**First Day: Friday 8th October**

10h00 : Welcome by Dr Myriam Hunter-Henin and Prof. Luc Borot

**SESSION I : RELIGION AND EDUCATION : KEY CONCEPTS**

Laïcité, Integration, Discrimination and Religious Freedom

Chair: Professor Christopher McCrudden, Lincoln College (Oxford)

Speakers : Prof. Luc Borot (MFO), Dr Lorenzo Zucca (King’s College London), Prof. Gwénaelle Calvès (Université Cergy-Pontoise), Dr Sylvie Langlaude (Queen’s University Belfast).

**Prof. Luc Borot**

Title : "Tensions on Laïcité: Ideological manipulations by the French radical right and the British left"

Abstract:
The most recent manipulations and attacks on the French principle of laïcité and the practice thereof have come from tiny far-right groupings covering their anti-Muslim agenda behind the republican catchword "laïcité". Their interventions in the public debate on the issue of headscarves and integral veiling have attempted to connotate the republican principle prescribing the State’s neutrality with racist and sectarian overtones. On the other hand, on the left, in the UK, multiculturalism has tended to use the French neutralist legislation as if it was intended to proscribe religions equally from society and from the State. Debate is thus embittered by the sectarian legacy of militant, secularist, laïcité, which is the heir to the anti-clerical and anti-catholic struggles of the 19th century; this ideological legacy can be used by the opponents of the neutrality principle (whether Muslim or anti-Muslim) to cry down laïcité as racist in essence. The constitutional principle of the State’s neutrality is then presented as being at enmity with the freedom of belief and worship guaranteed by human rights and the constitution. Laïcité is thus manipulated, and extended to society, for which denominational neutrality has never been intended by the legislators.

Profile:
Before he was appointed Director of the Maison Française d’Oxford, Luc Borot was Professor of Early-Modern British Civilisation at Université Paul-Valéry Montpellier III, where he had been teaching since 1986. In general
terms, he works on the cultural and intellectual history of the British Isles, 1580-1660, focusing on the interaction of political and religious beliefs and ideas. His doctoral dissertation and his main publications are on Thomas Hobbes, James Harrington, and radical authors of the mid-seventeenth century.

**Dr Lorenzo Zucca**

**Title: "The Classroom as an Integration Lab"**

**Abstract:**
Integration aims at social, moral and political unity. It can be usefully contrasted with accommodation, which assumes a certain degree of in suppressible pluralism. Republican States such as France have pushed for integration of all through free, compulsory, public education since the reforms of Jules Ferry. Other States committed to accommodation prefer to let educational establishment mirror the relative social plurality. There are two major sets of challenges for both models: the challenge from religious symbols in the classroom, the challenge from religious syllabuses in schools, and the challenge from students’ selection at the entrance. Integrationists are theoretically open as to the class composition but put heavy limits to religious symbols and syllabuses. Accommodationists leave it to each establishment to decide how to regulate symbols and syllabuses, but encounter major problems as to selection policies of some religious schools (e.g. The Jewish Free School saga). Both models exclude some students on the ground that they don’t fit within the majority or minority requirements. I propose instead a third model, which I call “Classroom as a Tolerance Lab,” which attempts to avoid the pitfalls of integration and accommodation, while relying on their respective achievements. The Tolerance Lab promotes mutual understanding between people of different social and religious stripes.

**Profile**
Lorenzo's special interests are in jurisprudence, constitutional theory, EU constitutional law, and human rights. He is the author of Constitutional Dilemmas- Conflicts of Fundamental Legal Rights in Europe and the USA (OUP, 2007) and articles on European human rights law and theory. He is currently working on the place of religion in the European public sphere. This is a study of one of the most pressing legal social and political problems in Europe and includes issues such as the ECHR protection of religious freedom, EU policies against Islamic terrorism, EU enlargement to Turkey, and a wider debate on European identity.

**Publications**
**Books**
- Lorenzo Zucca, A Secular Europe- Law and Religion in the European Constitutional Landscape, OUP 2011 (under contract)
Title: "Non-discrimination and Laïcité in schools: Two concepts at odds?"

Abstract:
The ongoing debate over the enforcement of the constitutional principle of "laïcité" in French state-run schools will be roughly sketched as opposing two sides. On the one hand, laïcité is assessed as a limit to religious freedom, and the stress is put on its discriminatory direct or indirect effects. On the other hand, laïcité is apprehended as a pre-condition to religious freedom. Does the latter stance leads to overlooking equal treatment claims? The answer to such a question obviously depends on the content and scope assigned to the anti-discrimination principle.
The "laïcité controversy" in French schools, far beyond its intrinsic terms and stakes, offers a fruitful opportunity to investigate into the very meaning of a commandment growing weight in national and European law: "Thou shall not discriminate".

Profile:
Gwénaëlle Calvès, a former student of the École Normale Supérieure (Paris), is Professor of public law at the University of Cergy-Pontoise, where she teaches comparative constitutional law and civil rights law. Her main field of research deals with French and European anti-discrimination law. Since 2000,

**Dr Sylvie Langlaude**

**Title:** "The Right of the Child to Religious Freedom and Education: Key issues in international human rights law"

**Abstract:**
International law has traditionally focused on the rights of parents to ensure the education of their children in accordance with their own religious and philosophical convictions, but there has been a shift in recent years to focus on children’s rights to be educated in accordance with their own convictions. Other issues include instruction in the child’s own religion; choice, exemptions and opt-outs; the concept of indoctrination; the contents of (religious) education; and discrimination against children in education. Looking at the work of the Human Rights Committee, the Committee on the Rights of the Child, the Special Rapporteur on Freedom of Religion or Belief, and the European Court of Human Rights, this paper will investigate the international standards on parents and children’s rights on religion and education and trace out any recent developments.

**Profile:**
Dr Sylvie Langlaude is a lecturer at the School of Law, Queen’s University Belfast, and a member of its Human Rights Centre. She teaches public law, family law and human rights law. She has published in the areas of religious freedom and children’s rights, including:
- *The right of the child to Religious Freedom in International Law* (Brill 2007);

**12h00 : SESSION II: RELIGION AND EDUCATION : DIFFERENT MODELS : The French, Turkish and Northern Irish Models**

**Chair:** Dr Prakash Shah (Queen Mary, University of London)

Speakers: Dr Blandine Chelini-Pont (Université Aix-en-Provence), Prof. Kerem Altiparmak (Ankara University), Prof. Christopher McCrudden (Lincoln College, Oxford)
Dr Blandine Chelini-Pont

Title: "What Place Does Religious Education have in State Schools and Catholic Schools in France?"

Abstract:
The State education system in France does not curtail religious education in order to promote a particular faith but it does nothing to promote religious education either. In fact, as a consequence of secularisation in France, Religious education in the French State system is conferred the poorest and most accessory role in education. Is the situation any better in denominational schools in France? Normally it should be. Under the 31 December 1959 Act on academic freedom, the French State, while acknowledging their "singular character", integrated Catholic schools into the "public service teaching mission". In doing so, the French State ensures the conditions for the exercise of academic freedom and allows children of practicing parents to receive a religious education incorporated into their schooling. However, though freedom of conscience is the constitutional safety of the singular character of Catholic schools in France and the basis of academic freedom proclaimed by law, it severely restricts religious education in French Catholic schools. Indeed, it prohibits the compulsory feature of catechesis for children and authorizes teachers to oppose the denominational character of the institution that employs them. Nevertheless, the legal organization of private denominational schools in France allows for the transmission of religious teaching, which remains the subject of much attention from its leaders. Religious education is transmitted, but is it received? Sociological studies on the issue leave us sceptical. Finally, a recent thinking and early implementation of teaching programs on religious knowledge is developing in both State and private schools under State contract. The purpose of this new trend is to teach tolerance to children and to get them accustomed to the religious diversity of the population. But again, one can question the effectiveness and purpose of this teaching.

Profile:
Blandine CHELINI-PONT: Senior lecturer in contemporary history, PhD in History at the Institut d'Études Politiques de Paris and PhD in Law at the Université Paul Cézanne, Aix-en-Provence, France. She teaches Law and Religion, French Political History, European Political Culture and Religious Geopolitics at the Faculty of Law and Political Science of Aix-en-Provence. She is Director of Annual Review Droit et Religions (at the Presses de l'Université d'Aix-Marseille) and is associate member of the Groupe de Sociologie des Religions et de la Laïcité, Ecole Pratique des Hautes Etudes de Paris. She has written books on European Catholic Thought, History of Catholic Church and Geopolitics of Christianity. Her articles are more focused on legal questions: Laïcité in France, Comparison between French and American Constitutional Framework concerning religion, international incidences of religious litiges (defamation of religions, freedom of religion etc). Her latest articles in English “Papal Thought on Europe and the European Union in the Twentieth Century” Religion, State and Society, 1465-3974
Title: "Religion in the Turkish Education: Nationalisation between secularisation and islamisation "

Abstract:
This paper aims to discuss religion and education in Turkey through an analysis of three educational forms: Imam-Hatip Schools, religion and ethics classes in school curriculum, and Koran courses.
We will suggest an understanding of the Turkish experience in religion and education as a series of experiments on various combinations of nationalisation, Islamisation and modernisation. The three educational forms we will be discussing can be seen as three basic projects of such experimentation.
We will argue that the Turkish experience on religion and education is about managing with a paradox in a strictly unified system of education. This paradox is that the nationalisation ideal required a comprehensive transformation of collective imaginations, including a radical shift from religiously-defined collectivities toward secular ones. It nevertheless increasingly borrowed from the Islamic discourse in its agenda to foster national unity within a predominantly Muslim population, and it eventually rejected the pluralism inherent in the notion of secularism and embraced Islamic religiosity with certain restraints. Those restraints particularly included safeguards against anti-modernist, anti-statist or trans-national inclinations attached to popular visions of Islam. Safeguarding appeared basically in two ways: Repression of the undesirable religion and supplying the desirable Islam through public service system. Imam-Hatip Schools, religion and ethics classes in school curricula, and Koran classes have functioned as institutions of such policy. At present, those safeguarding techniques seemed to have reached their limits as the Republic faces the challenges of pluralism and must respond to the demands of equality before before law and non-discrimination on grounds of religion or belief.

Profile:
Kerem Altiparmak is an Assistant Professor in Human Rights Law, Human Rights Centre, Faculty of Political Sciences, Ankara University.
Research interests: ECHR, freedom of expression, prohibition of torture, theories of rights, law of armed conflict.
Widely published in Turkish and English. English publications include:
Internet: Restricted Access - A Critical Assessment of Internet Content Regulation and Censorship in Turkey, (with Yaman Akdeniz), İmaj Publisher, Ankara


Hasan Sayim Vural is a PhD Candidate in Political Science, Ankara University Researcher in Constitutional Law, Faculty of Political Sciences, Ankara University
Affiliated researcher to the Human Rights Centre, Faculty of Political Sciences, Ankara University. His Research interests are in Freedom of religion, fundamental rights. He has published in Turkish on human rights, the European radical right, and Turkish conservatism.

Prof. Christopher McCrudden

Title: "The Northern Irish Model of Religion and Education"

Abstract:
Ever since the foundation of the state of Northern Ireland, the issue of primary and secondary education has been a source of significant tension between the Catholic community and the Government of Northern Ireland. The existing system has, effectively, three sectors: one, the 'state' sector is substantially Protestant in composition; the second, the 'voluntary' sector is substantially Catholic in composition, and the third sector, the 'integrated' sector, which is much smaller, is intentionally mixed, comprising Catholic and Protestant pupils. There is a very small 'public school' sector, almost entirely Protestant, which is of much less significance in Northern Ireland than in Great Britain. The major area of practical dispute has been the issue of funding of schools in the voluntary and integrated sectors, particularly the extent to which these schools would receive significant amounts of state funding even though not entirely within the state sector, and the consequences for management of such schools when they received such funding. There has also been a significant issue in more recent times over the issue of the employment of should not be included in the anti-discrimination legislation.

Profile:
Christopher McCrudden is Professor of Human Rights Law in the University of Oxford; a fellow and tutor in law at Lincoln College, Oxford; a practicing barrister-at-law (Gray’s Inn), and a William W. Cook Global Law Professor at
Michigan Law. Specializing in human rights, he concentrates on issues of equality and discrimination as well as the relationship between international economic law and human rights. At the Michigan Law School, Professor McCrudden teaches in the areas of international, European, and comparative human rights. He serves on the European Commission’s Expert Network on the Application of the Gender Equality Directives and is a scientific director of the European Commission’s network of experts on non discrimination. Professor McCrudden holds an LL.B. from Queen’s University, Belfast, an LL.M. from Yale and a D. Phil. from Oxford. In addition, Queen’s University, Belfast, awarded him an honorary LL.D. in 2006. He was elected a Fellow of the British Academy in 2008.

14h30-16h00 SESSION III: RELIGION AND EDUCATION: DIFFERENT MODELS – CHURCH AND HYBRID MODELS: The English & Welsh, German, Spanish and Italian Models

Chair: Professor Jean-Paul Willaime (IESR Paris)

Speakers: Prof. Norman Doe (Cardiff Law School), Prof. Heinrich de Wall (Friedrich-Alexander-Universitat, Erlangen), Dr Javier Oliva (University of Bangor), Prof. Marco Ventura (University of Siena)

Prof. Norman Doe

Title: "Education, Religion and Regionalism in the Context of the Church-State Relations Laws of England and Wales"

Abstract:
England and Wales were united by means of a series of Acts of Parliament in the sixteenth century. However, today church-state relations in England are very different from those in Wales. Whereas in England the Church of England is by law established, in Wales there is no established church - the Church of England in Wales was disestablished in 1920, though legal vestiges of establishment continue for the (Anglican) Church in Wales with regard to marriage, burial and spiritual care in prisons. Nevertheless, England and Wales are similar to each other in terms of a host of topics regulated by laws on for example religious freedom, the legal position of other religious organisation, religious charities, religious discrimination and in the field of religion and employment. This paper presents the fundamentals of the law in England and Wales on education and religion and asks whether these differences in church-state models are echoed in areas of religious education and collective worship in schools. The question is particularly pertinent given that the National Assembly for Wales (the jurisdiction of which was extended by the Government of Wales Act 2006), has powers over education in Wales, including over religious education and worship - the impact of devolution offers a good example of the rise of religion and regionalism in education.

Profile:
Norman Doe is Professor of Law, and Director of the Centre for Law and Religion, at the Law School, Cardiff University, and associate professor at the University of Paris. He studied law at Cardiff, theology at Oxford, for his law doctorate at Cambridge, is a Barrister of the Middle Temple, and in 2005 was awarded a DCL Lambeth. He is author of *Fundamental Authority in Late Medieval English Law* (Cambridge, 1990), *The Legal Framework of the Church of England* (Oxford, 1996), *Canon Law in the Anglican Communion* (Oxford, 1998), *The Law of the Church in Wales* (Cardiff, 2002), *An Anglican Covenant: Theological and Legal Considerations for a Global Debate* (Canterbury Press, 2008), and his edited books include *The Portrayal of Religion in Europe* (Leuven, 2004), and, with R. Puza, *Religion and Law in Dialogue* (Leuven, 2006). A member of the European Consortium for Church and State Research and Colloquium of Anglican and Roman Catholic Canon Lawyers, he has acted as a consultant on canon law to the Primates of the Anglican Communion and was a member of the Lambeth Commission (2003-4) which published the *Windsor Report* (2004). He is writing a book, *Contemporary Principles of Christian Law*, preparation for which will be assisted by a visiting fellowship at Trinity College Oxford in spring 2011, to be published by Cambridge University Press in 2012.

Prof. Heinrich de Wall

**Title:** "Religious Education in a Religiously Neutral State: The German model"

**Abstract:**
In Germany, religious education of children is considered as a matter for the parents and faith communities. According to Article 7 para III of the German Basic Law, however, religious education is an ordinary subject at State schools. Many parents consider religious education at schools important to help children to achieve their religious identity. Consequently, religious education at schools is understood as a means to support religious freedom of children and their parents. It is compulsory for church members, but everyone, member of the church or not, can opt out and choose a non-religious education in ethics. In religious education classes, children are educated according to the doctrine of their respective faith communities. As the State must be neutral towards the various religions and must not determine their teaching, faith communities are responsible for the contents of religious education, but within the boundaries of the common standards and aims of teaching and under supervision by school authorities. Religious education at State schools is not a privilege of the great Christian Churches. There is also e.g. Orthodox or Alevite education at some schools in Germany. There is a discussion about the question as to whether, Islamic religious education should be introduced. The problem with Islamic religious education is that until now there has been no Islamic community in Germany, able to determine the content of religious education.

**Profile:**
Heinrich de Wall, born 1961, 1998 – 2001 professor of public law and ecclesiastical law at the University of Halle-Wittenberg, since 2001 professor of ecclesiastical law, constitutional and administrative Law at the University of Erlangen-Nürnberg, Director of the „Hans-Liermann-Institut für Kirchenrecht“ Fields of Interest: state-church law, law of the German Protestant churches, history of church law, German constitutional law, political thought in early modern Germany.
Publications include:
A v. Campenhausen/Heinrich de Wall, Staatskirchenrecht, 4th ed., 2006;
Heinrich des Wall/Stefan Muckel, Kirchenrecht, 2nd ed., 2010.
Heinrich de Wall/Andreas Gestrich, Germany, in: The Dynamics of Religious Reform in Church, State and Society in Northern Europe, C 1780 – C 1920, vol. 1: Political and Legal Reform, ed. by Keith Robbins, 2010.

Dr Javier Oliva

Title: "The Teaching of Religion in Spain: An ongoing controversy"

Abstract:
Spain is a non confessional democratic State, which recognises religious freedom as one of its fundamental pillars. In compliance with Art. 16.3 of the Spanish Constitution, public authorities will cooperate with both the Catholic Church and other religious bodies. One of the fields where cooperation becomes crucial is education. The 1979 International Agreement, between the Holy See and the Spanish State, concerning education and cultural affairs, recognises the compulsory presence of Catholic religion in all State schools, although this subject is optional for both parents and students. Interestingly, the domestic agreements signed with other denominations (Jews, Muslims and Protestants) in 1992, also deal with the teaching of their faiths in State schools, although the provisions are significantly different from the Catholic model, mainly in relation to the financial arrangements. This paper will also focus on the legal framework of religious private and State-subsidised schools and will finally look into the most recent legislative developments in Spain.

Profile:
Dr Javier Oliva is a lecturer at Bangor University where he is head of Public Law as well as the Course Leader of Law with Modern Languages- and a Research Associate at the Centre for Law and Religion at Cardiff University. Dr Oliva also teaches on a part-time basis at University College London (U.C.L.) and at the Institute of European and Comparative Law (Oxford University). He is the convener of the S.L.S. Public Law section and the Book Review Editor of 'Law and Justice'. His publications include the book 'El Reino Unido: un Estado de Naciones, una pluralidad de Iglesias', Comares (2004) and the articles 'Church, State and Establishment in the United Kingdom in the twenty first century: Anachronism or Idiosyncrasy?' [2010], 'Religious Freedom in Transition: Spain', P. Walters (ed), 36 Religion, State and Society, Routledge 269-281 [2008] and 'The Legal Protection of

Prof. Marco Ventura

Title: "The Ambiguous Status of Religion in Italian Public Education. A (bad) model for Europe?"

Abstract:
The Italian approach to religion in public education is highly symptomatic of European ambiguities and inconsistencies. Much of the Italian approach is simply about dodging the issues and manipulating regulations for political purposes. Open public debate and clear legislative choices are not contemplated. The cleavage between administrative and ordinary judges encapsulates the contentious opposition between secular and Catholic Italy. Such an ambiguous approach produces substantial inconsistencies. The disestablishment of the Catholic Church did not go very far. The principle of ‘laicità’ was proclaimed in 1989 by the Constitutional Court in the same decision which perpetuated the doctrinal teaching of Catholicism in State schools. Room was not made for other religions or Christian denominations in public education. Confusion between what pertains to religion and what pertains to culture is crucial in the debate on the crucifix and the Lautsi ECHR case. Blaming Europe for interfering is non-sense. Lack of consensus in the country and lack of courage and clarity in political and religious actors are the real point. Is this distinctively Italian? Or is Italy a (bad) model for Europe?

Profile:
Marco Ventura is professor (professore ordinario) of law and religion at the Faculty of Law of the University of Siena, Italy. After a PhD at the University of Strasbourg he has visited the universities of London (UCL), Oxford, Strasbourg, Coimbra and Bruxelles (ULB). He is a member of the European Consortium for Church and State Research and of the Centre for Societé, Droit et Religion en Europe at the University of Strasbourg R. Schuman. He is also a member of the Editorial Board of the Ecclesiastical Law Journal (Cambridge University Press). Ventura regularly contributes to the Italian daily Corriere della Sera. In 2008 and 2009 his research was quoted in The Economist. He has a audio-interview on the Economist website on Canon law and secular law. ‘Establishing primacy’, www.economist.com.
In 2007 and 2009 he was heard by the Italian Parliament on religious freedom issues. His subjects include church and state relationships, religious laws, religious freedom, bioethics and biolaw. Ventura is the author of the books Procréer hors la loi (Strasbourg, 1994), Pena e penitenza nel diritto canonico postconciliare (Napoli, 1996) and La laicità dell’Unione europea (Torino, 2001). He has published over 70 papers in Italian, French and English.
16h30-18h00 SESSION IV : CASE STUDIES: DEFINING RELIGIOUS BELIEFS IN EDUCATIONAL CONTEXT

Chair: Professor Norman Doe (Cardiff Law School)

Speakers: Prof. Lucy Vickers (Oxford Brooks University), Prof. Martine Cohen (CNRS Paris), Dr Arif Jamal (UCL)/ Dr Farid Panjwanij (Aga Khan University, London), Prof. Maleiha Malik (King’s College London)

Prof. Lucy Vickers

Title: "Religious Discrimination And Schools: The employment of teachers and the public sector duty"

Abstract:
The paper will address two issues regarding religious discrimination and schools. First, the rules on religious discrimination as they apply in schools under the Schools Standards and Framework Act 1998 will be considered. It will be argued that the current legislative framework provides inadequate protection for the right of teachers to enjoy freedom of religion and belief in their work. The second part of the paper will assess the concept of the duty on public authorities to have due regard to the need to eliminate discrimination, harassment, victimisation on grounds of religion and belief in the context of schools. It will consider what such a duty may look like in the school context. As well as identifying some potential difficulties the duty may give rise to, it will be suggested that potential difficulties may be lessened if it is based overtly on a concept of equality which aims to address disadvantage.

Profile:

Main Publications:
• Retirement and Age Discrimination: Managing Retirement in Higher Education (2009) ILJ 343-364
• Freedom of Religion and Belief in Employment in Faith Schools (2009) Religion and Human Rights 1-20
• Freedland and Vickers Religious Expression In The Workplace In The United Kingdom (2009) 30 Comparative Labor Law & Policy Journal 597

Prof. Martine Cohen

Title: "Jewish Schools in France: A mapping of their Jewish identity proposals"

Abstract:
After a brief description of the general framework of the French educational system (public and private sectors), I will first propose some basic data regarding Jewish day-Schools. I will then expose a typology of the different Jewish identities they promote, with schools ranging from an “ultra-orthodox” to a “cultural” pole. This typology is based on three main criteria: 1) the importance given to the Jewish curriculum, compared to the general (secular-national) one; 2) the content of this Jewish curriculum; 3) the way they do select or not the “Jewish” pupils. These criteria imply a fundamental differentiation regarding their conceptions of Jewish identity and its relationship to other belongings (French-national belonging in particular). Jewish identity may be considered by some as a total and exclusive identity, in general associated with a strict respect for religious rules, and by others as part of a multiple identity, associated in this case either with (not too strict an) adherence to religious rules or with a more secular and historical vision of Jewish belonging.

In conclusion, I will trace the main trends of the development of Jewish Schools, combining processes of its “banalisation” (compared to private schools in general) with a basic trend towards a “communautarian withdrawal”, where the Jewish “entre-soi” is mixed with a more socio-cultural “entre-soi”.

Profile:
Martine Cohen is a Sociologist, specialised in the field of religions and secularism in France. Her work focuses on French Jews’ sociology; Secular Jews in France; comparisons Jews-Muslims in France; the changing forms of French secularism.

Recent publications include:


Dr Arif Jamal / Dr Farid Panjwani

Title: "Having Faith in our Schools?: Struggling with religious definitions"

Abstract:
This paper seeks to address three issues. First, through an examination of case studies, including the well-known case of Shabina Begum, the paper will consider the legal challenges that arise when courts have to grapple with defining religious traditions on the one hand, while also allowing for freedom of religion (and of religious expression), on the other. It will be argued that there is an irresolvable dilemma that arises when courts have to define religious tenets and that this sits in real tension with the legal requirement to protect freedom of religious belief and expression. Second, this paper will discuss the definitional challenge in a broader compass by drawing upon religious studies and other scholarship to make the point that religious definitions are not just a legal challenge but a general sociological challenge because religions are only definable through the words or actions of their adherents and not in any form independent from these expressions. Finally, the paper will discuss policy implications that emerge from both the legal and general problem of defining religious traditions.
Profile:

Dr Arif Jamal Assistant Professor, Faculty of Law, National University of Singapore studied law and politics in Canada (BA (McGill); JD (Toronto)), and was called to the Bar of British Columbia. Thereafter, he undertook postgraduate work in Islamic Studies and Humanities and read for an LLM degree, focusing on Islamic law, at the School of Oriental and African Studies, London (SOAS). He has subsequently been a Visiting Researcher with the Islamic Legal Studies Program at Harvard Law School, a Senior Instructor at the Aga Khan University, Institute for the Study of Muslim Civilisations and a Teaching Fellow at the Faculty of Laws, University College London (UCL) and the School of Law at SOAS. His prior publications have appeared in the Yearbook of Islamic and Middle Eastern Law and he currently has a chapter forthcoming in G Marancini, ed., Muslim Communities and the Challenge of Secularism (Springer) and a co-authored review essay forthcoming in the International Journal of Law in Context. Arif's doctorate at the Faculty of Laws at UCL examined the relationship between religion, the state and the public sphere in Muslim contexts.

Dr Farid Panjwani Assistant Professor, The Aga Khan University - Institute for the Study of Muslim Civilisations (London, UK) has a background in Islamic Studies, the philosophy of education and international development. He is particularly interested in the interface of religious and citizenship education, the history of modern education and philosophical questions posed by the need for social cohesion in contemporary multicultural societies. His work also deals with the forms of social and political marginalization and relationships between culture and economy. Farid teaches courses on approaches to religion and on the education in Muslim contexts. He also leads a Professional Programmes Unit, which offers short courses and educational consultancies. Farid had earlier worked on an international curriculum development project on cultures of Muslims and his doctoral work at Oxford was in the area of philosophy of education, investigating the possibility and limits of faith schools’ role fostering a common learning culture. His publications include:

- Panjwani, Farid (2009), ‘A Destructive Vacuum : The Marginalisation of Local Knowledge and Reassertion of Local Identities’, Sadria (ed.) Multiple Modernities in Muslim Societies, Aga Khan Award for Architecture/IB Tauris

Prof. Maleiha Malik
Title: "On Turbans, Bangles and Headscarves: Accommodating religious symbols in schools"

Abstract:
This paper explores the theoretical and legal debates about the accommodation of religious minorities in schools and higher education institutions through a focus on the ‘Muslim women and the headscarf’ cases in European and British law which have all raised the issue of accommodation of minority religious dress codes in schools. It argues that the ‘problem’ of the headscarf raises more fundamental issues about how ‘law in society’ scholarship should respond to freedom, human rights and equality claims by non-Christian religious minorities. In the context of the headscarf, these changes require a shift from ‘single axis’ equality to ‘complex equality’ as the goal of human rights, constitutional and discrimination law. An analysis of two key headscarf cases that are relevant for British law – the Leyla Sahin case in the Eur. Ct. H. R (2005) and the Shabina Begum in the House of Lords (2006) – is used to discuss the way in which ‘single axis’ equality fails to allow legal analysis to accurately reflect the viewpoint of the women who are the subjects of the litigation. It is suggested that a shift from ‘single axis equality’ to ‘complex equality’ could allow legal analysis to more accurately reflect the choices and viewpoints of the individual women who choose to adopt the headscarf and who are the subjects of the headscarf cases. The paper also argues that in some situations a ‘discrimination law’ analysis, such as that adopted under the Race Relations Act 1976 in the R (ex parte Sarita Watkins Singh) v Aberdare High School in the Court of Appeal (2008) is better able to guarantee religious freedom for non-Christian religious minorities than a human rights analysis under Article 9 of the ECHR.

Profile:
Maleiha Malik is a Professor in Law at the School of Law, King's College, London.
Her main research interests are in discrimination law, feminist theory and minority rights. Her relevant publications include Discrimination Law Theory and Context:

Second Day: Saturday 9th October

10h00-11h15 SESSION V: TEACHING CONTENT : CASE STUDIES : RELIGIOUS EDUCATION

Chair: Professor Luc Borot (Director, MFO)

Speakers: Peter Cumper (University of Leicester), Dr Alison Mawhinney and Dr Yuko Chiba (Queen’s University Belfast), Jean-Marie Woehrling (Strasbourg, Institut du droit local alsacien-mosellan)

Peter Cumper

Title: "Religious Education in Multi-Faith Europe"

Abstract:
The view that school-children should receive lessons specifically on Religious Education (RE) has increasingly gathered force in recent years. Today RE is not just synonymous with a range of social, educational, and civic benefits, but is regularly touted as being an effective way of combating religious extremism in schools. Yet this principle, that RE is in fact a 'good thing', is much harder to translate into practice, especially in a society that is both religiously diverse and increasingly secular. This paper will examine a number of the challenges associated with teaching RE in contemporary Europe. The guidance of the European Court of Human Rights that states are "forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions" will be considered, while attention will also be devoted to the different models of RE that are currently used in Europe's classrooms.

Profile:
Peter Cumper is a Senior Lecturer in the School of Law at the University of Leicester. He teaches and undertakes research in the fields of Public Law,
Human Rights, and Law and Religion. His work has been published on all of these areas in the UK and overseas.

**Dr Alison Mawhinney & Dr Yuko Chiba**

**Title:** "Opt-Outs: A sufficient means to protect religious liberty in schools?"

**Abstract:**
When doctrinal religion is taught in schools, the question of the right to freedom of religion of those who do not wish to participate in this instruction arises. International human rights law relies on the mechanism of the opt-out clause to protect the religious liberty of these individuals. In this paper we examine issues surrounding the workings of the opt-out clause in schools. In particular, we present findings from a one year research project funded by the AHRC/ESRC entitled ‘Opting out of Religious Education: The Views of Young People from Minority Belief Backgrounds’. The aims of this project included: (a) to gather information regarding how far young people from minority belief backgrounds believe the opt-out respects and protects their right to freedom of thought, conscience and religion; (b) to identify to what extent young people from minority belief backgrounds believe that the process of opting out is a negative or positive experience which may impact on their sense of belonging to their school and religious community; (c) to gather the views of parents and communities regarding the extent to which opt-out clauses protect religious identity and freedom in schools and (d) to identify key policy drivers which should inform international human rights standards and domestic policy in the area.

**Profile:**
Alison Mawhinney is a lecturer in the School of Law at Queen’s University Belfast and Assistant Director of its Human Rights Centre. Her main research interests are freedom of religion in schools, religious discrimination in employment and the human rights obligations of non-state service providers. Publications include:
- *Freedom of Religion and Schools: the Case of Ireland*, Saarbrucken: VDM Verlag, 2009

Yuko Chiba holds a BA in International Relations from University of Tsukuba, Japan. She also has an MA in Comparative Ethnic Conflict (QUB) and an MRes in Political Science (LSE). Her doctoral dissertation explored everyday experiences of visible minorities in Northern Ireland and assessed their modes of incorporation into the society. Yuko earned a PhD from the University of Ulster in 2009. She is currently working as the research fellow on
the AHRC/ESRC funded project on freedom of religion in schools and the experience of minority belief youth in Northern Ireland. Publications include:

**Jean-Marie Woehrling**

Title: "Religious Education in Public Schools of Alsace and Moselle: A special status confronted to social evolution."

**Abstract:**
Contrary to the rule applicable in the rest of France, religious education belongs to the official curriculum of public schools in Alsace-Lorraine. This is due to the special legal status of this territory which came as a consequence of its several sovereignty shifts between France and Germany. This situation is determined by a collection of often very ancient regulations (sometimes from the 19th century) and by customs as well as by practical arrangements between the school administration and the concerned denominations, namely the Catholic church, two Protestant denominations and the Jewish authorities. In practice, training and selection of teachers as well as the content of lessons are essentially determined by the ecclesiastic authorities. In the past, this organisation was strongly attacked by leftwing parties which intended to introduce "laïc " rules as they apply in the other parts of France. But this contestation has now become weaker.

The present challenge lies in the growing requests for exemption from this teaching as it has lost its compulsory character. Some experts think that a more general introduction to religions might be more attractive. Another issue is the absence of Islamic religious education as the potential target market for such a programme of study is increasing. Criticism that the situation is discriminatory is growing despite the Islamic communities’ inability to provide school authorities with fully-trained religious education teachers nor any precise course programme.

**Profile:**
Jean-Marie Woehrling is a lawyer, former president of the administrative court of Strasbourg, president of the Institute for local law of Alsace-Moselle, consultant by the Council of Europe and co-author of a treaty on French law applied to religious activities

**11h45-13h20 SESSION VI: TEACHING CONTENT: CASE STUDIES**

**Chair:** Dr George Letsas (UCL)

Speakers: Prof. Eric Barendt (UCL), Frank Cranmer (Cardiff Law School), Anna van den Kerchove (IESR, Paris)
Prof. Eric Barendt

Title: "Evolution, Creationism and Intelligent Design: What may and may not be taught in US schools"

Abstract:
My paper is concerned with the continuing controversy in the United States over the teaching of evolution and rival 'scientific' theories in public, that is, state schools. The First Amendment to the US Constitution proscribes the establishment of religion and also guarantees its free exercise. The Supreme Court has held that a state statute forbidding the teaching of evolution as an explanation for the origins of man infringed both these aspects of the First Amendment. In a subsequent decision it has ruled unconstitutional a state statute forbidding the teaching of evolution in state schools, unless that instruction was accompanied by instruction in creation science. My paper explores the coherence of these decisions, as well as a more recent decision applying these principles to the teaching of 'intelligent design.' It also explores the extent to which these rulings apply to higher education and their compatibility with the principles of academic freedom.

Profile:

Frank Cranmer

Title: "Beating People Is Wrong: Campbell and Cosans, Williamson and their aftermath"

Abstract:
In ex parte Williamson the House of Lords held that the ban on the use of corporal punishment in state schools did not contravene the rights of parents under Article 9 ECHR (thought, conscience and religion) whose religious convictions included adherence to the maxim 'spare the rod, spoil the child'. More important, although the Appellate Committee endorsed the test of religious conviction in Campbell and Cosans v UK it placed limits on the degree to which courts should engage with matters of theology or the 'validity' of asserted beliefs. More recent developments, however, suggest that the courts may be more willing to go down that route than hitherto. Particularly important in this regard is the recent judgment in McFarlane v Relate Avon.
Profile:
Director, Central Lobby Consultants Ltd: Secretary, Churches’ Legislation Advisory Service: Fellow, St Chad’s College, Durham: Honorary Research Fellow, Centre for Law & Religion, Cardiff Law School.

Recent publications:
- (w Marjory MacLean and Scot Peterson: ‘Recent Developments in Church State Relations in Scotland’ (in R M Morris: Church and State (Palgrave Macmillan 2009)).
- (with Javier Garcia Oliva),’Objecion de conciencia al aborto en el Reino Unido Revista General de Derecho Canónico y Eclesiástico del Estado,publicada en el portal jurídico de internet Iustel.com.

Dr Anna van den Kerchove

Title: "History Textbooks and the Teaching about Religious Issues in France"

Abstract:
In France, teaching about « religious issues » is done through the existing curriculum. History is the one subject which gives more place to religious issues, especially during the first two levels of secondary school (pupils of 11-13 years old) with chapters about ancient Greek religion, the beginnings of Judaism, Christianity and Islam, the Protestant Reforms during the 16th c. The national program is the sole reference for French teachers, in order to know what religious issues they have to cover, when and how they have to do it. However, to structure their lessons, they mainly make use of History textbooks. These textbooks are a free interpretation of the national program made by secondary teachers and a few professors. Therefore the study of the History textbooks is a means to study the way religious issues are taught in the classrooms in France and the link between research about this topic and pedagogy. This study will be done through the analysis of the iconographic and textual documents, of the exercises and of the text written by textbooks’authors.


**14h30-16h15 SESSION VII : RELIGIOUS SYMBOLS : CASE STUDIES**

**Chair : Dr Myriam Hunter-Henin (UCL)**

Speakers : Prof. Mark Hill QC (Cardiff Law School/ 3 Pump Court Chambers), Dr Russell Sandberg (Cardiff Law School), Dr George Letsas (UCL), Dr Tobias Lock (UCL), Prof. Raphaël Liogier (Sciences Po, Aix-en Provence)

**Dr George Letsas**

Title: "The *Lautsi* Case: What the Strasbourg Court Decided "
Abstract:
The European Court of Human Rights in Strasbourg ruled in December that Italy's law-mandated display of the crucifix in classrooms amounts to a violation of the European Convention on Human Rights (ECHR). The applicant, Ms Soile Lautsi, had fought a long battle before Italian courts since 2002, complaining that the presence of a crucifix in her children's state school classroom was contrary to the principle of secularism with which she wished to raise them. The Court reasoned that states have an obligation to ensure an open educational environment that favors inclusion rather than exclusion and does not disadvantage any students on the basis of their social or ethnic origin or their religious beliefs. It noted further that in providing education, states have an obligation to respect the freedom of religion of the parents, which includes their right not to believe in any religion at all. It concluded that the only way in which states can comply with their duties of neutrality and impartiality is through a pluralistic education which is essential for the preservation of a democratic society; and the values of impartiality and pluralism would necessarily be compromised if schools were to become the theatre of "missionary activities", preaching or indoctrination. The judgment met with the strong opposition by Italian politicians and the Vatican, who viewed it as a direct attack on Italian identity and tradition by an activist court with a political agenda. Maria Stella Gelmini, Silvio Berlusconi’s Education minister, said that: "No one, not even some ideologically motivated European court, will succeed in rubbing out our identity" (Guardian, 03/11/2009). The case is currently pending before the Grand Chamber.

This paper argues that, although the judgment is justified by the values of impartiality, inclusiveness and pluralism that the Court has upheld in interpreting the right to education under the Convention, it does not follow that the display of the crucifixes in classrooms necessarily violates human rights. Five factors, taken together, distinguish the case of Italy from other states in which crucifixes are displayed in classrooms. First, the display was not optional, to be decided by each school or local educational authority, but it was mandated by law for all schools and without any exceptions. Second, the vast majority of the population of Italy is Catholic Christian, which inevitably increases the pressure felt on those who do not adhere to the dominant religion. Third, the Court found that, contrary to the submissions of the Italian government, the perception of the crucifix in Italy is predominantly that of a religious symbol and less so that of a historical or secular symbol. Fourth, the display of the crucifix in the classroom places an excessive burden on non-Catholics students, as they have no option to avoid being exposed to it. Fifth, the display of the crucifix was part of exercising a public function in a state-controlled area (primary and secondary school education) that affects directly young children. It was all these factors in combination that, in the circumstances of this case, constituted a breach of the ECHR. The paper argues that absence of one or more of these factors may fail to engage the state's responsibility under the ECHR.

Profile:
George Letsas (LLB, MA, PhD) is the Director of the UCL Institute for Human Rights and Reader in Philosophy of Law & Human Rights at University
College London, Faculty of Laws. He is the author of numerous academic articles and book chapters and the author of a monograph on human rights, *A Theory of Interpretation of the European Convention on Human Rights*, published by Oxford University Press in 2007. He has written extensively on issues arising from the interpretation and application of human rights law, particularly in relation to freedom of expression, freedom of religion and the right to private life. His work has been cited by judges of the European Court of Human Rights and of the Supreme Court of the United Kingdom. He co-chaired with Ronald Dworkin the UCL Colloquium in Legal and Social Philosophy in 2006-7 and is the founder of the Oxford-UCL Colloquium in Legal and Political Philosophy. He is currently the editor of *Current Legal Problems* (CLP) lecture series, published by Oxford University Press and a practicing member of the Athens Bar Association (DSA).

Dr Tobias Lock

Title: Religious Symbols in German Schools

Abstract:
The German Federal Constitutional Court had to deal with two landmark cases concerning religious symbols. The facts and the outcome of the first decision very much resemble those in the recent Lautsi case: the parents of a child objected to a Bavarian law requiring that a crucifix be affixed in every class room. The Court regarded this as a violation of the student’s freedom of religion. The second case added another dimension: the school authority refused to employ a Muslim teacher who insisted on wearing a headscarf in class. In that case not only the students’ freedom of religion was at issue but also that of the teacher. The Court managed to avoid a ruling on this conflict of fundamental rights by arguing that the school authority had acted without a legislative basis, which made the refusal to employ the teacher illegal. The paper will look at the arguments made in the academic discussion and by inferior courts (most importantly by the Federal Administrative Court). Furthermore, it will examine the reaction by the legislatures of the Länder, which ranged from categorically banning all religious symbols to allowing only those which are in accordance with ‘Christian and occidental cultural and educational values’, a provision which was upheld by the Bavarian Constitutional Court.

Profile:
Dr Tobias Lock is the DAAD/Clifford Chance lecturer at University College London. He received his legal education in Germany and Ireland. He studied law at the University of Erlangen-Nuremberg (First State Examination, 2004) and at University College Cork (Diploma in Common Law, 2001). He passed his Second State Examination in 2006 after having completed a two year trainee period at the Higher Regional Court (Oberlandesgericht) of Nuremberg and with Jones Day in Brussels where he mainly worked in the fields of State Aid and Competition Law. He teaches German constitutional and contract law as well as EU law. His present research focuses on the relationship between the ECHR and EU law as well as comparative constitutional law.
Title: "Crosses, Bracelets, Rings and Veils: The accommodation of religious symbols in the uniform policies of English schools"

Abstract:
This paper will comprise a critical analysis of the emergent – and somewhat contradictory – jurisprudence of the English judiciary in the application of freedom of religion under Article 9 of the European Convention on Human Rights together with statutory provisions relating to equality and discrimination. It will seek to distill points of general application whereby one can predict the likely resolution of future claims. Particular attention will be given to the decisions of the House of Lords in Denbigh High School (veil), Playfoot (purity ring), Aberdare Girls High School (bracelet), and the anticipated decision in the Grand Chamber of the European Court of Human Rights in Lautsi v Italy. How should judges evaluate the degree to which private manifestations are permissible in educational institutions, both state funded and public?

Profile:
Professor Mark Hill QC holds a Masters degree in Canon Law from the University of Wales and is an Honorary Professor of Law at the Centre for Law and Religion in Cardiff University and was formerly a Visiting Fellow at Emmanuel College, Cambridge. He was appointed Queen’s Counsel in 2009. He specialises in ecclesiastical law and is regularly retained in Consistory Courts, the Court of Arches and various Ecclesiastical Tribunals as well as in the secular courts on religious matters and the law of the Church of England in particular. He is editor of the Ecclesiastical Law Journal and author of Ecclesiastical Law, the leading textbook on the subject, now in its third edition, co-editor of English Canon Law (1998), and editor of a volume of essays Religious Liberty and Human Rights (2002). He is a Member of the International Advisory Board of the Revista General de Derecho Canónico y Derecho Eclesiástico del Estado. He is the joint author of a monograph on Religion Law in the United Kingdom in the International Encyclopaedia of Laws, which will be published in 2010, and a contributing editor third edition of Jowitt’s Dictionary of English Law (2010). He sits as a Recorder in the Crown Court and the County Court on the Midland Circuit and is Chancellor of the Diocese of Chichester and the Diocese of Gibraltar in Europe as well as Deputy Chancellor of the Dioceses of York and Blackburn. He is a member of the Legal Advisory Commission of the General Synod of the Church of England and co-convenes the Interfaith Legal Advisers Network. He lectures extensively in the United Kingdom, Europe, the USA and South Africa as well as contributing to leading legal periodicals and is a regular contributor to the Church Times and an occasional guest on BBC Radio 4’s Law in Action and
Today programmes. He is a member of the European Consortium for Church and State Research and Legal Assessor to the Fitness to Practice Panel of the General Medical Council.

Dr Russell Sandberg

Title : "Religious Symbols in UK Schools: Teachers and other staff"

Abstract :
The twenty-first century has seen numerous social, political and legal developments surrounding the place of religion in the public sphere. The shadow of the terrorist attacks in New York on September 11th 2001 and in London on July 7th 2007 continue to loom large in debates concerning the extent to which religious difference should be accommodated. This is especially true in relation to the wearing of religious symbols and dress in the public sphere, which is perhaps the issue that has provoked the most debate within European countries. There have been a number of significant court cases invoking the Human Rights Act 1998 and new laws prohibiting discrimination on grounds of religion or belief. Many of these cases involve pupils at school or employees at work. But what is the position of employees in schools? This paper examines the extent to which the law allows teachers to wear religious dress and symbols.

Profile :
Dr Russell Sandberg is a lecturer at Cardiff Law School and an Associate of both the Centre for Law and Religion and the Centre for the Study of Islam in the UK, Cardiff University. He graduated from Cardiff Law School with First Class Honours in July 2005 and successfully defended his doctoral thesis at Cardiff University examining the relationship between religion, law and society in February 2010. He has written widely on religion and human rights, discrimination law, religious dress and Church-State relations for a wide range of journals including Public Law, Law Quarterly Review, Cambridge Law Journal, the Modern Law Review and the Ecclesiastical Law Journal. His new book, Law and Religion, will be published by Cambridge University Press in 2011. He is co-author with Mark Hill QC and Norman Doe of the new book on Religion Law in the United Kingdom in the Kluwer Law International Encyclopaedia of Laws series and is co-editor, with Norman Doe, of Law and Religion: New Horizons (Leuven, Peeters, 2010). He has chaired the first three meetings of the Law and Religion Scholars Network.

Prof. Raphaël Liogier

Title : "Laïcité Unveiled!"

Abstract :
Interference in religion by the public authorities is no mere accident or exception, but on the contrary the normal state of what is, and has ever been, labelled « laïcité » in France. The “neutrality” concept, exclusive and in denial
of any positioning or opinion, merely authorizes positive interference in the social arena. Neutrality thus stands out in contradistinction from separation, as an implicit ideology justifying any and all interference in advance. The juridical doctrine has *sui generis* engendered a praxis of neutrality enabling effective action, where all action is theoretically denied. In order to strip down this concrete mechanism, we have chosen as an exemplar the case of the public treatment of the "head-to-foot veil", breaking news in France as from June 2009, when a "Commission of information" at the National Assembly\(^1\) was set up to pronounce, not on whether this piece of apparel objectively jeopardises the Public Peace, but to demonstrate “that there is no genuine Islamic obligation at stake”, thus flying in the face of any meaning the girls who were wearing it might choose to bestow on their decision to do so. This is not about socially including, veil-clad women, but about frog marching them to assimilation, culturally integrating them, i.e. to completely ‘disappear’ down to the last details of their personal aesthetic choices.

**Profile:**
Before he was appointed as Director of the *Observatoire du religieux* (CHERPA) where he teaches Sociology and Theory of Knowledge, Raphaël Liogier read Sociology and Philosophy. He has published over thirty articles and eight books, such as *Le bouddhisme mondialisé. Une perspective sociologique sur la globalisation du religieux* (Ellipses, 2004) and *Une laïcité « légitime ». La France et ses religions d’Etat* (Entrelacs, 2006), relating to beliefs, religious manifestations and to the ambiguous relationships between Science and Religion as well as between Politics and Religion. He is the founder of the website, in English, world-religion-watch.org. His work analyzes the sociological evolutions of beliefs in *ultramodern* societies and studies, in a philosophical perspective, the cognitive basis and the meanings of beliefs. In his forthcoming book, *Souci de soi, Conscience du monde*, due in Autumn 2010, with Armand Colin publishers, he argues that a new mythology is spreading in a more and more uniformised way across advanced industrial societies. Part of the arguments that will be put forward in the paper at the present conference were developed in a recent article published in English (« *Laïcité* on the Edge in France: Between the Theory of Church-State Separation and the Praxis of State-Church Confusion », in *Macquarie Law Journal*, 2009, Vol 9, pp. 25-45).

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\(^1\) Commission set up on July 1, 2009, composed of 32 Deputies (Members of Parliament) on the initiative of a Communist MP.