

Feet Firmly on the Ground

Article 23 of the Dutch Constitution is still meaningful, the Education Council believes. This article provides for the right to public education, but also for the freedom of confessional and ideological education. There is sufficient scope for modernisation.

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The Education Council has assessed the technical legal problems and social issues relating to article 23. The crux of the matter revolves around the question of whether the article limits access to schools by certain groups of the population, and whether it encourages segregation.

Maintain the dual system

The dual education system stems from a constitutional distinction between public education and confessional or ideological education. Yet this distinction is becoming unclear as a result of depillarisation and increasing uniformity in educational goals. Yet the Education Council sees sufficient positive reasons to maintain the dual system: it ensures that education is pluralistic, dynamic and moderately competitive.

The dual system is often associated by politicians and the education community with segregation. Confessional education can, for example, choose to refuse pupils from ethnic and cultural minority groups under article 23. But statistics show that any gap between white schools and ethnic schools can primarily be traced back to the composition of the population in neighbourhoods and the schooling choices made by parents. The Education Council believes that the gap could be bridged by local dispersal policies.

No new legislation needed

The Education Council believes that there is currently no social need to make any key changes to article 23 of the Dutch constitution. As it is, the article offers sufficient scope for modernisation. Measures could include a dispersal policy, strengthening parents' right to choose, and placing restrictions on fundamentalist schools. Nevertheless, a number of technical changes could be made and a constitutional review could be undertaken to clarify this antiquated article.

In time, however, the Education Council does not rule out the possibility of amendments to article 23: it is perfectly possible that new answers to fast changing social and technological developments could find themselves anchored in the constitution.