Description of the Project

Law, Religion and Education Conference

8th – 9th October 2010, Oxford

Religion has returned forcefully both as a subject of academic debate, as a lived reality in contemporary societies and as a renewed challenge for secular systems of governance.

The context of education is a field where the accommodation of religious diversity is particularly debated. It is the place where the relationships between State and Religion will be tested: where but at school should pupils enjoy a sphere of neutrality devoid of any religious signs? Would a separatist model, based on the concept of laïcité claim. But where if not at school should pupils be exposed to the diversity of religions and that way hopefully learn to tolerate and respect different faiths? How exactly in both models justify the involvement of the State into faith schools?

It is also in the context of education that parents’ and pupils’ rights to autonomy may come into conflict with the general interest of ensuring a decent education for all. Should the latter impose the same syllabus for all? Should the former serve as justification for derogations to the national curriculum or even as a basis for a completely different model of home schooling? Should pupils from religious minorities thus be allowed to opt out from religious education? Much further down the line, should creationist theories be taught in lieu of Darwin’s teachings?

The relationships between “Law, Religion and Education” thus address the accommodation of religious diversity as well as the content and meaning of education, notably religious education. Moreover, it questions the very meaning of religion itself. Schools’ admission criteria indirectly set definitions on who qualifies as a Catholic, Jew, etc. for the purposes of schooling in their institution. In defining the ethos that the school should convey and that teachers and staff should support, schools also indirectly contribute to the definition of what it means to “be” a Catholic, Jew etc.

The topic is therefore rich of tensions and delicate issues. It is also extremely newsworthy. The Lautsi case¹ by the European Court of Human Rights held recently that the existence of crucifix in the classrooms of State schools was contrary to the State’s duty of neutrality and violated the plaintiff’s right to freedom of religion under Article 9 of the Convention.

¹ Lautsi v. Italy ECHR 3 November 2009, App. No. 30814/06
In France, a national debate on religious symbols and national identity is taking place and a Committee report has just been published on the wearing of the veil\(^2\)…a debate that was first confined to the education domain\(^3\).

In England and Wales, to quote but a few very recent cases, State-funded faith schools have for example made the headlines\(^4\) after their successful lobbying which led to the introduction of an amendment in the bill making lessons in sexual education compulsory in England and Wales. Under this amendment, faith schools would be allowed to teach the subject “in accordance with their ethos”. This raises the question whether the religious affiliation of the school can determine the content of what is taught in a seemingly non-religious subject. Last June, selection criteria were at the forefront when the Court of Appeal ruled that a Jewish school that prioritised applications from children with Jewish mothers discriminated on grounds of race\(^5\). Does this mean that judges will in the future determine who is a member of a religious group?

In a comparative and multidisciplinary perspective, this extremely timely project will study the key concepts of laïcité, discrimination and religious freedom; it will present the different models adopted in Europe of the relationships between the State and the Church. This general part will be followed by case studies targeting topical and controversial issues raised in various European jurisdictions under three different headings: defining religious beliefs, defining teaching content and religious symbols.

Several prominent Law and Religion experts and academics have already confirmed their participation: Professor Norman Doe, Professor Lucy Vickers, Peter Cumper, Professor Heinrich de Wall, Professor Michael Freeman, Dr Russell Sandberg, Dr Javier Oliva to quote but a few.

Papers delivered at the conference will provide the basis for an edited book in which Elgar Publishing have already expressed a keen interest, thus, hopefully, serving as a reliable and interesting point of reference for future comparative research in the area.

The Conference and the resulting book will thus fill in a gap in a very neglected area of literature at a timely moment.

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3 Loi n°2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics, incorporated into Article L141-5-1 of the French Code of Education.
4 Article in the Guardian, Friday 19 February 2010 by Andrew Copson
5 Court of Appeal 25 June 2009