RELIGIOUS EDUCATION IN ESTONIA

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I. GENERAL BACKGROUND

1.1. Facts and Figures

Total Population	approximately 1.3 million
Estonians	67.9%
Russians	25.6%
Ukrainians	2.1%
Byelorussians	1.3%
Finns	0.9%
Other nationalities	2.2%

Estonia could be said to be one of the least religious countries in Europe. According to the last population census from the year 2000, only approximately 29% of the adult population, (those aged 15 and above, total questioned 1, 121, 582) considered themselves adherent to any particular creed. Of this figure, about 13.6% declared themselves to be Lutherans. The majority of Lutherans are ethnic Estonians. The second largest religious tradition in Estonia is that of the Orthodox Church. Of the 29% of the population following any creed, 12.8% considered themselves as Orthodox. However, some new data suggests that the Orthodox community may have grown in numbers and become a fraction bigger than the historically dominant Lutheran church.[1] The Orthodox community in Estonia is divided (also ethnically) between the Estonian Apostolic Orthodox Church and the Estonian Orthodox Church of Moscow Patriarchate. Most Orthodox believers belong to the latter church. All other Christian and non-Christian religious communities have adherents of approximately 2.6% of the adult population (15 and above).[2] The largest religious communities among those are Roman Catholics, Old Believers, the Baptists, Pentecostals, and Jehovah's Witnesses. Considering the above figures the percentage of atheists is surprisingly low – approximately 6%.

There is a small Muslim community in Estonia. Muslims have lived on the Estonian territory since approximately the eighteenth century. The majority of Muslims are ethnic Tatars. They have integrated well into Estonian society and there is no reason to associate them with

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1 Information about current membership of religious organizations is based on data from the Ministry of Internal Affairs. Ministry of Internal Affairs <http://www.siseministeerium.ee/37356>, 27 October 2009.

2 Statistical Office of Estonia, '2000 Population and Housing Census: Education. Religion' (Tallinn, Statistical Office 2002), 40.

radical Islam. So far there has been only a limited number of new arrivals. They are from different regions globally, and do not form any significant ethnic religious communities. Linnas has pointed out that Islam in Estonia is liberal and has lost many of its specific features. She also notes that Estonian society is tolerant of Muslims which she attributes to the traditionally indifferent attitude of Estonians to religious matters in general.[3]

The Estonian indigenous religious tradition is represented by the House of Taara and Native Religions. One way or the other some practices of the indigenous religious tradition are popular and important for many in Estonia.

Some statistical surveys have shown relative coolness to institutional forms of religion and indicate that religion is both an individual and private matter in Estonia ('believing without belonging').[4] These surveys also give one confidence in saying that the majority of the Estonian population is not hostile to religion.[5]

1.2. Historical Background of Religious Education

Religious education (hereinafter RE) has been one of the most contested issues regarding religion in Estonia today, and in fact, throughout its history as an independent State (1918-1940 and 1991 – present). To understand the controversies as they exist today it is important to take a brief look at the history of religious education in Estonia. This is also important because when Estonia regained independence in the early 1990s and started to re-build its legal order on the principle of restitution, it needed to look back at the legal framework of 1918-1940, while acknowledging new circumstances and developments in European legal order and thinking.

Firstly some historical points of reference are necessary.[6] After the conquest of Estonian territory by crusaders in the thirteenth century, cultural life in Estonia was divided along national and social lines.[7] Although the Baltic Germans were *Kulturträger* in one sense their culture remained foreign to Estonians.[8] The Catholic Church – the one local institution that might have formed a bridge between the two worlds – was not very successful in this regard.[9] The monastic orders (such as Dominicans, Cistercians, Franciscans and the Order of St. Brigitta), were only a fraction closer to the local people. As a result, pagan beliefs remained strong, and Christian beliefs were slow to take root in Estonia. Culture in the Estonian language continued to be popular, as did the oral tradition. Although reforms were discussed

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3 R. Linnas, 'Islam Eestis' [Islam in Estonia], in *Mitut usku Eesti*, ed. L. Altnurme (Tartu: Tartu Ülikooli Kirjastus, 2004), 65.

4 See e.g. European Commission, 'Special Eurobarometer: Social Values, Science and Technology' (2005), 11.

5 The new comprehensive census of the Estonian population, which will also ask questions about religious affiliation, will take place in 2011. Statistics Estonia, <www.stat.ee/39106>, 25 April 2010.

6 For a more detailed account of religion in Estonia see e.g. M. Kiviorg, 'Law and Religion in Estonia', *International Encyclopaedia of Laws, Religion Law* (Kluwer Law International, forthcoming 2011) and for developments in religious education see M. Kiviorg, 'Estonia' in J. de Groof and G. Lauwers (ed.) *Religion, Beliefs, Philosophical Convictions: From Passive Toleration to Active Appreciation of Diversity* (7-9.12.2010 Bruges Conference Proceedings, forthcoming 2011).

7 In fact, significant changes in this came only after abolishing serfdom in 1816-1819.

8 T. Raun, *Estonia and Estonians,* 2nd ed. (Stanford: Hoover Institution Press, 2001), 23.

9 Ibid.

to strengthen the influence of the Church and some recommendations were made by the Livonian Church, no significant results were achieved before the upheaval occasioned by Martin Luther.[10] Raun points out that, educational institutions in Medieval times were those associated with the Church and monasteries. Instruction took place in German, and only a few Estonians were able to participate.[11]

In the seventeenth century, when Estonia came under the sovereignty of Sweden, a systematic reorganisation of social and religious life under the Lutheran Church began, and the Catholic Church was practically expelled from Estonia.[12] Under Swedish rule from the middle of the seventeenth century to the beginning of the eighteenth century, the Lutheran Church enjoyed the position of being the State Church. One of the cornerstones of the Lutheran paradigm was the idea that people should be taught to read in order that they were able to read the Bible. To some extent one can say that the network of public schools that began to develop at the end of the 17th century was somehow an offshoot of the Lutheran Church – being to some degree an expansion of the confirmation school, where religious education had a central role.[13]

After the incorporation of Estonia into the Russian empire at the beginning of the eighteenth century (as a result of the Great Northern War), the Lutheran Church preserved its key position in developing schools and organising religious education. Translated biblical texts remained an important source for Estonians to learn to read and write. For example, at the end of the nineteenth century (during the Russification period) religious education was the only subject which was allowed to be taught in Estonian. This remained the case even at the beginning of the twentieth century.

At the beginning of the twentieth century, however, religious education had started to run into trouble. This was due to a combination of complex factors, including socio-political ones. As pointed out by Valk, the method of teaching focused on memorising biblical texts, and whether a student actually understood what he/she read was significantly less important.[14] All school activity was supervised by the Church. No pedagogical preparation was required from supervisors (visitors). This was an increased source of tension between conservative supervisors and progressive teachers. Secularisation and political turbulence at the time also exacerbated the crisis in religious education.[15] By 1917 opinions were polarised, with some calling for abolition of religious education from schools completely and others for the continuation of religious education. Two important congresses were held to tackle the crisis of religious education (1st and 2nd Congress on Education (*Rahvahariduse Kongress*)).[16] Debates did not end there. Another congress in 1917, organised by leftist movements in Estonia, called

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10 Ibid., 24.

11 Ibid., 24. As to actual Christianisation of Estonian people, the Moravian Brethren movement played a significant role in this.

12 For a more detailed history of religions in Estonia see *Encyclopaedia Estonica,* 'Culture', 'Relgion', <www.estonica.org>, 1. April 2008.

13 F. Kozyrev, O. Schihalejev, 'Religious Education in Estonia and Russia: Resemblances and Differences' in *Encountering Religious Pluralism in School and Society: A Qualitative Study of Teenage Perspectives in Europe,* ed. T. Knauth et al. (Münster: Waxmann 2008), 310.

14 P. Valk, Ühest heledast laigust Eesti kooli ajaloos (Tallinn: Logos 1997)

15 Ibid.18.

16 Kasvatus ja Haridus 3/4 (1917): 122-128; Kasvatus 4 (1917): 209.

for immediate abolition of religious education from schools.[17] In the following years there was chaos in religious education. Some schools provided it, some not. The chaos was largely the result of power struggles and struggles to establish independent statehood at the same time.

The Estonian Republic was proclaimed on 24 February 1918. The Transitional Government (*Eesti Ajutine Valitsus*) adopted the ideas expressed by the 2nd Congress on Education held in the previous year. The government passed a regulation on 21 November 1918, which stated that religious education at schools was voluntary. Neither teachers nor students could be forced to teach or study it, respectively. It further stated that if parents wanted their children to attend religious education, it could be made obligatory for those students.[18]

The first Estonian Constitution was adopted in 1920. The Constitution set forth the principle of separation of State and Religion (‘*Riik ja Usk’* – as different from the formulation of ‘State and Church’). Article 11 of the Constitution stated that there is no State religion.[19] Following the ideas enshrined in the constitution, the Law on Public Primary Schools, which was adopted by Parliament on 7 May 1920, abolished religious education in primary schools.[20] The same principle was followed in the Law on Public Gymnasiums, which was adopted on 7 December 1922 (the law was superseded by the referendum in 1923, however, and never came into force).[21] There were heated public debates taking place before and after the laws were passed (historical records reveal colourful public debates, quite unusual for the generally reserved and mild tempered Estonians). There were accusations made that Parliament did not take into account the views of the majority of the population. This led to a referendum in 1923. However, even before the referendum religious education could still take place at schools provided that the parents or students themselves wanted it, it did not exceed two hours and did not interrupt the curriculum (meaning it needed to take place after the normal school day). At schools where most of the students took religious education classes there was flexibility in the latter requirement. In gymnasiums religious education was still a voluntary subject as set out by the Estonian Transitional Government in 1918.

The referendum on religious education took place on 17-19 February 1923.[22] It was the first referendum in the history of the independent Estonian Republic. 66% of the voting population participated in the referendum.[23] 71.9% voted for state financed religious education as a voluntary topic in all schools. After the referendum previously adopted laws for primary schools[24] and gymnasiums[25] were amended. From then on religious education was voluntary for students and teachers, but compulsory for schools. After the referendum the debates over

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17 Eesti Tööline [Estonian Worker] 13. jaanuar 1918.
18 RT 1918, 5.
19 RT 1920, 113/114, 243.
20 RT 1920, 75/76, 208.
21 RT 1922, 155/156, 91.
22 Riigikogu juhatuse otsus rahvaalgatamise korras esitatud algkooli seaduse muutmise seaduseelnõu, mis Riigikogu poolt 19. detsembril s.a. tagasi lükatud rahvahääletusele panemise kohta, RT I 1923, ½, 23. detsembrist 1922.a.
23 RT I 1923, 35, 36.
24 RT I 1923, 35, 36.
25 RT I 1923, 97/98, 77.

religious education calmed down and no significant changes took place until 1940. However, extensive effort was put into developing the up-to-date curriculum and textbooks.

To sum up, during the first independence period (1918-1940), Estonia was one of the first countries where a model of non-confessional religious education was introduced. The subject included learning about different world religions. A clear distinction was made between religious education at schools and religious instruction in churches. Nevertheless, as Schihalejev highlights, the major content was Christianity with emphasis on moral development and cultural heritage. Bible stories were presented from a non-confessional perspective, which was an attempt to do justice to different denominations.[26] The basis of non-confessional religious education was Christianity. This can be seen as justified at the time considering the church membership and cultural heritage of the Christian Church in Estonia. Most of the population (ca 78 %) belonged to the Estonian Evangelical Lutheran Church.[27] The second largest Church was the Estonian Apostolic-Orthodox Church (according to the 1934 census approximately 19% belonged to the latter church).[28] Although secularisation of Estonian society was in progress, rural areas were still strongly community oriented, with the Church playing a significant role.[29]

In classes where students had the same religious background, the confessional element was allowed to be brought in. In multi-religious schools the grouping of students according to their confession was allowed.[30] As about 86.3% of students were taking religious education classes, the school prayer was introduced again. Some incidents were reported where students who did not take religious education classes were still required to be present at school prayers. This was considered to be against the freedom of religion or belief of students.[31]

When the Soviet Union occupied Estonia in 1940, religious education was banned in schools. All forms of religious studies at schools were suppressed and courses of scientific atheism were introduced instead.[32] After regaining independence, in the early 1990s, discussions about religious education started once again, and at present the form and content of religious education is still hotly disputed in the media and in academic/educational circles. It is accurate to say that many aspects of religious education are still unresolved. There are several background factors which seem to influence the debate. The absence of experience (for some 50 years) in receiving or providing religious education in Estonia, due to the Soviet occupation, is probably one of the most important factors. However, the relatively low

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26 O. Schihalejev, *Estonian Young People, Religion and Religious Diversity: Personal Views and the Role of the School* (Tartu: University of Tartu Press 2009), 42.

27 According to the national census 1934, there were 874 026 Evangelical Lutherans in Estonia of a total population of 1 126 413. Estonian Institute, <www.einst.ee/society/Soreligion.htm>, 2 February 2000; See also Statistical Office of Estonia, '2000 Population and Housing Census: Education. Religion' (Tallinn, Statistical Office 2002), 17.

28 Riigi Statistika Keskbüroo, 'Rahvastiku koostis ja korteriolud: 1 III 1934 rahvaloenduse andmed' (Tallinn: Riigi trükikoda, 1935), Vihik II.

29 Statistical Office of Estonia, '2000 Population and Housing Census: Education. Religion' (Tallinn, Statistical Office 2002), 17.

30 Haridusministeeriumi ringkirjad (Tallinn 1932): 79-80.

31 P. Valk, Ühest heledast laigust Eesti kooli ajaloos (Tallinn: Logos 1997), 38-39.

32 O. Schihalejev, 'Meeting Diversity: Students' Perspectives in Estonia' in *Encountering Religious Pluralism in School and Society: A Qualitative Study of Teenage Perspectives in Europe*, ed. T. Knauth et al. (Münster: Waxmann 2008), 248.

religiosity of the Estonian population plays a significant role as well. Before returning to the debate over religious education, some information may be useful as to the structure of the school system and the legal framework for religious education.

II. DESCRIPTION OF THE GENERAL SCHOOL SYSTEM

The Estonian school system consists mainly of state and municipal schools. Thus, the primary place for religious education is in public schools. Religious education in Estonia is a voluntary, non-confessional (non-denominational) subject. As to the typology of RE, it is intended to be a mix of teaching about religions and ethics.[33] The type of religious education reflects Estonian constitutional principles of neutrality/separation of the State and Church ('There is no State Church', Art. 40 Estonian Constitution[34]), non-discrimination and freedom of religion and belief. The teachers of religious studies are paid from the state or municipal budget. The teachers of religious studies have to have both theological and pedagogical preparation (there are some exceptions). Confessional religious education is provided for children by Sunday schools and church schools operated by congregations. Religious organisations can set up private educational institutions.

Compulsory school attendance begins when a child reaches the age of seven. Basic education school is divided into three stages of study: stage I – grades 1-3 (7-10 year olds), stage II – grades 4-6 (10-13 year olds) and III – grades 7-9 (13-16 year olds). After basic school students may attend upper secondary school (gymnasium), a secondary vocational school or enter a profession. Only basic school is compulsory.

As to religious education classes, parents decide about the participation of their children in religious study lessons at basic school. Parents have to give their consent for children younger than 15 years. At the gymnasium level (upper secondary school), students decide this independently. This is different from the regulation of religious education in 1923-1940. According to the law, at that time parents' consent was necessary until adulthood (18 years of age).

In 2006-2007 there were about 50 schools, out of a total of 601, teaching a subject related to religion, mostly for a year or two for 7–10 year old students or a year in upper secondary school (16–19 year old students).[35] In 2009 of 575[36] basic education or upper secondary schools, 47 provided religious education and 84 provided related or some alternative subjects

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33 According to the classification provided by C. Evans, it can be argued that the RE in Estonia fits most comfortably within the category of 'plural religious education', that is students learn about the basic practices, beliefs, rituals etc of a variety of religions. They are presented with information about these religious traditions but are not taught that any of them are (un)true. The instruction also extends to philosophies and beliefs of a non-religious nature. C. Evans, 'Religious Education in Public Schools: An International Human Rights Perspective' HRLR 8 (2008) 461. Religion in Estonian schools is also taught within other subjects, for example, art, history and literature (Evans calls it 'incidental RE') to the extent necessary to understand certain topics or visual art.

34 RT I 1992, 26, 349.

35 Currently there are 575 schools. Ministry of Education, <www.hm.ee>, 1 May 2010. Exact data about religious education provided by schools is rather sketchy to say the least.

36 Haridus- ja Teadusministeerium, <www.hm.ee>, 24 June 2010.

to religious education.[37] It has been exceptional for schools to offer systematic religious education classes in all grades. Students who have chosen such classes normally have an extra lesson at the end of the school day. As a rule, there is has been no alternative subject to religious education (for example, ethics) for pupils who do not attend religious studies lessons. Some schools have religious education as a compulsory subject, calling it the 'choice of the school' and terming it religious studies, history of religions, or cultural studies.[38] Although essentials of the compulsory school system are regulated centrally, schools have had relative freedom to develop their own profiles and curriculum within the given framework. However, indoctrination or teaching into religion in public schools would not just be unacceptable under the Estonian Constitutional framework, but would most likely also trigger a social outcry.

III. CURRENT LEGAL FRAMEWORK

There is no explicit mention of religious education in the Constitution. Article 37 of the Estonian Constitution creates the basis for the entire school system, but does not specifically mention religious education.[39] According to the Estonian Constitution provision of education is supervised by the State.

There is no specific law solely on religious education. In addition to the Constitution, Article 2 of the Education Act (**EA**, *Haridusseadus*) sets general objectives and levels of education, stating *inter alia* that: the fundamental principles of education are based on the recognition of universal and national values, of the individual and of freedom of religion and conscience.[40]

The laws specifically relevant to RE, are the EA and The Act of Basic Schools and Gymnasiums (**BSG**, *Põhikooli- ja gümnaasiumiseadus*).[41] The laws affecting RE have been changed recently. Until 1 September 2010, Article 4 (4) of the EA set forth that the study and teaching of religion in general education schools is voluntary and non-confessional.[42] The BSG set forth that religious education is compulsory for the school if at least fifteen pupils wish it to be taught.[43] Article 3 (4) of this Act also specified that religious education is non-

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37 Interview with Ms. Kristel Vahter from Ministry of Education and Research, 22 June 2010.

38 O. Schihalejev, 'Dialogue in Religious Education Lessons – Possibilities and Hindrances in the Estonian Context', *British Journal of Religious Education* 31, no. 3 (2009): 280.

39 Article 37 of the Estonian Constitution:
(1) Everyone has the right to education. Education is compulsory for school-aged children to the extent specified by law, and shall be free of charge in state and local government general education schools.
(2) In order to make education accessible, the state and local government shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law.
(3) Parents shall have the final decision in the choice of education for their children.
(4) Everyone has the right to receive education in Estonia. The language of instruction in national minority educational institutions shall be chosen by the educational institution.
(5) The provision of education shall be supervised by the State.

40 RT I 1992, 12, 192; RT I 2010, 41, 240 (last amended).

41 RT I 1993, 63, 892; RT I 2008, 18, 125; Art. 3 (4).

42 RT I 1992, 12, 192; RT I 2007, 12, 66.

43 This provision was introduced in 1999. Before the adoption of this provision it was likely that schools just did not provide religious education even if there were pupils who wished to be taught. The reasons for this varied (financial, lack of human resources, overloaded curriculum etc.).

confessional and voluntary.[44] There was no unified curriculum provided by the State, however, there were guidelines.

The new BSG, adopted on 9 June 2010, took effect on 1 September 2010. There are many aspects to this new law which are unclear and need to be tried out in practice. It is also likely that some further amendments to the law are needed.[45]

The new BSG[46] introduced a few changes to the school system in Estonia generally. As to the RE, the above mentioned provisions in the EA and BSG have been removed. The new BSG mentions RE as one of the voluntary subjects (Art 15 (4)). Although schools have relative freedom to provide and design their voluntary courses, the courses on RE have to follow the State provided syllabus (Art 15 (4)).[47] This is a result of intensive debates on RE which were held after the end of the Soviet occupation in 1991, and it seems to be an attempt to unify and establish control over the content of religious education nationally. There is another change relating to RE: in gymnasiums (upper secondary schools) depending on the modules the student chooses RE may become compulsory once chosen. Although, the regulation entered into force on 1 September 2010, the latter provision does not necessarily take effect in all schools until 1 September 2013 (BSG, Art 89 (1)). According to Art 17 (4) of the BSG, the school may also take into account (accept) that a student takes classes in another school (basic or upper secondary), provided there is an agreement between his parents and the school's director. This provision may become relevant as regards RE, for example, in the case of a student who wishes to take confessional RE in a denominational basic or upper secondary school. However, implications of this provision are not clear.

The requirement that the school has to provide RE if at least fifteen pupils wish it to be taught is now set forth in Art 11 (3.7) of the National Curriculum for Gymnasiums (*Gümnaasiumi riiklik õppekava*) adopted by the Ministry of Education and Research on January 2010.[48] This provision is absent in the National Curriculum for Basic Schools (*Põhikooli riiklik õppekava*) adopted by the Ministry of Education and Research on January 2010.[49] It is not entirely clear whether a Basic school still has an obligation to provide RE if 15 students wish to be taught. All in all, there are many discrepancies in the new BSG and between the BSG and governmental regulations. The regulations providing the National Curriculum were adopted before the new BSG was adopted. The BSG and the regulations still need to be synchronized/harmonized. The matter is also complicated by the fact that both the law and regulations take effect gradually over the three year period.

Home schooling is allowed in accordance with the regulations adopted by the Ministry of Education (§ 8 (3) Education Act). According to the current regulation a parent can apply for

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44 RT I 1999, 24, 358.

45 There was surprisingly little debate regarding the RE considering furious debates held in the past 18 years. See XI Riigikogu Stenogramm, V Istungjärk, 25.03.2009; XI Riigikogu Stenogramm, VI Istungjärk, 25.11.2009; XI Riigikogu Stenogramm, VII Istungjärk, 02.06.2010; XI Riigikogu Stenogramm, VII Istungjärk, 09.06.2010. Available at < www.riigikogu, ee>, 1 December 2010.

46 RT I 2010, 41, 240 (entered into force 01.09.2010, some provisions, however, enter into force at a later date).

47 On January 2010 the Ministry of Education and Research adopted two regulations about the new syllabus for basic schools (RT I 2010, 6, 22) and for gymnasiums (RT I 2010, 6, 21).

48 RT I 2010, 6, 21.

49 RT I 2010, 6, 22.

home schooling.[50] The decision is made by the relevant school council. The parent is responsible for managing and financing the home schooling. He or she is also responsible for the quality and results of teaching. In regard to the syllabus, individual work plans and grading of home schooling is conducted in co-operation with the relevant school. There is no requirement for a parent to specify what the reasons for opting for home schooling are. Thus, it is possible that some parents opt for home schooling on religious grounds. There is no information available in this regard. The emphasis seems to be on the quality of home schooling, which can be assured in co-operation with the relevant school and according to the individual work plan and obligatory syllabus. There have been no known cases in practice indicating a conflict of interest in this regard.

There are also no known cases of school students (or their parents) trying to opt out from, for example, obligatory biology or physical education classes on religious grounds. It is difficult to speculate what the interpretation of the law would be in these cases. Estonia does not consider itself a country of immigration. The social fact is that it is not yet facing any of the challenges related to the growing Muslim communities experienced in other European countries. As regards believers in creationism, no issues have been raised so far.

As to religious symbols at school, there have been no known cases of conflict of interests/rights. There is very little socio-political debate going on in this regard. Religious symbols like crucifixes have not been displayed in public schools, at least since 1940. As to other symbols, as mentioned above, Estonia does not have significant immigration from any countries, including countries with a Muslim population. There are no rules prohibiting the wearing of religious garb in state schools. This tolerance is perhaps a reaction to Soviet times when all schoolchildren were obliged to wear school uniforms. However, both state schools and private schools have the right to establish internal rules of the school (BSG, Art 68). Today many private schools require school uniforms and so far this requirement has not been disputed. There are also no rules prohibiting the wearing of religious garb by teachers, and no reports of any difficulties at this time. It is simply speculative at the moment as to how the Estonian legislature or courts would react if someone (e.g. parents) disputed the wearing of religious garb in state schools either by students or by teachers. The ideal may be to teach children to respect differences and bring them up in an atmosphere of mutual respect.

There are no known cases of conflict as to opting out for religious holidays and law does not specifically regulate the matter. However, students may be absent from school for well grounded reasons. It is hard to speculate at the moment as to what the legal solution would be in cases of conflict regarding a student or a teacher taking days off in order to celebrate religious holiday in accordance with their faith.

Benediction of schools or school buildings is a quite common practice. There are a couple of reports of school children being forced to participate in services at the beginning of the school year. Generally, the way to solve possible conflicts has been to follow the principle of voluntary participation.

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[50] RTL 2008, 3, 27.

IV. CURRENT DEBATE

Unlike other countries with non-confessional models of religious education, in Estonia religious education is an elective, not a required course. There have been debates to re-organise voluntary religious education into compulsory education. One of the concerns opposing the reorganisation goes back to some negative experiences from the first days of religious education in state schools after re-gaining independence. When schools became open to religious education, many eager people without pedagogical experience and professional skills rushed to teach it. Sometimes religious education turned into confessional instruction in schools.[51] The lack of an adequate number of teachers with sufficient professional and pedagogical preparation to communicate this subject is acute even today. There was also a lack of adequate course materials for non-confessional religious education. The first textbooks and handbook for teachers were translated from Finnish. In basic education schools they introduced Bible stories and were generally meant for students from a Christian background. In upper secondary schools (gymnasiums) world religions, church history, dogma and bible studies were addressed. The recommended text on didactics of religious education was also more suitable for confessional religious education. However, gradually adequate materials provided by Estonian authors have emerged.[52]

Amongst opponents of compulsory religious education the major concern has been that it could turn into promotion of one brand of religion – Christianity. There has also been a concern that teachers of religious education have a mostly Christian background, and thus cannot deliver instruction in the subject objectively. These concerns are very similar to those expressed in the 1920s and thus cannot be completely attributed to Soviet propaganda during the 50 years of occupation. It also needs to be noted that some proponents of compulsory religious education, including churches, have considered it to be necessary to have an emphasis on Christian religion considering the cultural background of the country. This has been seen as problematic. The major concern has been the protection of freedom of religion or belief of students and parents, both non-believers and non-Christians. These concerns also seem to relate to rather controversial attempts to re-build national identity after the occupation. Strong political/governmental favouritism of traditional religions has added an extra dimension to this debate.

In 2001 representatives of non-Christian religions[53] formed an informal body called the Roundtable of Religious Associations, as a reaction to the proposal to make religious education compulsory in State schools.[54] They criticized the draft curriculum as biased and Christianity centric. In his 2003 report the Chancellor of Justice expressed the opinion that the

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51 Valk, P., *Development of the Status of Religious Education in Estonian Schools. European and Local Perspectives*, Conference on Law, Religion and Democratic Society, Estonia, University of Tartu (1999). Conference materials are available at the Univeristy of Tartu Faculty of Law Chair of Public International Law and EC Law.

52 O. Schihalejev, *Estonian Young People, Religion and Religious Diversity: Personal Views and the Role of the School* (Tartu, Tartu University Press 2009), 50.

53 The Taara and Earth believers, the Baha'i Congregation, local branch of the ISKON, two Buddhist congregations, the Jewish Organizations and the Estonian Islamic Congregation.

54 T. Vakker & P. Rohtmets, 'Estonia: Relations between Christian and Non-Christian Religious Organizations and the State of Religious Freedom', *Religion, State & Society* 36, no. 1 (2008): 50-51.

State does not have to guarantee absolutely equal presentation of world religions in the curriculum. He stated that it is justified to include Christianity in the curriculum because of the cultural and historic background of Estonia. But he also pointed out that presentation of Christianity should not become the prevailing subject in the curriculum. He warned that the majority of qualified teachers are of Christian background and this can offset the balance. He also emphasised that compulsory religious education would be possible only if the State guarantees a balanced representation of world religions.[55] Concerns about compulsory religious education have also been expressed by many leading writers, actors and columnists, whose opinion matters and influences the public debate.[56]

As a reaction to new proposals and debate in 2008, the President of the Estonian Academy of Science expressed his opinion at the general meeting of the academy that religious education should be voluntary in upper secondary schools and should not be allowed in basic school at all. He expressed the concern that children at that age are not sufficiently protected from the possibility that non-confessional religious education turns into confessional instruction. He also expressed the view that introducing religions within history classes is sufficient. Elaborating his argument further expressing the view that teaching about religions has to be contextual, meaning it should be taught in the context of history and society. Placing teaching about religions outside an historical context is, in his view, a gross methodological mistake.[57]

The idea that religion can be sufficiently covered within other disciplines, such as history and arts, has been held by many in the academic and educational community. The drawback to this idea is that those subjects are already overloaded and teachers may not be sufficiently qualified to talk about religions, so that what may theoretically be a good idea may not necessarily be good in practice.

To summarise the debate, there is some agreement as to the need to teach students about religions. However, there are different opinions as to how religious education should be taught. As shown above, views vary regarding the age at which religion needs to be introduced in schools and by whom it needs to be taught. There are also some additional practical and broader structural problems which relate to the school curriculum and teaching methods as a whole. According to some estimations the curriculum is generally overloaded. It is also fact oriented, leaving little time for students to develop discussion skills and form their own opinion. As the curriculum is overloaded, non-confessional religious education is often pushed to the fringe of the school day. Although reforming the educational system in Estonia has been slowly moving from a teacher-centred to a student-centred approach, the reform is still in progress. Regarding religious education specifically, the major concern has been its content and purpose. Concerns have been expressed as to how to strike a balance between Christianity and other world views.

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55 *Õiguskantsleri 2003.-2004. aasta tegevuse ülevaade*, Tallinn, 2004, 169. Available at http://www.oiguskantsler.ee.

56 See e.g. A. Kivirähk, 'Majamaniakind ja usundiopetus' [House-maniacs and Religious Education], *Ärileht*, 4 November 2006.

57 R. Villems, Speach at the General Assembly of the Estonian Academy of Science (10.12.2008), <http://www.akadeemia.ee/_repository/File/TEGEVUS/ETTEKANDED/RV%2010.12.08.PDF>, 1 May 2010.

However, as noted above, there are some new developments, which may indicate that agreement on these issues is a fraction closer. As religious education is a voluntary subject, for a long time there have only been guidelines as to how it should be conducted. On January 2010 the Ministry of Education and Research adopted two regulations about the new syllabus for basic schools[58] and for gymnasiums.[59] These regulations entered into force on 1 September 2010. According to these regulations, schools still have relative freedom to put together their own syllabus. However, the regulations specify that the syllabus for religious education needs to follow the syllabus provided by the Ministry of Education. This seems to be an attempt to unify and establish control over the content of religious education nationally.

The model syllabus for religious education adopted by the Ministry of Education seems to have grappled with some of the concerns expressed in previous debates. However, it remains to be seen whether this syllabus is convincing enough to pave the way for compulsory religious education at all school levels. It also needs to be seen how it will work out in practice.

The model syllabus seems to be a mix of learning about religions and ethics (broadly defined). The aim is to give a non-confessional overview of world religions and to help students to understand the impact of different religions in world culture, and most importantly, to prepare them for life in a pluralistic and multicultural world. Not only are religious world views covered, but also non-religious views. Topics such as secularisation and the relationship between science and religion are also included. The syllabus seems to be aimed at teaching into tolerance. It is intended to develop religious literacy and readiness for dialogue by introducing different world religions/views. An interesting aspect is that it encourages students' abilities to recognize and understand religious discrimination and analyze both positive and problematic religious manifestation in context. Discussions are also held about existential questions. There are obviously differences in methods of teaching and learning according to the age of students.

The preambles of both the basic school and upper secondary school syllabus emphasise that religious education is founded on the UN Declaration of Human Rights. Religious education is a precondition for protection of freedom of religion or belief. The aim of religious education is to provide knowledge about religion in order to help students understand the world, its culture and the role of the religious dimension in human life. It also emphasises the importance of learning about local religions and cultural heritage. An important aim of religious education is to support pupils' moral development and special attention must be paid to the problems of pupils' everyday life and their questions. The syllabus seems to take into account some of the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools adopted by OSCE/ODIHR in 2007.[60]

Thus, there is a strong emphasis on learning how to navigate in a multi-religious world, while remaining open-minded and critical at the same time. Dialogue and respect seem to be the keywords which characterise both the curriculum of basic schools and gymnasiums. As to the

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58 RT I 2010, 6, 22.

59 RT I 2010, 6, 21.

60 Toledo Guiding Principles on Teaching About Religions and Beliefs in Public Schools (Warshaw: OSCE 2007).

methods of teaching, there seems to be a strong emphasis on a student-centred approach. All in all is seems to be a rather convincing syllabus, which should satisfy people from various belief backgrounds. However, it is rather ambitious and it needs to be seen how it will work in practice. Ideally individual failures should not hinder religious education as such again, especially taking into account that education is the key to the eradication of many problems related to religion.

V. RELIGIOUS SCHOOLS

Religious organisations can set up private educational institutions with curricula and diplomas recognized by the secular state. The Private Schools Act (**PSA,** *Erakooliseadus*) regulates the establishment of private educational institutions at all school levels (pre-school, basic, secondary, vocational and higher education).[61] These private schools need to obtain a licence form the Ministry of Education and Research (PSA, Art 5 (1)). As noted above**,** according to the Estonian Constitution (Art 37), provision of education is supervised by the State. Sunday or Bible schools run by churches and congregations do not need the licence. The licence is issued for a certain period of time for up to five years (PSA, § 5 (2^1)). It is also important in order to apply for funding and projects financed by the State or municipal government. Only a few religious organisations have established schools[62] in accordance with the Private Schools Act.

Private schools have relative freedom as regards curriculum, ethos and admissions. The manager of a private school approves the curriculum. The curriculum is entered into the Estonian Education Information System upon the issuing of a licence (PSA, § 11 (2)).

According to the amendments applicable from 1 September 2010, Art 11 (5) of the PSA explicitly sets forth that it is allowed to provide confessional religious education in private educational institutions (previously there was no explicit mentioning of this).[63] This is a general provision which applies to all private schools not just confessional ones. The PSA further states that the confessional RE is voluntary. Thus, one can discern from this that there is no legal obligation to provide confessional RE and even in confessional schools, which provide State-licensed basic or upper secondary education, confessional RE must be voluntary. There is no provision as to the number of students needed for this kind of course. The confessional RE is provided according to the conditions and rules established by the school.

Private educational institutions when providing State licensed/state supervised basic or upper secondary education have to follow the standards set in the National Curriculum for Basic Schools[64] or Gymnasiums.[65] The National Curriculum applies to all schools regardless of their legal status (public or private), if specific laws do not provide different regulation (for

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61 RT I 1998, 57, 859; RT I 2010, 41, 240 (last amended).

62 Private schools can be established *inter alia* by non-profit organisations (PSA, Art 2^1), including religious associations.

63 This provision was included by the new BSG which amended several paragraphs of the PSA (See Art 105 of the BSG).

64 National Curriculum for Basic Schools (*Põhikooli riiklik õppekava*), RT I 2010, 6, 22.

65 National Curriculum for Gymnasiums (*Gümnaasiumi riiklik õppekava*), RT I 2010, 6, 21.

example, PSA). This means that according to the new law and regulations private educational institutions may be also required to provide non-confessional voluntary RE to their students as set forth in the BSG and in the National Curriculum. This can be seen as justified considering the need to prepare students for a multi-religious/cultural society with an emphasis on respect and dialogue.

CONCLUSION

It seems that different factions of Estonian society have reached some level of agreement, that good general education also includes knowledge about religions. More importantly there seems to be some agreement as to the proportions and methods of teaching about religions and ethics. However, the implementation of the new BSG and National Curriculum is a complex process. There are many aspects to this new law which are unclear and need to be tested in practice.