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ACCEPT PLURALISM

Tolerance to cultural diversity in Spanish schools.
Discourses and practices.

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WP3 : National Case Studies of Challenges to Tolerance in School Life

D3.1 Final Country Report on Concepts and Practices of Tolerance Addressing Cultural Diversity in Schools.

Tolerance, Pluralism and Social Cohesion: Responding to the Challenges of the 21st Century in Europe (ACCEPT PLURALISM)

ACCEPT PLURALISM is a Research Project, funded by the European Commission under the Seventh Framework Programme. The project aims to investigate whether European societies have become more or less tolerant during the past 20 years. In particular, the project aims to clarify: (a) how is tolerance defined conceptually, (b) how it is codified in norms, institutional arrangements, public policies but also social practices, (c) how tolerance can be measured and how the degree of tolerance of a society across time or of several countries at the same time can be compared (whose tolerance, who is tolerated, and what if degrees of tolerance vary with reference to different minority groups). The ACCEPT PLURALISM consortium reviews critically past empirical research and the scholarly theoretical literature on the topic, and conducts original empirical research on key events of national and European relevance that thematise different understandings and practices of tolerance. Bringing together empirical and theoretical findings, ACCEPT PLURALISM generates a State of the Art Report on Tolerance and Cultural Diversity in Europe targeting policy makers, NGOs and practitioners, a Handbook on Ideas of Tolerance and Cultural Diversity in Europe aimed to be used at upper high school level and with local/national policy makers, a Tolerance Indicators' Toolkit where qualitative and quantitative indicators may be used to score each country's performance on tolerating cultural diversity, and a book on Tolerance, Pluralism and Cultural Diversity in Europe, mainly aimed to an academic readership. The ACCEPT PLULARISM consortium is formed by 17 partner institutions covering 15 EU countries. The project is hosted by the Robert Schuman Centre for Advanced Studies and co-ordinated by Prof. Anna Triandafyllidou (anna.triandafyllidou@eui.eu).

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GRITIM – Grupo de Investigación Interdisciplinario sobre Inmigración, in English Interdisciplinary Research Group in Immigration (Universitat Pompeu Fabra, UPF) – is a multi-departmental group led by Professor Ricard Zapata-Barrero and made up of researchers from different disciplines interested in aspects of innovation in research and management of change processes arising from human mobility and immigration.

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Executive summary

Introduction

Since the 1990s, the growing linguistic, cultural and religious diversity of the Spanish society coming from a raise in foreign immigration rates is challenging the national education system. The incorporation of immigrant children has a growing impact on the schooling system, due to the development of family reunification and increasingly with immigrants' children born in Spain. Between 2000 and 2010, the number of foreign students has be multiplied by more than seven. While in 2000, there were 2% foreign students they represent in 2010 9,5% of all students.

The schooling system is already characterized by it diversity, strongly decentralized to the Autonomous Communities and acknowledging the national and linguistic diversity of Spain. Another important characteristic of this system is the important place of the private-owned schools and of Catholicism. The reshaping of the schooling system after the democratic transition has challenged the hegemonic position of the Church in ensuring the education of children but representations of Spain's religious homogeneity still prevail in the schooling system. Though, the important public inversion in education since the late 1980s and the modernization of schooling standards has changed greatly the educational landscape. The inclusion of many immigrant students during the last ten years makes of the focus on education a good entry to study diversity challenges in Spain.

The educational community have manage to adapt quickly to the changes brought by immigration . Spain has been experiencing few debates in relation to the presentation of self and especially to religious dress code at school and the few controversies have been generally regulated from below, avoiding their politicization. The educational community progressive awareness of issues of cultural diversity at school has also led to the development of specific instruments like efficient temporary reception classes as well as to advanced intercultural education programmes. In spite of these transformation, there are still institutional resistance to the accommodation of immigrant children. Despite of its formal recognition, religious teaching other than Catholicism is confronted to many obstacles. In addition, the integration of immigrant students in a short amount of time has led to reinforce schooling segregation and "ghettoisation" which makes it one of the biggest challenge in relation with diversity in the schooling system.

Focus

This report explores the resistances and transformations of the educational system and the educational community when dealing with diversity. We contextualize in section 1 the incorporation of immigrant students by providing general data on the educational system and statistical data on immigrant at school, and then we outline the main challenges that the "new" diversity introduced by foreign immigrants has brought to Spanish schools. After having presented the research methodology in section 2, the core of the report is devoted to the exploration of two particular challenges. Firstly, we focus on the educational system itself and how it is affecting the acceptance and incorporation of immigrant children (section 3). Dynamics of concentration and segregation have been reinforced with the increase in the incorporation of immigrant children at school, especially in the major cities. We highlight the different explanatory rationales - taking the metropolitan area of Barcelona as an illustrative case study - and show how diversity issues are fuelling long-lasting tensions within the educational community. Section 4 is devoted to the debate that emerged before, during and after the design and implementation of a subject called "Education for citizenship" (*Educación para la ciudadanía* or EfC) in school curriculum, which aim was to acknowledge the new cultural and religious diversity in the society and at school and to prevent possible conflicts deriving from it. This subject has raised a strong opposition from Catholic organisations to what they perceived as an attempt of the State and pro-secularism organizations to indoctrinate students. Finally, the report

outlines the main findings of both cases study and how the concept of tolerance is embodied in these debates.

Methodology and data collection

This report is based on desk research as well as on qualitative semi-structured interviews.

The desk research has been conducted between December 2010 and March 2011. It consisted of an analysis of newspaper materials and on the collection of administrative, statistical, and civil society documents on the two case studies investigated. Two different newspapers analysis has been made: one the debate about the concentration of immigrant children at school and especially referring to inequalities in the integration of these children in public and private schools (2001-2011, 4 Spanish and Catalan journals), the second on the debate about the creation and implementation of Education for Citizenship as a compulsory subject at school (2004-2011, 3 Spanish newspapers).

In addition, 10 semi-structured interviews have been carried out with key actors involved in both case studies, in view of collecting discourses, statements and rationales on the challenges studied.

For case study 1, we interviewed academics specialized on segregation and cultural diversity at school, and representatives of the public administration, private-schools and trade-union of the metropolitan area of Barcelona. For case study 2, we interviewed academics, actors of the civil society who had advocated for the creation of Education for citizenship and representative of the main opponent to the subject.

The interview guides and the list of interviewees can be found in the appendix of this report.

Findings

- <u>On schooling segregation and concentration</u>

Schooling segregation is the result of intertwining socio-territorial, political and cultural factors. It has acquired a special relevance in the ultimate years in Spain with the integration of many immigrant students at school, challenging the principle of equal educational opportunities and the promotion of diversity. The incorporation of immigrants reveals a structural tendency which was already affecting lower-class natives, but it makes it more "visible" and renews the public awareness about schooling inequalities, given the development of diversity policies. The debate about what should be done to prevent the concentration of (lower-class) immigrant children in few schools is mobilising the educational community as a whole. We account for the diversity of positions in the field and emphasize on the statements which raise concerns in terms of tolerance and acceptance toward cultural and religious diversity.

We identify three main topics related to immigrant concentration and schooling segregation. The first one is the safeguard of the interest of the children and their family. Concentration is perceived as a threat for students achievement which reinforce native flight strategies and is said to undermine equal opportunities of immigrant children. But the interest of family in choosing the right school for their children is also opposed to restrictive policies. Other topic is the interest of the schools. The opposition between public and private schools is structuring the debate, even if there is a wide diversity of practices inside the same public or private network of schools. Financial issues and strategies to ensure the good reputation of the school are the key elements of language in that topic. Last, we have identified discourses referring to the interest for the society as a whole and especially the interest in promoting real diversity at school. In these discourses, school should be perceived as a mirror of the society: fighting segregation and promoting diversity is seen as a way to strengthen social cohesion and fight racism.

If socio-economic questions are of crucial importance in this debate, this situation raises also specific normative issues in terms of cultural and religious diversity in the educational system. We highlight that the structure of the Spanish educational system is creating fewer opportunities for immigrant students. This is problematic both in terms of accommodation of immigrants in the country, and also from a normative point of view when considering that a segregated schooling-system does not reflect the existing diversity in the society.

- <u>On "Education for citizenship"</u>

The creation in 2006 of a new course named "Education for citizenship and Human rights" (*Educacion para la ciudadanía y los derechos humanos*) has triggered not only debates about the curriculum and its content, but has raised a wide societal and political debate in Spain directly related to Spanish identity. It has opposed the Church and conservative organisations to the socialist government, organizations in favour of school secularization and organizations promoting intercultural diversity at schools. This debate has been active and fierce thorough the years 2004-2009 and the protests have occupied the social, political and judicial fields, until the Supreme Court and the daily practices softened the confrontation.

The debate about how to strengthen tolerance in an increasingly diverse society which motivated the creation of the subject has given way to arguments about which public values and virtues could be taught to children, and who should be in charge of teaching these values. Other topics have been conveyed in the debate such as conceptions of what is tolerable or should be accepted as normal in terms of sexuality or in terms of models of families. In this debate, the place of religion and more specifically the relation between the Catholic Church and the State remained largely unsolved. To which extend the State is able to define and teach common and public values is thus the important question at stake here. Detractors of the course on 'Education for Citizenship' argued that ethics and morality are not a matter of the State whereas its supporters and instigators argued that it is desirable to define common values that are or should be shared by all, independently of their culture, ideology or religion. Interestingly these values have not been contested by cultural minorities but by the Church and related groups which are part of the cultural majority.

The debate around EfC confronted thus two irreconcilable positions about the respective roles of the State and the families to educate children with their own provision in values. The intensity of the debate cannot be explained only by a strong politicization and rivalry between the conservative opposition and the socialist government. We show that the cleavage is deeper and questions the different resources of the Spanish society for reaching cohesion.

Concluding remarks

Discourse analysis on the two cases study has brought us to examine embedded dimensions of (in)tolerance in debates about diversity at school. The findings of the first case study refer to the dimension of who is entitled to tolerate or not diversity and thus, who is able to change situations of non-acceptance of immigrant students. The findings of the second case explore another dimension which is about the core values and principles which allow to establish the limits of what can be tolerated or not in a society. School segregation case shows that situation of intolerance come partially from individual motivations to avoid what is perceived as a threat for the achievement of children. But there are also political mechanisms which fuel the exclusion of immigrant students. Laissez-faire policy is thus the main source of the increasing schooling segregation in Spain. The debate on *Education for citizenship* is a very different contribution to a reflection on the link between tolerance and diversity. In link with issues of tolerance and acceptance, what the focus on the debate about EfC highlights is the co-existence in the Spanish society of two different institutions, the liberal-democratic state and the Catholic Church, based on two different reference frameworks. The debate about the limits of the public and the private spheres is relevant to an analysis of the definition of what has to be tolerated and accepted in European societies. This case show that in Spain, there is not a shared vision of what are the common values of the society. This disagreement prevents from defining the limits of tolerance to cultural and religious diversity in the country and makes of this question a constant source of politicization.

Keywords

Tolerance, Cultural diversity, Immigrant students, Educational system, Concentration/segregation at school, Education for citizenship.

Introduction

Education is of crucial importance to ensure social cohesion and progress in a given society. Many scholars have shown how the design of the educational system and the content of the curriculum are of a tremendous importance to build what Anderson called the "imagined communities" (Anderson, 1991) and in the diffusion and maintenance of national identity. Since the 1990s, the growing linguistic, cultural and religious diversity of the Spanish society coming from a raise in foreign immigration rates is challenging the national education system.

Firstly, it raises a structural challenge for the Spanish education system which is characterized by an important diversity acknowledging territorial and minority nations' autonomy. This decentralized system has had to face crucial choices in incorporating immigrant students with different linguistic, cultural and religious backgrounds. The "new" diversity introduced by immigration has been often perceived as a threat for the already existing cultural and linguistic diversity (Zapata Barrero, Garcès Mascareñas 2011). In addition, the incorporation of immigrant students has affected differently schools and territories leading to an obvious inequality in their distribution. This imbalance is questioning the capacity of the decentralized schooling system in ensuring two constitutional principles: freedom of education and equal opportunities for all.

Secondly, diversity raises a challenge for the school curriculum. In spite of Spain's territorial and national diversity regarding education policies, the country is also characterized by a strong self-perception of its religious homogeneity (Dietz, 2007). The historical legacy of the domination of the Catholic church on education and the moral formation of the population, the continuities in the institutional interrelations between the State and the Church, even after the transition period (1978-1981) which has reduced subsequently the political role of the latter, have a tremendous influence on the education system. Religious homogeneity is significant in the curriculum, where almost the totality of children opting for religion are taught Catholicism, and in the management of private and publicly funded private schools, more than 20% of all students in compulsory education being enrolled in catholic-ruled schools (Escuelas catolicas, 2011). This self-perceived homogeneity is a second challenge when it comes to the integration of immigrant children with other religious backgrounds.

This report explores the resistances and transformations of the educational system when dealing with diversity. We will contextualize in section 1 the incorporation of immigrant students by providing general data on the educational system and statistical data, and then outlining the main challenges that the "new" diversity introduced by foreign immigrants has brought to Spanish schools. After having presented the research methodology in section 2, the core of the report will be devoted to the exploration of two particular challenges. Firstly, we will focus on the educational system itself and how this institutional arrangement is affecting the acceptance and incorporation of immigrant children (section 3). Phenomena of concentration and of segregation have been reinforced in the schooling system, especially in the major cities. We will thus highlight the different explanatory rationales - taking the metropolitan area of Barcelona as an illustrative case study - and show how diversity issues are fuelling long-lasting tensions within the educational community. Section 4 will be devoted to the debate that emerged before, during and after the design and implementation of a subject called "Education for citizenship" (*Educación para la ciudadanía* or EfC) in school curriculum, which aim was to acknowledge the new cultural and religious diversity in the society and at school and to prevent possible conflicts deriving from it. This subject has raised a strong opposition from Catholic organisations to what they perceived as an attempt of the State and pro-secularism organizations to indoctrinate students. Finally, the last section will present some concluding remarks related to the debates of tolerance in Spanish schools.

1. Cultural and religious diversity issues in the Spanish educational system .

Overview of the national education system

The contemporary Spanish education system has been developed along with the democratic transition period (1978-1982) and the adoption of the Constitution of 1978 which ends Franco's forty years dictatorship era. During the pre-democratic era, the education was at the service of the regime, strongly centralised at State level and delegated in great part to the administration of the Catholic Church. Catholicism and Spanish nationalism were the two pillars of the education delivered to the students (Zapata Barrero, Garcès Mascareñas, 2011). With the democratic transition, the priority of the new government was to de-monopolize education from the Catholic Church and to empower the Autonomous level in education matters, in order to recognize the multi-national diversity of the Spanish State (Zapata-Barrero, 2010)[1].

Concerning the first challenge, the educative role of the Church, the choice was made to safeguard its prominent place while guaranteeing religious freedom and building a non-confessional public education. The Spanish State signed agreements with the Holy See in 1979 which safeguarded the right to be taught religion at school, either private-owned or state-owned. During the years 1978-1985 two very different systems co-exist: public-schools, based on free and non-confessional education, and private-schools, confessional in their vast majority, with no public subvention and, therefore, expensive and designed for upper class families only. In 1985, the "Organic law on the right to education" (*Ley orgánica del derecho a la educación* or LODE)[2], opened the way to the current system by creating a third model in-between private-public dichotomy: the so-called system of "*concertadas*" (state-subsidized) schools. This created the possibility for private-owned schools to pass agreements with the State. In that case, the State subsidize the school in exchange of several obligations: the enrolment of students with low fares and, since 2006, the gratuity of education, obligations to follow the curriculum defined by State and Autonomous communities governments in the respect of the autonomy of the school, no-right to discriminate in function of the beliefs of children, equal admission procedures with public-schools. Most of the private schools passed agreement with the State and now, State subsidized schools represent the vast majority of private-owned schools. The proportion of students going to concertadas-schools is stable but slightly increasing in the last years. They enrol around 30% of all students in 2010 while those going to entirely private schools represent 2% of all students. The share of private-owned schools is especially strong in the metropolitan regions of Madrid and Barcelona, as well as in the Basque country, where they enrol more than 50% of students. The fact is that the two-thirds (around 65%[3]) of private-schools are catholic schools. The imbalance between the immigrants enrolled in public and *concertadas*-schools and their concentration in determined public-schools is an important source of debate in Spain (Carbonell, 2005; Ponce Solé, 2007) and will be studied in particular in this report.

The second challenge for the democratic education system was to decentralise the majority of the competencies to the Autonomous governments. After the centralised francoist era, one can no longer talk about a single Spanish education system, but rather about at least three different systems (in Catalonia, the Basque Country and the rest of Spain[4]), with an important political and financial autonomy

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[1] The introduction will be based in great part on this article

[2] Ley orgánica 8/1985, de 3 de julio, Reguladora del Derecho a la Educación.

[3] Escuelas católicas (FERE, EyG), *La enseñanza en los centros educativos católicos. Estadística curso 09-10*. [Available at: http://www.escuelascatolicas.es/estadistica/Paginas/DatosEstadisticos.aspx]

[4] The majority of Autonomous Communities have a monolingual education system but Catalonia and Basque country have different models. In Catalonia, the whole education is made in Catalan, except for the hours dedicated to teach Spanish language, but it is expected that students be able to use both languages at the end of compulsory education. In Basque

(Zapata-Barrero, 2011). In 2004, 94% of Education budget belonged to Autonomous governments. This participates from a general movement of transfer from the central State to the Autonomous governments since the 1978 Constitution. In Autonomous Communities corresponding to "minority nations" (Catalonia, Basque country and Galicia) the issue of the language has been of crucial importance since the transfer of competencies on education has provided the possibility to develop immersion or bilingual education programs.

It was only in 1990 when the Organic Law on the *Ordenación general del sistema educativo* (LOGSE)[5] was voted that school became mandatory until the age of 16 as it is in the vast majority of European countries. Education until the age of 6 is not mandatory in Spain but Autonomous Communities and the State have to provide gratuity for schooling children between 3 and 6.

To complete this overview of the educational system, let us examine briefly statistical data highlighting the presence of immigrant children at school.

Statistics regarding immigrant students at school.

The number of foreign students have increased greatly since the beginning of the years 2000, along with the increase in the immigration flows coming to Spain : it has been multiplied by 7,5 between 1999-2000 and 2009-2010 academic years (Graph 1).

Graph 1 - Evolution of immigrant students in Spain. Academic years 1999-2009 (in absolute numbers).
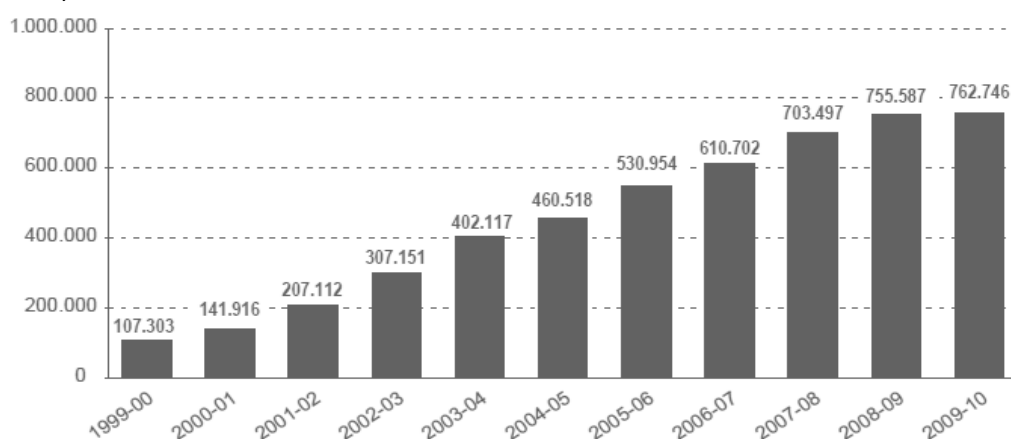
Source: Spanish Ministry of Education and Science,Data for the school-year 2010-2011.

The average proportion of foreign students at State level is 9.5% when they only represented 2% of all students in 2000[6]. However there are important inequalities in the repartition between Autonomous Communities, which range from 2,5% for Ceuta to 15,9% for Rioja and the Balearic Islands (Graph 2). Catalonia and Madrid come after with respectively 13,1% and 13,6%, and are the firsts in absolute terms.

Country, children and parents have to choose between different systems with different volumes of teaching hours in Castillian and Euskara. Other communities also have implemented in the ultimate years linguistic models based on bilinguism (Galicia) or on a mix of bilingual and immersion models (Valencian Community and Balearic Islands).

[5]   Ley 1/1990 de 3 de Octubre de Ordenación General del Sistema Educativo (LOGSE).

[6]   Ministerio de Educacion y Ciencia (2011), *Evolución y situación actual de la presencia del alumnado extranjero en el sistema educativo español (2000-2011)*, Madrid: Ministerio de Educacion.

Graph 2 - Proportion of foreign students on the total of students in the Autonomous Communities of Spain (2009-2010).
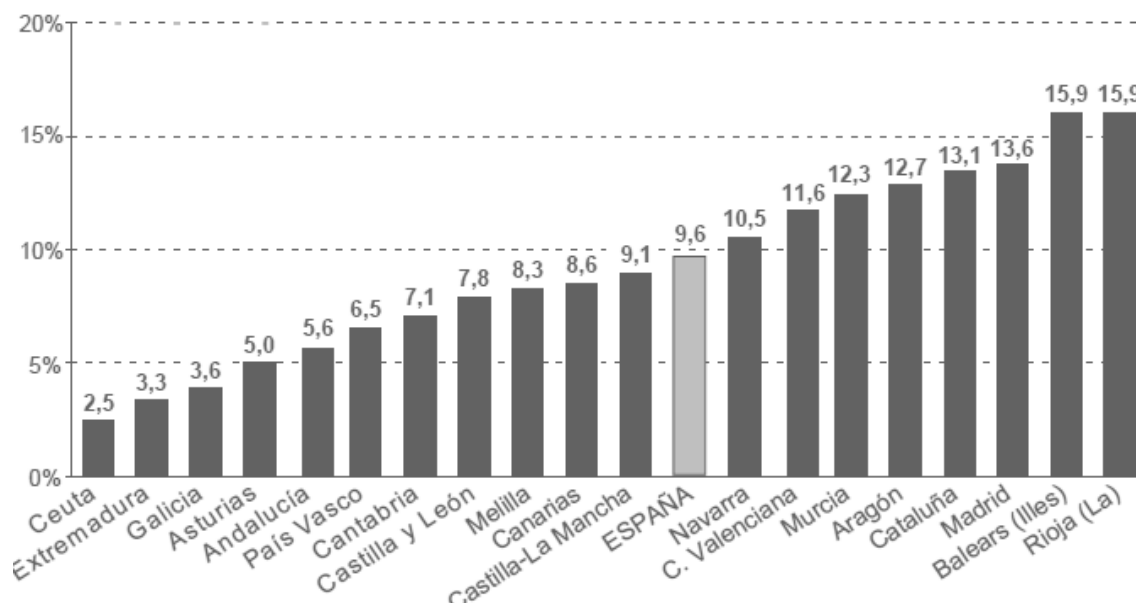
Source: Spanish Ministry of Education and Science, 2011[7]

As for the origins of foreign students, more than 42,6% come from Spanish-speaking countries (Latin-America), 28,5% come from the European Union, 21,9% from Africa and 5,6% come from Asia. This distribution is very important as the mastering of the Spanish language makes a difference in terms of school success and in the type of policy instruments implemented to integrate them at school. One of the main features concerning statistics on the enrolment of foreign students is the disparity between private or *concertadas* and public-schools. This has been one of the first distinctive points identified by public administrations and scholars (Alegre Canosa, 2005; Carbonell, 2005; Valiente, 2009).

At State level, whereas public-schools enrol 67,6% of all students, the percentage is higher for the foreign population, reaching 82% in 2008-2009. Hector Cebolla, researcher in sociology of education in Madrid, states that the difference between the two proportions is far more important when we consider major cities (Madrid and Barcelona) where the private sector is more developed than in the rest of Spain[8]. Foreigners and private-schools are present in greater proportion, and this has led to an enforcement in the segregation and therefore in the concentration of immigrant students in a few public-schools. For example, in Madrid community, while public-schools receive 54 per cent of all students, they enrol 76,7 per cent of immigrant children. In the city of Barcelona, only 39,1 per cent of students go to a public school for the compulsory education period but 77,7% of immigrant children[9]. When it comes to special attention to new immigrant students, the imbalance between public and private-schools is also evident. Special instruments as "reception classes" (*aulas de acogida*), have been implemented in very different proportions in public and private schools (La Vanguardia, 13

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[7]   Ministerio de Educación y Ciencia (2011), *Las cifras de la educación en España. Estadísticas e indicadores. Edición 2011*, Madrid : Ministerio de Educación.

[8]   Personal interview with Hector Cebolla.

[9]   Sources: Ministerio de Educación y Ciencia, 2011; Consorci d'Educació de Barcelona Generalitat de Catalunya-Ajuntament de Barcelona, 2010.

September 2004). In addition, as the Ombudsman for Catalonia underlines, dynamic enrolment of newly arrived immigrant students is enforcing school segregation by concentrating openings only in the least desired – and public – schools (Sindic de Greuges, 2008). Among other sources of segregation, this difference is the source of one of the main debate in Spain, which we will explore in more details in this report.

There are no official statistics available on the religious diversity at school but according to a report published by the major Muslim organisation "Union of Islamic Communities of Spain" (*Unión de Comunidades Islámicas de España* or UCIDE[10]) examining the 2008-2009 academic year, 149.366 students are willing to take classes in Islamic education, of which 53.117 were Spanish and 96.249 of other nationality. According to this report, Catalonia is the first Autonomous Community of reception of Muslim students, followed by Andalusia and the Autonomous Community of Valence[11].

After identifying important challenges through statistical data, lets us now turn to a more qualitative dimension.

Main challenges regarding education and the diversity brought by immigration.

Since the 1990s, several challenges regarding education have been highlighted by policy documents and the academic literature. Taking into account the challenges mentioned in the introduction, in this section we will present more accurately the two case studies. For both case studies, we will ask similar key-questions: Firstly, how the integration of immigrant children has been challenging educational policy, and secondly which are the persisting problems identified by policy-makers and scholars in relation with diversity issues at school.

Diversity challenges for the educational system: Toward an intercultural education?

Immigrant children have equal access with nationals to compulsory and non-compulsory education. In spite of that, there are diversity challenges for the educational system: firstly, the issue of the inclusion of newly-arrived children with special needs, especially in terms of language teaching; secondly, the issue of religion's teaching; and, thirdly, the development of an intercultural education which would seek, among other aims, to prevent indirect discrimination of children with a different cultural background, and would foster cultural and religious tolerance.

As for the dimension of inclusion, many are the debates between education experts in Spain in order to determine if it is better to build specific policies or to integrate them in the ordinary system. Unlike what had been done with the creation of a specific – and segregated –system enrolling Spanish gypsies in "bridge schools" before the 1990s (Garetta Bochaca, 2006), the integration of immigrant students at school is being done in the ordinary system. With the arrival of immigrant children, but also with a greater concern for disabled children, specific systems aiming at "students with special education needs" were created in the 1990s. This did not entail a parallel system nor did it prioritize the integration in ordinary schools. Specific programmes essentially aimed at delivering additional hours of language teaching to immigrants along with the transmission of codes of conduct. Autonomous Communities designed so-called "reception plans" to attend new immigrant students at school. Today, compensatory programmes are promoted with the creation and the increase in the number of so-called "reception classes" (*Aulas de acogida*) which are conceived as temporary systems located within ordinary schools and providing a specific support in determined areas (principally in terms of language

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[10] UCIDE has been created in 1980 and recognized by the State in 1991. It integrates the Islamic Commission of Spain which is the only interlocutor of the State for matters related to Islam.

[11] UCIDE, "Estudio demográfico de la población musulmana" cited by El País, 13 September 2009.

skills)[12]. These reception classes are created either in public and *concertadas*-schools in function of the proportion of immigrant newcomers in the neighbourhood and at school (more than 10% are needed). Although the educational community in general supports the reception classes and considers they have positive outcomes for immigrant children integration, this system does not substitute a more comprehensive policy. As the third edition of the Migrant integration policy index (MIPEX III) points out: "there are very few systematic legal entitlements for all students, parents, and teachers" in supporting newcomers with different needs (Huddleston, Niessen et al., 2011, p.185). The instruments implemented are still quite disparate and in the ultimate years, with the decrease in immigration rates, Autonomous communities have reduced the funds dedicated to this policy.

Apart from specific instruments, the promotion of diversity at school encountered a great interest from the educational community since the 1990s (Essomba, 1999; Aguado and Malik, 2001). This has essentially been a bottom-up movement. Teachers, textbook authors and editors, and social workers have been the first to exchange about the transformation of their practices in the sense of a greater consideration of diversity at school. This concern for intercultural education has progressively formed part of the integration plans for immigrants designed at the Autonomous Communities level as well as in re-plans designed from Education departments (Garreta, 2006). Every educational Law since the Organic Law for the Quality of Education of 2002 reminds the principle of an equal right to education between foreign and native children and establishes measures to develop intercultural education. But despite this explicit concern and despite the richness of local experimentations at school-level, there are still few programmes promoting a two-way integration process by teaching languages and cultures of the parents' country of origin. In addition, there are still very few teachers with an immigrant background in Spanish schools (Huddleston, Niessen et al., 2011, p.185). The main systematic effort in fostering intercultural education is certainly the introduction of a new subject in the curriculum, named Education for citizenship and Human Rights, which became mandatory at primary and secondary levels in 2009. One of the rationales at the origin of its creation was to take into account the growing cultural diversity brought by immigrants in the society and at school. In 2004, this governmental project sparked off a wave of protest from a great number of catholic and conservative organizations and revealed deep cleavages about values teaching and the respective roles of the State and the families, the public and the private sphere, in the education of children. This is the main justification of selecting this case for discussion of tolerance and diversity in Spanish schools.

Persisting problems: religious pluralism and segregation dynamics at school.

Despite the efforts put on building interculturality at school, two main issues are challenging the integration of immigrant students: religious diversity and socio-territorial inequalities.
As other European countries, Spain has experienced debates regarding religious dress-code at school. However, the use of the Muslim headscarf has not been a controversial issue in public schools as it has been in several other European countries such as France (Kastoryano, 2006). No specific law or policies regulate this issue and this question has hardly been at the forefront of the political debate. When conflicts break out between a school and a student wearing headscarf, the right to education has always prevailed on the norms of the school. But in practice, the girls have always been transferred to another school in the same city. This has been the case for one of the first cases in 2002, when a 13-year old girl had been forbidden to wear the Muslim headscarf by the council of a catholic *concertada*-school. Madrid's education council had ordered her readmission in the same school but, in front of the opposition of religious teachers, she had been finally transferred to a public school (El País, 17 February 2002). Lately in April 2010, another similar case, this time in a public-school of the metropolitan area of Madrid, has also led to the transfer of the girl to another school (*El País*, 20 April 2010). Other conflicts related to the Catholic religion, are revolving around the presence of crucifix in

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[12]   Due to the lack of legal definition of these reception classes, their actual design is fairly different from school to another. Since 2008, the number of these *Aula de acogida* is declining, due to the fall in the number of new incorporation of immigrant children.

public schools. When a controversy emerged in 2007 about the presence of crucifixes in a public-school, the need of tolerance for religious signs in public spaces has been asserted by the Council of Education of the Autonomous Community of Castilla y León (Zapata-Barrero, 2011, p.78). However, the controversy reappeared after November 2009 with the European Court of Justice's sentence on the presence of crucifix in Italian public schools[13] and with the intention expressed by the Spanish Prime Minister one month later – soon disclaimed – to integrate this decision in the reform of the Organic Law on Religious Liberty in 2010 (*El País*, 24 June 2010).

The most important debate referring to religious diversity at school is not on issues of presentation of self but refers to the structural lack of teachers of religion in comparison with the total number of students demanding specific religious education (Dietz, 2007). 1992 Agreements with the Muslim, Protestant and Jewish communities recognized the right to teach these religions at school, as it was the case for Catholicism. But governmental statistics on religious education at school evidence the scarce number of students effectively learning a minority religion. Less than 1% of primary schools students and 0.1 % of secondary education students have chosen to be taught a minority religion, Islam being chosen first in primary schools and Protestantism being chosen first in secondary schools[14]. We can hypothesise that these numbers are related to the immigration flows, which are very recent in Spain. This means that the proportion of immigrant children born in Spain remains low at school, but they should undoubtedly rise in the next years. But here a new problem arises, related to sources of information, since there are no public statistics on so-called "second generation" students. The State is obliged by law since 2004 to provide funding for religious teachers of Catholicism, Islam, Protestantism and Judaism, if more than 10 students of a school ask for it. But this is still scarcely applied. For example, the State and the Islamic Comission of Spain, the representative organisation of Muslims, agreed on the need of 314 teachers of Islam in public-schools in 2008, while there were only 46 of them in exercise in 2009-2010 (US Department of State, 2010). The same situation exists in the Autonmous Communities with full power on education[15]. The reasons of the quasi-absence of teachers of religions other than Catholicism can be explained as well by the lack of commitment of the State to respect agreements passed with minority religions as by the lack of formation of these religious teachers. On the other hand, Muslim and Protestant parents often give up on doing an official petition to ask for Islamic or Protestant education when they see that there are no such teachers appointed in their sector, which lowers the statistics. Resistance to hire new teachers of religion other than Catholicism can be also explained by financial reasons for the State, which is financing already the salary of around 15.000 professors of Catholicism. But the main argument put forward by the State and AC governments is the one of the qualification. 1992 State-religions Agreements establish that the representative organisations of minority religions are the ones which appoint and propose to the State the professors of religion. These professors have to be in possession of a Spanish superior diploma in Education, must have training in Spanish Law and be fluent in Spanish. According to the State and Autonomous governments, few applications comply really with these prerequisites to be a teacher and justify thus the impossibility to provide religious education in equality to all students (*idem*, 2010).

The persisting difficulties to solve this problem are one illustrative picture of Spain's lack of opportunities for immigrants regarding religious diversity at school (Dietz, 2007). This can be seen also in the scarce number of non-catholic confessional schools, although the right to open such schools forms part also of the 1992 Agreements. Nowadays, there are only two protestant, one Jewish and no Muslim high-school in the whole Spanish territory.

Apart from these issues in relation with the integration of religious minorities, the main persisting problem in terms of the diversification of the schooling-system refers to schooling inequalities and se-

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[13]   European Court of Human Rights, Case of Lautsi and others vs. Italy, Application n° 30814/06, Judgment of 3 November 2009, Strasburg.

[14]   Estadística de la Enseñanza en España niveles no universitarios. Curso 2008-09. Oficina de Estadística del Ministerio de Educación, 2010.

[15]   In Spain, AC are responsible of religious education with the exception of Andalucía, Aragón, the Basque Country, Las Canarias, Cantabria, and La Rioja, and the two autonomous cities of Ceuta and Melilla. In these cases this competency remains of the State.

gregation dynamics affecting immigrant children. Their concentration in certain public-schools is an important source of public and social concern. Many are the reasons put forward by scholars and poli-cy-makers to explain such an imbalance in the distribution of immigrants. They refer to socio-econom-ic explanations, territorial inequalities, weakness of educational policies, motivations attached to indi-vidual and cultural patterns, and the existence of prejudices and discriminatory behaviour (see for ex-ample: Carbonell, 2007; Valiente, 2009; Alegre Canosa and Subirats, 2007; Cebolla Boado and Gar-rido Medina, 2010). Above all, the inequalities in the distribution of immigrant students question the Spanish educational system as a whole and its capacity to ensure social cohesion and equal opportunit-ies between students. We have chosen to investigate particularly this issue for the reason that debates about the (non)integration of immigrant children at school are deeply rooted in societal and political oppositions about Spain's educational system as a whole. In that sense, debates about segregation of immigrant children at school mirror general challenges posed to education in Spain (Zapata-Barrero, 2010). This situation illustrates the tension between freedom of school choice and right to equal oppor-tunities in educational matters.

We have outlined how new dynamics of diversity, due mainly to the arrival of immigrants with new cultural, religious and linguistic backgrounds, impact on the Spanish educative system and make vis-ible its deficiencies in that matter. Given this state of the arts we will turn our analysis towards two case studies. Section 3 will present the different rationales on the concentration and segregation pro-cess of immigrant students, by focusing on the metropolitan area of Barcelona and, section 4 the de-bates which arose from the design and implementation of Education for Citizenship and Human Rights in the Spanish curriculum since 2004. But let us before briefly introduce our qualitative methodology and research design (section 2).

2. Methodology and research design.

This report is based on a desk research and on qualitative semi-structured interviews.

The desk research, conducted between December 2010 and march 2011, has consisted of a non systematic analysis of newspaper materials, on the one hand, on the concentration and segregation processes affecting immigrant children at school during the period 2000-2010, with a special focus on the situation of Barcelona[16], and, on the other hand, on the debate which occurred before, during and after the vote of the Law that created Education for citizenship in the obligatory curriculum in Spain (2004-2010)[17]. In addition, we have collected and analysed statistical data and policy documents for the case on segregation and on the collection and analysis of manifestos, opinion articles and policy documents for the case on EfC.

Between April and July 2011, 10 semi-structured qualitative interviews were conducted. This technique is in our view the better for our purpose: the study of discourses, statements and rationales on a defined challenge. Semi-structured interviews provide a framework to ensure guidance toward topics and hypothesis of interest for the researcher and provide also enough freedom for the respondents to develop their own discourse. Interview guides can be consulted in the appendix of the report. The interviewees were selected on the basis of the findings of the desk research, in order to saturate the collection of discourses on each case and thus to provide contrasted rationales. They were, on the one hand, key informants, mostly academic experts in Education and, on the other hand, practitioners and members of the educational community susceptible to provide an articulated discourse on the case-study. All the interviews but one (with one academic) have been recorded and their duration was between 45 minutes and 1h45 with an average of 1h15. The list of interviews and the interview guides employed can be found in the appendix at the end of the report. All interviewees

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[16] Sample: 184 articles published between January 2000 and June 2011 in *El Pais, El Mundo, La Vanguardia* and *El Periodico de Cataluña.*

[17] Non-exhaustive sample: 162 articles published between January 2004 and January 2010 in *El Pais, El Mundo* and *ABC.*

agreed to be tape-recorded and have been informed on the objective and future use of the interview. They will be referred in the text with their initials when we refer to personal statements. However, academics will be referred to with they entire name when they outline academic findings.

Key informants were four professors of University, specialized in education, intercultural education or sociology of education. Among them, two are also involved in civil society organisations, which is important to take into account when analysing their discourse. One is the president of a think tank on education issues, closed to the actual political party governing Catalonia, and the other is the director of the UNESCO representation in Catalonia, very committed to the diversity and immigration agenda. All these interviews were conducted in Barcelona (3) and in Madrid (1). The purpose was firstly to provide a general overview of the challenges of education in relation with immigration in Spanish context. Secondly, questions were asked about one or both cases. Three of the interviewees specialized on questions of inequalities at school and more specifically on inequalities touching immigrant students. They were asked mainly about concentration and segregation processes at stake in Spanish schools but also on the second case, when they had a particular knowledge on the issue.

In addition, we have selected persons or institutions who were involved in the debate provoked by both cases. As for the debate about the acceptance of immigrant students at school, we have contacted representatives of three important actors who take part to it: a trade-union representative, a representative of the organisation of private and *concertadas* Christian schools and one head-officer of the Catalan department on Education. As for the case on the design and implementation of EfC, we carried out three interviews with key actors in Madrid, involved in the policy design and in the public debate generated. We have interviewed two actors at the origin of the creation and content of EfC subject and one of its main opponents.

The interview guides on each case were structured by similar sections. After general questions on the interviewee and its institution, the first set of questions aimed at collecting his/her personal framing of the case study. The second set of questions aimed at collecting the opinion and assessment of the inter-viewee on the solutions and on other rationales put forward during the debate.

3. Concentration and segregation of immigrant students at school : the role of publicly funded private-schools (*escuelas concertadas*) at stake.

The rapid incorporation of immigrant children at school in the last ten years, has not affected equally all Spanish schools. At the beginning of the 2000s yet, voices raise to alert about the strong impact on the functioning of certain schools of the presence of more than a half, or even more than 80%, immig-rant students. And such a rapid incorporation (more than 600000 students in 10 years) has revealed important dynamics of schooling segregation and the current structure of the educational system tends indeed to concentrate immigrants in certain public schools. Many are the reasons which can explain such uneven distribution and the debate about what should be done to prevent the concentration of (lower-class) immigrant children in few schools is mobilising the educational community as a whole. We will account for the diversity of positions in the field and emphasize on the statements which raise concerns in terms of tolerance and acceptance toward cultural and religious diversity.

Segregationist logics refer in this case to the separation of children in different schools in function of ethnic, cultural, social or religious criteria. In Spain, such a separation is contrary to the Constitution and strictly forbidden. However, segregationist logics exist in practice. Our aim in that case study is to assess the different rationales that make a diagnosis and propose solutions to the concentration of im-migrant students in determined schools. The initial intention for this case study was to investigate the question at national level. However, due to the important territorial inequality on the impact of this is-sue and its very special relevance in the context of the major cities of Madrid and Barcelona, we have chosen to investigate especially the case of the city of Barcelona. The situation of Barcelona is particu-

larly interesting because it acts as a "microcosm" which allows saturating all the challenges involved in this situation. This local-level analysis seeks to provide outcomes which can be applied to other scales and it can be generalised in great part to dynamics in other metropolitan areas.

We will present first data on the inequality in the distribution and concentration of immigrant children in Barcelona. We will follow by presenting the main topics orienting the discourses on this issue and by concluding remarks in relation with issued of tolerance to diversity.

The concentration of immigrant students in Barcelona: the imbalance between public and private-schools.

In the introduction, we have underlined that the first issue identified as a problem for the diversification of the schooling-system, has been the acknowledgement of an imbalance in the distribution between the public and the private state-subsidized schools (*concertadas*) (*El País*, 17 December 2007). We have presented in section 1 statistics on the imbalance between the public and the *concertadas*-schools in enrolling immigrants and we will now present the situation at local-level in the city of Barcelona. When considering the differential impact of the presence of immigrants in both types of schools in Barcelona, the statistics on the proportion of immigrant children among all students are striking (Table 1).

Table 1 - Proportion of immigrant students depending on the type of the school

	All schools			**Public-schools**			**Private/*concertadas*-schools**		
Type of School (age)	**Nursery school (3-6)**	**Primary (6-12)**	**First stage Secondary (12-16)**	**Nursery school (3-6)**	**Primary (6-12)**	**First stage Secondary (12-16)**	Nursery school (3-6)	**Primary (6-12)**	**First stage Secondary (12-16)**
Nb of foreign students	2.694	9386	8293	2190	7636	5999	504	1750	2294
% on all students	6,9%	12,3%	15,9%	13,1%	24,6%	32,4%	2,3%	3,9%	6,8%

Source: Education consortium for Barcelona, Catalan government and Barcelona city council, April 2010.[18]

As we could expect, this difference between public and private or *concertadas*-schools depends also on the origin of the students. For instance, foreign students coming from the European Union and "rich" countries are more likely to go to a private-school than a foreign student coming from the Maghreb. North Africans are indeed the less likely to go to private school. Asians, on the contrary, are more likely to go to a private-school than other foreigners (Table 2).

Table 2 - Foreign children (3-16 years). Distribution according to their nationality.

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[18] Consorci d'Educació de Barcelona Generalitat de Catalunya-Ajuntament de Barcelona, *L'escolarització a la ciutat de Barcelona. Curs 2009-2010*, Recull estadístic, April 2010.

	Total		Public-school		Private/*concertadas-*schools	
	Foreign students	% of all foreign students	Foreign students	% of all foreign students	Foreign students	% of all foreign students
EU (without Spain)	1.624	8,0%	1.119	7,1%	505	11,1%
Rest of Europe	974	4,8%	682	4,3%	292	6,4%
North Africa	1.572	**7,7**%	1.494	9,4%	78	**1,7**%
Rest of Africa	346	1,7%	280	1,8%	66	1,5%
North America	130	0,6%	73	0,5%	57	1,3%
Central and southern America	11.600	56,9%	9.088	57,4%	2.512	55,2%
Asia and Oceania	4.123	20,2%	3.086	19,5%	1.037	22,8%
Others	4	0,0%	3	0,0%	1	0,0%
Total foreigners	20.373	100,0%	15.825	100,0%	4.548	100,0%

Source: Education consortium for Barcelona, Catalan government and Barcelona city council, April 2010.[19]

The socio-spatial segregation of immigrants' housing in the city is often seen as the main cause of concentration a school. Table 3 thus combines the residency of immigrants and the geographical situation of the school. In Barcelona, the old city-centre (*Ciutat Vella*) is the one with the main proportion of immigrant residents and it is logically the one that gathers the most important part of immigrant students (Table 3).

Table 3 – Repartition of foreign students by type of school and district of location of the school (2009-2010).

	Total		Public-schools		Private schools	
	Foreign students	% of all students	Foreign students	% of all students	Foreign students	% of all students
Ciutat vella	2926	36,8%	2.346	54,9%	580	15,8%
Eixample	2.342	10,2%	1.387	21,4%	955	5,8%
Sants - Montjuïc	2777	17,90%	2.300	29,5%	477	6,2%
Les Corts	658	5,4%	380	10,9%	278	3,2%
Sarrià - Sant Gervasi	847	3,00%	439	11,8%	408	1,7%

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[19] Consorci d'Educació de Barcelona Generalitat de Catalunya-Ajuntament de Barcelona, *L'escolarització a la ciutat de Barcelona. Curs 2009-2010*, Recull estadístic, April 2010.

Gràcia	906	8,3%	691	15,3%	215	3,3%
Horta - Guinardó	2158	11,5%	1.712	23%	446	4%
Nou Barris	3.292	21,1%	2662	30%	630	9,4%
Sant Andreu	1599	11,5%	1310	19,6%	289	4%
Sant Martí	2.868	13,4%	2598	20%	270	3,2%
Total Barcelona	20373	12,2%	15825	23,9%	4.548	4,5%

Source: Education consortium for Barcelona, Catalan government and Barcelona city council, April 2010.[20]

Immigrants, especially lower-class, live in majority in districts where private-schools are less present than in other parts of the city (Ciutat Vella, Nou Barris, Sants-Montjuic, Sant Marti). But even so, immigrant children are far less present in private-schools in all districts. The concentration of immigrant students in the city-centre schools is on average of more than 54%. For the school-year 2009-2010, 13 out of 16 public-schools of Ciutat Vella had more than 30% foreign students but only 2 out of 8 private-schools had such rates. In Sants-Montjuic, 15 out of 29 public-schools had more than 30% foreign students but only 1 out of 16 private-schools. At city scale, 37% of public-schools had more than 30% foreign students but only 5% of private-schools. Territorial segregation is indeed an important factor of schooling segregation, but it does explain the imbalance between public and private-schools only in combination with other factors. In its study of schooling segregation in Catalonia, the Ombudsman for Catalonia also pointed out that levels of segregation are higher inside districts than among municipal districts and also inside the public and the private sector rather than public and private schools (Sindic de Greuges, 2008).

As a result of these statistics, many voices raised to demand more implication of the private state subsidized *concertadas*-schools. Indeed, the signature of a contract (*concierto*) between the State and the school which grants the status of *escuela concertada* includes rights for the school (essentially right to public funding for the salary of professors and of administrative personal and other costs deriving from the teaching of the subjects and grades which are subject to the agreement) and some obligations too, such as the gratuity of the teaching part (other activities might require a payment from part of the parents) since 2006, the respect of students' beliefs as well as obligations for the admission of students following the model of admission existing for public-schools (criteria of proximity of the familiar residence, the presence of brothers and sisters, the level of income of the family...). Despite these obligations, the imbalance between public and private education remains important and have slightly increased since the beginning of the years 2000 when this subject began to be a matter of public and political concern.

Debating about the segregation of immigrant children at school: an analysis of the main topics.

Discourses about the segregation processes affecting immigrant children at school build upon different rationales which refer to different ways to frame the issue and its causes, and different ways to remedy to this inequality. What will be emphasized in this part is what these discourses reveal about the priorities and values of the different players as regards to diversity issues. We have organised the following

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[20] Consorci d'Educació de Barcelona Generalitat de Catalunya-Ajuntament de Barcelona, *L'escolarització a la ciutat de Barcelona. Curs 2009-2010*, Recull estadístic, April 2010.

rationales as such: discourses about a) the interest for the children and their families, b) interest for the school, and c) interest of the society as a whole.

Interest for children and families: ensuring school success, equal opportunities for immigrant children, respect for the freedom of choice.

It is important to underline that opposed diagnosis on the situation put the interest of the children at the centre of their concern. In this first rationale there are at least three ranges of arguments founded through interview analysis. Let us introduce them by order of priorities (more emphasis given by interviewees, and repetition of arguments as main criteria).

- Interestingly, the first range of arguments does not refer to foreign students but to *native families' strategies to ensure school success for their children.* The motivations of families receive three different types of explanations from the interviewees. Firstly, explanations which refer to attitudes of cultural prejudice against immigrants, which would explain "native flight" dynamics. Secondly, explanations referring to different familial investments of education. Thirdly, structural components which explain inequalities in school-choice determination.

First explanations refer to the strong concern of families about the possible "stigmatisation" of their child when going to schools with high concentration rates. This comes along with "native flight" processes, that is to say a "vicious circle" which conduct native families to remove their children from schools with an important share of immigrants to put them in other schools – mainly private and *concertadas* – and as such, increasing even more the concentration. This effect was put forward by Zapata-Barrero (2004). Consequently families concerns is thus one of the main explanation put forward to explain schooling segregation.

M.A.E explains that school is more subjected to segregation than the sanitary system or the work-market. At work, he explains, people tolerate immigrants as they occupy a different and lower place on the job-market than they do. However, he continues:

> "In the school there is my little child and in there, in the school, we are not going to make one classroom with some children and one classroom with foreigners. Perhaps if it was the case some families would agree to keep their children in it but, as it is contrary to the Constitution (…). Native families disappear from schools where there are immigrants. And then starts the vicious cycle. (…) It is not the responsibility of the school, it is the society, it is the families who want to select one school or another". (Interview of M.A.E)

"Native flight" or "exit" (Hirschmann, 1970) is seen by the actors as a structural side effect of unfair policies and of an unfair situation. But the question of racial and cultural prejudices of native families is also raised by some of our interlocutors:

> "Question: So, you think that this is more an institutional and political problem, not the attitude of parents...

> R.C: No! The ones who are removing their child from a school to put him in a *concertada*-school because there are too many black children, these are the parents!"

> (Interview of R.C.)

Different familial investment of their children education is another explanation put forward to assess the process of "native flight". Some families are more likely to search a school that will ensure the success of their children, especially in an increasingly dual system with strong differences in terms of school success[21]. For the head of the Catalan Education department service on school / families and

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[21] See PISA results 2006 and 2009.

school-community relationship, the interest of families is the education of their children is the first cri-terion to be considered when examining the imbalance between schools:

> "Families choose freely... obviously families, er, the most interested, with more... I don't want to say more possibilities because this is not linked to their financial capacity... with more interest in the education of their children, will try when they will have to choose: "I decide where to live, because I am interested in education and I will live in a place where I like schools"... of course not everyone does that." (Interview of M.R.)

In her view, immigrant families are not different from native ones:

> "People coming from abroad trust in education and know that education is a key element of suc-cess for their children, they look for a quality school for their children studies. This depends greatly on the family and I don't think that if they are from here or there it makes a difference." (Interview of M.R.)

However, all our other interlocutors have put into perspective this analysis by putting forward structural causes. Inequality in the distribution of information and in the knowledge of the schooling-system, gives much more importance to the economical capacity of the family in school-choice determination. To H.C., the publication of rankings of schools, often made by the public administration itself, contributes to enforce familial strategies to provide a good education to their children. To him, family choice is more and more driven by the competition of centres on the educational market: "the segregative mechanism in the society is not politics, it is the market" (Interview of H.C.). And families' strategies as well as school strategies tend to the segregation of lower-class immigrants.

- The second range of arguments refers thus to *equal opportunities* between immigrant and native families. That is, the inequality in the distribution of students between public and private-schools affects the success of immigrant children and their future incorporation in the society and the job market. Oddly, the interest of immigrant families in desegregating schools has been hardly put forward during the interviews, far less than the interest for the society, native families or for the schools with a high concentration of immigrants. Only two of the interviewees underline that one major problem of the concentration is that this deteriorate the opportunities of success for immigrant children. As the trade-union representative puts forward:

> "This is creating conflicts in the sense that an "anti-natural" – if I may call it so – concentration of immigrants, most of the time with scarce resources for schools to solve the deficits... what I mean is that these kids are less... to be clear, there is an accumulation of problems, not so much problems but difficulties of immigrant students, which lead to school failure. (…) If you have 20% immigrants, as in the neighbourhood, as in other schools, there is no reason that you may have any problem, because the heterogeneity and the mixing are supporting the normal progression of all children... but if you have a concentration, there are schools with more than 80% immigrants, of 20 nationalities and, more important, of very different languages, from this come the difficulties for the children and the school." (Interview of R.C.)

Part of the interviewees have underlined that the interest of native families is also at stake here. This situation is considered a loss for the native children who cannot benefit from the positive effects of the mix of cultures on their attitudes and knowledge toward the other. In the word of R.C. "the concentra-tion complicates the integration of immigrants, but it also complicates natives' knowledge of diversity" (Interview of R.C.)

- The third set of arguments is the *claim for respect of immigrant families when it comes to school-choice*. It has appeared several times from part of the sector supporting *concertada*-schools when

assessing one measure to reduce distribution inequalities: "busing"[22] and other means to transfer immigrant students in order to de-concentrate schools. This measure targeting only immigrants is seen as a lack of respect. This point was basically stressed by the representative of Christian schools in the following terms:

> "That the administration treats immigrant students as "nuisance" which has to be distributed... I'm sorry, I am saying it in a forthright manner! Immigrant child is like any other: you can't distribute them with quota. He does not have the freedom of choice and this is a problem. I understand that the administration wants to do something: but acting in the respect of families, not by distributing them, because you can't ask it to persons, this is not something that can be done". (Interview of A.R)

Immigrant families' right to choose their school has also been raised by the representative of CONCAPA, the Catholic parents' organisation. According to the Catalan Catholic schools representative, the respect of immigrant families is important also when considering the possible influence of religion in the segregation process. The inscription of a confessional belonging in the school project is likely to bother immigrant families with different or no religion. But she underlines as well that it can increase the interest of the families "because there are many immigrants who prefer a religious education, even different from their belief, instead of nothing, because neutrality is assimilated to atheism or activist agnosticism." (Interview of A.R)
This introduces the topic of families' freedom of choice in selecting schools and its possible limitations and it leads us to investigate a second range of arguments in relation with the interest of the school.

Interest for the school: management, quality and financial issues.

The assessment of the role of schools in the segregating process of immigrant children receives the most opposed answers. The topics here are organised along three lines: the ruling of the school, and especially the public-private divide ; questions of school quality and questions of financial capacity.

- There is a discrepancy on to which extent the existence of a *dual network of schools* – public-schools and private-schools with public funding – is responsible for segregation and concentration processes.
To the trade-union representative, the existence of a dual network is the main reason for the segregation. To her, the existence of the concertadas-schools is an anomaly which should be erased. The private sector is receiving money without participating entirely to the social mission and the public service which are to be expected from schools. Plus, this has an effect on the public sector as well. In her terms:

> "It is creating a prejudice, including inside the public sector: there are public schools which intent to attract the natives who do not want to go to immigrant schools." (Interview with R.C)

On the contrary, to the Catalan administration representative, schools play a very minor role in the segregation. She emphasizes the strong constraints exerted on them during the admission process in the following terms:

> "The debate is a territorial debate, it is not about who rules the school. (…) This question has been put forward by few organized sectors of the society, but it is a false debate, the Law is equal for everybody". (Interview of M.R.)

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[22] *Busing* refers to the practice implemented in the United-States between the 1970s and the 1990s, which aimed at a better diversity at school by creating specific bus routes to carry children from the deprived "black" neighbourhoods to "white" schools.

In between these positions, it is underlined that the role of the private sector cannot be denied, especially when looking to statistics, but that the boundary between segregated and diverse schools transcends this opposition. Admission strategies are not exclusive to private-schools, but also practised by public ones, which try to discourage the enrolment of some families, and especially lower-class immigrant families. According to the interviewees, this takes the shape of discouraging speeches during face to face encounter with parents of lower-class immigrants, the absence of diversity objectives in the school project, and campaigns aimed at upper-class families (and then, indirectly de-motivating lower-class). On the contrary, there are several examples of concertadas-schools with social compromise which have developed an admission policy toward immigrant children. Following this reasoning line, M.A.E. highlights that:

> "Schools provide a public service not in function of who rules them but in function of its project and social compromise. That is to say, it is a false debate to say that public schools are integrating and that private-schools are segregating because empirical evidences show that there are publicly-ruled schools which are managed according to a "private" project, and in the city of Barcelona we have quite a few examples, and there are *concertadas*-schools which are doing a great public-service". (Interview of M.A.E)

This is worth mentioning that this opinion is the most commonly shared by our interlocutors, while not underestimating the public-private imbalance in the macro approach.

- Question of *school quality* is closely connected to the management issues. For H.C., education has to be considered more and more as a market on which schools try to attract who they feel to be "good clients" for them, that is to say students who will not only provide the best chances of success, but could in turn attract other "good students" in a snowboard process. However, he underlines that in his view school quality issue is not well framed in the public debate:

> "In relation with the effect of concentration on school results, I think that the government treats it with an excessive dramatization. What is determining school results is not the concentration of immigrants but the concentration of disadvantages". (Interview of H.C.)

Threats on school quality are also mentioned by the trade-union representative as a consequence of the concentration of lower-class immigrants and children with scarce resources in general in the same schools. To her, concentration is threatening eventually public-schools sector as a whole, which will attract lesser and lesser families in comparison with the private and *concertadas* sector. This issue should thus be considered at a macro level because it causes an imbalance between the three networks of schools at the expense of the public ones.

- For the representative of catholic private-schools however, *financial reasons* are the most important explanation of the few rates in immigrant enrolment. Bureaucratic and legal constraints in opening new schools and new classes, the difference between the real cost of schooling and the subvention given by the public administration, are both relevant to justify the difficulties in welcoming immigrant children. Put in AR words:

> "When the dominant discourse is "Catholic or Christian schools refuse to have immigrant students"... [sigh] It is not that they refuse; many have had and still have many immigrants in spite of very distinct conditions and resources. I think that this should be compensated, but what is going on is that the *vox populi* and the media do not allow this discourse to appear. When we publish an information about this, nobody talks about those who are in the *concertada*-schools, is spite of all the difficulties and in spite of the fewer resources given by the administration to attend them". (Interview with A.R.)

Others mentioned the importance of the economic issue in this matter, especially to understand the difference between public and *concertadas*-schools. For H.C., some *concertadas*-schools seek to attract middle/upper-class families and future members of the "elite" who could later fund the school through donations. For M.A.E, the conjunction of the pressure of native families and the threat of financial bankrupt are influencing the attitudes of school, especially in the so-called "hidden selection" strategies. In his words:

> "Hidden selection is the answer to the social pressure of families. Maybe there are schools which would not do this hidden selection but there are high chances that they land up with no enrolment. (…) If a public-school does not have students, it would be a problem of course, (…) but this is not vital. As for the private-school, it would have to close." (Interview with M.A.E)

Let us now turn to the third, and last, range of arguments concerning school concentration.

Interest for the society: issues of social cohesion and racism.

In comparison with topics families and school interests related, arguments linked to social cohesion and the interest of society as a whole are practically absent. However, two topics are present even if they are not dominant: the threat for social cohesion due to the lack of contact between native and immigrants, and the assessment of racism and conflicts linked to diversity at school.

- Concentration raises concerns about *social cohesion* especially among academics. The diagnosis made on the concentration of immigrants in some schools and their absence in many others, builds mainly on a rationale about school success for children and school quality as a whole. The negative effects of concentration per se are not often present in the public discourse and in the interviews. Only H.C. links explicitly the concentration with issues in terms of social cohesion, in the following terms:

> "I have talked about the concentration as a problem until now, because it is an independent problem which affects school performance, but it is also a problem in itself, because the new citizens are creating relationships in priority at school. It is a moment of early socialization, primary and thus essential. As a consequence, in my view, concentration is bad in itself." (Interview H.C.)

Other interviewees, like M.A.E, build on the same idea of school as a microcosm of the society, rendering school issues a matter of global concern :

> "School is a mirror of what is going on in the society. As such, schooling inequalities is a social issue and not only for school." (Interview of M.A.E)

If references to social cohesion are not explicit, the fact that segregation and concentration difficult the integration in the schooling system, opportunities of success, social mobility and, finally, difficult the integration of immigrants in the society, is underlying most of the examples and rationales of the interviewees. The word "ghetto" is employed frequently to designate schools or the process affecting immigrant children.

- References to *racism and inter-ethnic or inter-religious violence* at school are present in all the interviews. It is stated that high concentration of immigrants in a school could be a favourable context for expressions of racism, and for raising ethnic- or religious-based conflicts. But the actors agree that until now there is no major problem related to racism and violence in this inter-relational context. The work of teachers and the efforts in the conception of school projects seeking to accommodate cultural and religious diversity are often cited as exemplary. The daily consideration of diversity issues by the schooling-community can be seen as an approach "from below" to counter the possible negative effects of the concentration. But as the trade-union representative states:

"There are no important problems of racism...but the most racists of all are not at school with immigrants! Even so, programmes are positive because despite all the rest, in diverse schools there are no big problems. But the concentration makes most things more difficult, as for the "social elevator" or the learning process". (Interview of R.C.)

After having outlined the main topics used to qualify and assess the issue of concentration and segregation at school, we will present the way in which representations and practices of intolerance are embedded in these discourses.

Changing the structure of the education system to ensure equal acceptance of immigrants at school?

Discourse analysis on segregation and concentration processes at school evidences that ethical questions in terms of intolerance and non-acceptance of the cultural diversity remain a secondary explanation. This issue does not really emerge out of the public debate. We have seen that the main topics revolve around the (sometimes) conflicting interests of families, schools and the society. One tension is transversal to all topics : the cleavage between two core principles of the Spanish educational system, freedom of school-choice for the parents on the one hand, and equal educational opportunities for all children on the other hand. All the interviewees recall that the State is seen as the protector of the equilibrium between the two principles. What the diversification of schools highlights is the very fragile balance between these key principles. Processes of segregation and the correlative concentration of immigrant students in few schools have created an imbalance and question to some extent the stability of the education system. The arrival of immigrants emphasizes that the structure of opportunities creates different effects depending on the social, cultural or economic dispositions of the child, and that lower-class immigrant students are particularly affected by a structure which does not protect them in the same way as upper-class natives. The incorporation of immigrants reveals a structural tendency which was already affecting lower-class natives, but it makes it more "visible" and renews the public awareness about schooling inequalities, given the development of diversity policies.

Thus, a transversal question refers to the opportunity or not to limit the freedom of choice of parents to ensure schooling equity for lower-class immigrants. Put in other words: what is the opportunity of political intervention to regulate the issue of distribution? This question has not really been answered by Spanish policies yet, in spite of different attempts to find partial solutions. We will examine below how segregationist dynamics raise questions of tolerance toward diversity, as for individual conduct as from an institutional point of view.

Questions of tolerance embedded in individual conducts in relation to school-choice.

It has been mentioned that the freedom to choose a school according to the interests and beliefs of the families is one core principle of the Spanish education system. However, this does not mean that parents are totally free to choose a school for their child. The Catalan government has established constraints and priorities for the admission at school. Schooling zones have been created in which parents are in principle compelled to choose their school. This is valid both for public and *concertada*s-schools. In case of demands superior to the places offered for children, various criteria are set up to regulate the selection process, taking into account the territorial proximity of the family residence or place of work of parents, the economic situation of the family, the presence of sisters and brothers in the school. This system of points allows to resolve draw situations and is quite transparent. But in practice, scholars and experts observe the existence of an "hidden selection process" which explains greatly the inequality between immigrant and native families (Essomba, 2007; Bonal, Essomba and Ferrer, 2004), as well as between lower-class and upper-class families (Fernández Enguita, 2008).

Dimensions of intolerance toward cultural diversity embodied in a situation of segregation have not been explicitly cited by the interviewees. However, issues of tolerance are indeed underlying all discourses about this issue. The concept of tolerance is not used in discourses but the notion of tolerance is driving most practices (see also: Zapata-Barrero and Garcès Mascareñas, 2011). When it comes to choose a school, much individual behaviour is driven by prejudices against immigrants and cultural, ethnic and religious diversity. In the interviews, racism has been referred as a motivation of "native flight" which is of course an intolerant conduct. But this is more generally the case of the perception of the quality of schools. All interviewees have underlined that one of the main source of imbalance between schools is that native parents seek for their children what they perceive as the best quality, the one that will give the best opportunities of success to their children. Two logics are thus enforcing the schooling segregation. Firstly, the *concertadas*-schools are massively seen by parents as "better" schools than public-schools. Secondly, the parents perceive a great presence of immigrant students in a school as a factor downgrading the quality of the school, which explains the importance of "native flight" dynamics toward *concertadas*-schools.

But indeed, according to studies in that matter, these perceptions are only partially correlated with facts. Ignacio Urquizu shows that, if we neutralize the effect of socio-economic variables of student families, public-schools have better results than private-schools in the Spanish context (Urquizu Sancho, 2008). As for the presence of immigrants, Hector Cebolla and Luis Garrido show that there is indeed a negative correlation between immigrant concentration and individual performance (Cebolla-Boado, Garrido Medina, 2010). But they show that this is due in greater proportion to socio-economic compositional effects. It means that if individual performance is lower in schools with a high concentration of immigrants, it is mainly because native students going to these schools are also "more deprived than the rest of the student population". Two conclusions can be made here. First, "native flight" caused by the research of better opportunities of success in *concertadas*-schools is based on a false perception of the quality of public-schools, but results in creating real downgrading effects due to the concentration of deprived students in the same schools. Second, the issue of the concentration of immigrants has mainly contributed to make visible an already existing situation, which is the strong inequality in the distribution of children according to their socio-economic resources. Political and financial efforts should thus be concentrated in schools enrolling more deprived students.

If socio-economic factors are of crucial importance, this situation raises also specific normative issues in terms of cultural and religious diversity in the educational system. What has been highlighted is that the structure of the Spanish educational system is creating fewer opportunities for immigrant students. This is problematic both in terms of accommodation of immigrants in the country, and also from a normative point of view when considering that a segregated schooling-system does not reflect the existing diversity in the society.

The structural component of intolerance: Limiting free-choice to ensure equal opportunities?

In addition to individual practices of intolerance, the structure of the schooling system is undoubtedly source of concentration and segregation in Spain. This implies considering that intolerance (and discrimination) can be embedded in institutional and structural dynamics, and not only in individual discourses and practices. The power of the system of representations at the basis of the Spanish schooling-system is being put into question due to the unequal treatment of immigrants in matter of education.

The underlying question posed to the Spanish educational system, in lines of the framework of Accept, is whether it is tolerable to limit more families' freedom of choice in matters of education to give equal opportunities to all children. Both are guaranteed by the Spanish Constitution and are structuring the collective representations about education in the country. Making changes in that way implies an important transformation of the educational system and of collective representations about it. This is precisely what policy-makers have refused to do so far. The different educational laws at State and Catalan levels have introduced measures attempting to reduce inequalities, as the gratuity of *concertada*-schools, the limitation of parents choice by establishing a system of points and by school district-

ing. But they did not affect really the relation between free education and equal opportunities. For several interviewees, in that limitation lies the solution to ensure equal opportunities. But they also underline that a radical change in that matter can hardly be brought to the political agenda. As H.C. states:

> "Other kind of policies, which would start by changing the freedom of school-choice, this would really change things and the concentration at school. But as far as the free-choice, which is a freedom of families, of the parents, is placed above all, above distributive justice, one cannot pretend to change things significantly. Yes, they can be modified, but not significantly. (…) But while free-choice of schools is the value which has to be preserved, you can only make little transformations, marginally, but you can't make inequalities in school-choice disappear. At least if you don't do very very aggressive and radical policies, and this, I think that no Autonomous Community is ready to do it, including Catalonia". (Interview of H.C.)

The positions of the different parties involved in the education policy are totally opposed on this issue. The trade-union representative is in favour of a strong limitation of the free-choice of schools and, above all, advocates for the disappearance of the "double network" (private and public-schools) in favour of a unique public service of education. In her words:

> "Here we have a system which enforces – from the right-wing but the left-wing has also made things in that sense – the free choice of schools. You can choose the school but, I mean, the one who choose is the one who can! You can always choose the car you prefer but you have to pay for it. So the conception that parents have the freedom to choose... yes there are rules, it is easier to have a place in your neighbourhood but, beyond this, there are so much possibilities to fraud the system. And especially in the *concertadas*-schools. (…) The solution for us is to eliminate the private-schools network". (Interview of R.C)

> On the contrary, the freedom of choice is seen as one very fundamental basis of the schooling-system for catholic-schools and parents representatives. They discard that this freedom enforces inequalities between families and emphasize that all families, native or immigrant, have equal right to choose. The representative of the private-schools advocates that, instead of limiting the right of parents to choose, especially of immigrant parents for the case of "busing", positive discrimination driven by a compensatory principle have to be implemented. The schools which receive more immigrants or lower-class students have to receive more money to ensure equal opportunities. The representative of the Catalan administration also discards limiting the freedom of choice more than it is currently. She insists on the fact that the choice of parents and the admission of children are already very much constrained by existing rules.

This highlights the fact that there is no consensus on a policy directed to redress this situation by affecting the current institutional arrangement, especially when it comes to limit educational freedom. The historical, political and social democratic transition consensus on maintaining the right to choose one's school remains very strong, as underlined by experts, such as X.R:

> "At Catalan level, and at the level of the society as a whole, above all of the Catalan middle-class – and surely in general in Spain but in a lower proportion than in Catalonia – there is a tacit agreement in favour of the free-choice of schools. It is something perceived as normal and important, as a right of families and as something which can hardly be questioned. The relative political consensus in that matter is clear. The freedom of choice is not questioned. But the socialists intend to compensate this principle of school-choice with aids to ensure the effective gratuity or with sanctions to schools which make parents pay." (Interview of X.R.).

The current balance between equal opportunities and free-choice is a structure for the schooling system which cannot be changed easily. This highlights that national and local institutional and cultural structures are affecting in great extent the accommodation of immigrants. Dynamics of institutional discrimination and rejection have to be considered as crucial elements in the non-acceptance of immigrants. In that sense, we have tried to show here that tolerance has certainly an inter-individual com-

ponent, as we saw for the motivations of parents, but it has also a strong structural and systemic dimension.

4. Debates about the creation and implementation of the Education for citizenship (*Educación para la ciudadanía*) course.

Education for citizenship (EfC) teaching has been subject of a growing attention from policy-makers and scholars in many European countries (United-Kingdom, Ireland, Sweden, Norway...). Various reasons to explain this growing interest have been put forward. For Keating, it is due to the changing patterns of governance in the nation-States and to the globalization process (Keating et al., 2009). Naval et al. argue that the perception of a decline in the adhesion of children to liberal-democratic values in the post-September 11 context, the increase in immigration rates and the growing cultural diversity of these societies have contributed to bring this question on the political agenda (Naval et al., 2002). If the question of the introduction of Education for citizenship has been debated in the vast majority of the Western democracies since the end of the 1990s, Spain undertook an important reform in order to introduce this subject in the school curriculum. Almost all European countries have included a course referring to EfC, but Spain is certainly the one in which such creation sparked of the most important controversy (Eurydice, 2005; Naval et al., 2002).

The creation in 2006 of a new course properly named "Education for citizenship and Human rights" (*Educacion para la ciudadanía y los derechos humanos*) has triggered not only debates about the curriculum and its content, but has raised a wide societal and political debate in Spain directly related to Spanish identity (Garcès Mascareñas, Zapata-Barrero, 2011). The debate largely exceeded the initial motivation for the creation of the course, which was mainly to take into account new challenges which arose from the culturally diverse Spanish society. It has highlighted a societal division about the place of values and multicultural ethics teaching at school and, more generally, about the respective role of school, State and families in the education of children. EfC has been criticised on the one hand on the opportunity to create a dedicated subject on this matter instead of making of it a transversal thematics. It has been criticised on the other hand because of its very content[23].

Concretely, the content of EfC introduces many topics and only part of them has been seen as subject to controversy. First, it aims at fomenting acceptance of cultural and religious diversity in societies. It promotes the respect of other cultures and religions, peaceful coexistence, condemns xenophobia and racism, and aims at preventing violence at school. Second, it seeks to transmit a basic knowledge about the organisation of the democratic State and its institutions. Thirdly, it seeks to give an insight on human rights and rights and duties of citizens. Finally, it covers contemporary transformation such as social change, globalization, international relations and conflicts. Apart from rather consensual points, the very controversial topics remain on questions of sexuality and models of family as well as on an alleged relativism in terms of religion. EfC promotes gender equality, seeks to fight homophobia and presents equally respectable models of families, including homosexual families. And, although

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[23] The Royal Decree 1513/2006 of 7 December 2006 fixes the content for primary school (Individuals and interpersonal and social relations ; Life in community ; Living in society) and for secondary education (Respectful approach to diversity ; Interpersonal relations and participation ; Rights and duties of citizens ; Democratic societies of the XXIth century ; Citizenship in a global world). Apart from this official content, many textbook have been published to support teaching. This is mainly the content of (some of) these textbooks which is cited by the opponents to EfC as intolerable assertions (like the presentation of abortion as a "normal" practice, the presentation of homosexual families, relativism and secularism).

there is no real non-confessional teaching of religions included in EfC, its content has also be seen by the opponents as a "propaganda" in favour of secularism.

The debate about how to strengthen tolerance in an increasingly diverse society has given way to arguments about which public values and virtues could be taught to children, and who should be in charge of teaching these values. Other topics have been conveyed in the debate such as conceptions of what is tolerable or should be accepted as normal in terms of sexuality or in terms of models of families[24]. In this debate, the place of religion and more specifically the relation between the Catholic Church and the State remains largely unsolved.

First, we will provide a contextualisation of the questions of religious and values teaching in Spain, in order to enlighten the causes of such contention. Then, the very presentation of the controversy will be made by following chronologically the debate occurred by EfC, from its conception to the ease of the conflict. This will be followed by an analysis of the rationales in terms of tolerance which have appeared. We will show that most of the issues highlighted by this conflict, and especially questions of what is tolerable and what values should be teach to children at school, are still unsolved and remain non-consensual questions in the society.

Contextualisation of the creation of Education for Citizenship and Human Rights

The creation of the new subject has been decided after long years of debate about the necessity to introduce the teaching of civic and public values to children at school. However, decisive moves came from supranational organisations and in particular the Council of Europe. This institution has promoted Education for citizenship as a core element in the curriculum of European children[25]. In 1997 the Summit of Heads of State and Government of the Council of Europe issued a declaration calling on the inclusion of human rights, democracy and the rule of law as subjects in the curricula of all learning institutions. Between 2002 and 2005, various recommendations were issued by the Council of Europe all focusing on the implementation of citizenship education in the member's States. The initiative of the Council of Europe to declare the year 2005 "European Year of Citizenship through Education" has been an opportunity to organise many events and debates. It strengthened the collectives who had been advocating for the development of citizenship education.

The making of a new Education Law in 2004 by the socialist government is a good opportunity to make concrete the international recommendations in favour of education for democratic citizenship. Nevertheless, to understand the debates it is important to detail previous experiences of religion and moral values teaching. Since the democratic transition, each have been present in Spanish curricula but with different dynamics. We will present first the framework of religious teaching at school, because the creation of EfC has been perceived at first as an attempt to reduce or replace religion in the curriculum and to explain why Catholic organisations have been at the front-stage of the protestation. We will present then previous experiences in giving a moral education to students and how they will be structuring the debates about EfC.

Legacy and transformations in teaching religion:

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[24] It is interesting to mention that it is not the only occasion of confrontation between the Church and the State at the same period on questions relative to gender and homosexuality. Zapatero's first government (2004-2008) has improved greatly rights of homosexuals, especially by authorizing the wedding of same-sex partners and by raising the condemnation of anti-homosexual speech. The hierarchy of the Church has been strongly opposed to same-sex wedding, has organized several marches against the measure, signed many public declarations and tribunes.

[25] Council of Europe has a dedicated division on that matter. For more information see: http://www.coe.int/t/dg4/education/edc/

The adoption of the democratic Constitution in 1978 was a decisive change for the place of Catholicism in Spain. During the Francoist era Catholicism was established as National Religion by the Concordat of 1953 with the Holy See. Religion as a subject was mandatory and considered as the cornerstone of the moral education of children. After 1978 constitution, Spain can no longer be considered as a confessional State. Yet, in the early years of the democracy, the Spanish State has maintained a dialogue with the Catholic Church which led to the signature of Agreements with the Holy See in 1979 which guaranteed a specific status to the major Church, and one of these concerned Teaching and Cultural affairs. This agreement states that religious education in public schools is an optional subject for students but that it is mandatory that all schools provide the possibility to be taught confessional religion. Religion teaching is thus based on the right to be taught one's religion on the one hand and the freedom not to have religious teaching – nor exclusively catholic religious teaching – in the other hand. Despite this principle, religion remains mandatory in practice in the vast majority of schools as is the examination on religion. But in 1990, the Organic Law on the General Organisation of the Educational System (so called "LOGSE"), will make of religious education an optional subject.

The regulation of education is one of the principal source of conflict between the Church and the State in Spain. There are frequent controversies on the alleged discrimination of one or other group of students regarding the choice of religion. The fact that the share of students choosing religion is declining over years is one important cause of the sensibility of the Catholic Church on this matter (see Conferencia episcopal española, 2011). Differently to other European countries, religious education which has to be offered within the school curriculum is not "cultural" religion or an historical approach to religions but confessional religion. Since 1992 and the signature of agreements with Islamic, Jewish and Evangelic representatives, schools have to offer the possibility to be taught not only Catholicism but these religions too, nevertheless, we have seen that there are still very few teachers of minority religions. The option to receive religious education remains dominant among students of all ages, but decreases greatly in secondary public schools and even more in the last years of secondary education (*Bachillerato*) where only 27,6% of public school students choose to have religious teaching.

The most important debate relative to religious education is not around the right to be taught religion, which is guaranteed by the constitution, but on the existence of an "alternative" to religion course. The Catholic Church has always struggled to maintain the existence of another compulsory teaching. Despite different governmental projects to suppress this alternative to religion, and despite the criticism of most parents due to the lack of content of the hours dedicated to the so-called "learning activities", the opposition of the Catholic Church has led to the conservation of a compulsory alternative subject. The last organic law on education, the *Ley orgánica de Educación* (LOE) (2006) has changed the name of the alternative course, but it remains not defined and is often dismissed as the "course of nothing". In fact, the law prohibits teaching any content about religion, or with other part of the curriculum, so as not to constitute a discrimination against the children who do not attend this course. Even if the law states that children must remain under the responsibility of the school during hours of religion, many educative institutions place these hours at the beginning or at the end of the day to offer the possibility to families to keep their children at home at this time. This is a continuous source of discontent from part of the Catholic Church.

Previous experiences in teaching moral values.

The creation of Education for citizenship and human rights is not the first experience in Spain. Several subjects have been designed for such purpose over time. There is of course an important difference between the place of moral and values at school during the Franco dictatorship and the democracy. But references to the dictatorship and to other totalitarian regimes have been put forward by both parties during the conflict about the creation of Education for citizenship.

During the Francoist era, moral education was one pillar of the curriculum at all stages of school (Dietz, 2007). First, ethics was delivered through compulsory catholic religion. Catholicism was not only one of the two pillars of the regime along with patriotism and national unity. It was also the cornerstone of the moral formation of children at school. Until 1970, another subject was entitled "Formation

of the National Spirit" (*Formación del Espiritu Nacional*) and aimed at delivering the doctrine of Franco's "National movement", especially Spanish nationalism, corporatism, deference to the regime and its leader. The 1970 law which reformed the education system suppressed this course. But it remains in the memory of a large generation, especially those who are born before 1961.

The existence of this recent experience is referred to by many interviewees, whether they are in favour or no of EfC. M.A.E. analyses the Church's strong opposition to EfC as a reaction against the reduction of the control over the moral education of children, and of the population as a whole, which was granted to this institution during the Francoist era. To him, "it is obvious that the current situation is a loss for the Church, because we are moving from a situation of privilege to a situation of equality" (Interview with M.A.E.). The conduct of the Catholic Church during the controversy over EfC has been indeed frequently analysed by the pro-EfC interviewees as a re-active attitude against what is seen as a threat to its identity. On the contrary, the anti-EfC see in the creation of such subject similarities to a totalitarian policy[26]. As F.C. Remarks:

> It seemed to us, or it seems to us, that the subject as it is conceived in Spain is an illegitimate intrusion of a government in a part which is__ of parents and in that way it recalls sadly the ideal of "new man" that the regimes of Staline and Hitler, and also many other dictatorship regimes, shared, trying to make out of it a model of society". (Interview of F.C.)

During the democratic transition (1975-1982), a course named "Living together in democracy" (*Convivencia en democracia*) tried to oppose dictatorship's moral education. It was integrated afterwards in History subject. In 1990, the LOGSE created the concept of "transversal subjects" to which were not dedicated specific hours but had to be integrated in all other subjects and were considered as of crucial importance for the curriculum. Civic education and values such as gender equality, respect for diversity and multiculturalism were considered as transversal subjects (Gonzales-Lucini, 1993). The 2002 LOCE took up the idea of transversal subjects and added a focus on the need to deliver the "culture of effort" to students. All in all, this policy cannot be considered as a success as the integration of these core transversal subjects in other courses was merely perceivable.

The introduction of transversal values in the curriculum had already been advocated by some education organisations. V.M, president of the "Spanish league for education and popular culture" (*Liga española de la educación y de la cultura popular* or LEECP), recalled that this was considered as a first victory. But in front of the lack of effective implementation of these values in the curriculum, these entities begin to promote the creation of a full subject aiming at teaching citizenship and liberal democratic values.

Despite these limited measures, the need to develop values teaching as well as the democratic culture among children had not been a priority of the Spanish education policies before the years 2000. New opportunities arise for the ones who advocate for the reinforcement of democratic and human rights values teaching at school. The settlement of the democracy in Spain, the desire to further the democratic culture of children, and, above all, the desire to take into account the transformations of the Spanish society since the 1990s and especially the new diversity introduced by foreign immigrants, create the conditions to the development of a way to teach citizenship and human rights at school. This is the purpose of Education for citizenship, whose creation unleashed an important controversy, which will be presented in the next section.

The controversy about Education for citizenship

In this section, we will follow the controversy about EfC from the conception of the Law to its implementation. This makes sense because the conflict has taken various forms in each stage, and the dynamics of the coalitions have changed also in parallel. We will thus present the first stage, in which the

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[26] See also this kind of arguments developed in Trillo Figueroa (2008).

design of EfC evidences a progressive cleavage-building process and to a strong controversy. Then we will present the developments during the implementation of EfC, from the political arena to the courts.

Cleavages-building process about the creation of Education for Citizenship.

The creation of EfC has confronted two clear sides. On the one hand, people who put forward values of public ethics and secularism and defended that there are minimal constitutional values that have to be taught to children, as tolerance to diversity and to sexual, religious or cultural differences, democratic values and human rights. Among them are the instigators of the Law, who belonged mainly to the socialist party (PSOE) circles and to organizations of the civil society in favour of secularism. On the other hand, entities have rejected the new subject for the reason its goes beyond the duty of the State to teach values to children which can be contrary to the personal beliefs of their families. The most actives were members of the Catholic Church hierarchy and Catholic organisations which could rely on the support of an important part of the conservative Popular Party (PP) representatives. A retrospective review of years of public debate since 2004 reveals the complexity of this matter, as for the variety of actors involved as for the twists and turns at different stages of the confrontation.

Socialists coming to power in March 2004 is perceived as an opportunity for the sectors promoting the creation of a course on citizenship and democratic values to make it reality, and even more because many of them were member or closed to the socialist party. As we have seen, a project to develop Ethics and values teaching at school was claimed by different sectors of the civil society and especially by the Spanish Secular movement since the 1980s. With the impulsion and the recommendations coming from the European Union, these activists felt that the reform of the Education Law was the right moment to strengthen values teaching at school. Prominent figures of the academia and of the socialist party as Gregorio Peces-Barba[27], rector of the University Carlos III, were pressing for the creation of a dedicated subject during the year 2004[28].

During the process of elaboration of the future Organic Law on Education (LOE) in 2004, the Ministry of Education invited determined sectors of the civil society working on education to belong to an ad-hoc group for discussing and designing what could be the new subject. The future promoters of EfC[29] are in the discussion group, but there are also representatives of organisations which will be the leaders of the protests against EfC as members of Catholic Schools organisation (the organisation of Catholic schools - *Escuelas catolicas*-FERE-CECA; the Catholic parents' organisation - CONCAPA). This ad-hoc group, which gathered several times, will design roughly what will be the future subject. It also served to strengthen networks which will be the advocates of EfC.

At the end of 2004, the Ministry of Education published a document named "A quality education for all" (*Una educacion de calidad para todos*) in which it outlined, among other measures, the key features of a new subject named "Education for citizenship" (Ministerio de Educación y Ciencia, 2004). The document was addressed to all educational organisations (trade unions, parents associations, schools organisations, organisations non-formal education, lobbies and especially all the members of the State council on Education) but the Ministry called also for the participation of individual citizens. The document underlines the importance of teaching values and citizenship to the young and the crucial role of the school in that matter. The diversity resulting from the new immigrants is one argument

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[27] Gregorio Peces-Barba is a spanish politician and academic. Member of the PSOE, he was one of the writer of the democratic constitution of 1978 and has been a socialist MP during the 1980s when he decided to leave his charge to return to academia. He has been at the initiative of the creation of the University Carlos III in the south of Madrid and has been its rector since its creation and until 2007 when he retired. The Minister of Education María Jesús San Segundo herself had been a professor of economy and a vice-rector of the University Carlos III during the years 2000-2002.

[28] See for example : Peces-Barba G. in *El País*, 22.11.2004.

[29] Mainly: the CIVES Foundation sister organisation of the *Liga española por la educación*, professors of Carlos III University in Madrid, the trade union UGT and its sister organisation the Foundation Lorenzo Luzuriaga.

to strengthen such education. The Ministry states that immigration has been positive in many matters but that "it has introduced in the distinct social institutions and at school a range of very diverse beliefs, customs and practices of socialization, sometimes contradictory and not only occasionally opposed to widely accepted democratic principles of our society" (Ministerio de Educación y Ciencia, 2004, p.96). It acknowledges that values education implemented as a transversal subject of school centre projects is insufficient to deal with the importance of values education in the contemporary society. It proposes thus to create a dedicated area or subject of Education for citizenship. Between October 2004 and March 2005, the Ministry receives more than 300 contributions and the creation of such course gathers many of the comments.

In March 2005, one initiative from the civil society contributed decisively to design the content of Education for citizenship. It is the Foundation CIVES's report, a foundation linked to the *Liga española por la educación* specialized on values teaching and citizenship issues at school, in collaboration with the chair "*Laicidad y Libertades Públicas Fernando de los Ríos - Instituto de Derechos Humanos Bartolomé de las Casas*" of the University Carlos III in Madrid[30]. By sending their report to the Ministry and making it published, both institutions acquired a great role in the shaping of the reform. In this document, they proposed a full course of Education for citizenship, which should be taught at every grade and delivering a general knowledge on the public institutions as values and knowledge based on the Human Rights and liberal democratic values. Referring to Habermas' concept, the document stated that the course had to deliver and develop the "constitutional patriotism" of the young and a "common heritage of values" based on the liberal-democratic State (Comunidad Escolar, 2005). This proposal was received very favourably by representatives of the Ministry and especially by its General Secretary Alejandro Triana who was in charge of the coordination and of the elaboration of this matter.

Conversely, this proposition raised many resistances from the catholic organisations who interpret this initiative as an attempt from the secular movement to control the content of the values taught to students at school. The support of the Ministry has also been targeted by criticisms as these organisations complained not to be heard and that, despite the open debate process, the government had already made its choice concerning Education for citizenship. But at this stage, the catholic organisations were not the only ones to criticise the initiative. For several reasons, the project gathered criticisms from very different sectors of the civil society. First, this project was criticized not for its content but rather for it acknowledged that the "transversal subjects" strategy to deliver values was not efficient. Some sectors of the civil society, organisations of the Left and especially main education unions as the education federation of the *Comisiones Obreras* (FE-CCOO)[31], criticized that the creation of EfC was in fact a way to abandon the transmission of values during the other courses. This opposition had an unexpected consequence: the Education council of the State, the major consultative body on Education, has voted the rejection to EfC as a dedicated area during a tense plenary of the Council in February 2005. In April though, the majority of the Council changes and it will back this time the creation of EfC as a dedicated area[32].

It is important to underline that between February and April 2005 the opposition to the project of Law had raised greatly, especially in turn of religious matters: on the one hand, about the project to make

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[30]   The Chair has been created in 2004 with the collaboration of the same Foundation CIVES. The titular of the chair since its creation is the Professor Dionisio Llamazares, full professor of Ecclesiastic Law.

[31]   This is the mostly voted education trade-union in Spain.

[32]   Others entities related to leftist activism also deemed EfC to be a way for the State to indoctrinate the students, to present the representative liberal-democracy as the only form of government and as the only organisation of power possible. Others also deemed the content of the subject to be a artifice from the government and the liberal-democracy which spread human rights principles at the same time it supported capitalism, individualism and the market economy. One of the main advocates of this critical trend, Carlos Fernández Liria, has edited afterwards a "manual" of Education for citizenship while reiterating his opposition to this subject. The intention of its authors is to "show the radical incompatibility between capitalism and citizenship" and to oppose frontally the arguments developed by the Conference of Bishops of Spain to oppose EfC. ("Entrevista a Carlos Fernández Liria, coautor del libro: "Educación para la ciudadanía"", *El otro País* nº 38. July 2007)

religion optional and non evaluable, and on the other hand, about EfC which was said to be a way to depreciate religion and to deliver to children Secular ideology and values contrary to Catholicism. In February 2005, the Catholic confederation of parents (CONCAPA) decided not to take part any more to the discussion groups about the Law and the Confederation of private-schools CECE decided not to participate either arguing that the government had not solicited its opinion sooner enough. However, the major organisation of catholic private-schools (*Federación Española de Religiosos de Enseñanza* or FERE-CECA) took part to all negotiations.

In April 2005, CONCAPA appealed to the "conscientious objection" of catholic parents to the future subject, which will be one of the main strategies to oppose EfC when this one will be implemented. This initiative is immediately supported by the Catholic Church and the Conference of Spanish Bishops becomes one of the main opponents to the Law. Despite this opposition and despite the attempts of the Ministry of Education to negotiate the Law with these opponents, the process of elaboration of the LOE follows and leads to its adoption in December 2005 with the creation of the subject Education for Citizenship but without the support of the main parliamentary opposition, the Popular Party, which had rallied the arguments developed by the Catholic hierarchy.

The implementation of the law: from the political debate to the Courts.

The design of the content of EfC took almost a year from the vote of the Law. The publication of the texts complementary to the Law has been made in late 2006. They fixed the hours of EfC and the school-grades to which it would be imparted but let a great autonomy to the Autonomous Communities to decide of the content of the course and of its organization within the schools. They offered the choice to start EfC at the beginning of the school-year 2007-2008 or one year later. The first year, half of the Autonomous Communities choose to organize EfC[33] while the other half postponed it with various reasons. This opened a new stage in the opposition, with the movement of "conscientious objection" to EfC promoted by catholic organisations and the hierarchy of the Church on the one hand, and the political opposition of representatives of the PP, especially at the level of the Autonomous Communities on the other hand. Weakened by the re-election of the socialists in the general elections of March 2008, the last stage of the contention against EfC took place in the Courts of justice. These three forms of contention to EfC, social, political and judicial, will be examined here to see how the conflict has been solved and to introduce how these protestations used the thematic of tolerance and how their raised concerns in terms of tolerance in return.

Launched for the first time by CONCAPA, a federation of catholic parental associations, the movement of conscientious objection has been the main societal opposition to the implementation of EfC. For CONCAPA representative, conscientious objection has been decided because EfC is perceived as a clear intrusion into the parents' prerogatives in educating their children. The opponents to EfC, he states:

> "want the humans being free, independent, being educated in the most important subjects as morality, ethics by the families, and that schools be an auxiliary, which helps to the formation. As a consequence (…) we want to charge the teachers to educate our children in what we cannot do ourselves. (…) I do not educate my child for the State; I educate my child to be a good person. (…) [Consciencious objection's purpose] was not going to these classes because the content was contrary to the principles of the families." (Interview with L.C)

It can be seen yet that the discursive opposition between the families and the State, via the schools, when it comes to education is structuring the debate.

The first stage of the opposition has been to circulate a petition against EfC which received more than 3 millions signatures EfC. The conscientious objection appeared just in a second time after the implementation of the Law. Along with parents and families organisations, prominent bishops appealed to

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[33]   Andalucía, Aragón, Asturias, Cantabria, Cataluña, Extremadura and Navarra.

disobey the law. The first one was the archbishop of Granada, Javier Martinez, who appealed to "conscientious objection" and "civil disobedience" to EfC in November 2006. The argument is one more time the "real invasion of the fundamental right of parents" and the "terrible threat" to the freedom to education. This first statement from a high representative of the catholic hierarchy made a commotion at political and social levels. But this opposition will be followed by a strong movement leaded by parent and family associations as well as the "Association of professionals of Ethics"[34]. They all gathered in the same platform, very active in disseminating the initiative of "conscientious objection" and compiling the demands made by the families to the Autonomous Communities. But despite this, the movement of conscientious objectors was not the expected success in terms of number of families involved[35].

The politicization of EfC took place in the traditional opposition between conservative sectors of the Popular Party (PP) and the socialists at the head of the government. All the interviewees underlined that the role of PP representatives in EfC controversy has been less important than the one of the civil society and of the Catholic organisations in particular. It is true that the rationale of PP representatives did not differ much from the rationale of the catholic organisations opposing the Law.

The main initiatives coming from PP representatives were held in Autonomous Communities ruled by PP governments. Due to the decentralisation of education matters, the implementation of EfC lied in great part on the Autonomous governments. Thus, the ones ruled by the PP stated to delay the application of the new subject to the year 2008-2009. It was meant to wait for after the general elections of March 2008, counting on a victory of the opposition who promised to suppress EfC in case of victory. The re-election of a socialist government ran counter these expectations however and is as well the main factor that weakened the possibility to politicize the issue for the popular party afterwards.

Despite that, the Autonomous Communities (AACC) of Madrid, Murcia and Valencia have tried to place a hindrance to the normal implementation of the law. Madrid's government delivered several times its support to the "objectors" and announced in 2008 that the AACC will organise alternative courses for the students who object EfC. It did not answer to the warnings of the Education Ministry, which remembered the obligation to attend the course until the Supreme Court of the State declared illegal the movement of conscientious objection. Same movement has been followed by the government of Murcia who accepted all the objections and stated that the objectors wouldn't have to attend courses of EfC. As for the government of the Valencian Community, it adopted the same position admitting objection to EfC, but it also decided that it would be delivered in English. Despite of these counter-initiatives, the success of the socialists at the general elections of 2008 and even more the sentence of the Supreme court illegalizing the objection to EfC has deeply weakened the political opposition, even if the leader of PP stated in March 2011 that his party would suppress the course in case of victory at the next general elections (November 2011).

The last stage of contention has taken place in the administrative justice sector. Parallel to individual objection to the subject, the families and the associations presented a great number of complaints to the Autonomic Courts and to the ECHR, deemed to hurt their fundamental rights. At first, the sentences only have added more confusion to the debate. Opposed sentences pronounced by the Autonomous Courts contributed to blur the case of EfC. While the Superior Court of Justice of the Asturies AACC (on the north and Atlantic coast of Spain) stated that EfC was perfectly constitutional and did not hurt the rights of parents and children, the Superior Court of Justice of Catalonia simply stated that it did not exist such thing as the right to conscientious objection, and, conversely, the Superior Court of Justice of Andalusia and of Rioja recognized the right to object EfC if parents felt that it was contrary to their beliefs. The contention and the search of an exit to the conflict about EfC was thus transferred to the Autonomous courts of Justice and, finally, to the Supreme Court of the State.

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[34]   This last one was certainly the most active in providing legal tools to the families: manuals, support to formal accusations to the Autonomous Communities and in front of the European court of fundamental rights... (ex. Profesionales por la Ética, 2006)

[35]   The association Professionales por la Etica counted 45,000 objections at the pick of the movement but the Autonomous Communities have considered the movement to be fairly limited and that it did not occurred troubles for the centres.

The resolution of the Supreme Court illegalizing the movement of conscientious objection in 2009 weakened definitely the opposition movement. But the fact that the Supreme Court underlined that the content of classes could not damage the personal beliefs of parents, satisfied also the opponents.

The debate about EfC has confronted mainly two groups of individuals and organisations : people advocating for a new ethical education of children in matters of citizenship, human rights and respect to diversity, and people who saw the principle and the content of the subject as an intolerable invasion of parents – and private in general – prerogatives on education. This opposition overlaps the traditional right-wing / left-wing cleavage in Spain, but not only, as a great part of right-wing representatives (especially of political parties different to PP) did not actively opposed EfC[36]. We will see that if the debates did not focus directly on the tolerance to diversity, both dimensions are indeed inter-related in the debate.

Teaching tolerance or teaching ideology? What Education for citizenship's debate reveals.

We have outlined the main cleavages between the supporters and the opponents of EfC. But it is important to sum up these oppositions especially in that they refer strongly to issues of tolerance and acceptance.

The debates about the creation of EfC generally turn around certain issues: Is the creation of such a course necessary? Is it better teaching values as a transversal subject or as a specific subject? Is it the role of the school to teach values to children – and to dedicate a full subject to it – or should it be considered of the responsibility of parents? Said differently, is the transmission of values a public or a private matter? Although it is an artificial classification, it is possible to differentiate debates about the principle of creation of EfC and debates about its content. Both lines of argument are generally associated in the claims and rationales about EfC.

Debates about the principle of creation of EfC are much more open than the other. It means that even strong supporters of EfC express a preference for another type of subject or for another way to teach tolerance and respect to diversity. The majority of our interlocutors underlined that they were in favour of a transversal subject, which would be introduced in all classes and in the school project. The president of CONCAPA states that it is for his organisation a first motive of opposition. D.L., professor in University Carlos III and one of the first creator of EfC , V.M. President of the Spanish league of popular education and president of CIVES, the foundation which designed the first content of the law, as well as M.A.E, all state that a transversal subject would have been better to really introduce diversity and citizenship issues in all spheres of the school. For D.L, teaching values and tolerance should be transversal. However, to him, there is the need for a non-confessional religion subject. As he points out:

> "But there is a thing which... there is missing something, it appears to be a fundamental right and of more social confrontation, which is religion. (…) I said it that way in the meetings but nobody answered me, never. I think that you cannot teach children to be good citizens or to understand tolerance, which do not means you cannot criticise or agree with the other, who is different... it is difficult to do it if you don't explain that the Muslim at your side is a perfectly normal person. But the thing is that he believes in other things." (Interview D.L)

The *debate about the content* of the course was much more heated, as several points have been subject to criticism. This concerns the definition of limits of the common values of the Spanish society (liberal-democratic values, human rights or constitutional values) and above all the inclusion or not of non-consensual matters such as gender theory, models of families or sexuality. The content referring to cultural and religious diversity as such is not seen as a major problem for the opponents. But the way

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[36] There has been also a "left-wing" discourse against EfC, which libertarians and other revolutionary organizations saw also as a way for the state to indoctrinate children in favour of the liberal-democratic system.

to connect tolerance and immigration is questioned. First, they underline that tolerance to diversity is just a false argument to create EfC. Plus, they feel that tolerance should be limited and that the State, and especially the socialist government, has been too lax in this sense. As LC interviewer insisted:

> "Here, we should not mistake tolerance with a cession of rights. I think that one of the debate is if tolerance has to admit all the cultural, religious – and other – diversity brought by immigrants. (…) We cannot be fighting to obtain women's liberation and allow women to wear burqa. This is not tolerance, this is a cession of the rights we have fought during generations to obtain (…) Because this is mistaking debility for tolerance.

> I think that here, in every houses, yours or mine, we have invited hosts and these hosts have to respect minimal norms of positive coexistence. I understand that there is this very manichean discourse about plurality, about tolerance, and we have to be careful because it can be confusing. The thing is to which extent we want...we will abandon our very cultural essence, for which we have fought during centuries, in exchange for a tolerance which brings nothing to the humanity. (Interview with L.C)

Despite these important criticisms, this is not the main cause of rejection of EfC. The way sexuality, gender relations and secularism are taught to children is a far greater concern of the president of CONCAPA. He states :

> "Obviously the principle and the pretension to teach students, our children, a serial of statements which are not perceived equally by all, I will mention again the gender philosophy. (…) And we feel like thematics as sexuality or the thematic of radical secularism which pretends to fight religion are not thematics which can be acceptable." (Interview with L.C)

On the contrary, EfC supporters state that nothing in its content goes against the Human Rights which are the common basis shared by anybody.

> "When EfC is proposed by the most progressive sectors of the society, the intention is not to invade anybody's moral education but to educate in democratic values to strengthen the democracy. I dare anybody's from the Church or from others sectors, as the conservative sector for example, to say which values of EfC go against human rights, may they just show me one example! When they will give me one example, I will change my mind and I will go against EfC, but meanwhile... The thing is that the values of EfC are not proprieties of determined sectors but they are legitimate and justified values." (Interview with M.A.E)

Thus for supporters of EfC, the Catholic Church, Catholic organisations and others protesters founded their claims on an anti-democratic ideology, or are at the margin of democratic concerns. What is emphasized by this controversy is the opposition between private entities and private moral and the State and the public moral. The idea that private morality would be superior than public morality, especially at school, is seen as a legal fault and an anti-democratic statement:

> "Firstly, they can't deny the legitimacy of this decision taken by the parliament, even if it goes against their beliefs. Because, secondly, the only moral which is worth taking account in that matter is the public moral. (…) They live within a democratic system, which has its own rules.

These debates brought to light important cleavages in the Spanish society about the respective places of the State, the Church and the families when it comes to determine the values generally accepted, and when it comes to determine which statements and practices can be tolerated or not. Few people or organisations questioned the need to reinforce the transmission of values to children, for two main reasons: the growing individualism in the society either due to the logics of the free-market economy or to the spreading of a "moral relativism" as a trend of thought (put forward by the Catholics) on the one hand, and the growing cultural and religious diversity due to the important immigration flows Spain was receiving on the other hand. We have said that no opposition to EfC was based on the refusal of the teaching of tolerance to cultural diversity, at least officially. On the contrary, even the opponents to EfC thought it was positive to teach to students – and mainly, if however paternalistic, those

from other religion or culture – liberal-democratic values and a code of conduct within the Spanish so-ciety.

However, in link with issues of tolerance and acceptance, what the debate around EfC has highlighted is the co-existence in the Spanish society of two different institutions, the liberal-democratic state and the Catholic Church, based on two different reference frameworks to define what the "regime of truth" and associated values are. Even if the liberal-democratic State and the constitution are defining the core values of the Spanish society, the values and organisation of the Church continue to be the main reference for sectors of the civil society and some families, especially when it comes to education. To which extend the State is able to define and teach common and public values is thus the important question at stake here.

The debate around has been extremely politicized and aggressive[37], but the terms of the confrontation were clear. The dividing line between tow ethical systems (the ethics of the State and the ethics of the Church) is clear in the texts of the Conference of Spanish Bishops, which lets the parents determine which kind of moral education they are willing for their children: "the State cannot force legitimately a determined formation of the moral conscience of students apart from the right to choose of parents. When these choose freely religion and the catholic ethics, the State must recognize that the necessary moral formation of students is assured by those who have the duty and the right to deliver it." (Comisión permanente de la Conferencia Episcopal Española, 2007). Thus, the examples of an effective op-position between the values contained in EfC and those of Catholicism are not always put forward and, when they are, they refer to one point in particular, what the Conference of bishops calls the "gender ideology". EfC includes indeed among the values to teach, gender equality, autonomy in the sexuality and the rejection of homophobia. To the catholic organisations and hierarchy opposed to EfC these subjects should be out of the limits of what can be taught to children as they hurt the values and beliefs of some families and especially the ones who choose to educate their children in line with the catholic ethics.

For EfC advocates, it is precisely needed that schools deliver to all the students common public values, precisely because all the moral education must not lie on parental education and because the State has to "educate in self-defence, to avoid becoming a hotbed for opposed intransigences and for uncommu-nicative ghettos of tribal dogmas" (Savater, 2006). The arguments of the promoters of the law is there-fore that not only it exists such thing as a public ethics and public values, based in the constitution and on international treaties on Human Rights signed by Spain, but this public ethics has to be taught to children to maintain social cohesion and the possibility to live together. Plus, they put forward that the public ethic, whose respect is guaranteed by Law is superior to private ethics when values are in con-flicts. That is to say that even if the State tolerates private ethics based on values differing from the public ethics, the respect of private values can't be an argument to oppose public ethics (Llamazares, 2009; Savater, 2007).

The debate around EfC confronted thus two irreconcilable positions about the respective roles of the State and the families to educate children with their own provision in values. The intensity of the de-bate cannot be explained only by a strong politicization and rivalry between the conservative opposi-tion and the socialist government. The cleavage is far deeper and questions the different resources of the Spanish society for reaching cohesion. The "invertebrate Spain" (*España invertebrada*), as depic-ted at the beginning of the XXth century by the Spanish philosopher Ortega y Gasset, finds here a new illustration.

5. Concluding remarks : Debates of tolerance in Spanish schools.

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[37] EfC has been accused to be a "totalitarian" enterprise (it is even the title of a book published about EfC by J. Trillo Figueroa (2008) or a modern version of the Francoist "Formation of National Spirit" (even from the president PP of the Autonomous Community of Madrid Esperanza Aguirre).

The growing presence of immigrant children is undoubtedly changing the composition of school-classes especially in the few last years. The schooling-system, characterized mainly by its important political decentralization to the Autonomous Communities and by the force of the sector of the publicly funded private-schools, has had to adapt quickly to this new reality. Policy instruments aimed at newcomers have been developed and have proved to have a positive impact on the integration of foreign students. But there are still important lacks in the accommodation policy in matters of education. The settlement of immigrants has inscribed cultural and religious diversity in the social and educational landscape. Policies designed for newcomers are being less necessary but instruments to foment intercultural education and structural changes to give equal opportunities to immigrants and natives still have to be reinforced. In matters of intercultural education, the initiatives are still coming in great part from below and emerge out of the educational community, but are often not accompanied with a political and financial effort from the governments. The needs in terms of religious teaching are increasing and the means put to guarantee minority religious teaching are still very poor. The main initiative coming from the central government in matters of teaching interculturality and respect to diversity has unleashed a controversy and, finally, has put into question far more the receiving society than immigrants reputed to bring in diversity. Apart from these issues, the question of the equal opportunities of immigrants in the schooling-system remains the main source of concern when examining diversity issues in education.

To conclude, we will summarize quickly the main findings on the two case studies, and we will highlight tentatively how these cases can contribute to understand debates of tolerance toward cultural diversity in Spain[38].

Intolerance expressed through segregationist dynamics: examining individual and institutional causes.

The case on concentration of immigrants and the segregationist dynamics which lead to this concentration has led us to investigate different rationales which explained such imbalance and which assessed possible solutions. It evidenced that the analysis of the situation from experts and practitioners refer to an intertwining of interests which are frequently irreconcilable. This complexity is reinforced by the fact that historical and ideological representations of what should be done to improve the Spanish schooling-system as a whole are structuring all the discourses on the acceptance of immigrants. As such, immigration really functions for this case as a mirror of general issues on education.

The main findings of this investigation for the framework of Accept, refers to the question of **who** is entitled to tolerate or accept diversity. We have shown that the situation affecting immigrants can only be understood by paying attention to individual motivations which reinforce segregation (school-choice, native-flight, school-quality perception, competition in the educational market, racism) and to the way that intolerance can be embedded in the very rules and representations which constitute the educational-system. The constant political effort to maintain the stability between the free-choice of parents and the guarantee of equal opportunities in the schooling system, is realised at the expense of the latter, and thus at the expense of those who lack of resources, of the more deprived. The force of the constitutional principles associating freedom and equality and the advocacy of important political forces in favour of the conservation of a strong private-sector make it difficult to change the structure of the schooling-system.

How to define limits to tolerance when common values are contested?

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[38] Additional conclusions will be drawn by the case studies and further discussions between the authors and will thus be integrated in the public version of the report and in the comparative report.

The second debate which has been presented here refers to the creation and implementation of a course aiming at fostering the tolerance or student toward cultural, religious, sexual diversity and at re-inforcing the democratic culture of children. The intention in the creation of the course is worth considering, but what has attracted our attention is the important debate which accompanied it and which goes far beyond education and diversity issues. This debate has been active and fierce thorough the years 2004-2009 and we have seen that the protest have occupied the social, political and judicial fields, until the Supreme Court and the daily practices soften the confrontation.

In comparison with case one, this debate is a very different contribution to a reflection on the link between tolerance and diversity. The study of such debate is relevant as it touches upon issues such as the secularisation of the State. The debate around the limits of the public and the private spheres is relevant to an analysis of the delimitation of what has to be tolerated and accepted in the European societies. Detractors of the course on 'Education for Citizenship' have argued that ethics and morality are not a matter of the State whereas its supporters and instigators argued that it is desirable to define common values that are or should be shared by all, independently of their culture, ideology or religion. Interestingly these values have not been contested by cultural minorities but by the Church and related groups which are part of the cultural majority.

The exploration of these two cases related to the acceptance of cultural diversity brought by immigration at school highlight **policy-relevant issues,** especially related to the concentration of immigrant children at school. The concentration of really high rates of immigrant children in determined schools (superior to 60 to 80%) is unanimously considered as a matter of concern by governmental and non-governmental actors. Efforts have been made in the ultimate years to equalize the regime of admission between *concertadas* and public schools and disadvantaged children should be normally favoured over other children in school admission process. But the control over the application of these procedures is still poorly implemented. It seems that a rise in the human and financial resources dedicated to these controls would prevent the schools from disregarding the norm and from discouraging the matriculation of lower-class immigrant children. In addition, the already existing instruments providing additional resources to schools enrolling important share of immigrant pupils should be re-forced and concerted regularly with the educational community. Even if this is still a sensitive topic for important sectors advocating for free-choice, the positive role of intercultural relations among children at school and the negative impact for the whole society of a segregated system, justifies the implementation of more binding measures in matter of school admission and school zoning, in consultancy with public and private-schools sectors representatives.

6. References

In order to facilitate the orientation of the reader in the bibliography, scientific references are presented according to the different topics explored in this report. We will thus present first general references on education and diversity issues in Spain (used in the introduction of this report) and then references corresponding to each case study. After the scientific literature,

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7. Methodological Appendix

1. List of interviews

Interviews with experts :

	Type	Function	Duration – Record - Place
X.R.	Academic	Professor of Sociology of Education, Universitat Autonoma de Barcelona	1h, not recorded, UAB, Sabadell (Catalonia)
E.R.	Academic / Think tank	Professor of Education, Universitat Autonoma de Barcelona. President of EDU21, a think tank on Education, close to the centre right nationalist political party Convergencia i Unio (CiU), who is currently ruling the Catalan government	1h15, recorded, UAB, Sabadell (Catalonia).
M.A.E.	Academic / International organisation	Director of the UNESCO Catalonia Professor of intercultural Education at the Universitat Autonoma de Barcelona,	1h15, recorded, UNESCO Catalonia, Barcelona.
H.C.	Academic	Professor and researcher in Sociology of Education, Universidad Nacional de enseñanza a distancia (UNED) and Juan March Institute, Madrid.	1h30, recorded, Juan March Institute, Madrid.

On segregation and concentration at school in the metropolitan area of Barcelona :

	Type	Function	Case
M.R.	Administration/ Policy-maker	General director of the Attention to families and educational community service, Department of Education, Catalan government ; Former MP of Catalan parliament for CiU (centre-right nationalist party, current majority)	1h15, recorded, head office of the Catalan Education department, Barcelona.
R.C.	Trade-Union	Spokeswoman of the Education trade-union STES-USTEC	1h30, recorded, headquarters of STES-USTEC, Barcelona.
A.R.	Private-Schools representative	pedagogical consultant for the Christian Schools Foundation in Catalonia - FEEC	1h15, recorded, headquarters of the FEEC, Barcelona.

On the creation and implementation of Education for Citizenship :

	Type	Function	Case
D.L.	Academic	Professor of Ecclesiastic Public Law at the Universidad Carlos III, Madrid. Fernando de los Ríos chair on "Secularity and Public Liberties"	1h30, recorded, Universidad Complutense, Madrid.
V.M.	Civil society	President of the *Liga Española de la Educación y la Cultura Popular,* President of the Foundation specialized on Education CIVES ; Former national MP for PSOE (socialist party).	1h15, recorded, headquarters of the *Liga de la Educacion*, Madrid.
L.C.	Civil society	President of the catholic parental organisation CONCAPA	1h, recorded, headquarters of CONCAPA, Madrid.

2. Interview guides :

Interview Guide n°1 : The distribution of immigrant pupils at school.

General :
- Function of the interviewees and bio-data - Description of the organization/institution - Orientation and objective of the organization/institution in matters of education (fundamental values, main goals...)
Bloc 1 : Framing of the issue : **→ How does the structure of the Spanish education system affect the acceptance of immigrant children in school ?**

Topics	Main questions
Description	**How do you <u>describe</u> the current debate on that matter?** - In your view, how can we explain the scarce number of foreign pupils in concertadas-schools, in comparison with public-schools? - In your view, what is the main issue about the inequality in the distribution? - Can the distribution inequality be considered as a problem? In this case, how can you qualify the problem?
Explanation	**How do you <u>explain</u> this debate?** - What is or are the origins of the inequality in the distribution ? - Do you think is comes from : existence of private-schools / territorial inequality / social and economic inequality / cultural or religious difference / school strategies / parents strategies / problems of schools funding / racism (side questions).
Assessment public discourse	**How do you <u>evaluate the public discourses</u> on that matter?** - Concretely, how does your organization or institution decide to participate to the public debate? What is your organization/institution main discourse? - Do you collaborate with others? By which means (platforms, coalition, task group...)? How does it works concretely? - Which discourses or organizations are you fighting? How would you assess their discourse?

Bloc 2 : Evaluation and alternatives.	
Topics	Main questions
Assessment of policies	**How do you <u>evaluate the political measures</u> or the propositions made so far to tackle this question?** - If you think that the distribution inequality is a problem which has to be solved, which actors are in your view those who has to act in priority? Which political level is the most important : State, Autonomous Communities, City councils, Schools, Civil society, Parents? How do you assess the measures proposed so far ? Recall following measures and experiences : - Changes in school zoning, - Experience of Vic (radical changes in the distribution by the fusion of schools …) - Busing. - Gratuity of *concertadas*-school . - Diminishing the freedom of choice from parents. - Which are the values which have to be considered in priority when searching solutions to this issue?
Alternatives	If these measures or propositions do not satisfy you, Do you think they have to be reinforced, expand or changed for others? For you/your organization, **what would be the potential or desirable solutions to this issue?**
Practices / experiences	Can you give **concrete examples and practices** which you estimate are good practices? In the contrary, which concrete examples should not be imitated?

Interview Guide n°2 : Creation and implementation of *Educación para la Ciudadanía*

General :
- Function of the interviewees and bio-data - Description of the organization/institution - Orientation and objective of the organization/institution in matters of education (fundamental values, main goals...).
Bloc 1 : Framing of the issue : **In your opinion, why has the creation of Education for citizenship (EfC) raised such debates in the Spanish society?**

Topics	Main questions
Personal opinion about EfC	- In your view, was it positive to create *Education for citizenship*? - If yes : Would you have done it in the same way? As a dedicated subject? - Personally, do you agree with the content of EfC?
Description	**How do you <u>describe</u> the current debate on that matter?** - Can you tell me how you would qualify the debate ? Have you ever seen comparable debates in schooling matters in Spain ? - Can you explain how the decision to create EfC was taken ? What was your / your organisation's position at the beginning / during the design of the law / after the implementation?
Explanation	**How do you <u>explain</u> this debate?** According to you, what is/are the reasons which raised such an important concern? Was it for the subject per se, the content of EfC, the way it was created and implemented, political reasons? In your view, what was the importance of diversity issues in creating EfC? Is EfC responding to the new diversity at school ? Does it respond to it the right way?
Assessment public discourse	**How do you <u>evaluate the public discourses</u> on that matter?** - Can you tell in your view who were the main actors of the debate? - Which were for you / your institution the main values at stake in the debate following the creation of EfC? - Concretely, how did you decide to participate to the public debate? Did you collaborate with others ? Did you directly opposed other actors? - Do you think the debate has come to an end now?

Bloc 2 : Evaluation and alternatives.	
Topics	**Main questions**
Assessment of policies, measures and attitudes	**How do you <u>evaluate the political measures</u> or the propositions made so far to tackle this question?** - Did you collaborate directly to the design of EfC? Did you collaborate to the design of its content and implementation? How would you qualify this process? Do you feel that your point of view has been taken into account? - Do you think that EfC has evolved positively from its original conception to its implementation? - What do you think of the attitude of Autonomous governments ruled by the PP (Valencia, Madrid) in the implementation of EfC? - How do you see the role played by the courts in the evolution of the debate on EfC? -How do you see the so-called "conscientious objection" movement initiated by the Church and catholic parents? -What do you think about how EfC is implemented now?
Alternatives / Moral and values at school	For you/your organization, **what would be the <u>potential or desirable solutions</u> to this issue?** - If you could choose, what would you do with EfC? - Do you think there would be a better solution to foment intercultural education and to address diversity at school ? - Do you think that it is the role of schools to teach children some values? Do you think that tolerance to diversity has to be learned at school?