Secular Reasons for Confessional Religious Education in Public Schools

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The cultural importance of religion and its ambiguous potential effects on the stability of liberal democracy and the rule of law recommend including information about religions in public school curricula. In certain contexts, there are even good secular reasons to have this done by teachers approved by the religious communities for their respective groups of pupils, as is being practiced in various European states (with a possibility of opting out, with ethics as a substitute subject in some schools). Is this practice compatible with the religious neutrality of states? An illustrative analysis shows how suitable criteria for the admission of religious groups to offering religious education can block the objection of undue preference. Like any solution in this field, it is not immune to theoretical and practical problems.

Democracies should not risk the dangers of religious illiteracy, given the ongoing cultural importance of religion and its ambiguous potential effects on the stability of liberal democracy and the rule of law. This essay analyzes a widespread European practice of securing basic religious competence: religious education in public schools taught by teachers approved by the respective confessional groups. In the light of the First and Fourteenth Amendments to the U.S. Constitution and the decisions of the U.S. Supreme Court,[1] it might seem exotic and a clear case of an inappropriate preference of one or a few lifestyles or social groups over others. However, this model (although it is not transferable into every cultural context) has a lot to recommend it, even within the normative framework of a religion-neutral constitution and the priority of the secular rationale for political arrangements.

There is widespread consensus that secularization theses, a former intellectual commonplace, have lost a lot of their plausibility in both of their two usual readings. According to the first reading, religions would lose their importance, shrink, or even die out in the course of modernization. The second reading postulated that the plausible and worthy components of the traditional religious ethos would live on in secular transformations, such as in the shape of the human rights ethos or various cultures of sensitivity (the environmental, emancipation, and gender equality movements or the general social trend to nonvio-

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lent education styles might provide examples). Both processes were taken to be irreversible.

Today, however, both readings of the secularization theses seem doubtful, if not wrong.[2] Religion appears surprisingly resistant, at least as an ongoing topic of political discussion, if not a living, organized, and widespread practice. There is hardly any major crisis without religious aspects or, at least, to which such aspects would not be attributed. Moreover, sociologists of religion point to differentiated results that suggest that "individualization" and "pluralization" of religion are better diagnoses than "secularization": organized, institutional religiosity might indeed be shrinking (at least in the West; for Eastern Europe, South America, or Southeast Asia, this is less clear). But individual patchwork religiosities prevail and "religion" in a looser sense of the word keeps its importance. The second reading – claiming a transformation from religious to secular ethos – is challenged by counterexamples, which are doubly puzzling: in various European countries and in Russia, but also in the United States and recently Brazil, irritating styles of policy find their support among those who explicitly plead for a revision or discarding of human rights, gender equality, the general culture of nonviolence, solidarity, and respect for the less privileged, and that display a general contempt of democratic processes and their players. Even more, these policies often sail under a "Christian" flag, although they are in precise opposition to the vast majority of theologians and religious ethicists, and conflicts between governments and church leaders and Christian charity organizations increase. The purported transformation from a religious to a secular ethos seems to be neither content-preserving nor irreversible.

Hence, a certain amount of religious competence and literacy among citizens is a desideratum in democracies: not only to better understand religious backgrounds of political behavior and to detect inappropriate utilizations, misgivings, and misunderstandings of religion, but also to cultivate an awareness of the positive contributions that many religious traditions can offer for democratic processes. Democracy and the rule of law stand under what has been labeled the Böckenförde paradox, after a famous dictum by the former German constitutional judge Ernst-Wolfgang Böckenförde:

> The liberal, secularized state lives by prerequisites which it cannot guarantee itself. This is the great adventure it has undertaken for freedom's sake. As a liberal state it can only endure if the freedom it bestows on its citizens takes some regulation from the interior, both from a moral substance of the individuals and a certain homogeneity of society at large. On the other hand, it cannot by itself procure these interior forces of regulation, that is, not with its own means such as legal compulsion and authoritative decree. Doing so, it would surrender its liberal character and fall back, in a secular manner, into the claim of totality it once led the way out of, back then in the confessional civil wars.[3]

Philosopher Jürgen Habermas (being a declared irreligious – "religiously unmusical" – thinker and as such an unsuspicious witness) has repeatedly pointed out over the last decades that religions might positively contribute to secure these prerequisites, including the willingness to obey rules, to respect democratic decisions and the legitimacy of deviant standpoints of others, and generally to prefer nonviolent solutions to conflicts.[4] In some of their more problematic, deteriorated forms, however, religious mindsets can be destructive, antagonistic powers running afoul of the values standing behind democracy and the civic virtues characterizing the democratic citizen. Uninformed religiosity, or the combination of devoted religiosity and illiteracy, appears especially susceptible to such tendencies.

Therefore, even from a secular standpoint, much underpins the need of serious and authentic information about religions for broader segments of the population of democratic states: on the one hand, avoiding misunderstandings and disinformation about the religions (in their ambiguity, comprising beneficial as well as dangerous aspects); on the other hand, remaining aware of, defending, and perhaps regaining certain value positions that have some of their strongest defenders among religious groups. Hence, a certain level of religious literacy and competence seems not only politically useful, but also necessary for our self-understanding. The probably most effective and most viable way for democratic states to provide such literacy is integrating religion (somehow) into school curricula, including public schools.

In many European states, religious education is either a mandatory, chosen, or optional subject at public schools. In Austria (the case that will be examined for the following considerations), for example, it is a regular, obligatory subject in the curricula of most public schools serving students aged six to nineteen years (however, with the possibility of opting out or, where available, switching to ethics).[5] The classes in religious education are publicly financed, but the shaping of their curricula is more or less autonomously left to those religious groups that are officially recognized by the state (there are currently sixteen) and that want to offer such religious education;[6] teachers must be approved by the religious groups and obey the state's various regulations about school teaching. Where corresponding academic theological education is available (such as at some German and Austrian state universities that currently offer academic programs in Islamic theology, in addition to the various Christian theologies), most religious groups require a degree at the master's level or other suitable certificates for their teachers. Religious education is usually not given or perceived as indoctrination; the curricula comprise a lot of de facto secular ethics, religious studies, personality formation, social sensitivity training, discussions of ethically relevant actualities, and so on; and the possibility of opting out is taken less than one might expect: participation in religious education is markedly higher than the percentage

of churchgoers. Many pupils perceive the religion classes as forums in which not only their cognitive abilities but also their whole personalities are being taken seriously. Conversely, more-conservative believers sometimes lament the (in their eyes) lukewarm, unsubstantial content of the religion classes with overly ecumenical tendencies.

The dangers of ideological indoctrination – which many opponents see behind religious school education – are modest: with the possible exception of (rare) extremely charismatic figures, one or two weekly hours of religion class would hardly provide a basis for ideological brainwashing activities in a rather secular society. Moreover, religion teachers as persons and religious instruction as a subject are embedded in the whole social fabric of a modern school: the staff of teachers, parent-teacher conferences, parents' councils, and the like can be seen as public spaces of giving and taking reasons, and disturbing cases of indoctrination would soon face opposition from other teachers, parents, and pupils.

Historically, the present Austrian situation of religious education in public schools, combined with a "religion-friendly neutralism of the state," can be understood as the result of an upgrade of other religions into the favorable position that Catholicism as the dominating religion enjoyed for centuries. The Austrian Constitution of 1920 is neutral in respect to religions and other worldviews, but it does not endorse secularism, which would itself constitute a sort of worldview. The practice of a noncompulsory religious education at schools is hence compatible with the Austrian Constitution (and all other relevant legal documents about human rights based in domestic and international law).

The question of the most suitable way of spreading religious literacy in a democratic state has probably no context-free or *more geometrico* – style answers. Any proposal will gain its plausibility from a certain context: that is, certain philosophical, legal, pedagogical, sociological, and historical premises, some of which are more descriptive, others more normative in nature. Hence, the European practice of religious education in public schools may have a lot to recommend it, but it is not easily transferable to different frameworks.

One such contextual condition is the fact that Europe – unlike, say, the United States – was historically dominated by only a few big religious groups (coarsely sketched: Catholicism in the South and Center, mainstream Protestantism in the North; and Orthodox national churches in the East). This deserves mentioning since all three groups have a long-going, basically positive approach to modern sciences and humanities (the Vatican has run an astronomical observatory since 1578, for example, but the intellectual and institutional affinities between theology and sciences go back at least to medieval scholastics; exceptions like the Galileo case are, seen on the whole and over centuries, marginal), and they have developed a robust positive relation to democracy.[7] The European practice would thus

not be viable in states with a strong religious fragmentation: organizing religious education in public schools for too many different groups might simply find its practical, logistical limits. And where religious groups have a conflictive relation to democracy, the sciences, and the humanities, their involvement in the school system might not be desirable for either part. On this latter point, there is a significant difference between the United States and Europe: the notoriously controversial issue of handling spillover effects from other subjects like biology or physics to the religious beliefs of the pupils is almost unknown in most European states.[8]

Second, state-run schools dominate the education landscape in many European countries. Private schools are rather an exception, and there are various mixed private-public forms of organization and financing. This situation is on the whole favorable for large-scale religious education to work, since schools are governed by a more or less uniform legal regime.[9]

Third, there is a tradition of friendly cooperation between state and religious groups in many European countries, interestingly under very different general legal frameworks and before very different backgrounds in the sociology of religion.[10] Furthermore, legal frameworks and sociological situations show no clear correspondences: there are (or were until recently) state churches in highly secularized societies (as in Britain or Scandinavia) as well as theoretically radical church-state separation systems combined with high political influence of the churches (as in Italy; religion is a subject of choice at schools there). Forms of friendly cooperation, such as in hospital or military chaplaincy or school matters, can hence function before various legal and social backgrounds. Some sort of global friendly cooperation relation, however, seems a prerequisite for religious education at public schools.

The issue of religious education and its possible relevance for democracy raises two conceptual questions. First, and in contrast to "thin" conceptions of democracy as a mere technical, value-neutral voting device to settle collective decision problems, I will here presuppose a more demanding, "thicker" conception of democracy that includes certain civic virtues or democratic habits and sees the democratic process in a bigger scale.[11] A democratic process finds its ends only in some suitable technical balloting procedure, but it should be embedded in an ongoing culture of giving and taking reasons in a public space, trying to understand the backgrounds of deviant standpoints, looking for possible common grounds for action, granting minimal respect to political opponents, and so on. Such a conception reflects an egalitarian account of the human being, sees a certain minimal legal position of the individual as irrevocable (even by balloting majorities), and trusts in the benefits of reason and public discussion. Obviously, modern democratic constitutions have some built-in devices that reflect such normative presuppositions: such as attempts to an intuitively plausible

proportional representation of the whole votership,[12] certain transparency guarantees and rights of the parliamentary minority, requests for qualified majorities in certain important decision matters, and fundamental rights that cannot be restricted even by high majorities.

Recent attempts to attack or shrink democracy in this thicker sense, even in states of the Western world (by modifying electoral laws in all-too-striking favor of the governing majority, threatening journalists, creating obstacles for free universities, watering down the independence of judges and the competences of supreme courts, global discrediting of entire segments of the population, and so on), remind us that thick forms of democracy do not come as a sort of natural gift of history, but need cultivation and protection. And religions, from their best to their deteriorated forms, bear a high and ambiguous potential for the protection as well as the destruction of democracy, in both its thin and thick understandings.

A second question concerns the conception of "education" that is presupposed and that a school system is – openly or tacitly – expected to foster. Interestingly, the legal cultures differ markedly in this respect: in some states, this question gets a distinctive answer in the constitution or in high-rank laws, whereas other legal orders are silent on it and/or leave it to the actual practice. Section 2 (1) of the Austrian Federal Law of School Organization (Schulorganisationsgesetz, SchOG) of 1962 exemplifies an elaborate account of the tasks of education with analogs in various other European school laws.[13] Its somewhat solemn tone bestows on the text the character of a preamble, which has not been significantly changed since 1962:[14]

> § 2. *The Aim of the Austrian School* (1) The Austrian school aims to contribute – through instruction according to each stage of development and educational career – to advanced competence in young people according to cultural, religious, and social values and to the values of the true, the good and the beautiful. It shall equip young people with both the necessary knowledge and capability for life and future career paths and train them towards independent acquisition of education.
>
> Young people shall be taught to become members of society and citizens of the democratic and federal Republic of Austria who are healthy and health-aware, able to work, dutiful and responsible. They shall be guided to independent judgment, social competence, and a sporty-active lifestyle, open to the political and world-view thought of others, able to participate in the economic and cultural life of Austria, Europe, and the world at large, and to cooperate in the common goals of humankind in love of freedom and the pursuit of peace.

The text obviously involves some strong normative, extrareligious valuations: Education is being conceived as more than merely getting equipped with necessary knowledge and useful individual competences for employability and professional careers. Beyond competences of cultural orientation and the ability to

understand diverse styles of thinking, there is a strong emphasis on community-related values and democratic virtues.[15]

The possible rationale for religious education from this text is not its remarkably Platonic reference to the "values of the true, the good and the beautiful" and not only its reference to "cultural, religious and social values": religious values could also be fostered by other means than religion classes. Rather, the whole catalog of tasks and values mentioned here has affinities to the values and tasks fostered by many religions, at least in their "best forms of appearance." On the other hand, religion is notoriously ambiguous in this respect: certain forms of religion (often seen as "deteriorated forms" or misgivings) endanger these values and tasks, as countless examples of intolerance, suppression of deviant standpoints, fanaticism, and religiously motivated violence show. Sociologists of religion like Olivier Roy have argued that religious extremism is empirically associated with ignorance of religion.[16] For example, Islamic terrorists in France are not likely to have received a religious education from their family. Rather, they reinvent religion for themselves, based on a patchwork of contents from dubious inauthentic sources and detached from community practices. By contrast, people with an authentic religious education tend to be moderate.

Given this ambiguity, it may well make sense to include religious education toward the "best forms" of religion, carried out by competent teachers with some controllable quality standard, in the curricula, if "education" is understood similarly to section 2 (1) of SchOG.

So far, it has been adumbrated under which conditions religious education at public schools in democratic states might make sense. Religions – in their best forms – can be seen as powerful supporters of democracy and the "democratically virtuous citizen," by fostering attitudes like mutual respect, understanding and differentiating standpoints, cultural openness, civilized and nonviolent solution of conflicts, and solidarity, among other values.

But should religious education be done by *confessional* teachers approved by religious groups? Many have argued that neutral information – by a sort of religious studies education or a general ethics education (including basic information about the religions), for example – might do a better job; in some states, this is current practice. However, at least four in-principle arguments seem to favor the confessional solution as opposed to neutral information about religions.

First, twentieth-century philosophy of religion, such as of the Wittgensteinian tradition, has pointed out the limits of understanding and authentically presenting religions (and other worldviews or beliefs systems) from a merely external, noncommitted standpoint. Hence it is doubtful whether such an instruction would deliver the desired beneficial effects of religious instruction for the value stance of the pupils. Mere external information on religions that are not real-

ly a "live option" for the pupils would be rather theoretical (of course, hopefully, with some benefit of better understanding people with different religious backgrounds) and in danger of focusing on the doctrines and the rituals of various religions. Authentic introduction to religions, however, must illustrate "what it is like to be an X-ist," and this task is hard to accomplish from an external standpoint.

Similar authenticity desiderata seem obvious in other respects: for music, physical education, or civics teachers, it appears natural to request the quality of a practicing musician or athlete or a righteous citizen with a positive attitude toward music, or sports, or democracy and the legal state, simply because a credible, authentic presentation of the subjects in question that accomplishes the intended pedagogical effects seems to require it. There is no reason why religious instruction should be treated otherwise in that regard. One might object that a good music teacher must only have a competence and passion for music in general, but not necessarily a preference for Brahms over Beethoven, or a good physical education teacher need not also be a soccer or tennis enthusiast, but these analogies are flawed. Just as there is no way of being a good, authentic music or physical education teacher without practicing or positively affirming *some* concrete forms of sports or music, there is no way of authentically teaching religion without having *some* concrete stance in the field of religion: be it membership to a certain confession, a marked sympathy for some of them, or perhaps also a marked rejection of religion in general. The clearest and most authentic models for the meaning and the role of religion in a human life are provided by teachers who unambiguously represent some concrete religion. This, of course, does not prevent making comparisons to other religions at appropriate points, and doing so is common in many of the religion classes of the kind in question. It is even widely seen as a competence requirement that one not teach one's religion in isolation, neither from other religions nor from science or culture.

Second, worldview backgrounds of teachers cannot be fully concealed or neutralized anyway. Even purported "neutral" presentations of religious worldviews may involve biases of the teachers (perhaps of a more subtle kind). Even in the absence of obvious biases (like declared sympathies or oppositions to certain religions), neutral presentations may transport evaluative comments (such as "they are all equally irrational worlds of ideas" or "some style of religious thought can be found in everybody's mindset"). Presenting religion (like democracy, human rights, and other topics) is among those matters where a complete bracketing or concealing of one's own standpoint is difficult.[17] Since the position of a neutral teacher of religion is freely chosen, the complete absence of any personal stance on the matter is hard to imagine. Conversely, undue worldview biases of teachers committed to certain religious groups can more easily be spotted and explained.

Third, for democratic citizens, serious information about one's own religious background tradition is probably more important than knowing the characteristics and differences of other religions, simply because the former is more relevant for

personal and political behavior. But for a considerable number of pupils, some sort of confessional religious instruction is being done anyway: somewhere, by somebody, and under some circumstances, for better or worse. In the optimal case, it is perhaps taught by parents committed to the values connected with the democratic legal state and the values of a humanistically minded religiosity, or by a well-educated and pedagogically gifted appointed imam, rabbi, or parish catechist; in the worst case, perhaps by pseudoscientific creationist preachers or by the booklets, CDs, or websites of freelancing, self-appointed radical preachers of dubious provenance. Religious instruction in public schools done by approved, well-educated teachers can help to counterbalance and minimize the influence of such indoctrination.

Fourth, confessional religious instruction in public schools is not an intellectual one-way street. It has repercussion effects on the religious groups that could be welcomed by both the state and the religious groups themselves. The involvement of religious groups and institutions in the state's legal and school systems creates and requires a certain publicity and transparency, it brings the challenges of professionalization in the role of a teacher working on equal terms with colleagues from other disciplines and under a certain quality control (such as in the approval of curricula and textbooks), it requires and fosters a certain theological level on the side of the teachers, and it bears the chance of a broader exposition to attention in public discourse. Religion teachers in schools can be important factors in the religious life of their groups; their institutional embedding contributes to the stabilization of the religious groups. Conversely, it offers the chance for the state to stabilize cooperation with religious groups and to exert a certain pressure to comply with the values of the democratic legal state. All that could not likely be achieved without the model of *confessional* religious instruction. The Austrian and German efforts over the last decades to establish Islamic theology as a university subject and to professionalize Muslim teachers toward an academic level comparable with other teachers provide an example for such a process of potential mutual beneficence.

One might of course consider a more radical alternative: completely ignoring religions in public schools, that is, even in the mode of informing about them. But as Kent Greenawalt has rightly pointed out, completely ignoring religion, which is usual in many schools, represents by itself a sort of worldview statement and exerts an influence on the pupils' opinions.[18] The heart of the problem and the main rationale for a ban are probably the doctrines of religions: there are obvious logical tensions between the beliefs of different religions, and tensions between some readings of some religions and some scientific beliefs (differences between Christianity and Islam/Judaism on radical monotheism or a triune God, or between some evangelical theologies and evolutionary biology, provide simple examples).[19] As schools should deliver consensual content only – or so the reasoning goes – such controversial topics should best be banned from

school. On the other hand, some of these beliefs are factually important for many pupils and their families, and banning religion from school just conceals, rather than solves these tensions.

A viable way of dealing with them is giving these controversial positions access to public schools, and even letting them be taught with the claim of truth and by confessional teachers (though competent instructors may be expected to note that certain claims are controversial or considered scientifically falsified, for example). The notorious presence of tension-filled truth claims at schools is helpful in two ways: on the one hand, it does justice to the importance of such beliefs for the self-understanding of wide parts of the society, and it may, on the other hand, teach pupils, teachers, and parents the lesson that issues about religious and other worldview claims cannot simply be dealt with and settled in the way we handle scientific, historical, and related questions. The presence of partially incompatible religious truth-claims at schools mirrors a commonplace in the epistemology of religion: religions may have good arguments on their side, but their claims are not "provable"; being religious is a matter of reasons *and* commitment. A certain degree of cognitive tension in religious and worldview matters is hence something one has to live with. For the cultivation of mutual respect and worldview tolerance as civic virtues, such a lesson is useful.

Probably the core objection against religious education in public schools is the claim of an inappropriate preference of religion over other social activities, and/or a bias in favor of certain religious groups over others. The force of this objection depends on the contextual conditions mentioned above; in certain settings, some form of neutral introduction to various religions to foster mutual understanding would indeed seem more viable. But the Austrian case may be illustrative again. The overall friendly cooperation notwithstanding, the Austrian Constitution (like many others) explicitly claims religious neutrality and precludes any form of state church. In order to harmonize the tasks of maintaining neutrality and securing religious literacy, some rules and criteria are required to take into account the various religions present in Austria and the growing number of (factually or declaredly) nonreligious persons. In Austria, the current rules and criteria are as follows: Freedom of religion is provided in that everybody may freely practice and utter any religion, privately or in public, and freely join or leave any religious group.[20] The right to offer religious education in public schools, however, is restricted to those religious groups that are formally recognized by the state. By that recognition, religious groups become something like a statutory corporation or public body, although they fully govern their internal matters themselves.

In order to be recognized, a religious group must have existed for more than twenty years, it must have passed the preliminary legal status of a "registered community of religious confession" for five years,[21] it must represent at least

0.2 percent of the Austrian population, and of course it must be religious in character, as opposed to, for example, a commercial, ethnic, political, or mere charity association. The latter criterion creates demarcation problems not so much with caricaturing groups like the "Church of the Flying Spaghetti Monster," but with atheist and agnostic groups who claim the same privileges as religious communities. Austrian authorities have so far solved the issue by defining "religion" in an essentialist way: without a broad resemblance to the traditional religions and reference to some "transcendent" beings, powers, and so on, nothing can be regarded as religion. Moreover, the applying community must provide a credible financial system, it must have complied with the laws of the republic, and it must display a positive relation to the Austrian Constitution. Offering publicly financed religious education is then a *right* of the recognized churches and religious associations, but there is not a *duty* to offer it. Some religious groups decline that right by themselves, and smaller groups with locally dispersed members hardly use it for practical reasons.

One might still object that even this criteria-governed bestowal of state support for religious education is an undue preference for certain religious groups: it might be biased in favor of bigger over smaller groups, and biased in favor of religious groups over other social activities, especially those of other voluntary associations.

The former objection finds a partial answer in the generosity of the criteria: compliance with the laws and the constitution are musts for any association and as such are unproblematic. Concerning the quantitative thresholds, there are two points to consider: Unlike the religious freedom of their members, the right of a religious group to offer religious instruction in public schools is not something like a fundamental liberty (which would preclude any quantitative minimal thresholds at all). It is just a contingent liberty or a competence granted to certain significant religious groups. And since the gap between the per-capita administration costs and the number of benefitting members is widening the smaller the religious group is, it seems justifiable to introduce *some* minimal threshold; in the Austrian case (0.2 percent of the population, or about seventeen thousand members), it appears as generous anyway. The objection of an undue, arbitrary preference for bigger over smaller groups can hence be rejected.[22]

But does religious instruction in public schools constitute an undue preference of religion over other social activities? The answer depends on the conception of religion and its role, and the conception of education. If religious groups and activities are conceived akin to charity associations, sports clubs, social movements, and the like – that is, something rather accidental in the individual and public life – then religious instruction in public schools might indeed appear as an unfair privilege and an undue preference. But according to the conception of education exposed above, school curricula have as their primary task to secure certain stan-

dards of literacy about scientific knowledge and cultural backgrounds, and to foster the commitment to certain values and practices of life (for this reason, for example, music, sports, and fine arts are subjects in most schools). It is not a task of schools to give equal "airtime" to various associations, even if they are of reasonable or charitable character. But in the light of the exceptional historical, cultural, and political relevance of religion, and especially its politico-cultural ambiguity, including it as a school subject does not constitute an undue bias for religion.[23]

A special case is created by (new or older) non- or antireligious worldview movements claiming the same rights as religious groups. The essentialist standpoint of the Austrian administration is not more than a problem-shift: it is not obvious why only religions (however defined) and not humanist groups, for example, should be present in the school curricula. A lack of compliance to the laws and the constitution can hardly be the argument,[24] and the value-stance of these groups usually resembles the one circumscribed, for example, in section 2 (1) of SchOG. The strongest argument – its cogency might perhaps fade in the future – is the incomparably bigger cultural and historical role of the traditional religions in comparison with new humanist movements.

Beyond the aforementioned (and more fundamental) questions, there are some minor but significantly practical issues connected with religious education in public schools. First, there is a worry that the "friendly cooperation" (as a whole, not only regarding religious education) sets some religious groups under pressure to establish "Catholicism-like" organizational structures and to develop doctrine-focused "theologies," which might partly be alien to their self-understanding. The Islamic Community in Austria (Islamische Glaubensgemeinschaft in Österreich, IGGÖ), for example, although it is as a statutory corporation the official addressee of the state in all issues regarding Muslims, factually represents only a fraction of the Muslims living in Austria, because of the generally lower interest of Muslims in registered membership and the chiefly ethnic structuring of the Austrian Muslim communities. The IGGÖ has a traditionally strong Turkish orientation and other ethnic groups do not perceive it as their representative. It may also be added that building up administrative structures, corresponding with state authorities, and complying with administrative regulations of the state are comparatively harder burdens for smaller religious groups, especially for those without a powerful financing system.

This problem is probably not solvable. Even if the status of a recognized religion is a favorable legal position granted on application, the factual chances of the various religions to benefit from this position are – for contingent historical reasons – not fully equal.

Second, though focused on authentic information on one's own religion, religious education in public schools should not create something like parallel in-

trareligious filter-bubbles, but rather learning fields for democratic civic virtues, mutual understanding, tolerance, and respect for other religions. How a certain level of "cross-religious" information and encounter can be secured and how unhealthy confessionalism as a splitting, dividing, centrifugal tendency for democratic societies can be avoided is currently a much-discussed question. Various models are being tested in Europe, ranging from factual, occasional collaboration organized by engaged teachers (such as an "interreligious city walk" of the various religion classes to churches, mosques, synagogues, and Buddhist centers, or interreligious new year celebrations) via interreligious "windows" between the classes (that is, regular encounters to learn and discuss in interreligious groups) to permanent interreligious teaching ("dialogical confessional education"), be it by one or more teachers.

Third, not necessarily all religion teachers exemplify the ideal model of the "friendly and reasonable theist," which is the tacit background of the Austrian and related models of religious education. The problem of keeping religious education free from anticonstitutional, antidemocratic, grossly anti- or pseudoscientific, or otherwise problematic content is not huge, but it deserves attention. A complete ban of religion from public schools would not imply that problematic content will not find its addressees via other channels. And conversely, one might recall the abovementioned pressure toward transparency, which emerges when religious groups are involved in the public school system. Where textbooks are publicly acknowledged and purchasable, where curricula are accessible on government websites, where teachers have to make their positions plausible in the multi-worldview environment of a teaching staff, problematic content is more likely to be spotted and eliminated. For serious cases, the withdrawal of the individual license to teach (or theoretically even the status of a recognized religious group, if the problem is of a deep-going and general nature) is a legal possibility. The individual and constitutionally guaranteed right to religious freedom would not be infringed by such a grave measure.

There is another worry that deserves attention. Sociologist Tariq Modood has identified five possible reasons why states might be interested in religion: truth, danger, utility, identity, and worthiness of respect.[25] One might suspect that the foregoing considerations hinge merely on danger and utility, which might appear unsatisfactory (or even reductionist) from a religious perspective: If at all, should not religious education at public schools rather be granted for truth, identity, and worthiness of respect? ("Identity" is not understood as theocracy, that is, an identity between religious and political regime, but the importance of religion for the sense of identity of the state or of religious groups, especially minorities.) The objection is not misguided, and it may invite to render the secular rationale for religious education in public schools more transparent.

In the context of "religion and democracy," danger and utility are indeed the first that spring to mind, given the political ambiguity of religion. But the rationale for religious education in democratic states can be broader: if educational tasks and values roughly along section 2 (1) of SchOG are plausible, and if religions (in their best forms) pursue similar tasks and values, then even a secular state can recognize some aspects of truth in the religions. Religions have an ongoing relevance for the identity and cultural self-understanding of societies, certain societal groups, and individuals, and as such they are worthy of respect by the state and by other citizens. All these reasons are entirely secular and should hence be plausible for religious and most nonreligious people (strong secularists might be an exception).

There is probably no problem-free royal road toward securing minimal religious literacy in a democratic society. But religious instruction would be done anyway, somewhere, by someone, and in some fashion. Arguably, the solution to have it done via confessional religion teachers under the transparency conditions of public schools is not the worst among the available options.

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ENDNOTES

[1] For a survey, see Kent Greenawalt, *Does God Belong in Public Schools?* (Princeton, N.J.: Princeton University Press, 2005), chap. 1.

[2] Steven Kettell, "Secularism and Religion," in *The Oxford Encyclopedia of Politics and Religion* (New York: Oxford University Press, 2019), https://doi.org/10.1093/acrefore/9780190228637.013.898; Craig Calhoun, Mark Juergensmeyer, and Jonathan VanAntwerpen, eds., *Rethinking Secularism* (Oxford: Oxford University Press, 2011); and José

Casanova, "Rethinking Secularization: A Global Comparative Perspective," *The Hedgehog Review* 8 (1–2) (2006): 7–22.

[3] Ernst-Wolfgang Böckenförde, *Staat, Gesellschaft, Freiheit: Studien zur Staatstheorie und zum Verfassungsrecht* (Frankfurt: Suhrkamp, 1976), 60, translation from "Böckenförde Dilemma," Wikipedia, https://en.wikipedia.org/wiki/Böckenförde_dilemma.

[4] See Craig Calhoun, Eduardo Mendieta, and Jonathan VanAntwerpen, eds., *Habermas and Religion* (Cambridge: Polity Press, 2013).

[5] Basics are regulated in the Federal Law of Religious Education (Religionsunterrichtsgesetz) of 1949; details would go far beyond the scope of this essay. For a survey on Europe, see the three-volume collection: Martin Rothgangel, Martin Jäggle, and Thomas Schlag, eds., *Religious Education at Schools in Europe* (Göttingen, Germany: Vandenhoeck & Ruprecht, 2014–2015). In the near future, ethics will most likely be introduced as a compulsory alternative subject for all those who opt out of religion. Interestingly, Poland (with its much more religious society) has an opt-in system.

[6] The curricula, formally promulgated by the Federal Ministry of Education, can be retrieved with the search term "Lehrplan Religion" at the Legal Information System of the Republic of Austria (RIS), https://www.ris.bka.gv.at/Bundesrecht/. The "legally recognized churches and religious associations" (gesetzlich anerkannte Kirchen und Religionsgesellschaften) are, at present: Catholics, Protestants (Lutheran and Reformed), Old Catholics, Methodists, free churches, New Apostolic Churches, Mormons, Greek Orthodox, Armenian Orthodox, Syrian Orthodox, Coptic Apostolic, Jews, (Sunni) Muslims, Alevites, Buddhists, and Jehovah's Witnesses.

[7] The lamentably late unambiguously positive official statement of the Catholic Church to democracy in the Second Vatican Council 1962–1965, the antidemocratic stance of significant parts of German Protestantism between the World Wars, and the still somewhat ambiguous position of the Russian Orthodox church notwithstanding.

[8] On that, see Greenawalt, *Does God Belong in Public Schools?* 28–33.

[9] Numerous local differences are omitted here: for example, in Germany and Switzerland, school is a competence of the federal countries, and some of them have peculiar regulations.

[10] Given that tradition, decisions on matters involving religion by national constitutional courts and the EU Court of Justice are rather scarce, and religious education is not in the foreground; cases rather revolve around religious symbols or clothing in the workplace, the consequences of divorce for employment in the Catholic Church, education, and medical fields. Critics notice a tendency in EU Court decisions to interpret "religious neutrality" more and more toward the "invisibility" and exclusion of religion, broadly along the French conception of *laicité*; see, for example, Mark Bell, "Leaving Religion at the Door? The European Court of Justice and Religious Symbols in the Workplace," *Human Rights Law Review* 17 (2017): 784–796.

[11] For principles of an "ethics of citizenship," see Robert Audi, *Democratic Authority and the Separation of Church and State* (Oxford: Oxford University Press, 2011).

[12] More is not to be demanded, due to the notorious decision-theoretical impossibility of singling out "the one and only" perfectly just representation or voting system.

[13] For basic information on the Austrian school system, see, for example, Federal Ministry of Education, Science and Research, Austria, *Educational Pathways in Austria 2019/20*

(Vienna: Federal Ministry of Education, Science and Research, 2020), https://pubshop.bmbwf.gv.at/index.php?rex_media_type=pubshop_download&rex_media_file=191223_bildungswege_eng_bf.pdf; and "Education in Austria," Wikipedia, https://en.wikipedia.org/wiki/Education_in_Austria.

[14] The only change was the later (and rather redundant) insertion of the "sporty-active lifestyle." This stability over fifty-seven years is remarkable, since the paragraph could have easily been changed by any simple parliament majority. Section 2 is regarded as something like "de facto constitutional law," which should stand beyond political conflicts.

[15] There is an affinity between the ideas behind section 2 (1) of SchOG and the "ethics of citizenship" as defended in Audi, *Democratic Authority and the Separation of Church and State*. For the American debate on the appropriate individual moral/civic virtues component in the aims of education in public schools, see Greenawalt, *Does God Belong in Public Schools?* chap. 2, esp. 23–26.

[16] Olivier Roy, *Holy Ignorance: When Religion and Culture Part Ways* (London: Hurst, 2010).

[17] A similar point is discussed in Greenawalt, *Does God Belong in Public Schools?* 27–30.

[18] Ibid., 81–86.

[19] This topic is almost irrelevant in Austria and most other European states, and most religion teachers hold some sort of compatibilism concerning science and religion. Probably, the long-term involvement of religion teachers in the public school system has positively contributed to this situation.

[20] Of course, this freedom is limited by the borders of the Constitution (such as the religious and personal freedom of others), penal law, construction laws that also concern religious buildings, laws regulating the use of drugs, noise annoyance, traffic rules, public order, and so forth. Documents stating this freedom are chiefly: Article 14 of the Basic Law on the General Rights of Nationals of 1867; Article 63 Section 2 of the State Treaty of Saint-Germain-en-Laye of 1919; and Article 9 of the European Convention on Human Rights of 1950.

[21] In German: "Staatlich eingetragene religiöse Bekenntnisgemeinschaft." Currently, there are nine, including the Baha'i, Shiite Muslims, Hindus, Seventh-day Adventists, and the Unification Church.

[22] The Austrian Constitutional Court (B516/09, December 16, 2009) regarded the 0.2 percent threshold as constitutional, broadly along a similar line of argument.

[23] A complicated question that cannot adequately be treated here is the appropriate substitute for those pupils who freely opt out of religious education, do not belong to any religion, or belong to a religion that does not offer religious education. Solutions to that problem (in Austria and other states) may be free periods, joining the class of a related religious group (mutual agreement provided), or the obligation to join ethics classes instead of religion.

[24] Worldview instruction in public schools by groups having an explicitly *anti*-religious agenda (as opposed to a mere *non*-religious worldview) might be problematic in the light of the constitutional guarantee of religious freedom.

[25] Tariq Modood, "Moderate Secularism, Religion as Identity and Respect for Religion," *The Political Quarterly* 81 (1) (2010): 4–14.