

# IHRC

AN COIMISIÚN UM CHEARTA DUINE  
IRISH HUMAN RIGHTS COMMISSION

## **Religion & Education: A Human Rights Perspective**

The IHRC hosted a conference entitled "Religion and Education: A Human Rights Perspective" on 27 November 2010. On the same date the IHRC launched a discussion document on the topic and called for submissions from the public to assist the IHRC in formulating recommendations on the measures that the Government should take in order that the right to education and to freedom of thought, conscience and religion are respected within the education system. The closing date for receipt of submissions is 31 January 2011. Below is a template to assist individuals or organisations who wish to participate in the consultation. This template is for assistance only and those who wish to make a submission are free to do so in any form they see fit, subject to the requirement that each submission should be in writing and if possible not more than ten pages long.

It is intended that a summary report of the submissions will be published by the IHRC and placed on the IHRC website, with a list identifying all those who made submissions either in an individual capacity or on behalf of an organisation, unless a person requests anonymity. While individual submissions will not be published it should be noted by anyone making a submission that same may be subject to the provisions of the Freedom of Information Acts 1997-2003, and the Commission may be obliged to release same on request being made in that regard subject to the provisions of the above Acts. All personal information submitted in the context of consultation process is subject to the Data Protection Acts and will be treated accordingly.

### **1. Personal information**

1a.	SURNAME: Murray  FIRST NAME: Dr John
1b.	ADDRESS: [REDACTED]
1c.	ORGANISATION (If any): Mater Dei Institute of Education
1d.	CONTACT DETAILS HOME: [REDACTED]  MOBILE: [REDACTED]

## RELIGION AND EDUCATION (General)

2a.	<p><i>In your opinion does religion have a role in the education of children? Yes/ No (Please explain your answer)</i></p> <p><b>Yes.</b> Religion can and should have a role in education -</p> <ol style="list-style-type: none"><li>a. for those with religious faith, such faith needs to be educated along with, and integrated with, their general knowledge, understanding, skills and attitudes</li><li>b. religious faith supports general education, child development, social cohesion and justice, etc.</li><li>c. religion is part of culture and history, so everyone, including those of no faith, can and should benefit from education about religion</li></ol>
2b.	<p><i>If you agree that religion does have a role in the education of children, should the denominational character/ ethos of a school be confined to formal religious instruction in the class room or should the denominational character of the school be reflected in all the activities of the school throughout the day? Yes/No ( Please explain your answer)</i></p> <p><b>No.</b> It does not make sense to 'confine' the ethos of a school to one segment of its timetable; if faith-based schools are allowed, they will have to be allowed to have a faith dimension that affects the whole school day [in appropriate ways, of course] – this can be done in a way that respects the relative autonomy of each subject/activity, the rationality and freedom of all pupils and staff, and also the religious freedom of pupils/staff who do not share the religious faith of that school.</p>

**3. THE PATRONAGE SYSTEM:** The State remains formally neutral in matters between different religious denominations. The Education Act 1998 gives legislative status to school “patrons” to whom Boards of Management are accountable for upholding the ethos or “characteristic spirit” of schools. The majority of school patrons in the State are denominational (Roman Catholic). (See Discussion paper at paras 3-10).

3a.	<p><i>Taking into account the fact that the majority of existing schools in the State are denominational in character, in your view, can the school patronage system meet the needs of those who seek denominational, multi denominational or alternatively non denominational education?</i></p> <p><i>Yes/No ( Please explain your answer)</i></p> <p><b>Yes but ...</b>  I think the present system needs to be amended, certainly at primary level, to allow for the decline in demand for Catholic schools, and the demand for other types.</p> <p>I do not know in any detail how this should be done. But I’d like to see it done in a manner that includes wide consultation and fairness. I certainly would not see the imposition of a completely secular system as an effective and fair way of promoting inclusion and meeting the needs of all. However, meeting a diversity of needs is going to be difficult practically/economically, etc.</p>
3b.	<p><i>If your answer is <u>No</u>, how could the State take measures to ensure the system meets other needs identified?</i></p>
3c.	<p><i>Is the freedom of thought conscience and religion of teachers being upheld within the current patronage system taking into account the obligations of the Boards of Management to uphold the ethos of the school:</i></p> <p><i>Yes/ No ( Please explain your answer)</i></p> <p><b>Yes.</b>  If there is to denominational schools at all, they obviously have to be allowed to take into account staff’s religious faith [or at the very least their general support for the school ethos]. It also needs to be admitted that in a fully secular system of publically funded schools, the issue of school ethos would still have to be taken into account – staff in such schools would have to promise to uphold the secular ethos of the school, even if they were religious believers. This is not just a problem for religious schools.</p>
3d.	<p><i>Any other comments you may have in relation to the patronage system:</i></p>

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**4. STATE FUNDING FOR SCHOOLS:** On a formal basis the State provides funding to all recognised schools on an equitable basis irrespective of whether they are denominational in character or not.

4a.	<p><i>Does the current system of funding schools meet the needs of those who seek denominational, multi denominational, or non denominational education for their children? Yes/ No (Please explain your answer)</i></p> <p><b>In some cases, yes, but in others no. No system is perfect. There is never sufficient funding for education!</b></p>
4b.	<p><i>In allocating funding for new schools, should the State focus on demographic growth, or to any demand for denominational/ multi denominational or non denominational education? Should any such considerations vary depending on existing schools in the catchment area? Yes/No ( Please explain your answer)</i></p> <p>Funding for new schools should take into account parental demand [both present and projected] for a particular type of school. The state is not the primary educator of children; nor is society in general. Both state and society have their role [the state acting on behalf of society], but the principle of subsidiarity applies here. Parents have a natural right and responsibility, and are generally best-placed to make decisions about their children [esp. in matters that are deeply personal and important].</p>

## 5. THE CURRICULUM ( Please see paras 11- 18 Discussion Paper)

5a.	<p><i>Should the State ensure that information and knowledge in the education curriculum, including religion is conveyed in an objective, critical and pluralistic manner in the classroom?</i> <i>Yes/ No (Please explain your answer)</i></p> <p>I'd like to know what is meant by 'pluralistic manner' in this question. And how it relates to 'objective [manner]'. [Why do we need both words?]</p> <p>Any good education will promote critical thinking. Such thinking should aid faith.</p>
5b.	<p><i>If religion is taught in an objective, critical and pluralist manner can this vindicate the right to freedom of thought, conscience and religion of parents who have a preference for either denominational or non-denominational education for their children?</i> <i>Yes/ No ( Please explain your answer)</i></p> <p>We do not as a society agree fully on what is 'objective' regarding religious and moral matters. For example, the Catholic Church teaches as a matter of faith that knowledge of God's existence is not exclusively a matter of faith, but one of reason too. Obviously what one makes of this will affect how one educates. But our society does not agree fully on this. One cannot teach about this in a 'neutral' way [without denying it] – if one teaches that the Catholic church says that God's existence can be known by reason, but one refrains from taking a stance on the truth of this claim, one in effect is saying that it is untrue.</p> <p>However, it is true that religion can be taught in a manner that is fair and accurate and tries to be respectful of differences of belief and practice and the mysteries of religion and the good faith of people in general. And religion can be taught, even and especially, from a particular religious perspective such as Catholicism, in a way that promotes tolerance, solidarity and peace.</p>
5c.	<p><i>Alternatively should the State be bound to respect parents' religious convictions by providing for education in the denomination/ non denomination of their choice?</i> <i>Yes/No ( Please explain your answer)</i></p> <p><b>Yes.</b> This would respect parents rights and responsibilities and the state's limits and duties too.</p> <p>Also, it safeguards the teaching of a faith in a way that is true to that faith [e.g. it will not reduce Catholicism to a mere matter of culture or opinion, etc.] and respects fully the right and responsibility of parents to educate their children in line with their most cherished and deepest beliefs and values.</p>

5d.	<p><i>If you agree that the State should be bound to respect the religious convictions of parents, what does that duty entail for children of a minority religion or no religion in the existing system which at present has a high number of denominational schools? Please suggest any solutions or models which could be considered.</i></p> <p>Any practical restriction on 5c [due to financial restraints, for example] should try to avoid unfairness as far as possible. For example, pupils should always have the right to withdraw [or be withdrawn by their parents] from a class that contradicts their family's religion/values. This should include classes where religious and/or moral agnosticism is being taught!</p>

**6. REMEDIES:** Section 30 of the Education Act 1998 states that the relevant Minister cannot oblige a student to attend a course of instruction contrary to his convictions or that of his parents. In addition the Minister may agree procedures for dealing with complaints against teachers or staff of a school (see discussion paper paras 19-27). At present there is a complaints system which focuses on teacher interaction with the child but which may not address wider issues of the place of religion in the school.

6a	<p><i>Does the possibility of opting out of religious instruction in accordance with the Education Act 1998 vindicate the rights of those seeking multi denominational or non denominational education? Yes/ No ( Please explain your answer)</i></p> <p><b>Yes, but ...</b> The rights are vindicated, but only partially, and would be more fully vindicated if society were to try to provide a diversity of school types [within reason]. In other words, society should try to provide a pluralistic school system as far as practicable, and then allow pupils the right also to withdraw from classes to support the religious freedom etc of pupils in a school that is not of their faith/non-faith.</p>
6b	<p><i>Is the existing complaints mechanism sufficient to ensure that the rights of those that seek to opt out of religious instruction and/or education are protected? Please suggest any other procedures which could be considered. Yes/ No ( Please explain your answer)</i></p>

## 7. ANY OTHER COMMENTS

*ANY OTHER COMMENTS (please use this space to make any other comments in relation to Religion and Education not already covered in your submission)*

I've written at length about some of these issues in my piece for the Iona Institute:

[http://www.ionainstitute.ie/assets/files/Iona\\_denominational\\_schools\\_deb.pdf](http://www.ionainstitute.ie/assets/files/Iona_denominational_schools_deb.pdf)

The main conclusions I came to in that piece are that the principles of the common good, religious freedom, parental rights, subsidiarity, solidarity, inclusion, tolerance, truth, the value of education, and the value of religion support the inclusion of denominational schools as part of a pluralistic education system in Ireland.

Please note the deadline for submissions is **31 January 2011**. All submissions should be sent by post or by emailing the IHRC on [info@ihrc.ie](mailto:info@ihrc.ie) and marking the submission: Religion/ Education Consultation.

