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Religious education at school in Belgium

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By Fabrice Martin and Willy Fautré

The teaching of religion at school in Belgium cannot be understood without some basic knowledge about the ideological pillars of the state, the relations between religions and the various power levels of the state and the evolution from a unitary to a federal Belgium.

The historical pillars of the state

Since the creation of the Kingdom of Belgium in 1830, the main pillars of the political, social and cultural structures have been rooted in three fundamental historical cleavages: the opposition between the right wing and left wing political groups¹, their conflicting philosophical orientations (secularist or religious) and last but not least the divisions between the linguistic communities.

These three pillars are the main components of a typically Belgian institutional engineering system called the “pillarisation” of the State. Their intertwining follows a dynamic the balance of which is constantly influenced by the changing role of the various societal actors: the secularist left wing and right wing political parties; Christian-democrat right-wing and centre-left parties; the Flemish and German-speaking communities more impregnated by the Catholic culture and the French community advocating secularism.

Relations between religions and the state

The relationship between the state and religion in Belgium is rooted in the principle of state-recognition of religions and worldviews². After Belgium gained independence from The Netherlands in 1830, Catholicism, Protestantism and Judaism³ enjoyed de facto state recognition based on the official status granted to them under French rule (1795-1814). Anglicanism was recognized in 1835. Islam followed in 1974 and Orthodoxy in 1985.

Moreover, the philosophical worldview named “laïcité” (secular humanism) has indirectly enjoyed State recognition under the name “Conseil central laïc/ Centrale Vrijzinnige Raad ” (Central Secular Council) since the last revision of the constitution in 1994 as Article 181 § 2

¹ Throughout the 19th century until the 1970s, the dominant party was usually the Christian Democrats, and coalition governments were habitually formed by them together with Liberals and Socialists.

² State-recognition opens the door to the financing of religions and worldviews by various public powers: salaries and pensions of the clergy, maintenance of the places of worship, and so on.

³ At that time, there were only about 1000 Jews and 5000 Protestants (3000 were foreigners) in Belgium.

then stated that the wages and retirement pensions of the secular moral advisers providing moral assistance were to be paid by the State⁴.

The Syriac Orthodox Church (in 2005) and Buddhism (in 2006)⁵ requested the status of state-recognition. Their applications are being processed and have already been announced to be successful.

There are no legal or constitutional criteria for granting state recognition. In 1985, Jean Gol, then Minister of Justice⁶, said in an answer to a parliamentary question that the following criteria were taken into consideration: the membership of the religious community (several tens of thousands), its historicity and its utility for society. However, his considerations were never enshrined in a law.

The religious and belief communities which are not recognized by the state are legally registered as non-profit associations and fully enjoy freedom of religion or belief.

Brief history of the Belgian school system and religious education

In 1830, the Belgian revolution against the Dutch rule (1815-1830) was mainly the work of the Catholics and of a middle class supporting economic and political liberalism, the Liberals. The drafting of the constitution was the result of a pragmatic but unnatural alliance between Catholics and Liberals. The parties of this alliance had very deep divergences on a number of issues, including school education. The Liberals wanted to centralize the school system in the hands of secular public powers but the Catholics were fiercely opposed to such a project (emergence of the first pillar “secularists versus Catholics”).

The constitution stemming from the Belgian revolution laid the foundation of a specific concept of school system put in place in the framework of the mutual independence of state and religion⁷.

The fight for supremacy between the Liberal and the Catholic concepts was quickly engaged. Due to the limited financial means of the young state (notably because of the prioritization of national defense), few public schools could be created. However, Catholic primary and secondary schools, including Jesuit colleges, started mushrooming.

The “De Theux Law” of 27 September 1835 shed some light on the tensions between public schools and Catholic schools and highlighted the necessity of a compromise, a policy which has

⁴ The inclusion of this article was not legally necessary because the State budget already provided for an annual subsidy to the representative body of secular humanism which was used for the salaries and the pensions of the secular moral advisers in the army (Law of February 18, 1991). However, it cannot be denied that the inclusion of Article 181 § 2 grants a certain constitutional recognition to secularism and an enhancement of their status, including outside Belgium.

⁵ A modest budget has already been put at the disposal of the common representative body of the various Buddhist associations.

⁶ Religious affairs are under the authority of the Ministry of Justice.

⁷ See Article 17 of the Constitution of 7 February 1831.

characterized the history of Belgium up to now. This law promulgated the creation of a state institution named “jury central” the duty of which was the management and the recognition of academic degrees as well as the setting of norms for state-recognized diplomas.

On their side, the Catholics made sure that state schools provided a form of religious education similar to the one in denominational schools.

The law of 23 September 1842 made religious instruction mandatory on the primary level and authorized all “religious ministers” to give this instruction in state schools. As usual, Catholics benefited the most. Government officials were so well disposed that in the 1840s, they virtually gave the Catholic clergy control over education in elementary schools. The growth of the religious orders also made possible a rapid expansion of Catholic secondary schools so that, by 1845, two-thirds of the high schools were operating under Catholic auspices⁸.

First school war

From 1846 to the end of the 19th century, “unionism”⁹ between the Liberals and the Catholics collapsed and strong tensions erupted again between both parties. Several laws were promulgated and then abolished according to the orientations of the various successive governments, parliamentary inquiries and rationalizations of the state public schools and Catholic schools (not without serious collateral damage sometimes: about 900 teachers in public schools were dismissed during one of those skirmishes).

The school policy then went through a phase of radicalization and secularization¹⁰: reduction of the number of recognized denominational schools and multiplication of schools run by municipalities¹¹.

Through the “Provision” of 1 June 1850, the state created a series of secondary schools: ten “athénées royales” and fifty “écoles moyennes”¹². Religious instruction was on the agenda and religious ministers were ‘requested’ to organize it. However, the bishops refused to participate in the implementation of this law and qualified the state public schools “godless schools”.

From 1870 to 1878, the comeback of a government dominated by the Catholics put an end to the expansion of state schools and enabled Catholic schools to re-conquer the lost ground. In 1878, the Liberals came back to power and put at the head of the Ministry of Public Instruction a

⁸ Roger Aubert, in Hubert Jedin and John Dolan, eds., *History of the Church* (New York: Crossroad, 1981, 7:303.

⁹ The beginnings of unionism can be traced back to 13 December 1825 (under Dutch rule) when Baron de Gerlache, the Catholic leader in the upper house of parliament, called for freedom of education. This was an appeal to the liberals. Despite their conflicting agendas and mutual suspicion, both sides decided that they hated the Dutch Government more than they hated one another.

¹⁰ Erba, A., *L'Esprit laïque en Belgique sous le gouvernement libéral doctrinaire (1857-1870) d'après les brochures politiques*, Leuven, 1967, p. 399-472.

¹¹ Revision of the Law of 1842 on primary instruction.

¹² An “athénée royal” provides education to students aged 12-18 years and an “école moyenne” to students aged 12-15 years.

notoriously anticlerical politician, Pierre van Humbeeck: diocesan inspectors lost their grip on schools run by the municipalities; Catholic municipal schools lost both their status and the state financing¹³. The Law of 1879 (Article 4) provided that religious education was left to the families and religious ministers and that a classroom would be made available for religious classes before or after school hours. Compulsory ethical, neutral and non-dogmatic classes were introduced.

Intolerance reached a climax between 1881 and 1886, during what was called the “first school war”.

Truce

The Law of 19 May 1914 stressed the compulsory and free character of school education. The head of the household had to make sure that his children were educated according to the legal provisions. A new principle was introduced which has been maintained up to now: the head of the household was granted the right to choose between a public school, a denominational school or even homeschooling¹⁴.

The Law of 13 November 1919 stopped making a distinction between public schools and denominational schools as far as state financing was concerned. A directive of Minister Jules Destrée motivated by the will of Liberal and Socialist circles to introduce an ethics class gave a civic dimension to the mission of public schools.

After WW I, a number of parameters would change in the various political debates. A limited form of universal suffrage¹⁵ was introduced. This resulted in the necessity for the various political clans to put in place coalition governments (some sort of forced pacification).

The Law of 1934 confirmed the easing of tensions and led to the creation of public secondary schools¹⁶.

Second school war

In the 1950s, the school war flared up again when the issue of the financing of Catholic schools was raised. Indeed, their fast development necessitated an increase in their financial means and the decision of Minister Pierre Harmel (Christian Democrat) to grant them a huge additional amount¹⁷ reopened the hostilities. Concerning the opening and the recognition of denominational

¹³ Law of 1 July 1879.

¹⁴ Decision nr 85/98 of 15 July about the financing of a Steiner school.

¹⁵ Universal suffrage replacing the voting system based on the poll tax was granted to men above the age of 21 years. It was only open to women in 1948.

¹⁶ The quantitative restrictions of the 1884 Law were hereby removed.

¹⁷ Pierre Harmel (Minister of education 1950-1954) increased the wages of teachers in Catholic schools and also linked the subsidies to the number of pupils.

or state schools, he set up “mixed advisory commissions” composed of representatives of Catholic and public schools.

The same (left wing – right wing) “pillarisation” phenomenon re-emerged between 1950 and 1958 through two antagonistic movements. During the period 1950-1954, a government dominated by the Christian Democrats took initiatives in favor of Catholic schools while in the period 1955-1958, a government led by a coalition of Socialists and Liberals implemented diametrically opposite policies¹⁸.

The school pact

The school pact¹⁹ negotiated and adopted by the three main political parties (Liberal, Socialist and Christian Democrat) was meant to stabilize and pacify the situation. Even now, it remains the main landmark to which the various educational policies refer²⁰.

Concerning religious classes in public schools run by municipalities, the law put an end to the influence of the Catholic clergy and provided for religious classes and non-denominational ethics classes in public schools run by the State.

Article 4 guaranteed the parents’ right to choose their school²¹, either public or denominational, and stipulated that two hours had to be devoted to religious or ethics classes in state public schools. It also stated that religious classes were to be taught by a minister of a state-recognized religion or a specifically trained teacher and to be controlled by inspectors appointed by the religious authorities. As to the class of non-denominational ethics, it was to be taught by teachers of general subjects having followed an additional specific training.

Transfer of the school education competences to the linguistic communities

In the 1970s - 1980s, the third pillar began to emerge with increasing strength with the cleavage between the Flemish and the Francophone populations. The radicalization of the ethnic identities revealed wider and wider fractures between the two main linguistic communities. Five general reforms of the state institutions led to the creation of a federal state. The third major reform (1988-1989) provided each linguistic community with competences in the area of school education. Each community then developed or redefined the norms of the school pact concerning religious education.

¹⁸ See <http://www.crisp.be/vocpol>.

¹⁹ See Law of 29 May 1959. Article 3 states that school education must be open to anybody without any discrimination.

²⁰ The law was mentioned in the revised constitution of 1988 which stresses the neutral character of the school system but also the right to be provided for philosophical or religious classes.

²¹ Article 4 of the Law provided that their choice can be revised every year and that at the age of 18, the youth can choose his/her school. The Royal Decree of 14 March 1960 specified that parents must be able to find a public school or a denominational school within a radius of 4 km. They can revise their choice every year.

The Royal Decree of 25 October 1971 fixed the status of the teachers and inspectors of religious classes in public schools. It became a source of inspiration for the three communities although some differences appeared with the passing of time. The community governments delegated to the religious authorities the duty of proposing candidates fulfilling the norms defined in Article 4 of the said Decree: § 1: to have Belgian citizenship or the citizenship of an EU member state; § 5: to be a religious minister or to have the requested academic degrees or diplomas.

The current federal structures of the State and school education

Belgium is a federal state with a federal parliament, three regional parliaments and governments (Flanders, Wallonia and Brussels-Capital) and three community parliaments and governments (the Flemish Community, the French Community and the German Community).²² This double federalism (territorial federalism and community-based federalism) is a unique example in the world.

The country has been divided into four language regions (three monolingual and one bilingual): the Flemish Region (about 6 million inhabitants), the Walloon Region, (about 3.3 million inhabitants), the German-speaking Region (about 70,000 inhabitants living in 9 municipalities of the Walloon Region) and the bilingual Region of Brussels-Capital (about 1 million inhabitants)²³. The 1962-1963 language laws fixed the boundaries of the linguistic regions.

After several reforms of the Belgian state in the last twenty years, competences for many policy areas were transferred from the federal level to the regions or the communities. This was the case for school education which was entrusted to the parliaments and governments of the three linguistic communities.

In each linguistic community, public schools at all levels are under the authority of municipalities or provinces or the communities themselves; denominational schools are almost exclusively Catholic, apart from a few Jewish, Protestant and Anthroposophic schools and recently one Islamic primary school.

Norms regulating philosophical classes in the three linguistic communities

On the occasion of the 15 July 1988 revision of the constitution, school education was transferred to the Flemish, French and German-speaking communities of Belgium but remained bound to Article 24 protecting all ideological, philosophical and religious orientations of the parents and the students. The communities can control the quality of the teaching but any

²² Belgium has a population of about 10 million inhabitants. It consists of 10 provinces and 589 municipalities: 308 in Flanders, 262 in Wallonia and 19 in the Brussels-Capital Region.

²³ The official language is Dutch in the Flemish Region, French in the Walloon Region and German in the German-speaking Region.

interference in the contents of the curriculum is prohibited under Articles 19 and 21 of the constitution which guarantee the autonomy of religions²⁴.

In the three linguistic communities, providing philosophical classes is an obligation.²⁵ The education authorities of the Catholic schools have the right to train their staff, to appoint the teachers and the inspectors²⁶, and to determine the content of the curriculum. When a teacher is dismissed by his/her religious educational authority, he/she can only appeal the decision through the mechanisms of his/her own religious hierarchy if there is any²⁷.

However, each community may have a different sensitivity in its decrees and orders.

*In the French Community*²⁸

- The class of non-denominational ethics is considered neutral. Unlike the religious classes, the staff is not proposed by a specific philosophical group; its inspectors are treated in the same way as their colleagues in charge of other subjects (history, geography, and so on) and are submitted to the same rules.

²⁴ Constitutional Court, Decision nr 18/1993 of 4 March 1994.

²⁵ See Article 24 of the Constitution of 17 February 1994.

§ 1. Education is free; any preventative measure is forbidden; the repression of offences is only governed by law or decree.

The community offers free choice to parents.

The community organizes neutral education. Neutrality implies notably the respect of the philosophical, ideological or religious conceptions of parents and pupils.

The schools organized by the public authorities offer, until the end of school obligation, the choice between the teaching of one of the recognized religions and non-denominational moral teaching.

§ 2. If a community, in its capacity as an organizing authority, wishes to delegate competency to one or several autonomous bodies, it can only do so by decree adopted by a two-third majority vote.

§ 3. Everyone has the right to education with the respect of fundamental rights and freedoms. Access to education is free until the end of school obligation.

All pupils of school age have the right to moral or religious education at the community's expense.

²⁶ Right from the beginning, the role of the priests was determining but because of the dechristianization and the increasing difficulty in recruiting new religious ministers, a new generation of lay teachers emerged. Slowly but ineluctably, the content of the classes moved away from pure catechesis and the teaching of dogmas to a search for some meaning in life, with references to other religions or philosophical worldviews.

²⁷ Council of State, Decision of 29 April 1975, Van Grembergen, nr 16.993, with a note of R. Verstegen, *Tijdschrift voor Bestuurwetenschappen en Publiekrecht*, 1976, 237; Council of State, 20 December 1985, Van Peteghem, nr 25.995.

²⁸ In the French-speaking part of Belgium and Brussels, 306 096 pupils were attending primary schools in the school-year 2007-2008: 129,267 were enrolled in Catholic schools; 149,200 in public schools run by municipalities, 830 in provincial public schools and 26,799 in public schools run by the French Community.

During the same schoolyear, 344,528 students were attending secondary schools: 207,830 in Catholic schools; 81,003 in public schools run by the French Community; 32,129 in provincial public schools and 23,566 in public schools run by municipalities. Source:

http://www.statistiques.cfwb.be/publications/pub0001/2007/documents/version_etnic.pdf

- Students must participate either in religious classes (state-recognized religions) or in non-denominational ethics classes.²⁹ The choice is the parents' or the students'.
- Inspectors and teachers of religious classes are proposed by the representative bodies of the state-recognized religions to and appointed by the Minister of Education of the government of the French Community.³⁰
- During the religious classes, the wearing of religious symbols is authorized both for teachers and their students. They are however forbidden for teachers in all public schools outside the religious classes. As far as the students are concerned, the ban is applied in public schools run by the French Community but is left to the discretionary power of the educational authorities of the public schools run by the municipalities and provinces.

In the German-speaking Community

The German-speaking Community which comprises a small population (around 70,000 people) partly implements the rules in force in the French Community. The inspection work is however allotted not to full-time inspectors but to delegates proposed by the representative bodies of the state-recognized religions who go on teaching part-time and fulfill their inspection mission part-time while being paid on the basis of specifically defined criteria³¹.

In the Flemish Community³²

- The class of non-denominational ethics is based on a specific worldview – secular humanism - which is not the case in the French Community. Their inspectors are therefore treated according to the same rules as their colleagues teaching religious classes while in the French Community they are subjected to the same norms as their colleagues in charge of other subjects.
- Considering the secular humanism underpinning the non-denominational ethics classes and the freedom of choice of the parents, it is possible to opt out of the philosophical classes (whether religious or ethics classes) which is again not the case in the French

²⁹ See Article 5 of the 31 March 2003 Decree defining the neutrality principle in the French Community as modified by the 2 June 2006 Decree: "The teachers of the recognized religion classes and ethics inspired by these religions as well as the non-denominational ethics classes inspired by free thinking, shall refrain from denigrating the positions expressed in the other classes." The same article also specifies that all these classes are treated on an equal footing.

³⁰ Royal Decree of 25 October 1971 as modified by the Decree of 10 March 2006, Chapter 7, Article 31.

³¹ Decision of the Constitutional Court of 25 February 2010.

³² In the Dutch-speaking part of Belgium and Brussels, 380,221 pupils were attending primary schools in the school-year 2009-2010: 240,326 were enrolled in Catholic schools; 86,403 in public schools run by municipalities, 238 in provincial public schools and 53,254 in public schools run by the Flemish Community. During the same schoolyear, 431,724 students were attending secondary schools: 325,673 in Catholic schools; 72,846 in public schools run by the Flemish Community; 13,629 in provincial public schools and 19,291 in public schools run by municipalities.

Community. This is particularly important for families whose religion is not recognized by the State: Jehovah's Witnesses, Mormons or new religious movements.³³ Children with a different religious background can bring to school the material related to their religion and learn it by themselves during the philosophical classes.

- Religious or philosophical symbols are forbidden in the schools run by the Flemish Community but the ban is left to the discretionary power of the educational authorities of the public schools run by the municipalities and provinces.
- In the last pedagogical decree, no final or development objective is fixed for the philosophical classes.³⁴ There is therefore no link between the general pedagogy fixed by the Flemish Community and the specific objectives of the philosophical classes.
- It is forbidden for a teacher to take a day off on religious grounds (i.e. Muslim or Jewish festivals)³⁵ but he/she can request a holiday motivated by a religious festival if he/she fulfills the conditions of access to an "unpaid holiday"³⁶.
- Primary and special schools can freely fix two days off per school-year. In schools where there is a more specific religious majority, they can coincide with their religious festivals.

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Recommended reading

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Hasquin H., *SEPARATION OF CHURCH AND STATE IN EUROPE*, de Beaufort - Ingemund Hägg - Patrick van Schie (eds.) European Liberal Forum 2008.

http://www.liberalforum.eu/tl_files/publications/Separation%20of%20church%20and%20state%20in%20Europe.pdf

³³ On 14 May 1985, the Council of State authorized a family of Jehovah's Witnesses not to enroll their daughter in a religious class or a secular humanism class on the grounds that both free thinking and other religious doctrines were conflicting with their own beliefs (Court decision Sluijs). In the wake of this decision, four hundred Jehovah's Witnesses requested to be exempted from such classes. (See *Le Soir*, 3 March 1986, *Ils sont 400 à être dispensés.*)

³⁴ Decree of 18 January 2002.

³⁵ Decision of the Flemish Government of 17 April 1991.

³⁶ Decision of the Flemish Government of 31 August 2001.