

# 4



## *What is the place of religious schools in pluralistic democratic societies? A liberal approach to the problematic of religious schools in Western societies. The Spanish case*

*¿Cuál es el lugar de los colegios religiosos en las sociedades democráticas y plurales? Un acercamiento liberal a la problemática de los colegios religiosos en las sociedades occidentales. El caso de España*

**Ignasi Grau Callizo\***

DOI: 10.5944/reec.32.2018.21339

Recibido: **19 de febrero de 2018**  
Aceptado: **26 de noviembre de 2018**

\*IGNASI GRAU CALLIZO: He studied Law at the Universitat Pompeu Fabra and Economics at the Universitat Oberta de Catalunya. He is currently studying a Master in Political Science at the Université de Genève. For four years he has been working at OIDEL, an NGO he represents before the United Nations, the Council of Europe and the European Parliament in the field of education. In particular, he has drafted the 2016 Freedom of Education Index and other scientific documents developed by OIDEL. He has collaborated with a chapter in the book *Derechos Humanos del Siglo XXI - 50º Aniversario de los Pactos Internacionales de Derechos Humanos* drafted by Ana María Vega. **Datos de contacto:** E-mail: ignasi.grau@oidel.org

## Resumen

El presente artículo tiene por objetivo determinar en qué circunstancias se debe permitir la creación de colegios confesionales en sociedades democráticas. La posible apertura de un colegio de los Hermanos Musulmanes en España obliga replantearse la realidad de las escuelas religiosas a través de la colisión entre dos bienes protegidos: libertad religiosa y ciudadanía democrática. Así, primeramente, se discute el espacio público que los estados democráticos deben otorgar a las instituciones religiosas. Para reflexionar sobre esta cuestión recurriremos a las consideraciones de Cécile Laborde sobre la laicidad desde un prisma liberal. Definido el espacio del hecho religioso se traslada la discusión al ámbito educativo, analizando la tensión entre la libertad de religión y la educación a la ciudadanía democrática. La respuesta a esta conciliación se centra primeramente en la justificación del marco teórico que mejor permite afrontar esta tensión. Se opta por un enfoque político liberal frente a un enfoque liberal comprensivo al proporcionar soluciones más asumibles para el ciudadano razonable. Resuelto el marco teórico se analiza la tensión para concretar en qué condiciones se debe tolerar la existencia de colegios confesionales a través del triángulo de actores. Este triángulo muestra la tensión entre el estado que busca educar buenos ciudadanos (educación a la ciudadanía), los padres que buscan que sus hijos compartan su concepción de vida buena (libertad religiosa) y el niño el cual es el interés superior de esta educación. Las conclusiones muestran que las instituciones religiosas son compatibles con los Estados democráticos y que estos tienen el deber de garantizar las distintas concepciones de una vida buena. Asimismo, para conseguir una conciliación de la libertad de religión y la ciudadanía democrática garantizando el interés superior del niño, debe haber un equilibrio: el Estado debe permitir la existencia de colegios confesionales siempre que éstos enseñen el contenido esencial de educación ciudadana. El artículo pretende discutir los marcos teóricos desde que el liberalismo ha reflexionado la enseñanza religiosa, obligando a una relectura del triángulo de actores.

**Palabras clave:** Pluralismo cultural; educación religiosa; democracia, escuela confesional; derecho a la educación

## Abstract

The following article aims to determine under which circumstances the establishment of denominational schools must be allowed in democratic societies. The possible opening of a Muslim Brotherhood School in Spain requires a new approach on the presence of religious schools through the study of the collision between two protected goods raise: freedom of religion and democratic citizenship. Thus, it is first considered which space democratic States must grant to religious institutions, turning to Cécile Laborde's considerations on French laicism from a liberal Spanish perspective. Subsequently, the article proceeds to reconcile freedom of religion and democratic citizenship education, choosing the political liberal approach over the comprehensive liberal approach, since it provides solutions that are easier to assume by the standard reasonable citizen. Once the theoretical framework has been established, the tension between these two goods is analyzed through the triangle of actors of Arneson and Saphiro, in order to determine under what circumstances the existence of denominational schools must be tolerated. Said triangle shows the tension between the State, who seeks to educate good citizens (democratic citizenship education), the parents, who seek that their children share their same conception of the good life (freedom of religion) and, in between, the children, whose best interest must come first. On the one hand, the results do not only show that religious institutions are compatible with democratic States, but also that said States must guarantee, in pluralistic societies, the different conceptions of the good life. On the other hand, regarding the conciliation between freedom of religion and democratic citizenship, the article showcases that, in order for the best interest of the child to be guaranteed, neither the State nor the parents can prevail, rather both interests must balance in the following way: the State must allow the existence of confessional schools as long as they teach the core contents of democratic citizenship education. Finally, the article argues that democratic citizenship education in confessional schools is not inferior to that of public schools, and criticizes the positions according to which citizens must put aside the religious aspect in democratic societies. The article pretends to discuss the traditional liberal theoretical framework, from which it has reflected the religious education, compelling a re-reading of the triangle of actors.

**Key Words:** Cultural pluralism; religious education, democracy; denominational school; right to education

## 1. Introduction

Last years, in many Western countries there have been some controversies concerning the room of religion in the public sphere, specially, notably the room of Islam in the education arena. Recently, in September 2016, the Spanish media released the following new: a Muslim Brotherhood was fundraising money to open a Muslim school for the next school course (Zafra, 2016). Although there exist some Muslim schools around Europe, there has not been a proper theoretical debate on what room should these schools have. This new led to a debate that opens again the question about what is the place of confessional schools in democratic societies.

In Spain there is a large tradition of non-governmental schools. According to the World Bank, the percentage of enrolment in primary education in private institutions is of 32 % (World Bank, 2014). Most of these schools are funded by the State, and many of them are confessional schools, mostly Catholics. In fact, there are more than 2600 Catholic Schools in Spain (European Committee for Catholic Education, 2014). This abundance of religious schools can be attributed mainly to the Catholic heritage of the Spanish culture. There are also Jewish and Evangelical schools in Spain, although there are no Muslim schools (BERGLUND, 2015).

Spain, as most Western countries, recognizes freedom of religion and freedom of education in its Constitution. Moreover, it must be said that Spain signed, in 1979, the Concordats with the Holy See. This signature, together with the explicit allusion that the Constitution does in some articles to the Catholic Church, may lead some scholars to believe that the Catholic religion enjoys a privileged position in the Spanish legal system. Many scholars claim that this special position of the Catholic Church is not unjustified, mainly because of three reasons; first, the fact that 76 % of Spanish citizens recognize themselves as Catholics (Centro de Investigaciones Sociales, 2016). Second, the above-mentioned Catholic heritage of the Spanish culture. And third, the impossibility of establishing a similar relationship with other religious confessions, since they do not have central authorities, like the Catholic Church, and since they do not have the status of “State”, as the Holy See does (Palomino, 2016).

In the field of education, there are also some references in the Spanish Constitution to the extent of religious rights of parents and civil society. Articles 27.2, 27.3 and 27.6 of the Spanish Constitution state:

“Education shall aim at the full development of human personality with due respect for the democratic principles of coexistence and for basic rights and freedoms” (27.2)

“The public authorities guarantee the right of parents to ensure that their children receive religious and moral instruction in accordance with their own convictions” (27.3)

“The right of individuals and legal entities to set up educational centers is recognized, provided they respect constitutional principles” (27.6).

These three articles are important in order to frame the debate we are going to address. Moreover, one of the sections of the Spanish Concordat with the Holy See concerns education (Conventiones Inter Apostolicam Sedem Et Nationem Hispanam, 1979), reinforcing what is said in the Constitution. It is true that other confessions have also collaboration agreements with the Spanish State. For instance, there are cooperation agreements with the Federation of Spanish Jewish Communities (Law 25/1992) , the Federation of Evangelical Churches in Spain (Law 24/1992) and also with the Spanish Islamic Commission (Law 26/1992). These agreements mention the educational rights

of these communities; however, the plurality of visions within these communities has led to difficulties in its implementation. Also, in the case of the cooperation agreement with the Spanish Islamic Commission there is not an explicit mention concerning the creation of schools, which might also be one of the sources that generates this controversy. It is important to mention that authors such as Tariq Modood have pointed out that very few Muslims, as well as members of other religious minorities, in western countries matter about the privileges of Christians, which they generally find reasonable. However, they complain about their exclusion from such provisions (Modood, 2009:1170).

So far, when political parties were dealing with this debate they were only thinking about a scenario where confessional schools meant catholic schools. In this regard, we can identify two main approaches. On one hand, conservative and right-wing parties have been defending the existence and funding of religious schools. These parties advocate that the recognition of freedom of education and freedom of religion enables the existence of these schools (Partido Popular, 2015). They are fierce defenders of the Concordat with the Holy See. On the other hand, left-wing parties are skeptical about these schools, pointing out that their existence is incompatible with the secularism of the State. These parties are usually against the Concordat with the Holy See, some of them in a very open way. For instance, *PODEMOS*, in its electoral program, proposed the cancelation of the Concordat with the Holy See and the cooperation agreements with other religious confessions (Unidos Podemos, 2016). *PODEMOS* is a conglomeration of groups and collectives issued mostly from civil society. The heterogeneity of these groups, as well as their recent creation, results in an ideology and political proposals that are not as solid as those from traditional parties. This needs to be mentioned because there is a slightly possibility that *PODEMOS* changes its approach on this debate. The traditional left big party in Spain, the PSOE, has an ambivalent position towards this question. In one hand they PSOE was the party that passed the law that enables non-governmental schools to be publicly funded, the LODE 8/1985 (PSOE, 2010). In the other hand they have never been strong advocates of freedom of education. Moreover, some authors have accused them of the ideologization of the Spanish education system and the Spanish education debates (Orrico, 2005: 43-50).

The Muslim Brotherhood's request of opening a school might change the positions around this debate, due to the fact that, generally, left-wing parties have been advocating for the rights of Muslim minorities (Verdú, 2015), while right-wing parties have been more in favor of "forcing" their integration. This fact may lead *PODEMOS* to start advocating for the right of minorities, such as Muslims, to have their own schools in the same way Catholics do. Also, we might be able to see right-wing politicians waving the flag of laicism to avoid the creation of Muslim schools as it has happened in France (Todd, 2015: 83-85).

### **1.1. Questions and methodology of the research**

The Spanish Constitution specifies the State's obligations regarding education: it recognizes the right to education and the obligation of the State to guarantee this right through general education programming (art. 27.1 and 27.5). It also recognizes the State's duty to inspect and standardize the educational system to ensure compliance with the Law (art.27.8). However, what are the specific obligations of the State when ensuring "the full development of human personality with due respect for the democratic principles of coexistence and for basic rights and freedoms" when this clashes with "the

right of parents to ensure that their children receive religious and moral instruction in accordance with their own conviction”? What can be inferred from these articles of the Constitution is that it recognizes both freedom of religion and the development of human personality and democratic citizenship as goods that need to be protected. But what we need to clarify is what must be done when these goods are in collision. This question will be further developed.

Bearing in mind the values in conflict, the question that this research will attempt to answer is: Under what conditions religious schools should be tolerated in pluralistic democratic societies?

The way this kind of debates, where freedom of education clashes with democratic citizenship, have been addressed by liberal scholars tends to be binary, in the sense that either you choose one or the other. Nevertheless, the objective of this research is to show that this debate is even more complex.

We will try to address this problem by dividing it in two parts. Firstly, since we are discussing the existence of confessional schools, we will discuss the place of religion in the public sphere in democratic States. Secondly, we will prove that the exercise of freedom of religion in the educational system is not incompatible with the promotion of democratic citizenship, which is why there should be room for the existence of confessional schools in democratic societies.

We think a clarification is needed before continuing. The reader may be wondering how freedom of religion and freedom of establishing non-governmental schools are connected. In this line, freedom of religion comprises the right of parents to transmit their faith to their children. This transmission of the faith is not limited to praying together, but also includes the teaching of values, history and structure of the confession practiced by the parents. In this regard, formal education plays a significant role. Education in the formal system must go beyond learning mathematics and how to read; as Kant said, “a man can become man only through education” (Kant, 1910). This dimension of education that goes beyond skills is also recognized in article 26.2 of the Universal Declarations of Human Rights:

“Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of Peace.”

To guarantee that a man becomes a man, it is essential to consider the human being for what it is. A human being, as a subject, is not an isolated identity, an island; his identity is built through a cultural context (Habermas, 2003), which, according to many, includes religion.

The right of parents to transmit their faith to their children, together with an understanding of education that goes beyond skills and includes a cultural dimension, links inevitably freedom of religion to the creation of schools that ensure the transmission of values and the cultural dimension of education. This cultural dimension of education has been recognized in the article 5 of the Universal Declaration on Cultural Diversity “All persons are entitled to quality education and training that fully respect their cultural identity”. In this line, some people have defined education as “self-giving instrument of meaning” (Fernandez, 2009 :380). Although, we do not have room to develop the



cultural dimension of the right to education we think it is important to bear that in mind on a research that concerns the right to education.

Additionally, two sentences of the Spanish Constitutional Court (STC 5/1981 and STC 77/1985) state the close linkage between freedom of religion and the right to establish faith-run schools.

That said, what we will try to accomplish with this essay is to prove that, in States that take seriously the separation of powers and pluralism, religious schools should theoretically have room, as far as they provide an education that is respectful of democratic citizenship.

The way in which this question will be tackled is organized in two main parts. The first part concerns the place of religious institutions in democratic States. We are going to provide some arguments of the critical republican philosopher Laborde to address this question, and we will explain how these arguments are compatible with the political liberal perspective of this research. In this section we are going to observe the French situation due to its cultural and legal closeness to Spain, as well as to some examples of other countries such as the United Kingdom to prove the Western suitability of the points of Laborde. The second part of this research will consist in the conciliation of freedom of religion and democratic citizenship education, so we can observe under what circumstances religious schools can exist. Since we are going to tackle this question from a political liberal perspective, it is in this section that we will explain the reasons to choose this approach, explaining how it is more suitable than the comprehensive liberal approach of Amy Gutmann. To criticize the comprehensive liberal approach, we will deploy political liberal arguments and also moral liberal arguments from Stuart Mill. Once this is done, we will explain the triangle of actors – State, parents and children – developed by Arneson and Shapiro to understand under what conditions religious schools should exist in liberal democracies.

## **1.2. The interest of this research**

Scholars in the United States have largely discussed about the topic of freedom of religion and democratic citizenship education. Therefore, we might wonder what the interest of this research is.

Two main reasons justify the elaboration of this research. First, the fact that Spain is based on a different political and cultural landscape than the American ones. Second, the fact that the substance of the question is different than the one formulated by other writers.

Concerning the landscape, we have already mentioned that the conflict between freedom of religion and democratic citizenship education has been addressed by many -and mostly- American authors. However, the characteristics of the European case, and the Spanish one in particular, may require a specific reflection. Most of the reflections in the United States are made around fundamentalist, isolated and disconnected religious groups -mostly protestants- that established themselves in the United States almost since its foundation such as the Amish. The Spanish situation showcases a different scenario, which includes well-known institutions, such as the Catholic Church, and religious groups that were not previously rooted but that are growing fast, such as Shia Muslims (Modood, 2009: 1171). Although the United States' liberal literature is useful to conduct a reflection on the Spanish situation, it needs to be adjusted in order to find an accurate answer to our question. In other words, writers like Shapiro, Macedo or Gutmann have

extremely commendable points, even though their theories are not sufficient to tackle this discussion. Therefore, focusing on their arguments we are going to try to solve this controversy.

Concerning the substance of the question, it must be said that most writers have addressed questions regarding the clash between freedom of religion and democratic citizenship: the possibility to opt-out from certain classes, the acceptability of religious symbols in public schools... However, the discussion on the existence of religious schools in democratic societies is rare in the literature, especially coming from authors using a liberal approach.

## **2. The public space for religious institutions in XXI democratic States**

The Spanish Constitution states in its article 16.3 that:

“No religion shall have a state character. The public authorities shall take into account the religious beliefs of Spanish society and shall consequently maintain appropriate cooperation relations with the Catholic Church and other confessions.”

As established in the Constitution, public authorities are committed to maintaining appropriate cooperation relations with the different religious organizations established in Spain. However, what is the scope of this cooperation? In other words, what is the place of religious organizations in the public arena?

As we are trying to solve this question from a political liberal perspective, someone could argue that religion should not have a place in the public sphere, since a fair society requires free and equal citizens (Rawls, 1993: 16). It is the dimension of religion that preaches faith and submission to the will of others that leads to a clash with liberal values. For instance, some liberals may think that the fact that some people decide to act in a certain way because of what a religious authority or book state poses a problem to democratic coexistence. Moreover, the fact that religious schools may promote a good conception of life - as Cécile Laborde would say- can be incompatible with the autonomy preached by democratic systems. Is this clash big enough to consider that religions are incompatible with civil society? According to Laborde, one of the duties of liberal States is to guarantee the pluralism of societies and the different conceptions of the good life (Laborde, 2017). Nevertheless, this does not mean that the State is an anti-religious arbitrary power that forces its citizens to “be free”. We understand this imposition of being free as a scenario where children must reach his adult life without committing to any particular conception of good life, and from which they can choose based on different options where they have been previously well informed. Assimilating this imposition to be free with the banning of any religion or philosophy would be hard to understand in reasonable and democratic terms. The main duty of the State, in other words, is to establish a fair framework where believers and non believers with different conceptions of the good life can coexist. This framework consists not only in establishing the necessary legal paths for these confessions to conduct a dialogue with other confessions and with public authorities, but also in enabling reasonable ways to ensure their participation in the public arena. In this regard, the fact that religious people do not motivate all their decisions focusing only on reason – or public reason –, but also on their personal beliefs,

would not be enough to prevent their participation in society through education. We can observe two arguments in favor of not excluding completely religion from the public arena. First, the already mentioned lack of reason is not enough to justify the exclusion of a religion, since religious and secular aspects live together without the drama that some authors presume. These authors believe that allowing the elaboration of policies based on religious motivation is too much to ask from democracy, but actually most European Western democracies do that already. For instance, according to Laborde, Catholic faith is well accommodated in French laicism, and there is no reason why this should not be the same for other religions. Another good example is that of Sikh people working as police officers in the UK. Male Sikhs must wear a turban, and this fact prevented them to apply to jobs as police officers, due to the obligation of wearing a specific kind of hat. A few years back, the UK has included an exception in the Appendix 2 of the Employment Act 1989 in order to enable Sikhs not to be discriminated in those jobs where Sikhs could not wear their turban. This example shows that the role of liberal States, rather than banning actions based on faith, must be to ensure frameworks where all these expressions can coexist in peace with liberal values. The second argument against forcing religious people to put their faith aside in the public arena concerns the integral role that religion plays in the life of a person of faith. As it is, this role cannot be prevented that easily, and implies an extra effort that is not required for non-believers (Habermas, 2006).

The second dimension that could cause controversy is the fact that religions might require special treatment in democratic arena, and this could contravene the principle of equality. For instance, using the previous example, why should Sikhs have the right to wear a turban while an atheist is forced to wear the regular police hat? We can also observe controversies in the case where Muslim and Jewish children have an alternative menu when the regular one can contravene their faith. Some people could state that the fact that they have the possibility of *choosing* between two menus can contravene the principle of equality, cornerstone of all democracies. In this context, Laborde recalls the Aristotelian principle according to which equality means to treat equally those who are equal, and differently those who are different. Quoting Aristotle, equality can be numerical and proportional. Numerical equality refers to treating two people as indistinguishable. For instance, in a distribution scenario, the State distributes uniformly to everyone. Instead, proportional equality treats each person in relation to their due. Therefore, in the same distribution scenario, the State will distribute in a more comprehensive way, considering case per case (Gosepath, 2007). This theory of proportional equality is not only conceived in terms of distribution but also meant for other dimensions of equality. Intuitively, numerical equality is not always fair. For instance, it would not be fair that everyone paid the same amount of taxes regardless of their income. As we have already mentioned, this definition is not solely meant for distribution policies, and it can be applied to other spheres where numerical equality is just not fair. We can imagine many scenarios where the lack of proportional equality concerning gender, race or religion would be unfair. A good example would be the Sikh that cannot be a public servant because he has to wear a turban, or the Jew who cannot attend an exam on Saturday because it is resting day. In these cases, should common and secular laws be applied just the same? According to proportional equality, exceptions should be made so these people can enjoy the same opportunities as secular citizens. In fact, making reference to the French secular legislation Laborde points out that many rules are already influenced by religious or philosophical backgrounds, such as Christian festivities, which allow



Christians to combine working life with religious practice. However, other confessions do not have this possibility. Enabling these exceptions for minorities is not unfair, it is, on the contrary, the only way in which they can have access to the public arena on an equal basis as other citizens (Laborde, 2017: 62-68).

Two considerations need to be made regarding Laborde's two arguments. The first one concerns the fact that she is known for using a republican approach, and the approach we are using in this research is a liberal one. The second consideration is that she refers to France instead of Spain, which is the scenario where our controversy is taking place.

If we face the first consideration, about Cécile Laborde being a Republican writer, we could also argue that both of her arguments are based on equality and autonomy, both liberal pillars. If religion was incompatible with a liberal democracy it would be because it clashes with these two pillars. Hence, these arguments developed by Cécile Laborde could have been developed by any other liberal author, which makes them compatible with the liberal approach and therefore with the approach of this research. Moreover, Cécile Laborde has written other articles on the role of religion in liberal States. In them she has dealt with the issue arriving to similar conclusions, underlying that freedom of religion is a good that liberal States must protect through freedoms of thought, belief, conscience and speech (Laborde, 2016: 429-431).

On the other hand, and facing the second consideration, we could argue if these reflections, made in relation to France, could be applicable to the Spanish case. Two objections could be made, a legal one and a cultural one. The first one refers to the fact that Laborde's argumentation was made for secular countries; since the Spanish Constitution does not recognize itself as a secular State, as article 1 of the French Constitution does, this reflection should not be applied. The Spanish Constitution establishes a regime of "non-confessionalism", the difference between a non-confessional State and a secular State being, according to the jurist Carlos Corral, that non-confessional States are more inclined to cooperating with religious institutions than secular States (Corral, 2004). Having considered the difference in nature between the French laicism and the Spanish non-confessionalism, it is possible to affirm that Laborde's reflections are valid for the Spanish case; because if France, with a less friendly approach to the participation of religious institutions, is open to granting certain room to religions in the public arena, Spain, with its non-confessional approach, should be no less. Additionally, it is important to mention that, despite the fact that the French Constitution mentions the word *laïcité*, France is the country with the greatest number of Catholic Schools in Europe (European Committee for Catholic Education, 2014). Furthermore, according to a research carried out by the NGO OIDEL, in France the State funds the teachers' salaries and the operating costs of most of non-governmental schools -including the confessional ones (OIDEL, 2016). The fact that Spain is the second country with the greater number of Catholic Schools (European Committee for Catholic Education, 2014) and that the State also publicly funds non-governmental schools such as in France, is also a good indicator to show that the legal implications of non-confessionalism -in the field of education- can be similar to those of secularity.

Concerning the above-mentioned cultural objection, we can affirm that, besides the fact that France and Spain have a different language, they both share a culture rooted on democracy and strongly Judeo-Christian and Latin tradition and they are both from Western Europe. Furthermore, in both cases the major religious groups are the same: Christianity and Islam.

The reason why we shared this previous reflection before starting to develop our argumentation on the existence of religious schools in democratic societies is to prove that the religious element *per se* is not enough to exclude the existence of religious schools. We can still discuss under what conditions and in which circumstances they can exist, but we cannot conclude the discussion saying “Religious institution? Not in a liberal democracy”. Once this has been set, we can deepen in the discussion of the creation of these schools.

### **3. Democratic citizenships vs. Freedom of religion**

The question we are discussing is the following: “In pluralistic democratic societies, under what conditions religious schools should be tolerated?” The scope of this discussion can be large as it can include pedagogical approaches, philosophical views and cultural heritage. However, as it has been already mentioned, the approach of this research is of political theory. To answer to this question from a theoretical approach, what we need to focus on is the sticking point of the question. One of the main fear of liberal authors when talking about freedom of religion is the eventual clash with some democratic feature such as civil tolerance. When dealing with this issue, many theorists, public servants and policymakers wonder what to do with educational establishments that teach some ideas that are not consistent with democratic values. Coming back to the Spanish situation, we can picture this tension in a hypothetical situation where a Muslim school teaches that men are superior to women, or that the democratic system is evil. Bearing in mind these concerns, we can observe two values in tension that are the ones we are going to use to answer our question, even if other scholars, such as Ian Shapiro and A. Gutmann have already placed these two values in tension in debates of the same nature (Gutmann, 1988) (Arenson and Shapiro, 1996). Said values in tension are freedom of religion and democratic citizenship. As we have seen before, the creation of faith-based schools is an essential part of freedom of religion.

#### **3.1. A political liberal approach**

As it has been said before, the discussion around religion and education in democratic States has been largely developed by American liberal authors. The US jurisprudence (Wisconsin v. Yoder, 1972 and Pierce v. Society of the Sisters, 1925) in this regard has motivated many political theorists to develop their theories around these judgments, such as the document on Democratic Autonomy and Religious Freedom: A critique of Wisconsin vs. Yoder of Richard J. Arneson and Ian Shapiro.

The approach of this research is based on a liberal approach, the main theses of liberalism can be summarized as: “There is no human beings natural subordination; each human being is free and sovereign to decide for himself” (Audard, 2009: 29). However, as Catherine Audard shows on the book *Qu'est-ce que le libéralisme?*, liberalism has evolved in different directions. There are two main approaches to deal with our question. One approach would be the political liberalism of Rawls. This approach would be based on the theory of the veil of ignorance, which intends to resolve this kind of situations from a neutral conception of justice, regarding moral and religious convictions of citizens as playing a role of mediation between inter-individual cooperation and stable

democratic consensus. The second approach, led by Stuart Mill, would be the *moral* liberal approach, based on the value of autonomy or individuality (Audard, 2009: 468). In the field of education, the contemporary moral perspective, also called comprehensive liberalism, advocates that the aim of education is based on the ideal of life centered on autonomy or individuality. From this perspective, Amy Gutmann warns that the aim of civic education must be the “rational deliberation among ways of life” (Gutmann, 1988: 30-31). In this research, we are not going to use this paradigm for two reasons. First, the concept of “rational deliberation among ways of life” is too wide. Civic Education does not have unlimited hours of time, so the exposure of all the ways of life is impossible. The odds of some ways of life being excluded, and others being given too much importance are too high, and therefore this concept would seem unfair. Second, Macedo pointed out that comprehensive liberal ideals are deeply partisan and not easily defensible as they request too much (Macedo, 1995: 473).

Instead, the approach we are going to use is the one of John Rawls. This approach intends to:

“put aside such matters as religious truth and the ultimate ideals of human perfection and attempt to justify at least the most basic matters of justice on grounds widely acceptable to reasonable people – and not only those who share a particular view on the whole truth.” (Rawls, 1993: 54)

Stephen Macedo points out that political liberalism starts from the conviction that reasonable people disagree on their religious and philosophical beliefs and ideals; consequently, it focuses its attention on the shared political values, not requiring or expecting an agreement on the ultimate ends or moral values governing all our lives. According to Macedo, the aim of political liberalism is to respect reasonable people, no matter their faith or philosophical background. The way political liberalism shows this respect is by not asking religious citizens to give up what they believe to be true, but by acknowledging the challenge that supposes establishing a single comprehensive account of the whole truth (Macedo, 1995: 473-474).

In terms of which paradigm is better to deal with the question of this research, the political liberalism approach is more plausible. This is because it does not request the different stakeholders of the educational systems to renounce to what they believe in. The fact that some people using the basis of the comprehensive approach conclude that religious citizens must renounce practicing their faith makes it not seem credible. Moreover, a situation like the one we just mentioned might provoke highly tense situations. In other words, the strength of the political approach is that it does not exclude people who share religious beliefs, but it makes them participants of a democratic liberal society.

That said, and considering this approach, we found that an appropriate definition of democratic citizenship education from a political liberal perspective is the one used by Ian Shapiro and Richard J. Arneson.

“A good democratic citizen is a citizen that has the capacity to vote in an informed way in elections that determine the membership of legislative assemblies, hence the content of the laws, as well as the identity of public officials and judges who execute and apply the law. To be able to participate competently in democratic decision-making, voters should have an adequate knowledge of contemporary science in its bearing on public policy issues, an understanding of modern world history and particularly the history of democratic institutions and the culture of their

own society, and critical thinking skills that include the ability to represent the situation of others in imagination, to intuit their experience, and to sympathetically analyze and assess their attitudes, principles and policy arguments. Citizens should have the capacities to keep themselves briefed on current events that are relevant to governmental decisions to be made.” (Arneson and Shapiro, 1996: 376)

We can divide the knowledge and skills that allow a student to be a good democratic citizen in two dimensions. The first dimension would comprise the adequate knowledge of contemporary science, of democratic institutions and their history, national law – including the rights and obligations-, modern world history and the culture(s) of their own society. The second dimension encompasses critical thinking, including the ability to understand the situation of others. We found this theory interesting, because of its compatibility with the veil of ignorance theory and with the Spanish reality. The essence of this definition is also expressed in article 27.2 of the Spanish Constitution, already mentioned. “Education shall aim at the full development of human personality with due respect for the democratic principles of coexistence and for basic rights and freedoms.”

The strength of Shapiro and Arneson’s definition relies on that it can be well accepted by religious reasonable citizens, particularly parents. Allowing them not to renounce to their basic beliefs, but forcing them to accept that their children must be taught to live in a society of multiple cultures and ways of living, and the need to respect that.

### **3.2. Freedom of religion and Democratic Citizenship, tensions and balances**

One important element that needs to be considered is that this debate concerns children. This fact compels us to take a different approach than if we were talking about adults. This is important because children digest and assimilate information in a way that, theoretically, is not as critical as adults do. Therefore, society understands that children are not able to exercise their freedom and that decisions must be taken on their behalf, either by their parents or by the State. For example, parents can force kids to behave correctly during a family gathering, and the State can force compulsory education (Gutmann, 1980: 339-340). As Rawls would say, in many situations if children were allowed to make all decisions by themselves, they would likely hurt themselves or curtail their future freedom (Rawls, 1971: 248-250). This brings us to the question of where the limit of parents is to exercise freedom of education and where is the limit of State’s paternalism to exercise citizenship education.

One interesting way to address this problem is through the visualization of the triangle of actors established by Shapiro and Arneson. The actors in the equation of the current debate are parents, the State and the children. The children are the ones who are receiving education and, according to Arneson and Shapiro, the interests defended by the parents and the State clash. Parents are interested in transmitting their faith, culture and beliefs; the State is interested in these children becoming good citizens. As we have discussed before, both the Universal Declaration of Human Rights and the Spanish Constitution understand that part of the essential content of the right to education is that students learn human rights education, how to develop freely, etc. To sum up, the value that parents are defending is their freedom of religion and the value that the State is defending is democratic citizenship. According to a significant part of liberal literature, on this kind of debates, one of the values has to prevail over the other. To address this tension, we will analyze the nature of these two institutions - families and the State - when they are dealing with the interests of children from two different perspectives, guaranteeing freedom of religion and ensuring democratic citizenship education.



First, we will analyze the interaction between the State and the family when dealing with freedom of religion. Shapiro, as Locke, notes that children are not born in full state of equality, although they are born to it. Consequently, parents have some sort of jurisdiction over them when they come into the world and for some time after, while the imperfect state of childhood lasts. However, the relationship between parents and children is not in any way one of property. Lock defends that the nature of their relationship is fiduciary. The fact that children are not a property of parents implies that the criteria of parents when they make a decision must take into account the best interest of the child. When this is not the case, the State can intervene on the grounds of protecting the interest of the child. A good example is the norms to protect children against the eventual parental physical abuse (Arneson and Shapiro, 1996: 380-381). Therefore, if we apply this question to our case some people might wonder: is it on the best interest of the child to be educated in one faith? In the liberal literature, there are different schools of thought. For instance, Amy Gutmann, from a comprehensive liberal perspective, points out that for the interest of the child the State must ensure the children's own prospective freedom of religion, limiting the rights of parents to raise their children in one religion. Nevertheless, Shapiro and Arneson point out that if parents have to limit their rights as parents concerning the faith in which they are raising their children, it implies that parents must either accept their own loss of religious freedom or, in limited cases, decline to be a parent (Arneson and Shapiro, 1996: 382-399). This harsh consequence shows that defining the limits of the State's intervention is not as simple as it seems. Moreover, the right to education would no longer consider its cultural dimension, considering the man as "an inside that needs an outside" (Mounier, 1946). There is a lot of literature in this regard and the extent of this essay does not allow to discuss further on this concrete issue. On the contrary, what will be discussed is what happens when freedom of religion clashes with democratic citizenship in the field of education.

What is the role of parents and the role of the State concerning citizenship education? Firstly, regarding parents, there seems to be an implicit consideration of many scholars when dealing with this kind of controversies. Said consideration implies that religious parents confront education citizenship with their freedom of religion, and therefore it is hard for most of them to accept citizenship education. It is true that some parents can feel this tension in certain situations where citizenship education goes against some core parts of their religion; however, most of these parents are also interested in their sons becoming good citizens and being able to live together with people from other backgrounds. Consequently, this confrontation is not as common as it appears to be. Most of the reflections in this regard have been carried out by American authors and considering American situations. It is possible that these American scholars, such as Shapiro or Gutmann, have made this assumption because they were bearing in mind certain groups. Most of the reflections in the United States are made around fundamentalist, isolated and disconnected religious groups -mostly protestants- that established themselves in the United States almost since its foundation. Moreover, the controversies of these groups were not about the creation of new schools, but about the possibility of opting their children out of the educational system. Nonetheless, the virtual absence of groups of this nature in the European and Spanish panorama leads to the need of adopting a more generous approach towards what parents consider to be the best for their children.



Once we have reflected on the nature of the family and parents, we will proceed to analyze the nature of the State. From a liberal perspective, most recent reflections made by American liberal theorists assume the infallibility of the State when the best interest of the child is concerned. We can see this assumption in the above-mentioned documents of Shapiro and Arneson and Gutmann. However, this assumption can be a bit partisan. As we have seen before, there may be certain scenarios where parents abuse their children, but there may also be scenarios where the State, even a democratic one, abuses of its citizens. Therefore, we agree with the already mentioned conception of Shapiro, according to which parents do not own their children, and hence they cannot have an arbitrary power to decide what they do or do not teach their children, even if it is done in the name of a fundamental right such as freedom of religion. Nonetheless, we should have the same concern with regards to the State. Even if Shapiro warns that children are not the property of parents, they are neither property of the State. There is, along these lines, US jurisprudence of the Supreme Court pointing that “the child is not the mere creature of the State” (*Pierce v. Society of the Sisters*, 1925).

Despite Shapiro and Gutmann, as liberals, having great expectations regarding the outcomes of democratic States, liberalism has historically had a critical approach to the democratic State, owing to the fear that these democracies can act with the same despotism than a prince could. Montesquieu, for instance, criticizes that democratic States can, in the same way as monarchies, be harmful to minorities due to the tendency of having a monist approach due to the majority vote. We can observe critiques with the same spirit in the *Federalist Papers* and in Tocqueville (Audard, 2009: 198-209). And we can also find this same fear on the field of education expressed by Stuart Mill in *On Liberty*. Stuart Mill says that kids belong neither to the State nor to the parents. However, contrary to Shapiro, he is more skeptic about the role of the State. He warns about the dangers of the only provider of education being the State, indicating that this can be used by the State in order to shape people to its own taste (Mill, 1859: 193-194). The fears of Stuart Mill seem legit to us; we have already seen a few examples of this, such as the indoctrination during the Nazi regime, which roses to power through democratic elections.

The possibilities of the State becoming despotic cannot be neglected, even if it is only with regards to certain policies. This concern has two consequences. First, we cannot assume that the State is always going to make the best decisions for its citizens. Second, because of this, the participation of other institutions in the provision of education should not be far-fetched. In the field of education, and particularly in order to ensure that citizenship education does not become a sort of indoctrination, it is important to let non-governmental institutions, including religious ones, play a role. But more will be said on this later.

What we can conclude here is that neither the parents, nor the State, are owners of their children. Also, that both are potential abusers of their power when it comes to education. Concerning democratic citizenship education, we have concluded that shared governance is needed in order to ensure that the State does not use it to indoctrinate their juvenile citizens.

Considering this idea of a shared governance of education, the question that needs to be raised is: What happens in the particular case of the creation of religious schools? What is the role of the State here?

Based on the above, it seems that there would be room for faith-based schools under certain circumstances. Firstly, denying parents the right to raise their children in

their faith can constitute a violation of freedom of education. Secondly, the State does not always guarantee that children receive the best democratic citizenship education. Therefore, some shared governance is needed. This shared governance could consist in the creation of non-governmental schools, including religious ones. Moreover, we have already mentioned that the fact that some parents are religious, does not make them against democratic citizenship education *per se*.

Nonetheless, in the same way parents should have an alternative from the State's education system, the State must also be able to keep control over the parents' eventual abuses. At this point, it is important to recall that the content of civic education we support is not the thick one of Gutmann, but the more precise one of Shapiro and Arneson. The liberal political definition specifies that children need to be taught, as rights' depositaries, adequate knowledge of contemporary science, specifically of democratic institutions and national law, plus critical thinking, so they can understand other groups in society. Consequently, as far as non-governmental schools, including religious schools, respect and teach democratic citizenship education, without ignoring any part of the content, along with the other essential compulsory subjects such as mathematics, they should be able to exist.

The question now would be: is it possible to imagine a religious school, Muslim in this case, to teach the essential content of civic education as Shapiro conceives it? Before answering this question, there are two previous questions that need to be asked: Can religious schools, in general, exist in a democratic society bearing in mind this definition of Shapiro and Arneson? And, under what circumstances can they exist?

To answer to this question, it is interesting to picture, for instance, some of the Catholic groups or Jewish communities, which hold strong orthodox positions that own and run schools in Spain. Can they exist? And especially, what are the limits laid down on this existence? It is important here to recall the idea behind the definition we are using of Macedo. What this definition of democratic citizenship requires is not to force any believer to deny what they believe in, but to let us to know the common space where we can live together. It is important, though, that public authorities, together with different stakeholders, including religious institutions, define this common ground indispensable for living together. Some people could agree that these values are the ones expressed in the Constitution, others that they are the ones expressed in the different human rights covenants and declarations. It is not the aim of this research to identify the core of the common ground, but to determine that this common ground is important to resolve this question. Nevertheless, even if we do not identify this common ground, we can intuit some of its values. Macedo, for instance, says that one of the pillars that allows people to live together is tolerance. Isaiah Berlin, when he mentions the common rules for living together in plural societies, identifies values such as pluralism, non-discrimination, tolerance, justice, solidarity and equality (Berlin, 1999: 66). Therefore, if people with a religious credo, no matter how orthodox they are, are willing to teach the values and the content of the democratic citizenship subject, they should be allowed to open a school. Macedo points out that you cannot create a school so as to avoid exposing your children to civic values, so public authorities have to ensure that civic values are taught in every school. Consequently, the State actions aimed at ensuring that this content is taught are more than justified (Macedo, 1995: 474). In the same line, Steven D. Smith warns that States must tolerate all religions and try to promote public understanding and respect of the variety of religious faiths and practices. However, he points out that some religious

practices might be beyond the bounds of tolerability, and thus the teaching of intolerance in its different forms is unacceptable (Smith, 1996: 850). The European Court of Human rights has gone further as it points that “*pluralism in education* – including the existence of religious schools- *which possibility is essential for the preservation of the “democratic society”*” (Folgero and others v. Norway, 2007). In short, and answering the question we formulated in the previous paragraph, religious schools can and should exist in a democratic State as far as they are willing to teach the core content of democratic citizenship education and make compatible the rest of lessons with it.

Beyond the permission of these religious schools to exist, we think that the strength of this formulation is the possibility of letting reasonable religious people keep their faith while embracing democratic values. In a society where there seems to be a disconnection between religious and democratic values (Macedo, 1995: 490-491), it is important to give tools for the reasonable religious people to guarantee their space in the public arena. We should facilitate and accommodate the claims of religious groups in so far as they do not challenge the core liberal values. We can understand reasonable people, those who understand the need of sharing these common values that enable the different confessions and all citizens to live together. Usually, one of the problems with orthodox religious groups is their isolation and the lack of control of what they do. Ensuring that these people are part of the public arena, by listening to them and engaging them in the political debate and institutions, makes them part of the system. And for those who have strong beliefs but are willing to make efforts to accommodate them to the common ground values, democracies should allow the existence of their schools for two reasons. The first reason is to avoid an isolation that could lead to a stronger radicalization. The second, because by doing so we help reasonable religious people reform their religions by, for example, having their own schools that make their values compatible with democratic values. This fact generates stronger democracies facing the challenges of pluralism. In line with what we were saying, an interesting sentence of the European Court of Human Rights warns that when there are tensions because of pluralism “The role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other” (Serif vs. Greece, 2000)

## 4. Conclusions

In this essay, we have observed that religious schools are not necessarily incompatible with a liberal State such as the Spanish one. We can identify two main issues: first, the existence of religious institutions in a democratic liberal State; second, the collision between democratic citizenship education and freedom of religion.

We can divide the first issue into two different dimensions. The first one concerns the fact that faith can involve submission to the will of others, such as religious leaders. Nevertheless, according to Laborde, the duty of the liberal State is to guarantee the existing pluralism in society and the different conceptions of the good life. It does not mean that the State becomes a sort of anti-religious power that *forces citizens to be free*. The duty of the State in this regard is to establish a framework where non-believers and believers of different confessions can coexist. The second dimension concerns the fact that religions might require special treatment, and this could go against the principle of equality. We have seen that this is not true. Democratic States must go beyond the idea

of numerical equality and embrace the Aristotelian idea of proportional equality in order to be fairer. This means they must treat each person in relation to their due. For instance, excluding someone who must wear a hijab of the position of public servant because of the interdiction of wearing religious symbols or because it is not part of the uniform can generate unfair situations, which justifies certain accommodations for certain religions. By embracing this idea of equality, democratic States can become fairer and resolve controversies with religious institutions.

Once we observed the compatibility of religious institutions with democratic States, the research focused on the relationship between freedom of religion and democratic citizenship education. This relationship has been conceptualized through a triangle: the children in the highest vertex and the State and the parents in the lower ones. The State focus on citizenship education, and the parents on freedom of religion. We have observed that, to optimize the interest of the children, neither the State, nor the parents, can prevail over the other. Consequently, the way this problem needs to be resolved is through the balance of all interests. This means that the State should tolerate the existence of religious schools as long as these schools respect democratic citizenship education.

From a theoretical point of view, we have observed that even religious parents are interested in their children receiving democratic citizenship education, which is compatible with their religious faith.

What we can infer from the results of this research is that the State has to be less reticent and more open to the existence of religious schools. It must allow reasonable religious groups to be part of society and to make their religious beliefs compatible with the principles of democratic citizenship. On the contrary, it cannot exclude them and force them to become isolated from the democratic society.

Nevertheless, allowing religious schools to exist is not just a negative obligation of the State. In this regard, it has two main obligations. First, define a democratic society that includes all reasonable citizens, religious and non-religious. And second, ensure that these religious schools fulfill their obligations, not only teaching the traditional curriculum – such as mathematics or history - but also teaching democratic citizenship education.

Coming back to the first scenario, where a Muslim Brotherhood wants to a school in Spain, how should the State react? After what we have seen, it is clear that the attitude of the State should be of openness and tolerance towards the existence of this school. So, if this Brotherhood is willing to embrace the values of democratic citizenship, it should have room in a democratic society such as the Spanish one. In this regard, the State should ensure that this school teaches democratic citizenship education, and that the rest of the subjects are respectful with these values. Moreover, the school should accept regular inspections in order to prove said respect.

It is true that what we might need to address now is the possibility of these schools receiving public funding. We will leave that for a different essay. However, we would like to mention that, if policymakers took an approach as open as the one we have observed on this research, we would probably have more religious schools, more of them would have access to public funding, and less religious would feel excluded from democratic institutions. This would allow reasonable religious citizens to feel that their religious dimension is not incompatible with democratic institutions and better integrate, which would make it more difficult for these citizens to become fanatics or radicalized.

## 5. Bibliography

- Arneson, R. J. & Shapiro I., (1996) Democratic Autonomy and Religious Freedom: A critique of Wisconsin v. Yoder. *Nomos*, 38, Political Order.
- Audard, C (2009) *Qu'est-ce que le libéralisme ? – Étique, politique, société*. Editions Gallimard.
- Avins, J. (30 March 2015) *Sikhs in the UK have won their right to wear turbans at work*. Quartz. Retrieved from <https://qz.com/372692/sikhs-in-the-uk-have-won-the-right-to-wear-their-turbans-to-work/>
- Berglund, J. (2015) *Publicly funded Islamic Education in Europe and the United States*. The Brookings Project on U.S. Relations with the Islamic World Analysis Paper.
- Berlin I, (1999) *Mi andadura intelectual*. P. Badillo O'Farrell and E. Bocardo, Madrid, Tecnos.
- Centro de Investigaciones Sociales (2016) *Barómetro de enero 2016. Estudio nº 3124*. Retrieved from [http://datos.cis.es/pdf/Es3124mar\\_A.pdf](http://datos.cis.es/pdf/Es3124mar_A.pdf)
- Conventiones Inter Apostolicam Sedem Et Nationem Hispanam, signed on 1979, ratified the same year. Retrieved from [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-1979-29491](https://www.boe.es/diario_boe/txt.php?id=BOE-A-1979-29491)
- Corral, C. (2004) Laicidad, aconfesionalidad, separación ¿Son lo mismo? *UNISCI Discussion Papers*.
- European Committee for Catholic Education (2014) *School Statistics 2013-2014* Retrieved from [http://enseignement.catholique.be/ceec\\_wp/wp-content/uploads/2014/01/Statistiques-scolaires-2014-School-Statistics.pdf](http://enseignement.catholique.be/ceec_wp/wp-content/uploads/2014/01/Statistiques-scolaires-2014-School-Statistics.pdf)
- Folgerø and Others V. Norway. Application no. 15472/02, par. 50, ECHR 2007.
- Fernandez, A (2009) Le droit à l'éducation: Le droit à être humain. *Vers une culture de droits de l'homme. Droits humains, culturels, économie et éducation*. Diversités, Genève, pp. 367 -394.
- Gosepath, S. (2007) *Equality In: Stanford Encyclopedia of Philosophy* (online) (Accessed 21/04/2017). Retrieved from <http://www.citethisforme.com/guides/harvard/how-to-cite-a-dictionary-entry>
- Gutmann, A. (1980) Children, Paternalism and Education: A Liberal Argument. *Philosophy and Public Affairs*, 9(4).
- Gutmann, A. (1988) Democratic Education. *Michigan Law Review*, 86(6).
- Habermas, J. (2003) De la tolerancia religiosa a los derechos culturales. *Claves de la razón práctica*.
- Habermas j. (2006) Religion in the Public Sphere. *European Journal of Philosophy* Vol. 14(1), pp. 1–25.



- Kant, E. (1910) *Traité de pédagogie*. Paris.
- Laborde, C. (2017) Républicanisme critique et religion. *Movements* 2017/1 (nº 89), pp.62-68.
- Laborde, C. (2016) Conclusion: Is Religion Special? *Religion, Secularism, and Constitutional Democracy*, Columbia University Press.
- Ley 25/1992, de 10 de noviembre, por la que se aprueba el Acuerdo de Cooperación del Estado con la Federación de Comunidades Israelitas de España. Retrieved from [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-1992-24854](https://www.boe.es/diario_boe/txt.php?id=BOE-A-1992-24854)
- Ley 24/1992, de 10 de noviembre, por la que se aprueba el Acuerdo de Cooperación del Estado con la Federación de Entidades Religiosas Evangélicas de España. Retrieved from <https://www.boe.es/buscar/doc.php?id=BOE-A-1992-24853>
- Ley 26/1992, de 10 de noviembre, por la que se aprueba el Acuerdo de Cooperación del Estado con la Comisión Islámica de España. Retrieved from [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-1992-24855](https://www.boe.es/diario_boe/txt.php?id=BOE-A-1992-24855)
- Macedo, S. (1995) Liberal Civic Education and Religious Fundamentalism: The Case of God vs. John Rawls? *Ethics*, 105(3)
- Modood, P. (2009) Odd ways of being secular. *Social Research*, 76(4), *The Religious-Secular Divide: The U.S. Case (Winter 2009)*, pp. 1169 – 1172.
- Mounier, E. (1946) *Traité du caractère*. Divers – Essais.
- OIDEL (2016) *Freedom of Education Index 2016*. Geneva.
- Orrico, J. (2005) La ruina de la enseñanza española. *Cuadernos de pensamiento político* nº8, pp. 24-55.
- Palomino, R. (2016) *Manual Breve de Derecho Eclesiástico del Estado*. 4ª Edición, Madrid.
- Partido Popular (2015) *El PP subraya su defensa de la libertad de enseñanza y reclama debates serios y rigurosos sobre la educación en España*. Retrieved from <http://www.pp.es/actualidad-noticia/pp-subraya-su-defensa-libertad-ensenanza-reclama-debates-serios-rigurosos-sobre>
- Pierce v. Society of Sisters*, 268 U.S. 510 (1925)
- PSOE (2010) *25 años de la LODE*. Retrived from: <http://web.psoe.es/educacion/docs/530246/page/anos-la-lode.html>
- Rawls, J. (1971) *A Theory of Justice*. Cambridge.
- Rawls, J. (1993) *Political Liberalism*. Columbia University Press.
- Serif vs. Greece* Application no. 38178/97, par. 53, ECHR 2000.
- Smith, S. D. (1996) The unprincipled approach to religious freedom. *Capital University Law Review* nº 805.

- Stuart Mill, J. (1859) *On Liberty* (Spanish Translation: *Sobre la libertad*) Alianza Editorial.
- Todd, T. (2015) *Qui est Charlie? Sociologie d'une crise religieuse*. Éditions du Seuil.
- Unidos Podemos (2016) *Programa Electoral* (nº 293). Retrieved from <https://lasonrisadeunpais.es/programa/>
- Verdú, D. (23 enero 2015) El Círculo Islámico de Podemos. *El País*. Retrieved from [http://politica.elpais.com/politica/2015/01/22/actualidad/1421956567\\_088774.html](http://politica.elpais.com/politica/2015/01/22/actualidad/1421956567_088774.html)
- Wisconsin v. Yoder* 406 U.S. 205 (1972).
- World Bank (2014) *Percentage of enrolment in primary education in private institutions* ( %). World Bank Databank. Retrieved from <http://data.worldbank.org/indicator/SE.PRM.PRIV.ZS>
- Zafra, I. (20 Septiembre 2016) Una entidad recauda 2,5 millones para abrir un colegio islámico en Valencia. *El País*. Retrieved from [http://ccaa.elpais.com/ccaa/2016/09/20/valencia/1474382064\\_310654.html](http://ccaa.elpais.com/ccaa/2016/09/20/valencia/1474382064_310654.html)