

**ROBBERS, Gerhard (ed.), *Religion In Public Education / La Religion dans l'Éducation Publique*, European Consortium for Church and State Research, Trier, 2011, 570 pp.**

*Religion in Public Education* is the product the European Consortium's conference in Trier in November 2010 at which scholars from 27 European countries discussed the role of religion in the educational systems of European member states, covering such areas as religious dress and religious symbols in public schools and the possibility for opting out of school obligations for religious reasons. The book follows the format of previous volumes: a series of reports on individual countries preceded by helpful conceptual and juridical overviews by José de Sousa e Brito, David McClean and Norman Doe and concluding with essays by Jean Duffar on the international and European law on religion in public education and by Michał Rynkowski on religion in European schools. Unlike previous volumes, however, in addition to the normal hard copy it is also available as a free pdf download<sup>1</sup>. The snail-like progress of academic publishing being what it is, on one of the major issues in religion and education the volume had already become out of date before it appeared; and hindsight being 20:20 one cannot help but speculate on how different some of the papers might have been had the Grand Chamber decided *Lautsi* before the conference rather than after it. Duffar, for example, stated quite correctly for the time at which he was writing that "Les trois arrêts *Folgerø*, *Zengin* et *Lautsi* sont en phase avec la doctrine du Conseil de l'Europe sur la pratique du dialogue interculturel qui comporte à l'évidence un dialogue interreligieux ainsi qu'une éducation interculturelle" (p 545). But while that remains true for *Folgerø* and *Zengin* (and, from another perspective, for *Appel-Irrgang*), the Grand Chamber's judgment in *Lautsi* appears to have shifted the emphasis away from "une éducation interculturelle" towards a much greater margin of appreciation for states parties than hitherto.

Or as Michael White rather tartly observed in *The Guardian* in 2009 on the day after the Second Section's original judgment had been handed down, "Crucifixes? Italy? Where did Soile Lautsi think she was moving to live? Thailand?" Indeed, Alessandro Ferrari – who, one suspects, thinks Ms Lautsi's complaint to have been based on a total misconception about the nature of Italian culture and society – would go so far as to see the crucifix not as a badge of religious conformity in education but rather as a guarantee of pluralism. "On pourrait dire, en effet, qu'en Italie c'est le crucifix qui permet le libre port des habits religieux, foulard islamique compris, dans le milieu scolaire. Le crucifix agit, donc, comme garant de la laïcité-pluralisme et comme garant des principes constitutionnels" (p 268): a very fair point, but not one that would have immediately occurred to a reviewer from the United Kingdom.

In his contribution on Belgium Rik Torfs highlights an oddity that will have resonance for several countries: that though no such thing exists in reality, for the purpose of negotiations over religious education the Belgian government only recognises one "Protestant Church". In effect, Belgium has produced a purely theoretical construct "...which is no more than an external structure in which various groups collaborate with one sole purpose: being an interlocutor to the state" (p 68). This reflects the fact that attempting to deal with a multiplicity of religious groups can be a major headache for governments – especially for a government that does not fully understand the nature of the groups that it is attempting to deal with – and it is tempting to try to parcel up faith-communities into neat and tidy packages. At the time of writing, for example, <sup>1</sup>[http://ubt.opus.hbz-nrw.de/volltexte/2011/722/pdf/Robbersed\\_Religion\\_in\\_Public\\_Education.pdf](http://ubt.opus.hbz-nrw.de/volltexte/2011/722/pdf/Robbersed_Religion_in_Public_Education.pdf).

there is a major debate going on within the wider Jewish community in the United Kingdom as to whether or not a successor should be appointed when the current Chief Rabbi, Dr Jonathan Sacks, retires in 2013: the argument is that the Chief Rabbinate is always held by a rabbi from the United Synagogue and that he does not, therefore, represent the Liberal, Reform or Masorti communities. The office is undoubtedly very convenient for British politicians – and, like his immediate predecessor Dr Jakobovitz, Dr Sacks is a member of the House of Lords – but does the Chief Rabbinate any longer reflect Jewish religious diversity? Similarly, governments like to maintain the illusion that there is a monolithic religion called “Islam” when, in reality, there is a primary division between Shia and Sunni Islam, with further subdivisions thereafter.

Inevitably in a work of this length, there is much with which to agree and a certain amount with which to disagree. In his essay on the situation in Portugal, for example, André Folque bemoans the ignorance of the present generation of university students “... about who wrote the Gospels or about the letters of St Paul” and continues: “... when I introduce the concept of human dignity... they are usually surprised to learn of its roots in the Bible”. Yes and no: on the one hand “What is man, that thou art mindful of him?... Thou madest him lower than the angels, to crown him with glory and worship”<sup>2</sup> while, on the other, “Slaves, [δοῦλοι] be obedient to your masters according to the flesh, with fear and trembling, in the sincerity of your heart, as to Christ.”<sup>3</sup> There is little or nothing about human dignity, however one defines it, in the latter passage; and we should be very circumspect indeed about claiming scriptural roots for human rights – or at least for human rights in the modern understanding of that term.

On the other hand, when David McClean raises the question as to why it should be a socio-legal issue for a Muslim woman to wear a headscarf but not for an Englishman to wear a Manchester United shirt he goes to the heart of the matter of “religious” dress in the secular context, not least because of the degree of low-level public disorder that has traditionally surrounded association football matches. As a schoolboy in the North East of England in the 1950s I simply accepted unreflectively the fact that all the Jewish boys in my class wore the *tallis katan* under their shirts, usually with the fringes (*tzitzit*) hanging out – and it never occurred to me to be even remotely upset or offended by this. McClean’s rather disturbing reply to his own question – “we associate Buddhism with safely abstract meditation; we find Hinduism colourful and cheerful, we treat Jewish practice with an embarrassed awareness of ... anti-Semitism...; but we fear Islam as a threat to our security and the Christian faith” (p 27) – points to a fundamental shift in religious perceptions over the past few decades and explains in a nutshell why the issues of religious symbols in general and of Islamic religious dress in particular have become so controversial. His remedy is to hold firmly to the individual’s freedom to manifest his or her religion in public or private because “only by the odd notion of a negative right, not to face religion, can some exception be carved out; and I am unconvinced by that” (p. 27). And so am I.

To conclude: even in the wake of *Lautsi, Religion In Public Education* will prove to be an extremely important resource, not just for the law on religion and education in Europe but, more generally, as an up-to-date guide to the constitutional position of religion in the countries that it covers.

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<sup>2</sup> Psalm 8:5 in Miles Coverdale’s translation.

<sup>3</sup> Ephesians 6:5.