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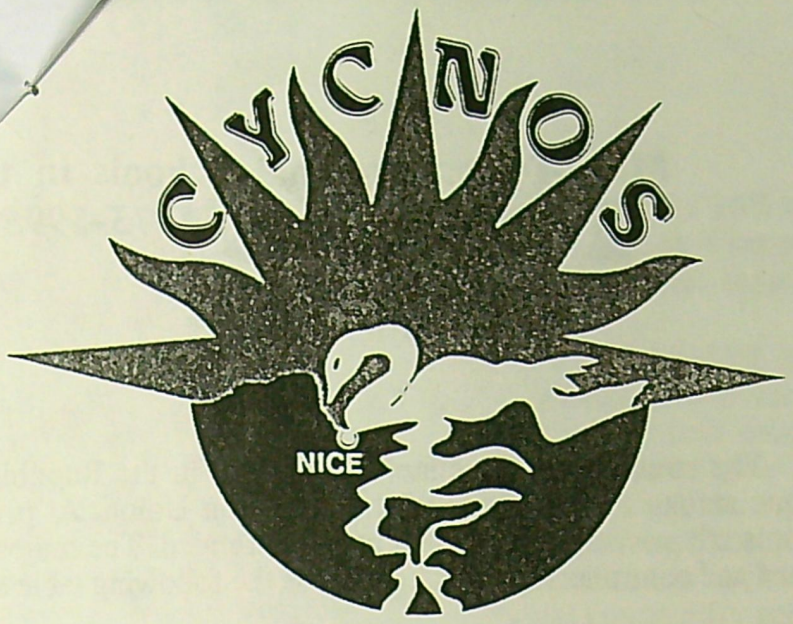
"Multi-Denominational Schools in the Republic of Ireland, 1975 to 1995".

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Abstract:

This paper describes the system of education in Ireland, focusing in particular on the control and management of primary and secondary schools by the Churches. It chronicles the movement by parents in Dalkey, Co. Dublin in the early 1970 to set up a state-aided multi-denominational primary school which would accept children of all religions and none and would be controlled and managed by a non-Church based limited company.



ÉDUCATION ET RELIGION DANS LES ÎLES BRITANNIQUES : DIEU À L'ÉCOLE, DIEU ET L'ÉCOLE

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Multi-Denominational Schools in the Republic of Ireland, 1975–1995

Áine Hyland*

The structure of the education system in the Republic of Ireland is unique among the countries of the European Union. At primary level, all schools are privately owned and publicly funded. The majority of these are owned and controlled by the Churches as the following table shows[1]:

Table 1: Number and type of primary schools 1992–93 1995/6

Categories	*Number of schools*	
Roman Catholic	2,988	2979
Church of Ireland (Anglican)	190	191
Presbyterian	18	14
Methodist	1	1
Jewish	1	1
Muslim	1	1
Multi-denominational	10	14
TOTAL	*3,209*	3201

At second level, there are three different types of schools[2]:

- *Secondary schools* are privately owned and managed and cater for 61% of second level pupils. The majority of these schools are owned by Roman Catholic religious communities. Some are run by diocesan authorities, i.e. Roman Catholic diocesan colleges. Others are run by lay Boards of Governors — these are mostly Protestant and some were founded by Charter in the seventeenth or eighteenth century. A small number of schools, both Roman Catholic and Protestant, are owned by private individuals.

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1 Statistics provided by the Dept. of Education at the National Education Convention in October 1993. The total for Roman Catholic schools includes 138 all-Irish schools in the Gaeltacht and 69 all-Irish schools outside the Gaeltacht. The table refers to the situation in 1992. Since then, a further four multi-denominational schools have opened. There are now 14 such schools, one of which is an all-Irish school.

2 Statistics provided by the Dept. of Education at the National Education Convention, October 1993.

- *Vocational schools and community colleges* cater for 26% of pupils. These are administered by Vocational Education Committees at county and county borough level. They are legally non-denominational schools.
- *Community and Comprehensive schools* cater for 13% of pupils. They were first set up in the 1960s by the State to provide second-level education in areas where there was no previous second-level provision or where provision was inadequate. The original intention was that these schools would be religiously inclusive i.e. that they would not be under Church control. However, the Churches would not agree to such an arrangement. Comprehensive schools are either Roman Catholic or Protestant schools and community schools are Catholic schools

Unlike other EU countries where the norm is the publicly owned and publicly controlled school, in Ireland the norm is the privately run school. Throughout the EU the balance between the proportion of privately owned and publicly owned schools, particularly at primary level, varies considerably. In Germany, it would appear that only about 1% of primary schools are private. In Denmark this figure is about 11% and in France the proportion is approximately 15%. The proportion is somewhat higher in the UK and Spain (25% in the UK and 35% in Spain). Belgium and the Netherlands have quite a high proportion of private aided schools - in the French speaking part of Belgium about 45% of schools are privately run and in the Netherlands, more than 60% of schools are privately run.[3] However, the Irish Government is unique in the EU in supporting nothing but privately owned schools, predominantly denominational, at primary level.

In the Republic of Ireland, management and ownership of schools is effectively available only to those in a position to provide a high proportion of the initial capital costs and to sustain an on-going proportion of current costs. On the one hand, the Government makes the payment of grants to primary schools in Ireland conditional on the availability of a local contribution; on the other hand, it forbids school authorities from levying a charge or collecting fees.

The primary school system in Ireland is to a large extent an anachronism. Its origins date from the first half of the nineteenth century when it was envisaged that landlords would act as Patrons of schools and take on the responsibility of educating children of the poorer classes with some financial help from the state. In the event, it was largely the churches which took on this role and because the corporate structure of the churches proved quite effective in the development of primary school provision, no fundamental change has occurred in the system in the Republic of Ireland since 1831.

The Constitution of the Irish Free State in 1922 and of the Republic of Ireland in 1937 further established the subsidiary role of the State in the provision of education. The 1937 Constitution, in particular, enshrined the

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3 Eurydice, *Private / Non-State Education: Forms and Status in the Member States of the European Community* (Brussels: European Unit of Eurydice, 1992).

primary role of parents in the education of their children. Article 42 reads as follows[4]:

> The State acknowledges that the primary and natural educator of the child is the family and guarantees to respect the inalienable right and duty of parents to provide according to their means for the religious and moral, intellectual, physical and social education of their children.

The Article goes on to state that parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State. The responsibilities of the State are relatively limited. Article 42.4 states that[5]:

> The State shall provide *for* free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and when the public good requires it provide other educational facilities or institutions with due regard however for the rights of parents especially in the matter of religious or moral formation.

The influence of Catholic social teaching on the 1937 Constitution of Ireland has been well documented. Referring to this in 1988, Keogh wrote[6]:

> The document (1937 Constitution) was self consciously nationalist, strongly Catholic in tone and republican in aspiration. The influence of Catholic thinking was very evident.

A similar point was made by Whyte[7] in an article in 1992 when he stated that

> These provisions (of the 1937 Constitution) reflected Roman Catholic social teaching by enshrining a principle of parental supremacy in respect of the education of children.

I am not suggesting that a recognition of the predominant role of parents in their children's education is a bad thing. Indeed, many national and international constitutions and covenants support this principle. For example, the European Convention on Human Rights states (Article 2) as follows[8]:

> No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Similarly, the 1966 International Covenant on Economic, Social and Cultural Rights[9] undertakes:

> [...] to have respect for the liberty of parents and when applicable legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the

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4 *Constitution of Ireland* 1937, Article 42.

5 *Ibid.*, Article 42.4.

6 Dermot Keogh, "The Constitutional Revolution: an analysis of the making of the Constitution" in *The Constitution of Ireland*, ed. by F. Litton (Dublin: Institute of Public Administration, 1988).

7 Gerry Whyte, "Education and the Constitution" in *Religion, Education and the Constitution*, ed. by Dermot Lane (Dublin: The Columba Press, 1992).

8 *European Convention on Human Rights*, Article 2.

9 *International Covenant on Economic, Social and Cultural Rights*, 1966, Article 13.3.

> religious and moral education of their children in conformity with their own convictions.

In the case of Ireland, however, particularly during the first fifty years after independence, parents were never directly consulted by the State about their wishes regarding the education of their children. It was assumed that the voice of parents was adequately and satisfactorily mediated through the churches and negotiations which took place in relation to the development of schooling took place between the State and the churches. In this regard it is important to note that the Roman Catholic Church had no doubt about the type of education which was appropriate for its children. The code of Canon Law of the Roman Catholic Church contained the following Canon (226.2)[10]:

> Because they gave life to their children, parents have the most serious obligation and the right to educate them. It is therefore primarily the responsibility of Christian parents to ensure the Christian education of their children in accordance with the teaching of the church.

During the period 1918 to the late 1980s, Canon Law (1374) made it quite clear that "Catholic children may not attend non-Catholic, neutral or mixed schools, i.e. those which are open also to non-Catholics." In Ireland, these Canons were interpreted strictly by the bishops. In their Lenten Pastoral letters, bishops regularly reminded the laity that they were bound under pain of mortal sin to send their children to Catholic schools.[11] This stricture applied to education at all levels, even university level. Until the early 1970s Catholics in Ireland were forbidden by their bishops to send their children to Trinity College, Dublin, which was regarded as unsuitable for young Catholic men and women.

Space restrictions in this paper prevent me from giving a detailed account of why an educational system which was originally intended to be religiously mixed, became denominational.[12] In brief, schools which were set up under the terms of a letter from Lord Stanley to the Duke of Leinster in 1831 were to provide "combined moral and literary and separate religious instruction" for children of all religious persuasions under one roof. During the years of British administration the rules for national (primary) schools upheld the principle that state aid would only be provided for schools which were open to children of all religious persuasions and which operate under these principles. The Government's intention was that all children, whatever their religious background, should attend the same school where all children would remain together for literary and moral instruction and they would separate into distinct religious groups for religious instruction. The curriculum for moral and literary instruction would be set down by the national authorities and Religious Instruction would be provided by the different churches for pupils of their respective religions.

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10 *Canon Law of the Roman Catholic Church*, Article 1374.

11 See for example Pastoral Letter issued in 1968, by John Charles McQuaid, Archbishop of Dublin. (Copy in possession of author).

12 For a detailed discussion of this question, see D. H. Akenson, *The Irish Education Experiment* (London: Routledge and Kegan Paul, 1970), and John Coolahan, *Irish Education: history and structure* (Dublin: Institute of Public Administration, 1980).

The primary school system was to be an aided one. Funding for the schools would be given by the National Board of Education provided that a local contribution was provided. Schools would be under the overall direction of a local Patron who would be required to name a suitable manager to manage the day-to-day affairs of the school.

None of the main Christian churches in Ireland at that time approved of religiously mixed schools and they gradually shaped the system to their own liking. From the middle of the nineteenth century onwards, the patron of a primary school was more likely to be a bishop or church leader and in practice each school tended to cater largely for one denomination. Because of the need for school owners to be able to provide sites on which schools would be built, a significant contribution towards the building of the school and an on-going contribution to current costs, the *de facto* situation from the mid-nineteenth century onwards was one whereby virtually all schools were owned and controlled by the main churches. However, despite the situation in relation to control and ownership, the rules for payment of grants to primary schools required that school management would not discriminate against children who were not members of the church which owned that school. Throughout the twentieth century (until 1965) schools were required to timetable Religious Instruction during the school day in such a way that children whose parents did not want them to attend such instruction could still attend the secular classes in the school. Moreover, the regulations required teachers to be sensitive to children of different religions in any matters which might be discussed or taught.

Surprisingly in 1965, at a time when the Roman Catholic Church had become somewhat more liberal, the rules of the Department of Education in relation to primary schools were changed. New rules published in 1965 gave explicit recognition to the denominational character of primary schools[13] and many of the safeguards relating to children of minority religions or of no religion were removed. In 1971 a further complication was added to the situation. A new primary school curriculum was introduced and this new curriculum encouraged the integration of subjects, both religious and secular. The Teacher's Handbook was quite specific in this regard[14]:

> The decision to construct an integrated curriculum is based on the following theses: [...] that the separation of religious and secular instruction into differentiated subject compartments serves only to throw the whole educational function out of focus. The integration of the curriculum may be seen [...] in the religious and civic spirit which animates all its parts.

Taken together, the rules of 1965 and the provisions of the 1971 curriculum created a new situation. The state now formally recognised the denominational character of the national school system and made no provision for children whose parents did not wish them to attend exclusively denominational schools or to attend religious instruction within such schools. The rule requiring teachers to be sensitive to the religious beliefs of those of different religious persuasions had been removed. According to the curriculum guidelines, all schools were expected to offer an integrated

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13 Dept. of Education, *Rules for National Schools* (Dublin: Stationery Office, 1965).

14 Dept. of Education, *The New Curriculum - Teachers' Handbook* (Dublin: Stationery Office, 1971).

curriculum where religious and secular instruction would be integrated. While the rule under which parents were allowed to opt their children out of religious instruction still remained, this rule became effectively inoperable since religious and secular instruction would now be integrated. Even if religious instruction were separately timetabled, it could be assumed that a specifically denominational ethos would "permeate the school day."

It was ironic that the national school system's denominational reality had been formally recognised at a time when parents were beginning to assert their rights in relation to the education of their children. There was a growing interest in education in Ireland in the 1960s and early 1970s.[15] In 1967 free secondary education had been introduced and there was considerable public debate about educational issues generally during this period. A weekly newspaper "The Education Times" was published between 1973 and 1975 and acted as a catalyst for educational debate. Vatican II had encouraged involvement by the Catholic laity in what had traditionally been a clerically dominated church. The troubles in Northern Ireland had erupted afresh and after 1969 many Irish people were anxious to break down barriers between Protestant and Catholic on the island of Ireland. In addition, the country was booming economically and this resulted in an unprecedented situation whereby some of its earlier emigrants were now returning to Ireland to take up employment here. These people had become familiar with the more liberal regime of other countries and were prepared to question the *status quo* in Ireland.

My husband and I were among such people. We had worked in Switzerland in the early 1960s and we returned to Ireland in 1966. In the early 1970s our two older children had begun to attend the local Church of Ireland (Anglican) school together with children of many other families from different religious and philosophical backgrounds. The school which had been a one-teacher school for over 60 years became increasingly popular and enrolment increased. By 1974 it was a five-teacher school with over 180 pupils on rolls. Parents and teachers would have liked the school to continue to grow to an 8-teacher school (1 teacher for each year of the primary school cycle). They would also have liked the school Patron, the Church of Ireland Archbishop of Dublin, to endorse the *de facto* multi-denominational nature of the school and to introduce a more democratic management structure. (In 1975, agreement had been reached between the churches and the State to extend the management structure from what had been up to now the single manager (usually the local clergyman) to a system whereby a Board of Management would be set up with some elected parents and teachers but with a majority of nominees of the Patron).

In retrospect one can understand the reluctance of the Church of Ireland authorities to encourage what was becoming an increasingly popular movement to introduce a greater religious mix and a greater degree of democratisation to their schools. The Church of Ireland was a minority church with a decreasing number of members. The *ne temere* decree of the Roman Catholic Church (introduced at the beginning of the century) had been strictly applied in Ireland and as a result, most of the children of religiously mixed marriages were brought up as Roman Catholics. If it facilitated

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15 See J. Coolahan, *op. cit.*

religiously mixed schools, it could be argued that the Church of Ireland would be exacerbating this trend.

In the event, the Government was not anxious to encourage the development of religiously mixed schools. In the case of the Dalkey school, the Minister for Education supported the church authorities in their desire to restrict entry to the school to Protestant children[16] and the reality of the denominational system became blindingly clear to the parents involved.

At this stage, a number of families whose older children had attended this school realised that the *de facto* multi-denominational experiment had come to an end. For these parents, it was clear that the Republic of Ireland needed something more than just denominational schools. A number of parents, some of whom had younger children who might be affected by the decision to restrict entry to the school to Protestants, came together and formed an organisation called the Dalkey School Project. This afterwards became a limited company and was extended to include families who had not initially been involved in the Church of Ireland school but who wanted to have their children educated in a more liberal and open environment. It also included members who had no children but who believed parents had a right of access to a philosophically appropriate school for their children.

The Dalkey School Project was set up in 1975 to focus the commitment of those who wanted the option of schools within the National School System which would be multi-denominational, co-educational and under a democratic management structure and which would have a child-centred approach to education. The strategy of the new organisation was to work to get one school into the system first rather than argue principle at national level for many years to come.

The task confronting the Dalkey School Project in 1974 was formidable. The National School System had been undisturbed for over 100 years. There was an established equilibrium between the Department of Education, the Church and the Irish National Teachers Organisation, a very powerful teachers' union and the only union representing 20,000 teachers at primary level in the Republic. There was a price for the churches' control of education. They provided sites for schools and they paid the local contribution towards the capital and running costs of their schools. The State paid the salaries of the teaching staff, the larger share of the capital costs (85%) and an annual capitation grant (currently about £50 per pupil per annum) towards maintenance costs. The "entry fee" for any new partner into the network of primary schools would be high and fundraising on a very large scale would be required if a multi-denominational school were to be set up.

Political support for the option of multi-denominational schools would be essential and fortunately at a number of levels such support was forthcoming. The then leader of the Fianna Fáil party, Jack Lynch, had

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16 Letter from the Dept. of Education to Rev. J. O. Williams, Manager of St Patrick's N. S., Dalkey quoted in *Contact* (parish magazine of St Patrick's Church, Dalkey), (April 1974) (copy in possession of author).

expressed support for a multi-denominational school on a pilot basis.[17] The Labour Party had consistently supported the idea and some Fine Gael TDs (members of parliament) and local councillors had also indicated support although the conservative wing of that party including the then Minister for Education, Richard Burke, were not sympathetic to the movement.[18] During the years 1975 to 1978 the Dalkey School Project was involved in protracted correspondence with the political parties, with the Department of Education and with the local authorities while simultaneously building up its membership, establishing the extent of local support for the school and organising fundraising events as well as searching for suitable premises in which to open a school.

Looking back on those years I can honestly say that they were among the most difficult years of my life. Those of us who had given a lot of thought to what we were doing and who could see the issue in a broader European and international perspective felt that there was nothing revolutionary about the request to have the option of multi-denominational education available in just one area of the country. But this was not how the rest of the population saw it, or so it seemed to us at the time. It was as if we were in some sense dangerous radical subversives about to undermine the structure of society. A pamphlet which was distributed in the Dalkey area called on the electorate to contact their members of parliament or to write to the Minister of Education registering their objection to the proposed school and it stated as follows[19]:

> Atheistic interest in the Dalkey School Project is clear. Ireland's system of education is denominational by Constitutional guarantee [...] We submit that there is no need for such a school as this which can only be divisive. It can only be hostile to religion in an age when it was never more needed [...] Dalkey could be a precedent for major trouble in other areas.

This pamphlet originated from an organisation called The Council for Social Concern with an address in Ely Place which was the headquarters of the Knights of St Columbanus. Fifteen years later Emily O'Reilly wrote a book cataloguing the campaigns orchestrated by the Council for Social Concern against other liberal developments e.g. divorce, contraception, abortion, etc.[20] However, this was not clear to us at the time and personally I

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17 See for example statement by Jack Lynch, Leader of the Fianna Fail Party, quoted in *Irish Independent* (12 January 1977).

18 See for example report in *Irish Press* (29 Sept. 1975) in which Richard Burke is quoted as stating:

> There is at present a campaign for what its promoters call "multi-denominational" education in primary schools based on the suggestion that education in schools under the control of persons of their own religious faith and by teachers of their own religious faith promotes disharmony and dissension in the community. To my mind this is completely false. Indeed I regard it as a libel on teachers to suggest that in educating children in accordance with the particular teachings and belief of the religion of their homes, the teachers implant the seeds of intolerance and encourage attitudes of bigotry. It is also arrant nonsense.

19 Leaflet entitled *The Dalkey School Saga: has the government surrendered to the multi-denominational pressure groups?* distributed by the Council for Social Concern, Ely Place, January 1978 (copy in possession of author).

20 Emily O'Reilly, *Masterminds of the Right* (Dublin: Attic Press, 1992).

was puzzled and distressed by the nastiness of the campaign against the Dalkey School Project of which I had been a founder member and in which I was very involved. My own background was conventional and relatively conservative with deep roots in the educational system and I could see no reason why a development such as the one we were proposing should not go ahead.

I have documented elsewhere the steps which the Dalkey School Project took to ensure that the school which was being proposed would satisfy all the written requirements of the Department of Education.[21] Unfortunately, since there is no legislation underpinning the provision of education in Ireland or any clear cut regulations regarding grant aid it was possible for the Department to change the ground rules at a moment's notice and this did not make our situation any easier. However, largely because of the support of the new Fianna Fáil Government in 1978, the Dalkey School Project opened its doors to 90 pupils in September of that year. The early years were not easy. The school was in temporary premises, initially in a private house bought by supporters for that reason and subsequently in a variety of different places including church halls lent by the Presbyterian Church and the Church of Ireland as well as in rooms temporarily provided by the local Vocational Education Committee. As the years went by support for the school grew until it was no longer politically correct to oppose such a development. The culmination of the success of the work of its founders came when the new Dalkey School Project building was opened by Fine Gael Minister, Gemma Hussey, in 1983. Today, this school is bursting at the seams. It has at least three times as many pupils seeking places as it can accommodate.

The initiative taken in Dalkey was soon followed in other parts of the country. Initially, the new multi-denominational schools were in the greater Dublin area, but in 1987 a breakthrough came with the opening of 3 schools outside the Dublin area, in Cork, Kilkenny and Sligo. These schools were sanctioned by the then newly appointed Minister for Education, Mary O'Rourke who was a supporter of the movement throughout her term of office as Minister. It was not easy for any of these groups. The demands placed on new groups continued to be difficult; temporary premises had to be provided, viability had to be proved and even when permanent recognition was given to the school major fundraising had to be undertaken to provide the site and the local contribution for the new building. In the case of Dalkey, more than £150,000 (over FF 1,200,000) had to be raised by parents for the new school.

Today there are 14 multi-denominational schools in the Republic of Ireland (see map at the end of this article). They are all primary schools and the demand continues to grow. However, although there is now all-party political support for the principle of these schools, it has not been made any easier for parents to set up such schools. Indeed in some ways the situation has become more difficult. In 1987 the Government introduced a new practice under which no capital grants are given to multi-denominational

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21 See for example article entitled "Multi-denominational schools in the Republic of Ireland" in *Education Together for a Change*, ed. by C. Moffat (Belfast: Fortnight Educational Trust, 1993).

schools in their early years until they have proved viability. This means that at the point at which the schools are at their most vulnerable and indeed when the demands for accommodation etc. are at their greatest, the cost of providing such accommodation falls entirely on the local parents. These conditions have not been imposed on Catholic or Protestant schools and it may be necessary to mount a constitutional challenge should another multi-denominational school have difficulty in getting official recognition.

In 1983 a coordinating committee, Educate Together, was established to coordinate the efforts of the various groups which were attempting to set up multi-denominational schools in the Republic. This committee also acted as a negotiating body with the Government and the Department of Education in relation to issues which were of general interest to the sector. In the early 1990s, Educate Together was formally recognised by the Minister for Education as a body representing the interests of multi-denominational education in the Republic and it was invited together with other so-called partners in education to contribute to the debate leading up to the publication of a White Paper on Education in 1995. Educate Together played a full part in this debate and as a result the Report on the National Education Convention of 1994[22] and the White Paper of 1995 recognise the difficulties of the multi-denominational sector[23]. The White Paper on Education proposes a greater democratisation of the control and governance of the education system in Ireland. It proposes that Regional Education Boards be set up (13 in number); it also recommends that all schools at primary and second level should have a Board of Management and that this Board should include representatives of the wider community in which the school is situated as well as parents, teachers and representatives of the Patron or Trustees of the school.

The broader issue of how schools can respect the constitutional rights of families who do not belong to the religion or tradition of the school sponsors has also been addressed in the White Paper. In this regard it states[24]:

> While recognising and supporting the denominational ethos of schools, all schools will be required, in their management and planning processes, to ensure that the rights of those who do not subscribe to the school's ethos are protected in a caring manner.

The White Paper also recognises that

> A sensitive balance is required between the rights, obligations and choices of the majority of parents and students who subscribe to the ethos of the school and those in a minority, who may not subscribe to that ethos but who do not have the option, for practical reasons, to select a school which reflects their particular choices.

The Government is committed to setting up a working party to develop "good practice" guidelines in this regard. Nobody expects this to be an easy task. It is, however, worth noting that in the nineteenth and early twentieth century detailed regulations were set down in the National School Rules to

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22 J. Coolahan (ed.), *Report on the National Education Convention* (Dublin: Stationery Office, 1994).

23 *Charting Our Education Future - White Paper on Education* (Dublin: Stationery Office, 1995).

24 *Ibid.*, p. 23.

ensure that respect and tolerance would be evident in all national schools. These included rules which prevented the school authorities from displaying religious emblems, statues or pictures within the precincts of the school. A school building could not be used as a place of worship. The times for religious instruction had to be publicly notified and a sign which read "Religious Instruction" had to be affixed to the school door when religious instruction was taking place.[25] The purpose of this was to ensure that a child (or parent) would not inadvertently enter the schoolroom while religious instruction was taking place there. As noted earlier in this paper, however, such practices would no longer be possible in a primary school today as the Rules for National Schools have confirmed the denominational nature of the system.

If I had delivered this paper a year ago, I would have been very optimistic for the future of multi-denominational education in Ireland. The 1995 White Paper appeared to have faced up to the anachronisms and anomalies of the education system in Ireland and had particularly recognised the difficulties faced by those people who did not belong to one of the main churches which owned and governed schools. (Currently, 6% of the population are in this category[26]). It also recognised the difficulties facing groups of parents who wished to set up a school under multi-denominational and democratic principles and it had made a number of suggestions as to how their task might be made easier. In particular, the suggestion that school buildings might be owned by the proposed new Regional Education Boards and leased out to different school authorities suggested a brighter future for multi-denominational education.[27]

However, during the past year, intensive behind-the-scenes negotiations have been going on between the churches and the State to come up with an agreed framework for moving forward the agenda of the White Paper. The Minister for Education has made it clear that she intends to mark her term of office as Minister in a positive and permanent way by introducing legislation for Irish education (I have already noted that Ireland's educational system is not currently controlled by legislation). In the process of doing this the Minister believes that she must reach agreement with the two main churches — Roman Catholic and Church of Ireland — about what might be contained in the legislation. Both of those churches are determined to retain and if possible copperfasten the denominational ethos of their schools. The Minister, on the other hand, wants to persuade the churches to share control with the local community. In the process, it seems to me that there is a real danger that a major mistake will be made. Two documents which have been leaked to the media during the past few months indicate the direction which the negotiations are taking. The draft heads of the Education (Education Boards and Boards of Management) Bill 1995 have been sent to the

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25 See for example *Rules for National Schools*, 1898 edition (copy in possession of author).

26 In the 1991 Census of Population of the Republic of Ireland, 66,270 respondents described themselves as having "No Religion"; A further 83,375 did not return any religion in the column "Religion". The total for those with religions other than Roman Catholic and Church of Ireland was 64,907.

27 *Charting Our Education Future - White Paper on Education*, 1995, p. 173.

parliamentary draughtsperson by the Minister for Education and it is rumoured that the final Bill will shortly be submitted to the Houses of Parliament.[28] The draft Bill makes provision for all primary schools to have a Deed of Trust (or a Deed of Variation in the case of schools where an official lease already exists) "designed to protect the ethos of the school".[29] In the case of Roman Catholic schools this Deed will include the following sentence:

> The school will be managed in accordance with the doctrine, practices and traditions of the Roman Catholic Church as stated by the Irish Episcopal Conference and interpreted by the Patron of the school.

In the case of Church of Ireland schools, the Deed will state:

> The school will be managed in accordance with the doctrine, moral teachings, traditions, practices and customs of the Church of Ireland, as defined by the General Synod from time to time, and in the event of any question or dispute arising as to the interpretation thereof, the same shall be determined by the Bishop of the Diocese in which the relevant school is situated on an interim basis but subject always to final determination by the General Synod.

In the case of Educate Together schools, the statement will be as follows:

> The ethos reflects the ethos of the society in which many social, cultural and religious strands exist in harmony and mutual respect.

It was expected that in return for allowing schools to legally enshrine their ethos in a so-called deed of variation, a more open and democratic form of management would be introduced. However, this does not appear to be the case. The proposal in relation to the structure of school Boards of Management is now one whereby the Board will consist of 6 core members - 2 elected parents, 2 teachers and 2 nominees of the Patron. This core board will then propose 2 extra members from the wider community, agreed unanimously amongst them, to the Patron for appointment. The 8-member board will then be formally appointed as such by the Patron. However, in the case of Roman Catholic schools the draft legislation contains a clause stating that people nominated to the core board "shall have a commitment to the ethos of the school and the community/parish served by the school." In addition, the two extra members would be required "to have an understanding of and commitment to Catholic education as outlined in the deed of trust for Catholic schools." Moreover, denominational schools will be legally permitted to give preference when recruiting teachers to co-religionists, if it can be shown that this is necessary to ensure the ongoing ethos of the school.

While there would be no difficulty with such a development in a country where parents had a choice of education for their children, the reality in the Republic of Ireland is that apart from the 14 areas where multi-denominational schools exist, parents have no choice in relation to primary

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[28] Article by John Walshe, "Law will enshrine schools right to hire by religion," *The Irish Independent* (9 April 1996).

[29] Document entitled "Governance of Primary Schools" issued by the Dept. of Education on a confidential basis in February 1996 and referred to in an article by Paul Cullen: "Churches' control of primary schools to be copperfastened," *The Irish Times* (20 May 1996).

education for their children.[30] It was for this reason that the State authorities in the nineteenth and early twentieth century were so careful to ensure that *de facto* denominationalism did not become copperfastened in legislation. If the proposed 1995 legislation proceeds as planned, I believe that the State will face a very real problem in the years to come. While I am in no way criticising the Roman Catholic Church for its stance on education, I believe that it is important that the State recognises what is involved in enshrining the ethos of the Roman Catholic Church in legislation in a country where 93% of primary schools are owned and run by that Church.

In a recent paper, delivered to a conference on Pluralism in Education[31], Sr Eileen Randles, Secretary of the Catholic Primary School Managers' Association in the Republic, made it clear that the Roman Catholic Church runs schools because of a wish to enshrine and promote within the educational process a particular understanding and perception of the person which extends beyond the secular to include the spiritual. She makes the point that:

> To seek to exclude the religious formation of the pupil from his education would be to truncate what the Church understands to be a true and full education.

She goes on to clarify that religion is not so much a discipline as a vision and states:

> It cannot therefore be confined to a class period. One's faith should be the basis of one's outlook on all areas of life, areas which will be explored through the secular subjects. (The Catholic Church) seeks a synthesis of faith, life and culture, a synthesis which is facilitated through education in a Church-linked school.

The recently published report of the Constitution Review Group[32] — an advisory body set up by the Government to review the 1937 Constitution — recognises that there appears to be an internal tension between the provisions of the Constitution dealing with denominational education. It adverts to the issues discussed in this paper and suggests that with an increasingly diverse and rights conscious society, problems in relation to right of access to a suitable education will become more acute. The report goes on to state that many of these difficulties are attributable to the fact that unlike other countries there is not in existence a parallel system of non-denominational schools organised by the State which would cater for the interests of minorities.

It appears to me, however, that the situation will be exacerbated, not improved, if the legislation as currently drafted by the Minister is introduced. It would be ironic if at a time when Ireland has never been more open to liberal reform (as indicated by the recent divorce referendum), our educational system were to become even more restrictive in terms of its accessibility to people of minority religions and none. It would be particularly ironic if such a

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[30] Even in the 14 areas where multi-denominational schools exist, it is not always possible to get a place in these schools as many of them have long waiting lists.

[31] Sr. Eileen Randles, "Relationship of Church to Schools: its nature and value", paper delivered at the *Pluralism in Education* Conference in Belfast, 23 February 1996.

[32] *Report of the Constitution Review Group* (Dublin: Stationery Office, June 1996), pp. 368–388.

development were to occur during the term of office of the Republic of Ireland's first Labour Minister for Education.

This paper has adverted to the difficulties facing parents in Ireland who do not want their children to attend Roman Catholic primary schools. They cannot be forced to send their children to such schools if they are in "violation of their conscience and lawful preference."[33] But what is the alternative? They may provide education for their children in their own home or in private schools[34] or they may attempt to set up a suitable school themselves and seek to have it recognised. The difficulties in undertaking this latter option are becoming increasingly recognised and many parents find this option daunting. One such parent is Maxine Jones, a newspaper correspondent who came to live in Ireland with her three children. In a recent article in *The Sunday Tribune* she refers to the situation in which she found herself.[35] Her local school is a Roman Catholic school. Since her two younger children had not been baptised, she decided to "march [them] off to be christened." She did not want them to be different from the local children. The Department of Education had explained to her that "all schools are privately owned. The state merely gives grants [...] The patrons in nearly all cases are bishops [...]" She maintains that she has "no problem" with the Catholic ethos of the school, believing that

> An ethos is a good thing [...] Along with hurling, it is part of the community in which my children will grow up. I would not wish them to be set apart in a locality dominated by a church the size of a hangar.

However, she is not entirely happy that a half an hour a day will be devoted to Catholic religious doctrine. Her suggestion that "French might be offered during one of these periods as an option" was not met with approval by the school principal. Her article seems to suggest that she would be happier with a multi-denominational school but the final paragraph explains why she prefers to settle for the Roman Catholic school:

> Last week I attended a school fete at a multi-denominational primary school set up by parents coming together as a private company. It was a series of rundown shacks made of corrugated iron and wood. Plans for a new building were pinned on the wall. Only when a school has been up and running for a number of years will the state invest in it. How brave of those parents, I thought, to submit their children to substandard school accommodation in the meantime. I doubted whether I would be so pioneering, especially if my children would have moved on by the time the new building was completed.
>
> My local primary school is bright and sparkling. I am a coward and will stick with the mainstream, something I would be less likely to do were I not a parent. Thus are societies bent into submission and questionable authorities and practices maintained. Thus are things set in stone.

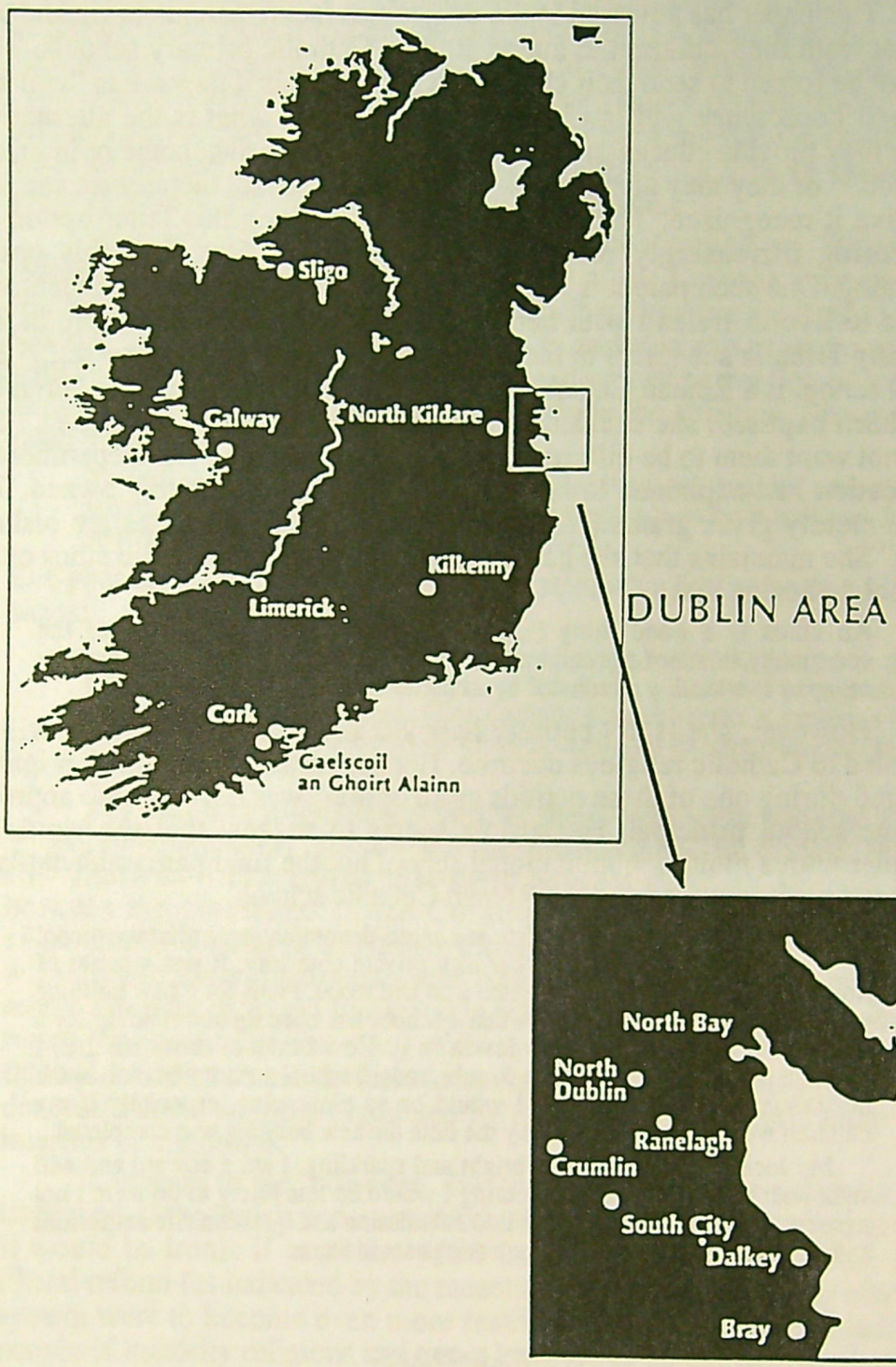


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33 Article 42.3.1, *Constitution of Ireland*, 1937.

34 Article 42.2, *Constitution of Ireland*, 1937.

35 Maxine Jones, "Parenthood and the Art of Cowardice," *The Sunday Tribune* (9 June 1996).



Distribution of *educate together* schools
in the Republic of Ireland