

Lecture on "The Right to Religious Freedom and the Inclusion of a South African Public School with a Religious Ethos" - from the thesis for the joint degree of Doctor in Law at the University of Antwerp and the Vrije Universiteit Brussel, Faculty of Law  
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### Summary

Against the background of the Constitution of the Republic of South Africa, 1996, relevant legislation, policies and jurisprudence (in international and comparative law), this thesis argues for the protection of religious freedom, conscience and belief regarding the ethos of a public school. This comprises the question as to what the parameters should be regarding the dissemination of religious and non-religious beliefs (concerning curriculum knowledge such as religious instruction) in public school education without the violation of the beliefs of learners and parents (whether religious or not) whilst simultaneously protecting minority and majority groups. This thesis therefore argues for the inclusion of a public school with a religious ethos and hence the dissemination of religious knowledge in the public sphere. Arguments for a more effective interaction between religion, state and the public school, together with the question as to whether the public sphere (and consequentially the public school) should be viewed as an extension of the beliefs and interests of the individual, are presented. A more effective interaction is presented in the notion called deep religious diversity. This is contrary to and distinct from reasonable accommodation within the public school, where accommodation is understood in a limited sense and detached from deep religious diversity – relegating religion to the private sphere only (in other words, when accommodation is understood in a radical liberalist manner). Ultimately, this framework regards a liberal public sphere and public school that are detached from a deep diversity approach as inadequate for the protection of religious diversity and religious freedom. Deep diversity shifts the burden of proof from the religious parent or learner in the public school to whomever (state or individual) is contesting the religious freedom claims of the parent or learner. Deep religious diversity challenges current trends in liberalism and argues for a restructuring of the basic liberal notions currently demarcating the public sphere and public school.