

Research articles

Human rights education as a framework for transmitting religion as cultural heritage

Eva Lindhardt

University College Copenhagen, Denmark, evli@kp.dk

Abstract

The child's right to freedom of religion and belief and fundamental principles such as equality and non-discrimination constitute an international frame for religious education (RE). However, these rights might be challenged when RE is allocated a major role in transmitting the majority religion as national cultural heritage and national identity. This article will explore and discuss this issue. It is based on an analysis of the transmission of Christianity as cultural heritage in the national RE curriculum for primary and lower secondary schools in Denmark. The article argues that principles from human rights education could provide a basis for a more pluralistic, objective, and critical approach to RE, thus enabling the classroom to function as a community of disagreement.

Keywords

Human rights education, religious education, cultural heritage, freedom of religion and belief, non-discrimination, national identity

Introduction

The increase in support for national conservative parties in Europe has re-launched the debate on the relation between religion and national identity. With reference to migration-related religious diversity this position argues for a monoculturalism where a stable community depends on shared values (Iversen, 2014; Erdal & Strømsø, 2018), often considering these values to be founded on Christianity. Some national conservatives even advocate withdrawing from certain human rights conventions, seeing such international obligations as a threat to national sovereignty (Jackson, 2018; Christoffersen, 2016).

The linking of religion and national narratives is widespread and has a long history. Historically, the public school has served as a crucial platform for the inculcation of both national and religious identity (Jensen, 2005; Kjeldsen, 2019a), and religious education (RE) has in particular implied an enculturation of the dogma, norms and practices of the majority religion. In spite of supranational factors such as increasing plurality, secularisation and globalisation challenging the role of RE in nation building, recent European research shows how the new social patterns meet 'old' institutional structures, and that church-state relations in national contexts still have a major effect on how RE is structured (Bråten, 2014; Franken, 2021).

Even though transmitting cultural heritage is still part of subjects such as history and RE in most public schools in Europe, it is challenged by today's pluralistic and religiously diverse societies. For an analytic purpose, the attempt to meet these challenges can be divided into two very general approaches. Firstly, a monocultural approach emphasising social cohesion which promotes the majority religion's values and traditions as the basis of a cultural citizenship. This approach can make it difficult for religious minorities to be recognised as equal members of society (Erdal & Stømsø, 2018; Nestby, 2019). Secondly, a critical multicultural approach to RE focusing on social diversity. This position emphasises intercultural understanding and knowledge of religious diversity and is critical of the relation between nation and church. It educates for a democratic citizenship based on human rights norms and is often linked to global and cosmopolitan citizenship (Osler, 2015; Osler & Starkey, 2018; Iversen, 2017).

The structuring of RE in different national contexts reveals different solutions to the problem of balancing transmission of the majority religion as cultural heritage with the inclusion of other outlooks and religious diversity (Franken, 2021; Bråten, 2014). To secure minority rights and pluralism, international human rights obligations such as the right to freedom of religion and belief (FoRB) and non-discrimination form a legal framework for the state's interest in RE. Recent research reveals how human rights education (HRE) can contribute to an impartial and inclusive RE (Zembylas, 2014; Jackson, 2018; Andreassen, 2013). To contribute to this discussion, this article illuminates some of the human rights challenges related to the state's

reproduction of specific religio-cultural traditions and norms in a pluralistic and democratic society by analysing how national narratives are integrated into RE in Denmark. The analysis will focus on two key questions: 1. How is the child's right to FoRB and the parents' right to raise their child in their own faith safeguarded when RE includes transmission of the majority religion as cultural heritage? 2. How can HRE principles promote an inclusive pedagogical RE approach that provides a basis for the classroom as a community of disagreement?

Narratives and imagined communities in nation-building

Nation-building through schooling is based on a cultural approach to citizenship and, in many cases, the assumption that stable communities need shared values (Jerome, Liddle & Young., 2021; Osler, 2015; Iversen, 2014). Although modernity and pluralism have challenged society's shared values, the relation between state and church still influences the structure and content of RE in European countries (Bråten, 2014; Franken, 2021). RE scholar Oddrun Bråten, uses the concept of national imaginary: 'A national imaginary is the most common ideas about a nation's culture and history. This is important to many people's (national) identity and may be a central ingredient of social cohesion.' (Bråten, 2014, p. 306).

The national imaginary is often transmitted as cultural narratives. According to Paul Ricoeur's theory of narrative identity, humans experience time, both past and future, by mentally organising it into a coherent narrative structure. Explaining this process, Ricoeur presents a threefold conceptualisation of mimesis: prefiguration, configuration, and refiguration (Ricoeur, 2017). This conceptualisation illustrates how narrativisation is related to cognition, structuration, and hermeneutics. Hermeneutics concerns the intersection between narratives and a person's own world, which is particularly interesting when cultural heritage is transmitted as collective narratives. Religion in itself can be seen as a narrative phenomenon (Jensen, 2008, p. 13), as written and unwritten narratives are used to create not only myths, but also common values, identities, and patterns of consciousness (Bogisch & Lindhardt, 2020, p. 46). According to scholar of religion Armin Geertz, 'Narratives regulate behaviour and organise moments of experience, so that the body is connected to and anchored in a temporal course' (Geertz, 2004, p. 53). This applies not only to religion, but to other domains as well, such as narratives about national culture.

The rise of nations is closely connected to the decline of religion as a socio-political power. According to Benedict Anderson, 'it would be short-sighted, however, to think of the imagined communities of nations as simply growing out of and replacing religious communities and dynastic realms' (Anderson, 2016, p. 22). Anderson defines a 'nation' as an imagined community whose members are generally unacquainted and 'yet in the minds of each lives the image of their communion' (p. 6). The printing press and the publication of books in local

languages served to standardise the vernacular. A common language fostered the image of a community connected to a particular territory with a common history, customs, values, and attitudes (pp. 43–46). Anderson emphasises that defining the nation as an imagined community does not imply that the nation is false or its political effect any less real (p. 6).

The public school is a central place for constructing the narrative of an imagined national community (Iversen, 2014; Osler, 2015; Jerome et al., 2021), and RE is often expected to contribute to this. Transmitting cultural heritage and nation-building through schooling implies a perspective of power and ‘the right to narrate’ and is linked to the relation between majority and minority as well as to the relation between collective narratives and individual ones. In a school context these relations should entail a pedagogical awareness, as including the learners’ own narratives may increase their chances of finding their own places within an inclusive, collective history (Osler, 2015, p. 14; Erdal & Stømsø 2018). This pedagogical awareness includes attention to human rights issues in RE.

Human rights issues related to transmitting religion as cultural heritage

The power aspect of transmitting the majority religion as cultural heritage in RE raises issues concerning the state as the legislator of the educational system, the safeguarding of parents’ right to raise their child in their own faith, and the child’s right to FoRB.

Human rights as an international framework for RE traditionally regulate three spheres related to the intersection of human rights and RE:

- 1) the parents’ right to choose education for their children in accordance with their own religion and philosophical convictions
- 2) the child’s freedom of thought, conscience, and religion
- 3) the educational goals of the full development of the human personality and the strengthening of respect for human rights

Based on the right to FoRB, these perspectives express human rights norms and principles such as non-discrimination and equal treatment and reflect a view of respect for and tolerance of others (Lindhardt & Decara, in press). Later in the article, when introducing HRE as a pedagogical approach, we will address the third sphere. Let us firstly address the first two ones.

As a fundamental human right FoRB is guaranteed in several human rights documents: e.g., the Universal Declaration of Human Rights (UDHR), Article 18 (United Nations, 1948); the International Covenant on Civil and Political Rights (ICCPR), Article 18 (United Nations, 1966a) and the European Convention of Human Rights (ECHR), Article 9 (Council of Europe, 1950). The child’s right to FoRB is explicitly mentioned in the UN Convention on the Rights of the

Child (CRC):

States Parties shall respect the right of the child to freedom of thought, conscience and religion...States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child. (United Nations, 1989, article 14)

By integrating the rights to freedom of thought and conscience the General Comment No 22, article 18 emphasises that FoRB includes not just theistic but nontheistic and atheistic beliefs as well as the right not to profess any religion or belief (United Nations Human Rights Committee, 1993). This is an important addition, in view of the increasing numbers of 'nones'—persons with no religious affiliation (Pew Research Center, 2018).

The parent's right to choose education for their children in accordance with their own religious and philosophical convictions is guaranteed in human rights conventions such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 13.3; and ICCPR, Article 18.4). In a European context, the most important instrument pertaining to FoRB, RE and the rights of parents is Article 2 of the Council of Europe Protocol No. 1 to ECHR:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions. (Council of Europe, 1950, p. 34)

A case brought against Norway at the European Court of Human Rights (ECtHR) illustrates how the state's interest in teaching majority religion is a potential source of conflict between the state and the parents' and child's rights. The case concerned the subject of Christianity, Religion and Philosophy (known as *KRL*), instituted in 1997 and from which only partial exemption was allowed (Folgerø and others v. Norway, 2007). Members of the Norwegian Humanist Association claimed the subject contained Christian preaching, and took their case to the ECtHR, They argued that *KRL* violated the right to FoRB (Council of Europe, 1950, p. 14) and that, since the subject breached Article 2 of Protocol No.1, the state violated the right of parents. In 2007, ECtHR ruled that denying full exemption from *KRL* violated the applicant's rights:

Against this background, notwithstanding the many laudable legislative purposes stated in the connection with the introduction of *KRL* in the ordinary primary and lower secondary schools, it does not appear that the respondent State took sufficient care that information and knowledge included in the curriculum be conveyed in an objective, critical and pluralistic manner for the purpose of Article 2 of Protocol No. 1.

Accordingly, the Court finds that the refusal to grant the applicant parents full exemption from the KRL subject for their children gave rise to a violation of Article 2 of Protocol No.1. (Folgerø and others v. Norway, 2007)

Although the subject was intended to encompass diversity and include different worldviews, the ECtHR emphasised the ‘qualitative’ difference between the teaching of Christianity and the teaching of other religions and philosophies in KRL (Lindhardt & Decara, in press; see also Jawoniyi, 2012; Andreassen, 2013; von der Lippe 2017). According to ECtHR RE caselaw, two main principles stand out: RE must respect parents’ religious and philosophical convictions; at the same time, it must ‘meet the criteria of objectivity, criticality [and] pluralism’ (Jawoniyi, 2012, p. 350; see also Hasan and Eylem Zengin v. Turkey, 2007; Appel-Irrgang v. Germany, 2009). Even though the subject content may conflict with some parents’ convictions, it is not a breach of ECHR if the curriculum and tuition are objective and pluralistic (Appel-Irrgang v. Germany, 2009). Thus, the state is not obliged to offer an education in accordance with the parents’ outlooks, but parents have the right to appeal if the school’s RE instructs the child to adopt one particular outlook and exemption is not possible (von der Lippe, 2017, pp. 90-91). These principles are further elaborated in The Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools (Organization for Security and Co-operation in Europe [OSCE], 2007, p. 72). The case from Norway illustrates that even when RE is formally non-confessional, as in the Scandinavian countries (Franken, 2021), there might be a grey zone between the transmission of religion as cultural heritage and a confessional education. To address this issue, the UN Special Rapporteur on FoRB has in the Rapporteur’s digest on freedom of religion and belief made a distinction between ‘information about religions or beliefs on the one hand and religious instruction on the other’ (UN Special Rapporteur on FoRB, 2011, p. 35). Religious instruction is defined as confessional teaching based on a religion’s tenets, whereas information about religions is non-confessional. However, the Special Rapporteur notes that if RE contains not only learning about religion but also learning from religion, it risks overlapping with religious instruction (p. 35; see also Lindhardt & Decara, in press).

The distinction between learning about and from religion was made by RE scholar Michael Grimmitt (1987, pp. 225–226). While learning about religion concerns knowledge and understanding of religion, learning from religion implies an existential dimension, where knowledge is related to the student’s own experiences and lifeworld (see also OSCE, 2007, pp. 45–46). Learning from religion has been criticised for lacking an academically objective approach to religion (Kjeldsen, 2019a, p. 17; see also Buchardt, 2008; Andreassen, 2013) and for causing religions to be approached qualitatively differently when the majority religion is the main religion the students should be learning from. This links the question of narrativity and transmission of cultural heritage with a pedagogical discussion about, not just *what* to

transmit but *how* and to *whom*.

Pedagogical approaches to transmitting cultural heritage

The scholar of pedagogy and education Dietrich Benner has elaborated a useful theoretical perspective on Bildung ('formation') that uncovers dilemmas related to transmitting cultural heritage and national values. Benner distinguishes two kinds of Bildung theories: affirmative and non-affirmative. Affirmative theories consider the aim of education is to transfer pre-formed doctrines to the next generation. Whether these doctrines are expressions of old traditions (e.g., religion) or new concepts (e.g., multiculturalism), an affirmative approach results in a normative-prescriptive teaching where predetermined objectives serve as a normative guideline (Benner, 2005, p. 22; Bogisch & Lindhardt, 2020). Affirmative education involves direct lecturing, rather than facilitating formation as a self-activity (Benner, 2005, p. 25). By contrast, the non-affirmative position focuses on the didactic educational process itself, stressing that there is no direct path from ignorance to knowledge, from inability to ability. Learning is never a simple affirmative action of acquiring predefined answers or values; it must allow the learners to raise new questions (p. 29). Transmitting religious traditions remains essential, but teaching must encourage a reflexive interaction with tradition, based on self-activity (p. 124).

The question of how transmission of collective narratives is linked to the formation of identity is closely connected to the pedagogical paradox: How can the child learn an intrinsic autonomy through external help (von Oettingen, 2001, pp. 143–144)? The scholar of pedagogy and education Gert J.J. Biesta illustrates this dialectic between socialisation and autonomy by characterising education as 'the beautiful risk' (2014), emphasising that education must never become a simple reproduction and that the interaction between teacher, students and content cannot be predetermined. Like Benner, Biesta advocates for the learner's self-activity and the development of critical thinking, but simultaneously underlines the school's part in socialisation by defining three important educational domains:

- qualification: the students gain knowledge, skills, and dispositions that will enable them to act in society—as workers, as citizens, and as part of a community.
- socialisation: the students become part of existing social, political, cultural, and perhaps religious orders, and they learn to act properly within these contexts.
- subjectification: the students develop autonomous and independent thinking and action. (Biesta, 2011, pp. 30-34)

Qualification and socialisation operate with a notion of human beings as culture-created, and subjectification of human beings as culture-creative. If education is to be more than simple

reproduction, one must take a dialectic approach integrating all three domains.

Applying the threefold prism to RE, Biesta unfolds how RE in the domain of qualification ‘has an important role to play in providing pupils and students with knowledge and understanding about religion, religions and the religious, and with the skills to use such knowledge and understanding wisely’ (Biesta, 2021, pp. 12-13). Socialisation in RE is a more complex domain, related to the discussion of inculturation, nation-building and national identity. ‘Socialisation can be understood in a rather ‘strong’ sense, where the point of socialisation is not that of providing children and young people with orientation into existing religious cultures, traditions and practices or religions.’ (p. 13). Biesta finds this affirmative approach problematic as it ‘treats students only as objects to be recruited not as subjects in their own right’ (p. 13) thus, advocating for a ‘weak’ sense of socialisation instead. The concept of qualification concerns ‘religion(s) from the outside’ (p.13), or what we might define as learning about religion. Socialisation does however, according to Biesta, also encounter perspectives from the ‘inside’ on meaning and experiences that relate to learning from religion, although he acknowledges that some prefer to exclude this perspective (p.13).

To avoid an affirmative approach Biesta’s last domain of subjectification must be included; students must be addressed as subjects, not objects, and encouraged to take a questioning and critical stance when cultural heritage is transmitted (p. 15).

The below analysis will focus on the organisation and curriculum content in RE in Danish primary and secondary schools. It seeks to illuminate key issues related to the parents’ and child’s FoRB and the state’s interest in dissemination of and enculturation to national narratives. The church-state relation has significance for the role religion is assigned in these national narratives.

Human rights issues related to the organisation of religious education in Denmark

In a study of the relation between church, state and RE in Europe, the scholar of philosophy Leni Franken shows how church-state models affect the organisation of RE. While France, with its tradition of *laïcité*, has no specific RE subject, most states with a mutual independence between church and state have a denominational RE. In countries with state churches ‘RE has become mainly *deconfessionalized* – and is thus organized in a non-denominational way in Lutheran and Anglican nations.’ (Franken, 2021, p. 3). One reason for this deconfessionalisation of RE is that churches in these states have functioned as state actors, and not as autonomous and independent organisations, making the shift to a non-denominational RE easier (Franken, 2021, p. 9). In Sweden and Norway, the church and state have recently been separated or partly separated, while the church-state model in Denmark

has not changed. The Evangelical Lutheran Church, Church of Denmark is supported by the state (The Constitutional Act of Denmark' § 4) and approximately 75% of the population are members. However, 48% of the population say they never or less than once a year go to church and 10 % go to church frequently (Andersen et al., 2019, p. 237).

In 1975 a non-confessional RE subject was introduced in Denmark, called *Kristendomskundskab* (Knowledge about Christianity), referring to Christianity but emphasising the subject's content to be knowledge rather than religious instruction. Today *Kristendomskundskab* is taught in grades 1-9 except when the Church of Denmark offers confirmation classes; this underlines the close tie between state and church. The Danish Education Act (§ 6), states that the main subject content is Evangelical Lutheran Christianity (2021). In grades 7-9, other religions and outlooks are also included. An exemption clause allows parents to withdraw their child from the class on condition that they teach RE themselves (§ 6). The Danish state does not systematically record the number of exemptions, but a study from 2006 revealed that only a minority of students, about 0.5 %, opt out (The Children's and Education Committee, 2016). The opt-out may be justified by religious as well as secular reasons.

An exemption clause in a non-confessional subject seems at first sight unnecessary, but it might be seen as providing additional protection against violating the child's and the parents' FoRB. No education is neutral, but questions of normativity, values and identity formation are posed in RE, since dilemmas of existential formation can occur. The Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools summarises the issue:

In short, the basic principle under international standards appears to be that teaching about religions and beliefs is permissible even if it is compulsory, so long as it is given 'in a neutral and objective way.' Moreover, non-neutral religious instruction is permissible if there are adequate opt-out provisions. The difficult questions, of course, are when is instruction sufficiently 'neutral', when are opt-out provisions adequate or necessary, and how should the opt-out requirements be structured. (OSCE 2007, p. 70)

However, the use of the exemption clause might also imply protection not of the child and parents, but of the state. Danish politicians have explicitly used the possibility of having to face a lawsuit at the ECtHR as an argument for preserving an RE exemption clause. In 2009, when several political parties proposed the exemption clause be removed, a former minister for education, Bertel Haarder, declared:

It is the enemies of *Kristendomskundskab* who want to ban hymn singing and prayers from the teaching. I can only imagine what the Humanist Association will do. They will immediately sue and say that then you must not do this and that. The exemption clause

is thus the safety valve that gives teachers of Kristendomskundskab the freedom to teach the children hymns and say the Lord's prayer. (Søgaard, 2009)

Despite this quote not being representative of Danish politicians, and religious instruction not being allowed in the RE curriculum at the time, the stance shows how an old structure, the exemption clause, imposed to safeguard the rights of the child and the parents, can be used for other purposes. From a human rights perspective, the question thus becomes what and, not least whom, an exemption clause protects and how to ensure the protection of minorities, not the majority. Debates on the exemption clause in Denmark are quite polarised. Some people, politicians as well as educators, advocate for abolishing it, arguing that RE is already a non-confessional subject based on knowledge, not preaching. Others defend the current structure, as it gives the possibility of keeping a subject mainly focused on Christianity. Yet others criticise the subject for assigning Christianity a special status and prefer an exemption clause until the subject is genuinely neutral and pluralistic (Strøm-Hansen, 2020). This stance is aligned with the principle from the ECtHR.

The above examples reveal that an exemption clause can serve different interests and does not necessarily promote an RE based on non-discrimination and religious diversity. Furthermore, it raises the question of how FoRB and non-discrimination are guaranteed in the national curriculum.

Human rights issues related to the curriculum content in religious education in Denmark

Evangelical-Lutheran Christianity is defined as the main content of RE in primary and secondary school (Danish Education Act, 2021, § 6). The RE curriculum includes aims related to Biesta's domain of qualification, such as 'knowledge about Christianity, other religions and outlooks and biblical narratives' as well as 'personal stance, co-responsibility and action in a democratic society' (Ministry of Children and Education, 2019, p. 7.), with the term 'personal stance' also opening for subjectification. The biblical narrative's role in socialisation is stressed and related to 'fundamental values in our cultural sphere' (p.7), thus emphasising the transmission of common values in RE. Personal formation is a key issue, as students should be able to 'understand and relate to the significance of the religious dimension to the individual's outlook and relationship to others' (p. 7.). The religious dimension is, in the guidelines, defined as humankind's inquiry into the basic human condition (p. 25) which links to children's attempts to find meaning in life experiences and the surrounding world (p. 25) and their perceptions and thoughts about existence, ethics, and religions. Hence, at first sight the guidelines express a non-affirmative approach that takes a pluralistic and multicultural society into account. In terms of the curriculum objectives, however, Christianity, including biblical narratives, is the only content for grade 1-6 and, in being so, the only religion to learn from.

The guidelines suggest a more multireligious approach where the teaching of biblical narratives includes Judaism in grades 1–3 and Islam in grades 4–6 (Ministry of Children and Education, 2019, pp. 33, 37), and provides the scope for including other religions at all grades:

Students gain throughout school gradually more and more detailed knowledge and understanding of the religious dimension through, inter alia, the work on fundamental values, main ideas and main features of Christianity and other religions. This gives them opportunities to compare across different religions and outlooks and opportunities to put their own thoughts and considerations into play. (Ministry of Children and Education, 2019, p. 28)

The discrepancy between curriculum objectives and guidelines reveals both a monocultural, national approach and a multicultural approach. The politically approved objectives reflect an understanding of Evangelical Lutheran Christianity as cultural heritage related to identity formation. However, guidelines and teaching materials written by educators include more religions and outlooks at all grade levels (Kjeldsen 2019b, pp. 138–151), thus reflecting the current religious diversity.

As mentioned above, ECtHR caselaw reveals two principles: 1) to practice respect for parents' religious and philosophical convictions; and 2) to meet the criteria of objectivity, criticality, and pluralism. Danish RE mainly addresses the first principle by offering the possibility of exemption, as the subject content objectives for primary school do not reflect a pluralistic approach. When it comes to objectivity, current Danish research problematises that the basic human condition is linked to Christian values and concepts and not to other religions (Kjeldsen, 2019b; Böwadt, 2009; Lindhardt & Decara, in press). Consequently, Christianity is given not only a quantitatively larger role in RE but also a qualitatively different one.

The study of different religions in grades 7–9 is related to an etic approach, focusing on learning about religion using comparative categories such as myth, rituals, salvation, sacred-profane and pure-impure. In contrast, the study of Christianity reveals a more emic approach, focusing on Christian concepts like creation, sin, guilt, doubt, faith, hope, forgiveness, and the Kingdom of God (Ministry of Children and Education, 2019, pp. 42–43). Several RE teaching materials show the same tendency (Kjeldsen, 2019b). The purpose of teaching biblical narratives is related to reflection on life issues, while the teaching of other religions is primarily aimed at creating a mutual understanding and an awareness of diversity and dynamic interpretive communities (Ministry of Children and Education, 2019, p. 43).

The discrepancy between curriculum objectives and guidelines is an expression of how 'new social patterns' such as plurality and religious diversity are dealt with in 'old structures' (Bråten, 2014). Although recent research questions the lack of religious diversity and the qualitatively different approach to religions in Danish RE (Kjeldsen 2019b, Buchardt 2014,

Böwadt 2009), there has been no political will to include other religions in the objectives for grades 1-6.

A human rights perspective on transmitting majority religion as cultural heritage

The analysis of the Danish RE curriculum reveals some key issues. The first concerns the safeguarding of parents' and child's rights to FORB and learning from religion when the majority religion is the only mandatory religion taught. The second concerns treating religions as qualitatively equal, even though they are not necessarily quantitatively equal, and the intersection between a monocultural and a multicultural approach.

HRE scholar Audrey Osler advocates for an education based on critical multiculturalism, emphasising how even a multicultural approach may pose the risk of promoting an essentialist understanding of minorities:

In the context of schooling, students may be ascribed an identity by teachers or education policymakers. This has happened all too often, in the context of multicultural education, when children have found themselves in classrooms where the teacher is expounding their cultures, from the mainstream educator's perspective. (Osler, 2015, p. 21–22)

Instead, Osler suggests educating for a cosmopolitan citizenship where people have the capacity to act in diverse communities at the local, national, and global levels (Osler & Starkey, 2018). Addressing the same issues, the scholar of religion Lars Laird Iversen criticises both monoculturalism and multiculturalism for presuming shared values as constitutive of communities (Iversen, 2014, p. 79; see also Jerome et al., 2021). In contrast, Iversen introduces the concept of a community of disagreement; this is a group of people whose opinions differ but who share a common challenge or problem (Iversen, 2014, p. 12). Thus, Iversen argues that shared challenges rather than shared values are constitutive of communities. According to Iversen, the concept communities of disagreement can be considered an ideal type that is useful at three levels in RE:

- 1) to nuance underlying premises for RE's political legitimisation
- 2) to represent religions in a way that safeguards their inner diversity
- 3) to describe a pedagogical ideal for the classroom. (Iversen, 2017, p. 101)

The first level deals with the subject aim and its connection to political agendas as nation-building: 'When concrete values are reduced to examples, and particular traditions are lifted up as the "fundamental values" of the school, this can be interpreted as part of a national identity policy' (Iversen, 2017, p. 106). The argument is frequently heard that participants in a

well-functioning multicultural society need a stable cultural identity before they are ready to meet other cultures (p. 106). Although Iversen is sceptical of this understanding of culture, he criticises the concept of imagined communities, underlining that cultures are not just imaginary but real (p. 106). Even though Iversen is not explicitly referencing Anderson, it should be emphasised that Anderson's concept entails imagined—not imaginary—communities, as the term 'imagined' refers not to false, but to created, or what one might call socially constructed ones (Anderson, 2016, p. 6; see also Hylland Eriksen in Breuilly, 2016, p. 4). Thus, Anderson seeks to problematise an essentialist understanding of culture and religion, the same problematisation as Iversen's second point concerning the danger of teaching portraying religions as homogeneous phenomena.

The scholar of RE Robert Jackson claims that we always meet religion as something already interpreted: 'Thus, terms such as "Hinduism" or "Christianity" as examples of "religions" should not be taken as referring to bounded and incontestable systems, but to the various construction of each religious tradition made by different insiders and outsiders' (Jackson, 2004, p. 64). Iversen further focuses on the relationship between representation and reality, describing religions as communities of disagreement held together by elements other than agreement on morality and values. They may be liturgical communities, ritual communities, discussion communities, social communities, or have many other sources of community (Iversen, 2017, p. 111). In addition, Iversen describes a pedagogical ideal by regarding the classroom as a community of disagreement, attempting to avoid both the assimilatory approach of monoculturalism and an essentialist multiculturalism (Iversen, 2020, p. 3). The question is whether human rights and HRE can function as a pedagogical frame for the classroom as a community of disagreement.

Human rights education and religious education

In Article 26, the UDHR mentions the right to education and stresses, by extension, how education should include central human rights norms and principles. In addition, some UN legally binding instruments, such as the ICESCR, express a similarly worded obligation in Article 13.1:

The States Parties ... agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. (United Nations, 1966,b)

Later, the UN Declaration on Human Rights Education and Training (DHRET) elaborated and further specified this obligation. Divided into three dimensions, the declaration addresses:

- 1) *What* should be learned: education *about* human rights, with knowledge and understanding of human rights norms and principles as the main content.
- 2) *How* it should be learned: education *through* human rights, with a focus on a learning environment where both the learners' and educators' rights are respected.
- 3) *Why* it is important: education *for* human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others (United Nations, 2011, article 2.2, 2011, article 2.2).

Although the three dimensions are connected and, in practice, can only be separated artificially, examining them separately may be analytically beneficial. Recent research in several countries has shown that primary and secondary schools especially lack the knowledge dimension, i.e., teaching *about* human rights, both in the curriculum and in the concrete teaching (Struthers, 2015, pp. 57–58; Jerome et al., 2021, p. 9). Moreover, it is unclear 'what we should expect to be sufficient knowledge, nor indeed what an informed student should understand about human rights' (Jerome et al., 2021, p. 9). Although schools may implement teaching *through* and *for human* rights, at least in an abstract manner to emphasise non-discrimination and tolerance, students are often left unaware of how these concepts are linked to human rights norms and principles and the human rights system. This lack of knowledge could also impact their ability to claim their rights and promote rights in society.

Relating HRE 'to the "deep knowledge" of personal reality as well as the "hard knowledge" of factual content' is fundamental for ensuring that learners view HRE not as 'the discrete, theoretical concepts of some abstraction known as "human rights", but as the integral aspects of their lives'. (Struthers, 2015, pp. 57–58). An obvious way to link 'deep knowledge' to 'hard knowledge' in RE is to include FoRB both as a field of knowledge and as a framework for classroom conversations. As Jackson argues, 'students need to understand that the principle of freedom of religion or belief gives individuals the right to hold a particular belief, even if others do not share it' (Jackson, 2014, p. 56). This implies that teaching about human rights in RE must contain a consideration of the importance of religious identification and include a historical and political perspective (Zembylas, 2014).

The principle of non-discrimination mentioned in several human rights conventions could similarly be applied and used to focus on the intersections between FoRB and non-discrimination in terms of gender, sexual orientation, outlook, etc. This is not an easy task, as there might be tensions between the values of human rights and some interpretations of religion, and the teacher needs to be aware of the diverse relationships between human rights and religious positions (Zembylas 2014; Nestby 2019). In addition, the teacher needs to

consider the pedagogical approach—how to teach in a way that respects both the rights of the students and the teacher.

Education *through* human rights involves establishing learning environments characterised by respect for each child's dignity and rights. It includes promoting equal opportunities for all, inclusion, non-discrimination, and equal treatment, as stated in the DHRET, 2011, article 4 (United Nations, 2011). To prevent these ideals from simply remaining abstract, they must be incorporated in didactic planning. With regard to RE, this impacts the choice of didactical activities as well as content. Particular areas of attention include the possibility of student involvement in the activities, educational differentiation to promote equal treatment, and a non-affirmative approach allowing students to raise questions and improve their critical thinking skills. Yet another area of attention is the subject content and how the texts and perspectives selected enhance students' understanding of the diversity among different religions as well as within each religious tradition. As Robert Jackson stresses in his interpretive approach, this entails being critical of simplistic representations of religions and other outlooks, and demands awareness in the selection of subject content (Jackson, 2004).

As seen in the Preamble of the DHRET, education *for* human rights is closely related to teaching that contributes to the 'full development of the human personality and the sense of its dignity' (United Nations, 2011). Echoing the language of the UDHR, the latter aims to educate the child to have the ability to enjoy his or her human rights, as well as to promote human rights and prevent human rights violations. The understanding of teaching *for* human rights is further elaborated in CRC, article 29.1, d: 'The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin'(United Nations, 1989).

More than specific competencies, this presents a vision of an ideal society, a vision made even clearer in the DHRET, article 4 which states:

developing a universal culture of human rights, in which everyone is aware of their own rights and responsibilities in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society. (United Nations, 2011)

The meaning of the 'universal culture' concept is not further clarified, but the wording addresses a central issue related to the status of human rights in education as such and in RE in particular. In short, the issue concerns a maximalist or minimalist approach to human rights, which is to say, whether human rights should be the aim of or only the frame for RE.

Human rights as the frame or the aim

Introducing human rights as a new universal culture is an appealing vision, albeit a vision that also carries a risk of becoming yet another expression of monoculturalism. It is dangerous for the democratic debate if the idea of the individual's absolute human rights is constantly made the last and decisive argument (Hørning, 2004, p. 100). Where a maximalist approach to human rights perceives human rights as yet another collective narrative about common values, a minimalistic approach delimits human rights as dealing with basic human conditions. A minimalistic approach allows a distinction to be made between what we have in common as human beings, the universal, and what relates to specific communities and societies, the particular (Hørning, 2004, p. 97). Where the line between the universal and the particular runs must remain a continuing discussion, both when it comes to understanding international obligations as such and when, say, the child's right to religious freedom is to be translated into an RE curriculum and teaching (Jackson, 2018, s. 95).

Such a demarcation involves having an awareness that 'human rights and human identity itself need to be understood in a culturally mediated manner, without detracting from some fundamental principles of equality and justice which underpin those rights' (Osler, 2015, p. 18, see also Zembylas, 2014). In addition, it implies a non-affirmative approach, where teaching not only *about* human rights, but also *through* human rights is on the agenda. Here, human rights may function to frame the classroom as a community of disagreement, in the sense that fundamental human rights, norms and principles such as FoRB and non-discrimination provide a backdrop for a non-consensus-seeking conversation. The consensus-seeking classroom does not productively prepare students for human rights and for living in a democracy (Iversen, 2014; Jerome et al., 2021; Erdal & Strømsø, 2018) as it neglects the learner's ability to take a critical stance and engage in counter-narratives. An HRE perspective on RE can help engender teaching that does not aim to eliminate diversity and opposing opinions but tries to promote mutual understanding by creating a space for disagreement in the classroom.

Conclusions

This article has analysed and discussed human rights issues when majority religion is transmitted as cultural heritage by focusing on two main questions. First, how is the child's right to FoRB and the parents' right to raise their child in their own faith safeguarded? Second, how can HRE principles promote an inclusive pedagogical approach in RE by providing a basis for a community of disagreement in the classroom? To answer these questions an awareness of content as well as of pedagogical approach is needed and both policy and practice levels must be taken into account. These are the main conclusions:

Although an exemption clause is intended to safeguard the child's and parents' rights, it might

be used to preserve a national RE curriculum centred on the majority religion, which in turn is treated qualitatively differently from other religions. Attention should be paid to what the exemption clause mainly protects—the child's and parents' rights or the state.

A mono-religious curriculum content only focusing on the majority religion is not sufficient to prepare the students to live and act in a diverse and pluralistic society. Furthermore, it implies a risk of 'othering' minorities if the diversity of religions and outlooks in the society is not reflected in the curriculum.

Transmitting cultural heritage is a basic educational and cross curricular task. If not disseminated as simple reproduction of a national narrative, it may contribute to students' understanding of the society and themselves as historically conditioned. Diverse conceptions and narratives of the relation between religion and culture should be represented and the students' own narratives included, as students should be regarded as not only 'culture-created' but also as 'culture-creative'.

Teaching should include an awareness of the (re)presentation of religions. This entails a double focus on introducing the diversity of the individual religion and on approaching majority and minority religions qualitatively equally. However, to achieve this, well-educated teachers are needed, as well as high quality teaching materials.

Consensus-seeking teaching may limit students' interaction with the content as well as the motivation to express their views. Implementing teaching *through* human rights could enable the classroom to function as a community of disagreement. However, there may be a risk that polarisations from the surrounding society manifest themselves as fixed positions in the classroom. To build a safe learning space is a prerequisite for a trustful dialogue in which conflicting views can be exchanged.

Promoting a community of disagreement implies that human rights should frame RE, but not be its goal: human rights should not function as a new common outlook, but rather give room for different outlooks in the classroom. HRE principles of teaching *about*, *through* and *for* human rights explicate such a frame, where the teaching *through* and *for* human rights in RE is based on knowledge *about* FoRB and fundamental human rights norm and principles such as human dignity, non-discrimination, and equal treatment.

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