

The Future of Catholic Primary Schools in a Pluralist Society

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In April 2011 the Minister for Education and Skills established a “Forum on Patronage and Pluralism in the Primary Sector”. The Advisory Group overseeing the work of the forum issued a preliminary report in November 2011. Their final report is now awaited.

The Minister and the Chairman of the Advisory Group, Professor Coolahan, have made clear that what they are attempting to achieve is not a complete re-structuring of the primary school sector but greater diversity of school provision in a more pluralist society. The key word is “pluralism”. The Minister says that his aim is not to impose a secular agenda on schools but to ensure that the system is responsive to parental demand so that school provision actually matches the religious and sociological realities in local communities. It was clear that most participants in the forum agreed with this aim. However, there was also disagreement on some significant issues that arise in trying to achieve this aim. I would like to analyse some of these major issues.

Pluralism and freedom of religion

The principle of freedom of religion is part of the bedrock upon which western democracies are constructed. It finds succinct expression and support in article 44 of the Irish Constitution. In its submission (June 2011) to the Universal Periodic Review of the UN Human Rights Council, the Council for Education of the Irish Episcopal Conference stated:

The legally recognised human right referred to as ‘freedom of religion’ can be thought of as comprising two distinct but equally important dimensions or moral rights. It is both a positive freedom *for* religion, e.g. the freedom to practice, manifest and share one’s religious commitments, and a negative freedom *from* religious coercion (including anti-religious creeds), e.g. the freedom from coercion by public or private parties to *assent to* or *deny* any particular religious or philosophical proposition. These two dimensions may occasionally come into tension such that at times some balance must be struck in practice, but it is never justifiable to prefer one to the total exclusion of the other. This is because either aspect loses its justifying rationale in the absence of the other....

It is a mistake to reduce the right to religious freedom in education, enjoyed by parents and, in so far as is appropriate for their age and ability, their children, to an absolute but merely negative freedom from coercion. Such an interpretation has no

objective grounding in the texts of human rights law which are clearly formulated to include both the positive and negative dimensions of religious freedom. Connected with this approach is a tendency to extend the meaning of 'coercion', 'proselytism' or 'indoctrination' to include any form of uninvited contact with the religious belief or practices of fellow members of one's school community. Exaggerated distortions of both the negative aspect of religious freedom and of the concepts of coercion, proselytism and indoctrination have the inevitable consequence of extinguishing religion altogether from the public sphere and effectively quarantining it as a purely private matter irrelevant for civic and social life. Such a secularist political ideology is not 'neutral' and is contrary to legitimate pluralism.

Religious believers in many countries are now pointing towards uses of the term "pluralism" that actually inhibit their free profession of faith in the public square. Examples of this have emerged particularly in European countries with attempts to restrict religious dress, symbols and festivities. Some scholars speak of a contrast between epistemological and ideological pluralism: epistemological pluralism is the recognition of the right to existence of contradictory truth claims (e.g. Christianity, Islam, atheism) while ideological pluralism is the insistence that the only truth is pluralism. A truly pluralist society must surely learn to live with, and respect, difference while fostering loyalty to the nation and support for democratic structures of government.

Catholic schools and human rights

The question of human rights arose in the forum particularly with regard to children whose parents wish them to opt out of religious education classes. Some commentators speak of the dangers of proselytism and indoctrination in denominational schools without ever defining these terms. I reject the claim that the religious education provided in Catholic schools is indoctrination. To introduce a child to the faith of parents through the schooling system is not proselytism or indoctrination but education. Catholic parents have the human right to form their children in accord with their philosophical and religious convictions. Religious education has nothing in common with indoctrination which amounts to a deliberate harming of students by undermining their natural ability to reason. In contrast, Catholic schools are committed to the deepest respect for both faith and reason and as such they contribute significantly to the formation of rational and mature citizens of our democratic society. Catholic schools are committed to a religious education which invites students to grow into a deeper understanding of Christian faith; it is respectful of difference, it is holistic and it is in dialogue with contemporary culture. Such religious education is philosophically justified, it is based on well established educational principles and it seeks to respect the human rights of all involved.

There is a temptation in contemporary Irish discourse to dismiss religious belief as inherently irrational, divisive, and anti-intellectual. Some go so far as to say that schools with a Catholic

ethos cannot create a sense of civic virtue. This runs completely contrary to the Catholic education tradition which is built on a respect for faith and reason. Those who dismiss schools with a religious ethos as little more than proselytising and indoctrinating tools of religious authorities show little sense of the long evolution of Catholic schools over many centuries, the rich diversity within the Catholic sector and the principles which underpin such education today.

Catholic schools have a responsibility to uphold the right of parents who wish, on conscientious grounds, for their child to opt out of any subject. It became clear in the conversations at the forum that it would be helpful for such schools if a protocol were agreed between the relevant education partners with regard to this issue. It must be noted though that while students can opt out of particular subjects in accordance with the law, they cannot opt out of the culture and characteristic spirit of the school whether it is non-denominational, multi-denominational or denominational. In all of this it should be noted that the characteristic spirit of a school is not static as it will evolve in response to social and demographic factors.

Denominational schools, if they are to maintain their identity in this evolving social context, will need reasonable legislative provisions concerning enrolment, employment and the curriculum in religious education. Let us look at each of these in turn.

Enrolment

In June 2011 the Department of Education and Skills published a “Discussion Paper on a Regulatory Framework for School Enrolment”. This is a welcome development. The paper notes that just 20% of schools are oversubscribed and therefore must use their enrolment policy to allocate places to new applicants. Thus the vast majority of schools have the capacity to offer places to all applicants. With regard to religious faith as a possible criterion for use in enrolment policies the paper states:

The existing denominational school system and equality legislation supports the right of denominational schools to give priority to children of a particular faith. It is not proposed to change this (p.32).

This equality legislation is very restrictive and its practical effects are limited.¹ Enrolment policies will usually have several criteria which are not related to religion at all, e.g. age, first come first served, siblings of current students, relative of staff / past pupils, geographic boundaries, feeder schools, language issues. It should be noted that schools are more likely

¹ ‘An educational establishment does not discriminate... where the establishment is a school providing primary or post-primary education to students and the objective of the school is to provide education in an environment which promotes certain religious values, it admits persons of a particular religious denomination in preference to others or it refuses to admit as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal *is essential to maintain the ethos of the school*,’ *Equal Status Act 2000*, section 7(3)(c) (emphasis added).

to be oversubscribed in urban areas where alternative under-subscribed schools are often readily available nearby. Having the right to use religious faith as a criterion in enrolment is particularly important for minority faith communities such as the Reformed Churches in the Republic of Ireland. Such enrolment policies are a necessary element in the protection of the human rights of freedom of religion and of parental choice in education in a pluralist society.

Employment

Section 37 of the *Employment Equality Act* comes in for much criticism especially from teachers' representatives. Much of this is caused, I believe, by a misinterpretation of the intention and reasoning behind this section. The Act is very wide ranging and definitive in its demand on employers not to discriminate on any of the nine defined grounds including religious belief. If there were no section 37, or its equivalent, then a religious body would have no right to use religious belief and affiliation in any of its employments. Thus a Catholic parish, a Church of Ireland diocese, a synagogue or a mosque could not use religious belief as a criterion for selecting their employees. It seems clear to most observers that this would be unconstitutional as it would interfere with the constitutional right of religious bodies to run their own affairs and it undermines the human right of freedom of religion. This is probably why the Supreme Court noted (when the *Equality Employment Bill* was referred to it by President Robinson in 1997) that without section 37 the Bill might be unconstitutional.

Most people who criticise section 37 seem to do so on the grounds of respect for sexual orientation. But would it be legitimate for the law to accord greater individual rights in relation to sexual freedom than apply in other areas such as religious freedom. No freedom is ever absolute as it must contend with legitimate expressions of other freedoms. This then is a matter of balance of rights. With regard to schools we should note that the employer is the board of management. The Churches are not employers of teachers. We have roughly 3,400 boards of management running schools with a religious ethos at primary and post-primary levels. Each one of these boards is a corporate body and it must balance all of the contesting rights legitimately present in a school. Roughly 27,000 persons serve on these boards and they engage outside educational experts to be part of their interview panels for staff vacancies and promotions. I think that we should trust these individual boards to make reasonable judgments as to what is best for their school and to keep a balance with regard to various rights.

Religious education

It became clear at the forum sessions in June 2011 that all Patrons want to provide some form of programme with regard to religion and ethics. Such a programme could take a phenomenological approach as happens in many secular schools across Europe where children are introduced to religions as one datum among many others. The phenomenological

approach is useful but it is very limited from a faith-based perspective. It amounts to education about religions and beliefs rather than education into and from religious faith.

It is clear from article 42 of the Constitution and in the *Education Act* (9{d}) that schools must support the moral, spiritual and religious development of the child. This amounts to much more than a general introduction to ethics. In Judaeo-Christian thinking, informed as it is by Greek philosophy and the biblical traditions, the study of morality and ethics is not just about the provision of information. It is deeply committed to character formation and human development. It is an intentional activity which needs to articulate the skills and goals which it intends to develop and the moral literacy which it seeks to foster.

The preliminary report of the forum raised questions about the integrated curriculum and rule 68 of the *Rules for National Schools*. The *Primary School Curriculum* (1999) is founded on the principle of the integration of learning:

For the young child, the distinctions between subjects are not relevant: what is more important is that he or she experiences a coherent learning process that accommodates a variety of elements. It is important, therefore, to make connections between learning in different subjects (Introduction, p. 16).

The Religious Education programme in primary schools has been developed over many years as part of this integrated curriculum. The aim is not that all elements of the curriculum must be used for religious purposes but that the various strands of the curriculum can inform and support each other in promoting the moral, spiritual, social, and personal development of students in the context of the characteristic spirit of the school (see *Education Act*, 9 {d}). Arguably, Religious Education makes an important contribution to integrating and supporting strands in all other curricular areas (Language and Literacy; Mathematics; Social, Environmental and Scientific Education; Arts Education; Physical Education; Social, Personal and Health Education).

The preliminary report makes specific recommendations regarding rule 68, religious symbols and celebrations, and prayer. It is generally accepted that rule 68 needs to be reformulated but it is surprising that it should be isolated from a general review of the *Rules for National Schools*. Many of the provisions are now obsolete or irrelevant. The Rules need to be reviewed not just from the perspective of human rights conventions. Rule 68 would be part of this overall review. It is not altogether clear what is intended by the recommendations on religious symbols, celebrations and prayer. If it is intended that all schools should heighten their sensitivity to the presence of children of all faiths and none then this is welcome. However, if a more syncretistic approach is being proposed which suggests that all religions are the same or that a school should not give expression to its identity and should reduce it to

the lowest common denominator, then this would clearly undermine the characteristic spirit of the school. The issue of divesting schools would then be largely redundant as the denominational identity of schools would be so diluted as to be irrelevant.

A process for understanding, supporting and taking ownership of the characteristic spirit in a Catholic school

There has been much media comment at a national level in recent years about the future of Catholic primary schools. Research undertaken by the Catholic Schools Partnership (CSP) has found that those involved in schools often feel left out of these conversations as if their voice doesn't matter. This is an unacceptable situation because nothing is more important in a local area than its schools. At four regional assemblies held by the CSP in 2011 there was strong support for continuing the conversations about the future of Catholic primary schools at a more local level. In October 2011 the CSP published the outcomes of its research. One of the outcomes states:

To facilitate a deeper understanding of what it is to be a Catholic school in Ireland and to prepare the way for a change in patronage where that would be appropriate, the CSP will provide schools with a dynamic self-evaluation tool. This will facilitate schools in reflecting on their identity and priorities with all of the school community: parents, pupils, staff, members of the board and the local community.

The CSP has now completed work on this instrument and will invite schools to use it as part of a process of understanding, supporting and taking ownership of the characteristic spirit in a Catholic school. This means that the conversation which thus far has taken place only at a national level can now also be facilitated in local communities. I look forward to this process enhancing the identity of many Catholic schools and of facilitating changes in the patronage of some schools where this is appropriate. In this way it will make an important contribution to the future of Catholic schools in our pluralist and democratic society.