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Passive Freedom of Education: Educational Choice in Flanders and The Netherlands

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Abstract: According to the ECHR, parents have the right to have their children educated in conformity with their own religious and philosophical convictions. In this contribution, we examine how this passive freedom of education is granted in the Belgian (Flemish) and Dutch education systems, which are both characterised by substantial funding of non-governmental (mainly Christian) schools. In order to do so, we will have a closer look at the diversity between denominational schools as well as to the diversity within these schools, with a particular focus on their school identity and their policy concerning Religious Education (RE). In addition, attention will be given to the organisation of RE classes in governmental schools, which is also considered a means to guarantee the passive freedom of education. Our analysis brings us to the conclusion that, in spite of a similar legal and financial framework, the Dutch constellation is currently best able to guarantee passive freedom of education for all in today's secularised, pluralistic context.

Keywords: freedom of education; freedom of religion; religious education; faith-based schools; Belgium; the Netherlands

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1. Introduction

According to the European Convention on Human Rights (ECHR),

> [n]o person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

In order to guarantee this right, parents and (religious) associations are free to establish schools according to their own religious/philosophical/pedagogical convictions. However, since "[a]authorizing the creation of private religious schools, without allowing any form of public subsidy for religious schooling would amount to creating a category of schools de facto reserved to the wealthiest families" (Boucher 2018, p. 606), merely facilitating the establishment of denominational schools is not always sufficient in order to enable fair educational choice or "passive freedom of education".

Notably, this passive freedom of education—i.e., the right of parents to choose a school in accordance with their religious/philosophical/pedagogical convictions—is closely intertwined with what is called "active freedom of education", i.e., the right of, e.g., parents, (religious) associations, churches, etc., to establish their own schools. In many liberal states, these schools are (partially) funded by the state, in order to guarantee fair educational choice. In addition, governments can (also) guarantee passive freedom of education by facilitating and funding denominational Religious Education (RE) in governmental schools[1], provided there is always a right to opt out (cf. ECtHR, Mansur Yalçın and Others v. Turkey, Appl. no. 21163/11; ECtHR, Papageorgiou and others v. Greece, Appl. nos. 4762/18 and 6140/18). In this contribution, we will examine how both forms of "religious schooling" (Boucher 2018, p. 607)—i.e., schooling in denominational schools and the organisation of

RE in governmental schools—are organised in Belgium (Flemish Community) and in the Netherlands. Based on an analysis of the respective policies, we will try to find an answer to the following research question: *Which constellation—that is, the Belgian or the Dutch one—is best able to guarantee passive freedom of education for all in today's secularised, pluralistic context?*

While we are aware of the fact that comparing different school systems in different nations raises several difficulties, and while we are aware of the fact that there are important cultural, legal and sociological differences between the Netherlands and Belgium, we are also convinced that there are good reasons to compare these neighboring countries. Moreover, our choice to focus on Belgium and the Netherlands is based on the following considerations: (1) Both nations share, to a large extent, a common history and, in spite of some differences, there are several important similarities between their education systems, which makes a comparison worthwhile. (2) The religious landscape in Belgium and in the Netherlands is also comparable: Both nations are traditional "Christian" nations (with Catholicism as the main religion in Belgium and both Protestantism and Catholicism as the main religions in the Netherlands), which are nowadays characterised by ongoing secularisation and increasing religious plurality. Finally (3), the right to establish schools as well as the right to organise RE in governmental schools are, at present, highly disputed issues in both nations. Triggered by these societal discussions as well as by recent legal and sociological evolutions, we can observe several important developments and changes. In order to shed light on the discussion, particular attention will be given to the diversity *between* schools (§4) as well as to the diversity *within* schools. At this second point, we will focus more in detail on the (religious) identity of denominational schools (§5) and on the organisation of RE in these schools (§6). Finally, attention will also be given to the organisation of RE in governmental schools (§7). Before we elaborate on these topics and come to a conclusion (§8), we will first give a short introduction to the Belgian and Dutch education systems (§2), followed by a state of the art of the current school population in both nations (§3).

2. Pillarisation in Belgium and in the Netherlands: History and Legal Framework

The Netherlands and Belgium are constitutional monarchies, established in, respectively, 1815 and 1830. In the Kingdom of the Netherlands, the Ministry of Education, Culture and Science (established in 1918) is responsible for education at all levels. This is different in Belgium, which is a federal constitutional monarchy, wherein education is since 1988 no longer organised by the federal state, but by the highly autonomous Communities (Flemish, French and German speaking). Accordingly, each Community offers education in its own language, has its own minister and issues its own decrees on education. Given this diversity and complexity, we will in this contribution only focus on education in the Flemish Community. This is the northern and Dutch-speaking part of Belgium, which is not only geographically, but also historically and culturally, more related to the Netherlands than the French and German-speaking Communities.

Since 1830, Belgium and the Netherlands have been two separate, independent nations which have, as a result of their shared history, several things in common. One of these commonalities is the phenomenon of pillarisation: The "vertical" division of society in closed social groupings or "pillars" along class and ideological or religious lines, with each pillar having its own social institutions such as newspapers, broadcasting organisations, political parties, trade unions, health insurances, farmers' associations, banks, schools, hospitals, universities, youth movements and sport clubs (Franken and Vermeer 2017, p. 2). Especially in education, this model of pillarisation is still significant, but as we will show in the following paragraphs, there are interesting differences between the Belgian (Flemish) and Dutch model.

2.1. Freedom of Education in Belgium: Legal Framework

Quite soon after Belgian independence (1830), the influence of the Catholic Church in education was impressive. Two times (from 1878 to 1884 and from 1950 to 1958), the

role of religion in education led to a "school struggle" wherein Catholics on the one hand, and liberals and socialists on the other, strongly opposed each other. After a long period of political unrest and disagreement, a compromise was reached with the schoolpact (1958) and the related schoolpact law (1959). Thirty years later (in 1988), there was an institutional reorganisation of the Belgian state and some core principles of the schoolpact law were implemented in the then revised Constitution (art. 24):

§ 1. Education is free; any preventive measure is forbidden; the punishment of offences is regulated only by the law or federate law. The community offers free choice to parents. The community organises non-denominational education. This implies in particular the respect of the philosophical, ideological or religious beliefs of parents and pupils. Schools run by the public authorities offer, until the end of compulsory education, the choice between the teaching of one of the recognised religions and non-denominational ethics teaching.

§ 2. If a community, in its capacity as an organising authority, wishes to delegate powers to one or several autonomous bodies, it can only do so by federate law adopted by a two-thirds majority of the votes cast.

§ 3. Everyone has the right to education with the respect of fundamental rights and freedoms. Access to education is free until the end of compulsory education. All pupils of school age have the right to moral or religious education at the community's expense.

§ 4. All pupils or students, parents, teaching staff or institutions are equal before the law or federate law. The law and federate law take into account objective differences, in particular the characteristics of each organising authority that warrant appropriate treatment.

§ 5. The organisation, the recognition and the subsidising of education by the community are regulated by the law or federate law.

In order to guarantee "free [educational] choice to parents" (§1), non-governmental schools are largely funded by the state: Salaries for staff are the same in governmental and non-governmental (mainly Catholic) schools; subsidies per student are equal; and infrastructure and working costs in non-governmental schools are subsidised for 60 percent or more.[2] Given the freedom of education, there are no national or regional curricula in Belgium. Instead, the different Communities have issued educational standards (*eindtermen*), which must be followed in order to get official recognition and state funding. Given the rather broad formulation of these standards[3], schools have the possibility to emphasise their own educational accents. Besides, all schools—governmental and non-governmental—must be accessible for all students, as long as they agree with the pedagogical project of the school.[4] At present, about 65% of the schools in the Flemish Community are non-governmental, state funded Catholic schools, attended by an equivalent number of students.

In order to guarantee the freedom of education for all—thus also for parents/students who do not prefer a non-governmental (and often denominational) school—the state guarantees "non-denominational" or "neutral"[5] education, which is understood as education with "respect of the philosophical, ideological or religious beliefs of parents and pupils". In view of that, governmental schools offer religious education (RE) in the recognised religions (cf. §1 of const. art. 24), with a possibility for students to opt out. These classes are not organised and controlled by the state, but by the respective recognised religions and worldviews.

2.2. *Freedom of Education in the Netherlands: Legal Framework*

As in Belgium, the role and place of religion in education and, more specific, the ideas of freedom of education and funding faith-based schools, have led to several school struggles in the Netherlands, mainly in the 19th century. In 1917, an historical agreement, known as the school pacification (*schoolvrede*), was reached between Christian political parties and the liberals and socialists. This agreement (formulated in the present article 23 of the Dutch Constitution) granted equal funding to governmental and non-governmental

schools and guaranteed respect for everyone's religion or belief. Over the years, several amendments have been made in the formulation of article 23, which contains now eight paragraphs:

1. Education shall be the constant concern of the Government.
2. All persons shall be free to provide education, without prejudice to the authorities' right of supervision and, with regard to forms of education designated by law, their right to examine the competence and moral integrity of teachers, to be regulated by Act of Parliament.
3. Education provided by public authorities shall be regulated by Act of Parliament, paying due respect to everyone's religion or belief.
4. The authorities shall ensure that primary education is provided in a sufficient number of public-authority schools in every municipality. Deviations from this provision may be permitted under rules to be established by Act of Parliament on condition that there is opportunity to receive the said form of education, whether in a public-authority school or otherwise.
5. The standards required of schools financed either in part or in full from public funds shall be regulated by Act of Parliament, with due regard, in the case of private schools[6], to the freedom to provide education according to religious or other belief.
6. The requirements for primary education shall be such that the standards both of private schools fully financed from public funds and of public-authority schools are fully guaranteed. The relevant provisions shall respect in particular the freedom of private schools to choose their teaching aids and to appoint teachers as they see fit.
7. Private primary schools that satisfy the conditions laid down by Act of Parliament shall be financed from public funds according to the same standards as public-authority schools. The conditions under which private secondary education and pre-university education shall receive contributions from public funds shall be laid down by Act of Parliament.
8. The Government shall submit annual reports on the state of education to the States General.

What is striking, especially in comparison to the formulation of article 24 in Belgium, is that in the Dutch article, freedom of school choice (of parents and/or pupils) is not explicitly mentioned. However, it is clear from (legal) history that freedom of education implies educational choice, in accordance with one's religious or non-religious convictions (cf. Vermeulen 1999, p. 17; Onderwijsraad 2019, in line with ECHR (see above)). Different from Flemish schools, Dutch non-governmental schools have a possibility to refuse parents and children on the basis of their religious affiliation, but only a limited number of schools make use of this possibility.[7]

As a result of the freedom of education, RE has, as in Belgium, an exceptional position in the Dutch educational system because there are no national competence requirements for this school subject. Every teacher in the Netherlands needs to meet subject related, didactical and pedagogical criteria but for example the amendment of the Decision Competence Requirements of 2017 makes clear that for RE teachers the subject related criteria are excluded (Staatsblad van het Koninkrijk der Nederlanden 2017). This again shows how RE still is and probably will always be an exceptional school subject in the Netherlands (see also Praamsma 2020). Apart from the fact that national competence requirements for RE teachers are lacking, there are also, as in Belgium, no national RE curricula, nor are there any specific regulations regarding content.

As in Belgium, non-governmental schools differ from governmental schools with respect to three basic liberties (Vermeulen 2004, pp. 34–35; De Groof and Noorlander 2012, p. 56): Freedom of establishment (the right to establish a school, implied in the freedom to provide education); freedom of religious conviction (the right to shape a school according to a religious or philosophical worldview and to provide in that school education of a distinctive religious or philosophical character); and freedom of organisation (pedagogical and organisational autonomy). Governmental schools, by contrast, are considered to "pay due

respect to everyone's religion or belief" (Const. art. 23, §3). This is called the "compliance requirement" (*eerbiedigingseis*), but it is not clear by law what this requirement actually means. Over the years, views regarding the (possible) role of religion in governmental schools have changed substantially. Nowadays we can observe a general shift from "strict neutrality" towards "active plurality", meaning that there should be room for a variety of religions and worldviews without favoring one in particular.

According to the Dutch law on primary education[8], all schools—governmental and non-governmental—should teach pupils about a variety of worldviews (*geestelijke stromingen*), which implies that it is officially not possible to leave religion completely out of the (governmental) school. Besides, governmental schools have the possibility to offer RE classes in several "recognised religions", on a facultative basis. As in Belgium, these RE classes are not organised and controlled by the state or by the schools, but by the respective religions and worldviews (Ter Avest et al. 2011). Different from Belgium, however, the organisation of RE classes in governmental schools is not integrated in the Constitution, but it is defined in art. 50 and 51 of the Dutch law on Primary Education. This law also obliges the competent authorities of governmental schools to inform parents, by means of the school guide, about this possibility.

3. Religious Diversity in a Pillarised Education Context

For many years, Belgium and the Netherlands were, like most other European nations, predominantly Christian (i.e., Roman-Catholic and, for the Netherlands, also Protestant) nations and Christianity had a large impact on private and public life. With the sexual and cultural revolution of the 1960s, things changed significantly: The number of (practicing) believers decreased substantially (cf. Botterman and Hooghe 2009; Dobbelaere et al. 2011; Schmeets 2016) and the majority of Belgian and Dutch citizens nowadays consider themselves "secular" or "non-affiliated"[9]. In addition, Belgium and the Netherlands are also characterised by increasing religious diversity, containing a.o. Jewish communities, "eastern traditions" (Hinduism, Buddhism, Jainism, Sikhism, Hare Krishna), orthodox Christians and Pentecostals. In both nations, the Muslim community is the largest non-Christian community (see Table 1).

Table 1. Religious Affiliation in Belgium (Flanders) and in the Netherlands.

	Belgium[10]—Flanders (2016)	**Netherlands (2019)[11]**		
Roman-Catholic	35.8	19.6		
Protestant	0.6 (Protestant)	6.1 (Dutch Reformed)	5.1 (Dutch Protestant Church)	3.1 (Reformed)
"other" christian	0.3 (orthodox)	1.2		
Muslim (soenni and shi'a)[12]	4.1	4.3		
Eastern traditions	0.7	0.8 (Buddhist)	0.7 (Hindu)	
Jewish	0.4	0.1		
"other"	0.6	3.2		
Non-affiliated	57.7	39.4		
	100	100		

Not surprisingly, schools (and in particular Christian schools) are largely challenged by these sociological developments. While the Belgian and Dutch social system, and in particular the educational system, is structurally still organised in a pillarised way, the ideology of the pillars, which was for many years a decisive factor in choosing a

particular organisation, is no longer considered that important. Hence many faith-based organisations evolved from ideological organisations to "political concerns" (Huyse 1987), wherein efficiency and accuracy rather than ideology prevail. As Ter Avest et al. (2011, p. 89) notice, this tendency can also be found in education:

> Until today, the "pillars of the building of education", are still there as an institutionalised structured pluralism. (. . .), due to processes of secularisation and multiculturalism, the formal identity of schools in the pillarised educational system is not representing the religious identity of teachers anymore, nor of pupils and their parents
>
> Over the past decades, principals, school boards and school networks have responded in different ways to these changes, depending (among other things) on what they see as key aims for (religious) education. After an elaboration of the increasing religious diversity in Flemish and Dutch schools, we will delve further into their responses to secularisation and increasing religious diversity.

3.1. Flemish Community: Catholic Schools for an Increasing Number of Non-Catholic Students

At present, the subsidised Catholic school network is the largest provider of education in Belgium and especially in the Flemish Community, where almost 60% of all primary and more than 70% of all secondary schools are state-funded Catholic schools, with a similar percentage of students (Table 2).[13] In theory, other religious communities can also establish state-funded schools, but in practice, the number of these schools is very small (cf. infra).

Table 2. Pupils (%) in governmental and state funded non-governmental schools in the Flemish Community and in the Netherlands (Source: statistisch jaarboek onderwijs 2019–2020 [Flemisch community] and Statistics Netherlands.

	Flemish Community (2019–2020)		**The Netherlands (2019–2020)**	
	Primary Education	**Secondary Education**	**Primary Education**	**Secondary Education**
Governmental schools	38.5	27.9	31.4	28.7
State-funded Catholic	58.5	70.6	30.5	19.2
State-funded Protestant	0.3	0	29.7	20.2
Cooperation schools	-	-		13.8
Other non-governmental	2.7	1.5	8.4	18.1

For a long time, Catholic schools were schools from and for Catholics: The majority of the Belgian population belonged to the Catholic Church and it was considered obvious that education would be in the Catholic tradition. In recent decades, however, we can observe a change as a result of secularisation and increasing religious diversity. While most students in Catholic schools are still baptised[14], the number of practicing students is very low[15] and most students in Flemish Catholic schools do not identify (any longer) with Catholicism, as Table 3 makes clear. Not surprisingly, Derroitte et al. (2014, pp. 47–48) assume that "[e]ven within Catholic schools many of the students do not consider themselves Catholic anymore, even if they are baptised Catholics. Practicing students belong to the absolute minority even within their own schools."

Table 3. Religious self-identification of students in Flemish Catholic schools (primary and secondary)[16].

Roman-Catholic	**Other Christian**	**Islam**	**Other Non-Christian**	**Secular**	**Indifferent**
48.9	10.1	9.4	0.7	22.4	8.5

As a result of the large number of Catholic schools, most students are enrolled in these schools, which are often chosen for practical reasons such as (perceived) quality of education, school climate, neighborhood, studies offered and the overall image of the school (Pisa 2012). While the Catholic identity was a few decades ago a decisive factor in the school choice, this identity was in 2012 only for 26.2% of the parents considered important (Pisa 2012). A similar trend can be observed among students in Catholic secondary schools: While 49.9% of the students enrolled in these schools seem to "appreciate" the Catholic school identity[17], 41.7% are indifferent about this school identity and 8.3% are explicitly opposed to Catholic schools.[18] Last decades, it has become a huge challenge for Catholic schools to welcome this diversified school population, without losing the Catholic school identity.

3.2. The Netherlands: Christian Schools for an Increasing Number of Non-Christian Students

As in Belgium, the majority of Dutch students are enrolled in denominational schools. In the school year 2019–2020, 31.4% of the Dutch primary schools were governmental schools, 30.5% were Catholic schools, 29.7% were Protestant schools and 8.4% were other non-governmental schools.[19] For secondary education, the respective figures were 28.7, 19.2, 20.2 and 18.1. Next to that, 13.8% of the schools for secondary education were cooperation schools (*samenwerkingsscholen*)[20], which are the result of a merge of a governmental and a non-governmental school[21] (see Table 2).

Given the numerical dominance of denominational schools on the one hand, and the huge religious disaffiliation among youngsters (De Hart 2014, pp. 45–68; Bernts and Berghuijs 2016, pp. 23–24) on the other, a large number of students attending denominational schools are not religious. As schools do not collect data about the religious backgrounds of their pupils, only research can shed light on this. Bertram-Troost and Visser (2017, 2019) for instance asked RE teachers in secondary schools to estimate the religious backgrounds of their pupils. In Table 4, the percentages are depicted, categorised for four different school types. While the percentages must be treated with care[22], it is interesting to see the differences in the estimations.

Table 4. Estimated religious backgrounds of pupils (percentages, by school denomination).

Mean Percentage Pupils	(Protestant) Christian	(Roman) Catholic	Strict Religious, Christian	Governmental
Christian	29.29%	31.5%	91.37%	18.2%
Islamic	9.92%	9.13%	0.37%	21.4%
Religious	36.94%	30.24%	78%	26.4%
Secular	55.93%	61.33%	13.37%	58.6%

It is striking that the RE teachers estimate that the majority of their pupils are secular. Only teachers in strict religious (orthodox Protestant) Christian schools indicate that there are few secular and almost no Islamic pupils in their schools, which may be related to the recruitment and admission policy in these schools (cf. supra, §2.2). Furthermore, teachers working in Protestant and Catholic schools have the impression that around one third of their pupils are Christian, while a large majority of the pupils are described as "secular". According to the teachers of Protestant and Catholic schools, almost 10% of their pupils are Muslim, a percentage that is estimated higher in non-governmental schools.[23]

In response to this secularisation of the student population, the religious affiliation of many denominational schools has become very weak (cf. Bertram-Troost et al. 2012). As Dijkstra et al. (2004, p. 76) remark, "[o]nly a minority of parents (about 30 percent, depending on the local situation) gives religious reasons for choosing a religious school for their children." Instead, pedagogical considerations, didactical concerns and practical arguments are considered more important (Vreeburg 1993, pp. 100–4; Dijkstra et al. 2004,

pp. 71–74; Vermeulen 2004, p. 40). However, a qualitative study with focus groups in Christian primary schools showed that religion also plays a specific role in school choice (Ter Avest et al. 2013, 2015). According to the study, the motivation to choose a Christian (primary) school "varies from offering children an opportunity to become acquainted with the Christian tradition as an extension of home, in addition to home, or as acquiring knowledge on the Christian tradition that is after all part of Dutch culture." (Ter Avest et al. 2015, p. 364). A general finding of this study was that, in the end, school choice is made rather intuitively: Parents choose a school of which they have the feeling that their child will feel good.

4. Diversity between Schools as a Response to Secularisation and Religious Diversity

Given the abovementioned developments, the question raises to which extent the passive freedom of education, i.e., the freedom of parents to "education and teaching in conformity with their own religious and philosophical convictions" (ECHR, art. 2, 1st protocol), is still guaranteed today in Belgium and in the Netherlands. Are parents really free and able to choose a school which fits into their own (religious or non-religious) worldview? Is it possible to maintain the factual passive freedom of education if most schools are Catholic or Christian, while most parents and students are not?

While it is laid down in the Belgian and Dutch Constitutions that everyone is free to provide education, there is no guarantee that there really is a pluriform educational offer in practice. As we will argue, the issue of real school choice will, to a large extent, be dependent on two factors: (1) The diversity *between* schools; and (2) the diversity *within* schools (cf. supra, §5).

4.1. Diversity between Flemish Schools

As described above, most schools in Flanders are Catholic, non-governmental schools and the number of non-Catholic, non-governmental schools is, with less than 2% primary schools and 0.7% secondary schools, very low. These non-governmental schools can for instance be based on a particular religion (e.g., Jewish and Protestant schools), on a non-confessional worldview (Humanist schools) or on an alternative pedagogy (e.g., Steiner schools).

Thus far, there no state-funded Islamic schools in the Flemish Community[24], even though several attempts to establish such schools have been undertaken in the past. In the city of Mechelen for instance, the plans to establish an Islamic primary school were for official reasons of "mobility" abolished by the city government in 2018.[25] One year later, the "Selam college" in Genk, which intended to open its doors in September 2019, was refused recognition by the inspection because the school would, according to a state security service report, not respect human rights and children's rights.[26]

In addition to the political unwillingness (often nurtured by [far-]right populism) to establish Islamic schools, a possible *practical* explanation for this absence of Muslim schools as well as for the low number of other non-Catholic non-governmental schools, are the financial burdens and stringent norms regarding location and student numbers (*programmatienormen*). Apart from the fact that a minimal number of students is required in order to establish a new school in a given area[27], new established schools must also be located in suitable school buildings. This, however, often requires (pre-)financing because the Flemish Government only covers 60% of the costs for infrastructure (cf. supra §2.1). It is therefore not a surprise that establishing new schools is in practice most successful if these schools join existing educational networks (cf. Lievens 2015, p. 539). This, however, has at least two consequences. First, it means that new schools, in order to succeed, should look for the educational network that fits at best with their aims and mission—which is not always evident. Besides, it means that the position of these existing networks is strengthened and that, accordingly, their monopoly positions remain.

A clarifying example here is the IQRA school, which was in 2013 established by the Moroccan community in Antwerp. Remarkably, this primary school is officially *not* an

Islamic school, but a *pluralistic, non-governmental school* with an alternative pedagogical approach. While in practice this school is mainly if not exclusively attended by pupils with a Muslim background, the school is embedded in the network of "Independent method schools" (*onafhankelijke methodescholen*) and does not organise Islamic RE classes, but "cultural views" (*cultuurbeschouwing*).[28] Another example are the Lucerna colleges, which are officially *non-confessional, non-governmental schools*, which use the curricula of Flemish Governmental Schools (Gemeenschapsonderwijs/GO!). In line with their official non-confessional approach, the Lucerna schools do—officially—not prioritise any particular religion, and they offer RE classes in Roman-Catholicism, in Islam and in non-confessional ethics. In practice, however, almost all students are enrolled in Islamic RE and the role of Islam is omnipresent.[29] Obviously, the Lucerna schools are one of the few schools which do not join existing educational networks, but this independence would hardly be possible without the large financial support from the Turkish *Gülen* movement.

4.2. Diversity between Dutch Schools

Not only in Belgium, but also in the Netherlands are most non-governmental schools based on the Christian (Roman-Catholic and for the Netherlands also Protestant) tradition. When we take a closer look at the institutional level of both systems, we see, however, that the Dutch school system is much more diversified than the Flemish system. First of all, there is more diversity among Christian schools in the Netherlands: While the overwhelming majority of non-governmental schools are Roman-Catholic in Flanders, there is no such a majority in the Netherlands, where both Catholic and Protestant schools are fairly evenly distributed (cf. Dijkstra et al. 2004, p. 68).[30]

In addition, there are more non-Christian, non-governmental schools in the Netherlands than in Belgium: This number is, with 8.4% primary schools, significantly higher in the Netherlands. In addition to a variety of governmental schools based on a particular pedagogical ethos (Montessori, Dalton, Freinet, Jena, Waldorf and other alternative pedagogies), Dronkers and Avram (2015, p. 126) mention in Dutch non-governmental primary education six non-religious school identities (for instance anthroposophy), eight Christian school identities (for instance Catholic and various Protestant orthodoxies) and three non-Christian school identities (for instance Hindu and Islamic). For secondary education, the number of non-Christian denominational schools is, with 18.1%, also higher in the Netherlands.

Since Belgium (Flanders) and the Netherlands have a comparable percentage of Muslims, the difference with regard to Islamic schools is remarkable: While the establishment of Islamic schools is also in the Netherlands for many citizens and politicians "a cause for concern" (Vermeulen 2004, p. 31; also Maussen and Bader 2015, p. 12), this concern did not hinder the Dutch Muslim communities from establishing their schools and obtaining state subsidies and recognition: In January 2020, there were 52 state-funded Islamic primary schools and two state-funded Islamic secondary schools in the Netherlands and at the time of writing, 13 new requirements were pending. Most of the Dutch Islamic schools (42) join the Islamic School Board Organisation (ISBO)[31], which represents 21 Islamic school boards. In 2019, about one in eight Muslim children attended an Islamic primary school, which is 1.07 per cent of the total number of primary school pupils (Le Clercq and de Zwaan 2019).[32]

Notwithstanding the Dutch open and pluralist policy, changing funding conditions and growing criticism over the past two decades made the system "disadvantageous to religions such as Islam and Hinduism" (Vermeulen 2004, p. 40). In addition, the Dutch system has been criticised because it disadvantaged non-governmental schools without a specific religious affiliation: For many years, non-governmental schools could only be funded by the state if they represented a recognised (*erkende*) religious conviction or ideology (*richting*) with a significant impact on Dutch society. In this regard, the plans to establish a Buddhist school (the Mandala school) in Amsterdam were in 2016 blocked by the Education Council[33] because the Council considered Buddhism a marginal phenomenon in

Dutch society and because it was, according to the Council, not clear whether there would be sufficient pupils for such a school.

Very recently (as of June 2021), the criterions for establishing non-governmental schools were modified.[34] Per June 2021, the law "More room for new schools" (*Meer ruimte voor nieuwe scholen*) is in force. With this law[35], which enables the establishment of new schools on the basis of the interest of parents and students, rather than on the basis of the state's recognition of a particular religion/worldview, the school foundation procedure has been adapted. Important criterions for establishing new schools are a.o. the following: An initiator, i.e., the person(s) who want to establish a new school, must demonstrate that there is sufficient interest in a new school; and an assessment regarding the quality of education is required.[36] Notwithstanding these important changes, it is not self-evident that it is from now on easy or easier to start a new school. The main problem is that the additional conditions are not easy to meet, especially in some parts of the Netherlands, where, as a result of demographic developments, existing schools have to deal with shrinkage.

In addition to the diversification *between* different schools, there is, compared to Flanders, also more diversity *within* faith-based schools in the Netherlands. In order to illustrate this, we will have a look at the identity of Catholic and Protestant schools (§5) and on the organisation of RE in these schools (§6).

5. Diversity within Schools: School Identity in Non-Governmental Schools

5.1. The Identity of Flemish Catholic and Protestant Schools

Between 2008 and 2015, a large survey on the identity of Catholic schools in Flanders was conducted, amongst others, among students[37] and school principals[38]. According to this survey, a distinction can be made between "monological schools", "dialogical schools", "colorful schools" and "colorless schools". While monological schools emphasise the Catholic identity at the expense of plurality, colorful schools, by contrast, emphasise plurality at the expense of the Catholic identity. Different from these school types, colorless schools are not concerned about religion, which is considered to be a private manner. Finally, there are dialogical schools, which emphasise the Catholic school identity, while at the same time religious diversity is recognised. As Table 5 illustrates, support for dialogical schools was considerably high among school principals (93.6%), while the monological school gets only marginal support. Obviously, a slightly different—and more diversified—picture can be found among secondary school students, where considerable support can be found for colorful schools, but also for dialogical and colorless schools.

Table 5. Preferred Catholic School Identity (in %): School Principals and Students (secondary Catholic schools).

	Monological	Dalogicical	Colorful	Colorless
Principals	4.7	93.6	28.5	11
Students	18.2	42.2	52.3	35.8

Given these research outcomes, it is not a surprise that the Flemish Catholic school network (*Katholiek Onderwijs Vlaanderen*) decided to support the dialogical schools: Inclusive schools, where all students—whatever their religious background may be—are welcome and where, "inspired by the Bible and by Jesus' way of life, students are challenged to enter into dialogue with each other and to develop their full (co-)existence"[39]. An important idea behind the dialogical school is that (congregational) school boards can decide how to bring the Catholic faith into practice (e.g., by organising or not organising prayer moments and days of reflection), taking into account for instance local and didactical differences. Hence, Catholic school boards can act in a rather autonomous way. This may be even more the case for school principals and teachers: While they are all required to subscribe the idea of

the dialogical school and the common mission statement of Catholic schools[40], this official document can—and often does—differ from everyday school practices.

Notwithstanding this autonomy and the possibility of diversification in practice, there is also a certain uniformity among Catholic schools in Flanders because almost all these schools are governed by the Flemish network for Catholic schooling[41]. As a result, Flemish Catholic schools share one common mission statement; a centralised pedagogical service; common curricula and textbooks; joint educational journals; mutual in-service training courses; and general guidelines for staff. In a comparable way, Protestant schools in Flanders can emphasise particular accents, but they are all part of at the same umbrella organisation (IPCO: Raad van Inrichtende Machten van het Protestants-Christelijk Onderwijs) and share a common pedagogical project.[42]

5.2. The Identity of Dutch Catholic and Protestant Schools

In the Netherlands, there is much diversity within Protestant and Catholic schools, and church bodies have little direct influence on these schools. The primary influence is the board of the school, which is supported by the parents and the school principal. This board formulates what the formal Christian identity means at a particular school (Bertram-Troost and Miedema 2012). However, this formulation, which can often be found in official school documents, might (and often does) differ from everyday practices, as teachers are the ones who, in relation to their own (religious) background and in interaction with the backgrounds of their pupils, give shape to the school identity at classroom level. Thus, classroom teaching is shaped by the teachers' own backgrounds during interaction with their students who come from parents with diverse beliefs and practices (Bertram-Troost and Miedema 2017).

In 2001, a theoretical conceptualisation of religious (Christian) schools was formulated by Wardekker and Miedema (2001). They distinguished "segregated schools", "program schools", "encounter schools" and "interreligious schools". "One important distinguishing characteristic between these four types is the interpretation schools give to religious truth claims. To characterise the school identity types by this constituent element, the concepts of exclusivity, inclusivity and plurality from the theology of religions are used." (Bertram-Troost et al. 2015, p. 204). In 2015, an empirical study was carried out in order to investigate whether the distinguished components were still the most adequate ones to describe actual (protestant) school identities. On the basis of this study, a distinction in three types has been made: "Tradition schools", "diversity schools" and "meaning oriented schools" (Bertram-Troost et al. 2015). These three types position themselves differently in relation to the cultural and religious diversity in society. One important conclusion was that in practice "the differentiation between schools is more diffuse than the neat conceptual typology of Wardekker and Miedema suggested" (Bertram-Troost et al. 2015, p. 216).

In 2018, research has been carried out to investigate the identity of Dutch Catholic primary schools as well (Bernts and Kregting 2018). Here, Bernts and Kregting (2018) distinguished four school types: "Tradition schools"; "cultural Catholic schools"; "profile schools"; and "diversity schools". Based on the answers given in the respective schools, they found out that 16% of the Dutch Catholic primary schools (by that time) are tradition schools, 17% cultural Catholic schools, 22% profile schools and 45% diversity schools. While the authors make clear that these are still rough distinctions which cannot do full justice to the great diversity in Dutch Catholic primary education, it has also become clear from their research that there is a lot of diversity within Catholic education in the Netherlands.

One of the reasons for this enormous diversity within Dutch Protestant and Catholic schools is that, although there is one big umbrella organisation (Verus 2021)[43] which inspires, guides and supports Catholic and Protestant Christian schools[44], these schools are not bound to a shared mission statement, nor does Verus prescribe curricula or programs for its associated schools. This is different in Flanders, where all the recognised protestant schools are part of the umbrella organisation IPCO and where almost all Catholic schools are part of the centralised organisation *Katholiek Onderwijs Vlaanderen*. Because Dutch

denominational schools are mainly governed on a local level, they have, compared to their Flemish counterparts, more freedom to give shape to the (religious) identity of their school (cf. Bertram-Troost et al. 2015; Bernts and Kregting 2018).

6. Diversity within Schools: Religious/Worldview Education in Non-Governmental Schools

As we have seen, schools which officially belong to the same religious tradition can differ substantially from each other. Neither Catholic, nor Protestant schools are similar, but there is a lot of variation between, but also within these school types. This diversity becomes not only visible in the policy regarding school identity (§5), but also in the way RE classes are (not) organised in these schools, as we will see below.

6.1. Religious/Worldview Education in Flemish Non-Governmental Schools

In Flanders, Roman-Catholic RE is a mandatory school subject in Catholic schools, where it is scheduled 2 h a week in secondary schools and 2–3 h in primary schools. Obviously, this school subject[45] is organised in a very centralised way: The Recognised Authority for Roman-Catholic Education (*Erkende Instantie Rooms-katholieke godsdienst*) is responsible for the content, organisation and inspection of the school subject, for the appointment of teachers and for the curricula. In order to teach the subject, teachers need a mandate from the bishops and in order to obtain this, they must be baptised and have a theological degree or a certificate obtained at a diocese, at a Catholic theological faculty or at a Catholic university college. While teachers can—and do—in practice not always teach in a uniform way and even though there is a lot of space for personal input, all these formal requirements are similar for all Roman-Catholic RE teachers. In primary Catholic schools, the class teacher is usually also the RE teacher, but last years, the number of non-baptised teachers and/or teachers adhering to another faith (mainly Islam) increased. According to the Belgian bishops, these teachers are more than welcome in Catholic schools (provided they agree with the school's pedagogical project). However, because these non-baptised teachers are not mandated to teach RE, these classes must be taught by a mandated colleague.[46]

In 2019, a new curriculum for Roman-Catholic RE in Flanders (secondary education) has been implemented.[47] Overall, the curriculum's aims are: (1) An improvement of the pupil's religious literacy; (2) the integration of "interreligious competencies"; (3) self-positioning of the curriculum within the project of the Catholic dialogical school; and (4) an adaptation of the school subject to the plural context. In order to realise these aims, the curriculum starts from an interplay between the "Christian faith", the "pluralistic context" and the "pupil's multi-dimensional identity". The curriculum emphasises dialogue between as well as knowledge of different religious and non-religious traditions, but this dialogue and knowledge is always embedded in the "own" Catholic tradition. Qualitatively as well as quantitatively, the Roman-Catholic faith is highly prioritised and a neutral, religious-studies based approach is explicitly rejected.[48]

For many decades, several publishers offer handbooks and textbooks for Roman-Catholic RE, both for primary and for secondary education. According to canon 827, §2 of the Code of Canon Law, these books must be approved by the bishops.[49] In addition to this published study material, a lot of study material (full-fledged lessons, podcasts, interviews, websites ...) as well as background information regarding Roman-Catholic RE and the Catholic dialogical school, is available online on the official website for Roman-Catholic RE in Flanders.[50]

6.2. Religious/Worldview Education in Dutch Non-Governmental Schools

Different from Flanders, the number of teaching hours and the organisation of RE is not legally fixed in the Netherlands. Accordingly, non-governmental schools are free to organise one or more hours of (a combination of) confessional RE, non-confessional RE or no RE at all. In primary denominational schools, RE lessons are given by the class teacher

who, in principle, teaches all subjects except (depending on the teacher's authorisations) physical education and (in some schools) music. The aforementioned study on the identity of Protestant Christian primary schools (§5.2) made clear that in total 12 methods for RE are used by the participating schools. Apart from that, some schools (especially tradition schools) (also) make use of self-developed materials (Bertram-Troost et al. 2015, p. 37). The methods differ in, among other things, learning aims, content, exercises, frequency of use and curricula. While some of the methods are mainly used in tradition schools, others are mainly used in diversity schools. Sometimes a particular method is used in all three school types. The following sentences, which are derived from the descriptions of the three types (Bertram-Troost et al. 2015) clearly show the diversity regarding (aims of) RE within Dutch Protestant education. Some of the characteristics of tradition schools are that

> Personal development is very important at our school. A very important aspect of this development is religious education. We find it important to bring our pupils in touch with the gospel of Jesus Christ. Our school also thinks that it is important that pupils get knowledge of the bible and of Christianity. Practically every day there is attention for religious education. When we deal with themes related to religious diversity, we will pay attention to the unique position of Christianity. (p. 211)

RE is less important at diversity schools, and for different reasons:

> We want to prepare pupils for a life in a multicultural society. Religious education as such is not one of the main educational goals of our school. We do think, however, that it is important that our pupils get into touch with Christianity, mainly because the values which are important in our society are based on Christianity. [. . .] Our school pays attention to religious education mainly in separated lessons, which are given at least a few times a week. In the lessons we pay a lot of attention to world religions and societal questions. (p. 212)

Meaning oriented schools place yet other accents:

> We think it is important to stimulate development and cooperation, to learn children to think for themselves and to be open towards others. "Meaning making" is an important topic that gets a lot of attention at religious education. We teach our pupils to relate to different world views from their own (Christian) background.
>
> At our school, teachers pay attention to religious education, in a separate subject, nearly every day. Sometimes there is also attention for religious education in other subjects.
>
> In the religious activities, mainly Christian values are central. However, the character of the activities can also be more biblical. (p. 212)

Neither for non-governmental primary schools, nor for non-governmental secondary schools, do official, national RE regulations exist. As Bertram-Troost and Visser (2017, 2019) have shown, there is no common supported view on RE as a subject in secondary education and there is no consensus about its content. This same study also reveals that most protestant and Catholic secondary schools offer RE for one hour a week. In general, RE lessons are more often offered in the first part of secondary education than in the second part. It is striking that Protestant schools for secondary education more often offer RE as a school subject than Catholic schools. The name of the school subject varies as well. Some of the often-used names are Religious Education (*Godsdienst*), Worldview (*Levensbeschouwing*) and the combination of both Religious Education/Worldview (*Godsdienst*/*Levensbeschouwing*). As in primary education, there is a variety of materials which can be used. About one third of the RE teachers use their own, self-prepared, materials. RE teachers are, just like teachers of other subjects, employed by the school principal and/or school board. Different from Belgium, there is no church interference, nor is a church mandate required.

Over the past decades, generally two tendencies can be distinguished: On the one hand, there has been a shift from "religious" education to "worldview" education, the aim of which it is no longer to educate students in a particular religious tradition, but to help them develop a personal worldview or philosophy of life. In most denominational schools, RE has thus been accommodated to secular society and is now a subject with a strong emphasis on the identity formation of students (Alii 2009, p. 177) and/or on factual information on different world views (Dijkstra et al. 2004, p. 76). On the other hand, some denominational schools, especially the strict religious ones, use RE as an identity marker of the religious identity of their school. RE teachers in strict religious schools are, compared to RE teachers in other denominational schools, more convinced that religion will also in the near future (within five years), be an important topic at their school (Bertram-Troost and Visser 2017).

7. Religious Education in Governmental Schools

As noticed in our introduction, the passive freedom of education cannot only by guaranteed by state-funding for denominational schools (with their own identity and RE policy), but this freedom can also be guaranteed by organising and subsidising RE in governmental schools. As we will see below, there are—once again—some remarkable similarities and differences between Belgium and the Netherlands.

7.1. Religious Education in Flemish Governmental Schools

In Belgium, the Constitution (art. 24) requires governmental schools to organise RE in the recognised religious and in non-confessional worldviews. Accordingly, students in Flemish schools can, at present, chose between one of the following RE classes: Roman-Catholic, Protestant-evangelical, Jewish, Anglican, Islamic, Christian Orthodox and non-confessional ethics.[51] All these classes, including non-confessional ethics, are organised and inspected by the recognised religions/worldviews.[52] In primary and secondary schools, the RE subjects are scheduled two hours on a weekly basis during regular school time.[53]

In order to respect the right of those parents who do not belong to any of the recognised religions or to secular humanism, there is a possibility to opt out. Exempted students in Flanders are required to spend the regular "RE time" on study of their own religion or worldview and parents are required to equip them with the necessary study material. Due to these unwanted organisational consequences for schools and parents, exemption of RE seems to be considered an unadvisable exception and accordingly, the number of exempted students is very low (0.3%).[54]

7.2. Religious Education in Dutch Governmental Schools

In the Netherlands, there is no constitutional requirement to organise RE in the recognised religions/worldviews in governmental schools. This, however, does not imply that attention for religion is absent there. First, all Dutch primary schools (governmental and non-governmental) are required to inform students about different religious and secular worldviews. In order to do so, the Dutch Ministry of Education has developed a curriculum "spiritual movements" (*geestelijke stromingen*) in 1985.[55] This curriculum can be integrated in regular subjects such as history, languages and geography, but schools also have the possibility to organise a separate school subject wherein the aims and content of "spiritual movements" are integrated. Given the freedom of education, it is up to the schools to choose which strategy they prefer. Similar to state-funded primary schools, state-funded secondary schools are also obliged to teach about different cultural and religious traditions[56], but this rarely happens in practice—at least in a separate school subject (Beemsterboer 2011). In order to counter this lacuna, a core curriculum "religions and worldviews" (Davidsen et al. 2017; Davidsen 2020) is under construction.

In addition to this mandatory education *about* religion, students in governmental schools can, at request, take RE classes *in* the following religions/worldviews: Buddhism, Catholicism, Hinduism, humanism, Islam, Judaism and Protestantism. While the law

on primary education (art. 50)[57] requires the organisation of these classes within the regular timetable, this requirement is absent in secondary schools: According to the law on secondary education[58], optional RE can be organised in the schools, but there is no requirement to do so during regular school time. Since 2019 schools have been obliged to mention the optional RE classes in their school guides in order to obtain subsidies for these classes. In 2020, RE classes were offered at 50% of the Dutch governmental schools (1000 schools).

8. Passive Freedom of Education: Better Realised in the Netherlands?

In this contribution, we compared the Dutch and Flemish education models, with particular attention for the passive freedom of education or the parental right to educate their child(ren) in accordance with their own philosophical and religious convictions. This comparison makes clear that the Dutch education system is, at present, better adapted to the religiously diversified and secularised society than the Flemish system. Overall, there is not only more diversity among Christian schools in the Netherlands, but there are, compared to Flanders, also more non-Christian, non-governmental schools. In this regard, the differences with regard to Islamic schools (54 state-funded Islamic schools in the Netherlands versus no state-funded Islamic schools in Flanders) is significant. Besides, the school foundation procedure has been recently adapted in the Netherlands: In the new constellation, starting a new school is—as in Belgium (cf. De Groof and Noorlander 2012)—no longer restricted to recognised religions or worldviews and the new constellation is therefore, compared to the previous one, more in line with the increasingly diversified and secularised (school) population.

In addition to the diversification *between* different schools, there is, compared to Flanders, also more diversity *within* denominational schools in the Netherlands. Different from Flanders, there are in the Netherlands no (religious) school networks which prescribe curricula or mission statements for the schools associated to the respective networks. In Flanders, by contrast, Catholic schools are to a large extent centralised and governed by the Flemish network for Catholic schooling, which limits, to a certain extent, the diversity within Catholic Flemish schools.

Besides, Flemish Catholic schools organise Roman-Catholic RE as a mandatory subject for all students and they all use the same RE curricula (which are also used for Roman-Catholic RE in governmental schools). This is clearly different in the Netherlands, where RE is organised in a variety of ways. There is a huge offer of methods available, and schools are free to use their own materials, in line with what they consider important aims of RE. Different from Flanders, Catholic schools can even chose *not* to organise RE, or to organise education about rather than into religion.

The way attention is given to religion/worldview in governmental schools is also different. A striking difference is that in Flanders, taking RE in one of the recognised religions is the default position. However, in order to guarantee the freedom of religion and education, students in governmental schools can opt-out for these religious or secular humanist lessons. In practice, however, exempted students are left to their own devices and are often seen as outsiders. It is therefore not a surprise that the number of exempted students is very low and that, for pragmatic reasons, quite some students are more or less obliged to take lessons which are not in line with their own religious convictions. Very often, non-confessional ethics is seen by the parents as a “non-confessional” alternative, but in fact, this subject, which is organised by the recognised humanists, is as “confessional” as its religious equivalents. While RE in one of the recognised religions/worldviews is the default position in Belgian governmental schools, no RE is the default position in Dutch governmental schools. There is, nevertheless, a possibility to opt in for RE at parental request. In practice, however, not all primary governmental schools do offer these lessons, and not all parents are well informed about this possibility. Moreover, in secondary governmental schools, this offer is completely absent, even though these schools, like

governmental primary schools, have the duty to "pay due respect to everyone's religion or belief".

All in all, we conclude that, in spite of a similar legal and financial framework the Dutch constellation is currently best able to guarantee passive freedom of education for all in today's secularised, pluralistic context. As a result of the variety between schools as well as the diversity within schools (among other things in terms of mission statements and the organisation of RE), this parental right is not only de jure but also de facto better guaranteed in the Netherlands than in Flanders.

Notwithstanding the pragmatic attitude of many parents, taking into consideration real school choice requires that parents cannot only in theory, but also in practice, choose a school in accordance with their religious and/or philosophical convictions. More than a century ago, this parental freedom was one of the main reasons why several school-struggles emerged in Belgium and in the Netherlands and why both nations have chosen a model of extensive state funding for non-governmental schools. Today, however, this passive freedom for education is, especially in Flanders, not always guaranteed in the most extensive way.

Both in Belgium and in the Netherlands, the freedom of education is an increasing matter of political concern and governmental influences on education are increasing in both nations, possibly at the cost of freedom of education. In Flanders for instance, the new educational standards (*eindtermen*), were not approved by the Flemish Catholic school network as they are considered too detailed and, accordingly, do not leave sufficient space for the schools' pedagogical projects—and thus for the active freedom of education. Therefore, a large number of Catholic schools, but also several Steiner schools, requested the Constitutional Court to suspend and annul the new standards. In July 2021, the Constitutional Court ruled, among other things for practical reasons, that the new standards will not be suspended and will therefore be implemented in September 2021.[59] The Constitutional Court still needs to rule on the request for annulment, which will require a more profound investigation on the relationship between the new standards and the constitutional freedom of education. At the time of writing, the case is still pending.

In a comparable vein, the new law on citizenship education triggered (once again) the Dutch political debate about balancing the freedom of education on the one hand, and the state's responsibility for education on the other hand, which are both part of article 23 of the Dutch constitution (Onderwijsraad 2019). While, in a pluralist society, there should be room for a variety of views of individuals and (religious) communities, the public interest, for which the government has particular responsibility, is important as well. How should we carefully balance these two interests? Which role could or should the government take? Is it possible to enforce citizenship education and social cohesion without infringing on freedom of religion and education?[60] In the Netherlands, a resumption of the ongoing political debate on freedom of education is expected, with the results also depending on the leading parties in government at that time. The future will show how the developments in Belgium (Flanders) and the Netherlands will, in the long term, influence the passive freedom of education in both nations.

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Notes

[1] Like Maussen and Bader (2015, p. 3), we will use the term 'governmental schools' for schools "to be owed, run, and financed by (a flexible combination of) governmental (federal, state, municipal) authorities". Non-governmental schools, on the other hand, "are owned and run by (central or local) organizations or associations whether (partly or fully) publicly financed or not".

[2] For infrastructure and working costs, there are some financial differences between the different communities.

[3] As we will see below (Section 8), these standards are, at present, largely contested in the Flemish Community.

[4] The pedagogical project (*pedagogisch project*) is a term used in the Flemish education system and refers to the school's specific view on education, which is generally (but not exclusively) based on a religious and/or pedagogical ideology. The pedagogical project has, amongst others, repercussions for the school's overall organization, its educational accents, its way of assessing and dividing students, and the general school regulations.

[5] In the official English translation of the Belgian Constitution, article 24, §1, Section 3 mentions the obligation for the Communities to organise 'non-denominational education'. This is somehow misleading. We believe 'neutral education' to be a more correct translation, which is better in line with the Dutch (*neutraal*), French (*neutre*), and German (*neutral*) versions of the text.

[6] In this official translation, the Dutch concept 'bijzonder onderwijs' is translated as 'private schools'. However, as explained in footnote 1, we prefer the terminology used by Maussen and Bader (2015) and, in doing so, speak about 'non-governmental schools'.

[7] From time to time there are societal and political debates on this issue. Over the years, a couple of motions to change article 23 at this point have been submitted in order to realize 'acceptance obligation' ('acceptatieplicht'). Last time (November 2020), this motion, submitted by the Socialist Party (SP), could count on a majority in the Dutch second chamber. A decision by the first chamber still has to be made (du Pré 2020), but it is still insecure what will happen, not the least because a new government needs to be formed in The Netherlands. In addition, there are also legal questions about the necessity and proportionality of the proposed measure (Van Schoonhoven 2021).

[8] Available from: https://wetten.overheid.nl/BWBR0003420/2021-08-01 (accessed on 6 August 2021).

[9] Within this group, we can find atheists and agnostics, but also people who are looking for spirituality rather than for (institutionalized) religion (cf. Heelas and Woodhead 2005). Hence the concepts of 'believing without belonging' (Davie 1990), 'belonging without believing' (Mountford 2011), bricolage (Hervieu-Léger 2001), and multiple religious identity (Schmidt-Leukel and Bernhardt 2008) can also be applied to many Dutch and Belgian citizens.

[10] Source: European Social Survey (ESS), Round 1 and Round 8. An accessible overview of the data can be found at Modood, Tariq and Frank Bovenkerk, *Multiculturalism: How can Society deal with it? A thinking Exercise in Flanders*, p.32. Available online: https://www.kvab.be/sites/default/rest/blobs/1401/mw_multiculturalism.pdf (accessed on 29 November 2021).

[11] Source: (CBS 2020).

[12] These numbers may be underestimated. According to the PEW research centre for instance, 782,000 citizens or 7.6% of the Belgian population are Muslims, while this is for The Netherlands estimated at respectively 7.1% of the Dutch population or 1,210,000 citizens (Hackett 2017). The SMRE database, on the other hand, mentions 5% Muslims for Belgium and 4% for The Netherlands, while the Yearbook of Muslims in Europe, 2016 mentions respectively 6.5 and 4.9%.

[13] In the French Community, there are 39% primary and 60% secondary non-governmental (mainly Catholic) schools, attended by a similar percentage of students.

[14] In the last two years of secondary education (16–18 year old) in Catholic schools, 86% of the students is still baptized, but this number decreases among younger students: in primary Catholic schools: only 68.5% of the students is baptized https://www.kuleuven.be/thomas/page/onderzoek-katholieke-identiteit-scholen (accessed on 29 April 2021).

[15] https://www.kuleuven.be/thomas/page/onderzoek-katholieke-identiteit-scholen/ (accessed on 29 April 2021).

[16] The numbers are available from: https://www.kuleuven.be/thomas/page/onderzoek-katholieke-identiteit-scholen (accessed 6 August 2021).

[17] This number is significantly higher in primary schools (65.7%) than in secondary schools (46%).

[18] https://www.kuleuven.be/thomas/page/onderzoek-katholieke-identiteit-scholen/ (accessed on 29 April 2021).

[19] Aantal scholen in het primair onderwijs | Kengetallen | Onderwijs in cijfers 2020. https://www.primaironderwijsincijfers.nl/ (accessed on 17 June 2021).

[20] Vo in cijfers: Scholen—VO-raad. https://www.vo-raad.nl/vo-in-cijfers-scholen (accessed on 17 June 2021).

[21] These merges are legally possible as of 2006. By then article 23 of the Dutch Constitution was slightly changed. Cooperation schools are considered to be exemptions. A cooperation school can only be established through a merger, not through a foundation, and only if the continuity of the education on offer is at stake.

[22] An important fact is that RE is hardly taught in governmental schools. As a result, only 1.8 percent of the research population are teachers working in governmental schools.

[23] It is, however, good to realize that the percentages are only averages and that there is great variety within school denominations (cf. Bertram-Troost 2006; Bertram-Troost et al. 2018).

[24] At present, there are only four recognized and thus state-supported Islamic schools, all located in the region of Brussels and supported by the French Community. While the first Islamic school was opened in 1989, it was only recently (2016) that a secondary school was opened. A fifth Islamic school in Brussels and a first in the region of Wallonia (in Charleroi) are currently at the planning stage.

[25] Information available from: https://www.hln.be/mechelen/islamitische-school-krijgt-njet-van-stad~adafd925/ (accessed on 4 August 2021).

[26] Islamitische school in Genk krijgt geen tijdelijke erkenning, leerlingen melden zich bij andere school, *De redactie* 31 August 2019. Available from: https://www.vrt.be/vrtnws/nl/2019/08/30/minister-hilde-crevits-cd-v-geeft-islamitische-school-in-genk/ (accessed on 12 May 2020).

[27] For the criterions for establishing primary schools, see: https://data-onderwijs.vlaanderen.be/edulex/document.aspx?docid=9304 and https://data-onderwijs.vlaanderen.be/edulex/document.aspx?docid=9304; for secondary schools, see: https://data-onderwijs.vlaanderen.be/edulex/document.aspx?docid=14289#301974 and https://data-onderwijs.vlaanderen.be/edulex/document.aspx?docid=12999 (accessed on 6 August 2021).

[28] Cf. https://docs.vlaamsparlement.be/pfile?id=1169932, pp. 5–6 (accessed on 15 October 2021); see also (De Standaard 2013).

[29] Https://www.tijd.be/Dossier/Krant/Lucerna-Een-School-Met-Een-Plan/9804782.html (accessed on 15 October 2021)

[30] Given the historical background and the fact that Protestants are a minority in Belgium, it is not a surprise that there are much more Protestant schools in The Netherlands than in Belgium.

[31] https://deisbo.nl/ (accessed on 15 October 2021).

[32] There are several explanations for this perceived difference between Flanders and The Netherlands regarding Islamic schools. We plan to elaborate on them elsewhere.

[33] See (Boeddhistisch Dagblad 2016).

[34] Regeling van de Minister voor Basis- en Voortgezet Onderwijs en Media van 28 August 2020, nr. PO/17898051, houdende regels voor de voorzieningenplanning bij scholen in het primair onderwijs. Online available from: https://zoek.officielebekendmakingen.nl/stcrt-2020-46176.html (accessed on 30 April 2021).

[35] See: Meer mogelijkheden oprichting nieuwe school | Vrijheid van onderwijs | Rijksoverheid.nl. https://www.rijksoverheid.nl/onderwerpen/vrijheid-van-onderwijs/oprichten-nieuwe-school (accessed on 15 October 2021).

[36] Unlike in Belgium, no (pre)financing is needed for establishing a new school.

[37] https://www.kuleuven.be/thomas/page/onderzoek-katholieke-identiteit-scholen/ (accessed on 15 October 2021).

[38] https://www.kuleuven.be/thomas/page/onderzoek-katholieke-identiteit-directie/ (accessed on 15 October 2021).

[39] https://pro.katholiekonderwijs.vlaanderen/katholieke-dialoogschool/visietekst (accessed on 15 October 2021).

[40] Engagementsverklaring Katholiek Onderwijs Vlaanderen. Online available from: https://pro.katholiekonderwijs.vlaanderen/katholieke-dialoogschool/engagementsverklaring (accessed on 15 October 2021).

[41] Most members of the Catholic umbrella organization are laymen, but there are also bishops and vicars in the board and even on the top of management.

[42] Online available from: https://www.ipco.be/over-ons/pedagogisch-project (accessed on 29 April 2021).

[43] Website: www.verus.nl (accessed on 6 August 2021).

[44] Similarly, there are a couple of much smaller organizations which support Islamic schools, and Strict religious Christian schools or Evangelical schools.

[45] The school subject Roman-Catholicism is the same in Catholic schools and in Governmental schools, where it is an optional subject (cf. §7). Hence the information in the subsequent paragraph also applies to Roman-Catholic RE in governmental schools.

[46] https://www.kuleuven.be/thomas/page/vak-godsdienst-kruispunt-samenleving-onderwijs-kerkgemeenschap/ (accessed on 15 October 2021).

[47] The new curriculum is online available from: https://www.kuleuven.be/thomas/page/leerplan-secundair/ (accessed on 6 August 2021).

[48] See for instance the media discussions in 2015–2016, at https://www.kuleuven.be/thomas/page/discussie-levensbeschouwelijke-vakken/ (accessed on 14 October 2021).

[49] Cf. https://www.kuleuven.be/thomas/page/secundair-onderwijs-leermiddelen/ (accessed on 14 October 2021).

[50] https://www.kuleuven.be/thomas/page/ (accessed on 15 October 2021).

[51] Recently, the Federal Government announced that Buddhism will be recognized as a non-confessional worldview. Accordingly, Buddhism will, in the future, be organized as a second non-confessional RE subject in Belgian governmental schools.

[52] In the Flemish Community, non-confessional ethics is since 1993 organized by the recognized humanists. This is different in the French and German Communities, where the respective Community is responsible for this school subject.

[53] In the French Community, non-governmental schools organize, since 2017, one hour of RE in the recognized religions or in non-confessional ethics. In addition, one hour of 'philosophy and citizenship' is organized.

[54] https://onderwijs.vlaanderen.be/nl/statistisch-jaarboek-van-het-vlaams-onderwijs-2019-2020 (accessed on 15 October 2021).

[55] Basically, this curriculum focuses on the 'big five' world religions and on secular humanism and represents Ninian Smart's different dimensions of religion.

[56] Cf. core aim (*kerndoel*) 43 of the Dutch secondary schools at https://www.rijksoverheid.nl/documenten/besluiten/2010/09/17/kerndoelen-onderbouw-voortgezet-onderwijs (accessed on 24 September 2020).

[57] See supra, footnote 9.

[58] Available from: https://wetten.overheid.nl/BWBR0002399/2020-11-01 (accessed on 6 January 2021).

[59] https://www.const-court.be/public/n/2021/2021-113n-info.pdf (accessed on 15 October 2021).

[60] See for instance the clear contribution of Ganzevoort, theologian and senator of the Dutch first chamber, to the public debate in the First Chamber on tightening the law on citizenship education: 'Burgerschap in het onderwijs'. Available online: http://tps://ruardganzevoort.wordpress.com/2021/06/08/burgerschap-in-het-onderwijs/ (accessed on 29 November 2021)

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