



Mapping the Legal and Philosophical Aspects of Human Rights Education in Religious Studies Towards a Curriculum Restructuring

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ABSTRACT

This article explored the strategic integration of religious education within the framework of human rights literacy that is underpinned by philosophical values in South Africa during a period of significant educational reform. The study examined the integration of religious studies with human rights education, emphasising the importance of human rights literacy in understanding religious diversity and promoting interfaith respect. The analysis examined key pedagogical changes, policy adaptations, and curricular innovations in South Africa's educational system, forming an integrative pedagogical model. This examination also highlighted diversity on several levels. Internal diversity or differences in how members of the same cultural group or marginalised groups map and understand human rights in religious education. Foregrounded in this work are the educational psychology and sociology theoretical frameworks that intersect to enhance human rights literacy and religious education. The findings showed that the aforementioned educational fields are not just an academic exercise but a social imperative for a more inclusive and respectful place in global education. This conceptual paper focused on the South African experience, offering global insights that may resonate with the South African locality. It is recommended that South Africa's religious curriculum be inclusive, requiring deep understanding and engaging content, to balance secular and religious education and uphold human rights. The study recommends developing an inclusive curriculum, engaging pedagogical strategies, comprehensive teacher training, and active learning to promote a balanced understanding of religious diversity and human rights. This study impacts scholarship by providing a robust theoretical framework, influencing curriculum development and policy support, and providing global insights for educational reform.

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INTRODUCTION

South Africa's educational system, despite its complex past, demonstrates its commitment to inclusivity and human rights as it continues to evolve.¹ This paper explores the intersection of human

¹ Department of Basic Education, *The Impact of Apartheid on the Educational System of South Africa* (Pretoria: Government Printer, 2014).

rights, and its philosophical underpinnings related to religious education and curriculum, highlighting how inclusivity and diversity can set up a democratised society that respects diverse beliefs and cultures. This is affirmed by the work titled, *Conceptualisation of Ubuntu-gogy as a Decolonial Pedagogy in Africa*, which stated:

...this approach to learning and teaching is based on a relational formation whereby the social dimensions of learning are considered critical to individual development. Values such as solidarity and humanism are connected to "conscientisation" —the process by which people come to realise their power within society and tune in with others who experience similar oppression so that they can work together for change.²

To be conscientised around human rights situated in religious education which foregrounds education and moves towards a pedagogical practice that promotes the principles of dignity and equality among learners, which Paulo Freire locates within humanism and or humanising and critical pedagogy.³ This involves various teaching and learning methods aimed at empowering individuals to comprehend and exercise their rights, while also respecting and upholding the rights of others.⁴ South Africa's post-apartheid educational landscape is reshaping human rights education to address historical injustices and foster a culture of human rights.⁵ Religious education is the academic study of various religious traditions and their societal impacts.⁶ This involves a thorough analysis of religious beliefs, practices, and institutions, and their impact on individuals and societies. Religious studies pedagogy incorporates experiential learning, critical thinking, and interfaith dialogue to improve understanding and appreciation of religious diversity.⁷ This is to say that the philosophical underpinnings speak to diversity on several levels. Internal diversity, or differences in how members of the same cultural group or marginalised groups map and understand human rights in religious education. Put differently,

Critical pedagogy therefore represents a complementary form of education, one that can help to develop young people who possess the skills necessary to participate in a modern knowledge economy and, simultaneously, produce self-reflexive citizens committed to attaining social justice.⁸

This critical pedagogy makes it possible for issues of human rights education and religious studies to provide a comprehensive educational experience to all who come in contact with it. This then gives credence to restructuring the curriculum.⁹ Religious education practices of collaborative learning, critical inquiry, and reflective engagement encourage students to engage in profound thinking about human rights issues and religious perspectives.¹⁰ This paper provides a historical overview and discusses how the philosophical underpinnings speak to diversity on several levels. Internal diversity or differences in how members of the same cultural group or marginalised groups map and understand human rights in religious education conclude with policy and practice recommendations. This study

² Bunmi Isaiah Omodan and Nolutho Diko, "Conceptualisation of Ubuntu-gogy as a Decolonial Pedagogy in Africa," *Journal of Culture and Values in Education* 4, no. 2 (2021): 97.

³ Doniwen Pietersen and Bernadictus Plaatjies, "Freirean Utopian Didactic: A Retrospective View of Education in the South African Education Environment," *Journal of Culture and Values in Education* 6, no. 2 (2023): 123–37.

⁴ Emma Groenewald and Anthony Mpsi, "Student Teachers' Perceptions and Experiences of Certain Modules within a Transformed Curriculum to Foster Social Justice," *South African Journal of Education* 42, no. 3 (2022): 1–12.

⁵ John C Mubangizi, "Human Rights Education in South Africa: Whose Responsibility Is It Anyway?," *African Human Rights Law Journal* 15, no. 2 (2015): 496–514.

⁶ Robert Jackson, "Human Rights in Relation to Education about Religions and World Views: The Contribution of the Council of Europe to Classroom Religious Education," *Journal of Religious Education* 66, no. 2 (2018): 85–97.

⁷ M. Robinson and H. Cooper, "Interfaith Dialogue in Religious Education: Principles and Practices," *Journal of Interreligious Studies* 26 (2019): 65–81.

⁸ Adam Cooper, "'Youth Amplified': Using Critical Pedagogy to Stimulate Learning through Dialogue at a Youth Radio Show," *Education as Change* 20, no. 2 (2016): 45.

⁹ Leilani Sabzalian, "The Tensions between Indigenous Sovereignty and Multicultural Citizenship Education: Toward an Anticolonial Approach to Civic Education," *Theory & Research in Social Education* 47, no. 3 (2019): 311–46; Melissa Gibson, "From Deliberation to Counter-Narration: Toward a Critical Pedagogy for Democratic Citizenship," *Theory & Research in Social Education* 48, no. 3 (2020): 431–54.

¹⁰ John Huth, *Critical Pedagogy and Religious Education: Engaging Human Rights Issues* (New York: Academic Press), 2021.

aims to examine the strategic integration of religious education within South Africa's human rights literacy framework, setting a precedent for global educational reforms. It also aims to construct a theoretical framework that can guide the integration of these two fields within the South African educational context.

THEORETICAL FRAMEWORK

Amartya Sen's capabilities approach, rooted in inclusivity and human rights, is a crucial tool for enhancing religious education and human rights.¹¹ It was later expanded by Martha Nussbaum.¹² The capabilities approach offers a compelling framework for integrating human rights and religious education. This approach in South African education aims to develop critical thinking, empathy, and intercultural competence among learners, addressing historical injustices and promoting a more inclusive society.¹³ The capabilities approach to education aims to promote critical thinking, ethical understanding, and religious diversity, thereby transforming traditional rote learning methods. The curriculum aims to promote students' development of their own values and beliefs while respecting others' rights.¹⁴ Coupled with this approach is Paulo Freire's critical and humanising pedagogy which is "emphasising human relationships, kinship (humanity), community spirit, and social justice."¹⁵ It allows for the philosophical underpinnings that speak to diversity on a number of levels, which includes how members of the same cultural group or marginalised groups map and understand human rights in religious education.

METHODOLOGY

Literature of a qualitative nature was consulted and a conceptual methodology was adopted, which involves an in-depth exploration of existing theories and literature related to human rights education and religious studies in how the philosophical underpinnings speak to diversity on several levels, including understanding and being sensitive to differences in how members of the same cultural group or marginalised groups map and understand human rights in religious education.¹⁶ As described by Keet, "to advance its critical pedagogical potential and to develop a sound pedagogical response to the legitimate criticisms that are levelled against the mainstream human rights discourse. This critical distance between HRE and the international human rights normative framework is of pedagogical necessity."¹⁷ The findings are presented under various themes in the section below.

FINDINGS AND DISCUSSIONS

Development of Human Rights in Religious Education

The relationship between religious education and human rights is complex, involving the ongoing struggle to balance individual freedoms with shared beliefs. Religious education has historically played a crucial role in instilling moral and ethical values, which are now the foundation of human rights which underline the philosophical underpinnings speaking to diversity on several levels including understanding and being sensitive to differences in how members of the same cultural group or marginalised groups map and understand human rights in religious education. The Universal Declaration of Human Rights has significantly emphasized religious freedom, prompting a critical re-evaluation of religious education's role in society.¹⁸

¹¹ A. Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999).

¹² Martha C Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge University Press, 2000).

¹³ Melanie Walker, "Amartya Sen's Capability Approach and Education," *Educational Action Research* 13, no. 1 (2005): 103–10.

¹⁴ David Chidester, "Religious Education as a Dialogue with Difference," *Journal of Religion and Education* 29, no. 3 (2002): 214–27.

¹⁵ Omodan and Diko, "Conceptualisation of Ubuntu as a Decolonial Pedagogy in Africa."98.

¹⁶ Jackson, "Human Rights in Relation to Education about Religions and World Views: The Contribution of the Council of Europe to Classroom Religious Education."

¹⁷ A. Keet, "Human Rights Education or Human Rights in Education: A Conceptual Analysis" (University of Pretoria, 2007).9.

¹⁸ Geir Skeie and Christian Stokke, "Exploring the Intersections between Human Rights Education and Religious Education," *Human Rights Education Review* 5, no. 1 (2022): 1–4.

The European Court of Human Rights rulings on religious symbols in schools highlight the complexity of balancing religious education with human rights education.¹⁹ South Africa has transitioned significantly since the post-apartheid era, focusing on a more inclusive approach to religious education. Engelbrecht recognises the various religious landscapes while respecting the constitutional commitment to human rights.²⁰ This calls for religious education curriculums to be restructured, especially in the South African environments.²¹ The balancing of individual and communal rights is a complex task, especially in pluralistic societies, where religious education must not infringe on others' rights while promoting communal beliefs.²²

Legal and Policy Foundations to Religious Education to be Restructured

The Universal Declaration of Human Rights (UDHR) is a crucial global document defining human rights, including education, freedom of thought, conscience, and religion. Religious education and human rights literacy are interconnected, with rights serving as a foundation for respecting and promoting individual freedoms in educational practices. Article 26 of the UDHR emphasizes the right to education, stating that it should focus on the full development of the human personality and respect for human rights. It also emphasizes the significance of education in fostering understanding, tolerance, and friendship in all nations and religious or racial groups. Section 18 ensures freedom of thought, conscience, and religion, allowing individuals to change their beliefs and manifest them in teaching, practice, worship, and observance. The significance of an educational approach is that it not only imparts knowledge but also fosters a culture of respect for diverse beliefs and practices.²³ In this context, religious education is a strategy that educates individuals about various religions and beliefs, fostering mutual understanding and coexistence.

South Africa's Constitution is renowned for its progressive nature, featuring a comprehensive and deeply ingrained Bill of Rights.²⁴ For example, Section 29, which provides the right to education, and Section 15, which protects freedom of religion, belief, and opinion, directly inform the integration of religious instruction within the human rights framework in South African schools.²⁵ South Africa's approach to religious education is profoundly entrenched in its constitutional commitment to human rights, especially Section 15, which guarantees freedom of religion and belief.²⁶ These fundamental rights guide educational policies and practices, ensuring that religious education in public schools respects the different beliefs of the country's population.

The National Education Policy Act No. 27 of 1996 governs national education, including religious education. The Act's directive principles promote the creation of a curriculum that respects religious diversity and enhances human rights literacy. The Act emphasises the importance of education in upholding the rights and values enshrined in the Constitution, including those related to religious freedom.²⁷

The South African Schools Act is a legal document that promotes the governance and funding of schools.²⁸ The Act outlines provisions for integrating religious education with human rights literacy, prohibiting discrimination based on religion and promoting equality, which are essential for ensuring

¹⁹ Nigel Fancourt, "The Educational Competence of the European Court of Human Rights: Judicial Pedagogies of Religious Symbols in Classrooms," *Oxford Review of Education* 48, no. 2 (2022): 131–47.

²⁰ Petra Engelbrecht, "Inclusive Education: Developments and Challenges in South Africa," *PROSPECTS* 49, no. 3–4 (November 24, 2020): 219–32, <https://doi.org/10.1007/s11125-020-09499-6>.

²¹ Ilesanmi G Ajibola, "A Deconstruction of the Cross and the Crescent for Inclusive Religious Pluralism between Muslims and Christians in Nigeria," *Religions* 14, no. 6 (2023): 782.

²² Peta Goldberg, "Dialogue in Religious Education: Balancing Theological and Educational Approaches," in *Education, Religion, and Ethics—A Scholarly Collection* (Springer, 2023), 103–13.

²³ Doniwen Pietersen, Dean Langeveldt, and Arrie Van Wyk, "The Multidimensional Role of the Principal in Post-Apartheid-South-Africa," *Research in Educational Policy and Management* 5, no. 2 (2023): 263–74.

²⁴ Dean Collin Langeveldt, "Legal Remedies for Teachers as Victims of Workplace Bullying in South Africa," *Research in Educational Policy and Management* 5, no. 2 (2023): 109–23.

²⁵ Republic of South Africa. *Constitution of the Republic of South Africa, 1996*. (Pretoria: Government Printer, 1996).

²⁶ Republic of South Africa. *Constitution of the Republic of South Africa, 1996*.

²⁷ Republic of South Africa. *Constitution of the Republic of South Africa, 1996*.

²⁸ D.C. Langeveldt, "Ontwikkeling van 'n Strategie Om Boeliegedrag Teen Onderwysers Te Bestuur" (University of South Africa, 2022).

a harmonious and inclusive society.²⁹ These laws are the foundation to help propagate philosophical underpinnings that speak to diversity on several levels, including internal diversity and sensitivity, or acknowledging differences in how members of the same cultural group or marginalised groups map and understand human rights in religious education.

Leveraging Philosophical Ideas of Human Rights Education in Religious Studies

A multicultural teaching approach is crucial for accommodating religious diversity in the classroom, recognising and valuing all students' religious backgrounds, and aligning with multicultural education's goals to celebrate cultural differences and challenge discrimination.³⁰ Educators can foster a tolerant and enriching learning environment by promoting inclusive teaching methods that respect different beliefs.³¹ These are all philosophical values that humanise the lives of students and all stakeholders involved in religious education, and more specifically, human rights education.

The transition from a rigid curriculum to a flexible and adaptable one is a philosophical imperative because of its humanising and critical pedagogy.³² An adaptable curriculum can accommodate diverse academic abilities, learning styles, and cultural backgrounds, ensuring that each student's needs are met.³³

In practice, this involves utilising diverse teaching methods like differentiated instruction and flexible assessments to cater to diverse learning styles and intellectual abilities.³⁴ The school environment should respect and accommodate religious practices by providing space for prayer, flexibility for religious holidays, and accommodating dietary restrictions.³⁵ To put simply, it is an approach that maps the new dawn of what effective curriculum restructuring ought to look like in religious education because it is based on sound philosophical-humanising and critical pedagogy underpinnings.

The multicultural teaching approach is a dynamic method that values and accommodates the religious diversity of students, promoting an inclusive and supportive educational experience that is related to being sensitive to interfaith dialogue. Interfaith dialogue is a crucial aspect of a comprehensive educational experience.³⁶ The program provides students with an opportunity to explore diverse religious traditions, promotes respect and understanding, and enhances their social and emotional development through interfaith dialogue, guest speakers, and collaborative projects.³⁷ These activities foster empathy, critical thinking, and constructive engagement with diverse perspectives.³⁸ Religious restriction can prepare students for global citizenship by equipping them with the necessary skills to navigate an increasingly interconnected world.³⁹ This strategy helps to break down barriers and dispel stereotypes, thus fostering a more harmonious and inclusive society.⁴⁰ Interfaith initiatives have proven to enhance campus climates and student outcomes, making them a valuable addition to any educational institution's curriculum.⁴¹ Multiculturalism as a subset of critical and dialogical pedagogy is also a move towards setting clear philosophical underpinnings that speak to diversity on several levels, including internal diversity and sensitivity, or acknowledging differences in how members of

²⁹ Republic of South Africa. *South African Schools Act No. 84 of 1996b*. (Pretoria: Government Printer, 1996).

³⁰ J. A. Banks and C. A. M. Banks, *Multicultural Education: Issues and Perspectives*, 4th ed. (John Wiley, 2001).

³¹ National Association for Multicultural Education, "Multicultural Education: A Philosophical Concept Built on the Ideals of Freedom, Justice, Equality, Equity, and Human Dignity," 2011.

³² Yahya Han Erbas, "The Pros, Cons and Necessity of Multicultural Education.," *Online Submission*, 2018.

³³ M Lynch, "Six Ways to Implement a Real Multicultural Education in the Classroom," DOI: <https://www.theedadvocate.org/6-Waysto-Implement-a-Real-Multicultural-Education-in-the-Classroom>, 2015.

³⁴ Carl A Grant and Christine E Sleeter, *Turning on Learning: Five Approaches for Multicultural Teaching Plans for Race, Class, Gender and Disability* (John Wiley & Sons, 2008).

³⁵ National Association for Multicultural Education, "Multicultural Education: A Philosophical Concept Built on the Ideals of Freedom, Justice, Equality, Equity, and Human Dignity."

³⁶ Amanuel Elias and Fethi Mansouri, "Towards a Critical Transformative Approach to Inclusive Intercultural Education," *Journal of Multicultural Discourses* 18, no. 1 (2023): 4–21.

³⁷ E. Patel, *Interfaith Leadership: A Primer* (Beacon Press, 2013).

³⁸ R. Kunzman, *Grapple with the Good: Teaching the Contested Morality of Religion in Public Schools* (SUNY Press, 2006).

³⁹ D. L. Eck, *Encountering God: A Spiritual Journey from Bozeman to Banaras* (Beacon Press, 2006).

⁴⁰ D. R. Smock, *Interfaith Dialogue and Peacebuilding* (United States Institute of Peace Press, 2002).

⁴¹ Matthew J Mayhew and Mark E Engberg, "Diversity and Moral Reasoning: How Negative Diverse Peer Interactions Affect the Development of Moral Reasoning in Undergraduate Students," *The Journal of Higher Education* 81, no. 4 (2010): 459–88.

the same cultural group or marginalised groups map and understand human rights in religious education.

Current Trends and Policy Shifts

The global educational landscape has undergone a significant transformation in recent years, with a shift towards integrating human rights education into religious studies curricula.⁴² This trend is propelled where education is recognized as a powerful tool for promoting tolerance, respect for diversity, and safeguarding fundamental freedoms.⁴³ Sweden and Canada have implemented policy reforms that integrate human rights principles into religious education, thereby improving students' intercultural competencies. The reforms have led to the creation of educational materials that promote critical thinking about religious and ethical issues from a human rights perspective. Sweden emphasizes inclusive education and lifelong learning, aiming to create accessible learning environments for all children and students, regardless of their background, to foster engagement in society, critical thinking, and political involvement.⁴⁴ Canada is implementing educational reforms to integrate human rights principles into religious education, promoting inclusivity and respect for diversity, in line with international human rights conventions and its commitment to creating equitable learning environments for all students.⁴⁵

UNESCO and the United Nations have been instrumental in promoting the integration of human rights education into religious studies curricula. UNESCO emphasizes the need to respect and accommodate all learners' diverse needs, abilities, and characteristics to eliminate discrimination in the learning environment through its publications and guidelines. The United Nations has provided international legal frameworks to promote inclusion and establish obligations for the right to education. They collaborate to develop inclusive educational policies that foster critical thinking about religious and ethical issues from a human rights perspective.⁴⁶

The integration of human rights education into religious studies has significant curricular implications. Educational authorities have updated textbooks to incorporate human rights content, aiming to promote students' comprehension of these principles.⁴⁷ Teacher training programs have been restructured to equip educators with the skills necessary to effectively teach human rights concepts.⁴⁸ Teaching methods have been adapted to encourage active learning and critical engagement with human rights issues, transforming the classroom into a dynamic environment for discussion and participation.⁴⁹ This kind of transformation is a transformation that necessitates philosophical diversity on several levels, including internal diversity, and it speaks to sensitivity or acknowledges differences in how members of the same cultural group or marginalised groups map and understand human rights in religious education. Therefore, restructuring the religious curriculum is important and urgent.

RECOMMENDATIONS

Integrating religious education with human rights literacy presents several challenges. These include navigating the diversity of religious beliefs among students, balancing secular and religious perspectives, and ensuring teacher preparedness. Balancing secular education with religious education

⁴² T. Schlag, "Human Rights Education and Religious Education: A Protestant Perspective," in *Human Rights and Religion in Educational Contexts. Interdisciplinary Studies in Human Rights*, ed. M. Pirner, J. Lähnemann, and H. Bielefeldt, vol. 1 (Cham.: Springer, 2016); Jackson, "Human Rights in Relation to Education about Religions and World Views: The Contribution of the Council of Europe to Classroom Religious Education."

⁴³ Jackson, "Human Rights in Relation to Education about Religions and World Views: The Contribution of the Council of Europe to Classroom Religious Education."

⁴⁴ United Nations. *Human Rights Education and Training: Good Practices, Challenges and the Way Forward*. (New York: United Nations), 2021.

⁴⁵ People for Education. *Draft Right to Education Framework*. (Toronto: People for Education), 2021.

⁴⁶ UNESCO, "A Guide for Ensuring Inclusion and Equity in Education," 2017; UNESCO, "Every Learner Matters and Matters Equally: Making Education Inclusive; Background Document," 2024.

⁴⁷ J. Simmonds, "Human Rights Education in Religious Studies Curricula," *Journal of Education and Human Rights* 2, no. 1 (2017): 45–62.

⁴⁸ Annamagriet de Wet, and Shan Simmonds. *Human Rights Education in the South African Higher Education Context: (Im)possibilities for Human Rights Literacies*. (New York: Springer, 2018).

⁴⁹ Jerome Cranston and Melanie D Jantzen, "A Critical Approach to Teaching about, through, and for Human Rights.," *Canadian Journal for the Scholarship of Teaching and Learning* 8, no. 3 (2017): n3.

is crucial to upholding human rights principles while respecting religious freedoms. Teachers must be well-prepared to handle the legal, ethical, and pedagogical aspects of this integration. To tackle this issue, educators must create a curriculum that acknowledges and represents the diverse range of students. Restructuring the South African religious curriculum to be more inclusive of religious diversity and aligned with human rights principles is also challenging, requiring a deep understanding of both areas and the ability to create engaging and educational content. Educators need guidance on how to balance different perspectives without overshadowing each other.

Curriculum developers should create content that is inclusive of all religious perspectives, promoting a balanced understanding of religious diversity. Pedagogical strategies must involve students in critical thinking about religion and human rights through interactive discussions, role-playing, and community engagement projects. Comprehensive teacher training programs are needed to effectively deliver an integrated curriculum, including modules on human rights, religious diversity, and pedagogical methods. These programs should equip educators with the knowledge and skills to effectively teach a diverse curriculum.

Pedagogy must prioritize active learning, encouraging students to build their own understanding of religious and human rights concepts. Teachers should encourage critical reflection on beliefs and biases, fostering a classroom environment where diverse opinions are respected. Pedagogy should also involve students in community-based activities that demonstrate the practical application of human rights and religious tolerance. Therefore, restructuring the religious curriculum is crucial and necessary.

CONCLUSION

The article has provided a comprehensive analysis of the theoretical underpinnings, methodologies, and practical applications of the integration of human rights education with religious studies in South Africa's curriculum reform, highlighting its significant contribution to fostering an inclusive society. The article presented the capabilities approach, as well as Freire's critical and humanising pedagogy of education, emphasising the importance of equipping individuals with the freedom to pursue a life they value, particularly in the context of religious diversity and human rights. It used a conceptual methodology to explore existing literature and theories to guide the integration process in the South African educational context. To emphasize the importance of the philosophical underpinnings speaks to diversity on several levels. Internal diversity, or differences in how members of the same cultural group or marginalised groups map and understand human rights in religious education. Key recommendations for curriculum development, policy support, and community engagement. The future of religious education in South Africa, when viewed through the lens of human rights education, appears promising, as the principles of human rights can guide educational reforms.

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