

## THE PLACE OF RELIGION IN EDUCATION

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### *1. Introduction and generalhistorical background information on primary and post-primary (i.e. second-level) education in Ireland:*

1.1 For a small country with a very small population, the Irish system of education at first and second-levels is highly complex. This is due in the main to historical and economic factors which are too complicated to set out here in any detail. Therefore these notes are merely the most cursory of outlines which it is hoped will sketch in the general picture in order to make the answers to the various questions hereunder reasonably comprehensible; without some background knowledge many of the answers would either make little sense or even mislead if read in isolation. For any understanding of the Irish system and the tensions (religious, political, economic and social) that are a feature of it, it is necessary to keep in mind at all times that it has been evolving over a long period encompassing significant political and economic change (from being part of a union with Great Britain to independence, first as a Free State within the British Commonwealth and later as a republic and through one significant famine and a number of political rebellions), and its complexity (which is itself a significant administrative burden) is largely the result of competing interests, each trying to stake a claim for itself to a piece of the national educational landscape. It has been a feature of Irish history that education has been employed – successfully in some instances, unsuccessfully in others – as a weapon to proselytise or subjugate persons of other faiths or none, and this fact has left a legacy of ingrained attitudes that is still a factor to be considered.

1.2 The tradition of formal instruction in a school-like setting (which is the sense in which “education” is used in these notes and in this questionnaire) in Ireland is a long one. Dr Farry<sup>1</sup> begins his survey in pre-Christian times<sup>2</sup> and records that vocational training was provided for and regulated in detail under the indigenous legal system known as the Brehon Laws<sup>3</sup>. The growth of monastic settlements after approximately 500 A.D. was marked by the establishment of monastic schools<sup>4</sup> where students were instructed in a variety of accomplishments. Many of these survived the ravages of the Vikings and various inter-neicene and, after the commencement of the Norman conquest in 1169, inter-racial conflicts until

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<sup>1</sup> Farry, Michael, *Vocational Teachers and the Law*, Dublin, 1998, Chapter 1.

<sup>2</sup> It is conventional but incorrect to say that St Patrick (d. 469) introduced Christianity to Ireland. This cannot be correct, as it is established that Patrick was already a bishop at the time he commenced his mission in Ireland in 432; it was the practice only to dispatch a cleric of that rank to places where there was already an established community of believers. It took a lengthy period before Christianity gained anything like universal acceptance in Ireland, and so the expression “pre-Christian times” is itself very vague, but would certainly mean before 400 A.D.

<sup>3</sup> The native legal system that prevailed in Ireland from very early times before being gradually displaced by English Common Law, as first Anglo-Norman and later English influence spread across the country. The final defeat of the remaining Gaelic clans at the battle of Kinsale (1601) is generally regarded as the final nail in the coffin of the native Gaelic administrative and legal order.

<sup>4</sup> Ross, David, *Ireland History of a Nation*. Writing of the monastic foundation at Clonmacnoise, Ross notes that at its peak in the eighth century, “it possessed a school, a *scriptorium* or writing room, and a library, as well as numerous churches.” Clonmacnoise was only one of several establishments of similar size and eminence. As to the standards of scholarship in the monastic schools, he points out that “[T]eaching was an important aspect of their work, and a high standard of literacy in Latin was maintained, which included the study of pre-Christian writers such as Virgil. They imported books from far-off centres of learning like Antioch and Alexandria and also created books” (p. 81).

well into the Middle Ages. Privately-organised formal structured education began to be used, with very little success, as a means of conversion of the Catholic population after the Reformation, and later there was a period when Catholic teachers were forbidden by Act of Parliament to practice and were forced into an unofficial underground type (“system” would be a misnomer, as these schools were not in any way systematised) of commercialised instruction known generically as the “Hedge Schools”. This system of repressive laws, which affected other areas of life also and was intended to impact on Protestant Dissenters as well as Catholics, was gradually relaxed, repealed or allowed to lapse and eventually the State, as much to get control of this impromptu and *ad hoc* schooling as anything else (since it was unable to suppress it), and also as a social and educational experiment for a similar initiative in Britain later, stepped in and established a state-funded and centrally organised system, the National Schools.

1.3 At the post-primary level, private initiative by the various churches (principally Catholic and Church of Ireland) as well as by other bodies established a number of independent voluntary schools, both before and after political independence was obtained, and the State was generally very happy to allow this administrative and financial burden to be taken up by volunteers: hence the preponderance of voluntary schools in the Irish second-level system in comparison to the number of State schools, to which my colleague Dr Glendenning has already referred in her paper. Only with reluctance did the State come forward quite late in the process with the system of vocational and technical education established by the *Vocational Education Act 1930* and which is at present in the process of the first significant structural reorganisation since it was established. Within the last thirty years there has been the development of the various school types to which Dr Glendenning has referred, and the Irish education scene today has a surprising diversity for such a small population of different models at primary and post-primary levels.

## ***2. Some significant features of the Irish education system:***

### *(a) Recognised and unrecognised schools:*

All schools in Ireland fall into one of two categories, recognised and unrecognised. “Recognised” means recognised by the Minister for Education and Skills<sup>5</sup> pursuant to section 10 of the *Education Act 1998* (“the 1998 Act”). The main practical effect of recognition is that funding from the State (in the form of teachers’ salaries, capitation grants in respect of eligible students, grants towards on-going costs, capital funding etc) becomes payable to the school. Another effect is that the various education statutes<sup>6</sup> only apply to recognised schools. Lack of recognition means that no form of state funding is available to the school (s. 12(3) of the 1998 Act) and it must finance its own activities from private sources and local initiative. Recognition can be lost in certain defined circumstances, *per* s. 11 of the Act, and correspondingly an unrecognised school can apply through its patron to the Minister for, and gain, recognition (s.10(1)), provided certain conditions are met (s. 10(2)). The great majority of Irish schools are recognised schools, although unrecognised schools are to be found at both the primary and post primary levels. (The application of a rigid points system for admission to third-level education until very recently led to the emergence of “grind schools” at second level which specialised in cramming students for the Leaving Certificate examination (the public examination taken at the end of second-level education), which was used as the means by which entrance points to third-level education were calculated. These schools are unrecognised.

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<sup>5</sup> Currently Mr Ruairi Quinn TD, a member of the Labour Party which has formed a coalition government with the Fine Gael party.

<sup>6</sup> Of which there have been several since the end of the last century: the *Education Act 1998*, the *Education (Welfare) Act 2000*, the *Teaching Council Act 2001*, the *Education for Persons with Special Educational Needs Act 2004*, the *Education (Miscellaneous Provisions) Act 2007* as well as other enactments that while not education acts nevertheless had an impact on education to a greater or lesser degree.

(b) *School patronage:*

A very important feature of Irish education is the system of school patronage, which arises from the origins of the state-funded education system early in the nineteenth century. Every recognised school must have a patron (s. 8 of the 1998 Act). The patron may be an individual (s. 8(1)), a group of persons who may be recognised as joint patrons (s. 8(5)) or a corporate body (s. 8(4)). To be designated as a patron it is necessary to be recognised as such by the Minister (s. 8(1)). It is possible for one person, legal or human, to be the patron of a large number of separate schools; for example for national schools in Catholic ownership, the Ordinary of the diocese (i.e. the bishop) is normally the patron of almost all the national schools in that diocese. One of the patron's functions is to request the minister to recognise a school (section 8(2)), and so the role of the patron is vital in the preliminary stages of the establishment of a new school. Other very significant functions are the establishment of the board of management of a school (s. 14(1) of the 1998 Act), the appointment and removal of the members of the board and, very significantly in the context of this paper, the determination of the characteristic spirit (another expression for ethos) of the school (see below); the board is answerable to the patron for the maintenance of the school's characteristic spirit (s.15 (2)(b)).

(c) *The importance of the school's ethos or "characteristic spirit":*

The ethos of a recognised school is specifically provided for in the 1998 Act in section 15(2)(b), where the expression "characteristic spirit" is employed; it is stated that the "characteristic spirit of the school [is] determined by the cultural, educational, moral, religious, social, educational, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school..." "Characteristic Spirit" is simply a synonym for "ethos"<sup>7</sup>; it may be that the phrase was preferred to the word because there is likely to be a wide perception that only denominational schools can properly have an ethos, as the word has come through usage and association to be particularly attached to church-owned institutions such as voluntary hospitals and voluntary schools, and so the word "ethos" is carefully avoided in the 1998 Act<sup>8</sup>, presumably to get away from the association in the popular mind with denominational institutions. However this is a misconception, and there is no reason why any school cannot have a perfectly valid characteristic spirit, based on one or more of the other factors listed in section 15(2)(b) of the 1998 Act and quoted above. Section 15(2) (b) states that the components making up the school's "characteristic spirit" are to "inform and [be] characteristic of the *objectives and conduct* of the school..." (emphasis added). Any school, including a State school, can have a characteristic spirit: there are seven possible components of such a spirit listed in section 15(2)(b), of which "religious" is only one. (This means in practice that a school's ethos could be based on a combination of some or all of the

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<sup>7</sup> The dictionary definitions of "ethos", which is derived from a Greek word meaning "habit", are: *Concise Oxford Dictionary*: "Characteristic spirit of community, people or system." *Collins English Dictionary & Thesaurus*: "The distinctive character, spirit and attitudes of a people, culture, era etc." Fowler's note on "ethos" is in part as follows: "It means the characteristic spirit informing a nation, an age, a literature, an institution, or any similar unit...." (H.W. Fowler, *A Dictionary of Modern English Usage*, second edition, 1977.)

<sup>8</sup> Interesting, the word "ethos" is used in this context in the **two** equality acts: the *Equal Status Act 1998 - 2004*, section 7 and the *Employment Equality Act 1998*, section 37 and "characteristic spirit" does not appear at all. Presumably the reason for this is that the education legislation originated in the Department of Education whereas the equality legislation emanated from the Department of Justice.)

other six; it is not clear from the Act if this list is intended to be exhaustive.) In other words, it is perfectly feasible for a secular school to have an ethos which is just as real and binding as that of a religious school. Once this ethos is reduced to writing and published by the patron, it must have the same standing and effect as the ethos of a denominational school

Applied to a school, an ethos statement is essentially a statement of fundamental values, and the statement of the “characteristic spirit of the school” is to be based on at least some of the factors set out in section 15(2)(b) of the 1998 Act. Determining it is a function of the patron, not the board, and the board’s only function in relation to it is to uphold it. (The board must not and cannot in law vary this ethos.) This is clear from section 15; subsection (1) requires the board “to manage the school on behalf of the patron...” and subsection (2)(b) obliges the board to “uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school...”

The ethos statement once formulated is supposed to be the philosophical basis on which the school operates, encapsulating (as it should if properly drafted) the values which the school states that it most respects; the school is intended to be conducted day-to-day in the light of that ethos, and it should at all times inform the work of the school. In view of its fundamental importance in the general scheme of school governance, many patrons are surprisingly casual in relation to formulating the ethos statement for the school

If the statement is included in the school’s Admission Policy, brought to the attention of parents so that they can familiarize themselves with it before committing their child to the school, and they have had the opportunity to appraise themselves of the school’s characteristic spirit, are informed that this statement of ethos colours all the work of the school, and then enrol their child in that knowledge, the theory is that they are doing so in full knowledge of what the nature of the school is and therefore cannot take issue with it afterwards.

The school’s ethos is also very relevant to and for incoming teachers, so that they fully appreciate that they are being employed by an institution which has a clear character, values and aspirations. While this might be presumed to be obvious in relation to a school owned and operated by and on behalf of one of the churches, it is also important for the (much smaller) number of state-owned schools. Just because a school is a state school does not mean that it is in some way values-free and may not have a valid characteristic spirit; there are secular values as well as religious ones.

Ethos statements are not empty formalities requiring a mere token obeisance, but each one is a legal document in its own right with real significance for the way the school is operated. An example of this significance would be the provision in the *Equal Status Act 2000* (section 7(3)(c)) that one of the few grounds on which a school may refuse to admit a student is where such a refusal “is essential to maintain the ethos of the school.” The ethos statement has implications in relation to teachers, boards of management and students and their parents.

*(d) The preponderance of denominational voluntary schools in Ireland:*

In Ireland, although all recognised schools are funded by the State, the number of state schools proper is small in comparison with the total, and the preponderance of schools are voluntary foundations (at second-

level) and denominational national schools at primary level. Until relatively recently the preponderance of the denominational model was much greater, but the trend particularly at second level is towards the establishment of non-denominational schools.

### 3. *Mainstream<sup>9</sup> first and second-level education in Ireland:*

#### *Primary schools:*

- (a) *The National School system:* Ireland saw the establishment of a state-funded system of primary education earlier than most European states. In 1831 the Chief Secretary for Ireland E.C. Stanley wrote a letter to the Duke of Leinster inviting him to become<sup>10</sup> President of the Board of Commissioners for Education in Ireland. This led ultimately to the establishment of the system of National Schools: a system of schools to be established and funded by the State and administered through a dedicated body, the Commissioners, established for that purpose. Subsequent to the writing of the Stanley letter, the system of national education was established and gradually extended across the island. This was anything but a simple matter of educational administration, as might have been imagined, but was fraught with difficulties and confrontations that might have caused the project to collapse at various times during the inception phase. (Details of the battles fought, and the identities of the chief protagonists, can be read in any of the standard works of history listed in the bibliography, and do not need be recited here.) It is sufficient to note that the national school system was originally designed by Stanley as a non-denominational one, but by the middle of the century it had been forced into becoming denominational. Dr. Glendenning summarises the outcome as follows: “As a result of the demographic pattern in Ireland, the schools catered almost entirely for pupils of one faith. With the passage of time, therefore, each denomination stamped its individual character on the body of schools under its jurisdiction.<sup>11</sup>” As the churches became progressively dissatisfied with the system they gradually withdrew their support and if it was to survive at all it had to adapt to the realities of inter-church rivalries. The outcome of all this was the forced evolution (forced that is by agents outside the system itself) of the national schools into the firmly denominational mould, which was the model inherited by the Irish Free State when it assumed control of the system in 1922. Relatively little has changed since as regards the essential denominational character of the system, and the National Schools provide primary education to the great majority of children throughout the State. Until 1975 the manager of the individual school was usually a local clergyman, answerable to the patron; since that date a local board of management, appointed by and also answerable to the patron (see note on “patronage” above) has discharged management functions; this arrangement was only put on a statutory footing by section 14 of the *Education Act 1998*.
- (b) *The Educate Together School System:* Established as a humanist alternative to denominational education in Ireland, the Educate Together movement originated in Dublin and has since spread throughout the State, although the number of schools, all at primary level to date, is tiny in comparison to those controlled by the principal religions. The movement is really an off-shoot of the national school system, and indeed the schools are officially national schools, established by persons who were broadly happy with the academic and curricular content of primary education but unhappy with the

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<sup>9</sup> Special education and special schools are being omitted from these notes for the sake of brevity.

<sup>10</sup> The text of the “Stanley Letter” is reproduced in Glendenning, *op. cit.*, pp. 571 – 574.

<sup>11</sup> Glendenning, D., *Education and the Law*, Dublin, 1999, par. 2.30, p. 20.

denominational aspect and particularly the fact that the influence of the religious denomination is supposed to be pervasive throughout the other subjects of the curriculum. The Educate Together organisation (a company limited by guarantee with charitable status) secured recognition as a school patron as a necessary preliminary to establishing its own system of schools (see note on "patronage" above). At the time of writing there are sixty functioning Educate Together National Schools throughout the State with others in the pipeline, and there are advanced moves to establish its first post-primary school; it is unlikely to be its last. The movement was slow to grow in its early years mainly due to the quite homogenous nature of Irish society and the high levels of religious (particularly Catholic) belief and practice. However there has in recent years been an accelerating trend away from the adherence to and practice of organised religion; the 2006 census results show 186,000 persons stated "no religion" as their option in that section and a further 70,000 declined or omitted to answer. In addition substantial numbers of immigrants, who were not the traditional returned emigrants of earlier years but rather "real" immigrants, began to become a significant feature of society, and Educate Together undoubtedly received an impetus from this as the numbers of its schools has increased significantly in recent years. The ethos of the Educate Together that the schools are multi-denominational with an equal right of access for all, co-educational, child-centred and democratically-run with active participation by local parents in school organisation and management. A core code of ethics is taught as a formal subject and facilities are made available after school hours for those who wish to organise formal denominational instruction. The long-term aim is to expand the movement further, and particularly into second-level and pre-school education.

- (c) *Gaelscoileanna* (Irish-language schools): These are also recognised national schools delivering the normal range of subjects across the curriculum but the distinguishing feature is that the everyday language of the school and the medium of instruction is the Irish language. Admission to the school is on the understanding and acceptance that this is part of its characteristic spirit. There are a number of Irish-language schools at the post-primary level also. The popularity of these schools has been growing and due to parental demand there has been an expansion in numbers across the State.
- (d) *Community National Schools*: this type is the most recent to come into being, and arose out of necessity. Due mainly to bad planning and lack of school provision, the situation arose that some children, mostly the children of immigrants who could not find a place in denominational schools, were left with no options at all, and the Community National School was created to meet this need. They are owned and operated by the vocational education committees (see below) and five have been established to date. They are national schools but without denominational control and so there are no priorities of religious belief at the point of entry. They are the only mainstream State schools at the primary level.

#### *Second-level schools:*

- (a) *Voluntary secondary schools*: See par. 1.3 above. They are private schools owned and operated by a church, religious order or other body; the majority are in Catholic ownership and management but other churches and bodies also maintain voluntary schools. They deliver the curriculum prescribed by the Minister pursuant to section 30 of the 1998 Act and in return are recognised by the Minister, with the financial and other consequences of recognition as explained above. The Islamic community has recently announced that it plans to expand its faith-based education at second level by means of its first voluntary school.

- (b) *Vocational schools*: When it became apparent that the economic development of the Irish Free State was being retarded by the lack of workers with technical and vocational skills (there was a more than adequate supply of the academically proficient from the voluntary schools) the State rather reluctantly enacted the *Vocational Education Act 1930* (“the 1930 Act”) to establish a system of schools providing continuation and technical education. The state was divided geographically into vocational education areas, each under the control of a local vocational education committee (colloquially “a VEC”) which was funded and charged with the responsibility of establishing “vocational schools” to remedy the national deficiency in technical skills. These schools initially provided a rather rudimentary level of education and training at the lower end of the second-level cycle but were enormously empowered when they were permitted to put candidates forward for the state examinations (Intermediate Certificate<sup>12</sup> and Leaving Certificate) and in that sense put them on a par with the voluntary schools. Today they are largely indistinguishable from the more plentiful voluntary schools as regards the provision of the prescribed curriculum and are the only truly State schools at second level in Ireland.
- (c) *Community colleges*: an amendment<sup>13</sup> to the 1930 Act provided for the amalgamation of vocational schools with one or more voluntary secondary schools to form a composite entity known as a community college. This was done as a practical response to a particular problem: the great number of very small vocational and voluntary schools situated in small towns which were becoming less viable on foot of changes to and the expansion of the national curriculum. These amalgamations allowed for the creation of more rational school units. They are under the control and management of the local VEC.
- (d) *Comprehensive schools*: this type was essentially a copy of an English model; only thirteen have been built. They are all under denominational patronage and whatever about the name are as regards the delivery of educational services pretty well indistinguishable from any other second-level schools.
- (e) *Community schools*: this is another amalgamated type, again taking in a vocational school and one or more voluntary secondary schools. It is under religious patronage and again delivers the regular prescribed curriculum.
- (Types (d) and (e) are generally classified together and cooperate as regards representation at management level nationally.)

### **I. Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools**

**I.1 Question: Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools. Is – and if affirmative please refer to the provisions in the law (add the text separately) – the teaching of religion in your country organised during school time in public educational institutions: in primary education, in secondary education.**

**Answer:** All recognised schools are state-funded and so this question refers to all of the school types, both primary and post-primary, set out above. The expression “public school” is unhelpful in an Irish context since all recognised schools are to an extent “public” in that they are subject to inspection and evaluation by the State and receive public money, as explained above.

(a) *Primary*:

National schools and *gaelscoileanna*: religious instruction takes place during the school day.  
 Educate together national schools: religious instruction is delivered to those who want it outside the school day using school facilities, as explained above.

<sup>12</sup> Since re-configured and renamed the Junior Certificate.

<sup>13</sup> The *Vocational Education (Amendment) Act 1970*, section 1.

Community national schools: cccccccccccc

(b) *Post-primary:*

Voluntary schools: Religious instruction along denominational lines is delivered during the school day but some schools are moving towards a more generalised ethics-type of instructional material.

Vocational schools, community schools, community colleges & comprehensive schools: the state-prescribed religious education programme is taught during the day. This is Religious Education rather than Religious Instruction.

**I.2 Question: What choices amongst the religious education possibilities are offered in public educational institutions, e.g. catholic religion, Islamic teaching, ....**

**Answer:** In relation to the use of “public”, see answer to Q. 1.1 above. Choices are generally not offered in voluntary schools, Gaelscoileanna or national schools, which, being denominational in character, teach the faith of that denomination. Religious Education (as distinct from religious Instruction) is offered in vocational, community and comprehensive schools and community colleges; this is a non-denominational course prescribed by the State. Educate Together schools offer an ethics-based course during school hours with options after school for those who want them.

***II. State funded denominational schools and state supervision***

**II.1. Question: Are there state funded denominational schools in your country? If affirmative, what is the numeric importance of state funded schools. If affirmative, what is the numeric importance of Islamic state funded schools. Please refer to statistical information on-line**

**Answer:** Yes, at primary and post-primary levels. (All recognised schools are state-funded.)

(a) Primary: there are 3165 state-funded primary schools, of which 2 are Islamic, 60 are Educate Together and describe themselves as “multi-denominational” and 5 are community national schools. This leaves by my calculation 3100 state-funded denominational primary schools.

(b) Post primary: there are 729 state-funded post primary schools, of which 383 are voluntary schools, 254 are vocational schools and 92 are community-comprehensive schools.

There are two Islamic primary schools funded by the State and no second-level Islamic school; please see the explanatory notes above.

**II.2. Question: Are there non-state funded denominational schools in your country (private)? If affirmative, what is the numeric importance of private schools. If affirmative, what is the numeric importance of Islamic private schools. Please refer to statistical information on-line**

**Answer:** the private (i.e. unrecognised schools of which I am aware are mainly at second level and are very much examination-oriented. They are not denominational. I am not aware of the existence of unrecognised denominational schools and since they would be unrecognised and therefore outside the remit of the State, information of this sort is not available. I am unaware of any private (i.e. unrecognised Islamic schools.)

**II.3. Question: How do the authorities control the teaching in state funded denominational schools and are there any special questions about the control of the content of teaching in state-funded denominational schools? Please refer to the provisions in the law.**

**Answer:** In order to qualify for recognition as a school by the Minister (please see note on “recognition” above) it is necessary for the patron of the proposed school to give certain undertakings to the Minister. One of these is that the curriculum prescribed by the Minister will be delivered and that regular inspection and evaluation of the school will be permitted. However this inspection relates to the prescribed (i.e.



secular) curriculum only. State inspectors do not examine or evaluate the programmes of religious instruction where delivered.

Statutory provision: Section 10 of the *Education Act 1998*:

“10(2) The Minister may designate a school or a proposed school to be a school recognised for the purposes of the Act where the Minister is satisfied that ....

- (c) The patron undertakes that the school shall provide the curriculum as determined in accordance with section 30;
- (d) The patron agrees to permit and co-operate with regular inspection and evaluation by the Inspectorate....

### **III. Refusal or limitations on the number of pupils of another conviction/belief by the governing board of a confessional (catholic) school**

**III.1. Question: Does the head of a state funded denominational (e.g. Catholic) school has the right to refuse pupils from other religious beliefs? Please refer to the provisions in the law.**

**Answer:** This would only arise where a school was over-subscribed (i.e. where there were more applicants for places than the school is able to accommodate). In that situation the practice currently is that school draws up a table of priorities and then allocates places based on those priorities. In a denominational school, either primary or post-primary, one of these might be religious adherence. If the school has places available however this could not arise and would be illegal. This area is governed by the *Equal Status Acts 2000 – 2004*. Section 3 of this Act prohibits discrimination on any one of ten stated grounds (“the discriminatory grounds”) one of which is religion. The provision is:

“3 – (1) For the purposes of this Act, discrimination shall be taken to occur where –

(a) On any of the grounds specified in subsection (2) (in this Act referred to as “the discriminatory grounds”).... a person is treated less favourably than another person is, has been or would be treated....

(2) As between two persons the discriminatory grounds (and the descriptions of those grounds for the purposes of this Act) are

(e) that one has a different religious belief from the other, or that one has a religious belief and the other has not (the “religion ground”).....

Where a school has more applicants than places, a table of priorities is drawn up. The first priority is invariably in my experience given to siblings of students already attending the school, and next to children of staff members; this is done as a means of supporting the Family unit. Next, children living within the school’s traditional catchment area (defined in various ways) and then usually the faith criterion is applied. There is no prescribed way of doing this scheme of priorities, and any refusal to admit an applicant can be appealed to an appeals committee established by the Secretary General of the Department of Education and Skills pursuant to section 29 of the 1998 Act.

Statutory provision:

“29 – (1) Where a board or a person acting on behalf of the board-

(c) Refuses to enroll a student....

The parent of the student, or in the case of a person who has reached the age of 18 years, the student, may.....appeal the decision to the Secretary General of the Department....and that appeal shall be heard by a committee appointed under subsection (2).”

**III.2. Question: Does the head of a state funded denominational (e.g. Catholic) school the authority to limit the number of pupils from other religious beliefs (e.g. Muslim pupils) in order to support the specificity of the project?**

**Answer:** No, and a refusal of a place on foot of the imposition of a quota of that nature would be in breach of the law and would be overturned on appeal. (See the provision of the Equal Status Act set out above under Q III.1.)

***IV. Point of views of the authorities concerning the teaching of Islam in denominational (Catholic) education, Islam instruction or instruction on other convictions/beliefs in denominational (Catholic) schools for (a number of pupils requesting it) and alternative ethical course***

**IV.1. Question. Is there a legal obligation to organise, if parents ask for, classes of Islamic religion in denominational (Catholic) education funded by public authorities? a. for any pupil for whom a request has been made? b. from a minimum number of pupils for whom a request has been made?**

**Answer:** Currently there is no such legal obligation and it would be at the discretion of the board of management of the school in question. (This is true of all the denominations not just in relation to Catholic schools.)

**IV.2. Question. Does the same obligation exist for the offer of (a) other religions and/or philosophical convictions, (b) an alternative class of conception of life, philosophy, ethics**

**Answer:** There is no such obligation.

**IV.3. Question. Can you shortly mention the pro and contra standpoints that have been expressed concerning the respect of fundamental rights (among others, freedom of education and right to education) in relation with this obligation?**

**Answer:** As there is no obligation, no debate has taken place as yet.

**IV.4. Question. Reference to the legal basis, with Website address, and also if possible to the parliamentary preparation of texts.**

**Answer:** I am unaware of the existence of any material of this nature.

***V. Teaching of Islam in denominational (e.g. Catholic) schools at their own initiative***

**V.1. Question: Is there in your country a general guideline for teaching of Islam in denominational (e.g. Catholic) schools at their own initiative defined by (a) the Bishops' Conference, (b) another body, namely. . .**

**Answer:** At present there is no such guideline of which I am aware. I understand that the matter may be under discussion.

**V.2. Question: If affirmative, does the guideline implies that (a) the teaching of other religions is organised when: one parent asks for, or a sufficient number of parents ask for (how many?), (b) only teaching of Islam is offered as alternative religion when one parent asks for or a sufficient number of parents ask for (how many?)**

**Answer:** Not applicable; please see previous answer.

**V.3. Question: There is no guideline and: (a) in fact, teaching of Islam is never proposed in Catholic schools, or (b) the teaching of Islam is organised in some schools, which have taken themselves the initiative. If possible, explain the importance of this option**

**Answer:** There is no guideline, but I have been told that at least one Catholic school has or is about to embark on such a course (i.e. arranging for the teaching of Islam to those who want it.). No statistics or data are available on this point.

#### **VI. Religious symbols in public schools**

**VI.1. Question: Are religious symbols (e.g. crucifix) in public schools compulsory, allowed, or forbidden?**

**Answer:** The use of the expression “public school” is rather unhelpful in relation to Ireland as all recognised schools are publicly funded and to that extent are “public”. There is no regulation or law on this point of which I am aware and such matters are at the discretion of the individual school authority. Such symbols would be a very much a feature of denominational schools both primary and post-primary. One would not expect to find them in multi or non denominational schools, although artworks with a religious theme might occasionally be found.

**VI.2. Question: Is a teacher allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.**

**Answer:** There is no regulation by the State on this point. If it arose as an issue it would be a matter for the individual school authority. (As Islamic headscarves are worn without problems by staff working in hospitals, both public and private, I doubt if it would be an issue in a school.)

**VI.3. Question: Is a pupil allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.**

**Answer:** The State has not issued any guidelines or regulations in relation to headscarves. There have been no issues of which I am aware and the general attitude appears to be *laissez faire* and general tolerance. Headscarves are regularly worn by Islamic students in denominational and non-denominational schools without any problems.

**VI.4. Question: Who decides on the dress code in schools. Please refer to the law.**

**Answer:** Dress codes and school attire generally are a matter for the board of management of the individual school. In practice the Parents’ Association of the individual school appears to be the main driver of this process in most schools, although certain of the religious orders that own and control some of the denominational schools have a traditional association with a particular colour. Irish law does not address this point.

**VI.5. Question: Can a pupil and/or a teacher be exempted from the dress code when she considers it her religious duty to wear the Islamic headscarf?**

**Answer:** It would be a matter for the board of management of the individual school. There is no law or state regulation on this point. In the case of a VEC school, it would be for the VEC to set down a policy for its area.

**VI.6. Question: Who is the regulatory authority in this sphere?**

**Answer:** The board of management of the school, or the VEC in the case of a VEC school.

**VI.7. Question: What kind of disciplinary measures and proceedings are taken if the pupil or teacher fails to comply with the rules on dress codes?**

**Answer:** There have been no such disciplinary issues in relation to teachers that have come into the public domain. Breaches of rules on school uniform would be taken up first with the pupil and if necessary with the parents/guardians. It would not be a problem to be exempt from such rules on religious grounds.

**VI.8. Question: Please describe the case-law in your country.**

**Answer:** none to date.

**VII. After-school education in private religious institutions. Islamic instruction organised after the school hours (age 6-18)**

**VII.1. Question: Is there any form of Islamic teaching (for children and youngsters of age 6-18) in your country organised after school time in private religious institutions:**

**Answer:** As explained, the terms “public” and “private” are unhelpful in an Irish context. “Recognised” and “unrecognised” are much more appropriate; please see the explanatory notes above in the Introduction to this document. I am not aware of any school that has done this, but as it would be a matter for local management, there are no statistics and no information available.

**VII.2. Question: Is there any form of Islamic teaching in your country organised in primary education age (6-12)**

**Answer:** Apart from the two Islamic primary schools that exist at the moment, I am not aware of any.

**VII.3. Question: Is there any form of Islamic teaching in your country organised in secondary education age (12-18)**

**Answer:** None of which I am aware.

**VII.4. Question: How many such institutions are there in your country providing Islamic instruction organised after the school hours?**

**Answer:** I am not aware of any.

**VII.5. Question: How many children take part in the activities of Islamic instruction organised after the school hours?**

**Answer:** No information to hand and I am not aware of any such.

**VII.6. Question: How is the pedagogical quality of Islamic instruction organised after the school hours safeguarded?**

**Answer:** There is no control or inspection of such instruction if it even takes place

**VII.7. Question: How would you characterize the public debate about this form of Islamic instruction organised after the school hours?**

**Answer:** There is no public debate.

### **VIII. Additional comments**

There is significant diversity of school types in Ireland and a great number of bodies involved in the delivery of Education. It has long been State policy to provide for education rather than to provide it directly, and this was written into the Constitution when it was enacted in 1937 and has not been changed. Article 42.4 opens by saying:

“The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative....” and this model of provision is firmly ingrained in Irish life: hence the preponderance of denominational and voluntary schools at both primary and secondary levels.

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