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**RELIGIOUS FREEDOM IN BELGIUM: A LIMITED STUDY OF  
CHALLENGES AS EXPERIENCED BY LDS CHILDREN AND YOUTH IN  
FLEMISH CLASSROOMS FROM THE 1970'S UNTIL TODAY**

*Ingrid Sherlock-Taselaar*

**Abstract:** The 19<sup>th</sup> and 20<sup>th</sup> Articles of the Belgian Constitution provide for freedom of religion. The Federal and Flemish Regional governments generally respect this right in practice even though they only accord so-called “recognized” status to a small number of mainstream religions. The lack of “recognized” status does not prevent a religious group from practicing freely and openly but the repercussions of this interpretation of the constitution does affect many aspects of life for members of religious organizations without “recognized” status. By law, all Belgian school have to provide two hours of religious education yet the religions covered are only those which have “recognized” status or non-confessional moral education. This means Latter-day Saint (LDS) pupils are faced with having to attend two hours of religious education in a religion which is not their own because the LDS church does not have “recognized” status. This paper is a limited study about the challenges LDS children, youth, and their parents experience in Flemish classrooms.

For some time now there has been a debate in Belgium about the acceptability of displaying and/or wearing religious symbols of any kind in public and whether a restriction would represent an infringement on religious freedom. Unlike in France there is no unified policy or law on this subject. This may, in part, be due to the complexity of the issue as T. Jeremy Gunn so eloquently explained in his article on the subject but looking at Belgium specifically one cannot escape the feeling that there is a degree of complacency.<sup>1</sup> As the matter stands now individual schools and public institutions set their own policies ranging from complete freedom to comprehensive restrictions. Lately this has led to bitter confrontations between interested parties.<sup>2</sup>

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<sup>1</sup> Gunn T. Jeremy, ‘The Complexity of Religion and the Definition of “Religion” in International Law’, *Harvard Human Rights Journal*, 16 (Spring 2003), 189-215.

<sup>2</sup> A ban on the wearing of Muslim head scarves in several Flemish Community Education schools from September 1, 2009, has led to angry demonstrations

Displaying and/or wearing of religious symbols are, however, but a small part of freedom of religion. In Article 18 of The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly on 10<sup>th</sup> December 1948 freedom of religion is defined as follows:

Everyone has the right to freedom of thought, conscience and religion; this right included freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The International Covenant on Civil and Political Rights (March 23<sup>rd</sup> 1976) elaborates on the 18<sup>th</sup> Article of the UDHR by adding that 'the States Parties to the present Covenant undertake to have respect for the liberty of parents and, where applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions'.<sup>3</sup>

Earlier this year I was talking to some youth of the Antwerp ward of the Church of Jesus Christ of Latter-day Saints and perchance the conversation turned to their experiences in school in relation to their church membership. It appeared that their experiences were different from my own recollections of school life in the 70's through the mid 80's and an opportunity seemed to present itself to take a closer look at the experiences and possible challenges faced by Latter-day Saint (LDS) pupils and their parents in Flemish classrooms. Through a voluntary survey Latter-day Saint parents and youth were asked about their choice of schools, their experiences, and challenges.<sup>4</sup> This paper is only a small part of more extensive research into the subject.

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and counter demonstrations near government buildings and the schools concerned, intimidation of girls complying with the new policy, law suits, and withdrawal of girls from the schools concerned.

<sup>3</sup> International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force on March 23, 1976.

<sup>4</sup> Due to its voluntary nature, end of year examinations, proximity of the holidays and time constraints the survey was limited. There was a survey for parents of children and/or youth who are or were in school (17 parents responded about 39 children/youth). There was also a survey for the youth themselves (9 youth responded).

Belgium attracted a lot of media attention in the months following the federal elections of 10 June 2007. The cause for this attention, often in the form of an analysis of Belgium's history and future, was in part due to the fact that for nigh to a year after this election the country had effectively no government and in part because the headquarters of the European Union and NATO are in Brussels. Once again rumours about Belgium's future were rife. In spite of all this attention, the historical, lingual, and indeed political situation of Belgium is for most outsiders shrouded in obfuscation.

For the purposes of this paper it suffices to say that in 1830, the year that The Church of Jesus Christ of Latter-day Saints was organized, Dutch-speaking Flanders was joined to French-speaking Wallonia, to form a small independent and in many aspects artificial country called Belgium. It would be fair though perhaps not politically correct to say that Belgium was created as a buffer-state between its neighbours. Throughout history, from the moment that the Latin and Germanic worlds met around the start of the Common Era, the boundaries and the sovereigns of this tiny piece of land have been in constant flux. Battles were fought and patrimonies were spread and as a result of these different influences Belgium is a country abounding in peculiarities. Outsiders are often left to wonder how in this age when many new countries are formed from the disintegration of old powers, Belgium remains one country. Perhaps it is just a matter of making the best of a bad deal.

One of Belgium's peculiarities, pertinent to this paper is the issue of freedom of religion. Belgium was a signatory to the UDHR and the 19<sup>th</sup> and 20<sup>th</sup> Articles of the Belgian Constitution provide for freedom of religion. The Federal and Flemish Regional governments generally respect this right in practice even though they only accord so-called "recognized" status to a small number of mainstream religions. The lack of "recognized" status does not prevent a religious group from practicing freely and openly but the repercussions of this interpretation of the constitution does affect many aspects of life for members of religious organizations without "recognized" status. The most obvious repercussion is that it precludes these organisations from government subsidies. In 2008 the subsidies made by the Belgian federal government amounted to €106 million.<sup>5</sup> On the face of it this lack of government

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<sup>5</sup> United States Department of State, 2008 *Report on International Religious Freedom - Belgium*, 19 September 2008. Online. UNHCR Refworld, available at <http://www.unhcr.org/refworld/docid/48d5cbd46f.html> (accessed 14 April 2009).

subsidy should not pose a problem for The Church of Jesus Christ of Latter-day Saints as it is a church with a lay ministry. While this is true, government subsidies to “recognized” religious organizations do not only cover their ministers of religion but also, for example, the salaries and social contributions of teachers in public schools. It is in the area of education that the lack of “recognized” status is potentially an issue for Latter-day Saint parents and pupils.

In order to understand why this is an issue one has to have a modicum of understanding of the educational system. In Belgium compulsory education does not mean compulsory schooling so children do not have to go to school to learn, home education is also possible. The Constitutional Amendment of 15 July 1998 transferred the responsibilities of education from the federal government to the communities and each community now has their own educational system. The federal government only decides on the start and the end of compulsory education, the minimum conditions of obtaining a diploma and education staff pensions.

In Flanders there are three educational systems. The first one is Community Education (GO). Primary schools in this system attract 14.4% of pupils while 16.5% of pupils attend its secondary schools. Secondly there are the Subsidised Publicly Run Schools (OGO). These are municipal or provincial run schools and 22.3% of pupils attend its primary schools and 7.8% attend its secondary schools. Thirdly there are the Subsidised Privately Run schools (VGO). These are the confessional schools (Roman Catholic, Anglican, Jewish and Islamic schools) and the method schools such as Steiner and Montessori schools. The vast majority of these schools are however Roman Catholic. The Subsidised Privately Run schools attract 63.3% of primary school pupils and 75.7% of secondary school pupils.<sup>6</sup> The curricula and certification of each of the three systems are officially recognized as equal. In the mind of the people, however, they are not equal and the Subsidised Privately Run schools are generally thought of as providing a higher standard of education and a stricter discipline.

Unlike some other European countries all three Flemish educational systems are required to provide a minimum of two weekly hours devoted to religious education or ethics on their timetables. In the

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<sup>6</sup> Figures taken from: *Synopsis van de onderwijssystemen en lopende hervormingen in Europa. België-Vlaamse gemeenschap*, januari 2009, p. 1, available at [http://www.ond.vlaanderen.be/english/eurydice/downloads/Synopsis\\_BN\\_NL\\_2008-2009\\_final.pdf](http://www.ond.vlaanderen.be/english/eurydice/downloads/Synopsis_BN_NL_2008-2009_final.pdf) (accessed 14 April 2009).

Community Education schools and in the Subsidised Publicly Run Schools these hours are filled in by lessons on a confessional basis i.e. Roman Catholic, Anglican, Jewish, Islamic, or Orthodox. For those who do not identify with any of the former there is Non-Confessional Moral Education. The Subsidised Privately Run schools are only required to provide their own religious or ethical education but are free to offer lessons in any other main-stream religions or Non-Confessional Moral Education.<sup>7</sup> Although by law they must accept children that are not of their confession, a direct result of this freedom to offer only one choice in religious education is that, with the exception of Muslim schools, Subsidised Privately Run schools have fewer non-European immigrants attending than in the other two education systems.

As can be deduced from above only the religions with a “recognized” status can provide confessional schools or confession specific education within the educational system. For LDS parents this means that in all education systems in Flanders they have to make a choice with regards to religious education. Either they choose a confessional school where their child will follow classes in a specific religion or they choose one of the other non-confession specific school systems. If they choose the latter they need to choose whether they register their children for religious classes or for Non-Confessional Moral Education. If they opt for religious classes they have to choose one of the religions with “recognized” status. In the secondary schools of the Community Education a pupil can apply for an opt-out of these classes but the schools do not offer it as an option in their list of choices and thus parents have to be aware that they can apply for an opt-out. The school is legally obliged to grant the opt-out when requested. Among teaching staff, however, there is often an unspoken opposition to these opt-outs because some pupils use these two hours as free periods rather than study their own religion. This is rightly perceived as unfair.

In summary one can say that although Flanders is multi-religious, it is not yet inter-religious and the majority of the Flemish people still identify with the Roman Catholic Church even though they seldom set foot in a church. This is strongly reflected in the educational system and the choice of schools.

As to the results of the questionnaires, a number of interesting general observations can be made:

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<sup>7</sup> <http://www.ond.vlaanderen.be/edulex/database/document/document.asp?docid=12254#135343>

1. The choice of school: in the past LDS children were fairly evenly spread over the three education systems (of the answers received eleven attended a Subsidised Privately Run school, six a Community Education school, and three a Subsidised Publicly Run Schools). Reasons for this were not given in the questionnaires but it appears that most parents were converts to the LDS Church and the choice of school was made before their conversion. Present-day parents, however, chose overwhelmingly for Subsidised Privately Run schools (for every three pupils in Subsidised Privately Run schools only one chose for the two other educational systems together).
2. As to the question of whether their choice of school was a conscious choice we see that both in the past as well as today the choice often was a conscious choice. In the past, however, many factors played a role, not least the proximity of the school but also the reputation of the school or the school where all the neighbours went to. Today, however, parents are looking for schools where Christian values are taught, where there is a strict discipline, and where there are standards in clothing, language, and behaviour.
3. Today the religious beliefs of the parents influence the choice of school more than they did in the past. The data, however, could be flawed inasmuch as many parents in the past were converts themselves and their children were already in a particular school system whereas the majority of parents today are second generation LDS. A few chose on purpose a Community Education school for their children because of the negative attitudes they experienced themselves in a Subsidised Privately Run school when they and their parents converted to the LDS Church.
4. In the past few pupils opted out of religious classes to take classes in Non-Confessional Moral Education. This was due in part because not every school offered the subject and in part because these classes did not coincide with the regular religious classes and the pupil had to be taken out of other lessons or was taught during the lunch break. Today about a third of LDS pupils that take Non-Confessional Moral Education and where

the subject is on offer, the classes coincide with the other religious education classes.

5. Both in the past as well as today schools, individual teachers, friends and their parents of primary school children know that a child is LDS. Usually this is mentioned at registration by the parents or the children themselves talk about it. In secondary education this picture changes. In the past the schools were informed by the parents upon registration, the teachers were informed by the school management and other pupils soon found out from the youths themselves or via the grapevine. Bearing in mind that a relative small number of youth as of yet have answered the questionnaire due to end of year examinations it appears that today's youth is more inclined to only tell their best friends. Schools appear rather ambivalent as is evinced by teachers of religion or Non-Confessional Moral Education asking at the beginning of a new school year whether there are any pupils with a different faith even though the school management is aware of this fact. Without surveying schools, it is difficult to establish why schools appear to be ambivalent. Perhaps it is connected to funding because the school receives a certain amount of money per pupil and every Euro counts in the current climate of reduced subsidies. Perhaps schools are afraid for legal repercussions if they select pupils based on their religious affiliation.

The questionnaires further indicated that in general LDS pupils were and are well accepted in all three Flemish education systems. Many positive experiences were shared but there were also quite a number of negative experiences. In light of the fact that it is quite difficult to quantify an experience as positive or negative because it is entirely subjective, the experience will be viewed through the eyes of the person who shared the experience.

As was expected there were less challenges and more positive experiences for pupils in primary education in the past as well as today. Among the positive experiences reported were:

1. Quite a number of pupils in the past and today were given an opportunity to give a presentation about their faith in class.

2. A few pupils today invited some of their classmates and their teacher to their baptism. These were impressed by the service, the high moral standards that are taught and adhered to from a very young age and the dedication of members. This was of later benefit inasmuch as it precluded pupils from asking awkward questions later or teasing the LDS pupils.
3. Children in the past and today were popular because they knew the stories of the Bible very well.
4. Several modern parents mentioned that they considered the dress standards of and discipline in Subsidised Privately Run schools a positive experience as it agreed with their own dress standard and views on discipline and behaviour in general.

There were very few negative experiences reported during the years in primary education:

1. One respondent answered that being Dutch was more of a problem than being LDS although the school had handled the issue effectively.
2. One seven-year old in the 70's was told that she was going to hell because she was not going to receive Holy Communion for the first time nor had she been baptized. The pupil was sufficiently secure in her faith to tell her parents that the other children did not know any better so it did not really matter what they said.
3. Another who had missed the school bus was questioned by the teacher whether they had come to school late on purpose so as to miss the Mass the class was attending that morning.
4. Some parents of pupils who chose Non-Confessional Moral Education found that rather than non-confessional the teachings were atheistic.
5. Some parents reported that parents of their children's friends are very suspicious if their child is invited to a church activity even when this activity is not church orientated.

In secondary education the picture changes once again. It appears that in the past teenagers had no problems telling peers and teachers that they were LDS whereas today it is more on a need-to-know basis only. Nevertheless the amount of negative experiences seems to remain constant. Negative experiences reported by pupils in the past centred on:

1. Questions around polygamy which were in contrast to the pupil's own moral standards.
2. Some pupils were singled out during sex education classes as the old fashioned ones or those without experience.

3. Fellow pupils were bothered by encounters with overzealous missionaries in town and projected this on the LDS pupils.
4. The Word of Wisdom. Adherence to the Word of Wisdom was considered childish. One pupil was given a baby bottle with milk at the start of a party. Rather than being subject to ridicule, this young man calmly unscrewed the top of the bottle, drank the milk and handed the bottle back. They clearly had not expected that and backed off.
5. By far the worst experience reported was an incident that took place in the late 70's and early 80's where a pupil was repeatedly pressured into leaving the church or denying her ridiculous beliefs. It was known in the school that the pupil had been accepted by Brigham Young University for the Fall semester of that year, starting in the middle of August. Quite surprisingly she failed the final examination of one of her best subjects and the teacher gloated that now she could not go to BYU as she had to re-sit the examination in the last days of August. Upon submitting her second examination the stunned pupil was told that she had passed already the first time. The result, however, was that she was not able to start at Brigham Young University in the Fall semester and had to postpone her studies to the Winter semester.<sup>8</sup>
6. On the whole it appears that negative experiences reported by modern pupils centre more on what they do or do not do rather than their faith. Comments are made about their choice of music, the films they watch or do not watch, and very often their

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<sup>8</sup> At that time Belgian secondary school examinations were not state-run as is the case in many countries. Individual subject teachers wrote, corrected, and marked the examinations. Pupils or parents generally did not question marks and subjected themselves to the verdict on the report card. This is demonstrated by the fact that neither the pupil nor the parents questioned the result and accepted that the pupil had seemingly failed in one of her best subjects. Belgium is generally not a society where litigation is the norm and so legal action against a school with regards to school results would neither have been considered by parents nor feared by the school. Things have changed since and parents now have the right to see the examinations of their children in the presence of the teachers and someone from the school management.

dress standard. It was interesting that a number of male respondents answered that they did not encounter problems being LDS as such but that they were bothered by the behaviour and dress standard of females at parties. The single item that came up most was church attendance. Friends and acquaintances often declared the respondents mad to not only go to church but to go so early and for three hours. It was also regarded as frustrating that parties outside church which are often attended with friends from school only start on Saturday evening at 23:00.

Positive experiences included being given an opportunity to give a presentation about their faith. Someone reported that she was asked by a fellow pupil to pray for him so he would pass his music examination. She was relieved to hear he passed when he came to thank her.

Although there are not yet enough data to draw firm conclusions, we see that the secularization of Belgium, its general aversion to organised religion after centuries of what is perceived as oppression by the Catholic Church, and the compulsory lessons of religion or ethics do create challenges but also unique experiences for LDS youths. In the past the majority of the country was observant Catholic to some degree. This religiosity was most apparent in schools where pupils in all but the Community Education schools often attended masses and engaged in other religious festivals and/or projects. By partly participating in these activities (e.g. attending mass but not partaking of the sacrament) LDS pupils were mostly perceived as somewhat different but not as “the other.” As a result of today’s LDS youths being more selective in sharing the fact that they are LDS and schools, especially secondary schools, being less involved in offering religious activities outside the regular hours religious tuition, the positive and negative experiences have moved somewhat away from the classroom setting and pupil’s “otherness” is less pronounced in their school lives but more pronounced in their out of school lives.

The above results and the current charged situation surrounding public display of religious symbols make one wonder whether the Belgian government can continue to be complacent in the issues surrounding the freedom of religion. Furthermore perhaps a case can be made that the Belgian government is in breach of the UDHR and the International Covenant on Civil and Political Rights. Such a case would be based on the assumption that a government cannot compel all pupils to take two hours of religious education or non-confessional moral edu-

cation yet at the same time seemingly prohibit any religion without “recognized” status to provide teachers to teach their adherents thereby forcing them to choose the next best thing. An initial step to remedy this situation is perhaps to separate the issue of subsidies from the liberty of parents to ensure that the religious and moral education of their children is in conformity with their own conviction as enshrined in the International Covenant on Civil and Political Rights. Equally one is left to wonder whether the LDS Church should not do more to receive “recognized” status by challenging the current interpretation of both Article 18 of UDHR, its amendment in the form of the International Covenant on Civil and Political Rights and the Belgian Constitution on the above grounds. Were the LDS church, however, to succeed in this challenge it would have to provide qualified teachers of religion because voluntary teachers without the proper qualifications as is the case with most teachers in an LDS setting would, for obvious reasons, not be acceptable by the law and that too costs money. Perhaps, as with all things, it comes down to money.