



Religion and Schooling in Open Society:

A Framework
for Informed Dialogue

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The paper's orientation is mainly, though not exclusively, the European comparative context. It is intended as a resource for policymakers who have had little prior experience or comparative information on religion and schooling. Information herein may also be a resource for independent education policy centers and others who are seeking an informed, comparative dialogue and basis for decision-making on religion and schooling in open society.

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Summary

Available comparative information shows that religious education as a subject is already present as compulsory or optional learning in many school systems of Europe and elsewhere in the world. Where religious education is not a subject, there is usually some treatment of religion as a topic or aspect of other study, in, for example, history, literature, philosophy or sociology. Rare--perhaps even nonexistent--is the schooling system in which a child's formal learning experience is entirely silent, neutral or objective on transmitting messages about religion and values linked to religious traditions. Moreover, it is difficult to identify a society in which a policy of separation of church and state, or a national policy of secular education, achieves a complete exclusion of religion in both policy and practice of schooling.

In a post 9-11 era and globalized society, debate and dialogue is on the rise about how and to what extent the treatment of religion in schooling shapes an individual's self-concept and world view. How does schooling contribute to social tolerance or to intolerance, stereotypes and prejudice? Among others, the Council of Europe and the Government of Norway are promoting inter-governmental exchange about education and the role of religion. In some countries, there remain more fundamental struggles between proponents of including religion in schooling, often led by religious institutions, and those opponents who seek to "keep religion out" of schools.

This paper will not provide or defend simple answers. Nor will it advocate any single approach to religion and schooling that is applicable in all contexts. The paper's orientation is mainly, though not exclusively, the European comparative context. The material herein is intended to bring grounding to dialogue about the topic, drawing upon selected available sources and research that has been undertaken to create a clearer picture about religious education in Europe and some additional countries. It also describes the evolving dialogue at the European level on the topic. As such, the reference paper is organized around the following questions:

What do we mean by religion and schooling?

What is the relationship between individual rights, religion and schooling in an open, democratic, pluralistic society?

Is there an "international convention" or "European standard" on religion and schooling in an open society?

Should teaching about religions be delivered in schools? If so, why, what and how?

What is the appropriate role of the State (and its relation to religious institutions) with respect to religion and schooling in an open society?

The paper has three annexes:

Annex A: Key References

Annex B: Comparative Information on Approaches to Religious Education

Annex C: Information about Policy and Dialogue on Religion and Schooling in Selected Countries

Religion and Schooling in Open Society: A Framework for Dialogue

By Zdenko Kodelja and Terrice Bassler

Opinions and Open Society Considerations

Debate about religion and schooling is often heated, at cross purposes and politically or emotionally loaded. The firm opinions and stands taken—and upon which policy and practice may be based—can be heard in the following opinion statements:

“Religion and the Church have no place in State schools.”

Questions Raised: Are religious institutions stakeholders in democracy, social change and in education systems per se? Should there be no mention whatsoever of religion in schooling, and, if so, what policy can ensure this? How present is religion as a subject or otherwise in schooling systems in Europe and in other parts of the world? Is strict separation of state and religious institutions necessary for open society? Is it feasible?

“Religious education is indoctrination.”

Questions Raised: Is indoctrination the intention behind religious education in all cases? How is it possible to assess whether the content and method of certain forms of teaching constitute indoctrination? Are there other educational purposes, approaches and forms of religious education that deserve consideration in open society?

“Learning about the main religious tradition in our country through schooling is essential for cultural understanding and preserving our national identity.”

Questions Raised: Is there in fact a dominant religious tradition and/or is the society pluralist in the traditions observed? Who decides which traditions need to be learned, through what means, with what “content” and why? Does this position imply that schooling should be silent on traditions practiced by minority populations in the country? Will this approach truly preserve national identity, or might it also breed harmful nationalism and prejudice? Is it really necessary to be concerned about “religious illiteracy” in Europe?

“Religious education must be part of schooling if our society is to address the moral crisis of today’s youth.”

Questions Raised: Is religious education what young people see as important to their development and to the problems they face? If it is, what specifically are they seeking in such programs?

“Human rights conventions and international education standards are sufficient to guide national policy on religion and schooling”.

Questions Raised: Which conventions provide clear guidance, and are they interpreted uniformly everywhere? Aren’t the declarations and conventions on parents’ and childrens’ rights somewhat contradictory? Are there really any international standards on religious education? Is the guidance provided on religion and schooling policy accompanied by guidance on practice?

“As far as a child’s personal religions or spiritual development, families and religious institutions are responsible, not schools.”

Questions Raised: Is it possible in practice to separate entirely the role of schools and family or other external influences on a child’s development? If the trend in education systems in Europe is toward child-centered, holistic education that is lifelong and life wide, then should spirituality, values and choices be disregarded entirely in schooling? Is there such a capacity as ‘spiritual intelligence’ that must be considered in children’s development and schooling?

“Teaching in schools about the various main religions is necessary to increase tolerance and social cohesion.”

Questions Raised: How is this known? Is there research that shows that teaching about religions actually increases tolerance in learners? How is this achieved? How important are issues of the representation and analysis of ‘religions’ and ‘cultures’? And what is the right combination of content and pedagogy?

Trends in Religion and Schooling Debate and Research

Policy issues, solutions and practices in religion and schooling vary in Europe and throughout the world. UNESCO findings published last year showed that out of 142 countries surveyed, religious education appears as a compulsory subject in around half—73 of them--on at least one occasion during a pupil’s first nine years of schooling (Prospects, 2003).¹ In 54 of these countries, the time devoted to religious instruction during the first six years of education amounts to an average of 388.4 hours or approximately 8.1 % of total intended teaching time. At the high end are countries with large Islamic populations, with Saudi Arabia devoting an estimated 31% of teaching time and six others surveyed reporting between 12-15%. Figures for selected European countries were as follows:

Table 1: Number of hours and percentage of teaching time allocated to religious education during the six first years of formal education

Country	Total amount of hours	Average % of time
Poland	456	10,3
Norway	332	8,7
Austria	380	8,2
Belgium (French community)	360	6,9
Finland	228	6,1
Denmark	240	5,6
UK (England)	243	5,0
Iceland	209	5,0
Greece	210	4,8
Romania	170	4,3
Lithuania	143	3,8
Turkey	144	3,3
Slovakia	59	1,4

Source: Education and Religion: The Paths of Tolerance, Prospects, Quarterly Review of Comparative Education, Vol. XXXIII, no. 2, p. 214, June 2003, IBE, UNESCO.

The researchers cite a trend of “visible increase” in the proportion of time dedicated to religious education as a subject, compared with previous research published a decade ago, and a reversal of the decline in religious teaching which that research showed had marked the past century. They also point out that in the other 69 countries, in which religious education does not appear as a distinct subject, it cannot be assumed that there is no religious content in what is taught.

There are some shared characteristics and trends across European countries. Most countries have some sort of religious education in schools, be it compulsory or optional. At the same time, most countries are experiencing an increase in plurality of beliefs, values and lifestyles among their populations, which is giving rise to questions about whether and what kind of religious education policies are appropriate. Across Europe, membership in a religious denomination is still the norm for most citizens, although the extent to which they participate in activities of religious institutions is less clear (see table below).

Table 2: Affiliation with Religious Denomination in Selected Countries

	Do you belong to a religious denomination? *yes responses (in %)	Do you attend services once a month or more? *yes responses (in %)
Bulgaria	70	20,2
Croatia	88,8	52,7
Finland	88,1	14
France	57,5	12
Greece	96	33,6
Hungary	57,9	17,8
Lithuania	81,3	31,5
Northern Ireland	86,1	63,3
Russia	50,5	9,1
Romania	97,6	46,5
Slovenia	70	30,7
Ukraine	56,4	16,8

Source: European Values Study, www.europeanvalues.nl.

These social phenomena may be contributing to a trend in which religious institutions are seeking greater interaction with children, their potential members, by advocating for religious education as a subject in schools (clear examples are recent policy advocacy in education by the churches in Serbia and Montenegro, Slovenia, Croatia, Russia and Georgia). It should be emphasized also that the role of religious institutions and their leaders, both historically and in present-day politics, varies from one cultural context to another and, in some countries, may be a determining factor in religion and schooling policy-making. (Bogomilova, 2003).² The relationship between religion and national identity, a subject for another paper, may also be a major influence on public opinion and policy-making.

Much of the public dialogue about religion and schooling centers on interpreting rights, defining roles of the state, public and private educational institutions and religious organizations. Public policy debate is primarily informed by—even dominated by—focus on international conventions, legal precedents and processes, and political theory or agendas. For many education ministries and educators, this has centered discussion about teaching/learning and religion to what type of school policy or classroom activity corresponds—or not—to the interpretation of rights and national legislation.

Since the 1990s, debates about religion and schooling in Europe have become more complex due to a variety of factors. The perceived role of education, national identity and nationalism in the Balkan conflicts of the 1990s put a spotlight on education there as a pivotal factor in what kinds of citizens and values are being shaped through the schools. More recently, the events of September 11, 2001 have raised questions about possible links between religious indoctrination, fundamentalism and the formation of terrorists. Spurious links, causal inferences, and generalized conclusions may be drawn in the West, with little basis in understanding or reliable research on the relationship between Islamic traditions and education (Anzar, 2003). In recent years, there has been increasing spotlight and debate

internationally about the role of religiously oriented Islamic schools, such as the *madrassas* (notably in Pakistan)³ and the *imam hatip* schools in Turkey. Perennial questions emerge around the gender and ethnic stereotypes and prejudices that may be perpetuated through certain forms of religious education.

In November 2001, the UN, in cooperation with the government of Spain, held an international conference in Madrid on the Elimination of Religious Discrimination and Intolerance in Education. The aim of the gathering was to develop strategies for combating religious intolerance and discrimination and promoting freedom of religion or belief through education. The conference declaration called for strengthening human rights education and increasing pupils' knowledge and understanding of the world views of others. The Oslo Coalition on Freedom of Religion or Belief, an international network of academics, representatives from faith communities, NGOs and other international organizations took on the role of following up the conference with practical strategies for implementation.

In 2002, the World Bank convened leaders of various faiths, religions institutions, and spiritual practices in a gathering that emphasized shared values across their traditions and philosophies and their common concerns and aspirations for children's learning experiences (Millennium Challenges for Development and Faith Institutions, World Bank, Washington, 2003).

Increasing pluralism of societies and assertion of rights by minorities also call into question schooling policies that are seen to "ignore" or otherwise discriminate against minority religious traditions and values, insofar as religion and schooling are concerned. The recent headscarf debate in France is the best known but by no means the only case of such controversy.

In combination, these accumulated factors and pressures have resulted in the Council of Europe taking a proactive position on interculturalism in education and on teaching about religions, which will be discussed in some depth later in this paper. The Council of Europe has organized a series of inter-governmental conferences on the issue, most recently with the government of Norway in Oslo in June 2004 on "The Religious Dimension of Intercultural Education".⁴ A further pan-European meeting on "Teaching for Tolerance" was held in Oslo in September 2004.

Though less visible in the mass media, there have also been new and different voices emerging in the education policy and research sphere over the past decade, which call for deeper thinking about the purpose of education and perhaps a rethinking about religion and schooling. The publication by UNESCO's International Commission on Education for the 21st Century, "Learning: The Treasure Within", edited by Jacques Delors,⁵ points to "a tension between the spiritual and the material. Often without realizing it, the world has a longing for an ideal and values that we shall term 'moral'. It is thus education's noble task to encourage each and every one, acting in accordance with their traditions and convictions and paying full respect to pluralism, to lift their minds and spirits to the plane of the universal and, in some measure, to transcend themselves" (Delors, 1996, p. 16). The report calls for renewed emphasis on the moral and cultural dimensions of education, with a process "that must begin with self-understanding through an inner voyage whose milestones are knowledge, meditation and the practice of self-criticism" (Delors, 1996, p. 17).

According to some researchers, the main approaches to religious education have not been sufficient to prevent so-called "religious illiteracy"⁶ of new generations and the increase

of stereotyped and fundamentalist ideas, prejudices and intolerance in the contemporary multicultural and multi-faith societies. This appears to be true both in countries where religious education is forbidden in public schools and in those where it is permitted.

As a response, many governments in Europe have been revamping or introducing new educational programs in which students learn about the various religious traditions that may exist within the country or even within the wider world—a religious studies approach to enlarge a learner’s world view. Some approaches are seeking to engage students in the study of ultimate questions, not only in the study of religions as such (Kallioniemi, 2004).⁷ Generally speaking, these shifts appear to be based more on “soft” presumptions about increasing tolerance through education than on hard research about what actually can achieve this learning goal. A particularly interesting and worthwhile contribution has been the work of social anthropologists in the UK who are looking comparatively at the role and impact of pedagogy and particularly at “interpretive process” by learners and teachers in religious education. (Jackson, 2004).⁸ They stress that knowledge and understanding of religion(s) is necessary but perhaps not sufficient for increasing tolerance in learners, and raise issues of the representation and analysis of both ‘religions’ and ‘cultures’ (Jackson, 1997).⁹

There has also been some attention to better understanding the inner life and spiritual development of children more broadly and its implications for schooling. In many countries, it is more often the religious institutions or political leaders, not necessarily education policy analysts, who raise the issues of values creation, spirituality and the role of contemplative practice in relation to children’s learning. The scarcity of dialogue and credible research is ironic, given that strategy papers and even some legislation in various countries purport to develop education systems that contribute to values creation and to the “spiritual development” of the pupil. It is difficult, however, even to find a consensus on what is meant by spirituality or spiritual education and its relationship to religion and education.

Over the last decade there has been a vigorous debate,¹⁰ stemming from Howard Gardner’s taxonomy of eight multiple intelligences, as to whether there exists or not a distinct “spiritual intelligence” (Wolman, 2001; Zohar, 2000). Gardner himself remains circumspect, though willing to “accept the possibility that a proclivity for pondering ultimate cosmic or existential concerns constitutes a distinctive human intellectual capacity” (Gardner, 1999, p. 68).¹¹

Advocates for considering the spiritual development of children in education often draw a distinction between religiosity and spirituality and cite the findings of neuroscience to support their position, claiming that magnetic resonance imaging and other revolutionary brain research technologies are revealing a specific brain capacity for insightful, holistic thinking with which individuals reframe and transform previous thinking and world views (Zohar, 2000).¹² The work of David Hay and Rebecca Nye¹³ in the UK in the 1990s with children and spirituality also provokes a wider dialogue. Education policymakers are being encouraged by the OECD¹⁴ to increase their attention to neuroscience findings and their relevance for learning.¹⁵

According to one researcher on spirituality, religion and education, it is increasingly clear that any adequate pedagogy will have to treat spirituality as a controversial subject. At the same time, the inherent ambiguity of spirituality serves to reinforce a growing sense of the vital importance of an informed encounter with questions of life’s ultimate meaning and purpose (Wright, 2000).¹⁶

Informing Dialogue

This paper will not provide simple answers, nor will it advocate any single approach to religion and schooling that is applicable in all contexts. The material herein is intended to bring grounding to dialogue about the topic, drawing upon selected available sources and research that has been undertaken to create a clearer picture about religious education in Europe and some additional countries. As such, the paper is organized around the following questions:

1. **What do we mean by religion and schooling?**
2. **What is the relationship between individual rights, religion and schooling in an open, democratic, pluralistic society?**
3. **Is there an “international convention” or “European standard” on religion and schooling in an open society?**
4. **Should teaching about religions be delivered in schools? If so, why, what and how?**
5. **What is the appropriate role of the State (and its relation to religious institutions) with respect to religion and schooling in an open society?**

The paper has three annexes:

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1. What do we mean by religion and schooling in open society?

The term “**religion and schooling**” is used as a general description of different forms of religious education in schools. It may also refer to policies concerning religious symbolism and observance in schools. These latter policy concerns are mentioned in the paper and reference sources cited, though the focus here is on religious education in public schools. The use of the term ‘public schools’ in this paper generally refers to schools which should be acceptable to all students regardless of their or their parents’ religious or philosophical convictions. The term “religious education” can be understood in different ways. The paper therefore distinguishes between “denominational religious education” (also called “confessional religious education” or “confessional religious instruction”) and “nondenominational or nonconfessional religious education”.

Denominational religious education has traditionally been regarded as religious education whose aim is to produce religious commitment to one particular faith or, in other words, to strengthen a “student’s belief in a particular religious tradition” (Hobson, 1999, p. 17).¹⁷ In the US, for example, Protestants use the term “Christian education” to describe religious education which includes the formative and sometimes also evangelistic activities of the church in developing Christian beliefs, attitudes and behaviors (Astley, 1994, p. 13-14).¹⁸ Increasingly, however, denominational religious education in public schools in many European countries differentiates between religious education as part of public education in schools and the religious education of a particular religion (Christianity, Islam and Judaism) in their own constituencies.

During the last two decades, the aim in many confessional approaches in religious education in schools has changed as well. The main aim is not any more to produce religious commitment to one particular faith but to enable students to deal with different religious traditions, ethical conflicts, existential situations of crisis and religious plurality. In this sense, these confessional approaches to religious education are similar to nonconfessional approaches.

However the differences between confessional and nonconfessional approaches to religious education remain. In countries with a confessional approach to religious education, churches and other religious communities have responsibility for religious education in public schools, although in some countries religious institutions deliver the teaching under the supervision and general responsibility of the state. Different religious traditions, ethical conflicts etc., are usually discussed from the point of view of a particular religion or denomination. Teachers must be believers of a particular religion or denomination (for example, a teacher of Catholic religious education must be Catholic), and so on.

Nondenominational or nonconfessional religious education aims to teach about the different religious beliefs and practices without engendering belief or a desire to participate. One form of nonconfessional religious education is “**teaching about religions**”. This term denotes nonconfessional study of the beliefs, values and practices of one or another religion. The aim is to bring about knowledge and understanding of religion as a sphere of human thought and action. In this non-confessional education about religions, it is intended that young people learn about the tenets of different faiths in order to develop the social tolerance to which democracies aspire (Batelaan, 2003).¹⁹

School programs that teach about religions teach the role of religions in the historical, cultural and social development of different countries, and religion ideally is discussed in a neutral, objective and balanced manner. Teaching about religions has two forms. It can be taught as a specific school subject or as an integral part of other regular subjects such as history, ethics, philosophy, arts, civic education etc. The integration of content about religions in other subjects is more or less present in all countries, while religious education as a subject exists only in some countries.

Teaching about religions usually is provided either in countries where confessional religious education is legally forbidden in public schools (as, for example, in Slovenia, and some states in the US) or in those where it is offered as an alternative subject to confessional religious education (Norway before 1997) to those students who, in the name of freedom of religion, opt out.

The term “nonconfessional religious education” is used also for describing the multi-faith approach to religious education (such as is found in England, Wales, Scotland, Sweden, Netherlands, Denmark and Norway after 1997) which includes teaching about major world religions but does not include any catechism that is distinctive of any religious denomination. This form of nonconfessional religious education may be structured only around increasing knowledge about religions. The teaching can also include reflective and critical activities in which pupils engage with material from the religions in order to clarify their own views, whether these may originate in religious or non-religious ways of life (Jackson, 1997; Wright, 1993).²⁰

The term “*open society*” refers to “a society based on the recognition that nobody has a monopoly on the truth, that different people have different views and interests, and that there is a need for institutions to protect the rights of all people to allow them to live together in peace. Broadly speaking, an open society is characterized by a reliance on the rule of law, the existence of a democratically elected government, a diverse and vigorous civil society, and respect for minorities and minority opinions.”²¹

The concept of the open society was elaborated in *The Open Society and Its Enemies*, written in 1945 by the twentieth century philosopher Karl Popper.²² Popper emphasizes some essential characteristics of the open society, which should be taken into consideration when discussing religion and schooling in an open society. First, an open society is “the society in which individuals are confronted with personal decisions”(Popper, 1995, p. 186).²³ Second, “the open society is one in which men have learned to be to some extent critical of taboos, and to base decision on the authority of their own intelligence (after discussion).”²⁴ Third, the most important characteristics of an open society are not a particular type of State or the form of government, but the way of living together in a human society in which the liberty of the individuals, non-violence, the protection of the minorities, and the defence of the weakest are important values (Popper, 1989, p. 176).²⁵ Fourth, an open society is based on the tolerance and on the respect of the opinions of others (Popper, 1995, p. 150).²⁶

2. What is the relationship between individual rights, religion and schooling in an open, democratic, pluralistic society?

The relationship between individual rights, religion and schooling is determined in the international documents on human rights.²⁷ In these documents, individual rights are defined as human rights, that is, as the rights that one has simply by virtue of being human. The *Universal Declaration of Human Rights*, adopted by the United Nations in 1948, is the seminal document for all other modern human rights documents. The Declaration begins by affirming that human beings, “born free and equal in dignity and rights,” are entitled to human rights “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Among the rights guaranteed by the Declaration is also the right to freedom of religion. Article 18 states that: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice worship and observance.” In addition, it is also stressed that parents have the right “to ensure the religious and moral education of their children in conformity with their own convictions.” This parents’ right is mentioned in other international documents on human rights as well, including the *Declaration on Eliminating all Forms of Intolerance and Discrimination Based on Religion or Belief*, where it is defined as a right of the child “to education, regarding religion or belief, in accordance with the wishes of his parents.”²⁸

In the school, this parental right must be respected in two ways. Firstly, parents with different religious or philosophical convictions must have the possibility to choose private schools based on specific moral, religious or secular values. If there are not such schools, parents must have the right to establish them. This right of parents to establish and to choose for their children schools other than those established or maintained by the public authorities, is recognised in *The International Covenant on Economic, Social and Cultural Rights* and in the *Convention Against Discrimination in Education* (1966, art. 13.3).²⁹ Parents may have a genuine freedom in their choice of schools only in relation to the State (which must permit them to choose either between the public and private schools or between different types of private schools), and not necessarily in relation to the religious communities or churches with which they affiliate. Parents belonging to the Catholic faith, for example, have as Catholics, according to the Church law, a duty to send their children to Catholic schools wherever this is possible.³⁰ In such cases, therefore, parents have liberty of choice as citizens, though not also as members of Catholic Church. Despite the Church law, many Catholic parents do not choose Catholic schools for their children and send them to public schools.

Secondly, parents’ religious or philosophical convictions must be respected *within* public schools. According to the interpretation of Article 2 of the First Protocol to the *European Convention on Human Rights*, by the European Commission and the European Court of Human Rights, the State must “protect the children of certain parents from compulsory religious or philosophical instruction which is not directed at providing information but which is concerned with indoctrinating children with unacceptable beliefs, convictions or ideologies” (1998, p. 801).³¹ This explicit prohibition of indoctrination is perhaps the most critical provision among the rights conventions with respect to open society approaches to schooling. It forbids religious education that is intended to inculcate an absolute truth or belief system.

Since “compulsory education in one religion without the possibility of exemption would violate Article 2,” (ibid., p. 801) the exemption from classes on religion must be allowed. “But Article 2 neither expressly nor implicitly grants a general right of exemption from all subjects where religious and philosophical convictions may be involved” (ibid., p. 801).³² Otherwise the State could not guarantee the right to education of all children” (ibid., p. 815), which is also guaranteed by the same article.

In the Court’s opinion, however, the State must have a “good reason for introduction of a subject in the public school, which may interfere with the religious or philosophical convictions of some parents”, and the State “must show respect for these convictions in the way in which the subject is taught. Respect must mean tolerance towards the different religious and philosophical convictions, which are involved in a particular subject” (ibid., p. 815). For this reason, the State “must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents’ religious and philosophical convictions. This is a limit that, according to the Court’s opinion, must not be exceeded (ibid., p. 810-811).

Given that indoctrination in public schools is forbidden, the religious parents can accept public school education if they are, for example, persuaded that exposure of their children to other influences is compatible with religious education and will help them to form their life ideals and reach choices as to whether to accept or reject religious faith (McLaughlin, 1984, Vol. 18, p. 75-83).³³ If parents decide that such exposure of their children to other influences in public schools is intolerable, they may opt for confessional schools in which education will be in accordance with their religious convictions.

Obviously, the parents’ right to educate their children in accordance with their religious or philosophical convictions is limited within the public schools. In addition, there is legal prohibition of confessional religious instruction and other confessional activities (such as prayer, mass etc.) in public schools in those States, such as France, the US and Slovenia, where there exists a strict separation between the State and the Church. This prohibition is a limitation and not, as some claim, a violation of the before mentioned parental right. Violation would be the case only if children in public schools were indoctrinated either with a particular religious faith, or with any other philosophy or ideology.

Examples of countries in which the parental right has been violated—or certainly overlooked--were the formerly communist countries in which parents were legally obligated to send their children to public schools in which the education was, or at least was *supposed* to be, based on Marxist ideology. This phenomenon of indoctrination was not unique to a communist regime. Before the Second World War, the Catholic Church in some European countries also required that all school subjects in public schools, even mathematics and the natural sciences, be permeated with Catholicism. Something similar happened also in post-revolutionary Iran in 1979, where the entire curriculum in public schools was required to be Islamized (Richard, 1990).³⁴ National policies in which the parents’ right is respected may include those of States in which confessional religious instruction is prohibited in public schools, or States in which confessional religious instruction is permitted in public schools as a school subject which the children or their parents may freely choose.

This parents’ right to educate their children in conformity with their own religious or philosophical convictions was granted unconditionally in international documents until 1989, when the *Convention on the Right of the Child* was adopted. Since then, this parental right

seems to have been limited because the *Convention on the Right of the Child* obliges the States to respect two different things: (a) the right of the child to freedom of thought, conscience and religion” (art. 14.1) and (b) the rights and duties of parents “to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child” (art. 14.2).

As parents are obliged to respect the right of children to freedom of religion, considering a child’s evolving capacities, it seems obvious not only that parents are no longer permitted to make decisions solely on the grounds of their own religious or philosophical convictions, but also that parental influence on children should be decreased in proportion to the increasing capacities of children. The *Convention on the Rights of the Child* does not define the capacities of children. With the emerging findings of neuroscience and the debate about children and the existence of spiritual, emotional and other intelligences, the interpretation of such capacities of a child may evolve over many years to come. At present, however, it seems that, in most legal rights and social contexts, the capacities are regarded as those that comprise a child’s rationality. Consequently, at the point at which the child becomes a rational being, that is to say, when a child can make an autonomous choice about religion, the parents’ right to direct him or her comes to an end.

Unfortunately, the *Convention on the Right of the Child* does not define the limits of this parental right in terms of the child’s age. According to the first Article of the Convention, the child as a right holder is defined as “every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.” The limit of the afore mentioned parents’ right is in this way defined as a limit between minority and majority. Similarly, the limit between religious maturity and immaturity, which is at the same time the limit between the parent’s and children’s right to choose the attendance of denominational religious instruction in schools in several European countries, has been established already before acceptance of this Convention.

This limit that has been recognized as a protection of the child’s freedom of conscience has been set at different ages. In Austria, Germany (without Bavaria), Italy, Spain, and the Netherlands, children may themselves choose to attend or not to attend the denominational religious instruction in schools at the age of 14. In Norway, Portugal, and Switzerland this choice becomes possible at the age of 16, and at 18 in Luxembourg and Bavaria (Pajer, 1991, p. 436-439, 452). From this variety of age stipulations, a conclusion can be derived that the denial of this right to children is arbitrary and not necessarily connected with the lack of a child’s religious maturity. Otherwise, it would be necessary to justify how it is possible that children in Italy or Austria, for example, are religiously mature four years earlier than the children in Bavaria and Luxembourg!

Thus far, the paper has discussed individual rights only as parental and children’s rights. Protection of the right to religious liberty and freedom of conscience in public school is not limited, however, to students and their parents. In Italy, for example, where Catholic religious instruction is an obligatory subject in public schools, the teachers in primary schools, who are obligated to teach all school subjects, also have the right to “conscientious objection” which allows them to be excused from the obligation to teach Catholic religion. (Pajer, 1991, p. 452).³⁵ Such a right should be recognized for all teachers who are required to teach a particular religion in public schools, provided that they are atheists, agnostics or belong to another religion. There is a similar conclusion in Peters’ book *Ethics and Education*, where the author considers the problem of the freedom of the teacher, and asserts that a teacher, if an atheist or an agnostic, is required to teach “Religious Instruction”, she or he may refuse to

teach it on conscientious grounds (Peters, 1980, p. 203).³⁶ In fact, there is an opt-out clause in England and Wales for teachers who may be requested to teach religious education. Teachers also have a right to be excused from teaching religious education in many countries where a confessional religious education policy exists.

3. Is there an “international convention” or “European standard” model on religion and schooling in an open society?

No, there is no “international” or “European standard” model of religious education in public schools. On the contrary, a look across religious education in public schools in Europe, for example, reveals great diversity of approaches (see also Annex B).

In spite of the diversity, there is a feature that virtually all European countries share, which is the teaching about religions as an integral part of at least some regular school subjects, be they history, literature, arts, philosophy, sociology, ethics or other. For this reason, it would be incorrect to say (as it has been stated in some analyses about religious education in public schools in Europe), that there are some countries, such as France, where there is no religious aspect to schooling whatsoever. If one accepts the interpretation that nonconfessional “teaching about religions” (either as a particular school subject or as an integral part of some regular school subjects) is a form of “nonconfessional religious education”, then it is perhaps more accurate to say that in these countries, there is no confessional religious education and no religious education in the form of a particular school subject in public (State) schools. For those who understand religious education in a more restricted and traditional way, nonconfessional teaching about religions as an integral part of some regular school subject, such as history or philosophy, is not enough to speak about “religious education” in schools.

The fact that there is no confessional religious education and no religious education in the form of a particular school subject in public (State) schools does not necessarily mean that the so-called secular model as exists in France, “prevents the citizens from acquiring knowledge about huge parts of the cultural and national history, and from understanding many aspects of important works of art and literature”, nor that it neglects the importance of a non-confessional religious education in creating a better basis for tolerant and peaceful interaction and communication in a multireligious state and world (Jensen, 1998).³⁷ On the contrary, French philosopher R. Debray, who authored the report: “The Teaching of the Religious Facts in Lay Schools”, which was officially accepted in France in 2002, argues that it is possible to achieve all these aims by integrating more religious topics in some regular school subjects (Debray, 2002).³⁸

Several authors suggest that France’s education system with respect to religion and schooling can be “a model for contemporary Europe”(Morange, 2003, p. 7),³⁹ because it offers the knowledge about religions as historical and cultural facts, and as such it respects freedom to have a religion or not (“which is vital for the coexistence of the various spiritual options”).⁴⁰ They also claim that the educational policies in France respect the diversity of individual convictions, reflect the contemporary multi-faith society, and strengthen the spirit of tolerance.

Others hold very different views. Schreiner, for instance, argues that the secular model in France cannot be ‘a model for contemporary Europe’, because it fails to take into account the diversity in Europe of types of relationship between states and religions from country to country. It also, he claims, ignores the draft of a European constitution in which

the existing status of churches and non-confessional organisations is acknowledged.⁴¹ Others argue that knowledge about religions, as historical and cultural fact does not necessarily increase tolerance. Depending on what is taught as ‘fact’, this type of education might even create or reinforce learners’ prejudices and stereotypes. There is increasing support and advocacy for teaching and learning approaches in which new knowledge is accompanied by interpretive methodologies that stress engagement and reflexivity and the confronting of one’s own prejudices (Jackson, 2004).⁴²

Therefore, the first basic difference among European countries regarding religious education is not a difference of having religious education in public schools or not having any at all. Rather, the difference is between the States having religious education as a particular school subject or not. States in Europe where there is no religious education in the form of a particular school subject in public schools are: France, Montenegro (whose policy is distinct from that of Serbia), Macedonia and Albania. In all others, there is religious education as a specific school subject.

The second basic difference among European countries (regarding religious education in public schools), is, roughly speaking, the difference between the States where there is **confessional religious education as a particular school subject** in public schools, and those States, where there is **nonconfessional religious education**.

a) The States where there is confessional religious education in public schools, offer it in three different forms:

- As a **compulsory** subject (Austria, Cyprus, Finland, Germany, with the exception of some Bundeslander, Greece and Ireland);
- As an **optional** subject (Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Italy-facultative, Latvia, Malta, Poland, Romania, Malta, Poland, Romania, Slovakia, Spain, Serbia);
- As an **optional-compulsory subject** (Belgium, Lithuania, Luxembourg, Portugal). In Bosnia-Herzegovina religious education exists in all three forms, in Switzerland in two (compulsory and optional). In this system, students are required to choose one of several options as part of their study program, and religious education is among the options. In systems where religious education is confessionally oriented, there is often a range of different subjects, out of which pupils and/or parents may select one.

Responsibility for syllabi rests either with churches and religious communities (Belgium, Bosnia-Herzegovina, Croatia, Serbia, Slovakia, Spain, Cyprus, Czech Republic, Greece, Hungary, Ireland, Italy, Lithuania, Poland, Romania) or with religious communities in cooperation with the States (Austria, Germany, Finland, Switzerland, Sweden). In all these States, the majority religion has established its own confessional religious education. In some of these countries, other religions, or at least those, which are officially recognized by the State, may offer their confessional (denominational) religious education as well. “In Austria, Belgium and partly in Germany, denominational religious education is not limited to Catholic or Protestant teaching but includes also Orthodox, Jewish, Muslim, Buddhist and other forms of religious education” (Schreiner, 2002, p. 97).⁴³ The confessional religious education of some of these religions is legally permitted also in Croatia, Finland, Greece, Romania, Slovakia, Italy, Spain and Portugal. But in Italy, for example, where Catholicism is dominant in culture and society, the small Protestant churches “do not use the legal opportunity to provide religious education for their pupils in schools”, and they are in fact “against any kind of denominational religious education in schools.”⁴⁴

This case of Italy and Catholicism, along with the experiences from some other countries in which one confession or denomination is dominant, show that a national policy of confessional religious education in public schools is not necessarily a solution preferred by the religious minorities (although it is argued that in Austria, for example, the opposite may be true). In some countries, certain religions or denominations are not officially recognised and therefore are not permitted legally to offer their religious education in public schools. In other countries, minority religions are legally permitted to offer confessional education in schools, but they are unable to do so for practical reasons (lack of qualified teachers, insufficient numbers of pupils in a given school who belong to the minority religion and will constitute a class, and other reasons).

Another characteristic of the State where there is confessional religious education in public school is that in many cases there is the possibility to opt out and to enrol instead in an alternative or substitute school subject: Ethics (Finland, Lithuania, Latvia, and Germany, where there are also “Philosophy” and “Norms and Values”).⁴⁵ Teaching about other religions may be included also in the syllabi of the confessional subject, especially at the secondary school levels. However, in such cases, the teaching about the other religions “tends to be from the point of view of the dominant religion. The teachers may be professional teachers with or without a special and close relation with the Church, but they may also be clergymen or teachers appointed by, and educated by, the Church” (Jensen, 1998).⁴⁶

It is significant that after the fall of the Berlin Wall in 1989, the majority of post-communist countries in Europe opted for a confessional approach to religious education in public schools. In many respects, they re-established the models of religious education which had existed before they became communist countries. This is understandable in that at least some of them wanted to show that the new States are part of the old “Christian” Europe and that their national identities are essentially connected with one of the Christian denominations. On the other hand, this development is somewhat surprising in that the re-establishment of confessional models of religious education with the elements of school catechesis is contrary to the trends in Western Europe, where confessional religious education in public schools has been replaced with nonconfessional religious education in many countries.

b) The countries where there is **nonconfessional religious education** in public schools are: France, Sweden, Norway, Denmark, England, Wales, Netherlands, Scotland, Slovenia, Montenegro, Macedonia and Albania. In France, Montenegro, Macedonia and Albania, there exists only nonconfessional religious education integrated in some regular school subjects, whereas in Sweden, Norway, Denmark, England, Wales, Netherlands and Slovenia, there exists also a particular school subject of religious education. In each of these countries the nonconfessional religious education as a school subject may differ in aims, general approach, content and teaching methods, though generally speaking the aims are to transmit religious knowledge and understanding, as well as to deal with human experiences” (Schreiner, 2002, p. 97).⁴⁷ Herein lies the essential difference between the nonconfessional and confessional approach to religious education, which “has a focus on the identity formation of the pupils concerning the religious dimension”.⁴⁸

Another important difference between the two main approaches is the fact that the nonconfessional religious education is placed in the hands of the State. That is, responsibility for religious education is under the authority of the Ministry of Education or the local school authorities that make up the syllabi (in England and Wales this is done together with representatives of religious communities, teachers and local politicians), develop teaching material, and educate and appoint the teachers. Since the religious neutrality of the State and

the right of religious freedom must be guaranteed, the nonconfessional religious education in public schools “must be neutral in respect to worldviews including religion”. This is so in order “that this kind of religious education” be “equally acceptable to all denominations and religions”.⁴⁹ On this basis, most of the States with a nonconfessional approach to religious education in public schools “do not provide a general right to opt out, although in some countries it is given to members of religious minorities”.⁵⁰ Teachers are usually the regular school teachers, who have acquired additional knowledge about religions. In England and Wales, for example, there is an opt-out provision for parents and teachers.

This description of the main differences between these two groups of European countries “regarding religious education in public schools” is, of course, a simplification, which neglects a more differentiated view that takes into account the different regional and local contexts of religious education. Some countries have been included in one of the two groups considering only the predominant approach to religious education. Germany and Switzerland, for example, are presented as States where there is confessional religious education in public schools although in some Landers (Bremen, Brandenburg) and Cantons (Geneva, Neuchâtel, Luzern) there is no confessional religious education in public schools at all. France is a similar case, as confessional religious education exists as an exception in public schools in the region of Alsace and Lorraine (The reason is historical. In 1905, when a law on separation of the State and Church was adopted, this region belonged to Germany).

All these varieties of approaches to religious education in Europe are conditioned by a number of factors, such as whether there is an established state Church (England, Denmark and Greece); the existence of religious minorities; special agreements between predominantly Catholic countries (such as Italy, Austria, Spain, Portugal, Croatia) and the Holy See; the type of legal relationship between Church and States; and curriculum policies. Despite the differences, there are some shared characteristics across European countries. All have some sort of religious education in schools, and all are facing an increase not only in plurality of beliefs, values and lifestyles among their population, but also a secularization in society. Of course, there are still great differences among European countries with countries like Ireland, Greece or Poland more homogenous than others in terms of religious affiliations of the population. The question that arises here is how religious education should respond to this new reality.

It seems that both main approaches--confessional and nonconfessional--to religious education have not been seen as sufficient to prevent the so-called “religious illiteracy”⁵¹ of new generations and the increase of stereotyped and fundamentalist ideas, prejudices and intolerance in the contemporary multicultural and multi-faith societies. This appears to be true in both States where confessional religious education is forbidden in public schools and in those where it is permitted. If it were otherwise, the Council of Europe would not likely recommend the revision of school curricula and the promotion of cross-curricular teaching about the various religions in all member States (discussed later in Section 4).

The Council’s Recommendation advocates for teaching about religions as a form of nonconfessional approach to religious education in public schools in all member States, including those where confessional religious education already exists.⁵² Will, therefore, this model be the guiding model in Europe? Can it be acceptable also for other countries in the world? There is no doubt that this approach may be acceptable in countries such as France, Slovenia, the US and others, but will it be acceptable also for States where a particular religion dominates culture and politics? Many countries and international organizations are attempting to answer these and similar questions. The response given by the *Consultative*

International Conference on School Education in Relation to Freedom of Religion and Convictions (Madrid, 2001), is that there is “the practical difficulty to advance, at least at the international level, the acceptance of common criteria about religions teaching further than what is already guaranteed in international normative texts”(Martinez Lopez-Muniz, 2003, p. 7).⁵³

4. Should teaching about religions be delivered in schools? If so, why, what and how?

There is no simple answer to these questions in any society or context, nor should this reference paper be misconstrued as offering such. According to the Council of Europe, however, the answer to the question on teaching about religions is “yes”. In 1999, the Parliamentary Assembly of the Council of Europe in its *Recommendation on Religion and Democracy* said that “Education is the key way to combat ignorance and stereotypes. School and university curricula should be revised, as a matter of urgency, so as to promote better understanding of the various religions; religious instruction should not be given at the expense of lessons about religions as an essential part of the history, culture and philosophy of humankind.” In addition, the Parliamentary Assembly of the Council of Europe recommended that Member States:

“ii) Promote education about religions and, in particular, to:

a) Set up the teaching about religions as sets of values towards which young people must develop a discerning approach within the framework of education on ethics and democratic citizenship;

b) Promote the teaching in schools of the comparative history of different religions, stressing their origins, the similarities in some of their values and the diversity of their customs, traditions, festivals, and so on;

c) Encourage the study of the history and philosophy of religions and research into those subjects at university, in parallel with theological studies;

d) Co-operate with religious educational institutions in order to introduce or reinforce, in their curricula, aspects relating to human rights, history, philosophy and science;

e) Avoid – in the case of children – any conflict between the state-promoted education about religion and the religious faith of the families, in order to respect the free decision of the families in this very sensitive matter”.

This Recommendation offers policymakers a reference to the question as to whether teaching about religions should be delivered in schools or not, at least in the European context. The contents of the cited Recommendation may be relevant for an open society as well. The rationale for introducing teaching about religions in public schools in an open society may include the following lines of argument:

- Without a sufficient and objective knowledge about the various religions, children cannot understand numerous aspects of a given history, culture, society, and the important role of religion in the life of humankind. For this reason “it might well be said that one’s education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization” (Wood, 1984, p. 36).⁵⁴

- Teaching about religions provides useful information for children and in this way it helps them not only to understand a contemporary pluralist, multicultural and multi-faith society, but also helps them to live in it together with others.
- Learning about religions helps children to better understand people with different beliefs, cultural traditions, customs, habits, values and philosophies of life and, in turn, should help enable children also to develop understanding, tolerance and respect for others.
- Learning about religions stimulates children in their personal growth and may help them to acquire the capacity to envisage alternative ways of life and rationally assess their own choices in this regard.
- In those secular States where confessional religious instruction is forbidden in public schools because it is unconstitutional, nonconfessional teaching about religions is one and perhaps the only way to ensure that children will be able to develop religious literacy in schools.
- In those States where there is one or more forms of confessional religious instruction in public schools, teaching about religions can be offered as an alternative school subject.

There are those who argue that teaching about religions alone may educate children to indifference about religion in the attempt to remain neutral and objective. They advocate that teaching about religions, as dealing with objective information and knowledge, “should be supplemented with learning from religion, aimed at understanding and finding your own relation or commitment to (or against) religion or belief” (Spinder, 2002, p. 88).⁵⁵ Learning from religion is a slippery concept, however, which can be interpreted in the classroom as a form of disguised confessional education or may actually engage learners in genuine reflective and critical thinking that they find motivating. Others argue that the concept of human dignity should intersect the teaching about religions with teaching about human rights to encourage interculturalism (Gundara, 2000).⁵⁶

While some consensus may be emerging in Europe around the concept of teaching about religions, how to do it remains subject to wide debate. As yet, neither the Council of Europe nor the Oslo Coalition has provided specific, practical guidance or resources on implementation of teaching about religions in the classroom that can be used across countries and systems in Europe. An interesting example of a practical guide for teachers on religion in schooling has been produced in the US and endorsed by a consortium of more than 20 national non-governmental educational associations, including several with Christian, Jewish, and Islamic membership (Haynes, 2001).⁵⁷

Comparative research on the learning and social impact of various approaches and methodologies to teaching about religions is neither plentiful nor convincing. In particular, policymakers and classroom practitioners need more reliable guidance for deciding upon which religious traditions to cover in teaching about religions, which methodologies are likely to engage students and to achieve the educational aim of increasing understanding of self and other (rather than leading to labeling or reinforcing of stereotypes), how to deal with issues of gender and the portrayal of gender roles in teaching about religions, how do the teachers’ own values and beliefs factor into teaching about religions, and which approaches to teaching about religion are appropriate for various age groups. It is also unclear as to what extent

teaching about religions can or should be distinct from or combined with teaching about secular humanistic philosophy. Can these be more creatively combined?

An interesting and perhaps relevant example of an educational trend and its implementation arises in many post-communist transition societies around the shift in civic education. In conjunction with political shifts in many countries, the old-style “moral education” or ideological subjects in the curriculum (see Section 2 of this paper) were quickly replaced by new-style subjects, which emphasized education about democracy. Initially, many of the new courses simply changed the “factology” of communism to that of a highly didactic approach to teaching democracy. Without creating a model of democratic behavior and experience in the teaching and learning—not to mention in the governance and running of the entire school--critics argued, the educational experience would fail to achieve the desired learning outcomes about democracy and democratic citizenship.

This perspective and criticism might logically be extended to the question of teaching about religions and to the issue of religion and schooling more broadly. If young people simply learn the facts about different religious traditions and belief systems, without developing awareness and understanding of their own values, worldview, choices and those of others, will this be a sufficient learning outcome? If teaching about various religions occurs in the classroom, yet different messages are sent through the policies and attitudes toward religious symbolism and observance in the school and school community, how can tolerance and understanding really be achieved?

Many transition countries of Europe and the former Soviet Union are moving from being closed societies to open societies. Policymakers seek to transform their education systems in such a way that new approaches to learning reflect, support and in some respects lead the way for political, economic and social development. In most post-communist countries, this shift implies a reorientation of educational policy and practice toward a more holistic, learner-centered approach to schooling. Programs to assist education reform may advocate for a shift of policies and practice toward teaching/learning methodologies that promote child-centered early childhood programs, critical thinking, debate, youth initiative, and social inclusion.

Inherent in the programs is a shift away from a highly state-prescribed, teacher-driven, knowledge-based, “factology” and the recall approach to learning that predominated in the previous systems. Instead, the new programs and methodologies push for more diverse and largely constructivist approaches to teacher development and learning activities, with ample attention to critical thinking, problem-solving, debate and dialogue about ‘real’ issues, learning choices and experiential approaches—a broad range of cognitive capacities and potential of children.

Given these open society ‘values’ in education policy and practice, it would seem worthwhile to consider the potential benefits of effective teaching about religions—or at least to facilitate learners’ engagement with the ethical and other questions inherent in religious texts and practices--in schooling systems. Particular attention should be paid to identifying content and methodologies that encourage understanding of self and other, relate teaching and learning to the student’s own values and ethical choices, and contribute to the development and modeling of the school community as microcosm of an open society.

5. What is the appropriate role of the State (and its relation to religious institutions) with respect to religion and schooling in an open society?

In an open society, the appropriate role of the State regarding its relation to religious institutions is to guarantee their group rights, as well as the individual rights of their own members. On the one hand, the State is not permitted to restrict the liberty of religious groups and institutions to establish private religious schools as a means to ensure the transmission of a particular religious tradition and development of a strong commitment to that particular way of life. A controversial question is whether the State should guarantee this liberty also to religious sects. Although it is sometimes difficult to distinguish religions from sects, policies in certain countries (Austria, Belgium, France and Germany) are founded on a distinction between the two. In such cases, some religious sects and cults do not have the same rights as members of so-called traditional religions. Nevertheless, the rights of sects and cults can be limited only if the limitations are “prescribed by law and are necessary to protect public safety, order health or morals or the fundamental rights and freedoms of others” (UN *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, Art. 1.3).⁵⁸

On the other hand, the State should establish a model of education in public schools which prevents indoctrination (as a violation of the parents’ right to educate their children in conformity with their own religious or philosophical convictions) and also instills understanding, tolerance, respect for a pluralistic society, and educates students about the principle of religious liberty as one of the fundamental elements of freedom and democracy.

In such a model of education in public schools, religious education could be conceived as a means to promote tolerance and understanding among individuals, groups and nations by transmitting “knowledge and values pertaining to all religious trends, in an inclusive way, so that individuals realize their being part of the same community and learn to create their own identity in harmony with identities different from their own” (Study Report, 2002, p. 87).⁵⁹

An interesting recent case of the State reframing its role with respect to religion and schooling is South Africa, where a comprehensive new policy has been developed over a decade of consultation among the state, religious institutions and other stakeholders and is being implemented beginning this year. It is characterized as a “cooperative model”, which combines constitutional separation with mutual recognition. Some of the assumptions underlying the policy are: that the role of religion in public schools must flow directly from core constitutional values of citizenship and human rights; that the public school has an educational responsibility for teaching and learning about religion in ways that are different than the religious learning provided by the home, family and religious community; that religion education is a distinct academic program with clear educational aims and objectives for teaching and learning about religion, religions, and religious diversity in South Africa and the world; and that religious education is education not only about valuing traditions but also about traditions of values (Policy on Religion in Education, 2003). The policy includes provisions for inclusion of teaching about religions in the school curriculum (especially as it relates to ethics in a democracy), the training of educators in the subject area and the assessment of learning outcomes, as well as provisions to guard against indoctrination, inequality and discrimination in other aspects of religion and the school community.

It seems that the most appropriate form of religious education that the State can offer in an open society in the public schools to all students, regardless of their or their parents’ religious or philosophical convictions, may be nonconfessional teaching about religions.

Since this approach to religious education is neutral to the content of truth in the different religions, it should be acceptable not only for the State, which wants to be neutral in religious affairs and not have a preference for one religion or another, but also for at least some of the States that are not neutral in this regard. The fact that in such a State there is confessional religious education in public schools is not also a sufficient reason for forbidding nonconfessional teaching about religions in public schools. The guidelines for teaching about religion that the State has to take into consideration are (according to J. V. Panoch, who distilled the essence of the US Supreme Court's decisions about the form of religious education, which can be permitted in a such a strictly secular State, where the confessional religious education is legally forbidden in public schools), the following:

“The school may sponsor study about religions, but not sponsor the practice of religion. The school may expose students to all religious views, but may not impose any particular view.

The school's approach to religions must be one of instruction, not one of indoctrination. The function of the school is to educate about all religions, not to convert to any religion. The school's approach to religions should be academic, not devotional. The school should study what all people believe, but should not teach a pupil what he should believe.

The school should strive for student awareness of all religions, but should not press for student acceptance of any one religion.

The school should seek to inform the student about various beliefs, but should not seek to conform him or her to any one belief” (Kirkpatrick, 1984, p. 119-120).⁶⁰

Of course, the use of the term “all religions” does not imply that the teaching about religions in public schools must deal with all existing religions, but that it must deal with a broad spectrum of religions and ideally at least those that are practiced in the country concerned. Therefore the goal of teaching about religions should not be to cover as many religions as possible. The question arises, as to whether an approach to acquiring information about religions is in itself sufficient. Some argue that the aim must be to equip the student with the skills and attitudes (and some relevant knowledge) to continue to learn about others in a sympathetic yet critical way (Jackson, 2004).⁶¹ Even where the State guarantees such a form of nonconfessional religious education in public schools, however, problems may arise.

Two of these potential pitfalls deserve mention here. The first is connected with religious observances, and the second is religious symbols. Both present serious challenges for States such as France and the US. In France, all religious activities are forbidden in public schools. In the US, a prayer and devotional Bible reading are forbidden in public school, but students have a right to pray “in a nondisruptive manner when they are not engaged in school activities or instruction, and subject to the rules that normally pertain in the applicable setting.”⁶² Learners may also read their Bibles or other religious texts, “say grace before meals”, “speak to, and attempt to persuade, their peers about religious topics”, “participate in before or after school events with religious content”, and “express their beliefs about religion in the form of homework, artwork, and other written and oral assignments.”⁶³ However, the “school officials may not mandate or organize prayer at graduation, nor organize religious baccalaureate ceremonies.”⁶⁴ It is also important that “teachers and school administrators, when acting in those capacities, are representatives of the State and are prohibited by the establishment clause from soliciting or encouraging religious activity, and from participating in such activity with students. Teachers and administrators also are prohibited from

discouraging activity because of its religious content, and from soliciting or encouraging antireligious activity.”⁶⁵

The second issue is connected with religious symbols. In the US, “Students may display religious messages on items of clothing to the same extent that they are permitted to display other comparable messages”, but “schools enjoy substantial discretion in adopting policies relating to student dress.”⁶⁶ Whether teachers are permitted to wear religious dress or symbols in public schools is not clear. According to some courts’ decisions, the answer is no; according to others, it is permissible (Russo, 2003, p. 15–16).⁶⁷ In France, teachers are forbidden to wear religious or political symbols in public schools in order to protect the student’s freedom of conscience and the educational role of their parents.⁶⁸ Until recently, students have been permitted to wear non-ostentatious religious symbols if they do not involve provocation, propaganda, proselytism or pressure on others. This year (2004) a law was enacted that forbids all conspicuous signs of religious beliefs, including Islamic headscarves, large Christian crosses, and Jewish yarmulkes in public schools. The issue of the limits of the right to express one’s own religious beliefs by wearing religious symbols in public schools is now a case of controversy in other countries. Similar debate and litigation have been generated by the placing of crucifixes on classroom walls in public schools in Germany and Italy.

The question of the appropriate role of the State regarding its relation to religious institutions and education in an open society is not limited, however, to guaranteeing the previously mentioned group and individual rights in public schools. The question is also relevant to private religious schools. Within the framework of private schooling, the State has the obligation to guarantee the parents’ right to choose and, if necessary, to establish private religious schools as a means to ensure that the education of their children in school will be in conformity with their religious convictions. This parental right, as mentioned previously, is recognized in some international human rights documents, though the right is not unlimited. On the contrary, parents are permitted to choose only those private schools “which conform to such minimum educational standards as may be laid down or approved by the State” (*The International Covenant on Economic, Social and Cultural Rights*, art. 13.3). Therefore, the State is, according to the above-mentioned international documents, not only obliged to permit parents’ liberty of choice but also to limit it. This limitation seems to be justified and also necessary, at least from the traditional liberal point of view, if the reason for which the State uses its power against the free will of parents is to prevent harm to their children and to protect fundamental children’s rights.

Controversy about the liberty of parents to choose private schools begins when the question arises of how far it is legitimate to restrict the right. If these restrictions go too far, then the parents’ right to freedom of school choice might be violated. If restrictions of parents’ freedom of school choice do not go far enough, then children’s rights may be violated. When parents choose private schools in accordance with their own religious or philosophical convictions, they usually choose private religious schools. Some negative consequences of the insufficient restriction of this parents’ right by determination of minimum educational standards for schools, which parents can choose, are described in Dwyer’s recent analyses of schooling in some private religious schools in the US. He stresses that the State’s regulation of private schools is not sufficient to ensure that the content of instruction and the treatment of children in these schools would be consistent with the best interest of the child. Educational practices in some Catholic schools and especially in some Protestant, fundamentalist Christian schools is, in his opinion, damaging to children because of the infringement and excessive restriction of children’s basic liberties, educational

deprivation and suffocation of intellectual development, fostering intolerance and dogmatism,⁶⁹ as well as the infliction of emotional harm (Dwyer, 2001, p. 20-44).⁷⁰

If this is true, then it is clear that minimum educational standards, which the State in accordance with the international human rights documents is permitted to impose on private schools, are not always sufficient for protecting children from harmful consequences of their parents' school choices. On the other hand, there is also reasonable doubt about whether standards are sufficient to protect the fundamental rights of children. Can the minimum educational standards, for example, protect "the child's right to an open future," that is to say, a right of children to reach maturity "with as many options, opportunities and advantages as possible" (Feinberg, 1994, p. 77)?⁷¹

For many parents, the option of enrolling their children in private religious schools is seen as the best way of ensuring a quality education for children. The Catholic Church also maintains this position. For this reason, both the Church and some parents interpret the right to choose private schools as a positive right. So, the crucial question here is whether this right is positive or negative. The distinction is very important for the educational policy and private schools as well. If it is interpreted as a negative right, then the State must only protect parents' liberty of choice. But if it is interpreted as a positive right, then the State has not only the duty of guaranteeing this parental right as a human and legal right, but also of providing public subsidies for ensuring the concrete conditions for its exercise.

The interpretation of the parents' right of school choice as a positive right has been strongly advocated by the Catholic Church. In the Declaration on Christian Education, called *Gravissimum educationis*, which was in 1965 proclaimed by Pope Paul VI, it is stated: "Parents who have the primary and inalienable right and duty to educate their children must enjoy true liberty in their choice of schools. Consequently, the public power, which has the obligation to protect and defend the rights of citizens, must see to it, in its concern for distributive justice, that public subsidies are paid out in such a way that parents are truly free to choose according to their conscience the schools they want for their children" (I, 6. 1).⁷²

Like the Catholic Church, the European Parliament in its *Resolution on Freedom of Education in the European Community* (1984) also called for recognition of the parents' right to choose private schools as a positive right. In accordance with the right to freedom of education and teaching, parents have, as the European Parliament states, the right "to choose a school for their children until the latter can do so for themselves" (ibid., I, 7.4),⁷³ and the State has the duty "to provide the necessary facilities for State or private schools" (ibid., I, 7.4). Member States shall be also "required to provide the financial means whereby this right can be exercised in practice, and to make the necessary public grants to enable schools to carry out their tasks and fulfil their duties under the same conditions as in corresponding State establishments, without discrimination as regards administration, parents, pupils or staff" (ibid., I, 9.1.).⁷⁴

The European Commission and the European Court of Human Rights, however, hold diametrically opposing points of view. In the few cases in which the parental choice of school has been the object of their judgment, the Court has clearly stated that the *First Protocol* to the European Convention on Human Rights, which states that no person shall be denied the right to education in conformity with their own religious and philosophical convictions, "imposes no obligation upon the State to establish at its own expense or to subsidise education of any particular type or at any particular level: no parent or group of parents could insist on the establishment of a new school of a particular type, or a State subsidy for an existing

school, providing an education consonant with a particular cultural or religious or denominational tradition, or with any particular academic specialisation” (Meredith, 1992, p. 26; Heymanns, Verlag, 1985, p. 827-828).⁷⁵

But this does not mean that contracting States are forbidden to subsidise private schools. The Protocol leaves intact the freedom of States to subsidise private schools or refrain from doing so (Heymanns, Verlag, 1985, p. 791). Therefore, it is possible to conclude that it is ultimately up to the State to decide whether the parents’ right to choose private schools for their children will be treated as positive or negative.

Depending on the approach to religious education in a given country, the State may assume roles, such as the development or approval of curriculum or texts concerning religious education, the placement and status of religious education within the school timetable, policies regarding the qualifications and appointment of teachers of religious education as a subject, and the assessment of learning outcomes linked to religion and schooling. At present, there does not appear to be a ready compendium of comparative approaches to these policy questions or any emerging consensus about what is the appropriate State role on these questions in an open society.

Possible Conclusions about Religion and Schooling in Open Society

As the intention of this paper is to inform dialogue and assemble useful references and comparative information, the authors tread carefully in the realm of drawing hard and fast conclusions about religious education in Europe and beyond. Nevertheless, the paper does attempt to address some key questions about religion and schooling *in open society*.

This section is therefore included to summarize some possible conclusions of the authors, which they hope will stimulate further discussion and information-gathering by educational policy-makers and practitioners. Is it possible to conclude?

- a) **In open society philosophy, no individual or belief system has a monopoly on the truth. Therefore, any kind of religious education in schools which involves indoctrinating and/or otherwise teaching/learning a belief system as an absolute truth is contrary to the building or functioning of open society.**
- b) **In an open society, the appropriate role of the State regarding its relation to religious institutions is to guarantee their group rights, as well as the individual rights of their members. On the one hand, the State is not permitted to restrict the liberty of religious groups and institutions to establish private religious schools as a means to ensure the transmission of a particular religious tradition and development of a strong commitment to that particular way of life. On the other hand, the State should establish a model of education in public schools which prevents indoctrination (as a violation of the parents’ right to educate their children in conformity with their own religious or philosophical convictions) and also instills understanding, tolerance, respect for a pluralistic society, and educates students about the principle of religious liberty as one of the fundamental elements of freedom and democracy.**
- c) **The relationship between individual rights, religion and schooling is determined in the international documents on human rights. A pure legalistic human rights**

approach to religion and schooling in an open society, however, may not be sufficient to inform and guide decisions about educational aspects of a child's life. There are some ambiguities between the Universal Declaration on Human Rights and the Convention on Children on the Rights of the Child, especially on the respective rights of children and parents concerning the child's education.

- d) There is no “international” or “European standard” model of religious education in public schools. A range of approaches and policies are in place. Despite these differences, there are some shared characteristics across European countries. All have some sort of religious education in schools, and most societies are facing an increase in plurality of beliefs, values and lifestyles among their population. The question that arises in many systems nowadays is how religious education should respond to this new reality.
- e) Teaching about religions as a nonconfessional model of religious education *may* be an appropriate policy for open society. Questions arise, however, as to whether teaching about religions, in itself, is sufficient and whether it will actually develop tolerance and social cohesion. It appears that much depends on the teaching perspective and methods. It is possible that a compulsory, nonconfessional model of teaching about religions, in which learning is oriented to the perspective of only one religious tradition, can be confessional education “in disguise”, with the intent or effect of indoctrination or adoption of a single belief system.
- f) It is worthwhile to consider the potential benefits of effective teaching about religions—and of helping learners to engage with the ethical and other questions inherent in religious texts and practices—in schooling systems. Particular attention should be paid to identifying content and methodologies that encourage understanding of self and other, relate teaching and learning to the student's own values and values choices, and contribute to the development and modeling of the school community as microcosms of an open society.
- g) Comparative research on the learning and social impact of various approaches and methodologies to teaching about religions is needed. Policymakers and classroom practitioners need more reliable guidance and evidence for deciding whether to adopt such a policy, how to approach content and material from religious traditions to cover in teaching about religions, which methodologies are likely to engage students and to achieve the educational aim of increasing understanding of self and other and increasing tolerance (rather than leading to labeling or reinforcing of stereotypes), how to deal with issues of gender and the portrayal of gender roles in teaching about religions, how do the teachers' own values and beliefs factor into teaching about religions, and which approaches to teaching about religion are appropriate for various age groups.
- h) Given ongoing findings and debates in the sciences--of education, of the brain's capacities, of psychology and other fields—a wider discussion about inner life, spirituality and their role in the creation of values and attitudes deserves attention in public policy research and dialogue.

¹ Education and Religion: The Paths of Tolerance, Prospects, Quarterly Review of Comparative Education, Vol. XXXIII, no. 2, IBE, UNESCO, June 2003.

² Bogomilova Todorova, N. (2003): Reflections on the Contemporary Religious “Revival”, Religion, Secularization, Globalization in: Teme, nr. 4, University of Niš.

³ Anzar, U. (2003): Islamic Education, A Brief History of Madrassas with Comments on Curricula and Current Pedagogical Practices, available at www.uvm.edu/~envprog/madrassah/madrassah-history.pdf.

⁴ Position papers by member States, background materials gathered for the Conference on “The religious dimensions of intercultural education”, Oslo, Norway, 6-8 June 2004, Organized in the framework of the Norwegian Presidency of the Committee of Ministers of the Council of Europe.

⁵ Delors, J. (1996): Learning: The Treasure Within, Report to UNESCO of the International Commission on Education for the Twenty – First Century, UNESCO Publishing.

⁶ The term “religious illiteracy” was, for instance, recently used in the article written by Martínez López-Muñiz, J. L. (2003): “Religion as a Compulsory Subject in State Schools: A Legal and Comparative Analysis”, in: College of Europe, European Cultural and Educational Forum, Bruges, 18-21 December 2003, p. 6., as well as in the Debray, R. (2002): L'enseignement du fait religieux dans l'École laïque, Odile Jacob, Paris. Before them Kirkpatrick, J. R. wrote that America, by ignoring the role of religion in the curriculum, “has raised children who are religious illiterates” (Kirkpatrick, J. R.: “Public Schools and the American Heritage of Religious Freedom and Religious Pluralism”, in: James E., Jr. Wood (ed.) (1984): Religion, the State, and Education, Baylor University Press, Waco, p. 118).

⁷ Kallioniemi, A. (2004): European Solutions for Religious Education and Scenarios for Developing a Finnish Model, University of Helsinki, Department of Teacher Education.

⁸ Jackson, R. (2004): Rethinking Religious Education and Plurality, Issues in Diversity and Pedagogy, Falmer Press, London.

⁹ Jackson, R. (1997): Religious Education: An Interpretive Approach, London, Hodder and Stoughton.

¹⁰ Wolman, R. N. (2001): Thinking With Your Soul. Spiritual Intelligence and Why It Matters, Harmony Books, New York; and Zohar D., Marshal I. (2000): SQ-Spiritual Intelligence, the Ultimate Intelligence, Bloomsbury, London.

¹¹ Gardner, H. (1999): Intelligence Reframed, Basic Books, New York.

¹² Zohar D., Marshal I. (2000): SQ-Spiritual Intelligence, the Ultimate Intelligence, Bloomsbury, London.

¹³ Hay, D., Nye, R. (1998): The Spirit of the Child, Harper Collins, London.

¹⁴ References: OECD (2002): Understanding the Brain: Towards a New Learning Science, Paris; A Report of the Brain Research and Leading Sciences, “Emotions & Learning” planning symposium, 3 Dec 2003, Hosted by Psychiatric Hospital – University of Ulm, Germany, organized by OECD; www.oecd.org/departement/0,2688,en_2649_14935397_1_1_1_1_1,00.html.

¹⁵ “Today the education system is partially driven by two main forces, one being the measurement industry, and the other the drive towards social cohesion, an issue which has emerged only in the last five years. The Knowledge Economy is of course still big talk today. There is also an urgent need to develop the Education Research & Development system to a more science and evidence driven system, in doing so, and with particular reference to brain research, the challenge of bringing in the Quantum theory should not be avoided. There is a need to look to other models such as the medical field where research is evidence and science-based.

There are now some encouraging signs for an open dialogue on emotions and learning that presents before us now a great challenge to explore the influences on education by taking an evidence and science-based approach” (Bengtsson Jarl, Consultant, OECD-CERI in: A Report of the Brain Research and Leading Sciences, “Emotions & Learning” planning symposium, 2003, OECD).

¹⁶ Wright, A. (2000): Spirituality and Education, RoutledgeFalmer, London and New York.

¹⁷ Hobson, P. R., Edwards, J. S. (1999): Religious Education in a Pluralist Society, Woburn Press, London, p. 17-18.

¹⁸ Astley, J. (1994): The Philosophy of Christian Religious Education, Religious Education Press, Birmingham, p. 13-14.

¹⁹ Batelaan, P. (2003): Intercultural Education and the Challenge of Religious Diversity and Dialogue in Europe, Conceptual Framework prepared for the Council of Europe, Steering Committee for Education, Strasbourg, 2nd meeting, 22-23 September 2003.

²⁰ Jackson, R. (1997): Religious Education: An Interpretive Approach, London, Hodder and Stoughton.

²¹ Open Society Institute (www.soros.org).

²² This book “deeply influenced George Soros, the founder of the Open Society Institute, and it is upon the concept of an open society that Soros bases his philanthropic activity” (www.soros.org).

²³ Popper, K. R. (1995): The Open Society and Its Enemies, I, Routledge, London, p. 186.

²⁴ Ibid., p. 216.

²⁵ Popper, K. R. (1989): Il futuro è aperto, Rusconi, Milano, p. 176.

²⁶ Popper, K. R. (1995): Il mito della cornice, Il Mulino, Bologna, p. 150.

²⁷ *Universal Declaration of Human Rights*

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion, which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions (Article 18).

Convention on the Right of the Child

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others (Article 14).

European Convention on Human Rights, Protocol I to the Convention

In the exercise of any function, which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions (Article 2).

The Declaration on Eliminating all Forms of Intolerance and Discrimination based on Religion or Belief

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.
2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

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3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.
 4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.
 5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration (Article 5).

International Covenant on Economic, Social and Cultural Rights

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions (Article 13.3).

Convention Against Discrimination in Education

It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction (Article 5.1b).

²⁸ The Declaration on Eliminating all Forms of Intolerance and Discrimination based on Religion or Belief, 1960, Article 5.

²⁹ “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions” (The International Covenant on Economic, Social and Cultural Rights, 1966, art. 13.3).

“It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons shall be compelled to receive religious instruction inconsistent with his or their convictions” (Convention Against Discrimination in Education, 1960, art. 5.1.b).

³⁰ “Parents are to send their children to those schools, which will provide for their catholic education. If they cannot do this, they are bound to ensure the proper catholic education of their children outside the school” (Codex Iuris Canonici, Can. 798).

³¹ Council of Europe (1998): Digest of Strasbourg Case - Law relating to the European Convention on Human Rights, p. 801.

³² In the United States the “schools enjoy substantial discretion to excuse individual students from lessons that are objectionable to the student or the students’ parents on religious or other conscientious grounds. However, students generally do not have a Federal right to be excused from lessons that may be inconsistent with their religious beliefs or practices” (Religious Expression in Public School, U. S.

Department of Education, 1998). Schools should also excuse students who do not wish to participate in the school celebration of the secular aspect of the religious holidays (Religion in the public Schools: a Joint Statement of Current Law, 1995, p. 4).

³³ McLaughlin, T.H. (1984): "Parental Rights and the religious Upbringing of Children", *Journal of Philosophy of Education*, Vol. 18, p. 75-83.

³⁴ Richard, Y. (1990): »L'enseignement de la religion dans les écoles d'état en Iran«, in: Willaime, J.P. (ed.), *Univers scolaires et religions*, Cerf, Paris, p. 87.

³⁵ Pajer, F.: "L'insegnamento della religione in Europa all'inizio degli anni 90", in: Pajer, F. (ed) (1991): *L'insegnamento scolastico della religione nella nuova Europa*, Elle Di Ci, Leumann, Torino, p. 452.

³⁶ Peters, R. S. (1980): *Ethics and Education*, George Allen and Unwin, London, p. 203.

³⁷ Jensen, T. (1998): "Religious Education and the Secular State", Conference on "Religious Freedom and the New Millennium", Berlin.

³⁸ Debray, R. (2002): *L'enseignement du fait religieux dans l'École laïque*, Odile Jacob, Paris.

³⁹ Martínez López-Muñiz, J. L. (2003): "Religion as a Compulsory Subject in State Schools", according to Morange, J. : "L'enseignement religieux dans les établissements scolaires publics en France", in: College of Europe, European Cultural and Educational Forum, Bruges, 18-21 December 2003, p. 7.

⁴⁰ Martínez López-Muñiz, J. L. (2003): "Religion as a Compulsory Subject in State Schools", in: College of Europe, European Cultural and Educational Forum, Bruges, 18-21 December 2003, p. 6.

⁴¹ The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States. The Union equally respects the status of philosophical and non-confessional organisations. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations (Art. 51. 1).

⁴² Jackson, R. (2004): *Rethinking Religious Education and Plurality, Issues in Diversity and Pedagogy*, Falmer Press, London.

⁴³ Schreiner, P. (2001): "Different Approaches – Common Aims? Current Developments in Religious Education in Europe", in: Schreiner, P., Spinder, H., Taylor, J., Westerman, W. (2002): *Committed to Europe's Future. Contributions from Education and Religious Education*, on behalf of the Coordinating Group for Religious Education in Europe, CoGREE and the Comenius-Institut, Protestant Centre for Studies in Education, Münster, p. 97.

⁴⁴ Ibid., p. 95.

⁴⁵ Ibid., p. 97.

⁴⁶ Jensen, T. (1998): "Religious Education and the Secular State", Conference on "Religious Freedom and the New Millennium", Berlin.

⁴⁷ Schreiner, P. (2001): "Different Approaches – Common Aims? Current Developments in Religious Education in Europe", in: Schreiner, P., Spinder, H., Taylor, J., Westerman, W. (2002): *Committed to Europe's Future. Contributions from Education and Religious Education*, on behalf of the Coordinating Group for Religious Education in Europe, CoGREE and the Comenius-Institut, Protestant Centre for Studies in Education, Münster, p. 97.

⁴⁸ Ibid., p. 98.

⁴⁹ Ibid., p. 97.

⁵⁰ Ibid., p. 97.

⁵¹ See note 6.

⁵² This does not mean either that the Council of Europe values religion mainly as a negative and dangerous thing that can jeopardize democracy or that the confessionally organized religious education is always inimical to the promotion of tolerance and interreligious understanding. It means that the Council of Europe does not see the existing models of religious education in public schools as satisfying.

⁵³ Martínez López-Muñiz, J. L. (2003): "Religion as a Compulsory Subject in State Schools: A Legal and Comparative Analysis", in: College of Europe, European Cultural and Educational Forum, Bruges, 18-21 December 2003, p. 7.

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- ⁵⁴ The United States Supreme Court stated this through Justice Clark, T. C. (*Abington v. Schempp*), James E., Jr. Wood: "Religion and Education in American Church-State Relations", in: James E., Jr. Wood, (ed.) (1984): *Religion, the State, and Education*, Baylor University Press, Waco, p. 36.
- ⁵⁵ Spinder, H. (2001): *School Education and Freedom of Religion*, in: Schreiner, P., Spinder, H., Taylor, J., Westerman, W. (2002): *Committed to Europe's Future. Contributions from Education and Religious Education*, on behalf of the Coordinating Group for Religious Education in Europe, CoGREE and the Comenius-Institut, Protestant Centre for Studies in Education, Münster, p. 88.
- ⁵⁶ Gundara, J. (2000): *Religion, Human Rights and Intercultural Education in: Intercultural Education*, Vol. 11, no. 2, p. 128–136.
- ⁵⁷ Haynes, C., Thomas, O. (2001): *Finding Common Ground: A Guide to Religious Liberty in Public Schools*, published by the First Amendment Center, Nashville.
- ⁵⁸ The UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief, Art. 13.
- ⁵⁹ Spinder, H. (2001): *School Education and Freedom of Religion*, in: Schreiner, P., Spinder, H., Taylor, J., Westerman, W. (2002): *Committed to Europe's Future. Contributions from Education and Religious Education*, on behalf of the Coordinating Group for Religious Education in Europe, CoGREE and the Comenius-Institut, Protestant Centre for Studies in Education, Münster, p. 87.
- ⁶⁰ Kirkpatrick, J. R.: "Public Schools and the American Heritage of Religious Freedom and Religious Pluralism", in: James E., Jr. Wood, (ed.) (1984): *Religion, the State, and Education*, Baylor University Press, Waco, p. 119-120.
- ⁶¹ Jackson, R. (2004): *Rethinking Religious Education and Plurality, Issues in Diversity and Pedagogy*, Falmer Press, London.
- ⁶² *Religious Expression in Public Schools: A Statement of Principle*, U. S. Department of Education, 1988.
- ⁶³ Ibid.
- ⁶⁴ Ibid.
- ⁶⁵ Ibid.
- ⁶⁶ Ibid.
- ⁶⁷ Russo, C. J. (2003): "Prayer and Religious Activity in American Public Schools", in: College of Europe, European Cultural and Educational Forum, Bruges, 18-21 December 2003, p. 15-16.
- ⁶⁸ Journal official, p. 15578.
- ⁶⁹ This does not deny that "certain sort of religious schools would not seek to entrap their pupils in a particular vision of the good, but to provide a distinctive starting point from which their search for autonomous agency can proceed" (McLaughlin, T. H. (1992): 'Citizenship, diversity and education,' p. 123).
- ⁷⁰ Dwyer, J. G. (2001): *Religious Schools v. Children's Rights*, Ithaca, Cornell University Press.
- ⁷¹ Feinberg, J. (1994): *Freedom and Fulfillment*, Princeton, Princeton University Press.
- ⁷² We can also find similar interpretations in some other Church documents: "As those first responsible for the education of their children, parents have the right to choose a school for them which corresponds to their own convictions. This right is fundamental. As far as possible parents have the duty of choosing schools that will best help them in their task as Christian educators. Public authorities have the duty of guaranteeing this parental right and of ensuring the concrete conditions for its exercise" (Catechism of the Catholic Church, 1994, p. 2229). "Parents must have a real freedom in their choice of schools. For this reason Christ's faithful must be watchful that the civil society acknowledges this freedom of parents and, in accordance with the requirements of distributive justice, even provides them with assistance" (Codex Iuris Canonici, Can. 797).
- ⁷³ Parents have the right "to select, from among comparable schools, a school in which their children will receive the instruction desired" (I. 7.2), and "it cannot be the duty of the State to recommend or give preferential treatment either to denominational school in general or to school of a particular denomination, nor can the State give such recommendations or preferential treatment to nondenominational education" (ibid., I, 7.3), but "every child must be offered the possibility of attending a school which gives no precedence to specific religious or philosophical beliefs in its education and teaching" (ibid., I, 7.2).

⁷⁴ “Notwithstanding this, however, freely established schools shall be required to make a certain contribution of their own as token of their own responsibility and as a means of supporting their independent status” (ibid., I, 9.2).

⁷⁵ Meredith, P. (1992): *Government, Schooling and the Law*, London, Routledge; and Heymanns, C., Verlag, K. G. (1985): *Digest of Strasbourg Case - Law relating to the European Convention on Human Rights*, 1985, Vol. 5, Köln, Berlin, Bonn, Munich.