European Religious Education Policy

Avrupa Din Eğitimi Politikası

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Abstract: Religious education in schools in Europe must comply with the human rights principles expressed in relevant international human rights conventions and with the case-law of supranational courts such as the European Court of Human Rights. Moreover, in recent decades, European organisations such as the Council of Europe and the Organisation for Security and Co-operation in Europe have published recommendations, guidelines and reference books concerning religious education in schools. Even though it is early to claim that there is a coherent and homogenous European religious education policy, there is at least a trend towards it. Therefore, this article discusses the European religious education policy, particularly its principles, namely religious education's place in schools, its model and aims, the right of withdrawal from religious education, and consultation with relevant stakeholders. It is a qualitative research study, which adopts document analysis. The implications of the European religious education policy for national religious education policies are also discussed.

Keywords: Religious Education, European Religious Education Policy, State Schools, Right of Withdrawal

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Öz: Avrupa'daki devlet okullarındaki din eğitimi, ilgili uluslararası insan hakları sözleşmelerinde ifade edilen ve ilgili davalara bakan Avrupa İnsan Hakları Mahkemesi gibi uluslararası mahkemelerin içtihatlarına uygun olmalıdır. Ayrıca, özellikle son yıllarda Avrupa Konseyi ve Avrupa Güvenlik ve İş Birliği Teşkilatı gibi uluslararası kuruluşlar okullarda din eğitimi ile ilgili tavsiyeler, yönergeler ve referans kitaplar yayınlamıştır. Tutarlı ve homojen bir Avrupa din eğitimi politikasının ortaya çıktığını iddia etmek için erken olmakla beraber, en azından bu yönde bir eğilimin olduğu söylenebilir. Bu açıdan makale Avrupa din eğitimi politikasını özellikle de ilkelerini incelemektedir. Bu ilkeler din eğitiminin okullardaki yeri, modeli ve amaçları, din eğitiminden muafiyet hakkı ve ilgili paydaşlarla istişaredir. Nitel bir çalışma olan bu araştırma doküman analizine dayanmaktadır. Ayrıca makalede, Avrupa din eğitimi politikasının ulusal din eğitimi politikaları üzerindeki muhtemel etkisi tartışılmaktadır.

Anahtar Kelimeler: Din Eğitimi, Avrupa Din Eğitimi Politikası, Devlet Okulları, Muafiyet Hakkı

Introduction

Many early comparative educationalists agreed that state education was a product and reflection of national factors, such as politics (see Bereday, 1964). In recent decades, however, others claimed that the deciding factors shaping education are of a global character, that is, national educational systems are affected and shaped by external influences, such as supranational, transnational and international actors and factors (see Dale, 2000).

Religious education is no exception. As Gearon (2014, p. 8) argues, religious education in Europe is "compelled to compliance with international standards". First and foremost, religious education in schools in Europe must be consistent with the human rights principles espoused in international covenants and conventions, and the case-law of international courts. According to Willaime (2007), these conventions and court judgements all constitute a "constraint" under which religious education in schools in Europe has to exist and develop.

So, the external influence on national religious education policies is not new. However, what is new is that in the last two decades European organisations, especially the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE) have published recommendations, guidelines and reference books, which set out a number of principles, objectives and teaching methods concerning religious education in schools in Europe. Individual European countries are, in turn, expected to follow these recommendations and guidelines. For example, the OCSE (2007, p. 15) recommends the participating States to "apply … the relevant standards and recommendations of international organizations, including OSCE commitments as well as the Council of Europe Parliamentary Assembly's recommendations" when devising and implementing religious education curriculum. Similarly, the Council of Europe recommends States to "review" the issues concerning religious education "on the basis of the guidelines provided by the Council of Europe" (Council of Europe, 2011, para. 13)

As these organisations are trendsetters in international human rights standards, the implication is that the principles and recommendations espoused by these organisations reduce policy options available to national and regional religious education policy in Europe. If the individual European countries do not follow these principles, they can be named and shamed, for example, through European Commission progress reports (see European Commission, 2019). Moreover, they even run a risk of being penalised by the European Court of Human Rights (ECtHR, 2007a, 2010, 2019).

It is therefore important to explore and understand the principles of European religious education policy and their implications. This article, therefore, aims to present and discuss these principles and their implications.

This is a qualitative research study which adopts document analysis. The documents are chosen by searching key words such as "religion" and "education" and also by scanning the documents which seemed to be relevant to this study. Two sets of documents are used in this research.

Firstly, International covenants/conventions which have been signed and ratified by most European countries and are related to religious education are analysed. These are the European Convention on Human Rights (ECHR) (Council of Europe, 1950), International Covenant on Civil and Political Rights (ICCPR) (UN, 1966a) and International Covenant on Economic, Social and Cultural Rights (ICESCR) (UN, 1966b).

Secondly, the OSCE and the Council of Europe's guidelines, reference books and recommendations concerning religious education are analysed.

- The OSCE has published Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, which is prepared by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) Advisory Council of Experts on Freedom of Religion or Belief (OSCE, 2007).

The Council of Europe has published two sets of documents. One is recommendations and white papers, which reflect the official view of the Council of Europe. The relevant documents for this study are:

- Parliamentary Assembly Recommendation 1202 (1993) on Religious Tolerance in a Democratic Society (Council of Europe, 1993)

- Parliamentary Assembly Recommendation 1396 (1999) on Religion and Democracy (Council of Europe, 1999)

- Parliamentary Assembly Recommendation 1720 (2005) on Education and Religion (Council of Europe, 2005)

- Parliamentary Assembly Recommendation 1804 (2007) on State, Religion, Secularity and Human Rights (Council of Europe, 2007)

- Recommendation CM/Rec(2008)12 of the Committee of Ministers to Member States on the Dimension of Religions and Non-Religious Convictions within Intercultural Education (Council of Europe, 2008a)

- White Paper on Intercultural Dialogue: "Living Together as Equals with Dignity" (Council of Europe, 2008b)

- Parliamentary Assembly Recommendation 1962 (2011) on the Religious Dimension of Intercultural Dialogue (Council of Europe, 2011)

The Council of Europe has also published reference books. These books that have been published by the Council of Europe have been written following relevant Council of Europe recommendations, they nevertheless include the warning that the opinions expressed in these books are "the responsibility of the author(s)":

- Religious Diversity and Intercultural Education : A Reference Book for Schools (Keast, 2006)

- Signposts - Policy and Practice for Teaching about Religions and Non-Religious World Views in Intercultural Education (Jackson, 2014)

- Signposts Teacher Training Module: Teaching about Religions and Non-Religious World Views in Intercultural Education (Bondevik et al., 2020)

As it can be seen, though religious education started to appear in the Council of Europe's recommendations as early as 1993, many of the recommendations, guidelines and reference books were published during the decade after 9/11. However, over time there have been fewer recommendations and guidelines pertaining to religious education, published by these organisations, the only exception being *the Signposts Teacher Training Module*, which was published in 2020.

Only two European organisations, namely the Council of Europe and the OSCE are included in this research. That is because, these are the only two European organisations, which have extensively dealt with religious education, while others such as the European Union (EU) has long avoided the subject (Schreiner, 2016). However, in some sections, the article also refers to the European Court of Human Rights (ECtHR) case-law which was established to ensure states' compliance with the measures under the ECHR. Moreover, findings of the REDCo (Religion in Education. A contribution to Dialogue or a factor of Conflict in transforming societies of European countries?) project, which was funded by the European Commission, the executive of the EU, is also considered (Weisse, 2009).

All these documents collected have been read thoroughly. Then, they were coded; and these codes were aggregated together to form themes, by using the computer software, called MAXQDA. Five major themes have been identified: the place of religious education, the model of religious education, the aims of

religious education, the right of withdrawal from religious education, and consultation. There were also other themes such as "teacher education", which is not included here and deserves a separate study.

The focus of the article, as its title suggests, is limited to Europe, even though the principles discussed here can be also relevant to other parts of the world. Moreover, the article does not include an exploration of national religious education policies in individual European countries, nor the direct or indirect effects of European religious education policy on national policies, which, too, deserves a separate study.

The article explores, what it is called, the European religious education policy, which has a supranational character, therefore, can be also called the supranational religious education policy. The article contributes to the emerging literature on European/supranational religious education (Gearon, 2008, 2012; Jackson & O'Grady, 2019; Schreiner, 2013, 2016), as it presents and analyses the five essential principles of European religious education together.

On a side note, even though the article uses "religious education", this term has been rarely used by recommendations, guidelines and reference books explored here. Possible reasons for this avoidance are discussed in the next section, but suffice it to say here that the article does not use "religious education" as a reference to any pedagogical approach, such as "confessional". Rather, religious education denotes a general school subject that deals with religion and/or non-religious convictions and might have different forms and approaches.

Principles of European Religious Education Policy

The article explores five principles of the European religious education policy, namely the place of religious education, the model of religious education, the aims of religious education, the right of withdrawal from religious education, and finally consultation.

Place of Religious Education in School Curriculum

International human rights framework has long acknowledged the possibility of religious education in schools. Even though the European Convention on Human Rights did not directly mention religious education, probably echoing the Universal Declaration of Human Rights (UN, 1948), which did not mention religious education either, its Article 9 declared that "everyone has the right

to…manifest his religion or belief" including "teaching". Moreover, Article 2 of Protocol No.1 of the Convention stated that State "shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions" (Council of Europe, 1950).

These two articles can be seen as regulating, among others, the possibility of religious education in schools. It was, however, the ICCPR which specifically mentioned religious and moral education:

> The States Parties to the present Covenant undertake to have respect for the liberty of parents … to ensure *the religious and moral education* of their children in conformity with their own convictions (UN, 1966a, para. 18.4)[1] (emphasis added).

Similarly, the ICESCR also mentioned religious and moral education as well as recognising the right of parents to choose schools for their children (UN, 1966b, para. 13.3) Furthermore, in 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief also mentioned religious/moral education:

> 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 … and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians … (UN, 1981, para. 5.2).

These conventions and declarations clearly show that it has always been possible to include religious education into school curriculum in terms of human rights standards, provided that it is taught in conformity with religious convictions of parents. In the last two decades, however, this has transformed from a "possibility" to almost "necessity", as the European organisations actively plead for a place for religious education in state schools.

As early as 1993, the Council of Europe invited member states "to ensure that studies of religions and ethics are part of the general school curriculum" (Council of Europe, 1993, para. 16.2). This was reiterated in 1999, inviting States "to promote education about religions" (Council of Europe, 1999, para. 13.2). In 2002, the Council of Europe decided to integrate religious education with intercultural education to address religious diversity found in European societies, including schools (Jackson, 2014, p. 14).

Since then, the Council of Europe has highlighted the importance of providing religious education in schools in its various recommendations and publications:

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1   In the references, p. refers to page (or pp. to pages) and para. refers to paragraph, as some documents have paragraph numbers, instead of page numbers.

"information on and knowledge of religions and non-religious convictions … *should be taught* in order to develop tolerance as well as mutual understanding and trust" (Council of Europe, 2008a, para. 4) (emphasis added).

Moreover, the Council of Europe not only has stressed the importance of religious education (Council of Europe, 2015, p. 13), but also has published reference books, which can be followed when devising and conducting religious education in schools (see Bondevik et al., 2020; Jackson, 2014; Keast, 2006).

Another European organisation, the OSCE, has also published guidelines related to religious education, which states that "Knowledge about religions and beliefs is an essential part of a quality education." (OSCE, 2007, p. 14). It even argues that "Teaching about religions and beliefs is a major responsibility of schools" (OSCE, 2007, p. 16). In a similar vein, the REDCo project, which was funded by the European Commission, reports that "students express their desire that learning about religions should take place in a safe classroom environment" (Weisse, 2009, p. 10).

These all show that while religious education was deemed a possibility in schools in the past, it has now been encouraged and seen as an "essential" dimension of education by the European organisations. This encouragement, however, has some implications as well as limitations.

One of the most important implications is that as Rothgangel et al. (2014, p. 8) argue, this implies the rejection of the notion of "religious-free" schools. In other words, schools are considered as a suitable place to teach religions. Religious education must be part of a well-rounded education in schools.

Another implication is related to the selection of terms used by these organisations when referring to religious education. As stated above, European organisations have seldom used "religious education".

Instead, other terms such as "teaching about religions" (Council of Europe, 1999, para. 13.2, 2005, para. 9), "teaching of religions" (Council of Europe, 2007, para. 24.1), "teaching on religions" (Council of Europe, 2011, para. 13), "education about religions" (Council of Europe, 1999, para. 13.2), "study of religions" (Council of Europe, 2005, para. 11), "comparative history of different religions" (Council of Europe, 1999, para. 13.2), "comparative study of religions" (Council of Europe, 1999, para. 13.3) "religious studies" (Council of Europe, 2005, para. 13.2), "information on and knowledge of religions and non-religious convictions" (Council of Europe, 2008a, para. 4), "religious di-

mension of intercultural education" (Council of Europe, 2008a, 2011, para. 7; Keast, 2006, p. 9), "teaching about religions and beliefs" (OSCE, 2007), "study and knowledge about religions and beliefs" (OSCE, 2007, p. 12) "teaching of religious and convictional facts" (Council of Europe, 2008b, p. 30) and "dimension of religions and non-religious convictions within intercultural education" have been used extensively.

This active avoidance of "religious education" might stem from the understanding that "religious education" is somehow linked with "religious nurture" or "instruction". In one the Council of Europe and the OSCE joint guidance, "religious education" is defined as a subject which "is intended to convey doctrinal information about the beliefs of a particular religion" (OSCE & Council of Europe, 2011, p. 28). It is probably due to this link between religious education and "doctrinal" instruction, that these organisations have avoided the term. Moreover, they stated that "religious instruction should not be given at the expense of lessons about religions …" (Council of Europe, 1999, para. 10). This implies that the international organisations do not plead for a place for all models of religious education. Instead, they plead for a place for certain models of religious education, which is distinct from religious instruction or doctrinal religious education.

Moreover, even though religious education is touted as a vital part of quality education, the guidelines and recommendations explored here do not openly call for a separate course for this subject. It is implied that the states can include religious education either as courses arranged specifically for religion or in courses such as sociology or history. Regarding this issue, *Signposts* state that "It was seen as contributing significantly to intercultural education, whether taught as a separate subject, or as a dimension of different curriculum subjects." (Jackson, 2014, p. 16). Similarly, *Toledo Guiding Principles* state that teaching about religions and beliefs can be taught as "subject-specific" (i.e., as a separate course), "integrated" (in such courses as literature, history and philosophy) and "cross-curricular" (for example through "the collaboration of teaching from various subject areas") (OSCE, 2007, pp. 40–45). Regardless of which approach is chosen, it is stated that, teaching about religions and beliefs should be "sensitive, fair, inclusive, unbiased and impartial" (OSCE, 2007, p. 45).

Finally, when religious education is provided, it seems that it should be for "all pupils" in the same classes. Even though this is not clearly stated in the recommendations, guidelines and reference books, the subtext implies that all

pupils, regardless of their religious backgrounds should be taught religious and non-religious convictions in the same classes, as this will provide an opportunity for "inter-religious encounters" (Council of Europe, 1993, para. 16.2). Recommendation 1962 (2011) clearly stated this: "teaching on religions provides an opportunity for encounters and for mutual receptiveness." (Council of Europe, 2011, para. 15). Similarly, Willaime (2008) reported that

> All the speakers [at the 118th Session of the Committee of Ministers of the Council of Europe] had clearly accepted that what they were discussing was the teaching of religious and convictional facts to *all pupils*, irrespective of their religious or philosophical beliefs and … that all pupils would be taught *in the same class*. (emphases in original)

As it can be seen, the European organisations, particularly the Council of Europe and the OSCE urge their member states to include teaching about religions and beliefs into the school curriculum, considering it as an essential part of school education. Ideally, this education should be offered to all pupils in the same classrooms, but a state can do this through a separate subject, or a part of different subjects such as literature and history. In all cases, teaching about religions and beliefs should be "sensitive, fair, inclusive, unbiased and impartial" (OSCE, 2007, p. 45).

Model of Religious Education

As can be seen above, the European religious education policy calls for a place for religious education in schools. However, not all forms or models of religious education are encouraged. For example, *Toledo Guiding Principles* stress that they "focus solely on the educational approach that seeks to provide teaching *about* different religions and beliefs as distinguished from instruction in a specific religion or belief" (OSCE, 2007, p. 12) (emphasis in original).

Similarly, *Signposts* state that the Council of Europe's recommendations are "concerned to provide an education about religions and non-religious convictions which is distinct from forms of religious education that aim specifically to nurture children … in a particular faith tradition" (Jackson, 2014, p. 16). In this way, the guidelines, recommendations and reference books distance themselves from, what can be called, traditional and confessional religious education models and approaches.

Moreover, they define the educational model of religious education they pro-

moted. According to the recommendations, guidelines and reference books, this "educational" model of religious education should be "balanced" (Council of Europe, 2007, para. 24.1, 2008a, para. 6; OSCE, 2007, p. 15), "objective" (Council of Europe, 2005, para. 7, 2007, p. 24.1), "impartial" (Council of Europe, 2005, para. 14.2, 2008a, para. 5; OSCE, 2007, p. 15), "fair" (Bondevik et al., 2020, p. 64; OSCE, 2007, p. 16), "inclusive" (Jackson, 2014, p. 16; OSCE, 2007, p. 13), "non-doctrinal" (OSCE, 2007, p. 40) and taught "with restraint" (Council of Europe, 2005, para. 7, 2007, para. 13) and "free of bias" (OSCE, 2007, p. 15).

In other words, the European religious education policy not only pleads for a place for religious education in schools, but also *defines* its character, which is educational, inclusive, objective, impartial and balanced.

Moreover, some specific pedagogical approaches have been mentioned (Council of Europe, 2008a, para. 7.2). *Reference Book* mentions the phenomenological approach (Keast, 2006, pp. 49–51), the interpretive approach (Keast, 2006, pp. 52–60), the dialogical approach (Keast, 2006, pp. 61–65) and the contextual approach (Keast, 2006, pp. 66–74) in detail. This also can be seen in *Signposts* (Jackson, 2014, pp. 35–46). Referring to these approaches, *Reference Book* argues that the religious dimension of intercultural education "require(s) specific kinds of teaching and learning approaches. Unlike some traditional approaches to intercultural education, these methods focus … on learning to live together." *Toledo Guiding Principles* also mention the aforementioned approaches, albeit briefly (OSCE, 2007, pp. 46–48), and claims that "All [these approaches] require a school ethos in which difference is respected and human rights principles are upheld." (p. 47).

Even though these documents state that they do not show preference for any particular approach (OSCE, 2007, p. 20), the fact that these "non-confessional" models have been mentioned and explored in detail in some documents shows preference for these particular approaches.

The recommendations and guidelines also attempt to define the content of religious education. In the early Council of Europe's recommendations, the stress was more on "religions", calling for "the teaching … of the comparative history of different religions" (Council of Europe, 1999, para. 13.2). In other words, religious education should include teaching of different religions even in countries where one religion remains the dominant religion (Council of Europe, 2005, para. 8): "Even countries where one religion prevails have a duty to teach

the origins of all religions" (Council of Europe, 2007, para. 14).

Moreover, in subsequent recommendations, terms such as "no religion", "non-religious convictions", "non-religious world views" and "beliefs" have been also used to make it inclusive of non-religious beliefs (Jackson, 2014, p. 17; Weisse, 2009, p. 11): "It should include, with complete impartiality, the history of the main religions, as well as the option of having no religion" (Council of Europe, 2005, para. 14.2).

In *Signposts*, the term "non-religious worldviews" was used in the title, while *Toledo Guiding Principles* preferred "beliefs" in the title. In *Signposts*, Jackson (2014, pp. 68–69) states that these terms have been used interchangeably and all refer to "non-religious" but he warns that there is no consensus about what exactly these terms mean or include.

In the recommendations, guidelines and reference books, it is also stressed that the diversity within religions and non-religious perspectives should be also covered:

> Religions and non-religious convictions are diverse and complex phenomena; they are not monolithic. In addition, people hold religious and non-religious convictions to varying degrees … The dimension of religions and non-religious convictions within intercultural education should therefore reflect such diversity and complexity (Council of Europe, 2008a, p. 3).

This means that not only different religions and non-religious convictions, but also diversity within them should be included. However, this is not an easy task, and it might have practical problems such as inadequate time devoted to different religions, beliefs and diversity within them. In his nuanced examination, Jackson (2014, p. 16), argues that even though the recommendations call for the inclusion of different religions and non-religious convictions, this does not mean that "every religious or non-religious position should be covered". Instead, content-matter should be "selective" and "relate at least in part to context". It means that not all religions and non-religious views should be included. Rather it should be selective and the local context as well as global context is important when selecting religions and non-religious backgrounds (see also OSCE, 2007, p. 17). The bottom line here seems that religious education should not be "monoreligious" (Bîrzéa, 2006, p. 7) and it should be "inclusive, fair and respectful" (OSCE, 2007, p. 17).

In short, this section shows the European religious education policy goes beyond the recognition of the importance of religious education in schools, in

describing how and what to teach in these courses. Moreover, they also define the primary aims of such education.

Aims of Religious Education

As the universal human rights declaration and subsequent conventions were written after horrific World War II, which saw the death and torture of millions of people, these documents first and foremost tasked education with the promotion of "understanding, tolerance and friendship" (UN, 1948, para. 26.2).

Religious education has been no exception. In fact, the promotion of tolerance and respect and learning to live together have been regarded as its primary aims. the Council of Europe states that

> information on and knowledge of religions and non-religious convictions … should be taught in order to develop tolerance as well as mutual understanding and trust (Council of Europe, 2008a, para. 4).

In the recommendations, guidelines and reference books, various but similar aims have been mentioned. We can divide these aims into two: promotion of certain values and elimination of certain behaviours.

On the one hand, teaching about religions and beliefs should promote "tolerance" (Council of Europe, 2005, para. 7, 2007, para. 13, 2008a, para. 4; Milot, 2006, pp. 16–17), "dialogue" (Bîrzéa, 2006, p. 7; Council of Europe, 2007, para. 13, 2008a, para. 5; Jackson, 2014, p. 99), "respect" (Bondevik et al., 2020, p. 77; Council of Europe, 2005, para. 7, 2008a, para. 5; Jackson, 2014, p. 79; OSCE, 2007, p. 19), "understanding" (Bîrzéa, 2006, p. 7; Bondevik et al., 2020, p. 77; Council of Europe, 1993, para. 16.2, 1999, para. 10, 2008b, p. 31; Jackson, 2014, p. 15; OSCE, 2007, p. 11), "living together" (Bîrzéa, 2006, p. 7; Bondevik et al., 2020, p. 77; Council of Europe, 2008a, para. 4; Jackson, 2014, p. 79), "social cohesion" (OSCE, 2007, p. 19), "sensitivity" to religious diversity (Council of Europe, 2008a, para. 5), "appreciation" of religious diversity (Council of Europe, 2008b, p. 44), "knowledge" of religious diversity (Council of Europe, 2008a, para. 5) and "reciprocity" (Milot, 2006, p. 17).

On the other hand, teaching about religions and beliefs is tasked to combat "ignorance" (Council of Europe, 1999, para. 10, 2007, para. 12), "stereotypes" (Council of Europe, 1999, para. 10, 2007, para. 12, 2008a, para. 5; OSCE, 2007, p. 12), "misunderstanding" (Council of Europe, 2007, para. 12; OSCE, 2007, p. 12), "prejudice" (Council of Europe, 2008a, para. 5; Jackson, 2014, p. 15), "intol-

erance" (Jackson, 2014, p. 15), "fanaticism" (Council of Europe, 2007, para. 13) "religious divide" (Council of Europe, 2008a, para. 5), and address "controversial issues" (Council of Europe, 2008a, para. 5).

These two sets of aims are important and valuable. As people live in diverse and religiously plural societies, it is important for young people to have respect and tolerance for people who have different beliefs and values. Indeed, it is one of the fundamental assumptions of the guidelines, recommendations and reference books that we live in a "pluralistic world" (OSCE, 2007, p. 9): "Cultural and religious diversity are experienced in every country. No state is homogenous culturally" (Jackson, 2014, p. 14).

However, one fundamental assumption behind these aims is, what Schreiner (2015, p. 142) calls, "an uncritical confidence" that provision of knowledge about different religions and faiths will develop tolerance and respect and help combat intolerance. According to Clayton and Stevens (2018, p. 68) the claim that "a multi-faith religious education … cultivates mutual respect or toleration in pupils has insufficient empirical backing to be warranted" In other words, knowledge of different religions and beliefs may not achieve the aims mentioned above. Indeed, this is acknowledged by *Toledo Guiding Principles*, which state that

> Although a deeper understanding of religions will not automatically lead to greater tolerance and respect, ignorance increases the likelihood of misunderstanding, stereotyping, and conflict (OSCE, 2007, p. 9).

Then, for these documents, even though transmission of knowledge about different religions and beliefs will not necessarily lead to tolerance and respect or eradicate prejudice, it is at least better than ignorance of these religions and beliefs, which is more likely to increase, according to *Toledo Guiding Principles*, misunderstanding, stereotyping, and conflict (OSCE, 2007, p. 9). Similarly, the REDCo project's findings suggest that students who "learn about religious diversity in school are more willing to enter into conversations about religions and worldviews with students from other backgrounds than those who do not have this opportunity" (Weisse, 2009, p. 10).

Right of Withdrawal from Religious Education

When religious education, or what *Toledo Guiding Principles* call, "teaching about religions and beliefs" is taught as a separate course, it can be option-

al, voluntary or compulsory. The recommendations, guidelines and reference books explored here, however, have generally avoided the discussion of the status of a separate religious education. This avoidance might be due to the different applications of religious education found in European countries, where compulsory, compulsory with opt-out provisions, optional and voluntary religious education courses are available.

Moreover, it is probably because of the existing variety found in European countries, these documents do not openly call for a "compulsory" teaching about religions and beliefs course, but they imply that such a course should be available to all pupils and should be an essential part of school education.

When religious education is offered as a compulsory course, whether parents (and/or students) should have a right to withdraw from the course becomes an important issue, because international covenants and conventions have long stressed that religious education should be taught in conformity with religious convictions of parents (see UN, 1966a, para. 18.4). This does not mean that compulsory religious education without an opt-out provision is not possible under the human rights framework. In 1993, the United Nations Human Rights Committee dealt with this issue when it explained Article 18 of ICCPR, stating that

> article 18.4 permits public school instruction in subjects such as the general history of religions and ethics if it is given in a neutral and objective way.

> Public education that includes instruction in a particular religion or belief is inconsistent with article 18.4 unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians.

The comment by the United Nations Human Rights Committee above indicates that States are allowed to teach religions in state schools providing that it is taught in a "neutral and objective" manner. If religious education is not "neutral and objective", then there should be a provision for non-discriminatory exemptions.

Interestingly the Council of Europe recommendations and reference books explored here do not include any comment on this issue, but they stress that States should "avoid … any conflict between the state-promoted education about religion and the religious faith of the families" (Council of Europe, 1999, para. 13.2). In another recommendation, the Council of Europe again highlights the same issue, referring to the case law of the European Court of Human Rights

(Council of Europe, 2011, para. 14). As the ECtHR works under the auspices of the Council of Europe, it is not surprising that the Council of Europe's recommendations refer this issue to ECtHR, rather than discussing the issue at length in the recommendations.

All ECtHR's judgements on religious education have been one way or another related to the right of withdrawal from religious education, which shows the significance of this provision. In these cases, particularly in *Zengin* (ECtHR, 2007b) and *Folgerø* (ECtHR, 2007a), the Court established significant precedents for future cases. In these cases, the ECtHR indicated that there is a connection between the content of religious education and the right of withdrawal, as the ECtHR firstly "determine(s) … if the content-matter of [religious education] is taught in an objective, critical and pluralist manner" and secondly examines the right of withdrawal (ECtHR, 2007b, para. 57). This suggests that the right of withdrawal is necessary if religious education might infringe the rights of parents.

This precedent was followed in *Appel-Irrgang* (ECtHR, 2009) and *Yalçın* (ECtHR, 2014) in which the ECtHR firstly examined the content matter of respective courses, finding the former objective, pluralistic and neutral (ECtHR, 2009, p. 11), while finding the latter not providing "appropriate means in order to ensure that parents' convictions are respected" (ECtHR, 2014, para. 77).

However, there were also cases which were different from the above cases. For example, *Grzelak* was concerned with optional religious and ethics courses in Poland, but the ECtHR still found a violation of religious freedom. The implication of this case is that the mere presence of the right of withdrawal is not enough if there is a difference in treatment between different religious and non-religious beliefs (ECtHR, 2010, paras 97–101). *Papageorgiou* was concerned with compulsory religious education in Greece. In this case, the ECtHR focused only on the right of withdrawal procedure and did not include the examination of the course content to determine whether or not compulsory religious education in Greece needs to have a right of withdrawal (ECtHR, 2019).

The right of withdrawal has been an important factor in ECtHR cases, but ECtHR seems to change its position over this right, especially in *Grzelak* and *Papageorgiou*. According to Berkmann (2022), these cases, especially *Grzelak,* show that "the opt-out clause does not suffice anymore". Moreover, this changing position might complicate the development of coherent European religious education policy (see Hendek & Fancourt, 2021; Kaymakcan & Hendek, 2022).

One can also argue that the centrality of the right of withdrawal in ECtHR's judgements on religious education might contradict the ECtHR's assertion that "Article 2 of Protocol No. 1 does not embody any right for parents that their child be kept ignorant about religion and philosophy in their education" (ECtHR, 2007a, para. 89). This might also compromise the efforts of the Council of Europe to convince member States that teaching about religions and beliefs should be an essential part of *all* pupils' education. Nevertheless, the ECtHR is an important instrument in human rights framework, and its judgements should be considered critically when devising and conducting teaching about religions and beliefs in schools.

Among the recommendations, guidelines and reference books, only *Toledo Guiding Principles* specifically dealt with the right of withdrawal. It stated that if "compulsory" teaching about religions and beliefs is "sufficiently neutral and objective" there is no need for the right of withdrawal (OSCE, 2007, p. 77). However, due to the sensitivity of the issue, it also stated that States might still allow the right of withdrawal, because "this will make it more likely that the course will meet international standards" (OSCE, 2007, p. 72).

This shows that "compulsory" religious education is a sensitive issue, the religious education that considered as sufficiently objective and neutral for some might not necessarily perceived as objective and neutral by others. Therefore, some parents might still challenge this objective and neutral religious education, because of the controversy surrounding the question of what objective/neutral religious education is.

Consultation

Another principle of European religious education policy is that the governments are advised to work closely with relevant stakeholders, including religious communities (OSCE, 2007, p. 63). *Toledo Guiding Principles* even suggest establishing "advisory bodies" which will involve "in the preparation and implementation of curricula" (OSCE, 2007, p. 16). Parents, religious and non-religious communities, educational non-governmental organisations and teacher associations are suggested as possible members of these advisory bodies (see Kaymakcan & Hendek, 2022), but *Toledo Guiding Principles* also warn that the content of religious education "should be based on sound scholarship, and not merely on what religious communities want said about themselves and others" (OSCE, 2007, pp. 64–65). In other words, religious education curricu-

lum and school textbooks should be still prepared by the experts in the field, but the process should be open to the input from the advisory bodies which include relevant stakeholders.

As with any other subject, there should be a consultation with relevant stakeholders when designing curriculum. In religious education, one of these relevant stakeholders is faith communities and one of the important questions is which faith communities should be involved in the preparation of religious education curricula and school textbooks? *Toledo Guiding Principles* suggest that States should be inclusive on this issue and reminds that

> [The State] has a duty to act in a neutral and impartial fashion where matters of religion and belief are concerned—a duty that is 'incompatible with any power on the state's part to assess the legitimacy of religious beliefs' and thus should not take a stand on the truth or falsity of any form of religion or belief (OSCE, 2007, p. 33) (emphasis in original).

The Council of Europe's recommendations, too, highlighted the importance of consultation with relevant stakeholders (see OSCE & Council of Europe, 2011, p. 30), including religious communities (Council of Europe, 2005, para. 14.6, 2011, para. 13), even calling for the establishment of a European "institute" which will devise religious education curriculum, methods and materials and work "in close co-operation with representatives of the different religions traditionally present in Europe" (Council of Europe, 2007, para. 23.7) However, the Council of Europe (2007, para. 23.5) also suggested that the governments and the Committee of Ministers should be selective in consultation and "exclude" any groups which do "not clearly support the Council of Europe's fundamental values, namely human rights, democracy and the rule of law".

In other words, the governments are advised to consult relevant stakeholders, and even to create advisory bodies and European level institutes which will include representatives from different religious and non-religious backgrounds. However, not all groups should be invited to consultation. As the Council of Europe (2007, para. 23.5) reiterates, religious groups that do not "clearly support the Council of Europe's fundamental values" should be excluded from consultation.

Discussion and Conclusion

This article has discussed five principles of the European religious education policy: the place of religious education in schools, its model and aims, the right

of withdrawal from religious education and consultation. There are of course more principles, such as those related to teacher education (Bondevik et al., 2020), but these five principles seem to be important and relevant principles for national religious education policies.

When presenting these principles, some issues have already been discussed, for example, whether these recommendations, guidelines and reference books have an "uncritical confidence" regarding the issue that teaching different religions and faiths will eventually develop tolerance and respect and help combating intolerance (Schreiner, 2015, p. 142). Possible unintended consequences of the centrality of right of withdrawal in ECtHR's judgements are also discussed. Therefore, some other general issues will be added to this discussion.

Firstly, even though it seems early to suggest that there is a coherent and homogenous European religious education policy, there is clearly a tendency towards achieving it. As *Toledo Guiding Principles* state, in this "sensitive" issue, "international standards set important limits and point toward preferred practices that go beyond legal minimums" (OSCE, 2007, p. 63). Indeed, the recommendations, guidelines, and reference books of the Council of Europe and the OSCE go beyond "legal minimums" and "point preferred practices", models and aims. The European organisations' interest in religious education started in the early 1990s and reached its peak after 9/11, as most of the guidelines, recommendations and reference books were published between 2005 and 2014. Due to national differences in religious education policy, there might never be a coherent and homogenous European religious education policy, but the recommendations, guidelines and reference books have already been published and will have positive and negative implications for national religious education policies.

Secondly, these organisations interest in religious education, and their recommendations and guidelines have clearly strengthened the place of religious education in schools, which is a welcome development, as religion is an essential part of human life and history. These documents imply that schools should not be a "religious-free" places. Instead, religions and beliefs should be taught to all pupils in schools. This has important implications for countries where there is still a political debate as to whether or not religious education is compatible with secular/laic state.

Thirdly, even though the Council of Europe and the OSCE argue that they do not make "preference" for any particular approach to religious education (OSCE,

2007, p. 20), and respect the existing approaches found in member states, it is seen that certain models are promoted and the documents distance themselves from traditional approaches. "Religious instruction should not be given at the expense of lessons about religions" (Council of Europe, 1999, para. 10) clearly indicates preference for, one might call, "non-confessional" approaches to religious education (Fabretti, 2013, p. 53). Schreiner (2013, pp. 99–100) argues that these documents "clearly express a preference for a knowledge-based concept of 'teaching/education about religion'", whereas other forms of religious education are either "neglected" or "covered by stereotypes and prejudices" (see also Schreiner, 2016). The danger here is that these recommendations, guidelines and reference books might lead, if this has not already happened, to marginalisation of other models/dimensions of religious education.

Fourthly, the European religious education policy's emphasis on the promotion of tolerance and respect and combatting intolerance and prejudice, albeit being valuable aims, might also have some unintended consequences. It might easily lead to the instrumentalisation of religious education, and this raises challenging questions. As Gearon (2008, p. 99) argues it raises the question of whether religious education is in danger of being "subsumed" by politics? And whether it is "*over*-politicised and *over*-integrated into secular public-political life" (emphasis in original).

By focusing too much on these civic values, religious education might be in danger of losing its vital role as a subject which deals with existential, metaphysical and theological dimension of eternal life and the pursuit of truth (see Copley, 2005; Moulin, 2012; Schreiner, 2013). Moreover, when religious education is held responsible for promotion of tolerance and respect, this can easily be done at the expense of misrepresentation of religions by not paying adequate attention to religious differences, controversial topics and truth claims of religions (Barnes, 2015).

It is not suggested that religious education model promoted and recommended by aforementioned organisations will inevitably lead to these dangers, but religious educators and state officials should be careful about these issues when devising, what *Toledo Guiding Principles* call, "educational" approach to teaching about religions and beliefs.

Finally, European religious education policy has already had some impacts on national religious education policies. The ECtHR judgements on religious education in Norway, Turkey, Poland and Greece which led to curriculum changes

and academic debates in different countries already show that European religious education policy has some direct and indirect influences (see Hendek & Fancourt, 2021). The European organisations' recommendations such as the inclusion of non-religious convictions is also gaining academic interest (Bråten & Everington, 2019); and some national education policy documents, such as that of Finland, seem to adhere to "several tenets in the international policy documents with regard to religion and belief in public education" (Ubani et al., 2020, p. 13). Moreover, international organisations, such as the OSCE, has actively involved in the introduction of "Culture of Religions" in Bosnia and Herzegovina as a subject which presents "all pupils with objective, non-discriminatory information about the four major religions in [Bosnia and Herzegovina]" (Štimac, 2020, p. 66). Even though the subject remains controversial and has not gone as planned, the introduction of this subject shows the direct effect of European organisations on national religious education policies. As stated above, the direct or indirect effects of European religious education policy on national policies was not explored in detail since this issue is beyond the scope of the paper, but the examples here shows that this is an important aspect of European religious education policy, which deserves further research.

In conclusion, this article explored the principles of the European religious education policy, which pleads for a place for objective, neutral, impartial, and inclusive religious education, which includes the study of different religions and beliefs and their diverse interpretations, for all pupils in schools as a means to promote tolerance and understanding and combat ignorance and intolerance. Even though there is not much discussion about the status of religious education, it emerges that if compulsory religious education is not sufficiently objective, critical and pluralistic according to ECtHR, then it is required to introduce appropriate arrangements for exemption from religious education. There is also recommendation for a consultation with "right" groups and communities who clearly support the Council of Europe's fundamental values. Even though it is early to suggest that there is a coherent and homogenous European religious education policy, it nevertheless has *negative* as well as *positive* implications for national religious education policies, which should be studied and handled carefully.

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