

NOVATE
VOBIS
NOVALE

The FURROW

A JOURNAL FOR THE
CONTEMPORARY CHURCH

Eamonn Conway

Why faith
schools matter
and the
challenges of
divestment

June 2017

Why faith schools matter and the challenges of divestment¹

Eamonn Conway

I have found Pope Francis' encyclical, *Laudato Si'* to be an invaluable teaching resource. Shortly after it was promulgated I linked up with one of our local primary schools in Limerick, Scoil Íde, Corbally, so that some of my B.Ed. students could have the experience of teaching the encyclical's key tenets to sixth class pupils. I believed they would learn the content and meaning of the encyclical more easily through the experience of teaching it themselves.

My students were particularly struck by how *Laudato Si'* touches on so many aspects of the primary school curriculum, enabling the Christian perspective on several critical issues to be brought to life in the classroom across a range of different subjects: geography, history, SPHE, English, RE and so on. They found ample opportunity in *Laudato Si'* to demonstrate cross-curriculum teaching at its very best.

'I will absolutely be using Church documents when teaching in the future,' one of the students, David Walsh, said in an interview he gave to *The Irish Catholic* newspaper, adding that encyclicals such as *Laudato Si'* are ideal resources for teachers as they deal with 'contemporary' issues.²

I was struck by the creative and imaginative pedagogies and games the students devised in order to communicate *Laudato Si'*. One of these, for instance, was a 'word cloud' comprising the most popular words within *Laudato Si'*: world, human and God.

'We took from that the message that God created the world for humans and so it is up to humans to take care of the world for God,' David said. This and various games helped the pupils reflect upon 'the Pope's message about the inequality of resources in our

1 This is an edited version of an address given to the AGM of the Catholic Primary School Managers' Association at the Radisson Airport Hotel, Dublin, on 3 March 2017.

2 Cathal Barry, 'Taking Pope Francis to the Classroom' *The Irish Catholic*, 19 November 2015.

Eamonn Conway is a priest of the Archdiocese of Tuam. He is Head of Religious Studies at Mary Immaculate College, Limerick.

WHY FAITH SCHOOLS MATTER

world... They (the pupils) had really great questions. They could really reflect critically on the whole situation,' he added.

Concluding their teaching initiative, the student teachers invited the class to write a prayer on a sheet of paper in the shape of a leaf and attach it to their hand-crafted *Laudato Si'* tree.

Overall, the feedback from my students was that the experience enabled them to discover in a new way the unique responsibility to care for our common home that flows from the Christian understanding of creation and humanity. They also discovered how religious education could be brought to life across the curriculum. They were surprised too how tough questions, for example relating to suffering and evil, surfaced very quickly and this incentivized their own theological reflection.

What can this classroom experience tell us about why faith schools matter?

ETHOS PERMEATING THE WORK OF THE SCHOOL

First we can see that it is the very nature of a characteristic spirit, whether religious or secular, to permeate every aspect of the life of a school, including its curriculum. This is why we cannot go along with the view that such a spirit could be confined to a half-hour at the beginning or end of the school day. I am concerned that the notion that we might be able to do so comes from a fundamental misunderstanding not only of faith-based education but also of the nature of education itself. My concern in this regard deepened when I read the *Report of the Forum on Patronage & Pluralism* (2012).

Education is always and inevitably about formation whether we recognize this explicitly or not. It can never be considered purely in terms of the provision of facts or of mere information. This would represent a very truncated and impoverished understanding of education. Similarly, a particular understanding of the human person is always implied in every educational system and there cannot be any neutrality in this regard

FAITH SCHOOLS MATTER TO THE CHURCHES

It is precisely because faith schools have something distinctive to offer that they should matter *both* to the Churches *and* to the State. Faith schools are very clear and upfront about their distinctive understanding. The Catholic Church establishes schools because it recognizes that schools inevitably offer a specific concept of the world, of the human person and of history, and wishes that this would be in harmony with the Christian understanding.³

3 *The Catholic School*, n. 8, The Sacred Congregation for Catholic Education, 1977.

THE FURROW

The World Synod of Bishops in 2012 stated: ‘Schools should assist families in introducing children into the beauty of the faith ... and offer a great opportunity to transmit the faith or at least to make it known’.⁴

The churches have an inalienable right to operate faith schools and where parents wish their children to receive education with a Catholic ethos, the State also has the obligation to support that choice, including financially.⁵ As Archbishop Diarmuid Martin has said, ‘Catholic schools which provide the same educational service as other schools should receive the same support also with regard to the cost of management services.’⁶ The archbishop is reiterating the Church’s long-held view that parents are the primary educators of their children, not the state. It is they, and no one else, who direct the foundational character of their children’s education, especially as regards religious matters. Hence, in no way should the state financially penalize parents who desire a Catholic education for their children.

THE CHURCHES ARE COMMITTED TO A PLURALISM OF PATRONAGE

Before going on to explain why faith schools should matter to the state I wish to note the churches’ commitment to providing faith schools in a pluralist cultural context.

So far, the level of demand among parents for greater diversity of patronage has not been reliably demonstrated. In any case, it is the responsibility of the State to vindicate the rights of parents in regard to school patronage in accordance with their wishes.

Nonetheless, the Catholic Church has been a willing partner in the divestment process since first tabled by the *Forum on Patronage & Pluralism* (2011). This is well documented if not widely accepted or well reported in the media.

The Church’s co-operation is not just for pragmatic reasons. The Church has always held that parents are the primary educators of their children and that their wishes in regard to the education of their children are paramount. In addition, the Catholic Church advocates not only freedom for religious belief, practice, and proclamation but also freedom from religious coercion.

Furthermore, it is not only society that is changing. The Church has changed too. Elsewhere in Europe, and indeed globally, church and state remain separate in regard to their distinctive

4 Proposition n 27, 27 Oct 2012.

5 On the obligation of the state to fund faith-based education see Eamonn Conway and Thomas Finegan, ‘*Dignitatis Humanae*: public funding and divesting of faith schools in a liberal state’, *Melita Theologica: Journal of the Faculty of Theology of the University of Malta*, 66/1 (2016) 47 - 68.

6 Ferdia Kelly, ‘Catholic education in a pluralist society’, *The Irish Catholic*, May 8, 2014.

areas of concern while at the same time co-operating readily and respectfully in areas of mutual interest. This is particularly true in respect to the provision of education.

Notably, over sixty per cent of primary schools in The Netherlands, one of Europe's most secularized countries, are, to this day, state-funded faith schools. Worldwide, the number of pupils in Catholic elementary schools has increased from 20 million in 1965 to over 32 million today, that is, by 60%. The figures are similar in regard to expansion in Catholic secondary and higher education globally.

The Church welcomes a genuinely pluralist society in which various ethnic and religious communities, with various religious, humanist and secular outlooks, co-exist peacefully, in harmony with the common good, and free from both unreasonable state incursions into the integrity of their cultural values and from unreasonable state obstacles being placed in the way of the transmission of such values. Since the Second Vatican Council dialogue between faith and culture has been a hallmark of the Church universally and we see this reflected in our Catholic classrooms and in their curricula.

There is much greater recognition in the Church today that the reign of God extends beyond the Church's visible confines and that interreligious and intercultural dialogues play key roles in the Church's evangelizing mission.⁷ More recently, under Pope Francis we have come to a new appreciation of the Ignatian conviction 'that God can be found in all things.'

This is why our Catholic schools have no interest in turning non-Catholics or non-believers away from their doors. It is counter-intuitive and counter-cultural for them to do so. As Catholic educators we are also horrified if any parents should feel obliged to violate their consciences in order to have their children admitted to our schools.

Similarly, given the key role in the Christian tradition that faith and reason both play, indoctrination is anathema to us and has no place in a Catholic school. One should never mistake *proposing* the Catholic faith for *imposing* the Catholic faith.

Furthermore, such is the Christian understanding of the inviolable dignity of the human person, an understanding that contributed to the Universal Declaration on Human Rights, that any violation of human rights or any act of unjustifiable discrimination in Catholic schools is repugnant to us as well.

This needs to be said, given the caricature of Catholic education and Catholic schools we sometimes see in debates and discussion in the media, a caricature in which, in all honesty, we do not recognize ourselves.

7 See St Pope John Paul II, *Redemptoris Missio*, 56.

THE FURROW

FAITH SCHOOLS AND WHY THEY SHOULD MATTER TO THE STATE

Faith schools also matter to the state, or at least they should. They should matter because they make a unique and distinctive contribution to the educational landscape that is proper to an authentically pluralist society. We have no wish for or interest in a confessional state. As Pope Francis has said recently, confessional states tend to end badly.⁸ At the same time we have a legitimate expectation that the state should not be blind to the profound and very real role religious faith and practice plays in the lives of hundreds of thousands of its citizens. A truly liberal, secular and democratic society will welcome and accommodate everything that contributes to human flourishing and this includes the religious dimension of human life for those who wish it. But is that where we are actually heading? I have some concerns.

DIVESTMENT BY CONSENT AND DIVESTMENT BY FAITH

Coinciding with the process of divestment, a process the Churches in Ireland have entered into in good faith, the State has engaged with a series of legislative reforms, the most recent of which is intended to address the so-called ‘baptism barrier’. The intention may well be to compensate for the slow pace of divestment and provision of alternative patronage. However, the effect may well be to make genuine plurality of patronage impossible.

Let’s look briefly at the trajectory of reforms since 2011: the amendment of section 37 (1) of the Employment Equality Act 1998, constraining the sanctions that can be taken against an employee who undermines a school’s ethos; the abolition of Rule 68 (to which I will return); the proposal in regard to Education about Religions and Beliefs, and Ethics; recommendations on inclusion, despite evidence that faith schools are the most inclusive in the State; and more recently the proposed amendment or repeal of Section 7 (3) (c) of the Equal Status Act 2000.

Is there a cumulative effect, however unintended, that actually threatens rather than facilitates pluralism?

Let’s look more closely at the deletion of Rule 68 of the Rules for National Schools. I think it is particularly significant, though I didn’t realize it at the time.

The Rule stated that of all the parts of a school curriculum Religious Instruction is by far the most important. ‘Religious Instruction is therefore’, it said, ‘a fundamental part of the school course, and a religious spirit should inform and vivify the whole work of the school.’

My concern is with the deletion of the reference to a religious spirit vivifying the whole work of the school.

8 Guillaunie Goubert and Sébastien Maillard, *La Croix*, 17 May 2016.

WHY FAITH SCHOOLS MATTTTER

Minister Jan O’Sullivan TD deleted Rule 68 in a circular (0009/2016) in January 2016 just shortly before that coalition government left office. It should be noted that there were voices asking for Rule 68 to be amended rather than deleted but they went unheard. I remember thinking that the move was merely an effort to appease people who had been criticizing the slow implementation of the recommendations of the *Forum on Patronage & Pluralism*. I also took at face value the following paragraph in the circular:

In relation to providing religious instruction that accords with the patronage of a school of a particular denomination or faith tradition the Minister considers that the matter can be informed by Section 15 (2) (b) of the Education Act of 1998 and the functions of the board of such a school in relation to upholding the characteristic spirit of the school.

In retrospect, however, I take a more serious view in regard to the deletion. We need to take a moment to consider what Rule 68 actually protected.

It did not instruct schools how to express their ethos throughout the school day. This, it gave to understand, was the role and responsibility of a school’s patron and board of management. However, what it *did* was to provide the patron and board of management with a mandate to express the school’s ethos and in fact it actively encouraged them to do so. Such a statement in the rulebook for national schools was of considerable importance, as, potentially, was its deletion.

Rule 68 supported the rights and responsibilities of parents, through their diverse patrons and boards of management, to influence the characteristic spirit of their schools. This active support for the expression of ethos was particularly important for faith schools. In the absence of this particular mandate, schools are still empowered by the Education Act to live up to their own ethos, but they have lost a visible, normative support for so doing.

This is significant. It may well contribute to the erosion of plurality of patronage and therefore of parental choice in regard to school type especially if the underlying secularist philosophy that motivated the deletion, without any openness to amendment, gains further traction in political and managerial decision-making as well as in legal reform.

The recognition and respect currently afforded to parents, as the primary educators of their children, can no longer be taken for granted. The deletion may well, however unwittingly, have edged us closer to a situation whereby the State is no longer providing *for* the education of children through a plurality of providers,

THE FURROW

but is actually itself providing a monolithic-type state education. Inevitably, in such a system the views and influence of parents, expressed through patrons, would be of much less significance.

Rule 68 is gone. The current debate regarding the amendment or repeal of Section 7 (3) (c) of the Equal Status Act 2000 in relation to school admissions is, I believe, another threat to the expressed desire for a pluralist educational landscape.

THE EDUCATION ACT AND THE CONSTITUTION

However, the Equal Status Act is not the only legislation currently being tabled for consideration.

I said earlier I was reassured that then Education Minister O’Sullivan TD mentioned the enduring protection afforded by the 1998 Education Act to patrons and to boards of management when she deleted Rule 68, presumably in an attempt to soften the blow of the deletion. This Act, to repeat, states that the school board ‘shall uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school.’

The National Council for Curriculum and Assessment’s Report on Education about Religions and Beliefs, and Ethics (ERBE) was leaked to *The Irish Independent* in late November of last year. Extraordinarily, the newspaper ran three articles in the one edition, including the editorial, all conveying the one message: a backward Church was, yet again, stymying much-needed and enlightened educational reform.

When the Report was finally published on 14 February, 2017, in the midst of the Garda whistleblower crisis, the headlines were no less the result of a concerted effort than they had been the previous November but there was a new element: a focus on the legal protection for its position that school patrons could rely on.

The message communicated to the general public – a message in my view entirely without foundation on the basis of the submissions – was firstly that the majority of respondents were in favour of ERBE – which they weren’t – and secondly, that there was a considerable groundswell in favour of changing the Education Act, which was portrayed as an archaic obstacle to necessary educational reform in a modern democracy. Again, there was no evidence for this in the Report.

‘Law may hamper course on religions in primary schools’ was the headline in *The Irish Examiner* and ‘Legal obstacles flagged over subject on world religions in primary schools’, in *The Irish Times* (both on 14 Februar, 2017).

The law referred to is the section of the Education Act that protects the role of the patron and board of management in regard to characteristic spirit; the same section to which then Minister

Jan O’Sullivan referred school patrons for reassurance when she deleted Rule 68.

THE IRISH CONSTITUTION

There is more to be said. It is not just the Education Act but also the Irish Constitution that is in the sights of those advocating reform because they realize that any change to the Education Act in regard to the role of patrons and, more importantly, the role of parents, may be open to constitutional challenge as things stand.

Currently, the Irish Constitution protects the role of parents as their children’s primary educators. In contrast, some groups advocating radical reform, groups, it has to be said, that currently seem to enjoy a level of influence disproportionate to their level of support on the ground, favour a ‘one size fits all’ state education system. Effectively, their proposals, should they succeed, could well result in the Irish State displacing parents as their children’s primary educators and mandating a secular education for all children (except those whose parents are wealthy enough to afford private education).

Speaking on Newstalk (11/02/2017), Senator Aodhán O’Riordan said that the Labour Party is determined to pursue constitutional reform in this regard but admitted it would probably take up to 15 years to sway public opinion sufficiently.

REFORM OF THE PRIMARY SCHOOL CURRICULUM

Yet another matter needing the attention of Catholic patrons, parents, teachers and principals is the consultation on reform of the primary school curriculum. This fits into the worrying pattern we have been identifying.

Though technically not part of the current state curriculum, Religious Education is nonetheless included in the suggested minimum weekly time framework in the primary school classroom. This is likely to change in the new proposals regarding time allocation by the NCCA who are suggesting two categories of time. One is ‘minimum state curricular time’ (60% of the school day). In this category, the state would set the minimum amount of time required for six key curricular areas but these would not include Religious Education.

The other category is called ‘flexible time’ (40% of the school day). This is to include discretionary curriculum time, assembly time, roll call, breaks, and the patron’s programme. Presumably the intention is that Religious Education is to be included under the patron’s programme but this is not specified

We have moved a long way from Rule 68, which stated, ‘Religious Instruction is a fundamental part of the school course.’

THE FURROW

In considering whether to support the new curriculum proposal Catholic patrons will need to be attentive to four issues.

The first is that the school and not the state will have responsibility for how this flexible or discretionary time is divided. Boards of Management will need to become involved and proactive in overseeing how flexible time is used, in particular regarding the implementation of the patron's programme and the teaching of Religious Education. They will need to ensure that Religious Education continues to be valued and mechanisms will need to be put in place for quality assurance in regard to its delivery.

The second issue will be to ensure that Religious Education is taught as integral to the curriculum as a whole. The Primary School Curriculum (1999) was founded on the principle of integrated learning and teachers were encouraged to detect valuable connections between spiritual, moral and religious education and all the other curriculum areas.

The Catholic Church's position on the integral nature of religious education is not only based on an understanding of the central role such education plays in a child's development but also on the 'pedagogical principle that subject specificities are irrelevant in early childhood learning'.⁹ The *Grow in Love* programme is specifically designed to allow teachers to take a thematic, cross-curricular approach to the teaching of Religious Education.

However, the *Forum on Patronage and Pluralism* recommended that:

the introduction to the Primary Curriculum should be revised to ensure that, while the general curriculum remains integrated, provision is made for denominational religious education/faith formation to be taught as a discrete subject.¹⁰

This raises the question as to the extent the Forum's recommendation is behind the new curriculum proposal. If Religious Education becomes part of the non-core and therefore discretionary curriculum, will it eventually become, as the *Forum* recommended, a *discrete* subject? If so, it would be seriously damaging to the characteristic spirit of a Catholic school.¹¹

The third issue is that with the exclusion of denominational Religious Education from the state curriculum the way will have

9 Catholic Schools' Partnership, *Catholic Primary Schools in a Changing Ireland: sharing good practice on inclusion of all pupils*, 2015, 15.

10 Report of the Forum on Patronage and Pluralism in the Primary Sector, April 2012, 81.

11 See an excellent theological critique of this proposal in Daniel O'Connell & Amalee Meehan, "The 'Deeper Magic of Life' - a Catholic response to the Forum on Patronage and Pluralism", *The Furrow*, June 2012, p 286ff.

been paved for the introduction of ERBE as an integrated part of the state curriculum at some point in the future. The reasons for why this would be unacceptable in a Catholic school were clearly detailed in the submissions to the NCCA Consultation and also previously in this journal.¹²

The fourth issue is the most troubling because it is difficult to know how to deal with it. It is whether the state curriculum is already underpinned by an understanding of the human person that fundamentally conflicts with the Christian understanding. In the submission to the NCCA consultation on ERBE in which I participated, it was pointed out that the proposed new subject was underpinned by the tenets of secular liberalism wherein individual moral autonomy is considered an ultimate end in itself.¹³ We pointed out that this contrasted with the Christian vision of the human person that sees ultimate human dignity and destiny as flowing from relationship with Christ.

I remember being concerned, however, that the tenets of secular liberalism were already operative in existing subject areas and that ERBE was really an effort to introduce a brand of Religious Education that would be in line with the underlying secularist philosophy of the curriculum as a whole. This issue needs consideration by patrons as well.

THE DANGER OF DIVESTMENT BY POLITICAL STEALTH

The cumulative effect of all these reforms is that the basis in law, in policy and in curriculum whereby a faith school would be genuinely able to express and realize its distinctiveness is being progressively weakened.

There is also a new consultation process underway in regard to the divestment of schools. However, by the time this process has achieved its goal and we have divested the number of schools deemed necessary by all parties, there could well be no legislative basis whereby the schools remaining Catholic will be empowered or enabled to manifest and live out their ethos and characteristic spirit in any meaningful way.

If this happens, then faith schools will no longer matter, whether to parents, to the mission of the Church or indeed to the State.

It would therefore seem prudent for Church authorities currently engaging in a new round of divestment negotiations to seek a robust guarantee that the provisions of the Education Act, provisions that protect pluralism by protecting the patron and

12 The submissions to the NCCA Consultation are available at <http://ncca.biz/ERB2017/Submissions WEB.pdf> See also Eamonn Conway, "The Future of Catholic Schools – The Forum on Patronage and Pluralism: Cultural Marker and Wake-Up Call", *The Furrow*, June 2012, pp. 269 - 277.

13 See NCCA Consultations referenced above in Endnote 12.

THE FURROW

board of management's roles in regard to the characteristic spirit of schools, will be left intact. Otherwise, we might find that we have unwittingly signed up to a parallel divestment plan: divestment by consent and divestment by legal and political stealth.

CONCLUSION

Faith schools offer something of value both to Church and State in the emerging educational landscape, a landscape that should reflect a plurality of patronage types consistent with the wishes of parents.

However, the Catholic Church is not trying to hold on to something just for the sake of holding on. If we were 'to walk off the stage' so to speak, to cease to provide future generations with the option of a Catholic education, we would be compounding rather than mitigating the wrongdoings of the past.

I began by talking about the very positive classroom experience 'of introducing *Laudato Si'* to the classroom. We live in troubled times, Pope Francis acknowledges in his encyclical (n. 113):

... people no longer seem to believe in a happy future; they no longer have blind trust in a better tomorrow based on the present state of the world and our technical abilities. There is a growing awareness that scientific and technological progress cannot be equated with the progress of humanity and history, a growing sense that the way to a better future lies elsewhere.

This is why faith schools matter: to bring the good news, the Gospel news that a better future is possible, not only possible but already promised in Christ, for those who desire to hear it. Providing such an education is as Pope Francis says with characteristic simplicity, 'an act of love'.¹⁴

As managers of Catholic schools we have a sacred responsibility to ensure that the opportunity to propose such a future, continues for those who wish it. No other generation of school managers in Ireland has had to carry quite the burden of responsibility that we do in terms of providing this for the future.

May we experience it not only as a burden but also as a joyful opportunity and may God give success to the work of our hands.

14 Address of Pope Francis to participants in the plenary session of the Sacred Congregation for Catholic Education, 13 February 2014.