

P Coertzen<sup>1</sup>

University of Stellenbosch

# Freedom of religion and religious education in a pluralistic society

## ABSTRACT

Freedom of religion is a very important part of the new Constitution of South Africa. Up until its new Constitution, Act 108 of 1996, South African laws have never had a direct article guaranteeing freedom of religion. Now freedom of religion is guaranteed in article 15 of the said Constitution. The content of what this freedom of religion implies for South Africans still to a large extent, has to be developed. For this development different religions, religious groups, church denominations and the state have to co-operate. Religious freedom reaches very deep into the fibre of a people and their deepest convictions and its consequences for many fields of existence in the life of, for instance, a church has to be worked out – how does freedom of religion for instance affect the position in law of a church, its labour relations, its deeds of mercy and its calling to religious education. On all of these issues, and many more, clarity is needed. For this clarity churches can make use of their own traditions, they can look at the way in which these matters are handled in other countries, they can go into dialogue with other religious groups and denominations and they should also go into discussion with the lawmakers of the country to see whether consensus can be found in the filling in of freedom of religion.

This presentation is an attempt to co-operation, to see if we can determine the meaning of freedom of religion with regard to religious education in a pluralistic society such as South Africa.

## 1. PLURALISTIC SOCIETIES

Hardly any country in the world, and South Africa in the least, can claim that it has a monolithic structure with no diversity whatsoever in its society. Diversity is inherently part of the world in which we live. One also gets the impression that in our times the recognition of diversity and finding ways to live with it is becoming increasingly important for all involved, like states, churches, religions, cultural groups, interest groups, individuals, etcetera. Diversity in a country and society can take on many forms. In our times it can be a diversity of races or ethnicity in the composition of a nation, language diversity within and across the boundaries of countries, cultural diversity, political diversity, diversity with regard to certain viewpoints, such as the position of women in society, sexual orientation and ecological issues. And then there is of course also religious diversity. Diversity very often within the boundaries of one country, of the big religions of the world – Christianity, Judaism, Islam, Hinduism, Buddhism, Sintoism – but very often also

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1 P Coertzen is Professor of Church History and Church Polity at the University of Stellenbosch and Actuarius of the General Synod of the Dutch Reformed Church.

together with these big religions a diversity of many other smaller and less known religions or deviations from the so-called big religions. Within Christianity there is of course also the fact of a diversity of churches.

## 2. WHY RELIGION AND RELIGIOUS EDUCATION?

The question can indeed be asked why religious pluralism and together with it also religious education should be dealt with in a special way when structuring a diverse society. There are politicians and academics that think it is not necessary to pay special attention to religion in this regard (cf Conference on Church and State, Leuven, Feb/Mar 2001). On the other hand, books being published clearly point out that religion is something that really matters in societies all over the world. Sophie Bijsterveld, in her book *Godsdienstvrijheid in Europees Perspectief* (1998:1) refers to the book of Stephen Carter, *The culture of disbelief. How American law and politics trivialize devotion* (New York 1993), in which he points out that while on the one hand in the American society religion is seen as something from outside the order, it is, on the other hand, clearly present as a symbol in American politics (Bijsterveld 1998:1). Samuel Huntington in his article "The clash of civilizations" (Foreign Affairs [Summer] 1993:22-49) is of the opinion that it is not ideological or economic differences that will threaten world peace in future, but rather cultural differences, with religion being one of the biggest determining factors of culture. There are also many studies in our time about the revival of religion in many parts of the world, the social role of religion and the powers that religion can unleash. Bijsterveld (1998:1) refers to the following studies: M Juergensmeyer, *Violence and the sacred in the modern world* (London 1992); id, *The new cold war? Religious nationalism confronts the secular state* (Berkeley 1993); G Kepel, *The Revenge of God: The Resurgence of Islam, Christianity and Judaism in the modern World* (Cambridge 1994); R Wuthnow, *Rediscovering the Sacred: Perspective on Religion in Contemporary Society* (Eerdmans 1992); G Aijmer (ed), *A Conciliation of Powers: The Force of Religion in Society* (Gothenburg, 1991).

From what has been said it is clear that it is very important to take note of religion and religious convictions and the teaching thereof to members. Religion is important for individuals, groups of persons, for the law, for politics, for society and for culture as a whole. Religions co-determine all of these and also do much more. No government can afford to turn a blind eye to the power and force of religion. On the other hand it is also true that there is often uncertainty on what the correct relationship between the state (society, politics, law, culture, etc) and religion should be (Bijsterveld 1998:2).

## 3. THE VIEW OF REFORMED CHURCHES ON FREEDOM OF RELIGION

At the time of the Reformation the Roman Catholic Church saw the relationship between church and state in terms of two estates – the spiritual and the temporal – with the temporal estate not allowed to intervene in the affairs of the spiritual, but the spiritual estate being allowed to interfere with the temporal estate. On the basis of his doctrine of the priesthood of all believers, Luther developed an alternative theory of spheres of authority based upon a distinction between the Two Kingdoms or the Two Governments. It entailed a distinction between the "spiritual" and the "worldly" government of society. In the end this opened the way for the domination of the church by the state (McGrath 1993:205-211). The Anabaptists, again, conceived of the church as an "alternative society" parallel with but not in harmony within their existing environment. For them the church was a faithful remnant in conflict with the world (McGrath 1993:202). In the Schleithem Confession (1527) they declared the following:

We agreed as follows concerning the sword: The sword is ordained of God outside the perfection of Christ. It punishes and puts to death the wicked, and God's and protects the good. In the Law the sword was ordained for the punishment of the wicked and for their death and the same (sword) is (now) ordained to be used by the worldly magistrates. In the perfection of Christ, however, only the ban is used for a warning and the excommunication for the one who have sinned, without putting the flesh to death – simply the warning and the command to sin no more ... Finally, it will be observed that it is not appropriate for a Christian to serve as a magistrate because of these points: the Government magistracy is according to the flesh, but the Christians, it according to the spirit; their houses and dwelling remain in this world, but the Christians are in heaven; their citizenship is in this world, but the Christians' citizenship is in heaven; the weapons of their conflict and war are carnal, and against the flesh only, but the Christians' weapons are spiritual, against the fortification of the devil. The worldlings are armed with steal and iron, but the Christians are armed with the armor of God, with truth, righteousness, peace, faith, salvation and the Word of God. In brief, as is the mind of Christ toward us, so shall the mind of the members of the body of Christ be through Him in all things, that there may be no schism in the body through which it would be destroyed. For every kingdom divided in itself will be destroyed. Now since Christ is as it is written of Him, His members must also be the same, that His body may be remain complete and united to its own advancement and up building" (Schleithem Confession of Faith, 1527, art 6, in Manschreck, Vol 2, 1981:81-83).

John Calvin had a theocratic vision of church and state (Van 't Spijker 1990:158). According to him the two are two independent and separate entities within the kingdom of God, but two entities, which stood in the closest connection with each other. For Calvin the political order is essential to foster and maintain the external worship of God, to defend the sound doctrine and the condition of the church, to adapt our conduct to human society, to form our manners to civil justice, to reconcile us to one another, to cherish peace and common tranquillity (Calvin 4.20.2). This view of Calvin created a tension in the relationship between church and state. On the one hand there was a very clear distinction between church and state, while on the other hand the state was made responsible for the practice of the true religion. This inner tension in the thought of Calvin influenced the reformed tradition in different ways (Little 1992:196-213). On the one hand a choice was made for a theocratic state, while on the other hand the choice was for a clear separation of church and state.

The theocratic vision of Calvin clearly influenced article 36 of the Belgic Confession. This Confession, which is still a standard of faith in many Reformed churches all over the world, sees the task of the state as to care and to watch over the public domain – that would be the normal task of the state. At the same time, however, the Confession also states that it is the task of the state to uphold the sacred ministry, with a view to remove and destroy all idolatry and false worship of the Antichrist; to promote the kingdom of Jesus Christ, and to furthering the preaching of the Gospel everywhere, to the end that God may be honoured and served by everyone, as He requires in his Word (Belgic Confession, art 36). Because the wording of the Confession can lead to the conclusion that it is expressly also the task of the state to destroy all idolatry and false worship of the Antichrist as well as to further the kingdom of Christ and the preaching of the Gospel, and that through this a state can as a matter of fact care only for the Christian religion – and actually only for a specific Christian church – some clarification is needed.

A D R Polman in his works *Woord en Belijdenis II* (sa:305-315) and *Onze Nederlandsche Geloofsbelijdenis IV* (sa:290-296) discusses various ways in which this article has been interpreted in the Reformed world during the 20<sup>th</sup> century.

(i) In 1896 Abraham Kuyper, together with F L Rutgers, M Noordtzijs, D K Wielenga, L Lindeboom, P Biesterveld, H Bavinck and J H Donner, served a gravamen before the Synod of the Reformed Churches of the Netherlands asking that the words “to remove and destroy all idolatry and false worship of the Antichrist” be deleted from the Confession because if read historically, the wording of the confession itself, the witness of history, the agreement of other reformed confessions on this point and the general viewpoint of reformed theologians all indicated that it indeed was seen as the task of the state to remove and destroy with force idolatry and false worship of the Antichrist, with the Roman Catholic Church as the prime target. The Synod appointed a committee to go into the whole matter. This committee, however, failed to report either at the Synod of 1899 or at the Synod of 1902. At the Synod of 1902 a new committee was appointed and this committee brought a rapport before the synod of 1905, recommending that the mentioned words in article 36 be deleted. The Synod accepted their rapport and decided to delete the words.

(ii) However, many members in the Reformed Churches (Gereformeerde Kerken), amongst whom also members of the committee who helped to compile the report, theologians like Hoedemaker, Haitjema and Van Ruler from the Dutch Reformed Church (Nederlands Hervormde Kerk) and also churches like the Reformed Churches of South Africa and the Christian Reformed Churches of North America, were not satisfied with the solution of 1905. They felt that the deletion of the words in no way altered the content and meaning of the article; a whole new wording was necessary. They were also of the opinion that the wording which still remained, conveyed a specific historic meaning, namely that the state had to uphold and keep pure one specific church in distinction from all other churches and sects with the result that the state still had the right to intervene in the affairs of churches – to further the work of one and forbid the work of the other.

(iii) There were also those who felt that the wording of article 36 must remain unchanged. They understood article 36 in such a way that it made a clear distinction between the civil and the spiritual responsibility of the state. This meant that the means that the state had for the civil government could not be applied to the church. With regard to the church the only duty of the state was to take note of the existence of the church and to guarantee that its sacred ministry could be exercised. They understood the words “removing and destroying all idolatry” to indicate what the result would be if the state upheld the possibility for the sacred ministry. In other words, if the state allowed the sacred ministry to be exercised that would result in the removing and destroying of all idolatry. For them there was no conflict in the unchanged maintaining of article 36 and the separation of church and state as well as freedom of conscience (Polman, *Woord en Belijdenis*, 306).

(iv) The whole discussion in the Reformed world, subscribing to the *Confessio Belgica*, after 1905 on the relationship between church and state lead to the Reformed Ecumenical Synod of 1949, meeting in Amsterdam, making the following unanimous declaration:

In the matter of the relation of Church and State Synod declares:

A. That, in agreement with the confession of the churches represented in its midst, it maintains that the magistrate is instituted by God and is endowed with power, in order that it, on its part and within the limits set for its authority, promote the maintenance of human life and its development in agreement with both tables of the law of God;

B. That consequently the magistrate is called to protect the preaching of the Gospel and all the holy service of God with all the means given it by God, in order that freedom of conscience to serve

God according to His Word be guaranteed and every anti-Christian power which would threaten the church in the exercise of its holy ministrations be resisted and prevented.

C. That the church shall recognise and honor the magistrate in this its God-given power and service; that it shall faithfully proclaim the full demand of the Gospel, as well for the life of the magistrates as for that of its subjects, and shall be mindful of the apostolic injunction to make supplications, prayers, intercessions and thanksgivings for all men, for kings and for all that are in authority, that we may lead a quiet and peaceable life in all godliness and honesty.

D. That the magistrate, under penalty of forsaking its holy office and itself falling into tyranny, should forbear assuming the right and the power of the only King of the church Jesus Christ, who from heaven rules and protects and once shall completely save his church; so that the church with its officers in all that has been given and entrusted to it as its task and privilege by its King owes allegiance and responsibility to Him alone, and shall for the coming of His kingdom and the overthrow of the kingdom of the antichrist have its expectation fixed upon the power of His Spirit and the revelation of His glory (Acts of the Reformed Ecumenical Synod of Amsterdam, 1949, art 66, 29-30).

In the resolution that the Synod took after the Declaration it was decided, amongst other matters concerning the whole issue, "that Art XXXVI of the Netherlands Confession therefore in a few important sub-points cannot be judged to express in a fully satisfactory and unequivocal way the reformed witness in regard to the important matter of the relation of Church and State" (Acts of the Reformed Ecumenical Synod of Amsterdam, 1949, art 66, 30). Synod also decided "to give notice of this resolution to all the churches represented at this assembly, besides to all the churches which have accepted the Netherlands Confession as their creed, with the request that they inform a subsequent Reformed Ecumenical Synod of what they may have decided in this matter" (Acts of the Reformed Ecumenical Synod of Amsterdam, 1949, art 66, 31).

The General Synod of the Reformed Churches of the Netherlands meeting in Rotterdam in 1952 responded to the invitation and accepted a new wording for article 36 and sent it to the Reformed Ecumenical Synod of 1953 in Edinburgh. At the Reformed Ecumenical Synod of 1963 at Grand Rapids, an English translation of the proposed wording reads as follows:

And being called in this manner to contribute to the advancement of a society that is pleasing to God, the civil rulers have the task, in subjection to the law of God, while completely refraining from every tendency toward exercising absolute authority, and while functioning in the sphere entrusted to them and with the means belonging to them, to remove every obstacle to the preaching of the gospel and to every aspect of the divine worship, in order that the Word of God may have free course, the kingdom of Jesus Christ may make progress, and every anti-Christian power may be resisted (Acts of the Reformed Ecumenical Synod, 1963, 42).

At the Synod of 1968 held in Amsterdam it is reported that of the eight member churches of the Reformed Ecumenical Synod, one church decided to retain the original version, two referred it to study committees for further study, two decided not to adopt the proposed revision, while three churches, two in the Netherlands and the Christian Reformed Church of North America, responded favourably towards the proposed wording (Acts of the Reformed Ecumenical Synod, 1968, 351-352). It seems then that while article 36 of the *Confessio Belgica* remained as it is, the unanimous Declaration of the Reformed Ecumenical Synod of 1949 is an authoritative interpretation for the member churches of the Reformed Ecumenical Synod.

In conclusion to this paragraph on the view of Reformed Churches on the freedom of religion and the task of the state in a plural society, attention can once again be focused on point B of the unanimous Declaration. According to this Declaration it is the task of the state to guarantee freedom for the church

- to be able to preach the Gospel;
- to serve God with a free conscience according to his Word, and
- to resist and prevent any anti-Christian power which would threaten the church in the exercise of its holy ministrations.

In effect this entails a separation of church and state, not in a total manner but in a manner where the state within the boundaries of its power guarantees freedom of religion for the church. However, in the light of the arguments regarding article 36 which has just been followed, as well as in the light of the reality of plural societies, it is clear that the task of the state to guarantee this freedom of religion cannot pertain only to one church alone; it must also pertain to the plurality of churches and religions within the boundaries of the state. “The modern democratic state cannot do otherwise than to take into account the separation of church and state and guarantee freedom of religion for all its citizens” (“Die moderne demokratiese staat kan feitlik nie anders as om van die skeiding tussen kerk en staat uit te gaan en die vryheid van godsdiens vir alle burgers te waarborg nie – Jonker 1994:86). This in no way diminishes the responsibility of, for instance, a reformed church to state within this situation of freedom of religion for all citizens, church denominations and religious groupings, its conviction that the whole of life – also political life – should be conducted in accordance with the Word of God; to confess that the authorities are instituted by God to curb and punish all evil; to confess that it expects the state to provide protection for the church and to serve the coming of the kingdom of God in the manner in which it as a state has to do it, and to confess that it as church expects this of all authorities irrespective of whether they are Christian or not (Jonker 1994:87). For the church this is the principle of freedom of religion. On the other hand, while the church expects this from the state it cannot expect it for itself alone. A reformed church must realise that the state must grant the same freedom to all other Christian denominations and religions within the limits of its authority.

#### 4. OTHER VIEWPOINTS ON FREEDOM OF RELIGION

Freedom of religion has been defined in many ways. Above it has been seen as it is described from the confessional point of view of reformed churches as the right to be able to preach the Gospel, the right to serve God with a free conscience according to his Word and the right to ask from the state that it will resist and prevent any anti-Christian power which would threaten the church in the exercise of its holy ministrations (Acts of the Reformed Ecumenical Synod of Amsterdam, 1949, art 66, 29).

In the **Civil Code of the Netherlands** freedom of religion entails the freedom of churches and religious groups to organise themselves (*Burgerlijk Wetboek*, art 2), while in **Germany** the basic content of freedom of religion is the right of churches and religious groups to self-determination (Robbers 1996:60). Within the laws that are valid for all, every religious community in Germany can independently regulate his own affairs, covering things such as religious dogma and teachings, making official appointments religious services, the organisation of charitable activities, matters concerning important parts of the relationship between employer and employees and data protected. These matters are in no way the only matters to which the right of self-determination apply in Germany. In Germany “a church’s right to self-determination is not restricted to a

narrowly drawn field of specifically ‘ecclesiastical activities’” (Robbers 1996:63). The idea of freedom of religious practice extends to preserve the right of self-determination to other areas that are also based or founded upon religious objectives, such as the running of hospitals, kindergartens, retirement homes, private schools and universities. This of course means that in Germany, and also in the Netherlands (Bijsterveld 1996:218) the right to self-determination is granted to churches, as well as to their legally independent parts. It also affects the jurisdiction of the church because the jurisdiction of the church is exclusively the church’s own affair and internally judged church matters are not reviewed by public courts (Robbers 1996:64).

In the **Constitutional Court of South Africa** freedom of religion has been described as “the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest belief by worship and practice or by teaching and dissemination” (S v Lawrence; S v Negal; S v Solberg 1997 (4) SA 1176 (CC), 1997 10 BCLR 1348 (CC)). In his publication, *Freedom of thought, conscience and religion* (in M Robertson (ed), *Human Rights for South Africa*, 123-130. Cape Town: Oxford University Press) **Kearney** argues that religious freedom means the right to express one’s religious belief, both in private and in public, freely in the form of teaching, practice, worship and observance. “‘Teaching’ includes the right to give religious instruction, especially to the young, and the right to run educational institutions including schools, colleges and even universities. ‘Practice’ includes the freedom to carry out the beliefs and instructions of a particular religion. ‘Worship’ includes the right to gather and pray and to hold religious services in public and in private. ‘Observance’ includes the right to carry out requirements of one’s religion about special days or seasons on which certain religious duties are to be performed” (Kearney 1990:123) (quoted from J Kilian (ed) 1993:38).

## 5. FREEDOM OF RELIGION AS A CONSTITUTIONAL RIGHT AND THE FRAMEWORK OF LAWS

The question can indeed be asked what the extent of freedom of religion is that churches can call upon in a democratic pluralistic society where freedom of religion is guaranteed by the Constitution. In South Africa, for instance, this freedom is guaranteed in articles 15 and 31 of the Constitution. Section 15(1) of the Constitution reads: “Everyone has the right to freedom of conscience, religion, thought, belief and opinion,” while article 31 of the Constitution reads: “Cultural, religious and linguistic communities: (1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community – (2) to enjoy their culture, practise their religion and use their language and, (b) to form, join and maintain cultural religious and linguistic associations and other organs of civil society. (c) The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights” (Constitution of the Republic of South Africa, Act 108 of 1996). It often happens that the right to freedom of religion is guaranteed in the Constitution of a country, but that this Constitutional right is not transcribed into the different fields of law that apply to churches and other religious communities. It is therefore important to note that a Constitution that guarantees freedom of religion provides only the fundamental framework for the freedom of religion. Further institutional guarantees for the application of the freedom of religion are therefore necessary. In the first instance this can certainly be seen as the responsibility of the Legislature to guarantee this in the various fields of the law. However, in a pluralistic society churches and other religious groups certainly also have a responsibility in this regard. Churches and religious groups will have to co-operate with the Legislature to make sure that the Constitutional guarantee of freedom of religion is also guaranteed in the various areas where laws are made that have implications for

churches and religious groups (Bijsterveld 1996:214). This of course has the implication that churches will have to co-operate with each other and will also have to go into discussion with other religious groups on issues that concern them all.

The constitutional right of freedom of religion can impact on various fields of law and the resulting rights and responsibilities of churches and religious groups within the ambit of those fields, such as, for instance, laws relating to the legal status of entities; the right to religious education; labour law relations; laws relating to the financing of churches; laws concerning religious assistance in public institutions; the legal position of the holders of a spiritual office, and marriage practices. This presentation will only give attention to freedom of religion and religious education.

## 6. FREEDOM OF RELIGION AND RELIGIOUS EDUCATION

### 6.1 Kearney

We have already referred to the viewpoint of Kearney that freedom of religion entails amongst other the right to teaching. Teaching includes the right to give religious instruction, especially to the young, and the right to run educational institutions including schools, colleges and even universities (Kilian 1993:38).

### 6.2 The Netherlands

In the Netherlands freedom of religion with regard to public authority education means that public authority education must be given with respect to everyone's religion or belief. This is interpreted as a positive attitude towards religion. Attention must be paid to the different religious values but then on a voluntary basis. Freedom of religion regarding education also means the freedom to found a school, determine its character and to administer it. These schools are financed by the state as long as they meet certain educational standards and comply with the financial conditions. Private schools may also set loyalty conditions with regard to denominational views. The admission of pupils may also be subject to such conditions.

### 6.3 Germany

In Germany religious education in public schools, with the exception of non-confessional schools, is a standard subject. Notwithstanding the states' right to visitation, this education may be conducted in accordance with the guidelines of the religious communities. No teacher is obliged to teach religious education. The parent or the guardian of a child has the right to regulate the participation of their child in religious education up to the age of twelve. After the age of twelve the parental decision may not be in conflict with that of the child. After the age of fourteen the children may decide for themselves. Because religious education is to be a standard subject in schools it is not permissible to put it into a position of simply a minor or an optional subject. The content of religious education is to be decided by the confessional teachings of the relevant religion. Upon reaching the minimal number of students – six to eight – a public school is obliged to offer corresponding religious education (Robbers 1996:65).

### 6.4 The current situation in South Africa

6.4.1 In a 1999 report on the 2005 Curriculum on education a committee on religious education proposed that state school governing bodies be given the right to provide the religious education that meets their particular understanding of the term "religious education". The proposal read as follows:



Religious education: Most of the controversy regarding the provision of religious education in South African schools has arisen out of different understandings of the term **Religious Education**. Broadly speaking there are two ways of understanding it, although it is important to acknowledge that within these two categories there are variations and nuances. The categories are:

- educating learners to be religious; and
- educating learners about religion and religions.

In order to meet the requirements of the different positions held by the committee members and the broader South African Community, we have agreed to accommodate both these understandings of the nature of religious education in our policy proposal, thereby making it possible for individual schools to provide the religious education that meets their particular understanding of the term, providing that, in doing so they do not violate the Constitutional Rights of learners or educators in their school community (Religion in Curriculum 2005:6).

6.4.2 On 30 July 2001 the Minister of Education, Prof Kader Asmal, MP released a *Draft Revised National Curriculum Statement* for public comment. The terms of reference from the Cabinet for the drafting of this Draft was “The Development of a National Curriculum Statement, which must deal in clear and simple language with what the curriculum requirements are at various levels and phases ... must also address concerns around curriculum overload and must give clear description of the kind of learners expected at the end of the General Education and Training band” (Statement by Prof Kader Asmal on the Release for Public Comment of the Draft Revised National Curriculum Statement, 30 July 2001).

6.4.3 The Draft Document identifies eight Learning Areas, one of which is Life Orientation (Draft Revised National Curriculum Statement, 4): “The words ‘Life Orientation’ capture the essence of what this Learning Area aims to achieve. It guides and prepares learners for life and its possibilities ... Life Orientation is central to the holistic development of learners. It is concerned with the social, personal, intellectual, emotional, spiritual and physical growth of learners, as well as the way in which these facets are interrelated. The central focus is the development of self-in-society. The Learning Area’s vision of individual growth is part of the effort to create a democratic society, a productive economy and improved quality of life” (Draft Revised National Curriculum Statement, 12). With regard to social development as part of Life Orientation the document then states: “In a transforming and democratic society, personal development needs to be placed in a social context so as to develop tolerance, the acceptance of diversity and mutual respect, and active commitment to democratic values. To address these issues, this Learning Area will cover belief systems, religious and constitutional rights and responsibilities, relationships and cultural understanding” (Draft Revised National Curriculum Statement, 14). In Grade 4 the learning outcomes are described as: “The learner is able to demonstrate an active commitment to constitutional rights and social responsibilities, and show sensitivity to diverse cultures and belief systems,” while the assessment standards entail to be able to describe two values from at least four belief systems in South Africa (Draft Revised National Curriculum Statement, 38). In Grade 8 the assessment standards entail the identifying of at least ten values from each of four belief systems in South Africa and in Grade 10 the ability to discuss similarities and differences in at least four belief systems and how these influence society (Draft Revised National Curriculum Statement, 53).

6.4.4 According to press reports the Minister told Parliament (when he introduced the new Draft Revised National Curriculum Statement) that he foresaw that in future religious education would be more of a comparative study of different religions than education of a specific religion (*Die Burger*, 12 June 2001, 9). He was also of opinion that the exercise of religion must rather take place after school hours or at home or in churches. He also stated that no discrimination must take place on grounds of religion (*Die Burger*, 12 June 2001, 9). Other sources described this approach as religion education rather than religious education (*Die Burger*, 12 June 2001, 9).

## 7. EVALUATION AND CONCLUSION

7.1 It is respectfully put that the current proposals and statements regarding religious education in South African Schools are not in line with the 1999 document on religious education. In that document religious education was understood to mean either to educate learners to be religious or educating learners about religion and religions. In that document both these understandings of religious education were accommodated, making it possible for individual schools to provide the religious education that meets their particular understanding of the term provided that in doing so they do not violate the Constitutional right of the learners or educators in their school community. In the current proposals provision is only made for the second understanding of religious education. This is a serious deviation from a position, which was acceptable for the Christian community of South Africa.

7.2 The current proposals are also not in line with what leading democracies of the world understand under freedom of religion and its effect on religious education. Both in the Netherlands and in Germany freedom of religion with regard to religious education means the freedom to give religious education with respect to everyone's religion or belief. Attention can be paid to different religious values, but then on a voluntary basis. In Germany it explicitly means that the religious education may be conducted in accordance with the guidelines of the religious communities. The content of religious education is to be decided by the confessional teachings of the relevant religion and upon reaching the minimal number of students – six to eight – a public school is obliged to offer corresponding religious education.

7.3 It is also put that the current proposals in South Africa on religious education are contrary to the understanding of freedom of religion of a large number of reformed churches all over the world. Member churches of the Reformed Ecumenical Council understand freedom of religion to mean that the church will not be prevented to exercise its holy ministrations. The religious education of its members either by office bearers of the church itself or by school or teachers approved by the church is certainly part of these holy ministrations of the church. By preventing churches or schools from doing this as part of the school education of their members is certainly a violation of what a large number of reformed churches all over the world understand under freedom of religion.

7.4 The current proposals are also contrary to what the Dutch Reformed Church, as one of the largest churches in South Africa, requires for its members. In article 67.3 of its Church Order (1998) the Church explicitly states that it will endeavour to have Christian education and teaching for its children and young people and that this education must entail responsible standards and curricula. The current proposals make it impossible for this Church to realise this goal for its members.

7.5 Lastly it can be pointed out that the current proposals are contrary to the views of leading academics on religious education. Prof Johan Beckmann from the Department of Education Management at the University of Pretoria is of the opinion that if a community is satisfied with the education of the Christian faith it should be left untouched. Research in the Northwest Province has pointed out that the large majority of schools prefer a Christian basis (*Die Burger*, 12 June 2001, 9). Prof Pieter de Villiers, chairman of the South African Society for Bible and Religious Instruction, is of the opinion that the current proposals are contrary to the opinion of the vast majority of South Africans. As pointed out before, Prof Kearney sees religious freedom explicitly as “the right to express one’s religious belief, both in private and in public, freely in the form of teaching, practice, worship and observance. ‘Teaching’ includes the right to give religious instruction including in schools, colleges and even universities.” The current proposals will take away this right in schools and will thus be a violation of freedom of religion in South Africa.

7.6 Plurality in many forms in the world in which we live, is a reality that has to be taken into account by all concerned – especially by the state and also by religious and cultural groups.

7.7 Within the plural make up of a society religion is a very powerful force. It has been found that religion can be responsible for much of the conflict in societies. Proof of this can be found throughout history but also in current day situations. It is therefore important that countries find a way to cope with the plurality in their societies and especially then the religious diversity with which they have to cope.

7.8 In the past there was uncertainty whether churches subscribing to the *Confessio Belgica* impossible for this Church to realise this goal for its members.

7.9 Lastly it can be pointed out that the current proposals are contrary to the views of leading academics on religious education. Prof Johan Beckmann from the Department of Education Management at the University of Pretoria is of the opinion that if a community is satisfied with the education of the Christian faith it should be left untouched. Research in the Northwest Province has pointed out that the large majority of schools did not understand article 36 of the Confession as in contradiction with freedom of religion. In the said Declaration churches ask from the state the guarantee for the freedom to preach the Gospel, for the freedom of conscience to serve God according to his Word and for the guarantee that every anti-Christian power that would threaten the church in the exercise of its holy ministrations will be resisted and prevented. The consequence of this request was that what reformed churches asked for themselves from the state is what the state in a pluralistic society must also grant to other religions – freedom of religion, which also entails the freedom to educate children in a specific religion always within the parameters of the Constitution.

7.10 Freedom of Religion as a Constitutional right is very important for churches and religious groups in a pluralistic society. However, it remains very important that the Constitutional right to freedom of religion must be transcribed to all applicable fields of law such as the areas mentioned above and specifically to the area of religious education in schools. For this to happen co-operation between church and state, between churches and also between churches and other religious groups is important. This submission is respectfully made in an attempt to do just that.

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