environment. We could begin by presuming that, precisely in light of the freedom to manifest (or not to manifest) one's religion or belief, students have the right to wear religious symbols at school and to express their religious beliefs. In addition, religious symbols at school may also help reflect the religious diversity, as it exists in society at large. In this sense, guaranteeing the freedom of religious manifestation becomes a mechanism for the recognition of religious diversity and for fostering the type of tolerance inscribed in human rights principles.

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<sup>61</sup> Human Rights Council Sixteenth session Agenda item 3 – Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt (15 December 2010), p.13.

But the freedom to manifest one's religion or belief does not come without restrictions. As we have discussed, in acknowledging this right, Article 9 of the ECHR further adds that

'Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others'.

By this last provision, the CoE proposes a general framework on the limitations to be imposed on the rights of religious expression and manifestation, the application of which requires precision. The reasoning, however, behind the limitations of religious manifestation raises each time the complex question of when is the imposition of restrictions on such an act of manifestation or of religious practice indeed legitimate? And legitimate according to which standards? To mention one of the widely known, timely examples, it is challenging to discern which of the two conditions – the one allowing the wearing of religious symbols by students or the one inhibiting them – is compatible with the principles of religious freedoms, as promoted through the ECHR. It is nonetheless through these critical cases that the content of the Convention itself is arguably shaped and determined, with the overall purpose of eventually providing a more stable and wholesome set of religious rights standards in Europe.

Let us approach this question by looking at the different contexts in which the presence of religious symbols may be considered as compatible or incompatible with the framework of religious rights. In the first place, any restrictions for instance on the freedom to observe religious dress codes must be formulated in a non-discriminatory manner, i.e. if restrictions were applied to favour only a dominant religion of the state concerned. Such a case would be in breach of the principle of non-discrimination and would therefore constitute a clear violation of the right to freedom of religion.

Following the debate on proselytism and religious indoctrination, the UN Special Rapporteur asserts that 'it may be difficult to reconcile the compulsory display of a religious symbol in all classrooms with the State's duty to uphold confessional

neutrality of equality and non-discrimination'.<sup>62</sup> Similarly, the banning of religious symbols at schools as a means to combat extremism has formed an important concern of both national political authorities and of the UN. Manifestation here becomes a security problem and is considered to foster the extremist religious expressions that form a serious threat to the security and cohesion of societies. The UN Special Rapporteur points out however that in facing their genuine security problems, States will fully respect their fundamental obligations in the area of civil and political rights and will take the opportunity to focus on the promotion of rights which make it possible to adopt an essentially preventive approach, attacking the root causes of extremism and intolerance rather than in their over manifestations. Once again, action in the area of education and culture is a requirement and a prerequisite for any effort to combat extremism and intolerance; to do otherwise would constitute a mere reactive response with no impact on the future.<sup>63</sup>

Contextual particularities have to inevitably be taken into account when dealing with the legitimacy of restrictions on the right to manifestation. In therefore introducing specific principles about education and religion adopted by states, Mark Halstead suggests that

‘where schools refuse children the freedom to wear symbolic clothing or other symbols of religious commitment, this may be justified in terms of letting children leave their differences outside the school gate’ (Halstead, p.834).

In such cases, limitations are imposed on the grounds of neutrality, followed by a specific concept of integration that emphasizes above all the need for a homogenization of cultural values amongst its citizens. It is important to stress at this point that this interpretation primarily sees the danger of the divisive capacity of religion. Accordingly, the manifestation of religious symbols at schools constitutes an obstacle to integration, on the grounds that these symbols serve to entrench difference and inequality between school pupils. The most obvious illustration of

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<sup>62</sup> Human Rights Council Sixteenth session Agenda item 3 – Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt (15 December 2010), p.13.

<sup>63</sup> UN General Assembly – Elimination of all forms of religious intolerance. Note by the Secretary General, 19 August 2003, p.23-24.

this distinctive view of religious manifestation in education is the French education system, which will be treated extensively in the chapters to follow.

Views are directly conflicting over the above-mentioned issue. Advocates of integrationist theories, on the one hand, support the accommodation of individuality and the particular manifestation of one's religious beliefs. These advocates refer to the provisions of the ECHR to support the wearing of religious symbols as a self-evident right in a pluralist environment. On the other hand, comes the conviction that state neutrality and the desired accommodation and integration of religious diversity can only be successfully achieved provided that students – and teachers – do not manifest the principal features that differentiate them so evidently from one another. In projecting their dissimilarity, these features stand as impediments to community cohesion and the construction of a collective identity. But which of the two approaches would be more compatible with the principles of religious freedoms, as promoted by the European recommendations? The difficulty in providing an answer to this very crucial question reveals the core of the problem underlying the system of religious rights protection at a European, if not at an international, level.

#### **4.3. The ECtHR and Religious Manifestation: European Consensus or the Limits of Europeanization?**

The European Court of Human Rights is particularly cautious and hesitant in giving absolute rulings over questions of the compatibility of religious manifestation in schools with Article 9 of the Convention. The ambiguity of the matter, where every ruling of the Court is likely to raise more questions than give answers, is evident in a number of different cases.

In the first place, the Court has ruled on the particular status of teachers who, when wearing religious symbols in class may have an undue impact on the students. The *Dahlab v. Switzerland*<sup>64</sup> case of February 2001 brought under investigation the issue of neutrality of teachers, expressed through their outfits, and of whether this would constitute a violation of Article 9 of the Convention. The Court admitted that it is

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<sup>64</sup> [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-22643#{\"itemid\":\[\"001-22643\"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-22643#{\)



difficult to estimate the impact that a strong religious symbol, such as the Muslim headscarf, may have on the freedom of conscience and religion of children. What was crucial in this case was the young age of the students (4-8 year old), which arguably made them particularly vulnerable and impressionable to such ostensible religious signs. In its decision therefore, the Court ruled that the interdiction of the wearing by teachers of religious symbols in school establishments was compatible with the ECHR. At the same time however, the Court raised a series of crucial questions relevant to such cases. Most notably, the Court's decision further discusses the proselytizing effect of a symbol as the headscarf and asks whether the banning of this is reconcilable with the message of tolerance and with the democratic principles of respect of one another, of equality and of non-discrimination that a teacher should convey to their students.

In *Dahlab v. Switzerland*, the various decisions of the Court have arguably provided some elements of the jurisprudence, which seems to be justifying the arguments *against* the compatibility between religious manifestation in schools and Article 9. The following cases distinguish, as they are indicative both of the lack of a general policy of the Court and of the ensuing tendency to call upon the principle of subsidiarity. In *Dogru v. France* and *Kervanci v. France*<sup>65</sup>, two Muslim students attending a state secondary school had, in numerous occasions, refused to remove their headscarves during physical education classes. Following the decision of the school's discipline committee to expel them for breaching the duty of assiduity by failing to participate actively in those classes, the students appealed to the ECtHR. In its turn, the Court seemed to consider the decision of the domestic authorities – which claimed that the wearing of a veil, such as the Islamic headscarf, was incompatible with sports classes for reasons of health or safety – as reasonable. Moreover, the Court specified in its decision that the students' expulsion was not due to their religious convictions, but it rather came as a penalty for not abiding by the specific rules of the school. The Court therefore found no violation of Article 9.

The ECtHR further declared a similar case on the limits of religious manifestation concerning students of Muslim religion in French state schools as inadmissible. In *Aktas v. France*, *Bayrak v. France*, *Gamaledyn v. France*, *Ghazal v. France*, *J. Singh v.*

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<sup>65</sup>[http://hudoc.echr.coe.int/sites/engpress/pages/search.aspx#{"display":\["1"\],"dmdocnumber":\["843951"\]}](http://hudoc.echr.coe.int/sites/engpress/pages/search.aspx#{)

*France and R. Singh v. France*<sup>66</sup>, six pupils – both boys and girls – were expelled from their state schools in France for refusing to remove the Islamic headscarf or kerchief they were wearing. This act was, according to both school and national authorities, a failure to comply with the Education Code (discussed in Chapter Five). The Court in Strasbourg gave full primacy to national interpretation, claiming that interference with the pupils' freedom to manifest their religion was prescribed by law and pursued the legitimate aim of protecting the rights and freedoms of others and of public order (European Court of Human Rights, Factsheet – Freedom of Religion, August 2012).

It appears therefore that over such controversial matters, the ECtHR relies to a significant degree on the rulings of national authorities and accepts them as 'reasonable' judgements. This is precisely what the above-mentioned cases concerning the state of France suggest. Interestingly, the 'margin of appreciation' is evoked in those cases where the Court recognizes an overall *lack* of a 'European consensus', as in *Lautsi v. Italy*<sup>67</sup> of 2011. This case concerned the presence of religious symbols in all classrooms, particularly mentioning crucifixes, which Ms Lautsi considered contrary to the principle of secularism by which she wished to bring her children up. According to the applicant, the presence of religious symbols constituted moreover a violation of Article 9 and of Article 2 of Protocol No.1 (Right to Education) of the Convention. In its Grand Chamber judgment, however, the Court found that there was no violation of Article 9. It held, in particular, that, considering the lack of a European consensus, the question of religious symbols in classrooms was, in principle, a matter falling within the margin of appreciation of the state, provided that decisions in that area did not lead to a form of indoctrination (*ibid*). As for the presence of crucifixes in state schools in Italy, this was not taken to necessarily signify a compulsory teaching of Christianity at the expense of other religions or beliefs.

The European framework of religious rights and education supports the theory that the school is a place where religious expression – whether visible or invisible – should be allowed and encouraged, within a context of non-discrimination, of neutrality and respect for diversity. Concerning the issue of manifestation of

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<sup>66</sup>[http://hudoc.echr.coe.int/sites/engpress/pages/search.aspx#{"display":\["1"\],"dmdocnumber":\["852662"\]}](http://hudoc.echr.coe.int/sites/engpress/pages/search.aspx#{)

<sup>67</sup>[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-104040#{"itemid":\["001-104040"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-104040#{)

religious symbols, the Court's jurisprudence shows no general, common policy. We see, rather, a discrepancy between the human rights theory that religious manifestation should be permitted – within the prescribed limits – as it forms a basic part of religious freedoms, and the practical interpretation and implementation of these. As seen through the jurisprudence on Article 9, the Court gives special importance to the role of the national decision-making body, in view of the diversity of approaches taken by national authorities on the issue. The principle of subsidiarity is summoned to justify the Court's non-interference in cases which are hereby understood as matters of a primarily domestic concern or over which there exists no 'European consensus'.

But, how much of a consensus is there, in reality? Do the European norms not represent this presumed 'consensus' seen as necessary for states to make similar decisions, take similar measures and understand things in the same way – in other words, to Europeanize? Or, is the 'margin of appreciation' the way to fill the gap for the absence of a European consensus? If the latter is indeed the case – meaning, if national legislations eventually prevail over common European rulings – then a serious obstacle is raised in the search for the possibility of convergence in the normative understanding of religious rights in Europe. Furthermore, such a finding would support the view that both the perception of the content and purpose of religious education and of religious symbols in schools, are above all expressions of the model of integration that each state adopts and, subsequently, of the role and place of religion within this model. Thus, does the plurality of – often opposing – models of integration through education inhibit the emergence and establishment of a common European norm of religious rights? Does the national concept of integration, with its adaptability according to the changing demands, prevail over the sources and forces of Europeanization in the sphere of religious rights? Or, does the process of Europeanization, slow and ambiguous, yet perceivable, help set the ground for the emergence of a shared notion amongst European states of what religious rights stand for?

## 5. Conclusion

In order to examine the impact of the European norms on religious freedoms and education on national arrangements, the thesis utilizes the tools and terminology of Europeanization. This theoretical framework allows us not only to set the research question, in its possible dimensions, but moreover to conceptualize and measure the process of an Europeanization effect. The objective is to analyze the dynamics that define the interaction between the national and the European settings in terms of religious freedoms in education.

Views in the literature over the variety of national approaches to religion through education appear to differ. Based on social constructivism, this study of Europeanization looks into the impact of norms on the national setting. Given the unlikelihood of a homogenizing effect between the education systems of European states, the Europeanization of religious freedoms is accordingly considered as a process of either convergence or divergence. The subsequent discussion on the origins and objectives of the established norms leads however to a further dimension of Europeanization. More than simply examining the convergence or divergence in the concept of religious freedoms, this thesis critically asks in what sense this common concept is in fact 'European'? Does Europeanization in the sphere of religious freedoms – and of human rights in general – signify Westernization?

To talk of Europeanization means to moreover seek the legal measures and mechanisms that would promote this very process. The intergovernmental structure, the compliance mechanisms and 'standard-setting' responsibilities of the Convention system of the Council of Europe are the principal actors that ensure the guarantee of religious freedoms in Member States. The existence and role of the European Court of Human Rights is particularly significant, as it seeks to fill in the gaps of the Convention system, primarily in terms of ambiguity. The chapter has shown, above all, that lack of common definition of the key terms used in the Convention, such as *religion*, has serious implications on the guarantee and actual protection of those rights which the Convention claims to represent, in this case religious freedoms. Impediments to the Europeanization process in the domain of religious freedoms may therefore arise from the Convention system, itself.

The Europeanization process is lastly considered on the basis of the educational approaches for the guarantee of religious freedoms. What are the educational criteria that can ensure the protection of these freedoms? Two overall factors emerge for the evaluation of Europeanization in education: the type of religious education conceptualized and implemented and the rules governing religious manifestation and expression within the context of state education. The chapter illustrates that the lack of common definition underlying the key term of 'religion' further extends to the concept of 'religious education'. The recommendations of international institutions, amongst which the Council of Europe, provide general guidelines and principles that the respective national type of religious education should satisfy. However, while the Convention system is supportive of religion being taught in European classrooms, it is less clear about *how* this should be done in practice. The translation of this principle in educational provisions and approaches is a matter of national concern and initiative. A similar type of ambiguity underlies the Court's rulings over the limits that should be imposed on the right of religious manifestation in state schools. This, too, remains a matter of national concern over which the ECtHR appears to have little effect. The lack of firm, common definitions and rules of the European framework is both reflected and enhanced through the diversity of national approaches to the matter. The following chapter examines this diversity in the education systems of European states and identifies the least-likely cases of Europeanization.

## **Chapter III**

### **Education and the Diversity of National Approaches to Religion: The 'Fear of the Two Extremes' in Europe**

#### **1. Introduction**

The previous chapter introduced the dimension of Europeanization that is concerned with questions of freedoms of religion and education. Having analyzed the theoretical framework of the Europeanization process, as well as the pedagogical approaches to freedoms of religion, this chapter looks at the reality of education systems in Europe. It examines the ways in which states in Europe organize their education systems with respect to freedoms of religion. While the limits of the European recommendations, themselves, as a force of change and convergence in the 'protected spaces' of religion and education form important factors in the study of Europeanization, a separate factor that also needs to be considered is the existing range of norms and practices that characterizes the European landscape. The emerging theoretical consensus of the European framework is likely to encounter a variety of possible policy arrangements and concepts of religious freedoms at the different national contexts. In order to comprehend the impact of 'Europe' on states' handling and understanding of religious rights, a study into the particularities that define the context of religion and education in European states thus proves essential.

On the basis of the distinct national approaches to religious education (RE), the first part of the chapter classifies states along a spectrum. The European paradigm of religious freedoms and education represents the median, standard point of the spectrum, while states are accordingly placed either closer or further away from it. Each of the two ends of the spectrum is defined by education approaches representing the two opposite 'extremes' with reference to the median: religious indoctrination at one end, indoctrination into secularist beliefs from which religion is absent at the other end of the spectrum.

The aim of this typology for the study of Europeanization is threefold. In the first place, the typology is significant for linking the theory of the European recommendations to the practice of their translation into educational approaches. As such, it serves to indicate a potential gap between the objectives of the European recommendations relevant to religious freedoms and the process of their implementation within the national education systems. At the same time, the classification along the spectrum helps us identify those countries that are seemingly closer to the European paradigm of freedoms of religion and education. In so doing, the ultimate aim of the classification is to distinguish those states whose educational approach to religious freedoms visibly deviates from the European medium. Because of their distance from the European point of reference, the latter form precisely the selected case studies, as the hardest critical cases in the process of Europeanization of freedoms of religion and education.

In the second part therefore, the chapter continues with a more elaborate analysis of the education systems of Greece and France, representing the extremes of religious indoctrination and indoctrination into secularist principles, respectively. The choice of these countries as suitable case studies for the examination of the Europeanization of religious freedoms is based primarily on the opposing place of religion within the education systems *and* on their subsequent deviation from the European benchmark.

The final sections of the chapter initiate an inquiry over two overarching themes, which contribute to our understanding both of the 'exceptional' character of France and Greece and the powers and limitations of the complex of religious freedoms in Europe. The first theme concerns the discourse of 'exceptionalism', which has been used to describe both countries, for distinct reasons. Looking specifically at the nature of the respective historical developments, the chapter demonstrates how this 'exceptionalism' argument also applies to France and Greece over matters of religious freedoms and education in a European perspective. But this argument is not only helpful for exposing the deviating character of the two countries in terms of the European norms. As we will see in the concluding chapters, it is also useful for a reassessment of the European norms on religious freedoms, themselves. By highlighting the exceptional character of the two countries in terms of religious freedoms and education, this chapter therefore sets the basis for the analysis: it justifies the selection of France and Greece as hardest critical cases in Europe and

prepares the ground for the study of the Europeanization process. At the same time, it raises the following question: if Greece is exceptional and France is also exceptional, then who is not exceptional in Europe? Indeed, how 'European' are these norms?

## **2. The National Conception of Freedoms of Religion: A Typology of European States on the Basis of Education**

The apparent ambiguity over the use of terms that define the character and purpose of religious education in the European recommendations is further reflected through the diverse ways in which states have implemented these recommendations in practice. The approach to religious education in different countries varies in accordance with several factors. It is at this very point that the unique history of states and the developing relationship between the political and the religious becomes a key determinant of national approaches to religion through education.

Hull<sup>68</sup> argues that the approach to religious education – and, religious rights – is influenced by *four* distinctive factors. The first such factor has to do with the *religious affiliation of the society* – whether mono-religious or multi-religious. Hull refers to, what he considers, the two opposite examples of Greece and England. In the case of the former, the mono-religious, predominantly Christian Orthodox character of the state is reflected as such in the religious education. By contrast, the pluralistic Christian tradition since 1689 and the post-World War II multi-religious experience that have characterized English history have led to the adoption of a multi-faith approach in the Religious Education Model Syllabuses (1994). The second factor that influences the national approach to religious education is the *relationship between the religious and the secular* within each country. The cases of France and the U.S. are here compared to demonstrate how the absence of religion in state schools in France is a result of the state's hostility to the Catholic Church following the 1789 Revolution; whereas the secularity of the U.S. is not hostile to religion, but it rather 'represents a separation of church and state in the interests of securing the freedom of religion from state control'. The third factor according to

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<sup>68</sup> Religious Education In Schools, International Association for Religious Freedom – 'The Contribution of Religious Education to Religious Freedom: A Global Perspective', John M. Hull. (<http://www.iarf.net/REBooklet/TableofContents.htm>)



Hull concerns the *historical tradition of each country*. Focusing on the impact of historical developments, the case of Germany is characteristic of the changes that occurred in the strictly Catholic or Protestant religious education approach. Following both the appearance of large numbers of foreign nations and the incorporation of the former provinces of East Germany, where Church traditions were weakened under the communist regime, religious education in Germany experienced the emergence of various patterns of multi-faith instruction, combined with education in ethics and values.

The final factor suggested by Hull has to do with the *differing conceptions about the purpose of state school religious education*. As mentioned in the previous chapter, this last point is of particular importance within the context of religious freedoms. Though the church-state models, the history that has defined the place of religion in European societies and the simultaneous adaptations of the education systems to these changes are of primary concern, the question of what is, in each case, the role of religious education is the underlying differentiating factor between states' education policies. More precisely, it will become clear through the analysis of the European models themselves that the education systems of states, including the role of religion within these, are indicative of and strongly linked to the respective concept of integration each state chooses to adopt. Education is accordingly utilized as a core mechanism for the transmission of a community's key principles and of the ways in which the state establishes the ground rules for the accommodation and the integration of its members. The different 'models' of integration hence lead to particular models of education policies with their respective treatment of religion as part of plurality. It is therefore argued that the role and purpose of religion in education is determined to a considerable extent by the concept of integration that each state adopts and, subsequently, that the respective concept has a direct impact on the contribution of religious education to religious freedom.

Hull's outline is constructive for indicating the possible factors that determine national attitudes towards religion, in general and, in particular, religion within education. But what type of education systems with respect to religion can we identify in Europe? European countries unite around Article 9 of the ECHR and are thereby open to and arguably influenceable from the more elaborate recommendations of the Convention on matters of religion and education and to the judgments of the ECtHR. The objective of these international institutions and the

'standard setting' they design is not to create a unique, homogeneous model for education in Europe, but rather to ensure that each national model evolves in a way that is respectful of religious freedoms (Hunter-Henin 2011, p.3). The Strasbourg Court has ascertained that states may provide RE and that they enjoy a wide margin of appreciation in this regard.<sup>69</sup> The variety in national practices indicates a potential variation of the defining concepts. It is therefore essential to comprehend precisely the respective conception of religious rights that states put forward and whether and how this conception is close to the one articulated through the European discourse of religious freedoms.

This section classifies European states along a spectrum, where the median point represents the European paradigm of religious freedoms and education, as this has emerged from human rights conventions and European institutions. The typology is non-exhaustive. It rather indicates selected countries whose educational approaches are, in terms of freedoms of religion, most compatible with the European provisions. At the same time, this classification distinguishes those states whose education portrays a conception of religious rights that is furthest away from the European benchmark. The plurality of religion and education across countries in Europe has rendered the process of comparative study rather fluid. Each country has its unique history of religion and state, and this has resulted in some very different attitudes and policies towards the study and treatment of religion in state schools (Jackson 2011, p. xiv). The range of national approaches to religion in education includes countries where religion is absent from state schools, as is the case of France, and at the same time, national education systems that seek to provide an impartial, critical examination of religious diversity, such as England and Norway. Indicative of the diversity of national approaches is the example of Spain, where education has tended to favour a particular religious denomination (Catholicism), but where significant transformations are visible, while the Greek state arguably represents a case of religious indoctrination through education.

How could we therefore identify the 'better' European model – the one that guarantees in other words, freedoms of religion as these are articulated in the

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<sup>69</sup> The EU also recommends that the Member States 'ensure that religious instruction in schools respects cultural pluralism' and that they make provisions for teacher training to this effect. (EU General Policy REc No.5, 'Combating Intolerance and Discrimination Against Muslims', CRI, 2000, 21, 27 April 2000).

discourse of the European institutions? And is there indeed a singular model that distinguishes in this respect? By looking at the basic approaches to RE in Europe, we can trace a degree of compatibility with the European recommendations in all systems. The primary observation from the classification of European states is that there exists no perfect model of national education, in this sense. There are, however national models that are *closer* to realizing the objectives on religious freedoms set out by the European recommendations. By contrast, certain state approaches are furthest away from designing the type of RE represented by the European paradigm in the middle of the spectrum.

A key means of identifying those states whose education appears to conform more closely to the standards set out by the European institutions and where Europeanization is accordingly noticeable is by looking at the very reports of the European and international institutions, themselves. To help us with their classification, each state in Europe adopts one or other of five basic approaches to the series of issues that determine the organization of RE in state schools (Doe 2011, p.192):

- 1) Compulsory Christian RE, which the state designs, teaches and funds – but from which parents or pupils may opt out;
- 2) Compulsory Denominational Education, which religious organizations design (with the cooperation or not of the state), funded by the state but with a possibility of exemption;
- 3) Optional Denomination RE, organized by religious authorities (with the cooperation of not of the state), funded by the state;
- 4) Non-Denominational RE, with or without state-funding; and, lastly,
- 5) The Prohibition of RE on the premises of state schools, where the state often makes provisions for pupils to receive RE externally.

In considering the diversity of approaches, the question that determines the classification of states in this section is which of these education systems are closer and which are further away from representing the concept of religious rights and education, as articulated in the discourse of the European complex of recommendations. In spite of their discernible differences, none of the above categories forms a guarantee of conformity with the European recommendations. Indeed, a confessional religious instruction that nonetheless does give space to religious denominations other than the prevalent one, or that offers the option of

withdrawal or of an alternative course to RE, may in fact be closer to respecting freedoms of religion in schools than a system from which religious education and religious expression are absent. But would a system from which religion is excluded be considered more respectful of freedoms of religion according to the European standards than a state system with indoctrinating tendencies?

## **2.1. Compulsory Christian Religious Education**

Starting with the approach of ‘Compulsory Christian Religious Education’, special attention is given to the paradigm set out by the ‘British model’. There is no written Constitution in the UK and there can be therefore no formal guarantee of religious freedom. However, the country has signed the ECHR and has integrated it into the domestic law through the Human Rights Act of 1998. More recently, the Equality Act of 2010<sup>70</sup> also entails a provision on ‘religion or belief’, for which terms it provides a fairly straightforward, comprehensive definition: ‘religion means *any* religion and a reference to religion includes a reference to a *lack* of religion’ (author’s emphasis), while ‘belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief’. Amongst the various provisions related to religion or belief, the Equality Act states that in case of discrimination on the grounds of either of the two, it shall consider both of them ‘protected characteristics’. Similarly, the British state system of education has also incorporated schools run by the different religious groups, so that in 1999 the first two state-funded Muslim schools in the UK were established, followed by Sikh, Jewish, Seventh Day Adventist and Greek Orthodox schools.

The report of the UN Special Rapporteur on the Right to Education on her mission to the United Kingdom in October 1999<sup>71</sup> recognizes the key aspects of the conception of education in the UK as congruent with international dimensions. The Government’s shift to rights-based education represented a milestone in international development cooperation:

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<sup>70</sup> National Archives, Ministry of Justice, United Kingdom, Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>

<sup>71</sup> United Nations, Economic and Social Council – Commission on Human Rights, Report Submitted by Katarina Tomaevski, Special Rapporteur on the Right to Education. Mission to the United Kingdom of Great Britain and Northern Ireland (England), 18-22 October 1999.

'The Government deserves a great deal of credit for launching rights-based education, thus moving towards incorporation of human rights in mainstream development cooperation...The profound change stemming from making the European Convention on Human Rights directly applicable has opened the way for broadening and deepening human rights protection on the basis of regionally (and perhaps later globally) developed international human rights law'.

In a similar manner, concerning this time approaches to religion in the UK, the 2008 report on the United Kingdom of the UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, states that 'there is a great wealth of experience (...) in dealing with religious tensions and terrorist acts carried out under the cover of religion'. The Special Rapporteur was particularly impressed 'by the depth of analysis and the endeavor to solve the underlying problems as demonstrated by the authorities as well as a vibrant civil society and academic world'.<sup>72</sup> The contemporary British approach to religion seems to greatly coincide with the observations of the CoE and the UN, since it is based on the realization that, as society has become more multicultural, the state should acknowledge this plurality of religions by putting them to an educational use.

Such an acknowledged proactive stance of British specialists when it comes to matters of religious freedoms is not coincidental. It can in fact be traced back to the very conception of the ECHR provisions. The discussions during the drafting process of the Convention reveal the key contribution of the UK government to both the concept and formulation of the terms. The Statute of the Council of Europe was signed in London on May 5 1949. The Committee of Experts was then given two alternatives of a draft convention: one was based on the idea of *enumeration* of the rights and freedoms, referring to their definition exclusively to national legislation, and the other, supported by UK representatives, stressed the need of a *definition* of rights and of their limitations prior to the establishment of the supervisory institutions.<sup>73</sup> The version supported by the UK was eventually adopted with neither debate nor comment, subject only to some relatively minor alterations. By putting

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<sup>72</sup> United Nations – Report of the Special Rapporteur on Freedom of Religion of Belief, Asma Jahangir: Mission to the United Kingdom of Great Britain and Northern Ireland. February 7, 2008, p.2.

<sup>73</sup> See Marston, Geoffrey 1993, 'The United Kingdom's Part in the Preparation of the European Convention on Human Rights, 1950'. *The International and Comparative Law Quarterly*, Vol. 42, No.4, p.808

the emphasis on the need of a common, supranational definition of the terms and of the rights – instead of allowing the prevalence of national definitions – the UK demonstrated its support in favour of a common set of European principles. The recognition of the UK educational approach to religious freedoms therefore cannot be analyzed separately from its role and contribution towards the construction of a common European framework.

It is important to emphasize that regardless of its predominantly Christian outlook, the transformations that RE in the UK has undergone over the last two decades in the country are evocative of the provisions put forward by the CoE. This is seen primarily in the fact that the character of RE has changed from a ‘confessional’ to a ‘non-confessional’ one. The turn from an RI educational approach to an RE one could be traced back to the Swann Committee, a government committee that produced in 1985 a document entitled ‘Education for All: Report for the Enquiry into the Education of Children from Ethnic Minority Groups’.<sup>74</sup> With reference to religion, in particular, the Committee argued that in a pluralistic society, ‘a major task in preparing *all* pupils for life...must...be to enhance their understanding of a variety of religious beliefs and practices’.

More recently, the opening up of RE in Britain to the religious diversity of contemporary society and the need to recognize the primordial position of freedoms of religion is reflected in the Non-Statutory Guidance of Religious Education in English Schools produced by the Department for Children, Schools and Families of 2010.<sup>75</sup> Closely related to the underlying purpose of RE in the discourse of the CoE and the UN, this Non-Statutory Guidance states that the Government is keen to ensure all pupils receive high-quality RE, ‘as an important curriculum subject in itself, developing an individual’s knowledge and understanding of the religions and beliefs which form part of contemporary society’ (p.7). Similar to the language of European recommendations, the role of RE is considered particularly important in English schools for children and young people, since it provokes challenging questions about the meaning and purpose of life, beliefs, right and wrong, it encourages pupils to explore their own beliefs (whether these are religious or non-

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<sup>74</sup> The Swann Report (1985):

<http://www.educationengland.org.uk/documents/swann/swann1985.html>

<sup>75</sup> Religious Education in English Schools: Non-Statutory Guidance 2010:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/190260/DCSF-00114-2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/190260/DCSF-00114-2010.pdf)

religious), it enables pupils to build a sense of identity and belonging, it teaches them to develop respect for others (helping to challenge prejudice) and it prompts pupils to consider their responsibilities to themselves and to others, encouraging empathy, generosity and compassion. According to the Non-Statutory Guidance, the crucial position of RE is similarly recognized and appreciated by the students, themselves. A 16-year-old pupil is quoted as saying:

*'RE is one of my favorite subjects and the reason for that is that most of the time in lessons we discuss issues that make me look inside myself and think very deeply about the world, behavior, my personality and my beliefs. I have learnt not only the facts about different religions but I have a learnt a lot about myself' (ibid, p.32).*

The degree of compatibility between the 'British model' of RE and the European recommendations is further reflected through the design and organization of the school course. RE is a devolved matter in the United Kingdom, as seen in the increasing competencies of the Welsh Assembly. The key document that determines the teaching of RE is the locally agreed syllabus within the Local Education Authority (LEA) concerned. An important degree of consistency amongst regions is maintained however, since LEAs must ensure that the agreed syllabus for their area is consistent with Section 375(3) of the Education Act 1996, which requires the syllabus 'to reflect that the religious traditions of Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain' ('Religious Education in English Schools: Non-Statutory Guidance 2010', p.10). The law does not define what the principal religions represented in Great Britain are – Agreed Syllabus Conferences (ASCs) can decide which are the principal religions, other than Christianity, to be included in their agreed syllabus (*ibid*, p.14). The Non-Statutory Guidance broadens the meaning of 'principal religions' to include the Baha'i faith, Buddhism, Jainism, Zoroastrianism and Humanism, as well as the traditionally accepted principal religions, such as Hinduism, Judaism, Islam and Sikhism.

Thus, schools in Britain now include teaching about six major world faiths, while they not only tolerate 'different beliefs in matters of human importance', but they also aim to 'sustain these beliefs with a view to reciprocal benefit' (Pring, qtd in Williams 2007, p.677). Relating to the pedagogical approaches to religious education recommended by the CoE, Chris Arthur (1995) talks about the idea of

'phenomenology of religion' which has played a crucial role in the UK in the move away from religious *instruction* and toward religious *education*: no religion is taught; religions, rather, are taught *about*, with no attempt to proselytize<sup>76</sup>. The key feature concerning Religious Education of the Phenomenology of Religion in the UK is rather than looking at 'Hinduism' or 'Buddhism', 'Christianity' or 'Islam' through the distorting lens of our existing beliefs or ignorance about these traditions, to attempt to stand in the shoes of the Hindu, Buddhist, Christian, or Muslim and see how the world appears from that perspective.<sup>77</sup>

According to Julia Ipgrave<sup>78</sup>, though RE has experienced significant changes over the last decades in the UK, the debate and search for the better solutions is ongoing. There exists in fact a variety of forms of RE in England, in particular, each adopting a distinct pedagogical and thematic approach: from issues-based RE, where the objective is to encourage the students to understand and respect the point of view of others, to a world-religions type of RE, which responds directly to the reality of diversity, or community-cohesion RE, which brings together representatives from religions to help promote shared values and respect for all. Similarly, the critical thinking that is encouraged in RE in English schools is seen through a selection of examination questions for students aged 16 to 18: '*Anyone who takes their religions seriously has got to be a fundamentalist. Evaluate this view*', or '*Religious identity should be more important than national identity to a religious believer. What do you think? Explain your opinion.*', and '*The big bang theory is the only acceptable explanation of the origin of the universe. Do you agree?*'.

In a religiously diverse and often skeptical society, the predominantly Christian outlook of RE in the UK, including the act of collective worship<sup>79</sup>, have, nonetheless, attracted criticism, with many humanist organizations lobbying for the reform of RE and the abolition of collective worship. As a response to such criticisms and in order

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<sup>76</sup> Arthur, Chris, 'Some Remarks on the Role and Limitations of Phenomenology of Religion in Religious Education', *Religious Education*, 90:3/4 (Summer/Fall 1995), p.447.

<sup>77</sup> *Ibid*, p.453.

<sup>78</sup> Julia Ipgrave, 'Les Faits Religieux and Religious Education in England', Colloque of the Institute European en Science des Religions, Paris, September 20<sup>th</sup>, 2012.

<sup>79</sup> The *School Standards and Framework Act* of 1998 provides that it is compulsory for schools to hold a daily act of collective worship. This should normally be held in school premises and shall be wholly or mainly of a broadly Christian character, insofar as 'it reflects the broad traditions of Christian belief without being distinctive of any particular Christian denomination'. The precise balance is, again, determined at a local level, while the law also provides for the religious freedoms of pupils in this respect, as they have a rights to withdraw from worship (*SSFA*, ss.71,71A qtd in Sandberg and Buchanan 2011, p.111).



to guarantee the freedoms of religion both of the parents and the students, there exists the option of withdrawal from RE in British state schools. The use of the right to withdraw is meant to be at the instigation of parents, who are informed on the curriculum of the locally agreed RE (or pupils themselves if they are aged 18 or over), and it should be made clear whether it is from the whole of the subject or specific parts of it. Crucially, no reasons need be given for the granting of exemption. (Non-Statutory Guidance of Religious Education, 2010, p.28). Where a pupil has been withdrawn, the law provides for alternative arrangements to be made for the kind of RE the parent wants the pupils to receive. This RE could be provided at the school in question, while outside arrangements are also possible (*ibid*, p.28).

As seen through the nature and objectives of the British approach to religion overall, a significant degree of compatibility between British policies of education and the European principles of religious rights becomes perceivable. In the first place, not only does religion hold a place in education, but its contribution towards the understanding and the integration of differences within a pluralist society is acknowledged in the British model. Such an approach on the role of religion and education within a pluralist context seeks to guarantee the principles not only of objectivity, but also of self-reflection and reciprocity. In moreover respecting the criteria of non-indoctrination and non-discrimination, the education system falls within the framework of international human rights. Similarly, in terms of the rights and limits in the manifestations of these beliefs, state education authorities in the UK permit Muslim pupils and students to wear the Islamic headscarf, while this right is also extended to other kinds of religious symbols and signs. It is no coincidence that the supranational institutions themselves recognize and appreciate the effort of the British education system to incorporate such principles in their policies and to attempt to put such theories into practice.<sup>80</sup> For the purposes of this typology, the 'British model' can therefore be placed close to the median of the spectrum.

Within the same category of 'Compulsory Christian RE', Denmark also provides the type of system with a primary focus on Christian teaching. Just like in the UK, the predominance of Christianity does not preclude the realization of some of the key

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<sup>80</sup> It is important however to add here that, in spite of the UK's role in the creation of the Council of Europe and the negotiation over the Convention, the British government was opposed to an international court with the authority to adjudicate human rights matters. Recently, the British government asked for reform on the Council in Strasbourg, calling for the ECHR to be substantially rewritten, so national courts can have a greater say.

objectives outlined in the European recommendations for the guarantee of freedoms of religion. In Danish state schools, all pupils have lessons on *Christendom* (orally translated: knowledge on Christianity) at all levels of the school system, except the year which is used for preparation for confirmation. The central field of knowledge of these lessons is therefore Christianity, in order to make pupils familiar with Danish culture and history. The teaching of Christianity was however been made explicitly non-confessional in the 1970s – it since constitutes part of the general school curriculum. Denmark is in fact a country where the phenomenological teaching and learning approach has been used for many years in the upper-secondary school (Jensen 2006, p.51). At the same time, pupils gain knowledge about non-Christian religions and life styles, which shall give them the necessary foundation for personal decision-making and for responsibility in a democratic society through the encounter with different types of questions and answers about life in both Christianity and in other religions and beliefs (Christoffersen 2011, p.115). Similar to the UK case, children may be withdrawn on a request from their parents and the child may withdraw at the age of 15.

An important correlation of the Danish model with the ECHR on the respect of religious diversity and religious minorities is reflected through the state provision asserting that

‘any minority cultural group should be allowed unrestricted freedom to follow their own customs and religious practices, be governed by their personal law and receive education in their language and cultural tradition’ (Lustgarten qtd in Halstead 2007, p.838).

It is not however without limitations that such freedoms are being granted. They are subject, first of all, to those limits that are also considered under the ECHR provisions, namely the prohibition of any practice leading to severe physical abuse and impractical institutional accommodation to minority beliefs and values. But other than these general rules, there exist the types of restrictions that are dependent exclusively on the decisions of the state. These rights to education of religious minorities are granted for instance only in the cases where the state chooses to recognize the religious community in question. Accordingly, the Danish state differentiates between three groups of religious bodies: acknowledged communities, communities with authorization for weddings and other religious

communities without any formal recognition. In order to obtain state authorization it is necessary that the community has a clear organization structure and representatives, while a certain amount of members and a cult or doctrine conforming to the public order is also required. It becomes clear therefore that such multicultural, integrative policies that appear, at least in theory, to greatly consider the importance of religious identity cannot concern everyone, since it is the state's responsibility to define each time who is and who is not eligible for such rights.

## **2.2. Compulsory Denominational Education**

So far, the British and Danish models have presented us with the following paradox: even though both countries organize their RE on the basis primarily of Christianity, the design and objectives of their systems comply to a significant degree with the provisions set out by the ECHR on freedoms of religion. On the basis of this finding, the two countries can therefore be placed close to the median point of the spectrum of European education systems.

Moving to the additional categories of RE in Europe, what would be the relevance of 'Compulsory Denominational Education' with freedoms of religion? By definition, the use of terms '*compulsory*' and '*denominational*' suggest a potential inconsistency, if not conflict, with religious rights principles. However, this section demonstrates that not all countries within this category offer the same type of denominational education, and the apparent variety of systems may have implications on their relationship to freedoms of religion.

While this model of RE is to be found both in state-church and cooperation systems of religion-state relations, the situation between Greece and Malta on the one hand, and Belgium or Germany on the other, differs considerably. The congruence between national and religious identity in the Greek case, meant that historically the role of education was to contribute to the catechesis of the students on the basis of the Greek Christian Orthodox dogma. Though transformations have taken place and the indoctrinating character of RE in Greece has arguably diminished, the overall emphasis of the Greek system on the national religion, at the expense of other denominations, is evidently antithetical to the freedoms of religion established through the European framework. The official ties between Church and State *per se*

do not distinguish Greece from Western European states by religion, as both Denmark and Britain have an established state religion. The distinction exists, rather, in the manifestation in daily and political realities of the relationship between Church and state (Fokas 2000, p.13), education being an indicative illustration of this. A similar intervention in education by religious authorities is found in the Maltese Constitution, which establishes that the Catholic Church has the duty and entitlement to teach right from wrong. Religious teaching of the Roman Catholic Apostolic Faith is provided in all state schools, as part of compulsory education. Parents may withdraw their children from RE and pupils can opt out themselves at the age of 16 (Doe 2011, p.193).

In contrast to the exclusively Christian outlook of Greece and Malta, the denominational character of RE in Belgium signifies in practice instruction in *different* religions, namely the six so-called 'recognized religions' (Catholicism, Protestantism, Judaism, Islam, Orthodoxy and Anglicanism), as well as ethics inspired by this religion, albeit of a non-confessional principle. Article 24 of the Belgian Constitution states that public schools offer the choice between the teaching of one of the recognized religions and non-denominational moral teaching. In addition, all pupils of school age have the right to moral or RE at the community's expense (Torfs 2011, p.65).

Within this category, Germany is also found closer to the Belgian case. The principle of 'state neutrality' implies here not only that the state is obliged to treat all religions or beliefs equally, but also that state authorities are not allowed to comment on the truth or value of religions in general (Heinrich de Wall 2011, p.176). Religion forms nonetheless an important factor in the education of children and the state guarantees to offer religious instruction in schools for parents or children who wish to receive it, in cooperation with the relevant religious communities. Organized and financed by the German state, (the German Lander as well as local parishes), RE does not simply provide information about religions but also education according to the tenets of a certain religious community. While it is customary to provide religious education classes for the traditional Christian Churches – Roman Catholic and Protestant - there is a certain degree of variation amongst the Lander: there is Orthodox or Jewish RE in some schools, Alevite is about to be introduced in some places, while the introduction of Islamic instruction is currently a topical public

issue (*ibid*, p. 172). Crucially, children who choose to opt out of RE in Germany are obliged to attend a religiously neutral Ethics class instead.

Though the countries mentioned in this section all belong to the category of 'Compulsory Denominational Education', the particular educational provisions towards the teaching of religion/s positions them at different points along the spectrum in this typology. On the basis primarily of the indoctrinating character of RE in Greece and Malta, the two countries are placed furthest away from the European benchmark. By contrast, the more neutral, flexible and diversified approach to RE in Belgium and Germany locates the two countries comparably closer to the median point.

### **2.3. Optional Denominational Religious Education**

The practical interpretation of the 'denominational' character of RE varies between European countries, which renders the classification of each system with respect to the European principles on freedoms of religion complex and, inevitably, judged on a case-by-case basis. As such, the denominational systems of Greece and Malta appear to violate key principles of freedoms of religion whereas the organization of RE in countries such as Germany and Belgium, in spite of their 'denominational' outlook, offers a kind of recognition and respect of diversity that is included in the European provisions. The same observation applies to the categories of 'Optional Denominational RE' and 'Non-Denominational RE', where it is equally difficult to draw a line of separation. According to Doe (2011) the former arrangement operates in the cooperation systems of Italy, Spain and Portugal, as well as in many Central and Eastern European countries (CEE). Finland is also an interesting case that could be placed within this category.

Unlike the compulsory character of RE in the previous grouping, in Italy parents must declare whether their children up to the age of 13 will attend state-funded Catholic religious classes or not. In case that they decline, the pupils must either participate in other subjects or take time off school. Regardless of the Catholic-based RE, a denomination with an agreement (*intesa*) in Italy may assign its own teachers if the pupils, parents or the school apply for classes in a particular religion, as with the Jewish Community in 1989, or in 'the phenomenon of religion and its

implications'. Denominations with no agreement have no such right. Very close to the Italian system, while Portuguese public education is required to be non-confessional, the state provides for the teaching of Catholic morals and religion (*in* school, not *by* the school), delivered by state-funded teachers. Other faith entities may deliver denominational education if at least ten pupils, or their parents, request it, in which case, the entity sets the syllabus and is responsible for training and nominating the teachers, who are engaged by the State (Doe 2011, p.195).

Denominational RE requested by parents or pupils and delivered by denominational teachers by the state is also provided in Poland, Hungary, Romania and Slovakia. Similarly, the main purpose of RE in Finland is to offer stimuli for the construction and development of students' own religious view on life by teaching them about their own religion, life and thinking of various religions, and by giving students the readiness to understand different world views'. RE is a compulsory subject and every pupil can receive RE lessons according to his or her own religion if the denomination is registered in Finland: this means that contents of RE in each religion are based on that specific denomination. The character of the course however remains non-confessional and other religions are also studied. The National Framework Curricula for RE is written for the following religions: Evangelical Lutheran, Orthodox, Buddhist, Herra kansa ry, Jewish, Christian Community, Latter Day Saint, Free Church, Catholic, Islamic, Adventist, Baha'i and Hare Krishna. Education in religions other than the Evangelical Lutheran Church is organized if there is a minimum of three pupils who belong to the specific denomination.<sup>81</sup>

Spain deserves special mention, since the country has undergone some exceptional reforms in the field of religion in state schools. Until 1975, the Catholic Church had been the official denomination of the Spanish state. A first attempt to break from the past and to reconcile tradition with religious diversity within a pluralistic society came with the Constitution of 1978. A special kind of cooperation between state school and Catholic authorities in public education that is evocative of freedoms of religion was established with the Agreement of 3 January 1979, which provides that 'Catholic Religion shall be included in all educational centers, in conditions to those of the basic subjects...'. Moreover, 'out of respect for freedom of conscience, this

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<sup>81</sup> Religious Education In Finland – Finnish Association of Religion:  
[http://www.suol.fi/index.php?option=com\\_content&view=article&id=71&Itemid=75](http://www.suol.fi/index.php?option=com_content&view=article&id=71&Itemid=75)

religious education shall not be compulsory for all students' (Garcia Oliva 2011, p.186). Demonstrating respect towards religious diversity, according to European standards, other religious denominations have also concluded pacts of agreement with the Spanish authorities: Jews, Protestants and Muslims are accordingly entitled to teach their tenets in state schools, although teachers are not paid by the state. As a result, the arrangement of RE in Spanish state schools proves in a significant way compatible with ECHR provisions: the ECtHR has declared the lawful nature of the teaching of denominational religion in state schools, provided that such instruction is voluntary for the students. At the same time, 'the alternatives provided by the state authorities, such as Ethics<sup>82</sup>, are within the margin of appreciation of each Member State' (qtd in *ibid*, 187). In the words of Dietz (2007), in spite of its scarce lived experience with religious pluralism as well as with diversified religious education, the transition towards pluralism of the Spanish situation is reflected through the 'range of opportunities for the future development of dialogical and inclusive alternatives of religious and inter-religious education' (p.126).

Ireland is a considerably complex case, which, as we shall see, could be best described as a mixed-system. The Roman Catholic historical legacy of the country has resulted in approximately 95 per cent of primary schools and the majority of post primary schools being denominational in ethos. The established framework of RE also reflects this denominational outlook. At the same time, Article 44.4 of the Irish Constitution provides for the right of a child to attend a state-funded school *without* receiving religious instruction at that school.<sup>83</sup> This option of exemption that is offered to students from the indoctrinating course of RE signifies that the Irish approach to RE falls within the category of 'Optional Denominational RE'. Opting-out of RE however does not, on its own, guarantee a neutral, objective educational approach to religion overall (see Introduction). As noticed by a teacher in a Primary School at the Republic of Ireland, 'religion is integrated into other subjects, which is why it is impossible for a child who is a non-believer [to avoid it]' (qtd. in

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<sup>82</sup> More recently, following the line of human rights principles, a new subject entitled 'Education for Citizenship and Human Rights' was included in public school curricula, which is compulsory for all students. According to the Royal Decree of 29 December 2006, the aims of the subject are 'the recognition of the human condition in its individual and social dimension whilst accepting pupils' own identities, characteristics and personal experiences through the respect of the differences with others and the development of their self-esteem' (Garcia Oliva 192)

<sup>83</sup> Section 30 of the Education Act (1998) provides that no student can be required to attend instruction in any subject which is contrary to the conscience of the parent of the student.

See Irish Statute Book, Education Act, 1998:

<http://www.irishstatutebook.ie/1998/en/act/pub/0051/sec0030.html#sec30>

Mawhinney 2007, p.393). The very diffusion of Catholicism in the curricula of different school subjects, which has attracted heavy criticism<sup>84</sup> and has recently led to debates about the need to transform the format of RE,<sup>85</sup> renders the Republic of Ireland also a case of Compulsory Denominational Education.

The category of 'optional' *and* 'denominational' teaching adopts an attitude towards RE that is to a significant degree compatible with freedoms of religion embodied in the European paradigm. The range of denominations on which RE could be based, including the possibilities of either withdrawal or of an alternative, non-confessional course, demonstrate respect towards the religious diversity of pluralistic societies and the freedom of conscience of both students and their parents. As we shall see in the following section, the category of optional, non-denominational RE incorporates to an even greater extent key principles of freedoms of religion in education.

#### **2.4. Non-Denominational Religious Education**

Representing an even greater distancing from confessional teaching, countries such as Sweden, Estonia and Bulgaria fall within the category of 'non-denominational RE'. In distinct ways, we see that Sweden and Estonia represent examples of countries that conform to a significant degree with the European paradigm. Just like other European states in this typology, Sweden is an indicative case of a country undergoing a transition from confessional to non-confessional pedagogical approach. RE in Sweden originally signified instruction in the Protestant faith, but has experienced throughout the previous century a wave of transformations: from 'instruction in Christianity' (1919), to the 'study of Christianity' (1962), the 'study of religion' (1969) and finally into 'education on the questions of life and existence' in 1980. Sweden thus offers a very characteristic example of 'an originally confessional curriculum secularizing from within' (Willaime 2007, p.61). In Estonia, the state is under no duty to provide RE, but it must do so if at least fifteen pupils declare their wish to be taught religion classes, in which case non-confessional RE is delivered

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<sup>84</sup> See the recent article by Denis Tuohy in the Irish Times, 'Ireland's debate on education shows little appreciation of experience in other countries', September 17, 2013: <http://www.irishtimes.com/news/social-affairs/religion-and-beliefs/ireland-s-debate-on-education-shows-little-appreciation-of-experience-in-other-countries-1.1529621>

<sup>85</sup> See Minister Quinn's address to Conference on Religious Education in a Global-Local World, August 29, 2013, Department of Education and Skills: <http://www.education.ie/en/Press-Events/Speeches/2013-Speeches/SP2013-08-29.html>



around a syllabus determined by the Ministry of Education. Various religions are examined and, while the choice of denominations in primary schools is the duty of parents, in secondary schools, pupils can decide for themselves, independently (Doe 2011, p.196).

The case of Bulgaria within this category is a bit more complex. Religion as a regular subject was obligatory and taught until the end of World War II in Bulgarian public schools. During the Communist regime, the entire educational system was synchronized with so-called *dialectic materialism* – Marxism and Leninism (Berov 2011, p.73), from which religion was excluded. With the transition to democracy, there have been public and political debates about the restoration of RE in public schools. Since 2002, RE has taken the form of the so-called ‘impliedly *obligatory* selectable subject<sup>86</sup> “Religion”’ (*ibid* 74). This type of optional education in religion is available if there are at least thirteen students seeking to be taught on the basis of materials authorized by the Ministry of Education. The Bulgarian educational system therefore remains in this sense secular. Other than the optional, non-confessional course on religion offered by state schools, religion is also taught within the context of compulsory lessons, such as ethics, history and philosophy.

## **2.5. Prohibition of Religious Education**

The final approach to RE concerns a small minority of European countries. According to Noe’s classification, France and Slovenia both have educational systems that have a ‘prohibition against RE’. The exact meaning of this in practice, however, differs between the two states. The strictest interpretation of this approach is applied in France, where no religious classes are being taught in public schools. Instead, elements of ‘religious facts’ (*le fait religieux*) are incorporated within the curricula of different disciplines, namely history, art history, French and civics. The religious freedom of students is here assured by allowing them to be absent from school classes should it be necessary for worship or celebration of a religious festival, while a weekday (Wednesday) is left free for religious purposes,

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<sup>86</sup> According to Article 15 of the Law for the Degree of Education, the General Education Minimum and the Education Plan, there are three types of subjects: compulsory, obligatory selectable and freely selectable. For selectable RE there is no precise statistical research but the percentage of interested students is relatively low – for Orthodox RE 2.44 per cent; for Islam 0.4 per cent (Berov 74).

amongst others. This French conception of the role and place of religion within public spaces and state affairs – referred to under the principle of *Laïcité* – entails a particular understanding of the neutrality of the state. While in Germany, as we have seen, the meaning of state neutrality signifies that religion cannot be ignored but rather that every religious belief must be treated equally, in France the concept of neutrality means that religion must be kept out of the public sphere, including – if not especially – state schools (De Wall 2011, p.176).

A more flexible version of the ‘prohibition against RE’ approach is evident in Slovenia, where the role of religion and RE in public schools remains one of the most disputed issues. Under the Communist Regime, the Roman Catholic Church (Catholicism was and remains the dominant religion in the Slovene nation) was held to be the most important ‘permanent internal enemy’ (Ivanc 2011, p.455). It was only after the democratic changes that started in 1990 that freedom of education; the role of religion and the organization of public and private schools became matters of public debate (*ibid*, p. 456). In the Slovene state, therefore, whilst public schools cannot provide religious classes, RE may be delivered on school premises in extra-curricular form by the registered religious communities, under permission of the Minister of Education and provided that there are no other appropriate premises.

Two more countries, with variations, should be mentioned within this category: Albania and the Former Yugoslav Republic of Macedonia (FYROM). The absence of religious education from state school curricula in these cases has led to ongoing debates about whether and how such provision should be altered to better meet the requirements of religious diversity and respect for religious freedoms. Article 10 of the Albanian Constitution (1998), provides that there is no official religion in the Republic. Moreover, religious education is prohibited in public schools, and ideological and religious indoctrination is forbidden (Kagioglidis 2009, p. 25). Religious schools, which cannot be funded by the state, can be licensed with the permission of the Council of Ministers, in accordance with a proposal by the Ministry of Education (*ibid*). In FYROM, as part of a recent reform, history of religion

was included as an optional subject, replacing the previous religious education that was rejected by the Constitutional Court in April 2009.<sup>87</sup>

Overall, certain important findings emerge from the classification. In the first place, European countries have in different ways and to different extents experienced significant changes in the ways that religion and religious rights, within a context of increasing religious diversity, are treated through education. These transformations are due to a combination of factors, such as the respective national religious tradition of states and the developments in the relationship between state and religious institutions, the confrontation with similar challenges that entail an increasing religious diversity and, at the same time, the influence of European human rights norms that seek to affect state attitudes towards freedoms of religion or belief. 'Europe' therefore does figure amongst the factors that determine state attitudes towards freedoms of religion through education. The degree and nature of the European impact, however, should not be exaggerated, as in some cases it does not form the primary vehicle of transformation, while in others it remains limited mainly because of its confrontation with national factors that restrict its influence.

Furthermore, the description and classification of state systems of religion in education indicate that each constructed category entails a variety of potential meanings. According to their understanding of religious education, this chapter places states in a position found either closer or further away from guaranteeing freedoms of religion, as set out in the European standards. While all national systems of RE entail elements of the European recommendations to a lesser or greater degree, one thing distinguishes from the classification: there are some countries which, for distinct reasons, are the least likely actors affected by the Europeanization process. It is on these countries, found furthest away from the European benchmark, that the following part of the chapter focuses in order to justify their selection as the fitting case studies for the examination of the Europeanization of religious freedoms in education.

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<sup>87</sup> United Nations Educational Scientific and Cultural Organization, World Data on Education, 7<sup>th</sup> Edition, 2010/2011:  
[http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/The\\_Former\\_Yugoslav\\_Rep\\_of\\_Macedonia.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/The_Former_Yugoslav_Rep_of_Macedonia.pdf)

### **3. The ‘Fear of the Two Extremes’: France and Greece and the Europeanization of Freedoms of Religion**

The 118<sup>th</sup> Session of the Committee of Ministers of the Council of Europe, which took place during April-May 2008, sought to provide the links between the theoretical considerations of ‘teaching religion’ and the practical process of implementation in European states. The types of national systems were discussed, revealing a mosaic of approaches to religious freedoms. Based on this European diversity, Robert Jackson expressed a specific and highly significant concern.<sup>88</sup> This concern focused on the initiative and responsibility of national authorities, which is likely to result in an emerging gap between the theory of religious freedoms in education and the practice of educational approaches to the matter. While most interventions in the Committee of Ministers were strongly supportive of the idea of teaching religions and beliefs in schools as a means to provide understanding and to cultivate tolerance within a basic human rights framework, views were nonetheless distinct in terms of the practical realization of this. More specifically,

‘... Some fears were expressed. At one extreme, there is the fear of religious indoctrination (author’s italics) within public education. At the other extreme, there is a fear of relativism or of a deliberate or inadvertent indoctrination into secularism (author’s italics), perhaps through positivist and materialist assumptions of those designing curricula or teaching about religions. The application of human rights principles in teaching about religions and beliefs should ensure that neither of these possibilities is allowed to occur within public education. Such approaches are reprehensible in professional educational terms, in terms of human rights principles, and in terms of law based upon human rights’.

It is precisely on this concern within a European context, namely these two ‘extremes’ that the thesis focuses to examine the question of Europeanization. The objective is to analyze the extent to which the European standards on religious freedoms have an impact on those selected cases whose education systems appear to represent either side of this concern – religious indoctrination on the one hand, indoctrination in secularist, positivist ideals on the other. Based on the classification

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<sup>88</sup> Appendix 5, ‘Education, Democratic Citizenship and the Religious Dimension – Summing up of the Morning Interventions’ by Professor Robert Jackson.

of European educational systems in the first part of this chapter, the nature and extent of the Europeanization effect is examined in the two countries that embody either extreme of a least likely Europeanization process: Greece, with a compulsory denominational RE, and France, with a prohibition of RE in state schools. Considering the content and objectives of the European framework on religious freedoms and education, it is argued that the education systems of France and Greece are furthest away from realizing the European recommendations.

The classification of European models in the previous part of the chapter demonstrates that France and Greece represent two unique cases in the spectrum of approaches to RE and religious freedoms. For the purposes of this study, their selection is based on their major dissimilarity: France represents a strictly defined separation of religion and state, whereby the religious identity of individuals is excluded both from the national discourse and from education. By contrast, the case of Greece is indicative of a strong congruence between state and religion. This link between national identity and the state's official religion is a central component of state education. Within Europe, the two cases are treated as exceptions for the following reasons: the situation in France differs markedly from that in the majority of European countries, where there exist courses dedicated to the study of religion, be it of a confessional or a non-confessional character. French secularism, on the contrary, is unique, for France is the only country not to accord a significant educational role to religion/s, meaning that state schools provide no form of religious education whatsoever. At the same time, the existing laws in France that prohibit religious manifestation and the expression of religious identity in state schools raise crucial questions of compatibility with the European recommendations on the role of education for religious freedoms. The 'Greek system', on the contrary, distinguishes as the representation of a congruency between state and religion, seen through the historically symbiotic relationship between the two, in particular concerning educational provisions. Whereas religious expression *per se* is not prohibited in Greek state schools, the predominance of Christian Orthodox religious symbols, traditions and education breaches the principle of neutrality and runs the risk of indoctrination.

In spite of this fundamental difference between the two, France and Greece are similar in a very significant way: the respective concepts of freedoms of religion reflected through the education systems of the two countries deviate in significant

ways from the European standards on religious freedoms and education. In the words of Jackson above, France and Greece represent either fear of the two extremes in contemporary European approaches to religion through education. Rather than looking therefore at the countries that are considered success-stories of the Europeanization of religious freedoms, such as Sweden or the UK, this study crucially examines the least likely cases in the process of Europeanization. Considering their respective distance from the European benchmark, the analysis in the following chapter asks whether there have there been any changes in the education systems of France and Greece that suggest a course of Europeanization? If so, what are the nature and the degree of these changes? Where and how is 'Europe' the moving engine behind them?

The final part of this chapter therefore addresses the question of what exactly renders France and Greece 'exceptional' in a European context? And for which reasons are the two countries classified as hardest critical cases of Europeanization? This 'exceptionalism' discourse, which has been used to describe both countries for diverse reasons, also applies to the case of religious freedoms in education. It will be argued that what makes these countries exceptional is the weight of history that has in each case defined and determined not only the place of religion in national discourse and education, but also, and perhaps in consequence, the place of the respective country within the European context of religion and education. Norris and Inglehart argue that 'the distinctive world views that were linked with religious traditions have shaped the cultures of each national in an enduring fashion'. Today, 'these distinctive values are transmitted to the citizens even if they never set foot in a church, temple or mosque' (2004, p.12). Adopting thus a European point of view in the matter requires taking into account each country's history (Willaime 2009, p.25).

The discourse of 'exceptionalism' within a European context is investigated here to highlight certain fundamental issues. In the first place, this discourse can help shed light on the particular national factors that constitute in each case potential barriers to the Europeanization of religious freedoms. In so doing, however, the discussion moves from the boundaries of the 'exceptionalism' discourse to suggesting instead the need for a reconsideration of the European norms, themselves. Rather than focusing exclusively on those national particularities, which are seen as incompatible with the European standards on matters of religious freedoms, the

following sections argue for the relative, questionable use of the term ‘exceptional’ to describe specific countries and their respective approaches. Are the two case studies, in their fundamental differences, indeed as ‘exceptional’? Or is the framework that encompasses the European norms problematic and, by definition, exclusionary?

### **3.1. The Weight of History and the Challenges to Europeanization: Orthodoxy, Nationalism and the ‘Greek Exception’**

*‘A Greek Orthodox Education, focusing exclusively on the Orthodox religion and the Greek nation has come into existence to the detriment of the religious minorities<sup>89</sup>’.*

(representatives of the Catholic Church in Greece)

According to the Oxford English Dictionary, ‘*exceptionalism*’ is ‘the belief that something is exceptional in relation to others of the same kind’. A term more often used in the fields of politics and history, ‘exceptionalism’ is widely understood as

‘the perception that a country, society, institutions, movement, or time period is «exceptional» is some way, and this does not conform to normal rules, general principles, or the like. Used in this sense, such a perception reflects a belief formed by lived experience, ideology, perceptual frames or perspectives influenced by knowledge (or lack thereof) of historical or comparative circumstances’.<sup>90</sup>

So what is exceptional about Greece? The extensive literature on ‘Greece and Europe’ covers a wide range of areas, supporting either the troublesome Europeanization of the country or, by contrast, the effective, positive impact that Europe has had on Greek affairs.<sup>91</sup> This research seeks to contribute to the discussion by demonstrating in the first place how the exceptionalist argument also applies to the case of religious freedoms and education in the Greek state.

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<sup>89</sup> In UN Special Rapporteur on Freedom of Religion and Belief – Report on Greece (1996), p.15.

<sup>90</sup> Questioning Greek Exceptionalism, A Forum – Oxford University: <http://www.mod-langs.ox.ac.uk/files/exceptionalism/index.html>

<sup>91</sup> See for instance, Economides (2005), ‘The Europeanization of Greek Foreign Policy’; Featherstone 2003 (eds), ‘Politics and Policy in Greece: The Challenge of Modernization’; Kalaitzidis (2010), ‘Europe’s Greece: a Giant in the Making’ and Lavdas (1997), ‘The Europeanization of Greece: Interest Politics and the Crises of Integration’.

The discourse of exceptionalism regarding Greece's alleged nonconformity with 'European' norms on freedoms of religion is based on two principal, correlated factors: the congruency between religion and national identity, as this has developed throughout the history of Modern Greece, and the controversial debate about the incompatibility between Orthodoxy and human rights principles. It is precisely the association of these two factors that classifies Greece as an 'extreme' example, representing the 'fear of religious indoctrination' in Europe. This view supports the idea that there exists a traditional mentality on the intrinsic links between religion and national history that, in spite of the advancements, still prevails and acts as a serious obstacle to the attempts of Europeanization of Greece. The degree and extent of the European influence should therefore be examined in parallel to the constituents of national identity and political discourse that may restrain the Europeanization of religious freedoms in education.

### Religion and National Identity

The first important feature of the Greek case which is considered to explain its deviance from European norms of religious freedoms has to do with the emergence and development of the country's national identity. The process of nation-state formation and of the specific role of religion in the definition of national citizenship led to the creation of an ethno-religious type of nationalism in Greece, defined on the basis of religion and language as primary identity markers. Article 3 of the Greek Constitution of 1975<sup>92</sup> asserts the Eastern Orthodox Church of Christ as the '*prevailing*' religion of the state. The clause denotes in the first place the historical role of the Church as part of the state's national tradition, while it also seems to acknowledge its predominance as the main religion of the Greek population.<sup>93</sup> Such are the historical links between religion and national belonging that Kyriazopoulos (2001, p.513) explains how this constitutional provision may even be seen as a 'resurrection' of the Byzantine model of church-state relations, where the political regime was defined in theocratic terms. More recently, in the words of former Greek

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<sup>92</sup> For an English version of the Constitution of Greece see Hellenic Parliament: <http://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/001-156%20aggliko.pdf>

<sup>93</sup> According to the World Factbook of the Central Intelligence Agency, 98% of the Greek population is Christian Orthodox: <https://www.cia.gov/library/publications/the-world-factbook/geos/gr.html>



President Konstantinos Karamanlis, 'the nation and Orthodoxy...have become in the Greek conscience virtually synonymous concepts, which together constitute our Helleno-Christian civilization' (qtd in Stavrou 1995, p.39).

Other than this descriptive content of Article 3 of the Greek Constitution, the ambiguity of the term '*prevailing*' has acquired a number of possible interpretations. It has been suggested, for instance, that the use of this term serves a normative purpose: it was conceptually identified with the religion that *should prevail*, not just as official state, majority religion (Sotirelis 1999, p.22), but also in relation to other religions. At the same time, the interpretation of this provision,

'... not only seems to violate the constitutional guarantees to equality and religious liberty, but also seems to disregard the various European and international conventions for the protection of human rights, to which Greece is a signatory' (Kyriazopoulos 2001, p.512).

The implications of this Constitutional provision are recurrent matter that concerns, amongst others, the sphere of national education. One of the key objectives of the analysis of the Greek education system in this thesis is specifically to comprehend the impact of Article 3 on the concept and guarantee of religious freedoms. How is the provision on the 'prevailing' religion translated in the education system and pedagogical approaches of Greek state schools?

Further on, Article 13 of the Greek Constitution states that freedoms of religious conscience is inviolable and that the enjoyment of civil rights and liberties does not depend on the individual's religious beliefs. Such liberty is nonetheless reserved for 'known' religions, who are free to perform their rights of worship unhindered and under the protection of the law, provided that these do not offend public order or the good usages. This same article also declares that proselytism is prohibited, but provides no further specification on the matter.

### Religious Minorities in Greece

The existence of Articles 3 and 13 in the Constitution does not necessarily differentiate Greece from other European countries. Rather, it is the legal and factual

implications of these that give rise to concern. According to Alivazatos (qtd in Fokas 2000, p.13), the main perceivable differences between Greece and other countries of Europe stem from two factors: first, the privileges granted to the official Church as opposed to other Churches and, second, the hindrances to the exercise of religious freedom of Greek residents of different faiths. The country's deviance from European norms is thus further discussed on the basis of the restrictions imposed on the rights of religious minorities. Adamantia Pollis argues that the difficulty Greece confronts in implementing religious freedoms stems from its conception of Greekness, which is understood as an organic whole in which Greek Orthodoxy, the ethnos and the state are a unity (Pollis 1992, p.171). Pollis moreover places Greece within a wider context of European states in terms of the defining constituents of national identity and identifies a common denominator between Orthodox countries. Unlike the developments of late eighteenth-early nineteenth centuries in Western Europe, where the emerging nation-states reflected the development of capitalism while affirming at the same time the principles of secularism and liberalism, in Orthodox countries, where industrialization had not penetrated, nationalism and religion became intertwined. It is this very merging of nationality with religion in Orthodox countries which leads to restrictions in the exercise of individual human rights, particularly as they pertain to religious freedom (Pollis 1993, pp. 348-352).

In spite of the plurality of religious minorities present<sup>94</sup>, Greek state law only recognizes two of those – the Muslims of Western Thrace and the Jews, owing in both cases to a historic form of recognition. The identification of hellenicity with orthodoxy in the Greek case defined a very narrow and limited setting of community membership, one exclusive in relation to the religious identity of its inhabitants. Indeed, with the creation of the modern state of Greece, those inhabitants of the region that were not followers of the Orthodox Church felt threatened by the imposition of an independent Greek state and its strictly Orthodox terms.

The country's history may tell us a great deal about the widespread fear regarding the potential threat of minorities. For reasons related to the Greece's older and more

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<sup>94</sup> Though no official numbers exist, since the state has no official statistics on religious minorities, it is considered that there is a variety of religious minorities in Greece that seek to attain a legal status, amongst which the Catholics, the Protestants, The Old Calendarists and Jehovah's Witnesses.

recent history that have become integral to its national identity, 'even the presence of minorities on Greek soil is officially minimized and at times totally negated' (Frangoudaki, Dragonas & Inglessi 1996, p.190). At different times, the presence of minorities appeared to challenge both the basis of Greek national identity and the very sovereignty of the state: from the enduring narrative on the formation and preservation of the Greek nation-state in opposition to an external enemy (Ottoman Empire), to the 'burning issues' of Macedonia, the claims for the existence of a Slav Macedonian minority in Greece as well as concerns about the fate of the Greek minorities in Albania and Turkey.

The uneasiness of Greek authorities towards the presence of minorities in the Greek soil is perhaps reflected most clearly in the case of the Muslim minority in Thrace, Northern Greece.<sup>95</sup> This is a highly significant particularity that shows the extreme measures and inefficient provisions taken to regulate the educational affairs of this minority. What is special about the Muslims in Thrace is that their presence evokes the fear of a foreign enemy 'from within'. The minority has been widely described as one of 'strategic importance', which a 'foreign power *tries* to use in order to advance its strategic claims' (Stavros 1995, p.13). The complexity of the situation in Thrace rises from government fears that they are faced with a strategy aimed at the creation of a "national minority" in the region, meaning a minority which feels that it belongs to – or forms – a nation different from that to which the rest of the population belongs, and one which can espouse irredentist hope. Moreover, the terms regulating the relationship between the Greek state and this specific minority are described as an 'inheritance from the past' (Mpaltiotis & Tsitselikis 2001, p. 339), dictated by the Treaty of Lausanne of 1923. As an exception to state education in the rest of the country, the minorities of this region have a distinct educational system, whose curriculum differs from that of other state schools in two significant aspects: its emphasis on Islamic religion – as opposed to Orthodox Christianity – and its provision that some courses may be taught in Greek and others in Turkish. The entire minority education system in Thrace operates on the basis of reciprocity between Greece and Turkey. As noticed by Stavros (1995, p.19), by placing minority

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<sup>95</sup> The Muslim minority of Thrace, whose population could not be ascertained but is probably around 120,000 persons, is composed largely of people of Turkish origins but also of Pomaks and Tziganes. The common denominator among these three groups is the Muslim religion and Greek citizenship (United Nations General Assembly, Special Rapporteur on Religious Intolerance, Implementation of the Declaration of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 7 November 1996).

education on such a basis, Greece appears 'to regard the protection of minorities as a grudging concession to a foreign power that inevitably assumed the role of the minority's custodian'. Such extreme measures, reflected through the educational treatment of this specific minority, indicate the reluctance and difficulty of the Greek state to deal with the complexity of the matter.<sup>96</sup> As we shall see in the following chapters, though the education of the Muslim minority in Thrace is an exception within Greece, the overall discomfort and protectionist attitude of the national authorities towards the religious diversity of the population is also reflected through the national educational approaches to religion and religious freedoms in state schools.

### Christian Orthodoxy and Human Rights

A further factor that is evoked to explain Greece's non-conformity to European standards has to do with the particular religious denomination and tradition of the country. More than simply a matter of national identity or state policies that seek to ensure the predominance of the prevailing religion over existing minorities, Greece's incompatibility with European norms on religious freedoms is here discussed in light of the country's Christian Orthodox tradition and history.

In a further seminal work, Pollis expands the argument regarding Greece's violation of religious freedoms from the the conception of national identity to the overall incongruity that characterizes the relationship between Eastern Christian Orthodoxy and human rights principles. Similar to the question of national identity, Pollis here conceptualizes the problem of a 'shared value system' and the question of violation of individual rights by drawing a distinction between Western and Eastern Europe.<sup>97</sup> The relevance of her study with the interests of this thesis, which seeks to

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<sup>96</sup> For more on the topic of the minority in Western Thrace and the educational provisions in particular see Featherstone, Papadimitriou, Mamarelis and Niarchos (2011), 'The Last Ottomans. The Muslim Minority of Greece, 1940-1949'. UK, Palgrave Macmillan; Gazi, Effi (2005), 'Constructing the National Majority and Ethnic/Religious Minorities in Greece'; Human Rights Watch – The Turks of Western Thrace, January 1999, Vol.11, No.1 (D); European Commission Against Racism and Intolerance (Council of Europe), Report on Greece, Published on 15 September 2009 and Baltiotis L., Tsitselikis K. (2001), 'The Minority Education in Trace. Legal Texts – Comments'.

<sup>97</sup> In Pollis' article, the common denominator of those countries that fall within the category of 'Eastern Europe' is that they share the religious heritage of Eastern Orthodoxy: the Balkans, Russia and other East European states (Pollis 1993, p.339).

comprehend the nature and the extent of the Europeanization process of religious freedoms in Greece, is reflected in the core research question Pollis addresses: whether and to what extent Christian theology, in particular Eastern Orthodoxy, is compatible with the modern philosophy of individual autonomy and individual rights (Pollis 1993, p.341)? Pollis examines the relationship between Orthodoxy and human rights, focusing on the doctrinal distinction between Eastern Orthodoxy on the one hand and Catholicism and Protestantism on the other. It is argued that the two latter value the diversity and distinctiveness of individual personalities and have recognized the Church as temporal. By contrast, the difficulty Orthodoxy confronts in integrating modern theories of human rights into its ideology are to be found primarily in an antithetical conceptualization of the person under this dogma: 'the centrality of mysticism, the contemplative life and the absence of individualization in Orthodoxy', which rejects the person qua person and considers them exclusively within the mystical unity of the religious community of the Church, 'does not provide the theological foundations for the grounding of articulation of doctrines of individual human rights' (Pollis 1993, p.344).

The theme of the conflicting relationship between Orthodoxy and human rights has been contextualized within the conceptual framework of the 'clash of civilizations'. Based on Arnold Toynbee (1923) and Samuel Huntington (1993), Daniel Payne (2003) understands the recent clashes between the church and the state in Greece<sup>98</sup> as resulting from an attempt on the part of the latter to implement western political norms, especially those pertaining to human rights (Payne 2003, p.261). The argument on the 'clash' is here found in the distinctive political and philosophical traditions that came to predominate in the different regions of the European continent. As with Pollis, the distinction is drawn along similar lines, differentiating between East and West. Western human rights norms are based on Enlightenment philosophical traditions – liberalism, Neo-Kantianism and the corresponding positivist school in France. Whereas these traditions differ in their derivations of human rights – which are seen as either deriving from the nature of the individual or from the state – they both nonetheless agree in their philosophical understanding of the identity of the human person, as that of an autonomous individual who

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<sup>98</sup> Three recent major issues that are indicative of the tensions between the Greek state and the Orthodox Church are invoked: the identification card controversy about whether or not religious affiliation should be designated in national identity cards, the question of religious freedom and the debate on homosexuality.

chooses his or her identity with others. This understanding is fundamentally different from the Orthodox understanding of the human person, whose purpose is in this case not to flourish in the secular world, but to become instead deified, losing individuality in the quest of God-likeness (263). The right of religious freedom is accordingly interpreted in Greece not as 'the right of the individual to believe as he or she desires, but rather (as) the freedom of the Church to exist' (*ibid*).

Such critical studies assert the rigidity and anti-modern stance of Orthodoxy and its connections to nationalism, which render it incompatible with the complex of civil and political rights, amongst which freedoms of religion. More importantly, it is precisely this very intertwining of the two that raises questions about the respect and guarantee of religious freedoms in Greek state education, as promoted by the European recommendations. The particular weight of history plays in this case a crucial role in explaining the ambiguous Europeanization of Greece: from Byzantium, characterized by an ongoing interference of Church and State in each other's affairs, to the centuries of Ottoman rule, during which the Muslim *Millet* system drew no distinction between religion and politics and the Orthodox Church contributed to the preservation of the collective identity of the Balkan peoples, the formation of the Greek state (1830) and the conversion of the Church of Greece to the secular values of Greek nationalism, up to the open politicization of the Church throughout the twentieth century (Stavrakakis 2003, pp.164-66). These developments unique to the country are significant, since, although 'the borders between the secular and the sacred are always unclear and socially constructed, in Greece one has to admit that the situation was more acute due to the burdens of history' (*ibid*). It remains to be seen whether these critical views also coincide with the findings of this study and whether Orthodoxy indeed appears to primarily challenge and resist Western human rights principles.

According to the rhetoric presented in this section, Greece is 'exceptional' in Europe and its Europeanization process will be expectantly limited and problematic due to the particular merging of national identity and Orthodoxy. Such is the degree of tension in Europe that it has even been argued that this clash between the two existing camps in Europe may eventually lead to their separation, though the future of Greece and other Orthodox states in fact depends to a large extent on the West. Payne thus concludes his work not simply by emphasizing yet again the

estrangement of Orthodoxy from Western standards, but rather by criticizing the stance and arguable rigidity of the 'West', itself:

'if Western countries persist in pursuing individual rights at the expense of the traditional cultures of Eastern Europe, then indeed a break may occur and the development of a single Orthodox common-wealth may emerge... However, if the West can find a way of living with Orthodox culture, then Europe may once again be reunited into a single polity of diverse peoples' (270).

This is a significant point, as it turns our attention and criticism from those countries that are seen as the 'outsiders' in terms of religious freedoms and Europeanization, such as Greece, to the arguably exclusionary and rigid framework provided by the norms of religious rights. According to this rhetoric, the latter is represented by a wider understanding of Western European countries, who have determined and defined the terms of human rights, including freedoms of religion. For a more balanced approach to this emerging question, the following section thus examines the 'exceptionalism' of a Western country – France.

### **3.2. The Republican Model of *Laïcité*, '*La France Exceptionnelle*' and the European Norms**

*'...Everyone knows that God does not exist, so let's move on to something more interesting'*<sup>99</sup>  
(teacher talking to her pupils in France)

Comparison is at the very heart of any understanding of what is exceptional, whether that understanding is analysis or discourse (Martin A. Schain 2010, p.125). In order to therefore gain a better understanding of the classification of countries according to the benchmark of the European norms, this section turns to the other exception in Europe in terms of freedoms of religion in education – France. In exact opposition to Greece, France falls within the geopolitical and cultural realm of 'Western Europe' since it has experienced distinct developments that lay down the philosophical and political foundations which presumably render the country both a *source* and an *exemplar* of human rights norms in Europe. But is this the case?

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<sup>99</sup> Quoted by Blandine Daheron, in Williams 2007, p.683.

In their 2010 work titled *'The End of the French Exception? Decline and Revival of the «French Model»'*, Chafer and Godin claim that the notion of the 'French exception' can be conceived in two different ways: as a framework of analysis that has been adopted by commentators of contemporary France in an effort to establish what it is that makes the 'French model' stand out as different from other countries, and as an evolving set of politically loaded discourses, which is often exploited by political leaders, commentators and intellectuals with a specific political agenda (p.1). Furthermore, just as the case of Greece cannot and should not be understood in a European perspective without considering the particular weight of the country's historical experiences, so the singularities of France are due to the specific features related to its historical developments, where religion figures significantly. Willaime argues that even if one finds these same features in other European countries – in varying combinations and with varying levels of importance – what makes France a special case is the relevance that these features have had in the country's social and historical configuration (Willaime 2009, p.25).

Where does the discourse of *'la France exceptionnelle'* lie? How is France different from the complex of norms and principles that underlie the European framework? Throughout the literature, political and social discourse, a series of factors are evoked to help explain the 'French singularity'. In each case, the emergence and use of these characterizations justify a specific purpose for the portrayal and analysis of the French context. For the purposes of this thesis, this section discusses the ways in which France is exceptional within a European context in terms of religious freedoms and education. Two overall factors can help us understand the exceptional nature of the French state in terms of freedoms of religion and education: the particular relationship between religion and national identity and the overarching principle, deriving from this very relationship, that determines the role and place of religion in contemporary France, namely, *Laïcité*.

### Religion and National Identity

France is in fact 'exceptional' for very different reasons than the ones we saw in the Greek case. Whereas the links between religion and national identity explain to a large extent the respective exceptional position of Greece in Europe, the defining constituents of France as 'exceptional' demonstrate a diametrically opposing stance



towards religion. The process of nation-state formation and of the specific role of religion in the definition of national citizenship led in the secular state of France to the creation of a civic type of nationalism, as opposed to the ethno-religious type we saw in Greece. The links between religion and national identity, though important criteria in the construction of educational provisions towards religion, are not the sole factors determining state attitudes towards religious freedoms. Rather, a series of factors interact, leading to the creation of specific values and norms in the Republic, which can help us comprehend the uniqueness of the French case in terms of religious freedoms in education.

The role of the state figures prominently amongst the core features of French Republican model. Above all, the notion of the 'French exception' has its roots in a distinctive political model, attaching central importance to the prestige of the state, the primacy of politics and the active propagation – at home and worldwide – of certain values embedded in the Enlightenment ideas, that are perceived, rightly or wrongly, to be progressive (Chafer & Godin, p.9; Willaime 2009, p. 25). The ubiquitous discourse advocating a 'civilizing mission' of the Republic is a further particularity of France. Gueye describes this as a 'discourse of (French) self-identification', which implies tutelage over, or responsibility for, the Other (Gueye 2010, p.224, 233). This coupling of exceptionalism and exemplarity reveals the underlying paradox that characterizes French identity: while exceptionalism signifies distinctiveness of the French politico-historical experience, the self-proclaimed 'civilizing mission' is, at the same time, suggestive of its universal import (Hayward qtd in Harmsen 2010, p.107). The presumed uniqueness and superiority of the French Republican model, together with the claims of its universal extension are two distinguishing, albeit paradoxical, features of French 'exceptionalism'.

#### French 'exceptionalism' and *Laïcité*

In terms of religious freedoms in education, *Laïcité* forms a fundamental element of the French claim to universalism. France is the only country in Europe to have explicitly included the principle of *Laïcité* in its Constitution. The preamble of the Constitution of the Fourth Republic (27 October 1946) included the concept of *Laïcité* as a constitutional value. In Article 2 of the Constitution of 1958, France is described as an 'indivisible, secular, democratic and social Republic' that ensures

'the equality of all citizens before the law, without distinction of origin, race or religion'. While historically and institutionally unique to France, however, *Laïcité* is also repeatedly promoted as a 'European', if not universal' value. Based on the analysis of the evolving concept, *Laïcité* is conceptualized in France as a suitable response to contemporary challenges of religious diversity and religion in education, which can act as a model of inspiration for other European states. Indeed, France has long presented itself as a 'universal' model for other countries to follow, both in Europe and beyond (Keiger qtd in Chafer & Godin, p.13) and its Republican value of *Laïcité* is a characteristic example of this.

But what makes *Laïcité* 'exceptional' in a European context? The term, with its evolving definitions and different dimensions, is extensively discussed in Chapter Five. Suffice it here to explain that, within the sphere of national education, *Laïcité* stands for the separation of public and private spheres, the neutrality of the state and the rights and duties of all citizens. The concept of *Laïcité* in the Constitution defines the isolation of religious and public spheres, while guaranteeing that the state shall maintain a neutral position on any religion or belief. On the basis of these principles, different views strongly support that the theory of secularism in the French Constitution is not opposed to freedom of conscience<sup>100</sup>. On the contrary, as a continuation of the long struggle against the historically dominant position of the Catholic Church in France, *Laïcité* guarantees freedom of religion by highlighting the distinction between the public space and the private sphere. Religion thereby becomes a matter of private affairs of individuals. As we shall see, in the French state school, considered as the cornerstone of the French Republic and the representation of public sphere, such a distinction is strictly maintained through the law of 2004 and the banning of all 'ostentatious' religious symbols. The overarching belief behind this asserts that only by leaving their differences aside – be it religious or of another type – French citizens are able to unite, to find a common space and to therefore integrate in the life and norms of the wider community. Instead of a 'negation of diversity' (Weil 2005, p.65) that characterizes the identities of the French population, the objective of this dimension of *Laïcité* is to strengthen, in public life, those common values that make up French identity.

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<sup>100</sup> Amongst others, see Abdallah-Pretceille 2004, Willaime 2009, Debray 2002, Barthélémy & Michelat 2007, Weil 2005.

The uniqueness of the 'French Republican model' of *Laïcité* has often been contrasted with the 'Anglo-Saxon' model of multiculturalism. The distinction between the two focuses on the respective model of integration and accommodation supported and implemented in each case. In the Anglo-Saxon understanding, multiculturalism is the belief that cultural differences should be accommodated, in order for society as a whole to function harmoniously. The homogenizing and centralizing role of the French state, by contrast, sees this multicultural model as a danger to the direct and exclusive relationship between the state and the citizen, which may open the door to the fragmentation of the nation on the grounds of race, religion and previous nationalities (the French term is *communautarisme*) (Vince 2010, p.154). In spite of the principles of neutrality and equality, guaranteed by the Constitution, it appears that the French integrationist model remains nonetheless uneasy towards the presence of minorities. The French state, which dominates in a civil society where domestic conflicts are polarized,<sup>101</sup> only recognizes individuals and not communities within its national premises. France has accordingly adopted an 'assimilationist' model of integration, requiring the suppression of religious identity, which can come only second to and independent from the faith in the French state.

Due to the comparatively strict, limiting measures towards the educational treatment of religion and the rights of religious expression, French-style *Laïcité* thus appears isolate in a European context. In spite of the views maintaining that *Laïcité* exists in different versions and to varying degrees across Europe (Baubérot 2007; Willaime 2009), it is here argued that *Laïcité*, in particular as it applies to educational provisions, is in fact unique to France. The singularity of the French *Laïcité* however, does not suggest that there exist no other countries that adopt a similar approach towards religion in education. This is for instance the case with Turkey – the only other country which has enacted legislation to prohibit young Muslim girls from wearing the headscarf in school premises.<sup>102</sup> Turkish-style *Laïcité*

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<sup>101</sup> A recent indication of the underlying, ongoing division in French society is seen in the demonstrations and protests either in support or against the law allowing same-sex marriage (See Courier International, 'France – La loi sur le mariage homosexuel divise', 15 janvier 2013: <http://www.courrierinternational.com/dossier/2013/01/15/la-loi-sur-le-mariage-homosexuel-divise>).

<sup>102</sup> For more on the situation of minorities in Turkey's education see Minority Rights Group International 2009: 'Forgotten or Assimilated? Minorities in the Education System of Turkey', Nurcan Kaya. The Islamic headscarf ban, specifically, was valid across the whole public sphere, including schools, universities and public institutions. For the recent lifting of the ban, see Reuters,

has, however, many surprising aspects, which make it noticeably distinguish from the French type, such as the fact that imams are paid by the state and that a Sunni religious class is offered in state schools (Willaime 2009, 24).<sup>103</sup>

It is important to note at this point that the very neutrality of the French state vis-à-vis religion in education has also formed the subject of controversial debates. The textual and political grounds that regulate the neutrality of the French state in education are rather ambiguous and can be disputed. For instance, though this is not familiar to parents and teachers, Article 2 of the 9 December 1905 Act on the Separation between State and Churches provides for the possibility of having chaplains in state secondary schools. Based on the Decret of 22 April 1960 and later on confirmed and inserted into the French Code of Education, organized chaplains were established in French schools (Chélini-Pont 2011, p.154). More importantly, similar questions over the neutrality of the French state arise regarding the presence and functioning of Catholic Schools. Though the existence of private Catholic schools in France is intended for parents who wish that their children receive religious education on the basis of the Catholic Church, in full respect of freedom of conscience, the exclusively 'private' character of such educational institutions has often been questioned. The 'écoles privées' or 'écoles catholiques' are under a contract of association with the French state, which is meant to ensure their *laicisation* on the one hand<sup>104</sup> but which also blurs the boundaries between the private and public sources of funding<sup>105</sup>. The debate on the 'financial scandal' stems from the argument that the subsidies that the private, Catholic schools receive from the budget of the state do not clearly align with the fundamental principles of neutrality and *Laïcité* of the French Republic.<sup>106</sup>

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'Turkey lifts generations-old ban on Islamic head scarf', by Humeyra Pamuk (October 8, 2013): <http://www.reuters.com/article/2013/10/08/us-turkey-headscarf-ban-idUSBRE99708720131008>

<sup>103</sup> For more on the Europeanization of Turkey through education reforms see: Eren Ozalay-Sanlı (2011), 'Evaluating Current Turkish Politics in Light of Democratization and Europeanization Theories: the Case of Education Reforms', Bogazici Journal, Vol. 25, no.2, pp. 7-25.

<sup>104</sup> See *Le Monde*, 'L'Eglise tentée de reprendre la main sur l'école privée' by Maryline Baumard, January 7, 2013: [http://www.lemonde.fr/societe/article/2013/01/07/l-eglise-tentee-de-reprendre-la-main-sur-l-ecole-privee\\_1813531\\_3224.html](http://www.lemonde.fr/societe/article/2013/01/07/l-eglise-tentee-de-reprendre-la-main-sur-l-ecole-privee_1813531_3224.html)

<sup>105</sup> For an overview of public funding of French private schools see Eurypedia – France: Organization of Private Education: [http://webgate.ec.europa.eu/fpfs/mwikis/eurydice/index.php/France:Organisation\\_of\\_Private\\_Education#Under\\_contract\\_private\\_education](http://webgate.ec.europa.eu/fpfs/mwikis/eurydice/index.php/France:Organisation_of_Private_Education#Under_contract_private_education)

<sup>106</sup> *Le Nouvel Observateur*, 'L'école privée catholique, un scandale pour la République', by Anne-Sophie Faivre Le Cadre, January 4, 2012: <http://leplus.nouvelobs.com/contribution/228334-l-ecole-privee-catholique-un-scandale-pour-la-republique.html>

*Laïcité* clearly shares many of the key principles of the European framework of religious freedoms in state schools. Considering the above, however, what makes *Laïcité* exceptional is not the theory or the principles for which it stands. Rather, it is the specific, strict ways in which these principles are guaranteed and translated into educational provisions that form the underlying differentiating factors of the French case in Europe. This study argues that the interpretation and application of *Laïcité* in the education system of France critically undermines certain of the key principles it claims to represent, amongst which neutrality and equality. As we shall see in the following chapters for instance, part of the heavy criticism over the 2004 measure on religious symbols in schools stems from the fact that the law tends to disadvantage disproportionately certain religious communities and their right to manifestation, namely the wearing of the Muslim headscarf.<sup>107</sup> The interdiction of religious symbols and the prohibition of religious expression in state schools are two key aspects of the French Republican model that not only make it distinguish in a European perspective, they moreover raise crucial questions on its compatibility with the European complex of religious freedoms. A key objective of this research is to comprehend the ways in which *Laïcité* and the 2004 law are applied in state education and whether and how their implementation challenges the standards on freedoms of religion, as these are represented in the human rights discourse of European institutions.

Considering the typology of European education systems in the previous part of the chapter, nowhere is the diametrically opposing conception of the treatment of differences seen more clearly than in state educational approaches to religion. Both the cases of France and Greece can be contrasted to the British model of integration, which, developed over the years to incorporate the pluralist reality of its population within education. It seems however that the French and Greek models did not submit themselves to such processes. If the British model is theoretically based on a principle of equal inclusion of all religions, the French state has opted for a principle of their equal exclusion (Williams 2007, p.677), whereas in the case of Greece, inclusion is imaginable and permissible only under certain strictly defined conditions. The objective of this analysis is to comprehend the impact that such

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<sup>107</sup> Indeed, it is no coincidence that, following the approval by France's Constitutional Court, a law came into force in spring 2011 which bans women from wearing a full veil in public (see <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000023654701> )

models of integration have on the concept and guarantee of religious freedoms in state education.

#### **4. Conclusion**

This chapter has moved from the theoretical approaches to freedoms of religion and education to the reality of state arrangements. The first part of the chapter has demonstrated the diversity of existing systems in Europe and the subsequent difficulty of establishing homogenous, coherent categories of states according to the educational approaches to religion. In the spectrum of national education systems, the paradigm of the European recommendations on religious freedoms represents the median, more moderate point. Depending on the type of religious education, states are accordingly positioned either closer or further away from the median.

We have seen, in the first place, that there exists no such thing as a static, 'best' education system in Europe in terms of religious freedoms. The constructed typology of European states has nonetheless highlighted those national educational systems that conform more closely to the European standards. Such systems do not represent a unique category of states, since they can be found both in the approach of 'Christian Religious Education', as is the case with Britain, *and* 'Non-denominational Religious Education', as in Sweden. Classification in one of the categories does not therefore guarantee compatibility with the European recommendations. More importantly, the objective of this classification along the spectrum has been to trace these countries whose education systems portray the type of religious freedoms that visibly *diverges* from the European paradigm. Found in the categories of Compulsory Denominational Education and Prohibition of religious Education, Greece and France represent, respectively, the two opposite extremes of the European centre-point along the spectrum of states.

The second part of the chapter focuses on France and Greece as the least likely cases of the Europeanization of religious freedoms in education. The 'exceptionalism' discourse has been used to describe both countries, for distinct reasons. The chapter has maintained that this 'exceptionalism' discourse is also critically relevant to matters of religious freedoms in education. The singularities of the education system of France and Greece position the countries furthest away from the European

benchmark in the spectrum of national systems and render them suitable, hardest-critical cases for the study of Europeanization of religious freedoms.

Other than the selection of case studies for the Europeanization of religious freedoms, this chapter has moreover alluded to a wider question, which can only be treated on the basis of the findings of this Europeanization study. The exceptional character of the two countries may in fact tell us a great deal about the complex European norms, themselves: who do these 'European norms' in fact represent? If Greece, for reasons related to its history and national values, fits comfortably in the zone of 'outsiders' in terms of religion and education, how do we justify the exceptional position within Europe of the French model of education of religious freedoms? Are the two countries, different as they may be, inevitably exceptional? Or are the European norms exclusionary and, therefore, problematic?

Considering their deviation from the European benchmark on the spectrum of national education systems, the Europeanization of religious freedoms in education is examined in the hardest critical cases of France and Greece. To what extent have the European recommendations on religious freedoms and education had an impact on the understanding and respect of religious freedoms in France and Greece? Have there been any transformations that denote a convergence towards the European benchmark? If so, what are the nature and the degree of these changes, with reference to 'Europe'? These are the key questions that are addressed in the second part of the thesis.

## **Chapter IV**

### **Europeanization of Religious Freedoms in Greece's Official Education Documentation**

#### **1. Introduction**

The discrepancy in norms and attitudes between European states over matters of religious freedoms becomes explicit through the cases that have reached the ECtHR, most of which have been filed against Greece.<sup>108</sup> The cases relating to violations by the Greek state of Article 9 of the Convention in fact include fundamental premises of the ECtHR jurisprudence in this sphere of religious rights.<sup>109</sup> At the same time, these cases have brought to the surface the very critical questions that challenge the content, the objectives and the overall success of the European recommendations with respect to religious freedoms at a national level.

The mere fact that the Greek state has had the largest number of cases at the Court in Strasbourg regarding violations of freedoms of religion suggests that the country forms a hardest critical case in this dimension of Europeanization – one that has proven less receptive to changes according to European standards. As we have seen in Chapter Three, the case of Greece has been moreover selected on the basis of the congruency between the state's prevailing religion, Christian Orthodoxy, and national identity, which is reflected in the established constitutional and educational provisions.

Article 13 (*On Religious Freedom*) of the Constitution of Greece establishes that

‘Freedom of religious conscience is inviolable... All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. Proselytism is prohibited’.

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<sup>108</sup> See the ECHR Overview 1959-2011 – Table of Violations by Article and by State (February 2012).

<sup>109</sup> In its special issue ‘50 Years of Activity – The European Court of Human Rights: Some Facts and Figures’ (April 2010), two out of the three examples of judgements delivered by the Court under Article 9 refer to key violations of the Greek state: *Kokkinakis v. Greece (1993)* and *Thlimmenos v. Greece (2000)*.



Two crucial questions emerge from the content of this Article. The first question is one of definition of the key terms (see Chapter Two). According to the provision, freedom of worship is guaranteed for 'all known religions' in the Greek state. Yet no constitutional, legislative or other definition is provided for the concept of 'known religions'. As we have seen in Chapter Two, lack of definition of the key terms on the basis of which these constitutional rights are granted may imply limitations on the very enjoyment of these freedoms. Article 13 thus leaves significant questions unanswered: which are the religions that can in fact enjoy these rights? And on the basis of what criteria does the state distinguish certain religions or beliefs as eligible for these rights?

Secondly, Article 13 brings to the surface a deeply controversial matter in terms of religious freedoms in Greece that has to do with the banning of proselytism. As we saw in Chapter Two, Greece has been repeatedly taken to the ECtHR on this very matter.<sup>110</sup> Here, too, the question is one primarily of definition. Comparable to the vagueness of 'known religions', the Constitution does not identify the concept of 'proselytism'. According to the Ministry of Justice, this prohibition applies to proselytism of a negative sort, and to the dissemination of religious beliefs, which supposedly makes it possible to safeguard religious freedoms from any dangerous religion (UN Special Rapporteur – A/51/542/Add.1, paras. 11-12 and 134 – country visit to Greece).

The constitutional prohibition of proselytism is considered as incompatible with the principles on religious freedoms, as both the UN reports and the rulings of the ECtHR indicate. The report following the visit of the UN Special Rapporteur's to Greece (1996)<sup>111</sup> notes that proselytism is itself inherent in religion, which explains its legal status in international instruments and in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The Special Rapporteur considers the inconsistency of the constitutional provisions prohibiting proselytism to be inconsistent with the 1981 Declaration and stresses

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<sup>110</sup> *Larissis et al v. Greece, Kokkinakis v. Greece, Manoussakis et al v. Greece.*

<sup>111</sup> <http://www.ohchr.org/Documents/Issues/Religion/FU-Greece.pdf>

‘The need for greater respect for internationally recognized human rights norms, including freedom to convert and freedom to manifest one’s religion or belief, either individually or in community with others, except where necessary restrictions are provided for by law... Removal of the legal prohibition against proselytism is very strongly recommended. Failing this, proselytism could be defined in such a way as to leave appropriate leeway for the exercise of religious freedom’.

Part of the international criticism over the prohibition of proselytism stems from the concern that this constitutional provision does not seem to apply equally to the case of all religions in Greece. A ruling of the ECtHR in September 1996 comments that there is ‘a clear tendency on the part of the administrative and ecclesiastical authorities to use these provisions to restrict activities of faiths outside the Orthodox Church’ (qtd in Little 2002, p.49). Indeed, the analysis in this chapter of the national educational provisions demonstrates that the ‘prevailing’ religion is exempt from the prohibition.

The comparably advantageous position that the Orthodox Church enjoys in the Greek state is further revealed through Article 16 of the Constitution. This Article controversially asserts that education

‘Constitutes a primary duty of the State and has as its purpose the ethical, spiritual, professional and physical education of Greek citizens, the development of their national and religious conscience and their forming into free and responsible citizens’.

In answering the inevitable question ‘which type of religious conscience is the education meant to develop’, the Report on Religious Freedom in Greece by the Greek Helsinki Monitor (September 2002), remarks that Religious Education in Greek public schools constitutes a form of ‘tolerated state proselytism’ or even a ‘state-imposed proselytism’, that seeks to impose the doctrines, traditions and practices of the prevailing, official state religion.<sup>112</sup> The interpretation and the implications of this constitutional provision for the state of religious freedoms in Greek education constitute key objectives of the research on the Greek case.

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<sup>112</sup> This is a highly contested matter in Greece. For the current debate on the character and the reform of religious education that has very recently reemerged in the country see Conclusion.

Both the constitutional uncertainty of ‘known religions’ and of the meaning and use of ‘proselytism’ emerge in the context of educational provisions and represent major impediments to the Europeanization of religious freedoms in Greek state schools. The reports of international human rights institutions, which criticize the situation of religion in the Greek state, are plenty. Indeed, to highlight the inconsistencies between Greek public education and the European recommendations in terms of religion is not uncommon in academic, legal and political discussions.<sup>113</sup> By framing the question of freedoms of religion within the Europeanization model, however, the thesis goes even deeper and approaches the matter from different perspectives, assessing the potential strengths and weaknesses of both the *national* setting and the *European* one that seeks to establish, in this case, common principles on religious freedoms. This chapter traces the transformations of religion within the Greek education system (religious education) and analyzes them with reference to the European recommendations on freedoms of religion.

The chapter opens with an examination of the historical evolution of the institution of education in the country and the respective place and role of religion within this. In order to comprehend and measure ‘change’, particular emphasis is placed on the notion of ‘reform’ of Greek education: and the ways in which the different (attempts of) reform relate to the recommendations stemming from the European paradigm of freedoms of religion in education. At a second stage, the Europeanization process is examined through the discourse analysis of official decrees of the Greek Ministry of Education, Lifelong Learning and Religious Affairs<sup>114</sup>, the Analytical Programs of Study and Student Textbooks for the course of Religious Education (RE). The nature and extent of Europeanization in the hardest critical case of Greece is approached through the following themes:

- The rigidity of the country’s educational provisions in relation to religious freedoms;

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<sup>113</sup> See for instance, Christopoulos, D. ed. (1999) ‘Legal Questions of Religious Alterity in Greece’ (*Nomika Zitimata Thriskeutikis Eterotitas sthn Ellada*); Uitz, R. (2007), ‘Freedom of Religion in European Constitutional and International Case Law’, Council of Europe Publishing; Baltiotis & Tsitselikis ed. (2001), ‘Minority Education in Thrace: Collection of Legislation – Comments’ (*H Meionotiki Ekpaideush tis Thrakis: Sillogi Nomothesias – Scholia*); UN Special Rapporteur on Religious Intolerance, Visit to Greece (18-25 June 1996), Interim Report (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N96/314/39/PDF/N9631439.pdf?OpenElement>).

<sup>114</sup> Hereinafter, Ministry of Education or MoE.

- The changes in the role and place of the prevailing religion within state education and
- The influence of the European norms on the conception of religious freedoms.

## **2. Changes in the History of the Greek Education System: *'The Reform that Never Was'*.**

### **2.1. 'Reform' in the History of Greek Education**

An overview of the history of the Greek national education system indicates the constant references and efforts to 'reform' and 'improve'.<sup>115</sup> From 1877 onwards there has been a steady sequence of reform projects, primarily a result of the frequent changes in government, which were accompanied by plans to reshape the educational system: in 1877, 1880, 1889, 1913, 1929, 1963 and the more recent ones following *Metapolitefsi* (1974) and the turn of the century. The preamble to the Analytical Programs of Study<sup>116</sup> of the century 1899-1999 makes the distinction between the arguably most critical reforms of Greek Education: the first one in the aftermath of the 'unfortunate Greco-Turkish War of 1897', which had to deal with the emergent 'national problem', while the second attempt to change (1997-1998) came as a response to the 'challenges of the United Europe and of the 21<sup>st</sup> century' (Preamble, Digital Archives of Analytical Programs of Study 1899-1999, Sotirios Gklavas, President of the Pedagogical Institute, 2010).

The very meaning of the term 'reform' is a crucial point within the context of the History of Education in the Modern Greek state. The seminal work of Alexis Dimaras has covered the history of the education changes throughout the years 1821 to 1967 and has made the distinction between those transformations that did take place and those that did not. His depiction of this system as one where series of attempts to transform meet with conservative reactions and lead to standstill was famously described as 'The Reform That Never Was' (1973). The essence of 'reform' within the Greek education system, as defined by Dimaras, provides a relevant and useful

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<sup>115</sup> For a detailed, thorough analysis of the history of Greek education, see the recently published (in Greek) by the Late Alexis Dimaras (2013), 'History of Greek Education. The Resilient Leap – Trends and Resistances in Greek Education 1933 – 2000'. Metehmio, Athens.

<sup>116</sup> For a definition see Part 2.2 of this Chapter.

conceptual framework for the understanding of the changes relating to religion, as well. *Reform* of the education system is not simply the legislative replacement of a teaching method by another, or the construction of new school buildings, or even a modification in the timetable or in the analytical programs. Education reform is something much deeper than that: 'it is the change of direction, the predominance of an entirely new spirit (...), when the very purpose of teaching changes fundamentally and when one passes from a monolithic structure to more flexible, adaptable arrangements' (Dimaras 1973, p. 20). It is precisely this type of reform that is arguably yet to occur in the Greek education system:

...for, all that was throughout the years legislated and presented as reforms, either did not aspire to radical changes or did not remain as permanent, cohesive features of the system. Even those changes that did survive became later on simple constituents of the system, without however serving the purpose for which they had initially been legislated' (Dimaras 1973, p.21).

Historical cases that best represent the limited nature and scope of 'reform issues' are the so-called 'Language Issue' (*Γλωσσικό Ζήτημα*) and the division between the use and teaching of the normative grammar of *Kathervousa* and the *Demotic* version of modern Greek language – with the eventual predominance of the latter in 1977 –, the raising of compulsory schooling (from six to nine years), the division of secondary studies in two independent cycles (*Gymnasio/Lykeio*) and the preparation process for, as well as the form of the Pan-Hellenic Exams for entrance to University. What these debates all have in common is that they remain primarily technical in nature and they do not constitute an ideological approach to the actual transformation of education. As such, some of the larger, existential questions of the school system remain unresolved: its turning into an establishment which simply provides qualifications indispensable for the next level of schooling or for employment, its adoption of a didactic approach whereby knowledge is "given" rather than being "discovered", or the increasingly centralized role of the Ministry of Education which imposes, as part of its tight control over the system, the one-textbook-per-subject-per-year regime (Dimaras 1981, p.20).

## 2.2. Reforming Religious Education: 1899-1999

Unsurprisingly, the discipline of Religious Education (RE), as conceptualized throughout the years, is highly indicative of this rigidity of the system in the country. Education has acted as the medium through which the link between religion and national identity is maintained and enhanced. The analysis of the content and objectives of RE of this century reveals a static state of affairs in which the few, yet not negligible, changes that have occurred are ambiguous both in their form and in their alleged purpose. This depiction of the development of the course throughout the decades is essential, as it highlights and contextualizes the more recent and contemporary changes, their break from the past and, eventually, their potential relevance to the European framework of religious rights. For the purposes of this historical overview, the primary sources used are the Analytical Programs (AP) of Study, published by the Pedagogical Institute of the Ministry of Education, Lifelong Learning and Religious Affairs (MoE) of Greece, which is responsible for establishing the curriculum of all courses studied in Primary and Secondary Education. The Programs contain the general aims of teaching of each discipline separately, the content and the more specific objectives set out by the Ministry. Based on this source, the overview demonstrates the respective definition and purpose of RE within the Greek education system, paying particular attention to any changes, their features and limits. It is important to mention here that matters of religious diversity and freedoms of religion or belief – the central concern of the study – are virtually absent from the AP of Religious Education in Greece during this period.

The Official Government Gazette of 1899 provides a definition of the course on Religion, which was significantly then titled ‘Religious Instruction’<sup>117</sup>. Referring to His Majesty, the Minister of Education declares that the Holy History and Catechism are taught in the Greek School, meaning the synoptic display of the Christian faith and of the official Orthodox dogma of the state. The History of the Ecclesia (Church) studies the establishment and spread of the religious institution, the development of Holy Worship, of the Holy Synods and their decrees, and further on describes the cults, the schisms and the disputes within the Christian Church. This self-declared catechetical character of the course is similarly found in the respective AP of primary

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<sup>117</sup> For the education distinction between ‘religious instruction’ and ‘religious education’ see Chapter Two, section 4.1.

and secondary schools for the school year 1977, following the restoration of democracy. The objectives of the course are here clearly defined as 'the development of the religious conscience of the students, the consolidation of their faith in Christian Orthodoxy and the enhancement of their active participation in the religious life of our people'. The enumeration of the textbook chapters, all of which centre around the history and practices of the Christian Orthodox Church, is followed by some concluding remarks where two essential features of the Greek course of RE are discussed. In the first place, this religious curriculum is not exclusive to RE but rather permeates the curricula of other disciplines in primary school and. Furthermore, emphasis in the teaching of RE is placed on the relations between Christianity and Greek civilization, as well as on the contribution of the former to the survival and rebirth of the Hellenic Nation. These two recurring themes in the objectives and content of the course remain, in particular within the context of current developments, the source of national debates on matters of pedagogy, of historicity and of the freedom of thought and expression of the students. The AP of 1977 provides therefore a much more detailed and firm description of the indoctrinating character of RE than the curricula at the turn of the previous century.

Religious education in Greek state schools has experienced some significant developments since *Metapolitefsi* – or regime change – with the fall of dictatorship in 1974, as the country had to adapt both to the changes in its population and to the regulations coming from the European legislation. Indeed, throughout the 1970s and the 1980s religious classes in secondary education aimed at the 'revelation of the truths of Christ about God, about the world and man, the initiation of students in the life-saving truths of Christianity through Orthodox faith...'. Up until the 1990s all the changes of the class of RE in Greece were attached to the mentality of the beginning of the century. During the Panhellenic Congregations on the question of Religious Education in a Changing, Pluralist Society that took place in the second half of the decade, theologians and pedagogues seemed to have recognized the problems of 'legitimacy' of the class as it was being organized and discussed the need to expand the curriculum in order to include other denominations and religions.

A visible sign of transformation is found in the programs of the 1990s, with the first general references to a changing reality in the lives of the students, to which education is asked to respond. For the school-year 1992-1993, the course in Third

class of Primary school<sup>118</sup> is still titled 'Christian Orthodox Instruction' and, as such, constitutes an introductory approach to the 'basic truths of the Christian faith, as these are experienced through the orthodox tradition of the Church community and in general through the life of our nation'. Indeed, the objectives of the course differ very little from the respective aims of the AP of 1977 (or those of 1899), since they are once again concerned with the strengthening of the religious conscience of the students – understood in terms of the Christian Orthodox faith – and their active participation in the life of the Church.

It is however the first time that an official ministerial decree alludes, within the context of religion in education, to the 'current developments and the emerging tendencies in the Greek, the European and worldwide societies'. No further clarification is made and the generality and vagueness of the statement conveniently fit in with the following realization on the role of RE within this changing context: 'students will be prepared to face these new challenges creatively and to construct their personality steadily as fellowmen of the Saints and believers of God'. This passage is noteworthy, as it expresses a very modest, yet initial recognition of the need to open up to the world and the emerging tendencies, under the general heading of 'European' and 'worldwide' societies. The limits of this realization are reflected by the fact that no such reference or further explanation on these 'new' and 'external' challenges is provided in the actual content of the course. Similarly, the AP for the Primary School published in 1993 portrays a course of RE that focuses exclusively on the study of the history and the traditions of the Orthodox Church, while they include no mention of other denominations. As we shall see in the following sections, this constitutes a significant difference with the current AP of the final class of Primary School, which now entails chapters on the study of other religions, namely Catholicism, Protestantism, Judaism and Islam.

The next step towards the modification of the discipline of RE comes in 1998, as seen through the guidelines of the course for the first three classes of high school (Gymnasio). To begin with, the term 'instruction' does not appear anywhere in the program but is replaced by 'course on Religion'. It is also the first time that the terms 'mutual respect' and 'creative dialogue' make their appearance in the AP of Religion,

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<sup>118</sup> This is the first class where students study the course of Religious Education in the Greek school.



as features of the contemporary educational climate. In spite of these novelties, it seems that not much has changed in the actual content and purpose of the discipline, since the exclusively Orthodox-based orientation and indoctrinating tendencies are maintained. The process of Europeanization is thus strictly limited, even non-existent. Yet, the first, general references to the European recommendations about religious education for the guarantee of freedoms of religion do emerge. It remains to be seen whether and how these references are subsequently incorporated into the actual educational provisions.

### **3. Freedoms of Religion and Religious Education: The Limits of Europeanization in the Analytical Programs of Study and Student Textbooks.**

This section uses the empirical data drawn from contemporary material by the Ministry of Education on the class of Religious Education, to provide a nuanced understanding of the role of religion in Greek national identity. The objective of the discourse analysis at this stage is to explore how any changes suggest a break from the past establishment and how issues of religious diversity and religious freedoms are articulated in the official documents of the Ministry of Education – in the Analytical Program<sup>119</sup> (AP) of Study of Religious Education (RE) and in student textbooks. In the end, the discussion assesses the extent to which such a formulation is compatible with the European framework for the study of religion and the concept of religious freedoms.

The course of RE is depicted in the introductory sections of the AP as a matter of international significance, which has been recognized to contribute to the students' moral and spiritual development. The AP places the issue within the Greek context, where RE is incorporated into the state education system and therefore follows its general provisions and goals, as these are stated by the Constitution and the respective legislation. In the introductory list of the objectives of teaching RE, the primary purpose of the course is presented:

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<sup>119</sup> Pedagogical Institute: <http://www.pi-schools.gr/programs/depps/>. Translated in English from the Official Gazette issue B, nr 303/13-03-03 and issue B, nr 304/13-03-03 by members of the P.I. main staff and teachers seconded to the P.I.

'In the nine years of obligatory education, the course studies Christianity, as biblical history, as Christian Orthodox tradition, as a means of cultural expression, as the quest for the truth and as a contemporary presence in today's world'.

Representing a radical break from past arrangements, the AP then adds that the course 'further includes certain information about other denominations, as well as about Judaism and Islam, which are treated more extensively in High School'. The exact ways in which these two objectives are being realized and the extent to which the result of the curriculum creates the balance and neutrality promoted by the European recommendations form the guiding questions of discourse analysis of the Greek texts. More specifically, the following questions are addressed in this study of the MoE's official documents within the conceptual framework of Europeanization:

- What are the content and the objectives of the course?
- What kind of religious freedoms are portrayed and promoted?
- How, if at all, does the portrayal and promotion of religious freedoms through the official documents of the Greek Ministry of Education correspond to the recommendations developed and suggested by the European legislation?
- Do long-standing national practices and norms prevail or has the education curriculum incorporated the European recommendations?

The analysis shows the extent to which the European guidelines on the treatment of religious diversity and religious freedoms have indeed been added to the Greek RE curriculum, which has undergone some significant changes over the last two decades. However, the inclusion of these guidelines, as promoted by the CoE in particular, has been done in a rigorous manner which does not only contradict the initial purpose of the legislation, it concurrently enhances the traditional, assimilationist character of RE in Greece and the long-established, sceptical treatment of religious difference. The list of the ways in which RE is meant to contribute to the students' development reflects the constant antithesis that characterizes the curriculum of the course in the national context: on the one hand, teaching RE contributes primarily to the acquisition of knowledge around the Christian faith and the Orthodox Christian tradition, the development of religious conscience of the students and the representation of Orthodox spirituality as a personal and collective experience. On the other hand, and as clearly innovative objectives for the history of education in the country, RE also attempts to offer

students the opportunity for religious reflection, the development of independent thinking and the freedom of expression.

The visible, yet limited degree of Europeanization is narrowed down to the following overarching themes:

- i. Religious diversity and national identity: the treatment of the Christian Orthodox Church at the expense of other religions or beliefs
- ii. Religious freedoms: a 'distorted' perception
- iii. The persistent question of proselytism

### **3.1. Religious Diversity and National Identity: the Treatment of the Christian Orthodox Church at the Expense of other Religions or Beliefs**

The need to recognize the religious diversity – both historical and contemporary – of Greek society has been acknowledged by the national education authorities. Throughout the nine years of compulsory education, references are made either generally to the 'others', who hold beliefs different from 'ours', or, more explicitly to the specific study of religions or 'spiritualities' chosen by the Ministry's AP. Following to a certain degree the recommendations on intercultural religious education (see Introduction and Chapter Two), the religious pluralism depicted in Greek RE does vaguely and perhaps inadequately describe the reality of religious differences in contemporary European societies.

Yet, the main concern of the course throughout the nine years is to establish and maintain the alleged distance between the 'others' and 'us'. In Greek RE 'the other' becomes those of other religions. The national 'self' is

'consistently evaluated in an overly positive fashion while the national others, and especially those who have played an opposing role in history, are implicitly described in negative terms' (Dragonas, Frangoudaki & Inglessi 1996, p.19).<sup>120</sup>

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<sup>120</sup> It should be added however that the concepts of both 'the self' and 'the other' are not necessarily static, but may rather adapt over time to the changing social and political context. For studies arguing the transformation in the identification of the 'significant other' see Triandafyllidou, Anna (1998), 'National Identity and the "Other"'. *Ethnic and Racial Studies*, Vol. 21, no.4; and, focusing on a European level, Challand Benoît (2009), 'From Hammer and Sickle to

Pluralism in Greek RE is understood as something inevitable that should not have an impact on the lives or the religious choices of true believers. In violation of the principles of non-indoctrination and of the need to promote a better understanding between religions, students here should learn about the other religions, but they should, at the same time and on their own initiative, wish to further enhance their Christian Orthodox identity and their active participation in the activities of their national Church community. The following sections look at these references to the prevailing religion in Greece, as well as to the other religions treated in the curricula, separately in the Primary Education (*Dimotiko*), Lower Secondary Education (*Gymnasio*) and Upper Secondary Education (*Lykeio*).<sup>121</sup>

### *DIMOTIKO* (Primary School)

The exclusive reference to the Christian Orthodox Church is stated in the aims of RE in Primary School (from Third to Sixth Grade): the pupils should become familiar with the basic meanings and symbols of Orthodox faith and they should discover the meaning and the timeliness of the Holy Scriptures for their personal and social lives. It is also important that they understand what it means to be an active member of the Church community. At the same time, students should cultivate a spirit of solidarity, of peace and justice, of respect for religious particularities and of the coexistence with that which is 'different'.

The two-fold purpose of RE is thus stated quite clearly. In the first place, and as a continuation of the traditional objectives of the course, pupils must learn the basic meanings of the Orthodox religion in a way that ensures their participation in the life of the Orthodox Church and community. In contrast to the prior aims of the course however, students must moreover realize the existence of 'other' religious beliefs, which they should learn to respect and to peacefully coexist with. As we shall see, no specific reference to 'other' religions is made in the next two grades, until the last grade of Primary School (Sixth Grade).

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Star and Crescent: the Question of Religion for European Identity and a Political Europe. Religion, State and Society, 37: 1, pp.65-80.

<sup>121</sup> Primary School lasts for six years. The three-year attendance of *Gymnasio* constitutes the last period of compulsory education. The second tier of secondary education in Greece, *Lykeio*, also lasts for three years and comprises general secondary education and vocational secondary education (Eurypedia – Greece: Overview: <https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Greece:Overview>).

The first class on RE, in the Third Grade of Primary School, focuses almost exclusively on the traditions, the meanings and symbols of the Orthodox Church and faith. The logic behind this is that, especially at such a young age, it is important that the students' first contact with the class of RE is related to their own experiences, which is taken here to mean the practices and values of the state's 'prevailing' religion.

The depiction of these meanings holds a strong character of 'identification' and of the shaping and promotion of a specific type of identity. The repeated use of the 'us' (in chapters titled '*God is With Us*', '*In God We Trust*', '*My Nameday*', '*My Baptism*') is placed in clear contrast to the 'others' ('*Living with Others*'). Therefore, while the aim of the majority of the chapters is that students understand the love and affection that Jesus Christ gives to His children and that, through their baptism they have also become members of the Orthodox Church Community themselves, only one chapter talks about the 'differences'. Titled '*All Children of the World Are Brothers and Sisters*', the content of this chapter seeks to emphasize how all people are the children of God and how the similarities between them are many more and more important than their differences (colour, race, education, etc.). In other words, the 'others' are defined as creatures of the same God.

The catechetical character of RE, as presented in the AP, continues in a similar manner in the Fourth Grade, with chapters dedicated exclusively on traditions and activities of the Christian Orthodox Church: '*All of Us United on Sundays in Church*' (where there is also a suggested activity of church attendance with the school), '*From A very Young Age in Church and in the Parish*', '*We are all marching Together*'. In a chapter titled '*Thorns on the way: the Parable of the darnel and the wheat*', the objective is presented as almost a warning to the students,

'... who should notice those individuals who try to take them away from God and who should figure out the appropriate ways of dealing with such dangerous individuals effectively'.

No details are provided however about the origins and the content of the beliefs of such individuals, creating an important degree of uncertainty in the minds of the

pupils, who are warned, yet are left without guidance or a reasoning behind this protective attitude.

As opposed to the vague warnings that students had received in earlier grades, the syllabus of the final Grade of Primary School deals with the question of sects. In a chapter titled '*Sects distort the Truth*' the purpose is to protect the religious identity of students, who should comprehend that sects distort the Righteous teaching and that they create problems in the lives of believers. As a recommended activity, students are asked to gather material on contemporary cults – including Arianism and Monophysitism, which are mentioned in the chapter – and on the methods of religious propaganda that they use. Unsurprisingly, the following chapter is titled '*The Followers of the Church See to Salvation of the Christian Faith*'.

The first reference to other religions comes in this final grade, in the chapter titled '*Heterodox and Heathens*', which looks into some of their basic features and traditions. This is a radical transformation of the content of the course, indicating a sign of Europeanization in this dimension, as the previous AP of Primary School did not include the study of denominations, other than the Christian Orthodox one. The section begins with a '*First Encounter with Christian Catholics*' followed by a similar chapter on Evangelical Christians (Protestants), '*The Worship of Jews in the Synagogue on Saturday*' and lastly '*Muslim Prayer in the Mosque on Friday*'. As stated in the objectives, students are informed about the key characteristics of these communities and they gain a first experience with the reality of their religions today. The discussion on these 'other religions' is not unbiased, however, since it appears to stem from and to praise above all the open-mindedness of Orthodoxy, itself. As the textbook explains, '*Orthodox Christians always approach with respect and with love not only the heterodox, but also those who belong to other religions*'. Consequently, other than stating some of the most apparent differences in the practice and forms of worship between Orthodoxy and these other religions, these chapters include very little on the principles and doctrines of the latter.

### GYMNASIO (Lower Secondary School)

The topic of ‘the heterodox and heathens’ in Greece is studied more thoroughly in the final grade of Gymnasio (Third Grade)<sup>122</sup>, albeit it maintains a clear Christian outlook. After a chapter on ‘*The Edict of Milan: A new course begins for Christians*’, where students discuss the demands for religious tolerance and the respect of the religious ‘other’ and of that which is ‘different’ today, the last section of the course studies ‘*The Christian World Today*’. The first part is dedicated to the ‘*Roman Catholics in our times*’, where students are asked to talk about Catholic Christians (Greeks and foreigners) who live in our country today and to give further information about them – how many there are, where they come from, how do they live, what are their problems, etc.

The content of the following part, dedicated to ‘*Protestants in our times*’, discusses the ‘ecumenical efforts for the unity of Christians today’. This particular reference to the efforts for unity in the chapter treating Protestantism is not coincidental. It forms part of a wider tendency – seen in the later APs of High School – to treat this community as closer to ‘us’, subtly suggesting that there are far more, irreconcilable, differences between Catholicism and Orthodoxy than between Protestantism and the latter. Indeed, the very last chapter of the curriculum is titled ‘*The Vision and the Efforts for the Unity of Christians*’ and states quite clearly that the efforts for the approach, the communication, the cooperation and unity of Christians concern specifically Protestants and Orthodox. At the same time, the textbook recognizes that the Catholic Church has made a more active effort towards this end since the Second Vatican Council.

### LYKEIO (Upper Secondary School)

The title of the course of RE for the First Grade of Lykeio is ‘*Orthodox Faith and Worship*’ and, as such, includes very little reference to the study of other religions or of the question of religious freedoms. As stated in the list of aims, teaching RE

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<sup>122</sup> The AP of RE for Grade Three of Gymnasio includes, at the very end, a section on ‘Further Interdisciplinary plans for Essays’. One of the topics treated is ‘Heterodox and Heathens in Greece’: The individual or religious rights in Greece today, the history of religious minorities in Greece, the cultural interaction, the differences in the way of worship, the difference in religious art. Fundamental concepts: culture, traditions, art, interaction, etc.

ensures in this case that students gain knowledge about all the necessary elements of the Christian Orthodox faith. This process entails the realization of the students' own individuality as members of the Church, their active participation in worship, as well as the responsibility that they hold for the renewal of the Church.

The chapters focusing on the Orthodox faith and Church cover the largest part of the AP and their didactic purpose is stated in an ambiguous manner, which does not fully explain *how* such a goal can be achieved. More specifically, while the students are meant to 'develop their own reflection about the basic aspects of the Christian faith', they should, 'through the deepening of their knowledge of the Christian faith ...also realize the meaning and purpose of their own Christian existence'. Indeed, it is essential that, through the teaching, and through their baptism, 'students want to participate in worship more actively'.

It is without doubt the AP of the Second grade of Lykeio that is most often cited to highlight the acclaimed developments of RE in Greek state education. Titled '*Christianity and Religions*', this is the first class of RE that is not meant to be primarily or exclusively dedicated to the Orthodox Church and Faith, but that also studies different religions. The limits of such a development become clear from the very first list of 'educational aims' of the course. Once again, we see a constant ambivalence between the need to preserve the religious identity of the students, the opportunity for them to get informed about the criticism and the negation of the Christian faith and, in learning about the non-Christian religions, the need that students learn to respect the religious beliefs of others.

The catechetical tendencies are far from absent from this course of the Second Grade. The educational goal of the first chapters, which cover topics such as '*Questions on the Great Issues of Life*', and '*The Question about God*', is that students seek the answers to these questions in the teaching and the life of the Orthodox Church. The principles of neutrality and of non-indoctrination are here, once again, undermined: students are asked to make normative judgments by tracing the erroneous, false notions that prevail about God. In the end, the objective is that they 'comprehend and accept the main views of the Orthodox Church about God'.

Having established the universal importance of the religious phenomenon, the course turns to the study of '*The Particular Features of Orthodoxy in Relation to the*



*Rest of Christendom*, mainly tracing the differences between Orthodoxy and the Catholic and Protestant Churches. Moving from the differences within Christianity to those between Christianity and other religions, a chapter further on brings up the topic of the *'Christian community in a Pluralistic World'*. The content here deals with the issues of pluralism in contemporary societies and in the Gospel (*'the quest for the truth', 'Jesus Christ belongs to everyone'*), the major international organizations (their names, function and purpose, their contribution and deficiencies), as well as the *'struggle of Christians in an evolving world'* (social struggles, their participation in and criticism of the International Organizations and evaluation of the latter).

Contrary to what is stated in the introductory comments of the AP on the exceptional content of the course of RE for this grade, reference to other religions does not come until the very concluding section of the curriculum, titled *'Main Religions'*. The choice of 'main religions' is significant since, as discussed previously, the very definition of what constitutes a 'religion' or not is a matter of controversy over which states and international institutions alike have expressed a variety of views. Recognizing a religion as such means granting it specific legislative rights, while this choice of recognition may reflect a given purpose of the state. In this case, the section of 'Main Religions' includes the Ancient Greek Religion, Judaism, two chapters on Islam (one on the history and one on contemporary Islam), African Religions, two chapters on Hinduism (the efforts of Hinduism to modernize itself), Buddhism, Yoga, Chinese Religions (Confucianism) and Japanese Religion. Students are informed about the basic teachings and the history of these religions, while they also have the opportunity to look at a selection of the respective texts of each religion.

Such a discussion on religions other than Orthodoxy does not come without the normative, indoctrinating tendencies that have defined similar efforts in Greek RE. Characteristically, in the chapter on Yoga the objective is framed in particularly strong language that suggests an initial, primary purpose for the study of other religions or beliefs:

'Students should become aware of the phenomenon of yoga in such a way so that they are able to protect themselves from those social groups who use the different techniques (of yoga) as a means to sedate their conscience'.

Similarly, Zambeta remarks on the surprising choice to add the study of the Ancient Greek Religion in such a section – a religious belief-system that holds very few believers in our days.<sup>123</sup> The explanation given in the textbook to justify this choice reveals the strong historiographic intentions of the course of RE, as it offers a constructed interpretation on the continuity and the history of the Greek nation:

‘With the exception of the Ancient Greek Religion, which we have included here because it defines one of the periods of the historic trajectory of our nation, all other religions are alive today and deeply influence the lives of large territories of the planet’ (Student Textbook, Second Grade Lykeio, p.220).

This is one of the instances where RE is used to serve a specific purpose for the desired conceptualization of the Greek ‘nation’.

It is also in this section where, in clear violation of the principle of neutrality and freedom of thought, instead of offering students the option to understand, to criticize and to choose for themselves, the objective is to provide pre-determined, pre-decided conceptions, on the basis of which the students can then make ‘their choices’. While the ‘other religions’ have been added to the course and the recommendations stemming from the European setting are therefore taken into consideration, the established mindset with the respective intention of the course clearly remain unaltered and prevail, running the risk of overshadowing and even refuting the attempted European influence.

### **3.2. Religious Freedoms: a Distorted Perception**

Matters of religious rights are quite often incorporated to the syllabus of RE in Greek schools. However, considering the discussion on the educational approaches and teaching methods (Chapters Two), the thesis argues that the inclusion of ‘religious rights’ to the curriculum does not suffice on its own to make the required difference. Rather, attention should be paid on the *ways* in which this is done and, more importantly, the *purpose* behind such an inclusion. As seen in the previous

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<sup>123</sup> For more on the followers of the Dodecatheon (the 12 main gods of Ancient Greece) see a recent report by Matthew Brunwasser for The Word, a co-production of the BBC World Service, Public Radio International and WGBH: <http://www.bbc.co.uk/news/magazine-22972610> (20th June, 2013).

section, it becomes clear in the case of Greek RE that religious freedoms are seen through the lens of the Christian Orthodox faith, as a means to enforce the latter.

Some significant efforts are made to suggest that the Greek state is a guarantor of freedoms of religion or belief, as indicated through the Constitution and through the history of the country. The chapter on Judaism of the last Grade of Primary School focuses on the use of the Greek word 'synagogue' and comments that '*synagogues exist in the whole world, as in Greece, which has a long tradition on the respect of different religious beliefs*'.

The biased depiction of religious freedoms is seen characteristically in the two last grades of High School (*Lykeio*). 'Respect of beliefs of others' is only presented through the understanding of Orthodoxy, in a way that predetermines the mind-set of the students and that questions the freedom and respect of their own ideas and principles.

Specifically, religious tolerance is discussed in the textbook of the Second grade of *Lykeio*, which places the question specifically within a Greek context. Religious tolerance was proclaimed by the Constitution of 1827, while the current Constitution (1975) guarantees the protection of religious conscience and religious worship for every known religion, provided that it does not offend the moral and public usages and that it does not proselytize. At this point, the textbook focuses on the exception of the Orthodox Church in the Greek state, by claiming the following:

'Naturally, given that the Orthodox Church is considered as "prevailing religion" (article 3) since it expresses the vast majority of the people (97%), it is protected from any type of proselytism and both its institution and the means it uses (priests, ceremonies) should be respected'.

In order to further support the argument about the particularity and the admittedly superior position of the Orthodox Church, the text adds that '*the State follows its holidays and its religious calendar, while political actors also represent the State in various Religious anniversaries and ceremonies*'.

But does this special treatment put the Orthodox Church in an advantageous position compared to the other religions? The discussion in the textbook explains

how this is not the case, since article 13 of the Constitution places the *known* religions under the supervision of the State, just like it does with the Orthodox Church. The chapter concludes with the argument that ‘Christians should protect the state of religious tolerance in Greece, since such a right constitutes a normative expression of respect to fellowman’. This way, the chapter has made a brief, subtle reference to the debate on both the position and authority of the Orthodox Church and the treatment and the rights of other religions. The answers provided here are straightforward, leaving little space for reflection.

The question of religious freedom is treated directly in the chapter of the Second Grade of *Lykeio* titled ‘*Fanaticism, Intolerance and Secularism – a need or a threat?*’. It entails the definition, the causes and types of fanaticism, as well as the consequences of religious fanaticism. A short historical outline of secularism throughout the centuries is provided. By focusing on orthodox morality for the fight against fanaticism, the chapter then moves to the question of religious freedom as a basic right of every man, offering definitions of the concept. Placing this into a national context, the chapter discusses the matter of religious freedom in Greece (comments and explanations of the Greek Constitutions up until the current one). It then presents the stance of Christians towards the heterodox and heathen: ‘respect of *their* views (author’s italics), effort to understand, to appreciate and to discuss, while at the same time support the Christian truth’. This pre-established way of conceptualizing religious freedoms serves to even broaden the distance between the ‘Orthodox’ and the religious ‘other’. It eventually fails to guarantee the freedom of choice of students, themselves.

The course of RE for the last grade of High School is titled ‘*Issues of Christian Morality*’ and covers topics about the moral dimension of human life. Not unlike in the other grades of compulsory education, the issue of morality is here as well approached through the perspective of Orthodox Christianity. For instance, amongst the stated aims we find the necessity that students ‘comprehend the value and the importance of the freedom of conscience’.

The objectives and the overall character of the course of RE in Greek schools, which struggles to balance between the religious rights and freedoms of students and the need at the same time to preserve and enhance their religious identity, are perhaps perfectly summed up in the AP for the Third grade of *Lykeio*. The AP reads:

‘Students should realize that man is free in his choices and that Orthodoxy opens up different ways for the liberation of all men’.

Nowhere is this tension seen more strongly than in this ambiguous statement that reflects the nature of the debate in Greece. On the one hand, this sentence of the AP reflects an effort by Greek authorities to incorporate and to recognize the significance of religious freedoms, as these stem from the European norms and the respective legislation. On the other hand, however, we see the enduring tendency that has both defined and determined the educational system of the Modern Greek state to ensure the presence and the influence of the national Church and prevailing religion.

### **3.3. The Question of Proselytism: an Obstacle to Europeanization?**

The recurrent question on proselytism arguably constitutes the most conspicuous sign of resistance of the Greek education system to abide by the European principles. In spite of the ECtHR rulings, and of the recommendations of other European and international institutions that stress the illegitimacy of the constitutional prohibition, it is significant that the AP of the Ministry of Education chooses to disregard the debate altogether. The course of RE focuses, instead on the national-religious interpretation of such cases concerning the implications of the constitutional prohibition of proselytism.

A recurrent theme in Greek RE over matters of proselytism reflects the constant tension between the Greek state and Jehovah’s Witnesses.<sup>124</sup> This ongoing controversy between the Greek state and the members of this particular community has repeatedly reached the Court in Strasbourg. Indeed, in the First Grade of Lykeio, Jehovah’s Witnesses are mentioned for the first time in a chapter titled ‘Forms of Faith and Worship outside the Church’, together with the topics on Magic, Satanism, Spiritualism and Superstition and Para-religious phenomena. The main concern in the discussion on Jehovah’s Witnesses is the various methods that they use to ‘spread their faith’ – in other words, to proselytize. Similarly, in the following grade

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<sup>124</sup> Also see ECtHR case law in Chapter Two.

of High School, proselytism forms the principal concern of the chapter on 'Fanaticism, Intolerance and Secularism – a need or a threat?'. The issue is raised here in the section of 'religious rights' in a very critical, clear-cut manner: 'content of proselytizing – dangers'. According to the AP, students have

'The possibility to notice and to evaluate the religious groups who seek to proselytize them in contemporary Greece. The methods, the means and the purpose of these groups can be discussed (in the classroom), as well as the possible ways to deal with them'.

No reference whatsoever is made to the proselytizing attempts of the Christian Orthodox Church. The underlying belief is that proselytism is not an issue – of legal or social concern – if one declares to be Christian Orthodox. It is interesting however that other Christian denominations are also accused of their proselytizing tendencies and of the serious impact these have on Greek society. The chapter of the Third Grade of *Gymnasio* is dedicated to the study of Protestantism. It discusses the presence of Protestants in Greece today, who are gathered in different parts of the country. The chapter then comments on the coexistence of Orthodoxy and Protestantism in a very critical manner, claiming that '*in most cases, Protestantism is active beyond the Greek territory, therefore causing no friction with the Orthodox Church*'. The territory of the Greek state is taken to mean that of the Orthodox Church and any potential outsiders – understood here as non-Orthodox – need to be faced with caution. Indeed, the protectionist and exclusivist character of RE, is reflected in a claim against the dangers that could emanate from the Protestant Church:

'There are cases, however, where Protestant denominations practice proselytism. They try, in other words, to detach believers from Orthodoxy and to integrate them in the Protestant Church'.

A clear violation of the European standards on freedoms of religion therefore, no religious community, other than the prevalent Church of the state, is granted the freedom to 'proselytize'.

#### **4. From Current Provisions to the 'New School Project': Towards the Europeanization of Religious Freedoms?**

As the discourse analysis of the educational material suggests, the changes that took place in Greek Religious Education are visible and noteworthy. These changes stem from the recognition of the need to render the course more open in terms of its treatment of religious diversity and, within this context, to include references to the significance of religious freedoms. At the same time, the modesty of these changes reveals a reluctance to fundamentally change the course in its form and content. The narrow scope of change has been criticized, giving rise to concerns about the backward, conservative outlook of the course of RE, which is yet to correspond to the contemporary reality of pluralist societies and their underlying norms.

In 2011 the idea of a new project for the organization of primary and secondary education emerged from the Greek Ministry of Education, Lifelong Learning and Religious Affairs. Called the 'New School', this project arguably presents the latest and clearest effort of the Greek education system to modernize and to Europeanize. It is important to emphasize that this project is in the making and is yet to be realized. According to a general description of the project by the then Minister of Education, the 'New School', or 'School of the 21<sup>st</sup> century', is a political proposal for the upgrade and improvement of Greek education. The guiding principle of the project is that 'the student comes first' and its objective is 'to prepare the students for the great challenges that they will face in their future'. And this concerns all children, making no social, economic, educational, religious or cultural discrimination or inequality. The project entails a series of proposals for the improvement of the current curriculum and of the educational orientations of the different courses covered in primary and secondary education, amongst which the one of Religious Education.

The innovative character of the new Programs of Study<sup>125</sup> is seen through its considerable differences with the existing structure of RE in Greek schools. The influence of the European recommendations is prevalent and dispersed throughout the entire presentation of the project. The very opening line of the introduction to

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<sup>125</sup> The 'Programs of Study' are meant to replace the existing 'Analytical Programs of Study'.

the innovative features of the project states that the new Program of Study in the field of RE presents a course ‘which is open, pluralistic and which maintains its hitherto cognitive and pedagogical character.’ In many ways, this document constitutes an amalgam of the recommendations as promoted through the language of the CoE and of the particularities of the Greek education system with reference to the content and purpose of RE. More specifically, the new features of RE which are seemingly consistent with the European principles can be summed up in the following themes<sup>126</sup>:

A renewed emphasis on the reality of religious diversity:

The increasing pluralism of Greek – and European – societies means that the traditionally denominational outlook of RE in Greek schools is outdated and leads very often to smattering or to the ‘demonization’ of ‘the other’. The Program of Study of the project takes into consideration the new requirements of our times, the informative needs of the students and it is therefore enriched with further information on the Christian traditions of Europe and the other religions. While Christianity does maintain its relatively ‘preferential’ (quotation marks in original) position, the course aims to gradually and steadily approach six other religions: Judaism, Islam, Hinduism, Buddhism, Taoism and Confucianism, with a greater focus on Judaism and Islam. The decision to preserve the centrality of Christianity is justified on the basis of its contribution to the integration of those students of different religious backgrounds into the culture of the country where they now reside. The Teacher’s Guide argues accordingly that, since

‘the purpose of RE, as is the purpose of the whole of education, is to build on and to broaden the already-existing religious experience and understanding of students, a central position of Christianity in RE is apparently a necessity’.

Learning to respect ‘the others’:

A basic objective of compulsory education and of this opening up to the study of major religions is that young people become capable of handling pluralism in a responsible and creative manner and that they make their own personal choices. For

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<sup>126</sup> This information has been taken from the Ministry’s ‘The *New School* and the Innovative Features of the Program of Study in Religious Education’ (Stavros Giagkazoglou, Councillor at Pedagogical Institute) and ‘New School – Teacher’s Guide for Religious Education in Primary School and Gymnasio’ (Athens 2011).



this reason, RE in this new project seeks to create a context of respect towards the 'different' and of understanding of the religious convictions of the 'other', irrespective of the impact these may have on their personal and social lives.

Discussion on the role of the teacher and consideration for the respect of children's freedom of belief and of expression:

The New School Project further challenges the current system by focusing particularly on the role of the teacher.<sup>127</sup> The education, the background as well as the personal convictions of teachers of RE have formed the subject of important debates throughout Europe.<sup>128</sup> In the Greek case, it is the first time that a school guide of RE discusses the matter and offers severe criticism on previous arrangements. The new Program of Study of Religion seeks to achieve the creative liberation of the theologian, putting an end to the teacher-centered pedagogy<sup>129</sup> in use so far. More importantly, the effort to liberate the course from its strict indoctrinating character is expressed through the *selection* of teachers: provided that teachers are from now on responsible for teaching what is assigned to them by the state, 'no particular or religious belief of (theirs) should be a precondition to their selection'. Both religious and anti-religious fanaticism of the schoolteacher can be equally harmful to the religious (and not only) education of children who, whether they wish to follow the traditional religion, to choose another one or to remain uncommitted, are today more than ever in need of religious literacy.

Analysis and Choice of Educational Approaches and Teaching Methods:

Renewed emphasis is placed on the didactic method for the discipline of RE, so that students comprehend the history, the evolution, the everyday life and traditions of each religion, as well as their active presence in contemporary world. A crucial distinction is made between the interpretive and the interactive approaches,<sup>130</sup> both of which seek to foster creative dialogue, critical thinking, while ensuring the religious literacy of the students.

Furthermore, the new Program of Study seeks to bring the course closer to the social reality that children experience. For this reason, it includes a number of 'role games'

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<sup>127</sup> Unlike in the Greek Primary School, where RE is taught by the teachers of the respective class, in Secondary Education (*Gymnasio* and *Lykeio*), the teaching staff responsible for the course of RE are theologians, graduates of one of the Theological Departments in the Universities of the country.

<sup>128</sup> This issue also emerges through the field research in Greece (Chapter Six).

<sup>129</sup> Where the teacher functions as the basic conveyor who imparts readied knowledge.

<sup>130</sup> The pedagogical approaches to religious education are discussed in Chapter Two, section 4.1.

in simulation exercises where religious difference constitutes a potential source of conflict. The Didactic Section of the Third Grade of Gymnasio, titled 'The issue of religion in contemporary Europe', presents the following imaginary story to students: twenty-two-year-old Alexis, brother of Effie, is studying at university. He has just announced to his family that he is in a relationship with Aise, a nineteen-year-old Muslim Greek from the city of Komotini in Northern Greece. Cards assigning roles of different members of the family are randomly distributed to students, who are then asked to play their respective part in a discussion over the matter, under the supervision of the teacher. The cards given to students include the expected reactions of the different members of the family to Alexis' announcement: whereas young Effie is supportive of her brother and believes that love makes no discriminations, the authoritative character of the father finds his son's choice very hard to accept.

The purpose of the role game is to approach the question of religious diversity and freedom of religious belief in Greek society. The program of study therefore raises the following questions to be considered in class discussion:

'In contemporary Greece religious belief is increasingly considered to be a personal matter, as in the rest of Europe. Do you believe that Greek society is ready for such a change? To what extent does religion play a role in human relationships?' (Teacher Guide for Religious Education in Primary School and in Gymnasio, New School Project).

#### Reconsideration of the role of the Orthodox Church:

Finally, for the first time in the history of programs of study of RE, it appears that the school seeks not only to distance itself from the Church as an institution in charge of educational matters, but also to help the latter transform and modernize itself. This far-reaching idea for Greek standards suggests that Orthodox tradition 'is asked, through (this new course) of RE, to move forward, even beyond modernity, and to accept pluralism and religious otherness'. An obvious criticism is made here on the conservative and imposing tendencies of the official state Church. This new provision could form a first step towards loosening the link between the Christian Orthodox theology and Education in Greece.

The theoretical outline of the 'New School Project' promotes a type of RE that is radically distinct from past and current structures. The striking similarities with the

*language* and the *themes* discussed at the European level indicate the latter's actual use and influence over the new, recommended provisions. More than ever before, Greek state authorities in charge of education provisions have realized the importance and relevance of the European recommendations and have utilized them as the foundation of the new project for the teaching of RE which, to their understanding, is meant to fundamentally transform the discipline. Its alleged contribution is precisely to help overcome any hesitation in Greek society about the need to transform the character of the course<sup>131</sup>.

There are two crucial points that emerge out of the 'innovative' features of RE in the 'New School'. In the first place, this project has indeed, at a theoretical level at least, recognized the necessity for further developments in the content, the character and the purpose of its education. The main source of inspiration for these reforms are the European standards on freedoms of religion in education. Even though the course maintains its Orthodox outlook, the fundamental novelty of the new program of study has to do with the opening up to the religions of the world. References to the features of other religious traditions 'are organically integrated in the Main Topic of the Program of Study'. More importantly, this novelty

'... is implemented in a simultaneously critical and interpretive manner, so that it contributes to the religious literacy of students and to the respect of religious difference and the particular religious and cultural derivative of each student'.

As we have seen through the analysis of the AP for the nine years of compulsory education, such a principle has not been mentioned beforehand.

Could the 'New School Project' represent a move closer to a European conceptualization of freedoms of religion through education in Greece? Such promising intentions should be treated with caution, not only because the project has not yet entered the phase of realization but also because of the rigidity of the national education system, which has shown in the past the obstacles to transform. The criticism that this new project makes on the previously indoctrinating character of the discipline, which did not seem to make a priority of religious freedoms, is surely an indication of the impact of the European standards. This, of course,

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<sup>131</sup> See Conclusion about the current debate on the reform of RE.

concerns the theory in use at the language of the proposed new project. Important as it may be, it is also questionable whether and to what extent this new project will be implemented in practice. For instance, the enduring presence and ‘advantageous’ position of Orthodox Christianity in this promising venture could raise once again serious questions on the limits of reform. It remains to be seen whether the treatment of Christianity – compared to the treatment of other religions – will be any different than it has been in Greek RE so far and, subsequently, the effect that such treatment will have on the ways in which religious rights emerge through the education system.

It is clearly too soon to tell whether the promotion of this project will have an impact, or whether and in what ways it will be implemented. It is nonetheless significant to remark the great extent to which the ‘New School’ has integrated the European recommendations in its core principles, recognizing the need for fundamental change in the course of RE. Indeed, if these changes were to be implemented in the ways suggested by the Project, Greek education would be markedly closer to the European benchmark of freedoms of religion.

## **5. Conclusion**

The discourse analysis of the history as well as the current provisions of the course of Religious Education has shown that there have been, especially since the 1990s, clear developments in the handling of religious diversity and religious freedoms in Greece. Such signs of a Europeanizing effect are seen most notably through a more subtle and less frequent form of indoctrination, through the references to other religions and to the general value of respect of ‘others’ and of ‘their freedoms’. However, these developments should not be exaggerated. Long established national traditions that utilize RE as a mechanism of indoctrination and of the development of the Christian Orthodox identity of the students – at the expense of other religions – are still dominant and in spite of the visible influence of the European setting, they eventually prevail.

To return to the core questions that were raised in the beginning of the first section: how, if at all, does the portrayal and promotion of religious freedoms through the official documents of the Greek Ministry of Education correspond to the

recommendations developed and suggested by the European legislation? The analysis has shown that at a very first level, the question of religious freedoms and education has been acknowledged by the education system, which has, above all, modified its curriculum in order to include further and more detailed references to the matter. In terms of the promotion and portrayal of these rights however, the distance between the Greek and the European settings becomes more noticeable. And, to answer the remainder of the research questions, although religious freedoms have been incorporated in the study of RE, the persistence and prevalence of the established national understanding of such questions means that the apparent changes of the curriculum neither guarantee nor suggest a serious effort or the determination to abide by the European recommendations and to Europeanize accordingly.

In fact, the Greek case is a highly indicative example of the evident *struggle* that takes place between two forces to coexist: on the one hand, the recommendations of the European framework that seek to provide solutions to the challenges of growing immigration and religious diversity and to promote a shared understanding of religious freedoms amongst states; on the other, the resistance of the state to let go of its traditions over such a sensitive constituent of its national identity and its education system. Eventually, by revealing this rigidity of the Greek system, the analysis of the key documents of the national education system thus far indicates that the possibility of Europeanization in the sense of convergence towards a European understanding of religious rights is in this case limited.

## **Chapter V**

### **Europeanization of Religious Freedoms in France's Official Education Documentation**

#### **1. Introduction**

As we have seen in Chapter Three, the weight of history has marked the relationship between religion and the state in France. It has produced at the same time certain 'singularities', to use Willaime's term (2007, p.37) that are characteristic of the French case. What these unique features share in common is that they stem from a profoundly conflicting relationship between the Catholic Church and the French state. This collision was followed by emergent ideological, philosophical and political doctrines that criticize religion and that assert the supremacy of the state in France, in its emancipatory, centralizing and homogenizing mission. This chapter focuses on the French 'singularities' towards religion, both in their historical and contemporary dimensions. By examining the evolution and potential transformation of these national features within the context of state education, the objective is to discern the signs and the degree of Europeanization of freedoms of religion in France.

The overarching principle that has defined the position of religion in the French state, and particularly in education, is *Laïcité*. This tradition was built to counter the dominance of the Catholic Church over public affairs. *Laïcité* is a Constitutional value, as it has been included to the Preamble of Article 2 of the 1958 Constitution (see Chapter Three). Due precisely to its close links with the deepest values of the French Republic, the term is difficult to translate into English. In an attempt nonetheless to deconstruct this key concept, three key themes emerge: the first has to do with the essence of *Laïcité* as a cardinal value in French political culture, which appears in all social and political debates concerning religion. Second, *Laïcité* is first and foremost associated with the state school, as much in the country's history as in its current affairs. Third, the word is equivocal: *Laïcité* has had different meanings in the course of the great debates, while, at any given moment, there have always been distinct conceptions of what it should be (Bauberot 2004 in Massignon 2011, p.159).

The concept of *Laïcité* is examined in this chapter, by considering its different dimensions and the contexts within which it emerges: how is *Laïcité* conceived today within the context of the French school and what is its correlation with freedoms of religion?

The national singularities in public education and religion, understood under the rubric of *Laïcité*, position France furthest away from the European benchmark on religious freedoms and education. The construction of democracy and the institutionalisation of a republican regime in France took place within a framework of complete, frontal opposition to religion and to clericalism. The republican school occupies a central role in this '*guerre de deux France*' and is often merged with the French Revolution, itself (Mona Ozouf in Willaime 2007, p.39). In fact, the separation of the educational state system from the Catholic Church predates the separation of Church and state. It was in 1882 when the course on 'religious and moral instruction' in French state schools was replaced by a new course on 'moral and civic instruction', according to Article 1 of the *Ferry Law*. Article 3 of the same law abolished the right of priests to inspect, supervise and manage primary schools (whether public or private). With the turn of the following century, these principles of separation were extended to the rest of state services and public bodies, subject to *Law of 9 December 1905*. An interesting exception to this, the 1905 Law does not apply to the Alsatian and Moselle departments, which were at the time under German rule. In 1918, when these territories went back to France, they were exempted from the 1905 Law and are still under the 1801 Concordat.<sup>132</sup> Since 1882 therefore, with the exception of the two regions, religious education is prohibited in the French public school system and there is no separate discipline dedicated to the study of religion.

The Education Codes,<sup>133</sup> published by the French Ministry of National Education, bring together the current legislative arrangements related to public Education. This

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<sup>132</sup> These territories, lost to Germany in 1870 but regained after the First World War, are the only regions of France where the terms of the 1801 Concordat still apply, which provides for the public subsidy of the Catholic, the Calvinist and Lutheran Church and the Jewish religion and, more importantly, it offers the possibility of a public education in those religions. For more on this regional exception in France see Étienne Schmitt (2013), 'Une exception à la laïcité française: la régime concordataire alsacien-mosellan', 15<sup>e</sup> Colloque du CEETUM and Willaime, Jean-Paul (2000), 'L'enseignement religieux à l'école publique dans l'Est de la France: une tradition entre déliquescence et recomposition'. *Social Compass* 47, p.383.

<sup>133</sup> Code de l'Éducation:

<http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071191>

collection of regulations contextualizes the French singularities of the principle of *Laïcité*, within the organization, the objectives and the content of the national education system. The link between the historical developments and the current arrangements of the French state is thereby established. Article L141-2 of the Codes, on ‘*Laïcité* in Public Education’ states that,

‘According to the principles established by the Constitution, the state offers children and adolescents the possibility to receive an education that conforms to their aptitudes in an environment of equal respect of all convictions’.

Within this principle, the state assures the freedom of worship and of religious education (*instruction religieuse*, in the original). As initially established by the *Ferry Law*, such freedom is protected through the following arrangement: ‘public schools leave one day per week, other than Sunday, free to allow parents to provide their children, if they so wish, religious instruction,<sup>134</sup> outside school premises’ (Article L141-3). Article L141-5 further specifies that education in public French institutions is exclusively entrusted to a ‘*personnel laïque*’, implying requisite dedication to and respect of the laical principles of the Republic. A notable exception in Europe, therefore, religious education in France can only be offered to students of public schools *outside* class hours.

A further extension of the troublesome relationship between state and Church is the strict division between the private and public spheres. The embedded strong reluctance towards the public manifestation of religious belonging in France leads to the subsequent confinement of such expressions in the private sphere (Willaime 2007, p.40). The major concern behind such policies in the French understanding is the potential of religion to be divisive. The republican school serves as a sanctuary from the rest of society, precisely to protect students from potential conflicts. As far as religious manifestation is concerned, the Education Codes focus specifically on the question of symbols. Article L141-5-1 establishes that

‘In public primary schools, in public *collèges* and *lycées*, the wearing of symbols or clothes through which students conspicuously express a religious affiliation is prohibited’.

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<sup>134</sup> For the distinction between religious education/religious instruction, see Chapter One, 4.1.



Reactions and potential hesitations over the relevance and applicability of the Article have led to the addition of the following precision: ‘a dialogue with the student should precede any internal procedure of school discipline’. With the exception of Turkey,<sup>135</sup> France is the only country that is both a member of the EU and the CoE, which has legislated to prohibit the apparent (conspicuous) manifestation of the religious affiliation of pupils.<sup>136</sup> According to Willaime, and as we shall see further on, it is also evident that this very law was voted in particular in relation to the question of the Muslim headscarf (Willaime 2007, p.45).

The above-mentioned provision exists, while France has integrated in the European Union and has signed the European Convention on Human Rights, as well as other international conventions that guarantee the liberty of everyone to publicly express their religious belief, within certain prescribed limits. In line with these freedoms guaranteed by international conventions, the French law of 1905 was in principle created to guarantee three key conditions: the freedom of conscience of everyone, the separation of Church and State and freedom of worship. Exactly how these conditions are guaranteed in practice and what is their relation to the European recommendations on freedoms of religion and education is the central concern of the analysis to follow.

The chapter first looks into the background and content of the transformations that took place in French state education, with respect to the incorporation of ‘*le fait religieux*’ in school curricula. Two official primary sources are analyzed, which mark the attempts over the last two decades to change the role and place of religion in the French school; namely the Reports of the Stasi Commission and of Régis Debray. These Reports resulted in the introduction and incorporation into French school curricula of ‘*le fait religieux*’, or of religious issues. The sources consider this achievement as a revolutionary step forward and as a necessary renovation of the concept of *Laïcité*, whose renewed purpose is to adapt to current events and to deal

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<sup>135</sup> Turkey, one of the first countries to become a member of the CoE and an official candidate for full membership to the EU since 1999, had a long-time ban on headscarves in state institutions, including schools. For more on the lifting of the ban see Chapter Three, footnote 97.

<sup>136</sup> Though in Belgium there is no unified policy or law on the acceptability of displaying and/or wearing religious symbols in public education, ‘individual schools and public institutions set their own policies, ranging from complete freedom to comprehensive restrictions’ (see Ingrid Sherlock-Taselaar 2010, ‘Religious Freedom in Belgium: A Limited Study of Challenges as Experiences by LDS Children and Youth in Flemish Classrooms from the 1970s Until Today’. *International Journal of Mormon Studies*, Vol. 3. For

effectively with the challenges of religious diversity and the increasing need for the guarantee of religious freedoms. A critical analysis of the sources breaks down the concepts of 'change' and 'evolution' and examines the nature of these developments with respect to the equivalent European recommendations on freedoms of religion: exactly how much of a change has occurred? What is the nature of the 'renewed *Laïcité*'? And does this change bring French education closer to the European benchmark of religious freedoms and education?

At a second stage, the chapter turns to the actual incorporation of religion in French School Programs. The discourse analysis of the official Ministerial documents and of school textbooks focuses primarily on the discipline of History, but also of Civic Education, as well as Art History, French and Philosophy. The ways in which religion is included in school curricula are studied and subsequently examined relative to the European recommendations.

## **2. A Renewed *Laïcité* and '*Le Fait Religieux*': Assessing the Europeanization of French Education**

The laws that separate Church and state and that restrict religion to the private sphere, beyond education institutions, have remained unaltered in the French state. A chain of events however, in the national and international arena, has led in various degrees to a reconsideration of the strict structure of the French education system. Numerous voices in France restated the question of religion in education in the 1980s. It was in fact a domestic event that brought the question to the centre of political discussions. The 'Creil Affair'<sup>137</sup> of 1989 and the subsequent expulsion from a public school of three young girls who went to class wearing headscarves, sparked a national debate. The question of secularism in France reemerged, raising this time concerns about the place and integration of Islam in the country. Public opinion and teachers, while remaining devoted to the principle of *Laïcité*, broadly spoke of the need to take religion into consideration as part of school curricula. Historian Philippe Joutard submitted a Report to Minister of National Education, Lionel Jospin, stating the need to incorporate religious issues within existing school subjects. Thus,

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<sup>137</sup> See Evans, M., 'The Left, *laïcité* and Islam', *Modern & Contemporary France*, 45 (1991), pp. 8–15.

new emphasis on religious facts appeared in the programmes of history and literature after 1996. As guidance for teachers, moreover, the Centre for Pedagogical Research and Documentation in Besancon (affiliated with the Education Department) edited a collection titled 'History of Religions', designed to give secondary schools teachers instructions about how to address the subject in class.

In the aftermath of 9/11 then Minister of Education Jack Lang recognized the overwhelming necessity for an initiative to bring the school closer to religious facts. Philosopher Régis Debray was appointed in charge of looking at the teaching of religious facts in laical schools. He eventually published a Report under the title '*L'Enseignement du Fait Religieux*' in February 2002. Less than a year later, French President Jacques Chirac created an independent Commission of nineteen members, amongst which school directors and teachers, researchers, civil servants and Members of Parliament holding different political beliefs and convictions, to study the application of the principle of *Laïcité* in the French Republic. In December 2003 the Commission published a report directed to the President of the Republic, which entailed an analysis for the re-adaptation of *Laïcité* according to the latest emerging challenges and debates.

The Debray and Stasi Reports of 2002-2003, respectively, form the basis for the declared developments of the French education system during the last decades, all of which center around issues of religion. What these changes appear to have in common is that, in the French milieu, they are interpreted as clear signs of an *evolution* of the concept and policy of *Laïcité*, rather than merely a transformation. *Laïcité* is accordingly understood as 'an elastic rather than an immutable concept which has undergone a series of evolutionary stages, each of which can be linked to the prevailing socio-political context' (Chadwick 1996, p. 48). The inclusion of the '*fait religieux*' in the public sphere, and especially in the school, falls 'within a context of the maturity of *Laïcité*', a new age of *Laïcité*, which is precisely a sign of its success. (Dominique Borne, Les Actes de la DESCO, *L'enseignement du fait religieux*'). The objective in the following sections is to assess the relation between *Laïcité*, as it has evolved in recent years, and the European standards on freedoms of religion and education.

## **2.1. Stasi Commission and Religious Freedoms: A Place for the Renewed *Laïcité* in Europe**

In its analysis and definitions of *Laïcité*, the Stasi Report is considerably defensive. It attempts to clarify the possible misunderstandings, describing what *Laïcité* is not, while at the same time it establishes a series of principles that define what *Laïcité* is today - or what it is becoming. But what is so particular about the French concept of *Laïcité*? And, indeed, why the fixation on this Republican value, which, by its nature, is not seen as fading away but rather as readapting to socio-political developments throughout time? The answer to this question is found in the Stasi Report, which explains the reasons why French policies and attitudes towards religious pluralism and freedoms of religion simply cannot be understood outside the realm of 'Laïcité'. Indeed, *Laïcité* is precisely the common value that brings and keeps French citizens together within a context of increasing diversity: 'it thus touches on national identity, on the cohesion of the social body, on equality between men and women, on education, etc.' (Stasi Report, p.36). Such attachment to the principle of *Laïcité* is moreover to be found amongst the large majority of 'our fellow-citizens' who, instinctively, recognize in that principle a value on which national unity is based and which constitutes at the same time a guarantee of individual liberty. This is to explain why, at all times, this value should be respected and, when threatened, it should be defended (*ibid*, p. 6).

This sense of 'threat' that is frequently evoked in the Report justifies to a great extent the need to reconsider the role of *Laïcité* and to therefore establish this independent Commission. The challenges of *Laïcité* today are in many ways similar to the 'challenges of religious diversity' as these have been discussed in the works of the Council of Europe throughout the last two decades. The Stasi Report talks about a much noticeable 'deterioration of the situation today', due to the difficulties of integrating those who have arrived in the national territory over the last decades, the living conditions in a number of city suburbs, unemployment, discrimination. Amongst the challenges coming 'from within' the Report mentions the presence in 'our country' of 'extremist groups' who try to 'test the resistance of the Republic' and to 'push certain young people towards the rejection of France and of her values' (*ibid*, p.7). What we see here is a description of a kind of struggle, as the Republic becomes defensive against those who threaten its core values and principles. The

underlying message is that France simply has to act to protect these values. The question is exactly how such a self-protective, national outlook is translated into educational laws and policies and, subsequently, the extent to which these policies are compatible with the European recommendations on freedoms of religion.

Furthermore, according to the Stasi Report, conflicts far beyond the national setting – most notably in the Near East – serve to aggravate the tension in France and to provoke further confrontations in some French cities. Such an impact of the international developments on French environment further sparks the defensive stance of the Republic, since it ‘naturally leads our fellow-citizens to a call for the restoration of republican authority, particularly in the school’ (Stasi Report, p.7). The link between *Laïcité* and Education is thereby once again established, as today (from 1989 onwards), the question of *Laïcité* reemerges exactly where it was born in the 19<sup>th</sup> century: at the school (*ibid*, p.56).

So what is, according to the findings of the Commission, *Laïcité* becoming today and how is this to be achieved through the school? Much like *Laïcité* forms the glue that keeps the French nation together, in the school it acts like a catalyst of integration: it is the medium through which individuals who do not necessarily share the same convictions can coexist. By giving voice to national unity, to the neutrality of the Republican state and by acknowledging diversity, it helps create this ensemble of shared images, of values, of dreams and of wishes on which the Republic is founded. In order to do this, the laical framework ensures that no community imposes its beliefs or confessional identity on others. Defending freedom of conscience means protecting students from any kind of proselytism. Towards the same end, the neutrality of the state towards religions and spiritualities is further extended to the neutrality of the school establishments. In such a limited environment, and considering the particular sensitivity of young students towards exterior pressures and influences, the school should allow them to acquire the necessary intellectual tools to foster independent critical thinking.

According to the Stasi Commission, it goes without saying that, within such a context, ‘reserving a place for the expression of spiritual or religious convictions is not self-evident’ (*ibid*, p.28). It is, in fact, forbidden. In other words, the French interpretation of the principle of respect and guarantee of religious freedoms through education is that religious expressions can simply not be allowed in schools.

This is a crucial point, particularly when considered in light of the right of religious expression and manifestation, as embodied in the European framework (see Introduction and Chapter Two).

### Laïcité and Religious Manifestation in Schools

Following this interpretation, the major novelty in the recommendations of the Stasi Commission is the introduction of the law banning religious (and political) symbols in school establishments. The existing arrangements at the time sanctioned any kind of religious manifestation within school premises (*Conseil d'État*, 27 November 1996, *Ligue Islamique du Nord*). This jurisprudence however entailed three difficulties: it gave school directors full responsibility over the matter, who often found themselves isolated in a difficult environment; it created problems with the interpretation of the meaning of each religious symbol, while it was also impossible to trace the borderline between an illicit conspicuous symbol and a non-conspicuous, licit one. Above all, the Report states that it is the role of the Republican School to act as a kind of savior of these young Muslim girls, who are often forced by their family and social circles to wear a religious sign – a choice that is not seen as their own. In light of this, 'the Republic cannot remain deaf to the cries of distress of these young girls. The school milieu should serve for them as a place of liberty and of emancipation' (Stasi Report, p.58).

In its role as emancipator, the Republican School is asked to intervene and to put an end to those practices, which it considers as oppressive. It is no coincidence that the one and only example of such oppressive attitudes mentioned here is the Muslim headscarf. For all these reasons, and as a means once again to ensure freedom of conscience, the Commission proposes the following legislation:

'The clothing and symbols expressing a political or religious belief are prohibited in the *Écoles*, *Collèges* and *Lycées*. All sanctions should be proportional and should be taken only after the student has been asked to conform to his/her obligations'.

To avoid the uncertainty of past arrangements, the following precision is attached to the new law:

'The religious clothing and symbols that are inhibited are the conspicuous ones, such as a large cross, a veil or kippa. On the contrary, symbols which are not considered as displaying religious belonging are the more discreet ones, for instance medals, small crosses, David's Stars, small Koran or the Hand of Fatima' (Stasi Report, p.59).

### Laïcité and International Conventions on Religious Freedoms

The European and international developments over the matter are a central interest of the Stasi Report. Through references to international organizations and the legislation that sets out the principles on freedoms of religion, the Report establishes the relative position and role of French national provisions. It is in this first instance that *Laïcité* acquires an international, expandable configuration. Accordingly, the place of *Laïcité* is to be found in France and beyond – its particular and exceptional features, render it a simultaneously *Republican* value and a *universal* principle (*ibid*, p.10). The Stasi Report therefore reflects an assumed ideological '*mission civilisatrice*' of the French Republic, which seeks to demonstrate how French norms on religious freedoms through education actually constitute universal ones. In the very opening of the Report, President of the Commission Bernard Stasi speaks of the interest that 'our European friends', whom they have consulted throughout their review, have shown for the debate that took place in France. Stasi's perception of the reaction of the 'European friends' is reflected in the following statement: 'I say this without vanity – (they) are impatiently expecting the propositions of the Commission and the decisions that will be taken by the public authorities' (*ibid*, p.3).

Where and how does 'Europe' specifically figure in the universalist French outlook? The section on international organizations for the question of religious freedoms briefly refers to the Universal Declaration on Human Rights (which, as emphasized, has no restrictive legal value), the Convention Against Discrimination in Education by UNESCO and the European Union. According to the Report, even though the latter was not founded on religious grounds, it nonetheless supports the principle of secularization that corresponds to the French practices of *Laïcité*. The largest part of this section is dedicated to the European Convention on Human Rights of the Council of Europe, most notably to Article 9 of the Convention that protects religious freedoms. Quite clearly, the objective of the Report here is to first emphasize the

compatibility between international provisions on religious rights through education and the French principle of *Laïcité* and to establish at the same time the limits of these international instruments. With respect to the ECHR therefore, the Report explains that Article 9 of the Convention is not ‘an absolute right’ on its own (*ibid*, p.20). Rather, the state can place limits on this Article under the triple condition that such limits are (i) provided by the law, (ii) that they correspond to a legitimate purpose and (iii) that they are necessary in a democratic society (Stasi Report, p.20). A similar kind of restriction is presented for the Court in Strasbourg, whose approach to the cases of religious freedoms ‘is based on a recognition of the traditions of each country’ and which does not ‘seek to impose a uniform model of Church-State relations’ (*ibid*).

Some critical cases of the European Court of Human Rights are mentioned. The selected cases focus either on the ‘margin of appreciation’, which leaves states the liberty and responsibility to deal themselves with some of their most delicate matters (*Cha’are Shalom ve Tsedek vs. France*), the conviction on grounds of proselytism (*Kalaç vs. Turkey*) and the protection of *Laïcité* as a Constitutional value of States (*Refah Partisi and others vs. Turkey*).<sup>138</sup> The list of judgments selected by the Stasi Report serves a specific purpose of reaffirming the relation between the principle of *Laïcité* and Article 9 of the ECHR. Indeed, what all these cases have in common is that they portray the consistency of the jurisprudence of the Court with *Laïcité*.

With respect to the proposed legislation on the prohibition of conspicuous religious symbols in French schools, the Stasi Report directly raises the question of its relevance with Article 9 of the ECHR. What it calls the ‘juridical obstacle of incompatibility of the law with the ECHR’, that has been frequently brought up during the Commission preparatory meetings, ‘can be set aside’, for the simple reason that ‘the Court in Strasbourg protects *Laïcité*, since it constitutes a fundamental value of the State’ (*ibid*, p.59). In the same line of argument, the jurisprudence of the Court discusses the limits that can be placed on religious liberty in practice – limits that, much like the concern of *Laïcité*, are set to protect the public order. The Report argues that ‘the jurisprudence therefore shows that *Laïcité* is not incompatible, as such, with religious freedoms, as these are protected by the

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<sup>138</sup> As we have seen in Chapter Three, it is no coincidence that the cases discussed relate to Turkey, namely the other characteristic example of *Laïcité*, which is also signatory to the ECHR.



European Convention on Human Rights' (*ibid*, p.21). Should this observation fail to satisfy the question of compatibility, the Report adds that

'In any case, in order to ensure the respect of religious conscience in the context of a laical education, Jules Ferry had foreseen the need for the establishment of a free day, other than Sunday, to allow religious teaching (Article L141-3 of the Education Code)' (*ibid*, p.23).

This last reference stresses a further distinctive aspect of the French approach to religion that relates specifically to the role of the school: it is not the responsibility of the public school to offer a discipline on religion (in whatever form) to students in France; rather, students can acquire such knowledge outside the premises of public education.

The depiction of the European framework of religious freedoms in the Stasi Report, is indicative of the disposition of the French state towards the European recommendations and their legislative bodies. Though the French State acknowledges the existence and the significance of the European institutions, it appears to be placing *Laïcité* as a far superior principle that should be duly respected by national and international legislative bodies alike. Using the argument on the 'margin of appreciation', the Report suggests that the Court in Strasbourg unequivocally respects national constitutions, especially in the case of *Laïcité*, which is seen as compatible with and reinforcing of the ECHR on matters of religious freedoms. In other words, the European framework is relevant and applicable but in a very specific, limited way, while it is moreover asked to accept and respect the higher, indisputable values of the French state for the appropriate handling of matters of religious freedoms.

The Stasi Report represents the national debate on the challenges and the readjustment of *Laïcité* in today's France. The language used and some of the key references and incidents evoked are closely related to the European recommendations on religious freedoms and education. These references acknowledge the current developments and challenges, as well as the need to react in this context of increasing pluralism, while guaranteeing freedoms of religion. The ways however in which national authorities choose to do this are particular in nature and openly defensive. In many instances the Report calls for a protection of

national security and ideals against internal and external forces that do not seem to conform to national principles and values. So, how are the European recommendations on religious freedoms and education conceived in this case? Do they also form part of these external forces that seek to permeate the French national setting and to confront its core values? So far, the European institutions are presented as important factors which tackle questions of religious freedoms, both through the ECHR and the established Court in Strasbourg. The overall stance of the Report towards the European institutions implies, however, the secondary, subsidiary role of the Convention system. Though misunderstandings or even disagreements may exist between the national and the European approach to religious freedoms through education, in the end, national practices prevail. According to the Report, this is due as much to the limits of 'soft law' and the principle of the 'margin of appreciation', as to the eventual, indisputable compatibility of *Laïcité* with the European principles on freedoms of religion and education.

Two crucial questions emerge at this point. The first has to do with the extent and nature of changes in the French education system: how innovative are the proposals of the Stasi Report? Do they denote a change of course in French affairs or a further deepening of existing arrangements? Subsequently, what is the relation of these changes with the respective European framework? Indeed, the Stasi Commission was clearly preoccupied with this matter, as it devotes a large part of the published Report attempting to prove the relevance of this new form of *Laïcité* with European principles. Does the French decision to impose limits on some of the fundamental freedoms of religion and its expression prove its compatibility with the principles established at a European level? Or is this indeed a case where the European legislation – and the shared norms it represents – simply cannot intervene and comes inevitably second to the national approach to religion in education?

## **2.2. Debray Report and Teaching '*Le Fait Religieux*'**

Religion had already entered French school curricula after 1996, following the 'Creil Affair' and the national debate this sparked. So what were the reasons for further change in terms of religion in national education? This section looks at the outcomes of the Debray Report of 2002 in particular reflected through the incorporation of the

*'fait religieux'* in French school curricula. The primary objective here is to examine whether the changes at the French education system relate to the European recommendations of religious freedoms through education.

### Reasons for Teaching the *'fait religieux'*

As noticed by Jean Delumeau in the seminar titled *'L'École et le Fait Religieux'* in 2002, the teaching of the religious fact in schools is 'a necessity of our time'.<sup>139</sup> This statement reflects the wide consensus in French society over the enhanced place and role of religion in education. During a consultation of 1998, even the *lycéens* had expressed their wish to receive an education that would allow them to better adapt themselves to the world and to the path they choose to take.<sup>140</sup> As a means to address primarily the issue of religious illiteracy amongst French students, the Ministry of Education has since adopted the proposal of Debray to teach *'le fait religieux'* in state schools. Religion was not to be a special subject on its own, as is the case in most education systems across Europe. Instead, religious themes were given a 'specialized treatment ... as they arise across the curriculum, particularly in literature, history and philosophy'. Xavier Darcos distinguishes three main axes of this new approach:

In the first place, teaching the *'fait religieux'* comes down to understanding the specific language, which allows us to name and to decipher the symbolic signs of religion – in other words, to understand one of the ways to interpret the world. The *'fait religieux'* also gives young people access to innumerable masterpieces of human civilization. Lastly, teaching the *'fait religieux'* makes (students) capable of understanding the role that 'the religious' plays in the modern world.

The broad objective of teaching the *'fait religieux'* therefore is to contribute and help build knowledge on the symbolic significance of religion, on its cultural dimension and on the civic aspect of the *religious* in contemporary societies. As such, in the opening remarks of the Report, Debray points out certain instances on the

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<sup>139</sup> Actes du séminaire : L'enseignement du fait religieux, 5, 6 et 7 novembre 2002 à Paris. Eduscol – Portail national des professionnels de l'éducation: <http://eduscol.education.fr/pid25234-cid46336/1-ecole-et-le-fait-religieux.html>

<sup>140</sup> Xavier Darcos, Delegate Minister for School Education, opening speech of conference – Allocution d'ouverture: <http://eduscol.education.fr/pid25234-cid46331/allocution-d-ouverture.html>

implications of what he calls '*l'inculture religieuse*' (lack of religious culture/education): Tintoret's *Crucifixion*, Mozart's *Don Juan* become incomprehensible with no prior religious information, while *Trinité* is nothing more than a métro station. Similarly, ignorance of 'the religious' leads to clichés and prejudice, creating further challenges to the unprecedented diversity of religious beliefs in 'our' country of immigration.

Much like the discussion of the Stasi Commission on the 'shoulds' and 'should-nots' of *Laïcité* in the school, the Debray Report sets out a list of aims that the incorporation of the '*fait religieux*' should satisfy. With respect to the character and objectives of the '*fait religieux*' the Report repeatedly states that this is not a matter of 'putting God back in school' (Debray Report,<sup>141</sup> p.5) and claims that 'we are not here to teach catechism' (*ibid*, p.9). Teaching *of* the religious is *not* a religious education (*ibid*). Instead, the teaching method to be applied will be one of information, an offer to know, based on evidence and critical reviews. Moreover, this descriptive and factual approach towards religions in their presence and plurality – from the Extreme Orient to the Occident – shall not give priority to any one of them. Equality amongst believers constitutes in fact one of the principles of the Republic. (p.10). The sensitivity of French authorities to extremist or sectarian forces, as described in the Stasi Report, is mentioned in this Report as well. Once again, the school serves as the medium through which the Republic has to act against these forces: 'does not the School of the Republic have to counterbalance the charlatans and the sectarian passions?' (p.11).

Though the '*fait religieux*' has no indoctrinating tendencies, it does approach the wider, more essential questions of life in which religion can play a role:

'The School has to also help students in the quest for meaning – a social reality, the moral, the history of art and of myth – in particular through philosophy in a reflective and critical manner' (p.11).

Considering the long list of responsibilities and objectives that the '*fait religieux*' is meant to satisfy, the Debray report directly raises the question: why not establish a separate course for the study of religion? The answer provided on the reasons why a

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<sup>141</sup> Régis Debray, Rapport A Monsieur le Ministre de l'Éducation Nationale, 'L'enseignement du fait religieux dans l'École laïque', February 2002

separate course is simply not the solution reflects the longstanding persistence in France to avoid the entry of religion, *per se*, in the school of the Republic. The decision to even speak of ‘religious facts’<sup>142</sup> – rather than ‘religions’ – as well as the choice to approach these facts through different school disciplines, signifies that religion is more than mere opinion (Willaime 2007, p.95). ‘No one may be inconvenienced on grounds of the opinions, including religious ones, as long as their expression does not infringe upon legally established public order’, reads the relevant Article of the Declaration of 1789 (qtd in *ibid*). The gap between public and private spheres of expression emerges here. Seeking to avoid the potential reactions or criticisms that the manifestation of one’s religious convictions may cause, French education confines religion to the private sphere, away from the public life of the republican school.

Further on, the Debray Report mentions a very practical reason why the study of religion cannot be designed as a separate course, namely lack of time. The school in France has been experiencing a ‘crisis of developments’, as seen in the overcharge of activities and timetable, the piling up of further programs, etc. To introduce a specific course on religion, or even one on the ‘history of religions’, in the overfilled programme of secondary education, would mean to inevitably reduce it to a decorative, marginal course, as is the case with Music for instance (p.17). On the basis of these arguments, this thesis asks how much attention *is* in fact given to religion through the study of other disciplines in French state schools.

### Innovative Character of the ‘fait religieux’

But how much of a *change* does the Debray Report actually promote? And would the new approach to the religious through education differ significantly from the changes in the curricula from 1996 onwards? Indeed, before 1996 all religious matters were simply excluded from the sphere of education. Debray thus talks about the ‘remarkable steps forward’ that have been taken since 1996, with the new, excellent orientations of the *Programmes Scolaires* (School Programs) of History and French (in *Sixième* and *Cinquième* of *Collège*, as well as the *Seconde* and *Première* of *Lycée*). For instance, ‘no one can seriously claim today that Islam is absent from

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<sup>142</sup> As we shall see in Chapter Six, the translation of ‘fait religieux’ to ‘religious facts’ in English is disputed.

school learning'. Having said that, 'when it comes to questions of improvement and deepening of the matter, this consensus falls apart'(p.8). The Report therefore criticizes what it calls the existing 'formalistic technicism' of the school approach to texts and works relating to religions, which tend to more or less marginalize the older 'disciplines of meaning' (literature, philosophy, history, art) (p.4). The objective of this new attempt is to include many more references to the religious, spread out throughout different thematic sections and separate disciplines: 'the time has come for a transition from a *Laïcité of incompetence* (the religious does not concern us) to a *Laïcité of intelligence* (it is our duty to understand it)' (italics in the original) (p.22).

Significantly, as a means to respond to subsequent criticism, the Report notices the potential risk of presenting religion in its historical dimension. Religions do have a history – but they are not *just* about history and, even more so, not just about statistics. The two are in fact seen as inseparable and interdependent: to present 'the historical context without the spirituality that has brought it to life runs the risk of devitalizing'. On the contrary, to talk about the 'religious wisdom, without the social context that has produced it, runs the risk of mystifying' (p.14). The challenge therefore is to find and maintain the balance between the two.

Amongst the list of recommendations put forward by the Debray Report, a major advance was the creation of the European Institute for the Study of Religions (Institut Européen en Sciences des Religions – IESR). Formed in 2002 within the Ecole Pratique des Hautes Etudes, the IESR is a centre of expertise and of advice on current and historical issues involving *Laïcité* and religious questions in education. More importantly, the mission of the *Institute* works under the supervision of the French Ministry of National Education, while it collaborates with a number of public bodies and government ministries, such as Foreign Affairs, Culture, Interior, Justice and Labour-Employment-Health. Following Debray's suggestions, the IESR organizes training programs for education personnel whose objective is to adapt the teaching method to the various disciplines where religions are discussed. In its research section, the IESR analyzes how teaching about religions is being implemented in France and Europe, by examining situations, practices, issues and debates and by organizing European conferences.

The decision to name the centre 'European' is not coincidental. On the contrary, as with the Stasi Report's discussion on the links between the European and national settings, this title of the *Institute* reflects the declared 'European' outlook of French educational authorities. Similar to the arguments of the Stasi Commission, however, this outlook has a specific purpose and understanding of things. It aims in the first place at gaining an insight of the developments in other European countries. Debray recognizes that there is no uniform model of education and religion in Europe. He, nonetheless distinguishes the exceptional and even more advanced case of France, claiming that 'the French approach to this principle of international law, no matter how imperfect, is much more advanced than elsewhere and constitutes an originality in Europe'<sup>143</sup> (p.23). Given the lack of a 'European norm' in the matter, the Report concludes by suggesting that this balanced and more distanced approach adopted in France could be 'regarded with great interest by our European friends'. Being close to celebrating the centenary of the separation of state and Church, 'the French case could form an engine towards the future' (p.24).

The Debray Report offers a promising list of observations and recommendations, yet it inevitably remains theoretical in character. As discussed in the projects of the European institutions, what renders questions of religion and education particularly complex is precisely the translation of theory into practice. In theory, this Report remains nonetheless to a significant degree loyal to the European framework, in that it recognizes the need to react to the contemporary developments, while respecting freedoms of religion and conscience. The '*fait religieux*' aims at a significant transformation of French education, which will now broaden and deepen its approach to the religious. Would the implementation of such changes bring French education closer to the European framework of religious freedoms? The Report directly addresses this question. It claims, in the first place, that the new developments in France constitute a step closer to discovering an appropriate way for the treatment of religion through education. More importantly, given the absence of a common European policy and norm on the matter, what happens in France can in fact constitute an example for a *European* solution to the problem. More than simply a question of 'right or wrong' the Debray Report and its recommendations are indicative of the particular ways of interpreting the European recommendations

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<sup>143</sup> Debray also places the cases of Mexico and Turkey together with the French exception (for more on Turkey see Chapter Three, 3.2).

– and the position of the national structures with respect to this. In this case, the French paradigm could become the European paradigm.

### **3. The ‘*Fait Religieux*’ and the Europeanization of Religious Freedoms in French School Programs**

This section turns to the implementation of the theoretical considerations in the French debate on *Laïcité*, as these were expressed primarily through the Stasi and Debray Reports. The main sources on which the critical analysis of the ‘*fait religieux*’ is based are the respective School Programs of the different disciplines for Primary, Lower Secondary and Upper Secondary Education<sup>144</sup>, published by the Ministry of National Education. An extract of Article L311-3 of the Education Code explains that

‘The programs define, for each cycle of study, the essential knowledge that should be acquired during the course of the cycle, as well as the methods that should be assimilated. They constitute the national framework within which teachers organise their courses, taking into consideration the pace of learning of each student’.

According to the Code, the school curriculum issued by the National Education authorities is the unique reference for teachers in France for the planning of their teaching. Teachers are asked to construct their lessons in accordance with the curriculum related to the respective subject. However, as we shall see, the listing of the content and the objectives of the courses in the French School Programs is done in a brief, rather broad manner. This automatically leaves a large part of the initiative and responsibility to the teachers and school directors. For this reason, the French Ministry also issues explanatory notes, called ‘*Ressources*’ (Resources), which give details as to the spirit of the curriculum, the tools to use in order to draw up the plan of the lessons and the possible pitfalls to avoid (Van den Kerchove 2011, 259). Crucially for the interest of this thesis, the Resources appear to give more place to religious issues than the actual school curriculum (*ibid*). Law no.2005-380 of April

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<sup>144</sup> Primary education, the *École*, marks the start of compulsory schooling between the ages of six and eleven. At the end of this five-year-course, pupils automatically access the Lower Secondary Education, which is provided in *Collèges* for four school years. Upper Secondary Education extends over three years and is dispensed in the *Lycée* (either “general and technological” or “professional *lycée*”). For an overview of the French education system see Eurypedia: <https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/France:Overview>



23, 2005 guarantees however the declared 'principle of pedagogical freedom'<sup>145</sup> of teachers, whose only reference are the School Programs, as issued by the Ministry. The use and consideration of the Resources is therefore a matter of choice of the teachers, who have full responsibility of the possible methods and approaches to use in order to satisfy the objectives of the curricula.

A third particularity of the French education system is that, contrary to the School Programs and the Resources, the student textbooks are neither issued, nor supervised by the Ministry of National Education. Written by teachers or researchers employed by private publishers, the different textbooks, provide one of the possible interpretations of the national curriculum. More importantly, their use is not mandatory. The Introduction of the Official Bulletin of August 2008 on the Programs of *Collège* for History, Geography and Civic Education entails a section on 'The Place of the Document and of the Narrative'. It explains the respective Ministerial provisions on the role of textbooks: for History and Geography, unless the use of a document is established as absolute, the possibilities of choice between the different documents are left to the *professeurs*. This is seen suitable not only for learning the different methods of use of the documentation, but also for allocating part of the account and the narration to the *professeur*, whose words are indispensable for capturing the attention of students.

Considering the particular structure of the French system, the discourse analysis to follow is based on the School Programs and Resources of the Ministry of National Education for those grades and subjects where 'the religious' is included to a significant degree. The primary focus is on the subject of History, which has experienced the most critical changes in terms of the incorporation of '*le fait religieux*'. At the same time, the critical observations of the Institut Européen en Sciences des Religions (IESR) on the handling of the '*fait religieux*' in school curricula is considered. The contribution of the IESR is significant for two reasons: they serve as a support in the reading of the Programs of Study in the sphere of teaching of religious facts, while they reveal important information about the very nature and objectives of the specific Institute that has been created following the Debray Report. Finally, due to the variety of possible textbooks for school subjects and their optional use by the teachers, the last section discusses the insightful

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<sup>145</sup> <http://eduscol.education.fr/cid52286/ressources-pour-la-classe-de-seconde.html>

findings of a recent study by a researcher of the Institut Européen en Sciences des Religions. The study looks into the incorporation of the '*fait religieux*' in the different textbooks of History and offers its own interpretation on both the positive steps taken on the matter and the further challenges that lie ahead. These findings are here considered in light of the Europeanization of religious freedoms.

This part of the chapter seeks to shed light on the key questions for the Europeanization of religious freedoms in French education. The following issues are addressed:

→ In the first place, where and how is the religious incorporated in the Programs of Study of French schools?

→ To what extent does the specific inclusion satisfy the conditions set out by the Debray Report on the role of religion in education?

→ Lastly, what is the link of the '*fait religieux*' in French curricula with the concept of freedoms of religion according to the recommendations of the European institutions?

### **3.1. *École Primaire*: Religious Facts in the Context of 'Humanist Culture'**

The general content and objectives of the first two classes of the *École* (hors-série no 3 du 19 juin 2008) seeks to offer students their first historical and civic sources of reflection, so as to guarantee an indispensable openness to the world and the creation, at the same time, of a common culture for all students.<sup>146</sup> Following the same line of thought, the preamble of the Program for the remaining classes of the *École* (hors-série no 3 du 19 juin 2008) brings up the widely used expression in the context of French education of '*culture humaniste*' (humanist culture). In its historical, artistic and civic dimensions, the humanist culture introduces students to the diversity and evolution of civilisations, of societies and territories, of religious facts ('*faits religieux*') and of the arts.<sup>147</sup>

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<sup>146</sup> Ministère Education Nationale – Bulletin Officiel:  
[http://www.education.gouv.fr/bo/2008/hs3/programme\\_CP\\_CE1.htm](http://www.education.gouv.fr/bo/2008/hs3/programme_CP_CE1.htm) (accessed 19/7/2012)

<sup>147</sup> [http://www.education.gouv.fr/bo/2008/hs3/programme\\_CE2\\_CM1\\_CM2.htm](http://www.education.gouv.fr/bo/2008/hs3/programme_CE2_CM1_CM2.htm)

## History

Humanist culture in the first stages of French school – as, indeed, in the later ones – is mainly transmitted through the discipline of History. The primary purpose of the subject is to ‘form the basis of a common culture’. Within the Program of Study of History, the ‘*fait religieux*’ appears in the following forms and contexts:

<b>Thematic Section</b>	<b>‘<i>Fait Religieux</i>’</b>
Antiquity	The Gaulois and the Christianisation of the Gallo-roman world
Middle Ages	The birth and the development of the kingdom of France, The relations between lords and peasants, The role of the Church. Conflicts in the Mediterranean – the Crusades, the discovery of another civilisation, Islam.
Modern Times	Renaissance – the arts, some scientific discoveries, Catholics and Protestants.
French Revolution and the 19 <sup>th</sup> Century	September 21, 1792: proclamation of the Declaration of the Rights of Man, 1882: Jules Ferry and the free, laical and obligatory school, 1905: law for the Separation of Church and State.
20 <sup>th</sup> Century and Our Times	The two world conflicts and the violence of the 20 <sup>th</sup> century, the extermination of the Jews and the Tziganes by the Nazis: a crime against humanity.

This is a strictly historical approach that refers to some of the most prevalent instances of religion in a selected chain of events from Antiquity to contemporary Europe. The recommendations of the IESR criticize the absence of some key aspects

of religion throughout the historical period covered here. They comment at the same time on the ways of portrayal of certain religions and religious facts and on the implications of this portrayal on the understanding of students. Accordingly, the IESR mentions the consequences of the absence of Judaism in the programs: how, in these conditions, could the students understand the weight of the 'extermination of the Jews'? Indeed, the programs denounce the dramatic consequences of Anti-Semitism without mentioning the Jews or Judaism at all. Christianity, on the contrary, appears as the only religious expression present in France – no other religion precedes it, no other religion seems to coexist with it. Moreover, the last reference to Christianity is found in the section of Renaissance, from which point onwards this religion disappears from the curriculum. The IESR asks therefore: 'does Christianity belong exclusively to the past?'

The final concern of the commentaries is over the handling of Islam, which is only mentioned regarding the Crusades, as the 'discovery' of another civilisation. Similar to the implications of the portrayal of Christianity, which is distanced from its contemporary presence, the Institute raises the question of 'how could students comprehend that an important number of French citizens practice today the very religion of Islam?'. Overall, the IESR emphasizes what is arguably missing from the School Programs of History: the relevance and connection of the '*fait religieux*' with contemporary reality. Contrary to what is stated in the Report by Debray, primacy tends to be given to a specific religion; in this case, Christianity, while other denominations acquire a subordinate treatment.

### Civic and Moral Instruction

The objective of the discipline of Civic and Moral Instruction at the *École* is to allow each student to better integrate in the community of the class and of the school at the time when his/her character and his/her independence are being affirmed. There is no direct reference to the religious fact in the School Program of this discipline. Instead, some of the more general themes included could form the basis for a discussion on religion: the importance of the relation between personal freedom and the constraints of social life, the respect of shared values and of the founding texts and symbols of the French Republic and of the European Union and, last but not least, the laws of public life in a democracy which forbid any kind of

discrimination. No further specification is however provided on what should/should not be mentioned in the discussion of such themes.

### **3.2. History, Civic Education and French in *Collège*: Seeking a Balance Between Humanist Culture, Knowledge and the ‘*fait religieux*’.**

The School Program of History for *Collège*, much like the respective program of the *École*, talks about the need to prepare young people to live together in a free society. In order to achieve this, the programs have to respond to a certain number of imperatives on the major issues of our society. Space has been given therefore to religious facts (*faits religieux*), which are connected to the study of the respective contexts within which they developed (p.4).

#### History

History of the *Sixième* (Sixth grade of *Collège*) is most frequently discussed as the stage in French School when the ‘*fait religieux*’ is for the first time discussed to such a great extent. Indeed, as observed by the IESR, ‘the religious dimension in history is omnipresent in the New Programs of History for *Sixième*, but much less visible in the Programs of following classes’.<sup>148</sup> According to the New Program of Study of History for this grade, published in 2008 and applicable as of September 2009,<sup>149</sup> this course covers the Ancient World up to the beginning of the Middle Ages. The ‘religious’ is invoked in the following thematic sections:

<b>Thematic Section</b>	<b>‘<i>Fait Religieux</i>’</b>
Greek Civilization	The Greek myths – description of the sanctuary in Delphi, explaining their religious function;  The unity of the City of Athens in its three dimensions: religious, political and military.

<sup>148</sup> « Nouveau programme d’histoire de sixième (rentrée 2009) », *IESR - Institut européen en sciences des religions*, mis à jour le : 20/02/2009, URL :

<http://www.iesr.ephe.sorbonne.fr/index5551.html>

<sup>149</sup> Bulletin Officiel Spécial no 6 du 28 août 2008:

<http://www.education.gouv.fr/cid22116/mene0817481a.html> (accessed 20/07/2012)

<p>The Beginning of Judaism and Christianity</p>	<p>The course starts with the contextualisation of the writing of the Bible – some of the great narratives of the Bible are studied, as foundations of Judaism.</p> <p>Christianity – the Christians are approached within the framework of the Roman Empire, some of the grand narratives of the tradition (New Testament) are studied, as foundations of Christianity.</p> <p>The study starts by a contextualisation of the first steps of Christianity, which, stemming from Judaism, develops in the Greek and Roman worlds. Through some Evangelical extracts, the figure of Jesus and his teaching are studied.</p>
<p>Christian Empires of the Middle Ages</p>	<p>The two Empires – Byzantium in the Orient and Carolingian in the Occident – are situated and studies in their political (Christian empires), cultural (Greek and Latin) and religious (one religion, two Churches) dimensions.</p>

Similar to the presentation of the '*fait religieux*' in History of *École*, the listing of the thematic sections and objectives of the course in the Program of Study for *Sixième* is fairly broad, which suggests that the choice both of key topics to be studied and of the teaching methods are a responsibility of the *professeur*. There are however some observations that could be made on the particular ways in which the '*fait religieux*' is handled here. As noticed in the recommendations of the IESR, it seems that the main concern over the treatment of the religious is that the impression given to students should not be one where religions only belong to a past that is now over. By its very nature however, does not the choice to present and to study the religious through the discipline of history restrict it to a historical dimension? How much time or how many opportunities would the *professeurs* have to approach the issue of the continuation of the religious and of its presence today in depth? As we shall see, these are in fact recurring questions that are of particular significance in the debate on religion and education in France.

Similarly, the IESR raises, albeit indirectly, another controversial issue in the French arrangements, namely the one of the separation of public and private spheres of expression. The argument in this case is that the French policy of such a strict distinction, which implies that the religious as *expression* and *manifestation* is excluded from the public arena, may have educational implications. The Institute comments that

‘In ancient civilizations – and sometimes even in contemporary societies – the religious is not a separate dimension on its own, restricted to the private sphere or to just one sector of social life. On the contrary, it permeates all the domains in the life of societies: the economic, social, political and cultural, which implies the need for an all-embracing approach to religious facts’.<sup>150</sup>

Lastly, echoing the recommendations of the Debray Report, the Institute stresses that ‘the pedagogical discourse has to rigorously make the distinction between that which stems from belief and that which stems from history and, therefore, from knowledge’.<sup>151</sup> Such a remark reflects the wider concern that characterizes French approaches to religion through education, which has to do with the fear of placing ‘religion’ above ‘knowledge’. Such an approach however may run the risk of prioritizing systems of knowledge or belief and of, perhaps unwillingly, ending up criticizing the validity of one or the other. It is, in other words, the ‘fear of indoctrination into secularism’, from which religion is excluded, that is at stake here.

The IESR further provides some critiques on the content of the course of History in *Sixième*. In terms of the presentation of the foundation of Judaism and Christianity for instance, the Institute comments that the history of these monotheistic religions cannot be reduced to their very beginning, for, ‘in school, the religious should be analyzed in the continuity of a history’. The Institute is particularly concerned with the way and the order in which Judaism is presented. Accordingly,

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<sup>150</sup> « Nouveau programme d’histoire de sixième (rentrée 2009) », *IESR - Institut européen en sciences des religions*, mis à jour le : 20/02/2009:

<http://www.iesr.ephe.sorbonne.fr/index5551.html>

<sup>151</sup> « Nouveau programme d’histoire de sixième (rentrée 2009) », *IESR - Institut européen en sciences des religions*, mis à jour le : 20/02/2009:

<http://www.iesr.ephe.sorbonne.fr/index5551.html>

'If the *professeur* follows the order of the School Program, two traps should be avoided: on the one hand, presenting Judaism as an introduction to Christianity and on the other, describing Christianity as an accomplishment of Judaism'.

What should be prevented in other words is any tendency to create a hierarchy of religions. Lastly, the IESR suggests the inclusion of some further religions, which are absent from the Programs of History for this grade, namely Confucianism in the thematic section on China, as well as Hinduism and Buddhism.

The Ministry of National Education provides some Resources available for the preparation and for teaching the class of History in *Sixième*. Such a source is highly constructive, as it is an expression of the direct interventions of the Ministry on matters of teaching the course, religious facts included. Amongst the 'traps to avoid in the implementation of teaching methods' for the section on Judaism and Christianity, the Resources state: 'avoid entering a debate on the beliefs, themselves'.<sup>152</sup> This is a clear indication of the official limits placed on the study of religions, whose founding documents and history should be of course presented, but whose essence and the relationship or potential conflicts with one another should not be discussed.

Judaism and Christianity have been treated in the course of *Sixième*. Place for the study of Islam is given in the following grade, *Cinquième* of *Collège*, also in the course of History. According to the Preamble to the Program of Study, the course opens with the discovery and the birth of Islam as a religious fact (*'fait religieux'*) and of Medieval Islam as civilization. The rest of the Program covers a period through which the European Medieval civilization is elaborated (Christianity, feudalism, gradual emergence of the State). The *'fait religieux'* emerges through the following thematic sections:

Thematic Section	<i>'Fait Religieux'</i>
The Beginnings of Islam	Muslims are approached in the context of conquest and of the first Arab Empires, some extracts of this tradition (Koran...) are studied as foundations of Islam.

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<sup>152</sup> Ministère de l'Éducation nationale (DGESCO – IGEN) – Bureau des programmes d'enseignement / Ressources pour le collège – classe de 6e, Histoire - Géographie - Éducation civique :IV.2 – Les débuts du christianisme.



	<p>The expansion and the religious and cultural diversity of Medieval Islam are presented in the times of the Umayyad and Abbasid Empire.</p>
The Place of the Church	<p>Discovery of some aspects of the religious sentiment.</p> <p>The desire of the Church to guide the conscience (dogmas and practices, fights against heresy, Inquisition...) – the economic power of the Church and its social and intellectual role (its involvement in the Seigniorial system, assisting the poor and the ill, universities...).</p> <p>Knowledge on the life and episodes of a great religious figure (man or woman) – description of a Church and Abbaye.</p>
Expansion of the Occident	<p>The expansion – first economic, then religious and military (Crusades, Reconquista).</p>
Towards Modernity (end of 15 <sup>th</sup> – 17 <sup>th</sup> century)	<p>Between the 15<sup>th</sup> and 17<sup>th</sup> centuries, Europe experiences cultural, religious and scientific changes that give a new vision of man and of the world.</p> <p>The religious crisis questions the unity of occidental Christianity (Reforms), within which the confessions assert themselves and confront one another (Catholics, Protestants).</p>

The *'fait religieux'* has a comparatively more limited role in the School Program of History for Grade Four (*Quatrième*) of *Collège*. Its comparatively marginal treatment is seen characteristically by the fact that religion is no longer mentioned on its own, but rather with respect to other social or political forces. References to the religious are found in the themes covering the period of the Enlightenment ('philosophers and scientists question the religious, the political, economic and social foundations of society'), the Industrial Revolution ('growing industrialization leads to economic,

social, religious and ideological upheavals’) and, finally, on the political evolution of France between 1815-1914, focusing exclusively on the Dreyfus Affair and the law on the Separation of Church and State (‘explain the historical importance of the incidents and of the law’).

### Civic Education

The incorporation of the *‘fait religieux’* in School Programs for *Collège* is not limited to the course of History. Contrary to its absence from Moral and Civic Instruction in *École*, references to the religious are recurrent throughout Civic Education of *Collège*, satisfying in this case certain objectives related to the fundamental laws and principles established in the French and international societies. Considering the significance of *Laïcité* discussed in the Debray and Stasi Reports as a Republican and universal value, in grade six the course of Civic Education offers an extensive study of the principle. The new Program of Study of 2008 lists the topics covered in the thematic section ‘Missions and Organisation of the *Collège*’, amongst which one is dedicated to *Laïcité* as a fundamental principle in public institutions. A further topic is dedicated to the study of *Laïcité* as both a Republican value and practice. Similarly, Civic Education in Grade Five of *Collège* focuses on the topics of ‘Diversity and Equality’, clarifying that, in spite of the differences between individuals and the wide cultural diversity found in human communities, all of us belong to the same humanity. Any attempts to ‘assimilate the cultural differences in natural differences lead to discrimination and racism’. The religious is later on included in the section on ‘Identities’ in a general manner: ‘personal identity is rich in many aspects – cultural, religious, professional – and is constructed on the basis of choice’.

### French and History of Art

The principles and objectives governing the discipline of French in *Collège* are also concerned with the cultivation of the ‘humanist culture’ of pupils. Religion therefore emerges in the Program of the Ministry,<sup>153</sup> which states in its Preamble that the

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<sup>153</sup> Bulletin Officiel Spécial no 6 du 28 août 2008, Programmes de l’enseignement de français (collège):  
[http://cache.media.education.gouv.fr/file/special\\_6/21/8/programme\\_francais\\_general\\_33218.pdf](http://cache.media.education.gouv.fr/file/special_6/21/8/programme_francais_general_33218.pdf)

readings in the class of French are meant to ‘spark off the reflection (of *collégiens*) on the place of the individual in society and on the facts of civilization, in particular on the religious fact (*fait religieux*)’. In the name of humanist culture, the Program emphasizes the European dimension of the curriculum in *Collège*, which ‘prepares pupils to share a European culture, through the knowledge of core texts of the Antiquity’ (*The Iliad, The Odyssey, The Bible...*). At the same time, the class constitutes

‘a first approach to the religious in France, in Europe and in the world, primarily by placing the emphasis on the founding texts (in particular extracts of The Bible and of the Koran), in a spirit of *Laïcité* that is respectful of consciences and of convictions’.

Lastly, religion is incorporated in a similar manner in the objectives of Art History, which has been established as a separate school subject in 2008. Accordingly, the emphasis on Antiquity in Art History (*sixième*) serves as the opportunity to raise students’ awareness on the ‘religious fact’ and for them to discover the works of modern and ancient art, primarily on mythical figures and topics.

### **3.3. Challenges in Incorporating the ‘*fait religieux*’: History and Philosophy in the *Lycée***

#### History in *Seconde*

The increasing interest for the inclusion of religion in curricula of the *Lycée* is seen in the changes of the class of History of the *Seconde*. Following, however, some initial changes in the mid-1990s, where more emphasis was placed on religious issues, the IESR observes with regret that the amendments made to the History syllabus of the *Seconde* in 2010 dedicate, in fact, little place to religion.

The Official Bulletin on the *Programme* of History of *Seconde* (no. 4 of April 29, 2010) is titled ‘Europeans in the History of the World’ and consists of five thematic sections. The ‘religious fact’ is mentioned in the following instances: in the sub-section of Medieval Christianity (*Fundamental place of Christianity in Medieval Europe*), in the section on Modern History and the New Geographical and Cultural Horizons of Europeans (*From Constantinople to Istanbul: a place of contact between different cultures and religions: Christians, Muslims, Jews*) and, thirdly, in the

concluding section on Revolutions, Liberties, Nations in the beginning of Modern Times (*French Revolution: the rise of ideas on freedoms,... emphasis on the major political, economic, social and religious changes*). Corresponding to these references to religion, the Resources of the Ministry place the emphasis on the political, economic, social and cultural omnipresence of the Church and of Christianity in Medieval Europe,<sup>154</sup> leading to the subsequent division of Christianity with the Reformation.

Historian of the IESR, Anna Van den Kerchove, examined the pervasiveness of religious issues in the six textbooks of private publishers for History in *Seconde*,<sup>155</sup> which were published during the summer of 2010: Colon 2010, Billary 2010, Courel and Chevallier 2010, Cote 2010, Lambin 2010 and Le Quintrec 2010. Her study shows that the textbooks discuss religious issues in a wider, more frequent manner than the actual curriculum. Religious issues regularly appear throughout the book chapters, while the authors even point to a connection between historical events and religion, which was not considered in the official Program, for instance: the Black Death and religion. Such findings indicate that textbook authors tend to no longer hide the role of religious issues in history, thus confirming the argument on the evident occurrence of religion in French school material (Van den Kerchove 2011, p.260).

In recognizing this development, this study of the History textbooks nonetheless acknowledges certain weaknesses that further characterize it. First and foremost, beyond the question of the *quantity* of information (on religious facts) given, there is also the question of its *quality*, for, 'teaching *about* religious issues is not the same as teaching *from* religion – it is not religious education' (*ibid*, 261). This fundamental pedagogical distinction has been extensively discussed in the works of international institutions and indicates, in the case of France, a predominant tendency to approach religion exclusively through a distanced prism of 'history'. There exists, overall, a trend to insist on *factual events*,<sup>156</sup> whereas 'more space should be given to beliefs, to the symbolic, so as to avoid being too superficial' (*ibid*, 265). Such

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[http://cache.media.eduscol.education.fr/file/lycee/76/9/LyceegT\\_Ressources\\_HGEC\\_2\\_Hist\\_05\\_T3ChretienteMediev\\_148769.pdf](http://cache.media.eduscol.education.fr/file/lycee/76/9/LyceegT_Ressources_HGEC_2_Hist_05_T3ChretienteMediev_148769.pdf)

<sup>155</sup> Van den Kerchove, Anna (2011), 'History Textbooks within the Framework of French *Laïcité*' in Hunter-Henin (eds.), 'Law, Religious Freedoms and Education in Europe'.

<sup>156</sup> For instance, the 'Great Schism' between Orthodoxy and Catholicism is mentioned, but the reasons that prompted it and the differences between the two religions are not discussed.

disaffection from the 'religious' in French schools is further reinforced by the strict legislation which obliges teachers to avoid any formulation expressing faith and which may generate a discussion on personal beliefs. The principle of neutrality therefore may lead, in its extreme expression, to a disconnection from the religious phenomenon.

It appears moreover that this principle of neutrality does not apply to the actual ways in which religions are treated in the History textbooks. In the chapters of all six textbooks, Christianity is predominant, as it is the religion that features most often, given the focus of the curriculum upon Western Europe. Latin Christianity is the only religion studied for its own sake and there is no equivalent space or attention given to non-Christian religions: 'only two or three aspects (of the latter) are discussed, often with a narrow, somewhat distorted point of view' (*ibid*, 262). The impression this creates is that of a dominant relationship of Europeans with Christianity, while non-Christian traditions, such as Judaism and Islam, are perceived from a Western, Christian point of view.

### Philosophy

A brief observation should also be made at this point on the subject of Philosophy for the final grade of *Lycée*. According to the IESR, religion figures within the very nature and the aims of the subject, as 'there can exist no literary, artistic and historic culture without a minimum understanding and knowledge on religions and on the ways in which the religious penetrates all spheres of human activities'.<sup>157</sup> Religion therefore falls within the domain of 'culture', the most critical questions of which are to be approached in the course of Philosophy. In spite of this acknowledged objective, the handling of the religious does not seem to fully justify its assumed purposed. The Institute notices a clear discrepancy in the ways that the '*fait religieux*' appears in philosophy, as a subject of the 'general stream' of *Lycée* (Economics, Social Sciences and Literature), and Philosophy as a subject of the 'technological stream' taken by final-year *lycéens*. In the case of the 'general stream', the teacher can choose to tackle the close relationship between religion and

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<sup>157</sup> « Enseignement de la philosophie en terminale et fait religieux », *IESR - Institut européen en sciences des religions*, mis à jour le : 29/05/2007, URL : <http://www.iesr.ephe.sorbonne.fr/index3764.html>

philosophy, the radical critique of religion within the cadre of philosophical atheism, as well as the understanding of the religious fact in the works of the major Professeurs of philosophy, such as Durkheim, Weber or Lévi-Strauss. By contrast, in the 'technological stream', the notion of religion disappears and emphasis is put instead on 'experimentation' and on the 'scientific'. In spite of the recommendations put forward by the Institute that stress the relevance of religion with the curriculum of philosophy, the principle of pedagogical liberty in France signifies that, in both streams of the *Lycée*, *whether* and *how* the religious is approached, remains, nonetheless, a matter of choice of the teacher.

#### **4. Conclusion**

This chapter has examined the process of Europeanization of religious freedoms in the education material and documentation of French state schools. Representing one of the 'two extremes' in the approach to religious freedoms through education, the study in the French case initially looked into the rigidity of the country's educational provisions related to religion. The nature of the transformations that have taken place was then analyzed, in order to comprehend the connection of the renewed principle of *Laïcité* with the European recommendations on religious freedoms.

The discourse analysis of the key official documents on education has shown that there have been clear developments in the role and presence of religion in French education. From 1989 onwards, as a result of both national and international incidents, there has been an increasing national demand to acknowledge the religious dimension of society and to include it in school curricula. As a means to remain loyal to and respectful of the educational tradition of the country, instead of creating a separate discipline on religion, the School Programs of different subjects have been gradually modified to incorporate references to the '*fait religieux*'.

'Europe' does figure in the discourse of the recent changes in education. It does not however seem to constitute the main force of change in French domestic affairs. Rather, the transformations in French education are a consequence primarily of national debates and are, at a second stage, placed within a wider, international context of developments. More importantly, the renewed understanding of the term

of *Laïcité*, which claims to strongly guarantee freedoms of religion, does not consider the European recommendations as its source of influence. On the contrary, French *Laïcité* and the French approach to religion in education are considered as a promising solution to the challenges of religious diversity and respect of religious freedoms that could and that should have an impact on the rest of Europe and the variety of educational provisions.

Overall, France has moved closer to the European framework that represents the guarantee of religious freedoms in education, primarily by recognizing the necessity of references to religion in schools and, subsequently, by readapting its school curricula accordingly. In spite of the changes, however, France still remains an exception within the European context and proves resistant to those changes that may alter fundamentally some of its traditional educational values. It provides, instead, its own interpretation of the European recommendations, which are adapted to the particular educational context and its relationship to religion. Just as *Laïcité* is an equivocal term, which adapts to the respective conditions, so 'Europeanization' in the case of France acquires a particular interpretation. Every single policy and attitude towards religion in the country and especially in state education is understood exclusively through the prism of *Laïcité*. As such, the very concept of 'religious freedoms', including the Europeanization of this, appear to be inseparable from the policy of *Laïcité* in the national framework.

The process of Europeanization of religious freedoms in French education is, thus, not inexistent but rather problematic. Significant discrepancies are noticed between the understanding of concepts and practices in the French system of education and in the references provided by the European institutions. The findings so far confirm the fear expressed by Jackson on the 'indoctrination into secularist principles', from which religion is absent and where serious questions for the guarantee of religious freedoms, as these are expressed in the European framework, emerge.

## **Chapter VI**

### **The Europeanization of Religious Freedoms in State Schools: Field Research in France and Greece**

#### **1. Introduction**

At a first stage in the study of Europeanization, the two previous chapters examined the transformations of the educational approaches to religious freedoms through the official documentation on the state education of France and Greece. The discourse analysis focused on the respective constitutional provisions of France and Greece, on the decrees of the two Ministries of Education, as well as on the school curricula and student textbooks. In both cases, the analysis reflected an overall limited and differential impact of the Europeanization.

Moving from theory to practice, this chapter discusses the findings of the field research in the two case studies. The aim here is to see how questions of religious freedoms are dealt with in the social reality of Greek and French state schools. Have any transformations in politics and legislation had an impact on the practical handling of religious freedoms? And in what ways is this impact consistent with the European recommendations on religious freedoms and education? Having covered both the *theoretical* and *practical* contexts within which questions of religious freedoms emerge, the overall objective is to comprehend *whether* and *how* Europeanization does occur in the cases of France and Greece, positioned in either of the opposite extremes of the European benchmark.

The field research entailed interviews with individuals holding different capacities in the education systems of France and Greece: school teachers and directors, representatives of the Ministries, school counselors, and, to a lesser degree, the views of some students. The nature of the field research depended in each case on the national authorities and on the permissions that were granted to me for this research. The respective process, formal or informal, to acquire authorization for the conduct of fieldwork, tells us a great deal about the rules and attitudes governing the school system in the two countries. The fact moreover that the main



concern of the fieldwork was religion determined to a great extent the national reactions and the reception of my research. As such, whereas visiting schools and observation of classes was a difficult, but not impossible, task in Greece, in the case of France access to school premises was restricted. As a result, the findings of the field research in each case are presented in a balanced way, in order to allow the comparative analysis of the Europeanization process in France and Greece. It is also significant to emphasize that the fieldwork inevitably focused on the capitals of the two case studies, Paris and Athens, primarily due to lack and pressure of time. Regional variation and specificities have to also be considered in the study of Europeanization of religious freedoms in education, considering, in particular, the exceptional character of the education systems of Western Thrace in Greece<sup>158</sup> and Alsace-Moselle in France.

Specifically, the fieldwork in Greece entailed: semi-structured interviews<sup>159</sup> with six theologians (of whom two teaching Religious Education in *Gymnasio*, four in *Lykeio*) in different quarters of Athens; a discussion with the School Director of the Multicultural *Gymnasio* of Athens; the observation of two classes of Religious Education (one in Third Grade *Gymnasio*, one in First Grade *Lykeio*); a meeting with late former President of the Pedagogical Institute, Alexis Dimaras, as part of the process of my application for research at the National Ministry of Education; and, finally, an interview with Aggelos Valianatos, School Counselor of Religious Education in the Second Periphery of Athens.

The fieldwork in France entailed: a discussion with Dominique Borne, Honorary President of the Directive Council of the European Institute of Religious Sciences (IESR) and with Anne Van Den Kerchove, researcher in charge at the IESR (who, amongst others, informed me about the difficulties of accessing French state schools for research purposes); an interview with Roger Errera, former senior member of the Conseil d'Etat, France's Supreme Court for administrative law and two semi-structured interviews with *professeurs* of History –Geography at *Lycée* (both in Paris suburbs). Lastly, during the Conference on 'School and Teaching of the *Faits Religieux* in Europe', organized by the Institut Européen en Sciences des Religions in

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<sup>158</sup> Upon my inquiry at the National Ministry of Education in Greece about the prospect of conducting fieldwork in the state schools of Western Thrace, I was informed that this is an entirely different, lengthy process, the outcome of which would be uncertain.

<sup>159</sup> For an indicative template of the interview questions in France and Greece, see Appendix.

Paris (20-22 September 2012), I discussed with *professeurs* of History, French and History of Art of *Lycées* in Paris.

## **2. The 'Fear of Religious Indoctrination': Tradition Meets Europeanization in Greek State Schools**

Chapter Four has focused on the official state documents that reflect the objectives and the overall position of the Greek Ministry of Education on matters of religious diversity and religious freedoms. The legislation and the policies of the Greek state reveal a significant degree of recognition and of incorporation of the European recommendations, which clashes nonetheless with the established national forces and traditions that seek to maintain their predominance in the portrayal and promotion of religious freedoms within Greek society.

The following step is to approach the question of Europeanization by looking at the practical implementation and the social reality of religious freedoms in Greek education. The field research conducted entails conversations with actors at different positions within the system, thus providing an understanding of the matter from a variety of perspectives: from the teachers and students at a selection of state schools, to the representatives of the Ministry of Education.

This part of the methodology is considered as necessary for certain important reasons. In the first place, as we have seen with international legislation, the Conventions and the rulings of Courts, some of the key concepts utilized over matters of religion and religious freedoms may often acquire a variety of interpretations. It has been moreover argued that this lack of agreement over the terms in use constitutes in fact a major shortcoming of the 'European consensus'. The differing interpretations relate as much to the theoretical dimension of policy and lawmaking as to the practical implementation of these. The objective here is to comprehend how recurring concepts in the European and national frameworks on religious freedoms and education are understood in practice. How do the various actors in the Greek education system comprehend the meaning of 'proselytism', of 'known religions' and of the Christian Orthodox faith representing the 'prevailing religion' in the Greek state? What does the constitutional provision on the role of education for development of the religious conscience imply in practice? Lastly, how

do the national actors view the European paradigm of freedoms of religion and education and how do they implement it within the context of state education?

A further factor pointing to the relevance of field research for the study of the Europeanization of religious freedoms in education is the potential discrepancy between written material and the developments and challenges that a given society faces. Owing to a great extent to the rigidity of the system, where attempts to reform are either met with obstacles or are partially or slowly realized, the field research demonstrates how the current arrangements do not always correspond to the changing reality and its respective demands. A characteristic example of this in the case of Greece is the increasing number of immigrants over the last two decades and the subsequent significant change in the make-up of the population.<sup>160</sup> According to the Hellenic Statistical Authority (ELSTAT), one interesting element in the demographic picture of Greece is the extended immigration influx in the last years, having started since the beginning of the 1990s.<sup>161</sup> Religious diversity and the integration of immigrants are topical issues that concern both educational institutions and Greek society as whole. As we have seen, the European recommendations seek precisely to offer responses to the emergent questions of religious pluralism in schools. It is therefore crucial to analyze how national actors comprehend and utilize these recommendations in their actual handling of the issue.

The findings of the fieldwork are presented in separate sections based on the major themes that have emerged from the research. In varying ways, these themes offer responses to the central interest of the study and help give shape to the process of Europeanization of religious freedoms in Greek education. The following topics are approached through the perspective of the individuals and of their respective position within the system (teachers, directors, school counselors and students):

i. The role and purpose of education in Greece:

- How is the Constitutional provision on the purpose of education interpreted?
- How does religion fit in with this interpretation?

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<sup>160</sup> See International Organization for Migration, Greece – Overview:

<http://www.iom.int/cms/en/sites/iom/home/where-we-work/europa/european-economic-area/greece.html>

<sup>161</sup> For statistics on immigration and the number of foreign nationals in Greece see Eurypedia on Greece – Population: Demographic Situation, Languages and Religions:

[https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Greece:Population:\\_Demographic\\_Situation,\\_Languages\\_and\\_Religions](https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Greece:Population:_Demographic_Situation,_Languages_and_Religions)

ii. The reality and handling of religious diversity and religious freedoms in Greek education:

- Does the content of religious education in Greece correspond to the reality of religious diversity and to the understanding of freedoms of religion or belief?
- What are the position and the content of freedoms of religion in education?
- How would you evaluate the current structure of the course in terms of its presentation of religious pluralism and of representing the meaning of religious freedoms?

iii. The impact of European recommendations:

- To what extent are the European recommendations seen as useful and relevant to Greek society?
- In what ways does Greece deviate from the European paradigm?
- Has the Greek education system transformed according to the European principles of religious rights through education?

iv. 'Burning issues' of Proselytism and Exemption:

- What is particular in the Greek state over the issue of proselytism and how does this relate to its education system?
- Is the constitutional prohibition compatible with the ECHR?
- How does the possibility of exemption from RE work and how often is it used?
- Why is there a need for such an exemption?
- Do you believe that this measure is in accordance with the students' religious freedoms?

## 2.1. The Role and Purpose of Education in Greece

Article 16 of the Constitution of Greece asserts that education

‘... constitutes a primary duty of the State and has as its purpose the ethical, spiritual, professional and physical education of Greek citizens, the development of their national and religious conscience and their forming into free and responsible citizens’.

The inclusion of the objective on ‘the development of religious conscience’ is problematic in itself and raises the question of which kind of religious conscience should be accordingly developed. Does this objective concern the religious choices of students in general or is it understood exclusively within a context of ethno-religious type of citizenship and its tight links with Orthodox Christianity?

The ambivalence of Article 16 is also translated in the variety of perceptions of the matter: the results of the fieldwork indicate a wide range of interpretations of the constitutional provision. There were two extremes in this range of interpretations: on the one hand, the belief that, given the special historical links between religious and national identity in the country, the role of education – and therefore the meaning of the constitutional provision – can be no other than the strengthening of the Christian Orthodox identity of students. At the other end, we find a comparatively more flexible interpretation of the provision, which suggests that ‘development of religious conscience’ refers to *any kind* of religious conscience and is not exclusive to the Christian Orthodox faith.

In between these extremes, the discussions included some expressions of criticism of this provision. It was argued that the meaning of this objective of education did, indeed, use to refer to the Orthodox identity but that such an objective is no longer valid. Such views comment on the visibly outdated provisions that govern the education system in terms of religion. The responses of individuals depended on their respective position, indicating how the specific responsibility and experience of actors within the education system may shape and determine their opinion and understanding of things.

As such, the most rigid interpretation of the constitutional provision came from two theologians teaching RE in Lyceums in the centre of Athens, who were absolute in terms of the purpose of the course:

*'The content and the basis of the discipline of RE has to necessarily be Christian Orthodoxy. That is the situation in Greece...(turning to me) Are you not Greek Orthodox, yourself?'*

A theologian of a *Lykeio* at a wealthier quarter of the centre of Athens gave a similar kind of interpretation. The teacher finds it

*'... outrageous when students have no knowledge of the basic elements of their religion, especially considering that it is the prevalent religion of the Greek State. It is part of our traditions.'*

When asked directly however about the content and the purpose of the course, she answered in a hesitant manner: *'I would like to believe that for our generation (of teachers), the objective is knowledge about religion'*. She further on added, however that *'this does depend a lot on the teacher...'*

A more relaxed version of the role of education in relation to religion came from a teacher of RE in the Multicultural *Gymnasio* of Athens. The particular character of the school is especially significant in this case and explains to a great extent the more reluctant and flexible stance of the teacher. According to the School Director, the Multicultural School

*'Is just like any other school in that it follows the same program of study. It is intended however for children of immigrants from other countries. It therefore offers classes with branches of two gears – one for those students who are able to follow the actual program of study and another for the students who have a lower level on some disciplines, most commonly on the study of the Greek Language'*.

Indeed, as the observation of the course of RE of Third Grade revealed, there were no Greek students in the class. In a very lively discussion with the theologian of the school, whose everyday professional life deals with the reality of religious pluralism at its core, the role of education in Greece was reevaluated. On the one hand, he seemed to respect the position of Orthodoxy within Greek education, due to the

historical role of the Church as part of Greek national identity. In that sense *'what applies here is not relevant to other European countries, for instance, in France'*. The particular character of the school however led him to observe repeatedly that *'our school is not like other schools and it **cannot** be like other schools...'*. While he seems to appreciate the necessary role of religion in the way that it is being taught in Greek schools, he recognized the need for a change in the overall system.

The most 'Europeanized' interpretation of the provision, one that liberates it entirely from its indoctrinating tendencies, came from the state official closest to the Ministry of Education. The School Counselor of the Second Periphery of Athens is responsible for all matters relating to RE in 384 Schools of Secondary Education (*Gymansio* and *Lykeio*). Significantly, he is the representative of the Greek state and Ministry of Education in international human rights organizations, most notably the Council of Europe. In his approach to the question of the role of RE, the Counselor refers to the variety of possible interpretations and makes a crucial distinction between rural and urban Greece: *'in the villages of the Greek countryside, for instance, religious education is self-evidently taken to mean catechism.'* In sheer contrast, his personal conviction on what Article 16 of the Constitution actually implies is *'not religious orthodoxy, but rather the wider religious literacy of children'*. Such an understanding is very much evocative of what religious education should aim at according to the European recommendations. It is moreover not surprising that this interpretation comes from someone who is aware of these discussions at a European level. At the end of the day, however, much like other theologians, the Counselor emphasizes the crucial role of the teacher in giving the course its respective character: *'the course of RE, just like any other course in Greece, depends primarily on the teacher'*. He further comments at this point that, from his personal experience, *'there is a great number of fanatical theologians who teach RE and who place the emphasis on catechesis'*.

## **2.2. The Reality of Religious Diversity and Religious Freedoms in Greek Education**

In all discussions on the incorporation of the study of religious pluralism as part of the course of RE, the curriculum and textbooks of the Second Grade of *Lykeio* are evoked. All discussants seem to agree that there have been significant changes in the

content of the course, which now includes further references to other religions and denominations than it used to. The interviewees did not however seem to agree on the nature and the extent of these changes. Once again, their responses and critiques were closely linked to their professional position, as well as their own personal beliefs.

Theologians seem to be generally satisfied with the changes in the AP and in the textbooks. When asked whether students learn about other denominations in the study of RE, the teacher of a *Lykeio* in the center of Athens was quick to respond: *'of course there are references to other religions – this happens in the textbook of Second Grade of Lykeio in an analytical and objective manner'*. He moreover expressed an admiration of the textbook with its renewed content and started pointing out and reading passages from it.

A different aspect of the story is mentioned by the theologian of another *Lykeio*, who comments on the outburst of reactions and disputes following the inclusion of the study of other religions into the AP of the Second Grade. In the end, precisely because of these criticisms, *'they were very reluctant...and they decided to only add those chapters at the very end of the book, in the second part'*. Since there is no such ministerial guidance however, the method that she chooses to follow is to cover the first three-four chapters of the book and to then move directly to the other religions as, *'children are interested in these topics and they also write very good essays for me'*. Unlike her colleague mentioned above, her view is that *'more time should be dedicated to the study of other religions – and on more denominations – other than simply those few chapters of the Second Grade'*.

A critique of the study of religious pluralism is also made by the theologian of the Multicultural *Gymnasio*, this time in terms of timing, who states that *'while there are references to other religions, these only come very late, in the textbook of Second Grade of Lykeio'*. A student of *Lykeio* also stresses the question of timing in the School curricula of the Greek state school and observes that *'students should not have to wait until Second Grade of Lykeio to learn about other religions'*.

From the side of the students, there appears to be an overall consensus on the need to further reform the essence and the objectives of religious education in the country. When asked whether she would recommend any changes to the content



and the teaching method of RE, a *Lykeio* student gave a list of recommendations, which are indicative of the comments of most students:

*'More teaching should be dedicated to the study of other religious and students must sufficiently expand their knowledge on them. Religious Education should not be taught in Primary School, but only in Gymnasio and Lykeio. The course should be taught once per week but not in the form of regular class teaching. RE should take the form of dialogue between students and teachers on the basis of questions that concern religions (together with social and political issues that relate to them)' (girl, Muslim).*

Another High School student shares the same view about the limited outlook of the course of RE in Greek state schools. He moreover draws a line between teaching about more religions and learning how to respect religions:

*'The course of RE should inform students on ALL religions... This way, we could expand our horizons and we would all have greater tolerance and understanding of those of other religions'.*

An even stronger criticism of current arrangements comes from the discussion with the School Counselor, who offers an insider's view of the developments. It is astonishing in his view how the three Grades of *Lykeio* have had the same books for 13 years: *'these books are no longer appropriate. Very often, and out of necessity, they are not applied in practice'*. This does not seem to be the case for the course of RE in Primary School which has changed a lot in recent years. At this point, the Counselor notices a significant divergence between the development of Analytical Programs and the respective changes of the student textbooks: while the former have from 2003 onwards presented a much more open and less conservative outlook, the books seemed to have become even more limited and narrow in their approach.

A delicate issue emerges through the discussion, relating to the power-relations between the Greek state and the Orthodox Church. Apparently, current RE textbooks, with their references to other religions – limited as they may be – are nonetheless condemned by the Holy Synod of the Christian Orthodox Church, on the pretext that they are 'not Christian enough'. The reactions of the Church authorities are even stronger against the idea of the 'New School Project' (see Chapter Four). In their interpretation of the project, the course of RE will lose completely its Christian

outlook. The Counselor comments on this complicated issue, claiming that, whereas Education Policy and Religious/Ecclesiastic Policy are separate things, these two are very closely related in the case of Greece. The tensions stem from the fact that *'on the one hand, the Church feels that Religious Education is her affair, but on the other, the Ministry claims that the Church has no such role'*.<sup>162</sup>

The ambivalence characterizing the relations between Church and state and the extent to which the former has a formal influence on policy decisions relating to education is reflected in the comments of those actors who are positioned even higher in the Ministry of Education. In one of the interviews I met with the Former President of the Pedagogical Institute and the Secretary of the Minister of Education and questioned them on the topic of religion in Greek education. Their reaction regarding the objectives of my research implied that the Ministry did not wish to get itself involved in such controversial matters, as the ones regarding freedoms of religion. Advising me, their suggestion was that rather than looking at the position of the Ministry and of state educational provisions, *'why don't you focus on the role of the Christian Orthodox Church in Greek Education?'*

As far as the position and perception of religious freedoms in the education system are concerned, opinions do not vary significantly. Most theologians who were interviewed assert that they respect the religious identity and belief of their students and that references to the international conventions and the Greek constitutional provisions protecting these rights are dispersed throughout the APs and textbooks of the course.

The visit to the Multicultural *Gymnasio* entailed the observation of an RE class (Third Grade), which was dedicated to the topic of 'religious freedoms in Greece'.<sup>163</sup> The environment of the school is of particular significance: as mentioned earlier, there were very few Greek students in the entire school and the majority of them were not Christian Orthodox. In spite of this special feature, the course of RE offered in the school is the same as in any other state school in Greece, following the Ministry's AP of study and textbooks. Furthermore, the school day started with the

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<sup>162</sup> He specifically quotes the one Former Minister of Education who has made such a straightforward statement, Marietta Giannakou (2004-2007).

<sup>163</sup> It is important to mention here that the theologian chose to have the class on the specific topic after having an initial discussion with me on the matter and on the interest of my research.

gathering of all students in the schoolyard for Morning Prayer of the Orthodox faith. A non-Orthodox student was asked to say Prayer, under the supervision of the director who made sure that all students followed. I was also invited to attend Morning Prayer and to participate.

It was clear from the start of the class that the teacher wished to foster critical thinking to the students, by making some critiques on the situation of religious freedoms in the country. Through the presentation of certain incidents in Greece, as well as in other countries, such as France and Egypt, the teacher wished to make the students understand the meaning of 'religious freedoms' and to introduce them to the wider debate. The incident through which the meaning and significance of religious rights in the case of Greece emerged was the prohibition to the Muslim minority to build a mosque in Athens. According to the teacher, the state does not allow the construction of such a place of worship, though it does allow Churches for the Christian Orthodox religion.<sup>164</sup> It therefore violates the religious rights of these believers, in spite of Article 13 of the Constitution which guarantees this exact principle: *'there is a clear contradiction here'*, the theologian comments, *'the State violates its very own Constitution!'*

Another equally complicated issue brought up by the theologian to reveal state tendencies to breach religious freedoms was the 'headscarf debate'. He started telling a story of a school director who asked a Muslim student to remove her headscarf when entering school premises. The teacher immediately asks the students:

*'Why should she take it off? Is she offending anyone? How about if she showed up in class wearing a bikini? Which would be more insulting?'*

While all the students express their opinion against such banning and the punishment of the Muslim student, the teacher seems to agree with them and

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<sup>164</sup> For more on the 'Mosque debated in Greece' see Triandafyllidou & Gropas (2009), 'Constructing Difference: The Mosque Debates in Greece'. *Journal of Ethnic and Migration Studies*, Vol. 35, No. 6, pp.957-975. And on the recent developments about the building of a state-funded mosque in Athens see Karolina Tagaris, 'In crisis-hit Athens, plans for a mosque reveal deep divisions', Reuters, January 27, 2013: <http://www.reuters.com/article/2013/06/27/us-greece-mosque-idUSBRE95Q07220130627>

concludes that *'nonetheless, such issues are very common in schools and not just in Greece...'*.

The banning of construction of worship places is also mentioned in the discussion with the Counselor, as a backward feature of Greek law, which infringes on religious rights principles. Offering a much wider approach to the issue of human and religious rights, the school Counselor stresses in the first place the political dimension of the matter within the country. During the 1990s there was a general understanding that the concept of human rights emerged from and only concerned the political left, while the two main parties alternatively in government at the time seemed to either ignore them or feel uncomfortable towards them. At the same time, the Church was afraid of this spreading notion of human rights. Then Archbishop, Christodoulos, directly and fiercely attacked human rights as an alleged part of globalization that aims at the extinction of Greek national identity. In terms of the current position of religious rights within education, the Counselor makes a direct critique of the assimilationist policies of the state: *'It is not yet acceptable for "the other"/ the foreigner to maintain his identity in Greece'*. In spite of certain developments, it appears that

*'The notion of rights as law, as an obligation, is still far from becoming reality in Greece...and Education, as an authoritarian system, is mainly responsible for that'.*

### **2.3. The Impact of European Recommendations on Greek Education**

The most frequent reaction when the questions of 'Europe' and the 'European framework of religious freedoms and education' came up during the fieldwork was to acknowledge the European principles but to respect the particularities of the Greek case at the same time. Theologians tend to speak in general about a 'new generation' in their profession that seeks to establish a balance between the need to modernize the course in its clearly backward features and the need to maintain some of the key elements of RE – such as the emphasis on Christian Orthodox Church and traditions – which are seen as intrinsically linked to the history of Modern Greece and to national identity. Of course such statements are theoretical and their practical implementation may reveal different concepts of 'the need to reform', or not, according to the European standards.

In the perspective of the School Counselor, the new course of RE portrayed in the 'New School Project' represents a significant step forward that takes into consideration and puts into practice some key European recommendations. For instance, the one-book rule no longer applies in the new course of RE; instead, students approach the different topics through various sources and through the discussion of current debates. As mentioned earlier, amongst the innovative elements of the project we find the 'simulation exercises' (Chapter Four). The Counselor seems to deeply appreciate such pedagogical methods and stresses his admiration of the teaching method 'learning *from* religion'. Supportive as he may be of this project, he nonetheless mentions an incident of the presentation of the new Program of Study of RE, together with the role-playing methods, to school theologians at a Pan-Hellenic seminar. Characters were assigned to teachers to prepare them for the scene of dialogue and the reaction of the teacher playing the role of the mother was (addressing her son's Muslim girlfriend): '*You are Muslim? How did this ever happen to you?...'*'. This incident serves to reveal precisely the potential difficulties of applying such a teaching method and, subsequently, of transforming the core of the course in Greek society. In other words, theologians in Greece may not be ready to appreciate and to utilize this innovative project.

#### **2.4. The 'Burning Issues' of Proselytism and of Exemption**

The issue of Proselytism came up on its own in each and every discussion during the field research in Greece. Some opinions tended to be rather defensive of the Greek customs. For instance, the theologian of the *Lykeio* in downtown Athens supported Orthodoxy, claiming that '*our religion does not fanaticize, it does not coerce anyone*'. There was however a kind of ambiguity over the proselytizing character – or not – of the course of RE. While denying the proselytizing tendencies of the course – and of Orthodoxy in general – the theologian contradicts himself by claiming that '*it is questionable whether non-Orthodox students should take the course of RE in Greek schools*'. Does this mean that the purpose of RE in Greek schools is to proselytize the students; only, it is not considered as such? Indeed, the theologian of another *Lykeio* had expressed her concern that '*some may claim that we are trying to proselytize the students...*'.

It appears however that some students do, indeed, believe that the objective of RE in Greece is proselytism. A student of *Lykeio* directly criticizes the outlook of the school subject and the role of the teachers:

*'Teachers should not proselytize students. They should rather have a deep knowledge of all religions and they should let young people chose what they like... In any case, God did not separate us in groups of religions, as we are people, **not** items divided in camps...'*

As a case that has reached the ECtHR, the banning of Proselytism in the Greek state is closely related to incidents with Jehovah's Witnesses. When asked about the conviction of Greece by the Court in Strasbourg, the theologian of the *Lykeio* at the wealthier quarter of the city was well aware of the subject:

*'Yes, we do talk about their (Jehovah's Witnesses) attempts to proselytize with my students, who share their own experiences in class – for instance, they tell me "yes Madam, they stopped us in the street and gave us these leaflets"...'*

Rather than focusing on the verdict of the Court against Greek authorities, the discussion turned towards the particularities of Jehovah's Witnesses. The teacher therefore noted how

*'There is general suspicion – a mystery that covers Jehovah's Witnesses ... as far as their wealth is concerned, for example. Students ask me "Madam, how come he, whose parents do not work, has so much money?"'*

The School Counselor also approached the matter, offering an explanation for the widespread suspicion of the Greek Church over Jehovah's Witnesses. This has mainly to do with the particular *name* and, subsequently, with the *status* the respective religious communities acquires:

*'Each religious community can choose its own name. However, from just "Witnesses" they turned to "Christian Witnesses" and now to "Church of Christian Witnesses of Jehovah". Claiming of this new name was unacceptable to the Christian Orthodox Church.'*

Another factor that further deteriorates the relations between Greek authorities and society and the specific community is the distrust that Jehovah's Witnesses show, themselves, towards the course of RE in Greek schools, as well as their allegedly peculiar position as citizens of the Greek state. In all discussions on the question of exemption from RE, the interviewees mentioned how Jehovah's Witnesses are the students most likely to ask for one. In the religiously diverse Multicultural *Gymnasio* of Athens, the theologian states that

*'Students do not generally ask to be exempt – except from some Witnesses of Jehovah... It is hard to understand the various "exemptions" that Jehovah's Witnesses ask overall – (referring to their refusal to have their military service)<sup>165</sup> is it not part of their national duty, as Greek citizens, to serve the army?'*

The theologian of another *Lykeio* takes the issue even further and makes a distinction between Jehovah's Witnesses and other, non-Orthodox students. While some Muslim and Catholic students ask for exemption, most children seem to enjoy the course not only because it is interesting, but because student usually receive high marks. There is however a group of students

*'who look at me with suspicion... yes, I am of course referring to Jehovah's Witnesses. Whenever I try to approach them, say in the beginning of each school year, they are very reluctant and they treat me with suspicion. Even in the exemption form, instead of simply having their parents sign it on the basis of their different religious beliefs, they write down a long aggressive text, saying "Apostle Pavlos said this and that...etc..."'*

As mentioned above, the possibility of exemption is not exclusive to the Witnesses of Jehovah. The School Counselor explains how up to 2002, exemption was granted only upon declaration of your religion. Such policies, which constitute a breach of Human Rights and of the Protection of Personal Data are to a lesser extent valid

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<sup>165</sup> The military legislation stipulates that all Greek males, at some point between the 1<sup>st</sup> of January of their 19<sup>th</sup> year and the 31<sup>st</sup> of December of the 45<sup>th</sup> year, are obliged to serve in the Armed Forces (see Hellenic Republic – National Service Information: <http://www.mfa.gr/usa/en/services/services-for-greeks/national-service-information.html>). In *Thlimmenos v. Greece*, for instance a Jehovah's Witness and conscientious objector was convicted for having refused to enlist in the army. The Court found a violation of Article 14 (prohibition of discrimination) in conjunction with Article 9 (freedom of thought, conscience and religion) of the Convention (See European Court of Human Rights – Factsheet on Conscientious Objection, August 2013: [http://www.echr.coe.int/Documents/FS\\_Conscientious\\_objection\\_ENG.pdf](http://www.echr.coe.int/Documents/FS_Conscientious_objection_ENG.pdf)).

today. For instance even to this day, the religious identity of the students is written down on their High School Degree after graduation. There is further uncertainty about the right to demand exemption without having to mention one's religion: does this concern only foreign students but not Greek citizens who do not wish to declare their religion? In practical terms, the reasons for exemption vary greatly: about 10% of the students choose not to take the course because of their personal convictions, 80% because of the extreme work overload towards the last years of High School and another 10% because of the respective theologian teaching the course. As the theologian of a *Lykeio* states,

*'in my teaching experience, I've never had a Greek student – of no religion or non-baptized – come ask for exemption. I've only had some Albanian students in the 1990s who were of no religion and who had informed me about it... However this changed later on – in general, Albanians do not want to differ from the rest, they have integrated very well into Greek society.'*



### **3. The 'Fear of Indoctrination into Secularism': *Laïcité* and the Europeanization of Religious Freedoms in French State Schools**

This second part of the chapter is dedicated to the field research in France. In the previous chapter, we saw how the written documentation, the legislation and education material regulate the role and place of religion and of religious freedoms in French state schools. The findings have thus far revealed the nature of the Europeanization process in France, where both the concepts of religious freedoms and of the European recommendations are interpreted in a specific manner that is exclusively related to *Laïcité*. This section looks at the practical implementation and social reality of religious freedoms in French education.

The particular structure of the education system in France proves the necessity of interviews with key actors in French education. The generality that characterizes the school curricula issued by the Ministry leave an important amount of the educational approaches to the respective teacher. As we have seen, the incorporation of religion in curricula is similarly done in a manner that is open to different interpretations. Third, and equally important, the lack of a single, official textbook given to pupils, as well as the optional use of manuals overall, reveal the central role of the teachers, both in terms of content and of the method to follow. The School Programs, the Resources and the variety of educational sources acquire the specific interpretation of the respective educational authorities in each school. Subsequently, so does the role and place of the '*fait religieux*'. The objective of the field research is to shed light precisely on this practical dimension of the Europeanization of religious freedoms in French schools.

The findings are based on interviews with individuals in different capacities of state education: from school teachers, to researchers of the Institut Européen en Sciences des Religions, the French Supreme Court (*Conseil d'État*) and representatives of the Council of Europe for matters of religion and education. The discussion to follow is also based on the presentations and interviews held throughout the Conference on 'School and Teaching of the *Faits Religieux* in Europe', organized by the Institut Européen en Sciences des Religions. This event gathered representatives from the French education system and researchers on religion and education from a selection

of European countries in September 2012. An important addition to this study of Europeanization, the analysis also considers the opinions of French teenagers on the concept of *Laïcité*, provided through the seminal contribution of Bérengère Massignon (2011). In her work titled '*Laïcité in Practice: the Representations of French Teenagers*', Massignon offers the results of qualitative and quantitative research on the ways French teenage pupils conceive *Laïcité*. Massignon's crucial findings are considered in this section within the context of the Europeanization of religious freedoms.

Questions of *Laïcité* and freedoms of religion in French education were thus approached from different perspectives. As the analysis of the Stasi and Debray Reports suggests, the core recurrent theme in all discussions is *Laïcité*, a principle which also includes the guarantee of religious freedoms is also included. The two concepts are in fact inseparable in the understanding of French educational actors. Considering all the particular features of the French case, the guiding questions of the field research were the following:

- What is the renewed role of *Laïcité* in French education?
- How is the '*fait religieux*' incorporated in curricula and in class discussions?
- What are the weaknesses and challenges of the '*fait religieux*' in schools?
- How do *Laïcité* and the '*fait religieux*' guarantee religious freedoms in education?
- What is the relevance of the European recommendations on religious freedoms and education with *Laïcité* in French state schools?

The findings of the fieldwork are presented in separate sections, based on the major themes that have emerged from the research. Each of the sections responds either directly or implicitly to the above questions of the field research:

*i. The Many Faces of 'Laïcité': Deconstructing the Renewed Concept*

*ii. Evaluating the French Approach to Religion in Education: Achievements and Challenges of the 'fait religieux'.*

*iii. Laïcité and the European Recommendations on Religious Freedoms and Education: What Relevance?*

### 3.1. The Many Faces of 'Laïcité': Deconstructing the Renewed Concept

The findings of the field research in France reveal a diversity of opinions over the principle of *Laïcité*. As it is a concept so strongly tied to the historic values of the French Republic, it acquires different interpretations depending on the context. However, not all these interpretations are straightforward or even supportive of the role of *Laïcité*.

There is a significant majority of people working in Schools in France, who strongly support the principle and who consider it the obvious solution to the challenges of religious diversity and religious freedoms in the Republican school. And the reason why *Laïcité* is the most suitable approach to the problems is because the concept has, itself, evolved. According to a researcher of the IESR, '*we are now experiencing a new ideological configuration – that of religious pluralism*'. Whereas the old configuration of *Laïcité* was based on a policy of emancipation, where the objective of the school was to produce republicans, the *Laïcité* of today

*'has not changed fundamentally, but it now takes into consideration the religious question that has been brought to the surface as a result of the phenomenon of immigration*'.

In the words of an advisor to the Cabinet of the Minister of National Education, it is in fact, '*the Laïcité of today that allows and enables diversity*'.

French teenagers also seem to associate *Laïcité* with some of the defining values towards religion in French society, namely 'respect', 'tolerance' and 'freedom of conscience'. Students have absorbed the norms of pluralism as result of *Laïcité* (Massignon 2011, p.161). In their understanding, *Laïcité* is what keeps people together and guarantees the equal treatment of different religions in the following ways:

*'It's a question of tolerance; everybody has the right to think what they want and not be judged on the basis of their religious beliefs. It just means putting aside our differences and accepting the other person for what they are' (boy, Jewish)<sup>166</sup>;*

Similarly,

*'At school when you go through the front door of the lycée, you aren't a Christian or Muslim anymore. Everyone is the same' (boy, Catholic)<sup>167</sup>*

More than simply a question of *compatibility* of *Laïcité* with freedoms of religion, the most common understanding is one of a *concurrence* of concepts: religious freedoms are guaranteed and respected as a result of *Laïcité* in education. In spite of this general stance of approval and commitment to this principle of the Republic, there exist some more sceptical views, which focus on an apparent disconnection of the notion and practice of *Laïcité* in schools from the rest of society. As an antipode to the appraisals of *Laïcité*, some students notice the paradox that characterizes the practical implications of the principle with its theoretical value. The pupils interviewed noticed themselves an inconsistency between their attitudes inside school, where religion is not an issue, and outside the school, where religion all of sudden emerges as a social and political reality. According to Massignon,

*'it seems that the rule of Laïcité neutralizes conflicts between religions and ethnic groups more than it allows them to be resolved – the laïque school is a sanctuary, but outside the school setting a particular set of internal group relationships may exist' (Massignon 2011, p.170).*

Taking the above answer of the French pupil even further, we see a reference to the contrast between 'reality' in school and 'reality' in society:

*'At school, when you walk through the front door of the lycée, you aren't Christian or Muslim anymore, everyone is the same... there aren't too many religious conflicts...because when you are inside the lycée you aren't with the same people that you would when you're outside. For instance, when I'm outside, I'm almost always with my cousins, all my friends, they're Black, like me' (Boy, Catholic)<sup>168</sup>*

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<sup>166</sup> Qtd in Massignon 2011, p.161.

<sup>167</sup> Qtd in *ibid.*

<sup>168</sup> Qtd in Massignon 2011, p.170.

The limitations of *Laïcité* therefore emerge as soon as one compares the school setting, with the absence of religion, with the social setting, in which religion is present. Criticisms of this national value moreover focus on a discernable vagueness of the concept of *Laïcité*. As we have seen, *Laïcité* can mean different things, at different times and depending on the context of discussion. This flexibility of the term has been acknowledged as one of its advantages, since it makes it adaptable and useful to a variety of circumstances. Not everyone agrees on this superiority of the term, however. A former Senior Member of the French *Conseil d'État*, France's Supreme Court, when asked about the meaning of *Laïcité*, notices that '*everyone talks about it, yet no-one know what it actually means!*'.

### **3.2. Evaluating the French Approach to Religion in Education: Achievements and Challenges of '*le fait religieux*'**

How are the changes in school curricula, with the introduction of the '*fait religieux*', conceived? The findings of the field research reveal an important degree of appraisal, while some more critical voices are heard which assess the limitations and challenges of such an educational approach to religion.

A researcher of the IESR, who comments on the very term '*fait religieux*', makes an interesting contribution. Though difficult to interpret, in English, the term can be translated to either 'religious facts' or 'the religious', in general. By focusing precisely on the inadequacies of translation, she notices that the '*fait religieux*' is in fact a '*very French expression*', which does not do justice to the actual meaning of the term: '*we are not going to talk about "facts" ...we want to understand what comes behind the term, its social and universal dimension*'. The question is, however, to what extent does the '*fait religieux*' demonstrate these promising dimensions, as declared by the IESR, in its implementation in French schools?

Through the discussions, some important information on the use of School Programs and textbooks within the French school system were clarified, all of which affect the teaching of the '*fait religieux*'. The authors of the textbooks seem to be very cautious of the way they write and the language they use, primarily as a means to avoid any sign of catechism or proselytism. For instance, there is very limited use of the word 'Saint', while the authors seem to frequently resort to the use of

*Conditional tense.* According to Stéphanie Laithier of the IESR, the various textbooks seem to have incorporated the '*fait religieux*', yet there are '*very slow and reluctant to move forward*'.

The changes that took place in the School Programs and curricula over the last decade in order to include the study of the '*fait religieux*' are widely acknowledged and most commonly appreciated. According to Philippe Gaudin of the IESR, the new curricula now refer to religious diversity and establish the relationship between *Laïcité* and the '*fait religieux*'. What is seen as a particular achievement in the French arrangements is the effort made to '*respect the cultural affiliation of students*'. The centrality of 'culture' in the educational provisions of France, as seen the objectives to cultivate the 'humanist culture' of pupils, also appears in the findings of field research. In this case, the researcher of the IESR states that the choice to talk about 'cultural' and not 'religious' affiliation is not coincidental, for '*it is within the cultural where the religious also appears*'. This could be interpreted as yet another approach of the French state to refuse to even talk about the 'religious identity', as such, of students. Dominique Borne, President of the Directive Council of the IESR, takes this matter even further and comments on the visible differences in the terminology used in France and elsewhere:

*'We say "affiliations" instead of saying "identities", for, in the classroom identity has to be civic, it cannot be religious'.*

The President further elaborates on the limits posed on the religious and its expression in French schools. He raises the matter of respect of the beliefs of students and analyzes the paradox that characterizes the French approach: one the one hand, teachers are asked to respect the beliefs of students, on the other, no expression of such beliefs is permitted:

*'... But do we know these beliefs? Officially no, we do not know them, we are not allowed to know them! How can we respect beliefs that we do not know? This is an extremely complex matter'.*

Most discussions center on the difficulties that teachers and *professeurs* face when attempting to teach the '*fait religieux*' to their classes. As we shall see, this '*malaise*' derives not only from the uncertainty over the topics on religion – on the methods of

approaching the matter, as well as on the limits that should be placed to such discussions in the classroom – but also from the reactions of the families of students. The latter often feel that the school intervenes in a domain, which is considered as an entirely personal, private subject. In sheer contrast to the case of Greece, where on the basis of my Greek identity I was also considered to naturally be Christian Orthodox, when the question of my religious affiliation was brought up during the fieldwork in France, my interlocutors were quick to avoid any such discussion: *'We do not want to know'*.

In the case of the teachers, Isabelle Saint-Martin of the IESR talks about the teaching of the *'fait religieux'* through Art History and notices that there is

*'... hesitation to mention the religious in contemporary times. This gives the impression that the "fait religieux" belongs to the past. Approaching the religious through history is surely valuable, but it constitutes only one of the approaches of the matter – not the only one'*.

Even though religion has been included in the programs of History of Art, there is no actual debate on religion in class:

*'If we talk about a religious painting of Renaissance, this discussion is about Renaissance and about the painting, not about religion... It is not just a matter of saying whether this painting is religious or not, but rather, religious education is necessary for the study of this painting'*.

A similar example on the restricted space of the *'fait religieux'* is mentioned for the course of French. Evelyne Martini (IPR, *Education Nationale*, France) focuses on the literary approach to the Bible and observes that

*'we cannot possibly approach the Bible in a similar way that we approach the Odyssey... (for), the Bible refers to living religions! Such a strictly literary approach is not evident for professeurs'*.

Concerning the discipline of History, the discussions brought up precisely what was argued in the discourse analysis of the School Programs. There is an evident *'historization of the religious'*, so to speak:

*'The older the references to religion are, the less they are present today. In fact, the religious disappears from the present, whereas, as we know, it is very much present'* (Anna Van den Kerchove, IESR).

In the general reluctance seen amongst schoolteachers, there is a noticeable difference between generations, namely between younger and older *professeurs*, similar to the issue of a 'new generation of teachers' in Greece. Even though teachers in France are not against the teaching of the '*fait religieux*' (even those who have no interest in the matter) there is, according to a *professeur* at a *lycée*, '*Some degree of opposition to the teaching of the 'fait religieux, coming especially from older teachers'*. Yet, she does acknowledge that there have been some advancements:

*'Things move forward, but it needs more time... The world of teachers is rather conservative. Nonetheless, since the Debray Report, ten years ago, things have changed...'*

The methods of teaching, as well as the sources for teaching the '*fait religieux*', are all left to the teachers and there is therefore great diversity in approaches. Some teachers, for instance, do not use any of the textbooks but choose to draw on other documents and sources. Similar to the cautious language of the textbooks authors, teachers in French schools are very careful in the language and vocabulary of references to the religious. Their main concern is to avoid any use of sentences or specific terminology, which might point to proselytism. However, teaching the religious is unlike teaching of other historical facts, since it touches on the conscience and personal convictions of everyone. Indeed, teachers are often afraid of shocking their students. Sometimes the students, who may object to what the teacher is saying, confront the teachers. An incident is mentioned where a teacher of French who referred to religion provoked reactions from some students, who claimed that '*what you are saying is not true!*'. As a result, the teachers cannot always talk in depth about certain subjects that touch upon the religious. A practical reason for avoiding talking about religion has, very often, to do with the fact that teachers do not even have enough time to cover the School Program.

An important finding on the questions of the '*fait religieux*' suggests that the majority of problems in teaching seem to be about the question of Islam. For instance, sometimes the parents do not want Islam to be taught in depth. An



incident is described where a mother of a pupil from a wealthy quarter of Paris told a history teacher that she did not want her kids to be taught about a religion which is not theirs, referring to Islam. Indicative of the liberty left to the teaching staff, the example of a teacher who did not feel at ease talking to her students about Islam was discussed. Eventually, after consulting her school director, the two of them together decided to simply not include the study of Islam in her classes.

### **3.3. *Laïcité* and the European Recommendations on Freedoms of Religion and Education: What Relevance?**

Carole Reich, representative of the Council of Europe on the European Dimension of Intercultural Dialogue, offers some significant views on the role of the Council of Europe. She clarifies in the first place that the Council, unlike the European Union, does not have any supranational competencies; it functions instead in an intergovernmental manner. With respect to matters of religion and education, the Council does not attempt to unify the national systems, but rather to 'harmonize them'. For this reason, it has published important studies and manuals that can be used by Schools, such as 'Intercultural Education and Religious Diversity'. These manuals are not teaching textbooks, since they are meant to simply offer pedagogical advice and support for the teachers and all those dealing with education. At the same time, the Council offers its recommendations on certain crucial issues, such as on the principle of state neutrality. A recommendation, Carole Reich explains, is issued under the condition that each state expresses its willingness to adopt it (Chapter Two).

The *Conseiller d'État*, offers a further significant observation on the role of the Council of Europe and of its Court with respect to the policies and practices of states. His remark alludes to a geopolitical dimension of the function of these institutions, by suggesting a generalized distinction between 'Occidental Europe' and 'Central-Oriental Europe'. Accordingly, the Court '*seems to show a significant margin of appreciation and of application for the big occidental countries, such as the UK, Germany, France and Italy*'. In the case of central and oriental Europe, however, '*the Court is much more severe*'.

So where does the situation in France stand within the European context of religious freedoms in education? The members of the IESR comment on the 'European' dimension of the Institute. In the first place, the very fact that the Institute is called 'European', means that its mission is not to copy any other model in Europe. Rather, Isabelle Saint-Martin recognizes the necessity of understanding the European dimension and the varying approaches to religion that currently exist in other countries. In addition, the role of the Institute is to create its own model and, subsequently, *'to give lessons'*.

Jean-Paul Willaime, in charge of the European dimension of the IESR, talks about the great diversity that characterizes the *'policies but also conceptions in Europe'*: there exist different conceptions of life, of human nature and also of what constitutes 'the good life' (*'la bonne vie'*). In spite of this pluralism, there do exist certain points of convergence at a European level, concerning not only the questions and challenges that European states are facing but also, very often, the responses to these questions provided by states (see Chapter Two). Subsequently, *'it is these similarities that allow us to work together'*. All interlocutors recognized the exceptional nature of the French case and seemed to be mainly supportive of this. The President of the *École Pratique des Hautes Études* described how, within the European context, there is a certain

*'originality in the ways in which we (the French) conceptualize the relationship between the political and the religious, primarily because in France there is no course on religion'*.

It is highly significant that the IESR has established a separate section that looks exclusively into the European developments and their potential relevance with the French provisions. It appears however that when it comes to actually making the policies on religion and education and of implementing them, this is an entirely French affair. As noticed by the *Conseiller d'État*,

*'The European Framework has never been cited in France, in the debates within the country. I have never personally seen it being cited. It is therefore not a source of guidelines, probably also due to the level of generality we see in the Framework, or the lack of coherence in the rulings of the European Court of Human Rights ...I do not believe that the recommendations are useful. In general, "soft law" is not cited in France...'*

Following this observation, I asked the *Conseiller* about the possibility of the emergence of a 'common concept of religious rights in Europe. He concluded:

*'That is a very British thing to say! No, there is no common concept... there is a rapprochement of practices perhaps... I do not know what common concept would mean in this case – perhaps better to say “common ignorance”!'*

#### **4. Conclusion**

This chapter demonstrates that the findings of the discourse analysis on Greece are also supported by the results of the fieldwork. The struggle, this tension that emerged through the findings of the discourse analysis are also evident in practice – in the social reality of education in Greece: on the one hand the need to acknowledge the validity and to incorporate the European recommendations, on the other, the traditional role and determination of the Church authorities (supported or not by the state authorities) to control education and to enforce the type of RE and the kind of understanding of religious rights that they wish. In Greece, 'Europe' serves as a target, the source of inspiration and guidelines for the changes that should be implemented in the educational provisions.

There is generally a great deal of approval over the changes that have occurred in the system; though, not everyone is satisfied. Scepticism in Greece over current arrangements appears to derive primarily from those individuals who are either closely familiar with the European developments (the School Counselor, for instance) and those who deal with the reality and challenges of religious diversity in education as part of their everyday life (the theologian at the Multicultural *Gymnasio*). It is interesting moreover that most expressions of dissatisfaction with the system seem to nonetheless place some 'boundaries' to their criticism, in order to ensure the integrity of some key elements of Greek religious identity: the inevitable emphasis on Orthodox Christianity and its traditional customs, Morning Prayer before the beginning of school days or Orthodox baptism for Greek citizens, to mention a few.

The infamous issues that have defined the relation between religion and education – both at national and European level – persevere and reflect precisely the perplexity of the current situation in Greece. Proselytism and the question of exemption are recurrent matters that historically reflect the confusion over what constitutes a breach or not of religious freedoms. Opinions are similarly divided over the interpretation of the constitutional provision on the role of education for the ‘development of the religious consciousness of the students’, over the crucial role of the teacher (do they tend to be more conservative than the renewed programs of education?) and the wider question of human rights in Greece (the role of the state and the Church as forces resisting ‘human rights’ norms).

The field research in France has similarly been extremely constructive, as it indicates the discrepancies between the theory of national educational approaches to religious freedoms and their practical implementation in state schools. Whereas the discourse analysis of the official education material in France has highlighted the national consensus on a certain superiority of the French approach to religious freedoms, the findings of the field research reveal that many voices of those within the education system remain sceptical. These voices criticize the educational weaknesses of the French approach, namely the priority given to Christianity at the expense of other religions – in spite of the national principle of neutrality –, as well as the disconnection from ‘the religious’ through its exclusive representation in the ‘humanist culture’ and history subjects.

At a national level, the French prohibition of religious manifestation and expression of religious identity in school does not seem to be explicitly contradicted. The strict national policy that prohibits religious expression is nonetheless criticized with reference to some important problems that it creates for the teachers and the pedagogical approaches to discussions on religion: how is the teacher or *professeur* meant to discuss the ‘*fait religieux*’ without fostering a debate on religion, in general? Moreover, how are teachers meant to respect the beliefs of students, if these beliefs are concealed from the social reality in French schools?

Crucially, the findings have also revealed the apparent inconsistency between life in school and outside the school in France. This inconsistency is in fact emphasized as a further weakness of *Laïcité*: whereas the absence of religion seeks to protect the students from conflicts and to unite them in school premises, such attempts are

contrasted by the presence of religion and religious diversity in 'real life', outside the school.

In both case studies, the field research has shown the distance that characterizes the theory of the official state documentation on religious freedoms and the practice of its implementation on the ground, in the social reality of state schools. As such, we can remark that the interpretation and the actual treatment of freedoms of religion in the education systems of France and Greece raise some crucial questions of compatibility with the respective European recommendations. Overall, the Europeanization process in France and Greece is, in distinct ways, problematic. The following chapter offers the comparative analysis based on the findings of the study in the two countries.

## **Chapter VII**

### **The Europeanization of Religious Freedoms in Education: France and Greece in Comparative Perspective**

#### **1. Introduction**

This thesis reassesses the emergence of a European framework for the safeguard and promotion of freedoms of religion, belief and conscience through state education. A discernible consensus on the role and purpose of education for the guarantee of religious freedoms has been articulated in the human rights discourse of European institutions and constitutes a legislative and normative basis for European states. The puzzle of this research derives from the argument that the variety of national educational approaches to religion suggests different, if not contrasting, interpretations of the European framework. .

Though the exact ways in which religion is included in school curricula is a matter for national authorities, the European recommendations have nonetheless encapsulated the fundamental criteria that education for the guarantee of religious freedoms should respect and satisfy. The means to reach these ends, however, remain a matter of national choice. This very disposition, which leaves the decisive initiative to states, raises questions about whether and how the criteria set out by the European institutions for the guarantee of religious freedoms are considered and subsequently implemented in national education systems. What are the nature and the extent of the European impact on domestic approaches to religious freedoms?

In order to examine the top-down influence of the European recommendations, the thesis utilizes the theoretical and conceptual tools of Europeanization. The objective is to comprehend how European norms are diffused to particular national settings (Chapter Two). By framing the question in the language of Europeanization, the study looks into the process of *change* in states' education systems and the role and place of 'Europe' within it. Following a schematic representation of national educational approaches to religion with reference to the European benchmark

(Chapter Three), the countries of France and Greece were selected as the hardest critical cases of the Europeanization of religious freedoms in education. The discourse analysis of the key official documentation in the two states highlighted the legislative, political and ideological treatment of religion. Based on the findings of the field research, the signs and the nature of changes that have occurred in the educational provisions of France and Greece were discussed in order to comprehend the influence of the European recommendations.

By considering the research conducted on the two case studies, this chapter opens with a comparable analysis of the process of Europeanization, conceptualized along a continuum. The changes that have occurred in the education systems of France and Greece are considered in relation to the European benchmark: does change in the national setting signify Europeanization? The initial observations reveal a discernable degree of Europeanization occurring in both states, which is reflected through a shared rhetoric and 'common grammar' diffused throughout the language and key terms of national authorities. It is argued that Europeanization takes the form of ideational convergence, as the discourse set out by the European institutions on freedoms of religion and education is prevalent in national provisions and debates. The following sections, by contrast, discuss the evident limits of Europeanization, reflected through the practical implementation of the European recommendations and the national understanding of the European norms. The chapter therefore concludes by demonstrating a considerable degree of ideational convergence, on the one hand, and a significant degree of divergence in the practical dimension of the Europeanization process.

## 2. Ideational Convergence: Tracing the Links Between Domestic Change and Europeanization

How do we conceptualize the process of Europeanization of religious freedoms in the education systems of France and Greece? To begin with, the reference to and use of 'Europeanization' serves as a suitable conceptual framework for gaining greater understanding of important *changes* in domestic politics and society. These changes can be either direct responses exclusively to the policies of the EU, or, in the maximalist sense, they may be of a phenomenon exhibiting similar attributes to those that predominate in, or are closely identified with, 'Europe' (Chapter Two).

As we have seen in the theory of Europeanization (Chapter Two), adaptation to European developments can also leave considerable discretion to domestic factors and reflects variations in European pressure, as well as domestic motivations and abilities to adapt. The particular nature of the subject matters in question, namely religion and education, fall within the 'protected spaces' of states, which Europe finds hard to penetrate. This crucial quality implies that the process of domestic infiltration of the respective European principles may eventually limit the degree of convergence. The objective is to therefore comprehend the national interpretation of the European recommendations and to distinguish the potential discrepancy between the theory and practice of religious freedoms in state education systems. For this reason, it is constructive to visualize the different stages of *convergence* (or of divergence) in the process of Europeanization in France and Greece along a continuum, as portrayed by Radaelli (Chapter Two).

In this schematic representation of Europeanization, the minimum level of convergence, as conceptualized by Radaelli, means that domestic policy-makers share 'European' vocabularies. 'Europe' is a recurrent reference in the national discourse of education policies and it becomes what Radaelli calls the 'common grammar' (Radaelli 2004, p.11). Let us examine whether and how this applies to our two case studies.

In both case studies we observe a *transformation* in state educational approaches to religion. In France, this change has been encapsulated by the national debates on the strictness and rigidity of *Laïcité* towards the late 1980s and throughout the 1990s,



followed by the Debray Report and the incorporation of '*le fait religieux*' in school curricula. In the case of Greece, *change* is understood as a series of steps that have been taken over the last twenty years to moderate the predominance of the national religion in school curricula and educational regulations. These steps sought to introduce pupils to the religious diversity of contemporary societies and the universal significance of religious rights principles.

The two countries therefore start from different, indeed opposing, points – whereas France used to give no educational role to religion, Greek educational provisions took the form of indoctrination into the prevailing religion. From then on, however, the educational situation in both countries with regards to religion has transformed. Considering the rigidity of the two national education systems, as discussed in the relevant chapters, the changes that took place in the organization, the content and, more importantly, in the objectives of education as a means to include religion and matters of religious diversity are far from insignificant. These changes denote recognition of the need to react and to achieve the same theoretical goals as the ones articulated in the European recommendations on religious freedoms.

To what extent however is 'Europe' behind these changes? Is national change, as we have observed it in the two countries, correlated to Europeanization? Indeed, how is 'Europe' conceived in the discourse of religion in education in France and Greece? A response to such questions proves essential for the relevance and applicability of 'Europeanization' as a conceptual framework.

The perceived changes denote at a first level signs of *convergence* towards the European paradigm of religious freedoms in schools. The analysis of the two case studies has shown that the common factor behind the changes in French and Greek state education systems is that they stem from the realization of a necessity to respond and to adapt to the increasing religious diversity in contemporary societies. At the same time, such a response should ensure the guarantee of religious freedoms. In this sense, domestic authorities seem to acknowledge in theory the same need for action as the one articulated in the human rights discourse of the institutional representations of Europe. The two countries have therefore declared their aim to act in response to the challenges facing public education in contemporary pluralistic societies, as seen primarily through the change in *rhetoric*. Such a response is precisely the core of the argument put forward by Jean-Paul Willaime, who discerns

an apparent degree of convergence in the educational approaches to religion amongst European states (Chapter Two). On the basis of language and the theory of national discourse, France and Greece do fall within the category of states discussed by Willaime.

It appears, however, that the role and presence of the European factor differs considerably in the two case studies. Similar to Lacroix and Nicolaïdis' (2010) study which indicates the different perceptions of 'Europe' by public intellectuals in the two countries, in this thesis the 'Europe' presented in Greece also differs greatly from the 'Europe' depicted in France. To begin with, in the former case, Europe becomes the *target* that should be reached, the *provider* of influence for laws, policies and practices towards religion. By contrast, in France 'Europe' is only acknowledged within the very subtle, narrow limits of 'soft law' and of the variety of national educational approaches to religion, which render the emergence of common practices amongst European states unlikely. Considering the diversity of national arrangements in Europe that seek to provide the most appropriate solutions for the guarantee of religious freedoms, European states should *learn* from the French example. The recommendations that derive from the European framework, as well as the education models of other European states, are only useful insofar as they fit in with the predominant mentality in France regarding the role and place of religion in public education. In this case therefore, Europe is not the *giver* but rather the *receiver* of suitable practices.

Irrespective of this discrepancy between France and Greece, the contribution of the European framework has not been without results. In both cases, it serves as an important reference point, as states take the recommendations into consideration and enter a form of dialogue with them. In this sense, change in France and Greece is correlated to Europeanization and the norms that stem from 'Europe'.

In recognizing the necessity to reform its educational approach to religion, the Greek state explicitly and frequently refers to the need to 'Europeanize' and to implement the European recommendations on freedoms of religion (Chapter Four). Unlike the evident pervasiveness of 'Europe' as 'common grammar' in the discourse of Greek policy-makers, the case of French policy-makers is more complex. References to 'Europe' are not absent; they are rather *indirect* and *implicit*. France does not consider that it needs to 'Europeanize', but that it should respond to the growing

challenges that have been affecting all European societies, alike. 'Europe' is the 'common grammar' in the sense that France finds itself in a situation analogous to other European, pluralistic societies. French authorities therefore use a similar language and talk in terms of the same criteria as the ones provided by the European institutions (Chapter Five). Moreover, domestic actors in France see the solution that their state's education system provides to this common European problem as compatible with the European principles on freedoms of religion and education. In the sense, therefore, that Europeanization produces a convergence of paradigms and ideas of good practice, we can assert a degree of ideational convergence (Radaelli 2003, qtd in Radaelli 2004, p.14) in both the cases of France and Greece.

The decisions taken by French and Greek authorities share the same starting point, namely the treatment of religion in school curricula for the respect of religious freedoms. A discernable feature that the countries have in common is the incorporation of the religious diversity in primary and secondary school curricula: just like Islam and other religions are no longer absent from School Programs in French schools, so the Analytical Programs of Study and student textbooks in Greece now include references to the study of a range of religions and the paramount relevance of religious rights principles. This is a significant development that denotes a break from the past in both countries, but for differing reasons. Though no separate discipline for the study of religion was created, the introduction of the '*fait religieux*' in France put an end to the historical educational provision that over the last decades offered very little, if not restricted, place to religion in school curricula. The change in Greece, by contrast, is noteworthy since it denotes an acknowledged recognition and effort to liberate religious education from its indoctrinating tendencies, primarily by giving space to the study of other religions and beliefs.

The ways in which this shared decision is implemented in education systems reflects certain commonalities, but also some significant divergences, depending on the particular context of each country. The next step in the process of Europeanization will be to examine whether change in the political discourse of countries signifies a corresponding adjustment in *practices* and in the actual treatment of religious freedoms in education. In spite of the comparable, notional reaction of France and Greece to the European developments, the response of the two countries may, in fact, differ.

Moving on to the next level of convergence in the Europeanization of religious freedoms, Bulmer and Radaelli put the emphasis on the problematic relationship between ideational convergence, learning and policy change. People may adopt the same language and talk in terms of the same criteria without necessarily taking the same decisions (Bulmer and Radaelli 2004, p.12). Regardless of the usage of a common vocabulary that alludes to 'Europe', the decisions that French and Greek authorities take in order to change their education with respect to religion may vary. Subsequently, the less similar the implementation of these decisions in the two countries, the lesser the degree of convergence.

### **3. Constraints to Convergence: The Type of Religious Education for Freedoms of Religion**

We have thus far noticed an ideational convergence that has emerged in France and Greece, which is further supported by important modifications in both countries' educational provisions. The signs of convergence, however, diminish the closer we look into the process of implementation of the aforementioned changes. In what ways does the application of the similar decisions in France and Greece *diverge* from the European framework on freedoms of religion and education? In order to answer this question, we need to refer back to the sets of recommendations outlined by the European institutions, themselves (Chapters One and Two).

In line with the discussion on the variety of educational approaches for the guarantee of religious freedoms (Chapter Two) the following overarching principles emerge as the hardest areas of Europeanization in the cases of France and Greece: (i) the type of religious education (RE) conceptualized and implemented by national authorities for the guarantee of freedoms of religion and, (ii) the existing provisions that regulate matters of religious expression in education. The following sections elaborate on these two critical points. On the basis of the findings, this thesis argues that the type of RE and questions of religious expression in education constitute the primary obstacles to the Europeanization process of the two case studies and, more importantly, to the emergence of a European consensus on religious freedoms and education.

As rightly mentioned by Anna Van den Kerchove (2011) on the study of history textbooks in French schools, the references to religion are not simply a matter of *quantity*, but moreover one of *quality* (Chapter Five). This very observation relates to the recommendations by the Council of Europe and other international organizations on the types of religious education adopted by national education systems or, alternatively, on the ways in which religion is incorporated in school curricula. Does the inclusion and treatment of religion in French and Greek education deviate from the European paradigm? Does the way in which religion is incorporated and treated in school curricula in France and Greece satisfy the criteria on religious freedoms that have been set out by the European recommendations?

A concise synopsis of the European paradigm is essential here and serves as the point of reference and comparison for the classification of education systems. The project on the 'Religious Dimension of Intercultural Education' places the emphasis on religion, based on the argument that 'the lesser the degree of religious education, the greater is the potential for religious difference to be instrumentalized as a tool for political mobilization'. According to the ECHR, the term 'religious dimension' in intercultural education is not used to refer to some type of religious education in particular, but is aimed at fostering reciprocal awareness, respect, and learning how to live together in order to promote social cohesion. National governments have therefore been encouraged to ensure that religious studies are taught, with a view to develop open-mindedness and critical-mindedness. In terms of the pedagogical methods used to achieve these desirable ends, the CoE provides states with certain recommended approaches to follow. As we have seen (Chapter Two), the phenomenological approach, the interpretive approach, the dialogical and contextual approaches differ in the methods they adopt for the treatment of religion. Emphasis in these approaches is either placed on the exchange of beliefs and experiences on religion, the power of dialogue to avoid intercultural conflict or the use of common meeting places of students to foster discussions.

These teaching and learning approaches have some key features in common. In the first place, the mutual principle that characterizes all of them is that they do not seek to promote or impose a particular religious or non-religious view or way of life.<sup>169</sup>

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<sup>169</sup> As we have seen, the distinction between these approaches that reflect different educational objectives for religion has been characterized as 'religious instruction' as opposed to 'religious education'.

Indoctrination as an educational objective is in fact prohibited. At the same time, the suggested approaches, whose primary aim is to guarantee freedoms of religion, enable students to develop a genuine understanding of others, while encouraging them to also reflect on their own practice. Last but not least, within such a context, the guarantee of the principles of objectivity and tolerance (Chapter Two) constitutes fundamental, additional premises of the European framework on religious freedoms and education that are accordingly respected in all these pedagogical approaches.

How does religion in education in the two case studies meet these objectives?

### **3.1. The Minimal Europeanization of Religious Education in Greek Schools**

The role and place of religion in Greece has evolved significantly over the last decades. Indeed, as demonstrated in the previous section, the steps that have been made in the country lead us to conclude that Greek education has moved from a type of system that could have easily been described as ‘religious instruction’, where the objective of religious indoctrination prevailed, closer to a form of ‘religious education’, with a more balanced treatment of different religions. In spite of these developments, it appears that the Europeanization process is much stronger and more evident in theory than it is in the practice of Greek education. In fact, the changes that have been made to the Analytical Programs of Study and textbooks do not correspond to the changes we have seen in the political rhetoric of Greek educational authorities. More importantly, the social reality of religious freedoms in state schools reveals the overall persistence and predominance of those national features that undermine, and even critically contradict the European recommendations on religious freedoms.

The limited degree of Europeanization in the Greek approach to RE is seen through certain key features of the state education system. In terms of the incorporation of the European recommendations in educational material, the findings of the discourse analysis (Chapter Four) highlight an ongoing tendency to treat the national religion of the Christian Orthodox Church favorably and much more extensively, at the expense of other religions or beliefs. The principle of objectivity is undermined not only through a predisposed portrayal of other religions, but,

moreover, through the controversial intervention of the Orthodox Church, which blurs the boundaries between church-state relations and responsibilities in matters of state education.

The analysis of Greek educational provisions has similarly illustrated a considerable degree of deviation from the European recommendations in terms of the very depiction of the concept of religious freedoms. The attempts made by the national authorities to include freedoms of religions in school curricula result in a pervasive tension between traditional practices and Europeanizing forces. The objective is to incorporate the respective European recommendations, while maintaining the traditional presence and influence of the national Church and religion. It is highly questionable whether the inclusion of references to 'freedoms of religion' in Greek curricula justifies the objectives that have been set out by the European recommendations.

Lastly, both the principles of tolerance and references to freedoms of religion are widely used as a mechanism to accentuate the distance between the national 'us' and 'them', whose views should be tolerated and respected. As such, the predetermined mindset offered by Greek educational material, leaves little space for critical thinking, the exchange of ideas or the reconsideration of one's personal convictions. The dubious respect of religious freedoms in Greek education therefore does not only concern the 'others', who represent the minority outside the prevailing religion, but also pupils of Greek Orthodox faith, themselves.

The findings of the field research have confirmed the limits of convergence towards the European benchmark, by highlighting above all an inconsistency between rhetoric and practice in the context of Greek education. There appears to be no consensus on the interpretation of the constitutional provision on the purpose of education (Article 16). Opinions differ depending on the position, the responsibility, as well as the personal convictions of the discussants. While some extreme views were articulated, the overall impression from the interviews was that the recent developments in Greece and Europe mean that Christian Orthodoxy can no longer constitute the sole basis and the purpose of religious education. Nonetheless, the findings also showed that there is a limit to the changes that occur in Greece with regards to religion in education, precisely because of the particular role and place of religion in Greek history and national identity. Though there were references to the

emergence of a 'new generation' of schoolteachers and theologians who seek to modernize the class of RE, this traditional mentality on the intrinsic links between religion and national history is still prevalent and acts as a serious obstacle to the attempts of Europeanization.

To return, therefore, to the 'fear of extremes' in contemporary European education systems, expressed by Jackson, the findings confirm that the Greek case has shown signs of convergence to the European paradigm, but that it still represents to a significant degree an exemplar of 'religious indoctrination' in Europe. Indoctrination may no longer constitute the primary, declared objective of education in Greece. In view of the Europeanization forces, national authorities have made sure to suppress this traditional dimension of Greek education, at least in rhetoric. Yet the traditional mentality on the links between religion and national identity persists and seems to repeatedly challenge the emergent, more open views on the role of education for the guarantee of religious freedoms in an increasingly diverse Greek society. National authorities seem to also be aware of the incompatibility between the country's approach to religious freedoms in education and the recommendations of the European institutions. The fact that the very Ministry of Education was reluctant to cooperate in an inquiry into religious freedoms in Greek schools (see Chapter Six), suggests their concern of being exposed to criticism on the state of religious freedoms in Greek education. A discrepancy between the Greek and the European understanding of the concept of religious freedoms in education becomes therefore obvious. These findings reveal the limited Europeanization of religious freedoms in the case of Greece's education.

### **3.2. *Laïcité* as a Barrier to the Europeanization of Religious Freedoms in French Education**

Considering the lack of a separate discipline for the study of religion in French state schools, the classification of RE is in this case more complex. Nevertheless, as discussed above, the changes that have occurred in France throughout the last decades constitute a significant break from the past for the principal reason that religion is now officially included in school curricula. But does the very inclusion of religion in French School Programs satisfy the criteria and objectives established by the European paradigm? This thesis argues that, in spite of the discernable changes,



the French system of state education seems to pertain to its predominant national ideology that restricts religion, and by extension, freedoms of religion, within the strictly and narrowly-defined traditional context of *Laïcité*. In the end, the investigation into the compatibility of *Laïcité* with the European recommendations exposes the barriers of Europeanization in the French case.

The limits of convergence in the case of France are revealed through certain key features in the organization and aims of the education system. The defining principle that determines the educational approaches to religion in French state schools is the prevention of religious indoctrination and of the imposition of sets of ideas and beliefs upon pupils. Unlike in the case of Greece, the principle of the prohibition of indoctrination is here unequivocally respected. However, this thesis argues that, in doing so, the education system in France seems to critically undermine and challenge certain of the other objectives set out by the European recommendations for the guarantee of religious freedoms.

The discourse analysis of the French educational material has shown the specific challenges that derive from the ways in which religion, or '*le fait religieux*' is included in school curricula. In the first place, the principle of neutrality is challenged, as comparatively more extensive treatment is given to Western Christianity, at the expense of other religions or belief systems. At the same time, the Institut Européen en Science des Religions rightly criticizes that the study of certain religions or beliefs is missing entirely from the curricula, offering a very narrow framework for the study of religions. As we have seen, due to the initiative given to the teachers, it may even be the case that some religions, like Islam, are not even treated in the classroom, on the pretext of the potential reactions, the discomfort or problems this may cause.

The discipline of history has undergone the most important transformations for the inclusion of religion and is accordingly the principal point of reference for the Europeanization of religious freedoms in France. Information on religions emerges throughout the study of a variety of topics in the curricula, seeking to demonstrate the presence of religion in different times and contexts of human life. However, this educational approach runs the risk of narrowing religion solely to its historical dimension, emptying it from its contemporaneity and from its current, vital role in societies. The 'us' versus 'them' that is portrayed in the Greek educational approach

to religion easily acquires in this case the distinction between something that belongs to the past and us, in the present.

The findings of the field research were particularly crucial for the analysis of French education. The broad character of the School Programs issued by the Ministry of National Education, the absence of single textbooks utilized by pupils and the subsequent determinant role of the teachers, signify that many issues relative to religious freedoms are dealt with on the spot, in state schools. In this sense, the field research shed light on the evident gap that exists between the theoretical provisions that administer religion in state education and the practical implementation of these in the handling of religion in French schools. Much like in the case of Greece, the findings highlighted the difficulties that emerge as soon as schoolteachers attempt to deal with the '*fait religieux*' in the classroom. More importantly, the observations of those involved in education indicate a degree of incongruity between 'freedoms of religion' as promoted by the European framework and the 'freedoms of religion', as understood in French education.

The discrepancy between the European and the French contexts on the matter can be narrowed down to two fundamental points: (i) the differing conception on the educational significance of the treatment of religion and, (ii) a conflicting conception on the role of the school for the guarantee of religious freedoms. In the end, the lack of agreement between the European and the French contexts signifies that these two important matters retain a primarily national understanding and, subsequently, a national political treatment through education.

#### *(i) The Educational Treatment of Religion*

An important diverging point between the European recommendations and the French approach to religion in education are the differing conceptions on the educational significance and the respective treatment of religion. This, of course, is not to claim that in France religion is undermined altogether, since religions are regarded as beliefs that matter for individuals in different ways and to varying degrees. Indeed, the provisions established to allow pupils religious education outside the school on a given weekday are indicative of this understanding. The question is, however, what can and what should the state, through the school, do to ensure the educational significance of religion? Should religion be left outside the

school? Or, should it be included as part of the cultivation of French pupils, who are thereby introduced into the significance of religious freedoms?

Precisely because religions and beliefs matter to individuals, the European framework strongly argues that they also matter to society and to the nature of collective relationships as a whole – both nationally and internationally. Religion in education is accordingly seen as a process of understanding each other, but also of developing self-understanding. Studying about religions and beliefs opens students' minds to questions of meaning and purpose and exposes them to the critical ethical issues addressed by humankind, which are unintelligible without knowledge of religions (Chapter One). In French schools, however, references to religion occur in the established discourse of the 'religious *affiliation*' of pupils, not of their 'religious *identity*', implying that religion is subordinate to the civic identity that unites French citizens. Similarly, the very fact that religion is mentioned in the context of the '*fait religieux*', as well as the ways in which this is incorporated in school curricula and treated in the classroom, means that religion is largely restricted to a factual understanding. Religion is depicted and treated not as 'belief', but rather as 'fact', within the context of 'humanist culture' in the schools subjects of history, of literature or art history. Such a depiction does not make the development of a genuine understanding of the religious phenomenon, *per se* a priority of education.

Moreover, the French approach towards religion, where discussions and debates on religion are largely, if not entirely, absent from state schools, severely destructs the mutual understanding of one another in a religiously diverse society, one of the key objectives of the European recommendations. As such, the predetermined mindset offered by French school curricula and educational material, leaves very little space for the exchange of ideas, the promotion of critical thinking, or the reconsideration of one's personal convictions.

Very little space is therefore given to knowledge about religions and beliefs, their differences and the understanding of what they represent and what they mean to believers. Due to the firm legislation and limited context of *Laïcité*, even in its evolved conception, teachers are themselves skeptical and even worried of entering into discussions about religions with their pupils. Their concern lies in the fact that such discussions may either bring to the surface the very religious identity of the

pupils, while they may also result in conflicts and disagreements between them<sup>170</sup>. Such incidents may threaten social cohesion and national integration as understood in the French political discourse.

Such a finding clearly points to the relevance of the weight of history, as discussed in Chapter Three. The particular position that religion held in the construction of the nation has determined the educational provisions of both countries. Whereas religious belief and belonging became synonymous to national belonging in Greece, the struggles against the predominance of the Catholic Church and the subsequent laws separating Church and state in France defined a type of national identification from which religion was absent. The Enlightenment ideals, which gave precedence to knowledge and factual experimentation over belief and religion, have formed the guiding principles that determined the treatment of religion in the French education system. In sheer contrast to the case of Greece, religion is here conceived as *fact*, not as *belief*, thus emptying it from its essence and its significance for the lives and beliefs of individuals. This limiting approach to religion in the pluralist environment of the school poses barriers to the intercultural type of education promoted by the European recommendations, whose primary objective is respect of freedoms of religion.

#### *(ii) The Role of the School*

A further crucial feature that demonstrates the limits of convergence in France towards the European paradigm of religious freedoms in education is the discernible contradiction between life in the French school and life outside the school. Amongst the stated objectives of the recommendations stemming from the European institutions, particular emphasis is placed on the contribution of the school towards achieving social cohesion and promoting respectful behavior in a context of increasing religious diversity. To the extent that religions and beliefs are present, central forces in the lives of individuals and communities, the recommendations argue that understanding these convictions is necessary for people to understand one another (Chapter One). According to the European conception, therefore, the school is meant to prepare pupils to comprehend the

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<sup>170</sup> See Chapters Five and Six.

diversity of beliefs in societies and to teach them to respect precisely this variety of religions.

As the findings of the research have demonstrated, the way in which France conceptualizes the school as a guarantor of religious freedoms is not by *including* the diversity of religions or beliefs but rather by *excluding* it. Other than the risks of confining religion within the curricula of different school subjects, discussed in Chapters Five and Six, the most indicative expression of this prevailing view in France is the prohibition of religious expression and manifestation in state schools. The complex questions that emerge out of the national provisions regulating religious expression in French schools are treated extensively in the following section.

As far as the role of the school for the guarantee of religious freedoms is concerned, the findings have shown that individuals with different capacities in the national education system have noticed a paradox in the French approach. They observe, specifically, an inconsistency between the identity of individuals and the discussions between them that take place within the school on the one hand and the previously concealed dimension of these identities and the respective discussions that only emerge outside the school, on the other. Such an understanding of religious freedoms proves highly problematic, not only because of its disparities with the equivalent European standards on the matter, but also because it claims to provide the foundation of a set of values common to all citizens in France. However, as argued by Zucca (2011, p.50), the suggestion that once stripped of religious beliefs we would all converge towards a common national identity defined in purely political terms is just an illusion. This suggestion claims to achieve social cohesion and to guarantee religious freedoms precisely by denying and concealing the expression of other, fundamental freedoms. *Laïcité*, in this sense, is not compatible with freedom of belief.

The particularly defined concepts in France that determine the national approach to religious freedoms in education reveal the limits of convergence towards the respective European recommendations. Regardless of the national debates and subsequent developments, the course and fundamental objectives of French education with reference to religion remain unaffected. The European recommendations have penetrated the system of state education in France, only to

the extent, however, that they do not alter or challenge the established national views on the role of education for the guarantee of freedoms of religion. In the end, the concept of 'religious freedoms' in the French system differs significantly from the type of 'religious freedoms' articulated in the European recommendations. To return to Jackson's representation of European states, the findings of this study prove that France fittingly symbolizes the 'fear of indoctrination into secularism', or, more appropriately, 'indoctrination into *Laïcité*', which carries with it significant constituents that are inconsistent with the European principles on freedoms of religion in education.

#### **4. Europeanization as Divergence: Religious Expression and Freedoms of Religion**

The previous section has tackled the question of religious education and the role of the school to demonstrate the particular factors in the education of France and Greece, respectively, that function as impediments to the Europeanization process. A comparably hard area in the Europeanization of religious freedoms is the political and legislative framework that regulates matters of religious expression in the education systems of the two countries.

As we have seen in the previous chapters, the European principles on the rights of religious expression and manifestation in schools are matters of ongoing controversy and uncertainty. There exists no single consensus; rather different legislative and political solutions are recommended, depending on the emerging question. The analysis of the ECtHR's jurisprudence and case law has revealed the difficulties in discerning which of the two conditions – the one allowing religious symbols or the one inhibiting them – is compatible with the principles of religious freedoms, as promoted through the ECHR. The thesis has shown that it is through these critical cases that the content of the Convention itself is arguably shaped and determined, with the overall purpose of providing a more stable and wholesome set of norms on religious rights in Europe. Certain criteria nonetheless do emerge through the case law and jurisprudence that are considered as essential for the role of education for the respect of religious freedoms. By using these criteria as a reference point, representing the European recommendations on freedoms of religion and expression in education, this section argues that this specific area of

Europeanization reveals not only the divergence in national conceptions and educational approaches, but more importantly, it exposes the weaknesses of the European framework as a force of compliance and, by extension, of Europeanization.

The question of religious expression in education covers a range of situations and contexts that have to do as much with the visible signs of religious belonging, as with the invisible signs that relate to the values that define the identity and belonging of individuals. In the reference book for European schools, 'Religious Diversity and Intercultural Education', Schreiner talks about the school as a 'safe space'. According to the reference book, the school serves as a secure environment with the objective of fostering self-expression and of exploring the differences outside a context of insecurity (see Introduction). The project on the 'Religious Dimension of Intercultural Education' emphasizes accordingly that religion is not confined to the private sphere, away from the public arena. The reason for this is that moral and religious convictions underlie motivation and the nature of social action. An apparent consensus that emerges out of the European recommendations emphasizes the need to encourage self-expression and the exchange of ideas in the neutral environment of education.

As we have seen, this conception of the school differs markedly from the French approach to religious expression and education, which provides its very own interpretation of religious freedoms. In the prevailing French ideology of education, it is the outside world that represents a threat to the pupils, while the school acts as the sphere of their protection. The strict, yet often ambiguous and biased legislation on the prohibition of religious manifestation of pupils (Chapters Two, Five and Six) means that, rather than simply functioning as a meeting point of different beliefs, the French school suppresses at the same time the expression of this diversity. Even though there exists no shared agreement on the *limits* that should be placed in the religious manifestation of pupils,<sup>171</sup> it becomes clear that certain national provisions on the matter, like the French one, may in fact contradict some of the key objectives of intercultural education in contemporary pluralistic societies, as articulated in the human rights discourse of European institutions.

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<sup>171</sup> For the cases relating to the religious manifestation of teachers in schools, see Chapter Two.

The UN has also examined the compatibility of the 2004 French legislation banning the wearing of conspicuous symbols in public schools with religious rights principles. The UN Committee on the Rights of the Child has criticized the law in France as inconsistent with both religious freedoms and the best interest of the child.<sup>172</sup> Following her visit to France in September 2005, the UN Special Rapporteur on Freedom of Religion or Belief published a report expressing particular concern over the implications of the 2004 law on questions of religious manifestation and religious tolerance. The Special Rapporteur supports the law insofar as it is intended to protect the minority of minors who may be pressured or forced to wear a headscarf or other religious symbols. She acknowledges the role of the French school as an emancipator of those minors in the discourse of Women's Rights, who happen to be most often girls of Muslim background. At the same time, however, a series of issues emerge as a direct or indirect consequence of the implementation of the law that demands for its careful reconsideration and application in each case: the abuse of power by school establishments on the assessment of religious symbols, the disproportional impact that the law has on Muslim women wearing headscarves,<sup>173</sup> who are often either humiliated or intimidated for expressing their religious views. The law, moreover, denies the right of those minors who have freely chosen to wear a religious symbol to school as part of their religious expression.

For all the above reasons, the Special Rapporteur considers this above all an issue of principle. Highly relevant to the argument put forward in this chapter, the remarks of the Special Rapporteur criticize both the compatibility of the French approach to religious freedoms with human rights norms and the limitations of the complex of European – and international – norms on religious freedoms, itself. Indicating the uncertainty and variety of views on the exceptional French case, the Report considers the lack of consensus and of legislative action at a European level. It explains that

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<sup>172</sup> UNCRC, *Summary Record of the 967<sup>th</sup> meeting: France* UN Doc CRC/C/SR.967 (2004), paras 26, 35 and 42].

<sup>173</sup> Another religious minority that has been seriously affected by the adoption of the law is the Sikh community, whose members reported to the Special Rapporteur that displaying religious symbols was an essential part of the faith.



'So far, there has not been an assessment of the compatibility of the legislation with relevant international standards protecting the right to freedom of religion or belief by a judicial or quasi-judicial international human rights body'.<sup>174</sup>

International institutions have therefore not tackled the crucial question of whether or not the 2004 French law violates, in itself, human rights norms. Regardless of this lack of initiative that could help define the standards of human rights law, the Special Rapporteur concludes that the specific law on France constitutes a limitation of the right to manifest a religion or belief.

The evident discrepancy between the European understanding of the right of religious manifestation and the French interpretation of this further emerges through the questions relating to national and international security. The analysis of the discussions that have been held in France prior to the introduction of the '*fait religieux*' in education (Chapter Five) brought to light a specific justification for the containment of religious expression in state schools; namely the threat of religious fundamentalism. The French position argues that the banning of religious symbols acts as a measure against extremism, helping diminish the potentially destructive effect that religion may have in the identity and actions of young people within a given community. The measures taken by French authorities thus aim at diminishing the risk of extreme, fundamentalist reactions of which religion is often a constituent. In this defensive national tactic lies a further contradiction with the equivalent European standards on the matter: considering the crucial role of education as a mechanism of social cohesion and integration, the school is meant to contribute to the fight against extremism not by suppressing or ignoring its possible religious dimension, but rather by acknowledging it. Action in the area of education is considered a necessity in this context. States are accordingly required to fully respect and promote the rights of their citizens by attacking the root causes of extremism and intolerance, rather than the manifestations of these (Chapter Two). The report of the UN Special Rapporteur on France suggests that the application of the 2004 law has even had the exact opposite effect on this question of extremism, since it has arguably led to the radicalization of the Muslim youth and it has been systematically used in the *banlieues* and Mosques to disseminate a message of religious radicalism.

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<sup>174</sup> Page14, para. 70: <http://infosect.freeshell.org/infocult/UNREPORTFRANCE832006.pdf>

The above instances signify that the French approach to the question of religious manifestation forms a divergence from the European benchmark. The boundaries placed on the religious expression and religious manifestation of pupils in France repudiate basic objectives of education for the guarantee of religious freedoms of the European recommendations. The process of Europeanization is therefore brought to a halt, as national provisions seem to undermine the European dimension on matters of religious manifestation.

The Greek state also deviates from the European principles on this matter, albeit in an opposite way. While in the case of France it is the restrictions on the expression of *students* that raise serious questions about the compatibility of such provisions with religious rights principles, in Greece, it is the necessity to place limits on the religious expression of the *state*, itself, that forms the main concern. Strongly critical against acts of proselytism or indoctrination, the European paradigm asserts that the compulsory display of a religious symbol in all classrooms may violate the state's duties of neutrality, equality and non-discrimination. In this case, the widespread provision existing in Greek state schools,<sup>175</sup> is a clear violation of the above principles of religious freedoms. At the same time, the custom that exists in state schools of Morning Prayer preceding the beginning of classes, with its exclusive Christian Orthodox character, denotes a religious manifestation of the state that also breaches the principles of neutrality and that promotes indoctrination. By proving the distance between the national and the European norms, these instances reveal the divergence of the Greek education from the European principles on religious manifestation.

The provisions and customs embedded in the Greek education system may lead us to believe that there is a clash with the equivalent European standards. But a closer reassessment of the ECtHR case law on similar matters suggests that the main cause that prohibits Europeanization is above all the lack of consensus at the European level, itself. It is argued here that the inconsistencies that characterize the European recommendations on the freedoms of religious expression and manifestation are to a great extent responsible for the variety of –often-conflicting – national approaches

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<sup>175</sup> All schools visited throughout the field research in Greece had either the Christian Orthodox crucifix or a picture of Jesus Christ hanging from the main wall of the classroom, usually right above the board.

to such questions. The absence of consensus leads, by extension, to a justified use of the principle of margin of appreciation and to a decreasing likelihood of Europeanization in this very crucial dimension of freedoms of religion in education.

Let us reconsider, for instance, the manifestation of the national religious symbol in Greek state schools compared to the case of *Lautsi v. Italy* of 2011, discussed in Chapter Two. The decision of the Court claimed that the presence of the crucifix in Italian schools did not constitute a violation of Article 9 of the Convention and that it did not necessarily signify a compulsory teaching of Christianity at the expense of other religions or beliefs in the case of the Italian education system. Does this suggest that the presence of the crucifix in the Greek school *does* constitute a violation of Article 9 because of the arguably indoctrinating religious education in Greek state schools? Such a claim would signify that religious manifestation in state schools in Europe is not to be judged as a right *on its own*, but in conjunction with other features of the national educational approach to religious freedoms. It would be indeed interesting to see whether such an argument would have been raised for the case of Greece, or for other countries found in a similar situation in terms of the type of religious education they offer. In the end, however, the rather pragmatic approach of the Court leaves the discussion incomplete and raises a series of complex questions regarding cases of religious expression and manifestation.

What does the question of religious expression and manifestation in the two case studies tell us about the Europeanization of religious freedoms in education? Quite clearly, the first observation to make is that Europeanization in this case primarily takes the form of divergence. It appears that this is an area of national interest that is left unaffected by the European recommendations. The differing conceptions between the European and the national contexts on the limits that can and should be placed on religious expression and manifestation only serve to confirm the lack of consensus on the role of education for the guarantee of religious freedoms. Europeanization is interrupted not only because of the potential violation of religious rights principles by national authorities, but also due to the lack of consensus on this very crucial dimension of freedoms of religion. The question of religious expression and religious manifestation reveals the large variety of approaches both at national and European levels, unlike the case of indoctrination, for instance, where the position of the European paradigm is clear and firm.

## 5. Conclusion

The chapter offered a comparative analysis of the process of Europeanization based on the findings of the study in France and Greece. In the first place, it has been argued that there are considerable changes in the education systems of the two case studies that denote a degree of convergence in the Europeanization process, conceptualized along a continuum. This convergence is seen primarily in the form of rhetoric, in the language and vocabulary that is used throughout the national discourse of educational authorities. The process of Europeanization takes in this case the form of ideational convergence, as the ideas and principles promoted at the European framework are utilized and incorporated in different ways in the national discourse.

The findings also demonstrated a critical degree of inconsistencies between the national educational approaches to religion and the European recommendations. The nature and extent of these inconsistencies demonstrate the divergence that characterizes the practical dimension of the Europeanization process. Ideational convergence therefore encounters the divergence in the implementation of the presumed 'shared' rhetoric that states had adopted with respect to religious freedoms in education. In the end, states resort to different methods and adopt distinct solutions to deal with matters of religious diversity and religious rights within their 'protected space' of education. In other words, states offer distinct interpretations of the European framework in its applicability and of the ways it *could* and *should* be used.

Ideational convergence on its own does not guarantee convergence in the further stages of Europeanization, related to the practical implementation of the European norms. The findings therefore denote a differential and problematic impact of Europe in the sphere of religious freedoms, reflected through the distinct interpretations of the European norms on religious freedoms by the two states and their divergent translation into educational provisions. The concept of religious freedoms thus depends above all on the national context, while the European factor only comes second, as a theoretical and subjective background. More than simply a matter of national rigidity, the findings also raise critical questions about the complex of European norms and the 'common values' it claims to represent. Indeed,

if the very essence and objectives of key concepts, such as the *school*, *religion* and the rights of religious expression are not collective or at the very least consistent amongst states, how can the common respect of religious freedoms in education be guaranteed?

The reasons for the limited Europeanization in the sphere of religious freedoms and education lie as much in the particular national factors in these 'exceptional' countries, which remain resilient and in some cases even contrary to the equivalent European understanding of key principles, as in the weaknesses and gaps found within the European framework, its mechanisms of compliance and the 'shared values' it claims to represent. The one cause reinforces the other, to the extent that no common concept of religious freedoms can in fact emerge.

## **Chapter VIII**

### **Conclusion: Towards a Reconsideration of 'Freedom of Religion'?**

#### **1. Introduction**

The impetus behind this thesis was my perplexity over attempts to provide an answer to the following question: what do we mean by 'religious freedoms'? The source of my confusion was primarily, though not only, the sphere of education and the variety of national education approaches to religion we see in Europe. Crucially, this diversity in education systems suggested, to my understanding, different views of what 'freedoms of religion' stand for. Two indicative examples of this were the education systems of France and Greece.

I, therefore, then turned my attention to those international institutions that claim to represent and to guarantee a 'common value' of religious rights in Europe. A close study into the work of the Council of Europe, of the United Nations and of the European Union, amongst others, assured me that this common concept not only exists in international human rights legislation, but that Member States are accordingly asked to respect it and to incorporate this legislation into their constitutional provisions. The works of these institutions further reflected a gradual and fairly recent emphasis on the role of a particular national policy for the guarantee of religious freedoms in contemporary pluralist societies. In the discourse of human rights, education has been increasingly considered as a key medium through which states can achieve the peaceful coexistence of different religions with the guarantee of a common value of religious freedoms.

So, do national governments take these European recommendations, with the specific emphasis on education, into consideration? How do they interpret this 'shared value' of religious freedoms? Are the 'religious freedoms' outlined in the European recommendations understood as such by the actual states, themselves? Do states' education policies indicate the emergence of a common understanding of religious rights, as anticipated in the European legislation? Or, as observed in a Statement on Human Rights by the American Anthropological Association is man

'free only when he lives as his society define(s) freedom'? (qtd in Donnelly 2007, p.294). The findings of this thesis indicate that, when matters of religious freedoms in education are concerned, the latter is, in fact, the case.

The thesis approached the question on the emergence of a common understanding of 'religious freedoms' in Europe by utilizing the conceptual framework of Europeanization. It introduced a new dimension in the field of Europeanization, conceptualizing it as an essentially *interpretive* process, and proposed the following research question: Do national education systems demonstrate the Europeanization of religious freedoms? After a critical examination of the national education systems in Europe, France and Greece – my two initial candidates – were selected for a structured comparative analysis, as hardest critical cases of the Europeanization of religious freedoms. A two-stage methodology was applied to cover both the discourse and social practices that underlie questions of religious freedoms in the public education of the two countries.

This concluding chapter first draws together the main findings of the thesis. It gives an answer to the central research question, as well as to the further research objectives that were raised throughout the chapters. The broader contribution of the thesis is then discussed in the fields of Europeanization, human rights, religion and education, as well as religious studies. The chapter finishes with a consideration of the limitations of this research and a discussion on the avenues for further research.

## 2. Findings

The findings of the thesis reveal a *minimal Europeanizing effect in the national understanding of religious freedoms*, reflected through the distinct national interpretations of the European norms in the education systems of the two case studies. The limited impact of the European norms is manifested, on the one hand, through the *ideational convergence* that underlies the common language used in the national discourse of France and Greece and the *divergence*, on the other hand, in the practical implementation of this common language into educational provisions and practices. The conclusions drawn from this research confirm the rigidity of the national 'protected spaces'. Education systems and the concepts of religious rights are two spheres that are particularly, if not entirely, difficult for the European norms to permeate. Two aspects of national education systems, in particular, reveal the boundaries in the practical dimension of Europeanization: the type of religious education provided in public schools and the national laws and provisions that regulate religious manifestation in state education. The thesis has demonstrated that it is primarily through these two aspects of education that the limited and problematic Europeanization of religious freedoms is exposed.

Over the last two decades, the emergence of the European factor in the national discourse of Greece gradually increases. Greek authorities and specialists on matters of education policy and religious freedoms have recognized the need to reform the country's education system, in order to respond to the changing dynamics and the challenges of pluralist European and Greek societies. It was acknowledged that education in Greece could no longer remain the same as before in terms of the handling of diversity and the guarantee of religious rights. At a national level, the focus of this change is seen as being connected to two overall issues: the need to increase references to other religions in school curricula and a necessity to moderate the indoctrinating tendencies principally, though not exclusively, of the course of religious education.

In this rhetoric of 'change', the European norms prevail as the paradigm, as the source of inspiration. 'Europe' becomes the target, the desired outcome that could put Greece to the same footing as its partners in the international institutions with whom it shares the same values. In line with the arguments put forward by



Pagoulatos and Yataganas on the prevalent story among Greek public intellectuals which has equated Europe with progress (in Lacroix and Nicolaïdis 2010), the findings here indicate that 'change' and 'progress' in Greece correlate to Europeanization and modernization. It seems that 'Europe' constitutes the prime reference and the key basis for the transformations necessary in the increasingly pluralistic Greek society. 'Europe' can be considered as the primary cause of changes in the country's educational approaches to religious freedoms.

Nonetheless, according to this very national discourse, the extent of 'change' itself is to be inevitably limited, or rather adapted to the traditions and particular features of Greek history and today's society that make it distinct in a European context. Change promoted by and according to the European standards is supported and implemented, insofar as the national tradition is respected. There is an underlying scepticism in the process of reception of the European norms in Greece and in their subsequent translation in educational provisions. This scepticism exposes itself in the overall failed attempt to include both the European principles in the educational provisions and to maintain the traditional, core objectives of religious education, and perhaps of education in general, in Greece.

The thesis has moreover shown that the recognition of a necessity to change – according to the European standards –, followed by a transformation in the curricula and the general aims of Religious Education, does not automatically signify the Europeanization of religious freedoms in the case of Greece. The discourse analysis and the field research reveal the evident gap that exists between the national discourse on 'change' and the actual implementation of this 'change' in the country's education system. Both the ways in which religious freedoms are depicted in the Analytical Programs of Study and student textbooks, as well as the treatment of religious freedoms and religious diversity in Greek state schools contradict to a very significant extent the European norms on religious freedoms and education.

Recent developments strongly confirm these findings and clearly support the argument on the prevalent scepticism towards pressures that stem from Europe. From early September 2013, an ongoing discussion has been taking place in the Greek Parliament and media following the proposal of Maria Repousi, a Member of Parliament, for the radical transformation of the course of Religious Education in

Greek schools.<sup>176</sup> The proposal observed that religious indoctrination and catechesis are still the main purpose of the school subject and that this type of discipline has no place in a European, pluralist society that respects the freedoms of everyone. The MP's suggestion was that RE in Greek schools should acquire the form of either history of religions or religious studies.

The immediate reactions both of the current Secretary Minister of Education, Konstantinos Gioulekas, and of the Prime Minister, Antonis Samaras, himself, could not be more in line with the findings of this thesis. According to the former, no further modification is necessary, since the new Program of Study of RE promotes religious education and not religious catechesis. The Minister considers the school subject a pluralistic one.<sup>177</sup>

The biggest concern, however, of the members of the current coalition government in September 2013 derives from the presumed correlation of the suggested changes to RE with 'Europe'. The Prime Minister, himself, commented on the current debate: in his inaugural speech at the 78<sup>th</sup> Thessaloniki International Fair in September 7, 2013,<sup>178</sup> he supported the traditional view that any such modification to the course of RE poses a direct challenge to the roots of Greek national identity and the history of Modern Greece. Greece should, in fact, protect herself from such external threats. In his exact words, he accused those who

*'... try to extinguish our cultural tradition and our national identity, so that we become "pseudo-Europeans"... Some, are asking us to rewrite our history ... (turning to Bishop of Thessaloniki) These things are inconceivable.'*

The Prime Minister's intervention crucially connects to the findings of this thesis. Much like the minimal role and place of the European norms on religious freedoms

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<sup>176</sup> See (in Greek) 'Ρεπούση: «Η διδασκαλία των Θρησκευτικών δεν συνάδει με το Σύγχρονο Λύκειο»' ('Repousi: «Teaching of Religion is inconsistent with the New Lykeio»') in Ta Nea Online, September 4, 2013: <http://www.tanea.gr/news/greece/article/5038834/maria-repoush-h-didaskalia-twn-thrshkeytikwn-den-synadei-me-to-sygxrono-lykeio/>

<sup>177</sup> See (in Greek) "«Πρέπει να συνεχιστεί η διδασκαλία των θρησκευτικών» απαντάει ο Γκιουλέκας στη Ρεπούση" ('Teaching of religious education must continue', is the response of Gioulekas to Repousi') in Ta Nea Online, September 5, 2013:

<http://www.tanea.gr/news/greece/article/5039076/prepei-na-synexistei-h-didaskalia-twn-thrshkeytikwn-sta-sxoleia-leei-o-yf-paideias/> and (in Greek) Bourdaras, G.S. 'Επίμαχο θέμα τα Θρησκευτικά' ('The Contentious Issue of Religious Education') in H Kathimerini (Online), September 5, 2013: [http://news.kathimerini.gr/4dcgi/w\\_articles\\_ell\\_2\\_05/09/2013\\_532277](http://news.kathimerini.gr/4dcgi/w_articles_ell_2_05/09/2013_532277)

<sup>178</sup> See online at <http://www.tovima.gr/files/1/2013/09/07/samaras.pdf>

in Greek education, the significance of 'Europe' in the PM's speech is not only minimized, it is in fact openly questioned. At the same time, by referring directly to a Member of the official Church of Greece and by assuring him that no such change will happen, the PM confirms the argument on the strong ties between the state and the Church in Greece, particularly over matters of education.

The French approach to the European norms on religious freedoms in education is, also sceptical but in a distinctive way. Rather than considering the potential contribution of the European recommendations, the French discourse emphasizes the overall absence of a European consensus. By relying to a great extent on the principle of the 'margin of appreciation', the French authorities support the supremacy of national decisions over matters of religion and education. The European factor is only considered to the extent that it coincides with the national understanding of the concept of religious freedoms in education.

The European factor also appears in the French discourse, but in a distinct way. France considers itself as part of the group of contemporary European societies that have been experiencing, over the last few decades, the consequences of increasing religious pluralism and of the potential of religion to act as a divisive force between individuals of the same community. For this reason, and acknowledging that the educational arrangements of the country did not respond to such requirements, the national discourse in France also talks about the need to reform. The elements of this discourse, as well as the criteria that this change in the educational approach should satisfy, share the theory of the European recommendations on religious freedoms and education. In this regard, France acts as a European country that recognizes the necessity to change and that abides in theory by the shared norms of the European framework. The position of the European factor in this process of change however is very much different from the position it held in the case of Greece. While in Greece 'Europe' provides the guiding line behind reform – irrespective of the actual outcome – in this case, France seeks to become, itself, the inspiration for Europe. Expressed through committees of experts on the matter, the prevailing discourse of the country argues that the solution provided by France can constitute a solution to the European problem of the lack of a common educational approach to religious freedoms. The French answer to the problems of religious diversity and the guarantee of religious freedoms are unique to France.

This, however, does not mean that France has not 'Europeanized'. As in the case of Greece, the suggested changes were implemented and the education system of the country did seek to adapt to the demanding circumstances. As far as the place of religion in the history of French education is concerned, the modification of the school curricula from 1996 but especially following the incorporation of the '*fait religieux*' is undoubtedly significant. After a long period of time, religion has made its way back to the republican school, through the study of different disciplines. The objectives of the renewed principle of *Laïcité* in education coincide to a considerable degree with the European recommendations on religious freedoms. The findings of the discourse analysis and of the fieldwork demonstrate nonetheless that, even though these changes were meant to provide solutions to the challenges of religious pluralism, they also generated a series of important questions. These questions challenge the Europeanization of religious freedoms in French education. The French concept of religious freedoms, as reflected through the understanding of the role of the republican school and the principle of *Laïcité*, contradicts in crucial ways the European paradigm.

Recent developments in France are also in line with the findings of the thesis. For the first time in the history of the Republican School, the French Minister of Education unveiled on September 9, 2013 with the beginning of the school year, a '*Charte de la Laïcité à l'École*', or a 'Code of *Laïcité* in the School'. This Code consists of fifteen articles, which are meant to serve as guidelines for school directors, teachers and *professeurs*, as well as school students of all Grades on the national rules and laws that 'allow us to live together in the school'. The Code is a synopsis of the meaning and the objectives of the principle of *Laïcité*: it declares the neutrality of the French state, the freedom of individuals to believe or not to believe, the protection of students from any type of proselytism and the creation in the school of a common culture of equality for all students. It emphasizes, anew, that the manifestation of ostentatious symbols of religious belonging is prohibited and that both the teaching staff and the students should transmit and spread the value of *Laïcité*.<sup>179</sup> Above all, this document is a reminder that students should not contest the teaching of school subjects in the name of their religious convictions.

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<sup>179</sup> Dossier de Presse: Charte de la Laïcité à l'École, La Ferté-sous-Jouarre, lundi 9 septembre 2013: <http://www.education.gouv.fr/cid73666/charte-de-la-laicite-a-l-ecole.html>

Though this Code does not add much to our understanding of *Laïcité* in the republican school, it is significant for two reasons. In the first place, it is the first time that such a Code is created, gathering all the features of *Laïcité*, and presenting them as guiding lines for the way life should in the republican school. At the same time, the official display of this Code in the school confirms the persistence of the French state on these principles, regardless of the many problems and further questions these may generate. The thesis has demonstrated that it is precisely through these emerging questions that the deviation of French education from the European paradigm is exposed.

### **3. Broader Contribution of the Thesis and Further Research**

The thesis has shown how different national education approaches to religion demonstrate distinct concepts of 'religious freedoms'. The 'national narratives' of Europe, indicate in this case the limits in the normative convergence of the European understanding of religious freedoms. The type of 'religious freedoms' we see in the republican school of France is therefore different from the 'religious freedoms' in the Greek school, as, indeed, in the British, the German or Spanish one. These findings further contribute to a better understanding of the reasons, both national and European, for the limited and problematic Europeanization of religious freedoms.

To begin with, the conclusions drawn from this thesis are consistent with the literature that discusses the resilience of norms and traditions of the two states as impediments to adaptation to European-level pressures. These studies focus on different policy sectors and are related primarily to the EU, as is the case of France, with the specificities of its 'Continental system' of capitalism, and its difficulties in pushing welfare reforms and in meeting the targets of the Lisbon Agenda (Goetschy 2009) or with the characteristics inherent to Greece's social and political culture which explain the country's particular route towards the Europeanization of employment policy (Zartaloudis 2013). As we have seen, the findings of this thesis also reveal the decisive resilience of national traditions to adapt to European pressures. Its particular contribution, however, lies in two aspects: first, its choice of the Council of Europe as the principal source of pressure and, second, its focus on

the normative dimension of the Europeanization process, looking specifically at freedoms of religion in education.

With respect to the national impediments to Europeanization, the thesis has placed the emphasis on the weight of history and the respective role of religion in the construction of the French and Greek states as key factors that determine the understanding of religious freedoms. Indeed, more than simply relevant to theories of religion and nationalism, the findings of this thesis argue that there exists a visible connecting line between the respective national religious tradition and the way in which a country interprets and handles freedoms of religion. France and Greece are two very good examples of this. The distinct place that religion has held in the formation of the state and national identity – be it in the form of ethno-religious nationalism in Greece or embodied in the principle of *Laïcité* in France – impact on the perception of religious freedoms in the two countries.

But responsibility for the limited Europeanization does not only lie within the national. It is also to be found in the European context. According to its Preamble, the European Convention on Human Rights asserts the ‘common understanding and observance of the human rights’ upon which the fundamental freedoms guaranteed by the Convention depend (see Introduction). The outcome of this thesis has demonstrated that when it comes to freedoms of religion, these ‘common values’ declared by the Convention are, in fact, only common in theory. The role of the Convention system is instrumental in helping us understand why this is the case. The thesis provided an analysis of the institutional and legislative mechanisms utilized by the Council of Europe to promote and guarantee freedoms of religion amongst Member States. The setting of ‘minimum standards’ and ‘soft law’, as well as recourse to the principle of subsidiarity all explain the relative contribution of the Convention system towards the guarantee of religious freedoms. The analysis has also considered the key role of the European Court of Human Rights in providing answers to the uncertainties of definitions and in helping build the necessary jurisprudence on the basis of which religious freedoms can be guaranteed. The thesis did demonstrate how the intervention of the Court is, in fact, not always clearly helpful towards these objectives, as its rulings are likely to raise more questions than give answers (Chapters Two and Seven). In particular, more research should be done to examine, from a legislative and political perspective, the potential

geopolitical interests behind the Court's interventions, as well as the consistency of its decisions in light of the 'shared value' of religious freedoms.

Moving on to a further contribution of the outcome of the thesis, one of the key questions that were raised throughout the discussion concerned the compatibility of specific religious denominations with human rights principles (Chapter Three). The literature focused specifically on the turbulent relationship of Christian Orthodoxy with the modern philosophy of individual autonomy and individual rights. It was argued that the Western understanding of the identity of the human person, as that of an autonomous individual who chooses his or her identity with others is fundamentally different from the Orthodox understanding of the human person, whose purpose in life is not to flourish in the secular world, but to become deified within the community of the Church, losing individuality. This distinction has implications on the very understanding of the right of religious freedoms in each case. Is Orthodoxy's portrayal of the individual of his/her freedoms different from the freedoms granted to the individual according to the European framework? Though drawing conclusions on questions of dogma and religious studies fall beyond the scope of this thesis, the research outcomes in the case of Greece do in fact confirm the arguments put forward by Pollis (1993) and Payne (2003), amongst others. The individual in the course of RE Greek Schools is considered within the boundaries of the Orthodox Church and Community. The freedoms moreover of this individual are interpreted above all as the freedom of the Church to exist (Chapter Three). This conception of the human person and of his/her freedoms clashes with the Western understanding, which, as we have seen, is embodied in the European norms of religious freedoms. The contribution of this thesis at this point is critical. However, questions on the degree of compatibility of religious denominations with human rights principles need to be further investigated.

Based on this observation, Greece is by definition positioned furthest away from the European benchmark on religious freedoms and education. The thesis has demonstrated that the discourse of 'exceptionalism' also serves to describe the case of Greece in terms of freedoms of religion. By contributing to the argument of 'exceptionalism' in this sense, the thesis critically addresses the question on the nature and the objectives of this dimension of Europeanization. To require from a country such as Greece to abide by the rules that were established in a particular, Western, political and philosophical context, suggests that Europeanization in this

case does, indeed, signify 'Westernization'. To 'Europeanize' means to adapt to the norms that have been set out by a superior core, in this case – by the 'West'. The exceptional position of Greece in a European perspective, including its difficulty and resilience to Europeanize appear to therefore validate the theory of 'Westernization'.

At the same time, however, the findings of the thesis lead us to the following paradox: if Europeanization has indeed taken the form of Westernization over the norms of religious freedoms, how can we comprehend the exceptionalism of France? More than simply a matter of discussing yet again the compatibility of Orthodoxy and nationalism with human rights principles, the question here opens up to include the resistance of a Western European country to Europeanize. In terms of national religious tradition, historical, political and cultural developments, France represents a contrasting example to Greece in Europe. More importantly, France falls within the category of Western European states that have formed the source and inspiration for the universal and European doctrine on human rights. Though justifying the exceptionalism of Greece, as an outsider, is a comparatively easy task, providing an explanation for the deviation of France from the European paradigm is a much more complex endeavour. The thesis does not seek to contradict the idea of 'exceptionalism' of the two case studies, which has, moreover, been supported by the outcomes of the research. The particular contribution of this discussion lies rather in its extension, anew, from the particularities of the 'national' to a reconsideration of the 'European': are the two countries that exceptional? Or is the complex of European norms on religious freedoms itself that needs to be reconsidered?

In raising the above questions, the conclusions drawn from this thesis encounter and correspond to a significant part of the scholarship that reassesses human rights principles. According to a standard definition, human rights are those rights one has by virtue of being human.<sup>180</sup> The main critique of this literature, which is relevant to our findings on religious freedoms, focuses on the claims of 'universality' of these human rights. A key obstacle to the declaration of 'universality' derives from the fact that, while norm creation has been internationalized, 'enforcement of authoritative international human rights norms ... is left almost entirely to sovereign states'

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<sup>180</sup> See the Introduction in Donnelly, Jack (2003), 'Universal Human Rights in Theory and Practice'. Cornell University Press, New York.



(Donnelly 2007, p.283). This point is critical as it illustrates the paradox of asserting the 'universalism' of human rights and international law and reaffirming, at the same time, national sovereignty. Norman Lewis notices that the debate about human rights is, in reality, 'a process of re-legitimation of the principles of sovereignty and non-intervention in the domestic affairs of sovereign state' (qtd in Douzinas 2007, p.179). The conclusions of this thesis fit very well with this argument. They have demonstrated that, when responsibility for the enforcement of religious rights is left to national governments, both the interpretation and the very means of implementation of these rights may take different, even opposing, directions. Human rights are both violated and protected at the national level (*ibid*, p.25). This diversity of national approaches to religious freedoms does not only confirm the implications of national supremacy, it moreover reveals the limits of the universal norms on religious freedoms. Jack Donnelly (2007) therefore talks about the 'relative universality of human rights'. Within the context of this thesis, this relativism concerns the limits of Europeanization of religious freedoms.

There is however a further critique over the principles of human rights to which this thesis may substantially contribute. This critique is concerned with the origins and the subsequent objectives of the international norms. As we have briefly discussed in Chapter Two, part of the literature sees human rights as stemming from and representing a particular notion of civilization. Lewis formulates this argument in geopolitical terms and observes that 'the most powerful states, through the human rights discourse, made their priorities the universal concern of others' (qtd in Douzinas 179). According to Arvind Sharma (2006), human rights could be considered Western in many senses.<sup>181</sup> His study argues that none of these senses seem to 'present an insuperable barrier to their global extension or acceptance'. However, 'the question as to how this extension might be brought about remains to be resolved' (p. 255).

For the purposes of this thesis, the Europeanization of religious freedoms has therefore also been considered in terms of a process of 'Westernization'. The European norms on religious freedoms were accordingly conceptualized as

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<sup>181</sup> In his study, Arvin Sharma (2006) examines the following perspectives: the historical perspective, the secular, the economic perspective, the rational and philosophical perspectives, the perspectives of modernity and of religion, the colonial perspective, the unilateral and the institutional one ('Are Human Rights Western?: A Contribution to the Dialogue of Civilizations?').

stemming from a Western notion of religion, of the individual and his/her freedoms, based on the Enlightenment philosophical traditions, which may differ considerably from other conceptual frames we see in Europe. The findings on Greece appear to validate this claim and suggest that the country's distinct historical and religious traditions have led to the development of a unique understanding of religious freedoms, which clashes with the respective Western notion. The thesis, however, further demonstrates that a country such as France, whose historical tradition corresponds to the Enlightenment ideals on individual liberties, also challenges these norms in its own manner. Other than denoting simply the rigidity of national settings, which appear to offer their own interpretations of human rights concepts, the conclusions from this comparative study point to the relative relevance of human rights norms in general, in Western or other contexts.

There are two sides of the argument over the emergence of human rights, both of which can be further developed on the basis of this thesis. On the one hand, human rights are seen as identical to a particularly defined notion of the 'West', which has established the normative criteria of judgement and of universal freedoms.<sup>182</sup> Such views criticize the imposition of the values of powerful actors and call for the need to 'differentiate between political dominance and ethical authority' (Dembour 2006, p.1). Donnelly (2007) argues, by contrast, that what deserves emphasis is not the cultural 'Westernness' of these ideas and norms, but rather their socio-structural 'modernity':

'Human Rights ideas and practices arose not from any deep Western cultural roots but from the social, economic and political transformations of modernity. They thus have relevance wherever those transformations have occurred, irrespective of the pre-existing culture of the place(p.287). ... As a legacy of colonialism ... anything that even hints of imposing Western values is likely to be met with understandable suspicion, even resistance (p.304).

Understood either in terms of 'Westernization' or as a result of the process of transformations and modernization, the conclusions on the Europeanization of religious freedoms in France and Greece are extremely relevant to the ongoing

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<sup>182</sup> Douzinas (2007) considers this supremacy of Western human rights principles a recent phenomenon: 'The victory of the West with the collapse of communism means that the ideological controversies of the past have given way to general agreement about the universality of Western values and have placed human rights at the core of international law' (p.177).

discussion about human rights. Given that the objective is to comprehend the European – or universal – relevance of religious freedoms, this thesis has emphasized and justified the necessity of parallel examination of the developments in different countries. Such a balanced, comparative approach reveals that just as the discourse of ‘exceptionalism’ can be applied to Greece *as well* as France, so the European norms on freedoms of religion need to be reconsidered. In the study of religious freedoms in education, it is argued that we must move beyond notions of Greek and French exceptionalism vis-à-vis European norms, given that these norms are themselves being questioned, and produce a nuanced approach that will allow for the critical similarities with Europe in general to emerge (Fokas 2009, p.349). It is my belief and hope that this is precisely what this thesis has done.

#### **4. Conclusion**

This thesis has sought to maintain an objective, balanced approach towards the norms and traditions stemming from either the national or the European contexts. The intention was not to offer normative judgements over the supremacy of the European paradigm, embodied in the recommendations of the Council of Europe and of other international institutions for the guarantee of human rights. The objective was rather to demonstrate how relevant this paradigm is to the reality of religious freedoms, as examined through the education systems of European states.

Being a study of Europeanization, the chapters of the thesis have taken us to a journey that moved continuously between the ‘national’ and the ‘European’. Emphasis was placed as much on the particular national factors that explain the minimal Europeanizing effect, as on the accountability of the ‘European’ – both in terms of institutional and legislative mechanisms and of the shared norms it claims to represent. The conclusions drawn from the findings provide answers that respond, amongst others, to the research objectives of the thesis. Above all, they reveal the limited, differential Europeanization of religious freedoms in the education systems of France and Greece. At the same time, the broader contribution of this thesis is seen through the series of questions that its conclusions generate. These questions are relevant to the existing scholarship over matters of Europeanization, international and European human rights law, theories of education and freedoms of religion from a legislative and a religious studies

perspective. More research should be done in these fields, as a means to cover the potential gaps and weaknesses of this interdisciplinary approach to freedoms of religion.

More importantly, perhaps, in light of the re-emergence of religion and of religious diversity as challenging developments that affect primarily the education systems of European states, this thesis is seen as a step towards the understanding of the dynamics that define the relationship between the national and the European level. This understanding can help us provide appropriate solutions to the complex domains of education, diversity and freedoms of religion. A reconsideration of the origins, the objectives and the eventual relevance of 'religious freedoms' with the national understanding and treatment of the concept, thus, proves necessary.

## **Appendix**

### Template of Interview Questions – FRANCE:

#### *I. Interviews with Roger Errera and Dominique Borne*

- What is your opinion of the Council of Europe's recommendations on religious freedoms through education? Do they provide a realistic set of guidelines that can offer solutions to the challenges of religious diversity and that European countries could follow?

- How would you consider and evaluate the existence of the European Court of Human Rights?

Does it play a significant role in promoting a common respect and guarantee of religious freedoms?

- What is your knowledge and opinion of the teaching of Religious Education in European states?

Do you believe that certain states have adopted education policies that conform more closely to the European framework, as expressed through the European Convention on Human Rights (ECHR) and of the Council's project of intercultural education?

- Does the choice not to include a study of religion/s in the education system properly address the diversity of religions and beliefs we see in European societies? Does this absence guarantee the principles of religious freedoms?

- How can we account for the diversity in approaches and policies towards religious diversity and religious freedoms across Europe?

- Do you believe that the references to the historical and cultural aspects of religion in primary and secondary French schools suffice to create a context of understanding of the diversity and beliefs and of tolerance?

- Have the recent developments transformed the French education system in terms of references to the religious fact (*'le fait religieux'*, histoire, géographie, éducation civique au collège, ect.)?

To what extent did these developments in the French education system occur on the basis of the European recommendations of intercultural education and religious diversity?

Has the French Education system moved closer to the European recommendations?

- Could European countries share a common understanding of the concept of religious freedoms?

## II. *Interviews with School Teachers*

- How, if at all, is religion mentioned in the courses of the French education system?

- What is the purpose of incorporating *le fait religieux* in the programmes scolaires in France?

- What do students learn about religious rights through school in France?

- To what extent has the *programme scolaire* changed? Are there more references to *le fait religieux* than there use to be?

- Are there any references to the issues of religious diversity?

- To what extent does the religious identity of students determine and characterize their position in class, as well as their socialization with other students?

- Do you believe that the references to religions in French primary and secondary schools suffice to create an atmosphere of understanding, of knowledge of the diversity of beliefs and of tolerance?

- To what extent are the religious freedoms of students, themselves, respected during class? Have you had any particular incidents or complaints about such matters?

Have you ever come across the case of a student/s who wished to expressed their religious views freely but felt that they could not?

- Are you familiar with the CoE's recommendations of religious freedoms through education? What does it entail?

Do you believe that the French education system follows/respects the recommendations of the European framework?

If yes, how so?

If not, why not?

- What is your understanding of 'laïcité'?

Is it compatible with the European framework? Or does it violate it in any way?

- What is your knowledge and opinion of the teaching of RE in other European countries?

Do you believe that certain European states have adopted education policies that conform more closely to the European framework of religious rights through education?

Are some countries doing better than others in that sense? And how about France?

- What explains the diversity of approaches and policies towards religious diversity and religious freedoms across Europe?

- Which do you consider to be the freedoms of religion through education?

#### Template of Interview Questions – GREECE:

##### *I. Interviews with Teachers and School Counselor*

- To what extent does the religious identity of students determine their position and participation in class, as well as their socialization with other students?

- Do you believe that there is an obvious or indirect difference in the way students treat their classmates of other religions?

- How do you – as a teacher/counselor – handle the presence of heterodox (non-orthodox) students in class?

- Do you believe that religious diversity culturally enriches the class?

- Have you felt that there was ever any tension between students of different religions? If so, how did this occur and how did you handle it?

- How would you describe the content and the purpose of Religious Education in Greece?

- How would you evaluate Religious Education in Greece in terms of its portrayal of religious diversity and of religious rights principles?

- Is religion mentioned in courses other than Religious Education? If so, what is, in your opinion the context and the purpose of such references?

- Do you know anything about Religious Education in other countries of Europe?  
Are there any differences with the situation in Greek schools?  
If so, what do you believe is the reason for such differences?
- There is a legislative framework that determines the policy towards religious diversity and religious minorities in the Greek education system. Do you think that this effectively corresponds to the reality and the potential issues in Greece?
- In your opinion, does teaching in Greek schools guarantee the freedom of expression and of the exchange of information and knowledge on different religions?
- How much emphasis is put on religious rights principles in the Greek education system? How would you describe the understanding of religious freedoms that emerges through the school in Greece?
- To what extent are the religious rights of students, themselves, respected during class? Have you had any particular incidents or complaints about such matters?

## II. *Questionnaire Distributed to Students in Greek High Schools*

*Underline or erase where appropriate*

1. The Greek Constitution recognizes Christian Orthodoxy as the prevailing religion of the Greek State.  
Do you believe that the Constitution should mention the prevailing religion of a given country?  
YES    NO    NO OPINION
  
2. According to Article 13 of the Constitution, freedom of religious belief is inviolable. Every known religion can be practiced under the protection of the law.  
Do you agree with this Constitutional provision?  
YES    NO    NO OPINION
  
3. Which religious traditions or rituals of the Greek Orthodox Church do you follow/practice?  
  
Church attendance: Very Often    Regularly    Rarely    Never  
Fasting: Very Often    Regularly    Rarely    Never  
Communion: Very Often    Regularly    Rarely    Never  
Sunday School: Very Often    Regularly    Rarely    Never  
Prayer: Very Often    Regularly    Rarely    Never



Confession: Very Often Regularly Rarely Never  
 Pilgrimage: Very Often Regularly Rarely Never  
 Study of Holy Scriptures: Very Often Regularly Rarely Never

4. When you hear about **religious freedoms**, which of the following come to mind?

- Freedom of Expression of Religious Beliefs
- Freedom to change one's belief
- Equality regardless of religious beliefs
- Freedom of marriage between individuals of different beliefs
- Right to Education based on one's Religious Beliefs
- Right to places of Worship
- Freedom to practice the rituals and ceremonies of one's religious belief
- Freedom to proselytise
- Other

.....  
 .....  
 .....  
 .....

5. According to the Constitution, religious worship should not offend public policy and the moral order of the country.

Do you think that there should be limitations on the right to practice religious rituals and ceremonies?  
 If so, what examples can you think of?

YES  
 Examples?

.....  
 .....  
 .....  
 .....

NO

6. According to the European Convention on Human Rights, one of the objectives of education in Europe is to ensure the protection and promotion of religious freedoms.

Do you believe that the education system in Greece guarantees freedom of belief, of expression and of the exchange of ideas and critiques about the different religions?

YES NO NO OPINION

7. Do you believe that Religious Education should be taught in schools?

YES NO NO OPINION

8. Do you believe that learning and discussing about different religions and their respective aspects in schools is important?

YES NO NO OPINION

9. Do you learn about different religions in Religious Education class?  
YES NO DO NOT KNOW

10. Are references to the various religions objective?  
YES NO DO NOT KNOW

11. To what extent is religion portrayed as a defining, important feature of Greek national identity in your classes?  
To a great extent  
To a considerable extent  
Not that important  
Never

12. Has in any of your classes religion been mentioned as the primary cause of political and social problems in Greece and/or in Europe that could have led to crises or even wars?  
If so, which such cases do you think distinguish?  
YES  
Examples?

.....  
.....  
.....  
.....

NO

13. Do heterodox students enjoy the freedom of expression of their views in class?  
To a great extent  
Sometimes  
Rarely  
Never

14. Would you recommend any changes to the content and the way of teaching religious education? If so, which ones?  
YES

.....  
.....  
.....  
.....

NO

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