

# South African Education Policy and the Right to Religious Freedom

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## **Samevatting**

*Die huidige Suid-Afrikaanse regering se beleid ten opsigte van religie in die onderwys is humanisties en dus relativisties. Daarbenewes het die wysiging aan die Skolewet volgens die Onderwyswette Wysigingswet, Nr. 50 van 2002, die staatskurrikulum en -assesseringsproses verpligtend vir staat- en onafhanklike skole gemaak. Die wysiging is gemaak ten spyte van die feit dat die reg tot godsdienstvryheid in Suid-Afrika se Handves van Menseregte ingesluit is. Hierdie artikel poog om vas te stel of bogenoemde aspekte van staatsonderwysbeleid inbreuk maak op die reg tot godsdienstvryheid. Dié artikel begin met 'n besinning oor menseregte binne 'n bybelse konteks. Daarna word die Weste se historiese skuif na menseregte binne 'n humanistiese raamwerk en die daaropvolgende internasionale erkenning van dié begrip van menseregte kortliks beskryf. Laastens word Suid-Afrika se huidige beleid ten opsigte van religie in die onderwys en toepaslike nasionaal erkende menseregte uitgestippel en gevolglik word beoordeel of amptelike onderwysbeleid in Suid-Afrika die reg tot godsdienstvryheid respekteer al dan nie.*

## **1. Introduction**

Max Hocutt (quoted in Noebel, 1991:193) points out that: 'The fundamental question of ethics is, who makes the rules? God or men? The theistic answer is that God makes them. The humanistic answer is that men make them.' The humanistic answer necessarily implies that the rules cannot be absolute and applicable to everybody. This relativistic answer leads to an inescapable choice between two alternatives (Horn, 1996:229-230). One alternative is the position of individual moral subjectivism where an individual posits him/herself as his/her own source of moral authority. This position leads inevitably to moral chaos in society. The other alternative is the position of cultural relativism where culture is posited as the source of moral authority and ethical rules are the cultural

mores, taboos and prescriptions. This, the latter, position does bind individuals to standards of behaviour that transcend their own individual values, but it does not provide standards that transcend cultures and societies, in terms of which one can condemn the cultural values that undergird social evils such as Nazism, the Holocaust, communism, Soviet slave-labour camps, apartheid and all other forms of oppression (Wynne & Ryan, 1997:131). Such evils testify to the fact that humans, in particular governments because they possess such power, require socially transcendent ethical principles. Human rights represent the humanist answer to socially transcendent rules that protect citizens against state power (Åkermark, 1997:42, 45; Van Bueren, 1995:378).

Religious freedom as a human right is recognised nationally and internationally. Scholars of human rights such as Hammer (2001:256-257) and Henrard (2000:251) point out that the right to religious freedom also implies the freedom to resist any effort the state may employ to include new beliefs or change existing beliefs. This article is an attempt to address the question whether South Africa's present education policies include such an effort. This article focuses only on whether state policies possibly tinker with Christian beliefs. This article commences with a consideration of the ethical principles, or rules, that God commanded. Thereafter the historical shift in the West to the humanist view of human rights and the international recognition of human rights in such a context shall be briefly sketched. Finally, South Africa's present education policy on religion in education shall be assessed in terms of the right to religious freedom as it is spelled out in South Africa's Bill of Rights and in the United nation's *Convention on the Rights of the Child* which South Africa ratified on 16 June 1995. The aim is to determine whether the right to religious freedom as stipulated in these documents is respected or not.

## **2. Human rights in a Biblical context**

The ethical rule commanded by God, and given in the Bible, is to treat other people honourably. The books of the prophets are filled with condemnations of the evils of their society and the prophets demanded social justice in accordance with God's Law (Veith, 1987:80, 1993:47). The Bible enjoins us to: "Love thy neighbour" (Leviticus 19:18, Matthew 22:39, Mark 12:31, Luke 10:27). Such love must be directed to all persons, be they of the same or other societies and/or religions, as the parable of the Good Samaritan teaches (Luke 10:25-37). The Bible warns against abuse of other people, be it physical abuse or verbal, emotional abuse. Two examples of such warnings, which also indicate that human

dignity derives from the fact that humans are created in God's image, are given in Genesis 9:6 and James 3:9-10:

Whoso sheddeth man's blood, by man shall his blood be shed, for in the image of God made He man (Genesis 9:6).

Therewith [the tongue] bless we God, even the Father; and therewith curse we men, which are made after the similitude of God. Out of the same mouth proceedeth blessing and cursing. My brethren, these things ought not so to be (James 3:9-10).

These two passages show that the command from God to treat others honourably issues forth from the fact that every person is His image-bearer, even though this image was flawed by the Fall. Honourable treatment is, therefore, not grounded in humanity's worth, but in God's worth. As Adams (1986:82) puts it:

To dishonor man and to abuse him is to dishonor and abuse God because he is made in God's image. That is what brings the warning and the penalty. It is *the One whose image and likeness man bears* that is of significance - not the man who bears that image and likeness. He is merely the photograph.

The ethical principle that humans should treat other humans honourably, that is, the command to exercise individual and social justice, is part of God's general grace which He wrote in the heart of humanity (Romans 2:15). Thus, compassion and justice, what CS Lewis (1946:56ff) calls the laws of God's general beneficence, are taught by all responsible religions and secular philosophies, past and present. However, humanity is fallen, and therefore denigration and/or oppression of powerless people by powerful people has always existed. In the next section the author will briefly sketch the shift in the West to the humanist view that humans make their own rules and the consequent formulation in the twentieth century of human rights (laid down by the League of Nations and, after World War 2, by the United Nations), the aim of which is prevent oppression of any person or group of persons.

### **3. The West's shift to human rights in a humanist context**

The oppression of citizens by their governments was addressed by the seventeenth and eighteenth century Enlightenment philosophers. The Enlightenment philosophers did not think within a biblical paradigm, but

in a humanist paradigm that preached ‘an optimistic and self-confident doctrine of humanity’s coming of age’ (Horn, 1996:78). They posited that human reasoning, not God’s laws, could and should serve as ethical grounding. They were Deists. Deism is ‘the position that reason alone, without revelation, is sufficient to bring us to a right understanding of religion and morality’ (Stromberg, 1966:116). The Enlightenment philosophers’ thinking was, nevertheless, influenced by the Christian culture in which they lived. Thus, although they did not acknowledge the biblical God, they recognised the importance, especially for governments, of the biblical injunction that humans should treat other humans honourably. They did not refer to this injunction in its biblical context, but merely argued that the Creator (their Deist god) had endowed all humans, with certain inalienable and unalterable rights, such as the right to ‘freedom from control whether in politics, trade, societal conventions, intellectual endeavours, or religious belief’ (Lauren, 1998:16). This the present author believes is true, but, divorced from its biblical context, sight is lost of the fact that it stems not from humanity’s worth but from God’s worth. In its humanist framework this injunction is grounded in the glorification of humanity and thus subject to distortion.

Two centuries later, during the twentieth century, the Enlightenment philosophers declaration of humanity’s independence from God was widely accepted by Westerners, due to the widespread secular humanism that followed after Darwin’s theory of evolution, published in 1859, was accepted as scientific orthodoxy. Darwin’s theory removed God’s love, care and compassion as the prime movers behind life and replaced them with blind chance that bred a cold feelinglessness (Wilder-Smith, 1975: 10). Freed from accountability to God and His law of compassion and justice, twentieth century western rulers committed appalling social atrocities, some of the worst that the world has ever experienced.

However, in terms of the modernist and postmodernist denial of moral absolutes, which transcend societies as well as individuals, such atrocities cannot be criticised and condemned (Wynne & Ryan, 1997:131). Nevertheless, there were humanists – Lauren (1998) calls them visionaries – who saw the necessity of a system of socially transcendent norms that limits rulers’ power over citizens. Their answer to this need was the Enlightenment philosophers’ idea that human beings possess certain inalienable rights. Consequently, certain rights have been accorded to humans, the main purpose of which is to protect citizens against the state and put limits on state power (Åkermark, 1997:42, 45; Van Bueren, 1995:378). If any individual or group of citizens experience oppression

their only recourse in the relativistic, humanist era of today is to such rights. Human rights cannot, however, be accorded absolute status. National rights can be changed and international human rights are only binding on the states that have ratified a particular set of human rights.

International recognition of human rights followed after World War 1. This war had ‘reinforced the importance of responsibilities beyond one’s own national borders’ (Lauren, 1998:93) and thus after its end ‘the time appeared particularly ripe to work for . . . international human rights’ (Lauren, 1998:93). The League of Nations came into existence, but after World War 2 the League of Nations was replaced with the United Nations (UN). Whereas the League of Nations had emphasised minority rights, the UN emphasised individual rights. These rights were set out in the *Universal Declaration of Human Rights* which was accepted by the UN in 1948. This document was not then and has not since been ratified by South Africa (Vorster, 2002:11).

#### **4. South African citizens’ right to religious freedom in education**

With regard to religious freedom in education and thus also the religious freedom of children, the South African state is bound by its Bill of Rights in South Africa’s Constitution and the UN’s *Convention on the Rights of the Child*, which the General Assembly of the UN accepted in November 1989 and South Africa ratified on 16 June 1995.

In South Africa the right to schools that endorse only one particular religion but which are nevertheless either fully financed by the state or for which the relevant parents receive tax relief is not recognised in the Bill of Rights. The Bill of Rights, Article 29, (3) and (4) only recognises the following:

- (3) Everyone has the right to establish and maintain, at their own expense, independent educational institutions that –
  - (a) do not discriminate on the basis of race;
  - (b) are registered with the state; and
  - (c) maintain standards that are not inferior to standards at comparable public educational institutions.
- (4) Subsection (3) does not preclude state subsidies for independent educational institutions.

With regard to the UN’s *Convention on the Rights of the Child*, the specific cultural and/or familial rights which are granted to a child – in terms of this convention a child is any person under the age of eighteen –

are freedom of thought, conscience and religion (Article 14), freedom of association (Article 15) and his/her own and his/her family's right to privacy (Article 16).

Article 30 pertains directly to the child as a member of a particular religion:

In those States in which ethnic, religious or linguistic minorities ... exist, a child belonging to such a minority ... shall not be denied the right, in community with other members of his or her group to enjoy his or her own culture, to profess his or her own religion, or to use his or her own language.

In the following section, education policy which prescribes the role of religion in South African education will be scrutinised. The aim, as already stated in the Introduction, is to determine whether the right to religious freedom, as stipulated above, is respected or not.

## **5. South African education policy with regard to religion**

The present South African state, like other decolonised African states, is committed to nation building. All decolonised African states are characterised by non-homogeneity, and Palley (cited in Rehman, 2000:187) describes nation building in such states as follows:

They tried to induce national integration by attempting to control individual's subjective loyalties and to redirect these to a new nation-state so as to downgrade local loyalties. They have tried to create a common consensus. They sought to create a new ideology. They sought to give the new nation-state and their own rule legitimacy.

Palley (cited in Rehman, 2000:187) continues that 'such activities seldom had the intended effects on racial, tribal, linguistic, religious and regional group loyalties.' Thus, decolonised Africa exemplifies the fact that cultural minorities tend to cling to their own language and religion, and especially so if these are perceived as being threatened by the state. In this regard Hammer (2001:247-248) points out that tension between a group and the state ensues precisely because:

a minority group desires to assert a belief that differs from the rest of society or that is contrary to the established beliefs of the state. As a result, the state

focuses on the minority group to suppress it or remove the minority from the social milieu. Repression of religious beliefs generally results from claims that the minority group endangers the construct of the state.

A point of contention in South African education is the fact that state ideology is seeking to revive and reinstate traditional African beliefs and to give a place of honour to other non-Christian religions. This aim is understandable. It is a response to the alienation that black Africans and other non-Europeans experienced during the years of colonial and apartheid rule. With this aim in sight, the policy on religious education of 2003 prescribes a compulsory section of the life orientation learning area, dubbed *religion education*, which, it is claimed, is a neutral approach to religious education (Ministry of Education, 2001:43) and will ‘teach students about a world of religious diversity, and, at the same time, encourage them to think in terms of a new national unity in South Africa’ (Ministry of Education, 2001:45).

In a democratic system, this author believes that the right of people to hold and express different beliefs from other people and especially from politically dominant, that is, politically correct, beliefs should be recognised, and children should learn to respect such a right. Imposition of own beliefs on others is not biblical. The Holy Spirit does not impose Himself nor does He control forcefully. He knocks and waits to be invited in (Rev 3:20). He speaks with a soft whisper (1 Kings 19:12) and gives us the option to turn away from Him (John 6:67).

The author also agrees with the Ministry of Education (2001:43-45) that in a multireligious society it is important that children learn about the various religions adhered to in the society. The biblical approach is, however, not one of ‘affirming and celebrating unity in diversity’ (Ministry of Education, 2001:45), but one that addresses primarily the question of religious truth.

Religion education rules the question of religious truth out of the classroom: ‘There is no place in the classroom, then, for an education that promotes any one creed or belief over any other’ (Ministry of Education, 2001:43). This position ‘presupposes that, for the sake of what is viewed as a good cause [nation-building in South Africa], the state has the right to violate parent’ wishes for the child’s moral and religious development’ (Baer cited in Glenn & Glenn, 1992:105). This position stands in direct opposition to the fact that: ‘It is impossible to believe truly in a faith - any faith - and to admit that it is no more worthy than others’ (Naylor, cited in Glenn & Glenn, 1992:107). In fact, the question of religious truth can

ultimately not be ruled out, the reason being that although the various religions address the same human need, are equally sincere and teach the same set of basic moral virtues (God's general grace), they hold radically different and irreconcilable views of God and other spirits and offer different and irreconcilable explanations and solutions to human problems (Muck, 1992:55ff).

The supposedly neutral approach of religion education, which ignores the question of religious truth, teaches children that all religions are equally worthy. The unfortunate upshot, however, is that such an approach actually trivialises religion (Glenn & Glenn, 1992:105) because it implies that all religions are a mere matter of opinion. Whether or not the proponents of neutral religion education realise it, it is actually an approach which is grounded in the idea that there is no real religious truth and no real, objectively existing God whose attributes are independent of what people posit about Him in their religions. This idea, despite the good intentions of tolerance that the proponents of a neutral approach to religions have, is, in fact, dogmatic since it is totally beyond proof.

What children should be taught is not to regard the various religions as of equal worth, but true tolerance which means that one should respect the right of others to have a different religion from one's own. The Concise Oxford Dictionary's definition of tolerance is not acceptance of differing religions as being of equal worth, but 'recognition of right of private judgement in religious matters, liberty to uphold one's religious opinions and forms of worship or to enjoy all social privileges ... without regard to religious differences.' Furthermore, non-judgmental acceptance is not the cornerstone of social harmony; the cornerstone is the basic virtues of altruism that are part of God's general grace, namely honesty, responsibility, kindness, respect, a sense of fair play, and so forth (Gaede, 1993:48).

These virtues, the basic virtues that are part of God's general grace that He wrote in the hearts of humans (Romans 2:15), should form part of the ethos of all schools. However, religion education, which requires that all the religions be presented as equally worthy to children, goes far beyond the basic virtues of altruism. In fact, the imposition thereof can be construed as an attempt on the state's part to alter and eradicate in the new generation the constitutive belief of Christianity, namely, that Christ Jesus is the only way to the Father (John 14:6).

Hammer (2001:256-257) explains that the right to freedom of belief – which is recognised in South Africa's Bill of Rights and in the UN's Convention on the Rights of the Child, which South Africa has ratified –



means that a state should not impose policies which could alter, undermine or eradicate a group's constitutive beliefs. Hammer (2001:256) explains that the right to freedom of belief can be classified 'as the positive freedom *to* adhere to a belief (freedom *to*) or the negative resistance to external influences to either adopt or change a belief (freedom *from*).' Henrard (2000:251) agrees with Hammer. She says the following:

Since the right to identity of religious minorities can be said to include the right to preserve that identity, it can be argued that freedom of religion would also include freedom to maintain one's religion. Maintenance of religion is more fully assured when children of the religious community receive instruction of [sic] their own religion.

The present author recognises that public schools must serve a multitude of religions. However, as Hodgson (1998:194) points out, 'if the State cannot arrange public education in a manner which is sensitive to the convictions of the parents, it must permit them to establish private schools.' The right to establish private schools is granted in South Africa's Bill of Rights, Article 29 (see section 3). Van Bueren (1995:245) points out that 'international law would prohibit a state baldly legislating the abolition of non-state schools.' She (1995:245) says that a state which seeks 'to abolish private education directly would clearly breach international law,' but, she adds, 'the same goal may be achieved with impunity indirectly.'

The South African state has accomplished an indirect, yet radical, take-over of private and home education by means of the amendment made to the Schools Act of 1996, and laid down in the Education Laws Amendment Act, No. 50 of 2002. The amended clause stipulates the following:

- (1) The Minister must ... determine –
  - (a) a national curriculum, and
  - (b) a national process for the assessment of learner achievement.
- (2) The curriculum and the process for the assessment of learner achievement contemplated in subsection (1) must be applicable to public and independent schools.

The state's take-over of private education by prescribing the state curriculum and the state system of assessment is in all probability in the interests of uniformity and standardization in the sphere of education. The moral correctness of this is debatable. The Christian apologist J Gresham

Machen (1995: 74) maintains that ‘a human being is a person ... When you are dealing with human beings, standardization is the last thing you ought to seek.’ Machen (1995: 88 - 90) argues that standardization, uniformity and collectivism reduce human beings to machines, that is, objects, because they destroy personhood and human liberty (Machen, 1995: 88 - 90).

Human liberty is God-given. In this regard it must be mentioned that outcomes based education and Curriculum 2005 (the old and the revised versions) do not limit assessment to the testing of academic knowledge and skills. Values and attitudes are also assessed, and they are assessed in all learning areas, including life orientation which is compulsory up to grade 12. This is disturbing for the following reasons:

First, it is an infringement of the child’s right to freedom of thought, conscience and religion (Article 14, of the UN’s Convention on the Rights of the Child).

Second, it could put the child’s future in jeopardy, for example, a low assessment of the child’s group interaction skills could seriously impair his/her future chances of getting a job.

Third, when the attainment of a school certificate is coupled not only to academic standards but also to values and attitudes individuality is swallowed up in uniformity and collectivism, and this is wrong irrespective of whether the prescribed values and attitudes are worthy ones or not. Assessing values and attitudes is in the final analysis indoctrination. God commands us to instruct our children according to His Word (Deut 6:5-9), but He does not want us to indoctrinate them. God gives each person freedom, even the freedom to reject His will and His laws. God does not prescribe, He does not control and He does not enforce His will and His laws on any human being.

## **6. Conclusion**

Religion education, as a supposedly neutral approach to religious education, is grounded in humanistic relativism. Its goal, which is also a goal of the imposition of the state curriculum and process of assessment on *all* schools, is to suppress and eventually eradicate conflict between persons of differing religions. This aim, although it is worthy, can, however, only be achieved by trivialising all religions and, moreover, in view of humanity’s fallen nature, the eradication of conflict is not at all certain. A far better foundation for establishing social harmony in a multicultural society is to subject children and adolescents throughout

their formative years to the discipline of the basic virtues of altruism.

This author agrees with Allan Bloom (1987: 39) that religious, and other cultural, differences should ‘raise the question as to which is true and right rather than to banish it’ and, as he says, the reaction should be ‘to examine the claims and reasons for each opinion’. This ‘exciting activity’ (Bloom, 1987: 39) can, of course, only be undertaken at the very earliest in the secondary phase of schooling. At the elementary level, children must be educated with confidence in their own religion. Therefore, this author’s final conclusion is that religious freedom calls not for humanistic relativism in schools. Instead, it calls for diversity in schools (diverse state schools and diverse independent schools), parental choice of schools, and the upholding in all schools of the basic virtues of altruism, (which all responsible religions and secular philosophies recognise).

## Bibliography

- ADAMS, J.E. 1986. *The biblical view of self-esteem, self-love and self-image*. Eugene, Oregon: Harvest House.
- ÅKERMARK, A.S. 1997. *Justifications of minority protection in international law*. The Hague: Kluwer Law International.
- BLOOM, A. 1987. *The closing of the American mind*. New York: Simon & Schuster.
- CONCISE OXFORD DICTIONARY. 1958. London: Oxford University Press
- GAEDE, S.G. 1993. *When tolerance is no virtue: political correctness, multiculturalism & the future of truth & justice*. Downers Grove, Ill: InterVarsity.
- GLENN, C & GLENN, J. 1992. Making room for religious conviction in democracy’s schools. In: Hauerwas, S. & Westerhoff, J.H. (Eds.), *Schooling Christians: ‘holy experiments’ in American education*. Grand Rapids, Mich: William B Eerdmans.
- HAMMER, L.M. 2001. *The international human right to freedom of conscience*. Aldershot, England: Dartmouth.
- HENRARD, K. 2000. *Devising an adequate system of minority protection: individual human rights, minority rights and the right to self-determination*. The Hague: Martinus Nijhoff.
- HODGSON, D. 1998. *The human right to education*. Aldershot, England: Dartmouth.
- HORN, I.H. 1996. The implications of New Age thought for the quest for truth: a historical investigation. Unpublished D.Ed. thesis, University of South Africa, Pretoria.
- LAUREN, P.G. 1998. *The evolution of international human rights*. Philadelphia: University of Pennsylvania.
- LEWIS, C.S. 1946. *The abolition of man, or, reflections on education with special reference to the teaching of English in the upper forms of schools*. London: Godfrey Bles.
- MINISTRY OF EDUCATION. 2001. *Manifesto on values, education and democracy*. Pretoria: Ministry of Education.
- MUCK, T.C. 1992. *Those other religions in your neighbourhood: loving your neighbour when you don’t know how*. Grand Rapids, Mich: Zondervan.
- MACHEN, J.G. 1995. *Education, Christianity and the state*. Hobbs, New Mexico: The Trinity Foundation.
- NOEBEL, D.A. 1991. *Understanding the times: the religious worldviews of our day and the search for truth*. Eugene, Oregon: Harvest House.
- REHMAN, J. 2000. *The weaknesses in the international protection of minority rights*. The Hague: Kluwer Law International.

- VAN BUEREN, G. 1995. *The international law on the rights of the child*. Dordrecht: Martinus Nijhoff.
- VEITH, G.E. 1987. *Loving God with all your mind: how to survive and prosper as a Christian in the secular university and post-christian culture*. Westchester, Ill: Crossway.
- VORSTER, L. 2002. Die huidige internasionale stand van die erkenning van die regte van minderhede. *Die Afrikaner en die regte van minderhede*. SNMSA-Symposium, March, 16: 11 - 21.
- WILDER-SMITH. A.E. 1975. *God: to be or not to be? A critical analysis of Monod's scientific materialism*. Stuttgart: Hänssler.
- WYNNE, E.A. & RYAN, K. 1997. *Reclaiming our schools: teaching character, academics, and discipline*. 2<sup>nd</sup> edition. Upper Saddle River, NJ: Prentice-Hall.