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Reasons for Religious Education in Public Schools

The issue of confessional Religious Education provided in public schools in Germany remains controversial. This was apparent again with the public debate about the introduction of the secular subject LER (*Lebensgestaltung-Ethik-Religionskunde*, i.e., life choices, ethics, and religious studies) in the federal state of Brandenburg. It is also evident in the current discussion about the introduction of Islamic Religious Education.

A well-founded justification must consider educational, societal, anthropological, and legal aspects. In this chapter, we will begin by developing (1) a reason from cultural history followed by (2) one from societal considerations, (3) an educational approach and (4) an anthropological reason and finally (5) the legal perspective. Taken as a whole, we are convinced that these arguments can justify the provision of Christian Religious Education in public schools very well and may even be convincing, at least to some degree, to people who are affiliated with neither a church nor Christianity.

1. Reasons from cultural history

The first reason for Religious Education at school comes from the history of thought and culture. Though it would not, on its own, suffice to justify its provision, in connection with other reasons it is an important aspect of a convincing justification. The tradition of a hermeneutically-oriented Religious Education championed by Martin Stallmann and Gert Otto has especially emphasised and developed this aspect.

This position is rooted in the well-founded conviction that the biblical tradition and its concrete historical expressions are of fundamental importance for our Western civilisation. It is realised in an understanding of the school as both a

place and an advocate of tradition. Correspondingly, the educational responsibility of the school can be seen “in educating in the interpretation of tradition”¹ In that endeavour, individual subjects are assigned specific areas of tradition. The task of Christian Religious Education is to address Christianity and the biblical tradition in a manner suitable to the nature and scope of this tradition. This requires, among other things, the transmission of a basic understanding and knowledge of the Bible as a “document that has centrally contributed to the becoming and being of our world”². With a view to the present, it also means that society needs Religious Education as part of its cultural transmission mechanism to prevent a loss of cultural achievements, including religion, faith, and the church.

These reasons from cultural history find their limits, though, once we address the question of Religious Education rooted in a non-Christian, non-Western tradition (such as Islamic Religious Education).

2. Societal reasons

The reasons from cultural history need to be augmented with considerations regarding the current situation of society and the life-world of the pupils. This justification needs to embrace both the situationally pragmatic and the ethically normative aspects. It is founded on an understanding of the purpose of education and especially of the school as providing orientation and enabling independent action in the contemporary world.

The curricular content of Religious Education encompasses issues of great and immediate relevance for social life. First and foremost, this refers to the encounters with Christianity in the life-world of the pupils. Regardless of their individual attitude towards Christianity, pupils will encounter believing and committed Christians and participate in celebrations or rites (for example, with funeral services) of the church. Beyond this, we should not forget the calendar divided into seven-day weeks and structured by the Christian festivals of Christmas, Easter, and Pentecost, the Christian contents in modern literature, art, and music, and not least in philosophy, politics, and education. Finally, we

¹ G. Otto, *Schule - Religionsunterricht - Kirche. Stellung and Aufgabe des Religionsunterrichts in Volksschule, Gymnasium and Berufsschule*, third edition Göttingen 1968, 49.

² K. Wegenast, Art. Bibel, in: D. Zilleßen (ed.), *Religionspädagogisches Werkbuch*, Frankfurt a. M. 1972, 147.

have to consider the manifold expressions of the churches' presence which pupils encounter in everyday life.

A second important consideration concerns society's need for ethical norms and values. The contribution from Religious Education to ethical and value education is both expected and appreciated widely. The same is true for sharing the responsibility of preserving nature and the development of peace and justice. The trend towards more religious pluralism also places more emphasis on the relationship between the religions. A societal justification includes for Protestant Religious Education an interreligious dimension in encounters with other religions, their adherents and practices, just like in the life-world of the pupils.

3. An educational approach

The way of justification mentioned above is closely interwoven with what we call the educational approach³. In this, the church as part of society and contemporary representation of the biblical tradition and religion becomes centrally relevant. The school, as an institution of the state which is required to maintain relative neutrality in matters of religion and worldviews, provides its pupils with Religious Education to enable them to effectively exercise their constitutional right to freedom of faith, conscience, and religion enshrined in Article 4 of the Basic Law. Within this formal framework, the churches are invited to provide the content. In this sense, the statement in the church guidelines on "Church and Education" formulates that the church participates in state schools and supports, through Protestant Religious Education, "the active exercise of freedom of religion"⁴.

In this way, the state fulfils the civic right to education by requiring the school to enable the individual pupils to exercise their basic human and civil rights in the sphere of faith, conscience, and confession, as the German Education Council intended it⁵. Even where church members are becoming - or already have become - a minority, education in matters of religion and faith remains relevant. However, the principle of religious freedom requires an

³ Cf. above article by Friedrich Schweitzer, Religious education as a task of school.

⁴ Kirchenamt der EKD (ed.), Kirche and Bildung. Eine Orientierungshilfe, Gütersloh 2009, 40.

⁵ Cf. Deutscher Bildungsrat, Empfehlungen der Bildungskommission, Strukturplan für das Bildungswesen, fourth edition Stuttgart 1972, 29.

alternative subject to be institutionalised alongside Religious Education, be it called Ethics, Philosophy, or Norms and Values.

If we understand the educational task of the school in this manner, the contribution of the churches is evident in providing the content of Religious Education that addresses these fundamental questions of life orientation and explores the basic right to freedom of religion and conscience along with other issues related to human freedom and dignity. To that end, Religious Education must maintain a realistic estimate of social realities and be taught in accordance with the conditions and policies of the school.

The pupils must be met where they individually are. They have a right to be supported in their religious development and life histories and to be guided by Religious Education in a critical engagement with Christianity. The Bible is the key document to develop the appropriate criteria for judging Christianity and the Christian faith in line with their self-interpretation. Therefore, it is necessary to teach pupils to competently read and interpret the Bible both to improve their critical faculties and their ability to arrive at reasoned judgement in religious matters.

4. Anthropological reasons

The fourth reason for Religious Education at school is based on existential anthropological considerations. It is rooted in the school's task to support the pupil in the development of his or her personality. In the process of education, pupils must have a chance to work on the question of who they are, what the meaning and purpose of their existence is, how to deal with liminal experiences and how to balance self-alienation and self-actualisation. This poses the anthropological question whether the sense of the transcendent represents an opportunity in this endeavour. Is a disposition towards transcendence part of human nature?

When Friedrich Schleiermacher writes “Man is born with the religious capacity as with every other”⁶, he is speaking of exactly such a ‘sense of the religious’. In 2005, molecular biologist Dan Hamer drew a lot of attention with his

⁶ F. Schleiermacher, *Über die Religion. Reden an die Gebildeten unter ihren Verächtern* (1799), sixth edition Göttingen 1967, 105.

claim that the human genome included a “God gene” and that “human spirituality was a hereditary part of our biological make-up”. Certainly, the assumption of a “God gene” must be subject to critical questions, but we can clearly state that neuropsychological research is “providing convincing evidence that spirituality is indeed a universal phenomenon and an anthropological constant”⁷.

In English-speaking research, efforts to empirically explore the spiritual side of human nature have been under way for some time now⁸. The question posed is whether spirituality is a fundamental precondition of religiosity and thus for any kind of religious learning. The British researcher David Hay understands spirituality in this sense “as a fact that is constitutive to human existence, an anthropological constant”⁹. His view is based on empirical studies he conducted on spiritual and religious experiences in adults as well as - regarding anthropological considerations - the work of zoologist Alister Hardy, “according to whom, spiritual or religious experience is part of humanity's biological nature”¹⁰.

Rebecca Nye developed the concept of an awareness of living in relationships as the core category of children's spirituality. This “relational awareness” pertains to relations between humans as well as with oneself, God, and the natural environment. It must also be understood as a cognitive activity, “a strongly reflective consciousness which allows the child to become aware of the remarkable nature of its own mental activities”¹¹. N. Mette summarises the findings of spirituality research and the educational challenge they pose accordingly:

“On the one hand, spirituality does not enter the human only through the explicit embrace of a given religion but is part of their existential nature that is extant from childhood, but that must unfold according to the individual's development lest it wither.”¹²

⁷ A. Bucher, *Psychologie der Spiritualität*, Weinheim / Basel 2007, 20 f.

⁸ For the following, see D. Freudenreich / N. Mette, *Spiritualität und interreligiöses Lernen*, in: P. Schreiner et al. (eds.), *Handbuch Interreligiöses Lernen. Eine Veröffentlichung des Comenius-Institutes*, Gütersloh 2005, 304-314 – especially with reference to D. Hay / R. Nye, *The Spirit of the Child*, London 1998.

⁹ D. Freudenreich / N. Mette, *Spiritualität und interreligiöses Lernen*, 306.

¹⁰ *Ibid.*, 306. - Anton Bucher and Fritz Oser similarly state that “religiosity and spirituality are phenomena that may take different forms, but are rooted in identical neuropsychological structures” (A. Bucher / F. Oser, *Entwicklung von Religiosität und Spiritualität*, in: R. Oerter / L. Montada (eds.), *Entwicklungspsychologie*, sixth edition Weinheim / Basel 2008, 607- 624, here 614).

¹¹ D. Freudenreich / N. Mette, *Spiritualität und interreligiöses Lernen*, 309 f.

¹² *Ibid.*, 313.

The school must take account of this fundamental anthropological matter of fact in its teaching and educating. This requires children to be allowed space and opportunities to consider questions and explanations of meaning, with religions and belief systems in a critical engagement with relevant traditions, experiences from tradition, and helpful answers passed down to them. For Protestant Religious Education this means above all the Bible. Its understanding of human existence as life 'before God' - in God's own likeness and in responsibility for the world as God's creation - can become an important contribution to the educational goals of both finding meaning and the development of an identity of the pupils.

5. Legal reasons

Finally, we must add the legal aspect to the complex of the four basic reasons. Schools in the Federal Republic of Germany provide Religious Education because Article 7, Paragraph 3 of the Basic Law and the analogous passages in the constitutions of its federal states stipulate this (see article by Michael Meyer-Blank, Forms of Religious Education in the federal states of the Federal Republic of Germany). As a reason from legal positivism, this is unsatisfactory on its own in the debate on Religious Education, but as a statement of political fact it is a decisive factor in securing its provision. To elaborate it as a reason for Religious Education, we not only need to understand the specific constitutional articles, but also develop a deeper understanding of the role of Religious Education in the broader constitutional context of the relationship between state and church. In connection and convergence with the four reasons described above, a legal justification that goes beyond legal positivism in the sense of just privileging the two major Churches can open up new perspectives.

5.1 The legal context

Partly quoting Article 149 of the Weimar Constitution, Article 7, Paragraphs 2 and 3 of the Basic Law of the Federal Republic of Germany state:

“(2) Parents and guardians shall have the right to decide whether children shall receive religious instruction.

(3) Religious instruction shall form part of the regular curriculum in state schools, with the exception of non-denominational schools. Without prejudice to the state's right of supervision, religious instruction shall be given in accordance with the tenets of the religious community concerned. Teachers may not be obliged against their will to give religious instruction."¹³

Three provisions made in these Articles require particular attention in the design of Religious Education:

1. Religious Education is part of the "*regular curriculum in state schools*". This means that, as in any other mandatory school subject, pupils receive grades that are entered into the report cards and become relevant for the scholastic career. It also requires the state to fund teaching materials and staff.
2. Religious Education is to be taught "*in accordance with the tenets of the religious community concerned*". In practice, this has meant a denominational and denominationally separate Religious Education up to now.
3. Religious Education is obligatory for institutions, but not for individuals. It follows that both pupils and teachers have the right to not participate in Religious Education.¹⁴

5.2 "*Tenets of the religious community*" – *denominational Religious Education*

The first question to arise is how to interpret the passage stating that Religious Education must be provided "in accordance with the tenets of the religious community concerned". No doubt, this requires thorough consideration and reflection. The Council of the Evangelical Church in Germany (EKD) laid out its position on this matter in the "Position Paper of the Evangelical Church in

¹³ www.btg-bestellservice.de/pdf/80201000.pdf (accessed on May 8, 2013).

¹⁴ This is in accordance with Article 4 of the Basic Law guaranteeing freedom of religion and conscience. For pupils, the choice is legally the guardians' until the pupils reach the age at which they are entitled to decide themselves. For historical reasons, this varies between the federal states of Germany. Where the Law on Religious Education of Children of 15 July 1921 applies, they are entitled to choose their own religious orientation at age 14, but may refuse a change of religion or confession decided by their guardians starting at age 12. The state constitutions of Bavaria, Saarland and Rhineland-Palatinate differ from this, with the age of majority in religious matters set at 18.

Germany on Constitutional Questions regarding Religious Education” of July 7, 1971. This important position paper does not reflect an obligatory institutional policy position, but it reflects a stance commonly held in Protestant circles and was adopted by the Synod on November 12, 1971. It espouses the following reading of the “tenets of the religious community” in the Protestant understanding¹⁵:

- (2) “In today's theological and ecclesiastical view, the understanding of the Christian faith is characterised by the following basic tenets:
 - a) The transmission of the Christian faith is fundamentally determined by the biblical testimony of Jesus Christ, with due recognition of the effective history of this testimony.
 - b) Statements of faith and creeds must be understood in their historical contexts and always stand in need of new interpretation.
 - c) The transmission of the Christian faith must maintain its connection with the testimony and service of the church.
- (3) Being bound to the biblical testimony of Jesus Christ, in a Protestant understanding, includes an interpretation and presentation of the contents of faith by the teacher on the basis of theological scholarship and freedom of conscience.
- (4) The ‘tenets of the religious community’ at present include the demand to engage with the various historical forms of the Christian faith (Churches, denominations, creeds), in order to test one's own position and stance, to better understand those who do not share it, and to arrive at greater agreement. The same is true for engaging with non-Christian religions and non-religious beliefs.
- (5) The theological understanding of the ‘tenets of the religious community’ corresponds to an educational teaching design that equally transmits the ability of interpretation and the practice of cooperation.”¹⁶

¹⁵ Stellungnahme des Rates der EKD zu verfassungsrechtlichen Fragen des Religionsunterrichts (vom 7.7.1971), in: EKD-Kirchenkanzlei (ed.), Die evangelische Kirche und die Bildungsplanung. Gütersloh 1972, 119 -127, esp. 124 = EKD-Kirchenamt (ed.), Die Denkschriften der EKD, vol. 4/1. Bildung und Erziehung, Gütersloh 1987, 56 - 63, esp. 60.

¹⁶ The interpretation of the phrase “in accordance with the tenets of the religious community” is referred to in a number of curricula for Protestant Religious Education.

This interpretation of the words “in accordance with the tenets of the religious community” includes a number of points that are worth closer consideration and discussion:

- A thorough study and genuinely interested exploration of the Christian faith necessarily makes the life and mission of Jesus Christ as it can be found in the biblical testimony and its effective history, the topic of its characteristic effort of understanding.
- In this effort, it is essential that the teacher's being bound to the biblical testimony of Jesus Christ includes that the teacher is also obliged to theological scholarship and to his or her free conscience.
- The transmission of the Christian faith is related to the concrete praxis of the church practice and to a reality that can be experienced.
- Questions of the Christian faith are addressed in turning to different historical and current conceptions of Christian life as well as in dialogue with other faiths.
- An understanding of Christian faith characterised by such freedom must necessarily correspond to a commensurate freedom in the transmission in teaching.

In this context, we must once more return to the problem of confessionality. According to the above interpretation the phrasing of Article 7, Paragraph 3 of the Basic Law requires denominational Religious Education. However, pupils of the respective other confession or even religiously unaffiliated pupils may -depending on circumstances and the regulations applying in the various federal states - be admitted to the Religious Education of the other denomination. In such a case, they must be treated equally with all other participating pupils.

The position paper of the EKD assumes that the denominational affiliation of the teacher is sufficient to guarantee the denominational character of Religious Education, provided it is taught in accordance with the tenets of the respective religious community. Especially in special-needs education, but increasingly also in vocational schools, the past years have seen interdenominational cooperative Religious Education. Surveys indicate that teachers in such schools take a different view of the importance of the denominational affiliation in respect to the pupils.

Though the terms of the Basic Law clearly require denominational Religious Education, the EKD's position paper in paragraphs 4 and 5 also refers to the commonalities of Christian churches. With a view on teaching, it further points towards the need to practise dialogue and cooperation. The question to what degree didactic reduction and a concentration on the core aspects of the Christian faith will not imply a great degree of commonalities must certainly be asked not only for special-needs education. The tension between denominational principles and the realities of classroom teaching cannot be resolved through a one-size-fits-all solution, but it must be addressed locally.

5.3 Religious Education in cooperation between church and state

According to Article 7 of the Basic Law Religious Education is provided "in accordance with the tenets of the religious community concerned" as a regular subject in schools that are subject to the "state's right of supervision". This represents a *res mixta*, a joint matter of church and state. In the case of Religious Education - as everywhere else in the field of religion - the state is subject to a constitutional limitation due to the fundamental right of the freedom of religion. When we consider the justification of Religious Education in public schools, we must remember that the provisions enshrined in the Basic Law, federal state constitutions and agreements between Churches and the government are ultimately rooted in the human rights and liberties that form the basis of democratic society. As it was pointed out when discussing the educational approach, the provisions for Religious Education made in Article 7 of the Basic Law must be understood and interpreted in connection with and in dependence on Article 4 which reads:

- "(1) Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.
- (2) The undisturbed practice of religion shall be guaranteed."¹⁷

These words enshrine one of the most fundamental rights of human existence (human rights) in our society. It states the duty to enable pupils to really make use of their right to the free exercise of religion. The state on its own must refrain

¹⁷ <https://www.btg-bestellservice.de/pdf/80201000.pdf> (accessed May 8, 2013).

from determining the curricular content of Religious Education. At the same time, Religious Education is defined as a regular subject. This means: the formulation of goals and content for Religious Education is left to the religious communities; the state is responsible for providing the organisational infrastructure and staff, and has to officially publish the curricula and teaching materials. The Council of the EKD described the relationship between Articles 4 and 7 of the Basic Law as follows in the position paper of 1971 which we already referred to and which - as evidenced by the passages in the 2009 paper on “Church and Education” - is still relevant for the current debate:

“(2) Article 4 of the Basic Law envisions a pluralist state that allows both individuals and worldview groups the freedom to formulate their own beliefs and the free exercise of their religious convictions and worldviews. It clearly stipulates that the state must not tie itself to any one religious or worldview position, but adopts an open and tolerant stance towards all of them (neutrality). This position on the part of the state does not mean indifference to values or negative indifference towards the beliefs maintained by the people. Rather, it is open to including a positive appreciation of the importance of the religious and worldview communities and cooperation with them.

(3) If the regulations of the Basic Law are understood in this framework determined by Article 4, it becomes clear that the establishment of Religious Education according to Article 7, Paragraph 3 should not be interpreted as a remainder or an anomaly in the relationship between state and religious communities. Guaranteeing Religious Education may be understood as an instance of limited and, in the light of Article 4, justifiable cooperation between the state and the religious beliefs existing in society. That also means that the guaranteed status of Religious Education in the sense of Article 7, Paragraph 3 of the Basic Law is not viewed as a privilege of the Churches. Rather, it opens the opportunity for worldview communities to cooperatively participate in the planning and shaping of Religious Education. This planning and shaping is understood here from the vantage point of modern curriculum theory.”¹⁸

At issue, then is “positive freedom of religion”, the right of the individual pupil to the positive exercise of their religion by participating in Religious Education.

¹⁸ Stellungnahme des Rates der EKD zu verfassungsrechtlichen Fragen, 121.

5.4 Continuing interpretation

Following Germany's reunification in 1989/90, the constitutional provisions for Religious Education and their application to the new federal states were subject to a thorough and often critical debate. Even the Churches in former East Germany tended to shy away from advocating Religious Education in school, not only based on their very different experience of church-state relationship in which the Church had been marginalised in public life and education, but also because of the relatively low church membership in their regions, averaging below 30 % of the population. Nonetheless, the provisions of Article 7 of the Basic Law were adopted throughout former East Germany with the exceptions of Brandenburg, where the secular subject LER (Life Choices, Ethics, Religious Studies) is mandatory, and Berlin, where a plebiscite to introduce Religious Education failed to gain a majority in 2009 and a secular subject of Ethics is taught instead¹⁹.

This has neither solved all problems nor has it preserved the legal basis of Religious Education throughout the country in its pre-unification state. Quite the contrary: the legal debate on Religious Education has made clear the actual range which exists for 'continuous interpretation' of the constitutional foundations. This is exemplified by the regulations for an alternative or substitute subject implemented in the new states - a question which the Basic Law is silent on²⁰. It becomes even more evident in the on-going debate about introducing Islamic Religious Education in German schools. Islamic Religious Education now enjoys broad support from all quarters, but still suffers from considerable legal uncertainty especially with regard to Article 7, Paragraph 3 of the Basic Law²¹.

One particularly striking aspect of the ongoing interpretation of Article 7 is the tendency - pointed out in the EKD memorandum "Identity and Dialogue" - to see "the relationship between Religious Education and Ethics in a more open

¹⁹ For this see: W. Gräb / Th. Thieme, *Religion oder Ethik?* (ARP 45), Göttingen 2011.

²⁰ For the state-specific forms of Religious Education and its alternatives, cf. the following article by Michael Meyer-Blanck, *Forms of Religious Education in the federal states of the Federal Republic of Germany*. More comprehensive: M. Rothgangel / B. Schröder (eds.), *Evangelischer Religionsunterricht in den Ländern der Bundesrepublik Deutschland. Empirische Daten - Kontexte - Entwicklungen*, Leipzig 2010.

²¹ M. Dietrich, *Islamischer Religionsunterricht. Rechtliche Perspektiven*, Frankfurt a. M. 2006.

fashion from the start, in the sense of an equal choice of elective school subjects”²². This can be legally argued to derive from a reading of Article 7 guided by the assumption that the individual right to choose to participate in Religious Education (Paragraph 2) carries greater weight than the institutional right of the religious communities (Paragraph 3). This highly rated “fundamental personal right, be it of the pupil legally capable to make that choice or their guardian” is not only “a negative individual right” against illegitimate clerical and government claims on them, but requires a right to choose not only between Religious Education and Ethics, but also between Catholic and Protestant Religious Education or other forms offered, including Islamic Religious Education²³.

This unconventional contentious reading of Article 7 demonstrates the scope and possibilities inherent in its interpretations, and more: the explosive power that a reinterpretation can develop. If the interpretation of Article 7 were to challenge the previously unassailable institutional rights of the Churches in respect to Religious Education, many of the Churches’ regulations for denominational Religious Education become untenable. Religious Education would have to become open to all pupils, for example, so that all regulations demanded by the Churches concerning the participation of those with other or no denominational affiliation would be void. Admittedly this would affect less the position of the Protestant Church - which makes the denominational character of Religious Education dependent only on Protestant teaching staff and curricular content - but much more the traditional Catholic position still upheld by the German Conference of Catholic Bishops. According to this position, the denominational nature of Religious Education is dependent on the three factors of teacher, pupil, and content²⁴. Concretely, this means that every Catholic pupil is required to attend Catholic Religious Education and is not at liberty to choose Protestant Religious Education or any other kind of Religious Education.

From the perspective of developing a Religious Education adequate for the future, one must wish for greater openness and a more liberal interpretation of

²² Kirchenamt der EKD (ed.), *Identität und Verständigung*, Gütersloh 1994, 76

²³ J. Chr. Mahrenholz, *Die verkannte Religionslehre*, Hannover 1987, 117; cf. also R. Lachmann, *Rechtsfraglichkeiten eines christlich-ökumenischen Religionsunterrichts an öffentlichen Schulen*, in: W. Rees et al. (eds.), *Im Dienst von Kirche und Wissenschaft. Festschrift für A. E. Hierold*, Berlin 2007, 923 - 940.

²⁴ Sekretariat der Deutschen Bischofskonferenz (ed.), *Die bildende Kraft des Religionsunterrichts*, Bonn 1996, 77.

access to and participation in Religious Education on the part of the Catholic Church. This would be entirely in keeping with Article 7, Paragraphs 2 and 3 of the Basic Law and would not fundamentally question the other two pillars of the constitutional guarantee given there: Religious Education would remain a regular school subject and retains its denominational nature. It is abundantly clear that an objectively neutral subject of 'Religious Studies' is incompatible with Article 7. However - and this leads us back into the field of continuing interpretation - it must not only be permitted but effectively required to rethink and develop our reading of the passage requiring Religious Education "in accordance with the tenets of the religious community". From the perspective of the Churches, the question here is above all the theological and didactic understanding of the "tenets" of the Christian faith. What are the core contents of the Gospel, the 'foundational' aspects that teachers in denominational Religious Education argue from in their teaching?

In section 5.2 we have already seen the answer which the Protestant Church in Germany gave 40 years ago. These were and undoubtedly still are core statements of the Christian faith, though they need reformulation and further development in an increasingly secular and multireligious society and world. In the current situation, the ecumenical dimension and task of Religious Education is gaining in importance and urgency. The Protestant and Catholic Churches are called on to emphasise the shared Christian aspects and the shared Christian "tenets", in order to work towards, in the long-run, jointly organised ecumenical Religious Education. The aim of "Strengthening Commonalities - Doing Justice to Differences"²⁵ outlines a conception that allows for denominational differences to be addressed while still prioritising shared Christian beliefs in the context of the constraints of the Religious Education classroom.

Promising approaches towards such a basically ecumenical Religious Education already exist. An early trailblazer were the Bavarian "Principles for Instruction and Education based on the Shared Tenets of the Christian Confessions for Elementary, Secondary (*Hauptschule*) and Special Needs Schools" that received the blessings of Catholic Cardinal Wetter and Protestant Bishop Hanselmann in November 1988. These "Principles" could without doubt also function as basis for ecumenically designed and provided Religious Education.

²⁵ Sekretariat der Deutschen Bischofskonferenz (ed.), *Die bildende Kraft des Religionsunterrichts*, Bonn 1996, 77.

Experiences with denominationally cooperative Religious Education in Baden-Wuerttemberg are similarly encouraging. As yet, they have been limited to temporary trials and research projects, but the findings and conclusions already point towards educational perspectives that, provided goodwill and hope, can be read as “an important step towards a concept of confessional cooperation in Religious Education fit for the future”²⁶. After all, the Churches, too, have given their approval to a confessionally cooperative Religious Education in the schools of the state in a formal agreement - though it is an approval marred by many stipulations designed to ensure that the denominational profile of Religious Education will not be compromised or lost.²⁷ There is sadly little to be found in that document of the spirit of ecumenism that the Churches so often evoke.

The theory and praxis of cooperative Religious Education have made far greater progress along the route to an ecumenical Religious Education. “But for the willingness of the Churches” Article 7 of the Basic Law would long ago not only have been reinterpreted in the spirit of an ecumenical Christian Religious Education in the theory of religious education, but this would also have been realised in a multitude of practical approaches. If Religious Education wants to have a future - at least according to the firm opinion of one author of this article²⁸ - it will be solely in a denominationally cooperative and, ultimately, a Christian ecumenical form.

This finally demonstrates that a legal argument for Religious Education need not limit itself to blunt legal positivism. Continuing interpretation of the relevant passages in the Basic Law can open up the scope to interpret, vary and realise innovative and creative forms of Religious Education as a regular school subject in accordance with the tenets of the religious community concerned, as Article 7, Paragraphs 2 and 3 require. Such a legal argument has its rightful place among the other aspects in an educational debate about the future of Religious Education.

²⁶ L. Kuld et al. (eds.), *Im RU zusammenarbeiten*, 15 f.

²⁷ *Ibid.*

²⁸ R. Lachmann, *Religionspädagogische Spuren. Konzepte und Konkretionen für einen zukunftsfähigen Religionsunterricht*, second edition Jena 2002, 1-117.

For further reading

- U. Becker, Religionsunterricht an der öffentlichen Schule, in: H. Noormann / U. Becker / B. Trocholepczy (eds.), Ökumenisches Arbeitsbuch Religionspädagogik, third edition Stuttgart / Berlin I Köln 2007, 95 -112 und 295 -299 (Rechtsbestimmungen).
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