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## Denominationalism, Secularism, and Multiculturalism in Irish Policy and Media Discourse on Public School Education

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### Introduction

A liberal view of the development of the national education system of independent Ireland might see a linear progress from religious education—begun with Independence, guaranteed by the Department of Education’s Rule 68, and dominated by Catholic schools due to the historic association of that religion with Irish nationalism—toward secular and nondenominational education under a multicultural European Union. However, this chapter reveals more complex changes in policy and public opinion. Although with the establishment and diversification of the boards of management and the abolition of Rule 68 a religious component in education is no longer required, popular support for denominational patronage has persisted and gained a ‘liberal’ outlook. Moreover, the emergence of a significant Muslim minority has

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precipitated an opposition to multiculturalism in education which coexists in complex tension with liberal and secularist sentiment. Suppression of Gaelic Catholic culture under British rule was followed by a movement from Catholic dominance in the provision of public services toward a nondenominational model at a certain level, but this is greatly complicated by persistent popular affection for Catholic cultural institutions, tensions surrounding multiculturalism within the EU, and domestic regionalism and class struggle.

In independent Ireland, the education system was governed not by the education law but by administrative measures. The Rules for National Schools which the Department of Education laid down are typical examples, especially Rule 68, introduced in 1965, which stipulated that religious instruction should be ‘a fundamental part of the school course, and a religious spirit should inform and vivify the whole work of the school’ (Department of Education, 1965 38). This means that a religious ethos should be maintained in all primary schools, whose pupils are supposed to receive indirect religious education.

About half a century later, Rule 68 was abolished. On 28 January 2016, Jan O’Sullivan, Minister for Education and Skills, addressing the Annual Conference of the Irish Primary Principals Network (IPPN) said:

Earlier today I rescinded Rule 68. A circular has been published on the Department website accordingly. The Education Act of course continues to provide for the patron to determine the ethos of a school. But Rule 68 was a symbol. A symbol of our past, and not our future. The language in the Rule was archaic. And I’m glad it’s gone. (Department of Education and Skills, 2016a)

The abolition of Rule 68 had its origins in the 2011 Irish general election. Fine Gael and Labour formed a coalition government and produced a programme for Government entitled ‘Government for National Recovery, 2011–2016’, which provided an account of their key objectives, including educational reform. About the system of denominational patronage especially, it said that the government ‘will initiate a time-limited Forum on Patronage and Pluralism in the Primary Sector to allow all stakeholders including parents to engage in open debate on change of patronage in

communities where it is appropriate and necessary' (Fine Gael and Labour Party, 2011 42). This forum was established together with an advisory group to oversee its work immediately after the formation of the new Government, and it published its final report in April 2012. The Advisory Group recommended 'that, as a first step and in line with the general view expressed at the Forum, Rule 68 should be deleted as soon as possible' (Coolahan et al., 2012, 80). Rule 68 was then abolished in conformity with the recommendations of the Advisory Group (Department of Education and Skills, 2016b).

First, let us consider the media reaction to the abolition of Rule 68. There existed multiple views regarding the abolition of Rule 68. Kevin Williams' position reflected wider, modest, support for abolition, which may be called representative of moderate conservatives.

Rule 68 is unnecessary because the Education Act leaves it up to individual schools to decide their own belief systems. Its removal would not affect the right of denominational schools to maintain their religious ethos. (Williams, 2016)

Meanwhile, conservative advocacy groups denied the practical importance of abolition. The Catholic Bishops' Council for Education declared that 'the Catholic ethos of primary schools in Ireland is not based on the Rules for National Schools,' and that 'Faith schools exist because there are parents who wish to have their children educated in accordance with their religious convictions. If the ethos of these schools is undermined, then the rights of such parents are compromised.' The statement concludes by assuring Catholic parents that the Minister's announcement would 'not alter the ethos of Catholic schools,' which would 'continue to find expression in all aspects of the life of the school' (Irish Catholic Bishop's Conference, 2016).

This also means that the abolition of Rule 68 was regarded as stopping short of secularising the public education system. 'Teach Don't Preach,' a campaign for secular education by Atheist Ireland, took an apathetic attitude towards abolition: interestingly they agreed with the Catholic Church, their usual opponents, that removing Rule 68 would not remove the religious ethos from national schools. They suggested that Section 15

of the Education Act 1998 indirectly sanctions the religious integrated curriculum in publicly funded schools and that all schools in Ireland are obliged to uphold the ethos of their Patrons, which are usually religious institutions. ‘This is a breach of human rights law and the Constitution, as it disrespects the inalienable rights of parents to respect for their philosophical convictions’ (Teach Don’t Preach, 2016).

However, Rule 68 had not only a practical but a symbolic function. In this respect, abolition was perceived as a threat to the Catholic clergy, who expressed their concern immediately after the publication of the Forum Report. Eamonn Conway, a theologian at the University of Limerick, said that the call for abolition of Rule 68 is ‘based upon an inadequate and somewhat reductionist understanding of what education is about’. According to him, ‘Rule 68 protects against the secular/liberal view of education that the nature of the human person and the meaning and goal of life are merely matters of arbitrary opinion’ (Conway, 2013).

Thomas Deenihan, General Secretary of the Catholic Primary Schools Management Association (CPSMA), also expressed his resentment at its Annual General Meeting. Deenihan interpreted the call for abolition as part of a broader campaign against the Catholic Church, whose contribution to the development of education in Ireland had been underestimated and unjustly attacked by people who believe that ‘our Catholic schools are grim places of indoctrination which parents are being forced to send their children to against their will!’ Deenihan declared, ‘We must educate our politicians as to the contribution that our Catholic schools are making to their constituencies’ (Deenihan, 2016). This concern was not groundless: far more than just modifying the rules for national schools, the Forum intended to implement a massive overhaul of the education system. Its report made specific recommendations for divesting school patronage or allowing Stand Alone schools to opt out of denominational religious education or faith formation.

As of 2012, 96 percent of primary schools in Ireland were under denominational patronage, that is, under the patronage of individual clergymen of different denominations. However, attitudes to denominational schools and religion in schools are changing. While the majority of parents still consider religious education to be of importance, there are significant minority preferences which are more liberal, secular, or even

atheistic. There is a significant division of opinion among contemporary school principals on the current pattern of school patronage. According to a survey by Education Together, cited in the Advisory Group Forum report, 87 percent of parents agree that school should 'focus on a broad range of belief systems and religions' (Coolahan et al., 2012 44). Nevertheless, this conceals a highly diverse body of opinion: about half consider 'school with a strong religious influence' important (*ibid.*), while 26 percent prefer 'school where the study of religion is minimised,' and it was 'important or very important' that religion not be part of the classroom curriculum for only 18 percent (*ibid.*). Opinion was almost evenly divided on the question of the churches' control of schools. The Forum report also cited the Irish Primary Principals Network (IPPN)'s questionnaire survey of principal teachers on attitudes to school patronage and pluralism. This survey found that 51 percent of school principals thought the current models of patronage should undergo 'a major overhaul' or 'be completely replaced' (*ibid.*). 45 percent felt that churches might legitimately manage schools, and this should not change, whereas 52 percent felt that 'it is no longer appropriate to have schools owned/managed denominationally' (*ibid.*). Surveys regarding parental preferences on primary school patronage by the Department of Education in 2013 show that there is sufficient parental demand in 23 out of 38 areas for immediate change in existing school patronage. Parents expressed a preference for multi-denominational patronage as envisioned by Educate Together in 20 of these areas (Department of Education and Skills, 2013 8-9).

It must be added, however, that religious instruction and denominational patronage were important problems even in the nineteenth century. When the national school system was established in 1831, religious instruction was supposed to be strictly controlled and separated from literary instruction to provide mass schooling for all children regardless of their religious beliefs. The national and non-denominational system had, however, become denominational by the mid-nineteenth century. Denominational patronage and religious instruction were maintained and legislated for in post-Independence policy. The 1960s and 1970s saw this trend reinforced as illustrated by Rule 68, or perhaps this was not a linear development but a reaction against post-war liberalisation.

The aim of this chapter is to consider the development of the status of religious instruction and denominational patronage in national schools during the twentieth century. To what extent did the national school system become secular and liberal? Can we interpret the history of religious instruction and denominational patronage of national schools as a process of secularisation and liberalisation? The first part of this chapter will focus on the cooperative relationship between church and state in education policy from Independence to the 1960s. The second part will explore the conflict between church and state and, in particular, the encroachment of the latter on the autonomy of the former in education from the 1970s to the 1990s. The third part considers the persistence of denominational patronage and its new logic of justification after the 2000s as the Irish landscape has expanded to include new minority religions and ethnic groups. Finally, some general conclusions are drawn.

## **From Independence to the 1960s: The Establishment of Church Control**

The period from Independence to the 1960s were characterised by a cooperative relationship between church and state in education policy, where ‘cooperative’ means state-recognised Catholic Church autonomy in education. Ministers of Education such as Eoin MacNeill (1922–25), John Marcus O’Sullivan (1926–32), and Thomas Derrig (1932–48) maintained this system of education which was controlled by the churches. Symbiotic and pragmatic relationships between church and state took the place of the complicated and tense relations between the British authorities and the Catholic Church before Independence. The state afforded the Catholic Church a pivotal position and let it provide services like medicine, childcare, and elderly care (Drudy & Lynch, 1993). The Catholic Church developed Catholic schools, hospitals, orphanages and other charitable institutions in the nineteenth century and continued to play an important role as a social service provider throughout the early twentieth century.

Although the Department of Education was established after Independence as the central government body in charge of educational administration, local educational authorities were never established. The McPherson education bill of 1911 proposed to establish local education committees, but it was scrapped amid furious opposition from religious nationalists and of course the Catholic Church, which would continue to resist state intervention and keep its control over primary and secondary education.

After Independence the Department of Education was established, and its First National Programme Conference (1922) and Second National Programme Conference (1926) provided a blueprint for curricular reforms at the primary school level which set the position of religious instruction within the curriculum. While these reports had strong nationalist leanings, holding that Irish language, history and geography were to be compulsory, they also stressed the importance of religion as an extra-curricular subject. The Second Report, in particular, made recommendations for religious education, which were followed in the rules and regulations for religious instruction established by the Department of Education in 1932.

63. Religious Instruction is a fundamental part of the school course and a religious spirit should inform and vivify the whole work of the school. The teacher, while careful in the presence of children of different religious beliefs, not to touch on matters of controversy, should constantly inculcate in his pupils the practice of the moral virtues and keep before their minds the importance of fulfilling their duty to God, to their neighbour, and generally to the community in which they are placed. (Department of Education, 1932, 40)

These early documents clearly state that religion should be a central part of the curriculum. We can also find the prototype of Rule 68 in these regulations of 1932, because they suggest that the whole school course and work must be infused with a 'religious spirit', even if children of religious minorities have a right to opt out, not of this 'spirit' of course but only of pronouncements on 'matters of controversy' taught by teachers as fact.

Moreover, denominational control over public education was enhanced by the Irish Constitution of 1937. Article 44 provides protection for denominationalism, because it guarantees the rights of all denominations to run schools and organizations according to their beliefs and values. Some Articles, such as 42.1 and 44.4, could be understood as recognising a parent's right to raise children free from denominational education. However, the implied premise of the Constitution is that the Catholicism is *de facto* the Irish national religion.

Not that there was no call for reform. The Irish National Teacher's Organisation (INTO) published a plan in 1947 for overall reform of the education system (INTO, 1947). The plan called for the establishment of a central advisory body, which came into being as the Council of Education in 1950. However, the council chair and 25 percent of its members were Catholic clergy, and Richard Mulcahy, Minister of Education at the time, emphasised a cooperative relationship between church and state. The Council of Education published a report on primary education in 1954 and on secondary education in 1962, but these were conservative in character and did nothing but propose small modifications of the existing system.

This policy trend toward denominational control over public education and greater autonomy of churches was clarified and enhanced in this period. According to the report of the Council of Education (1954), 'the undenominational principle underlying the "system of national education" was obnoxious to our people,' but 'the outcome of that past struggle is that our primary schools to-day are essentially religious and denominational in character'. Despite the fact that public money was spent for management and maintenance of national schools, the Council calls them 'in the main really parochial schools conducted on behalf of particular denominations' (Department of Education, 1954 130). Therefore, it was not the state's place to make recommendations in regard to religious education or religious instruction. 'The time to be allocated to Religious Instruction, the supervision of the teaching and the testing of the results are the exclusive concern of the religious denomination on whose behalf the school is conducted' (*ibid.*).

The rules and regulations of national schools in 1965, including Rule 68, were extensions of this. More noteworthy is the deletion of the phrases



requiring teachers to be “careful in the presence of children of different beliefs not to touch on matters of controversy”. This meant the abolition of any safeguard for religious minorities against denominationalism.

What made it possible for the state to concede denominational control of the education system to the church in mid–twentieth-century Ireland? Of course, the most important factor is that most of the revolutionary generation were Catholic. After Independence, Catholic identity became one of the most important components of Irish nationalism. In addition, there were fiscal advantages to putting social services such as education and welfare in the hands of churches because of the severe financial situation caused by a low level of economic growth. Another factor is demographic change. Through the War of Independence, Civil War, and the establishment of the Irish Free State, the Protestant population in Ireland declined greatly. A part of Protestant emigration was ‘forced’ by religious, political and social reasons. Withdrawal of the British Army and disbandment of the Royal Irish Constabulary (RIC) resulted in significant numbers of Protestants leaving the Irish Free State. Others left because the Gaelic nationalist, Catholic ethos of the new state was felt unfriendly to British Protestants. Some emigration may have been driven by violence, intimidation or terror during the revolution, but recent studies decline to apply the term ‘ethnic cleansing’ here. A good proportion of Protestant departures from 1911–1926 were demonstrably economic in motivation and voluntary with the end of opportunities for colonial exploitation (Bielenberg, 2013), and the decline of the Protestant population in the nascent Irish Free State was due not to migration but a halt in immigration (Fitzpatrick, 2013). In any case, Catholics represented 95 percent of the population of the Free State, and in this denominationally ‘homogenised’ environment only the minimum consideration toward religious minorities was felt necessary in public education policy.

## The Beginning of State Intervention

Irish policy in education after Independence was dominated by a conservative consensus that the state’s role should be limited to facilitating the activity of denominational stakeholders, who controlled the system.

Governments were content with limited power in education and guaranteed the autonomy of denominational institutions.

Education policy nevertheless underwent some changes during the 1960s. In this period, Irish policymakers tried to expand educational opportunity, especially for secondary education, by raising the school leaving age, building and refurbishing primary school buildings, establishing Regional Technical Colleges, offering the full second-level programme for vocational school students, and introducing the common Intermediate Certificate programme. These measures were the beginning of an overhaul of the Irish education system. It was not only growing domestic demand for education but international factors which motivated politicians and officers of the Ministry of Education in this. One is the human capital theory which the Organisation for Economic Cooperation and Development (OECD) relied on, and the other is the Second Vatican Council, which had a significant transformative effect on the Catholic church's relationship with other Christians, other world religions, and the modern secular world. Both external factors served as catalysts to education reform.

John Walsh suggests that it would be misleading to say that the 1960s reform was supported by a consensus between church and state. According to Walsh, what characterised the education reform of this period was not so much consensus as conflict below the surface. Granted, representatives of church and state did not face the matter directly, but a superficial harmony concealed serious conflicts over education policy between state officials and Catholic Bishops.

Indeed, these latent tensions sometimes became apparent, as in July 1965 when George Colley, Minister of Education, informed the Dáil that he intended to replace one-teacher and two-teacher national schools with larger central schools. Catholic clergy opposed this planned reform under the leadership of Michael Browne, a conservative prelate who argued that the state's intervention was illegal, as national schools were vested in clerical trustees. Browne openly and directly challenged the legitimacy of state intervention to reform the educational system (Walsh, 2012).

Sean O'Connor, Assistant Secretary of the Department of Education, also published a confrontational article in 1968, in which he insisted that education in Ireland should be modernised not in terms of political

ideology but of economic investment. Coeducational schooling, which Church authorities were reluctant to implement, was necessary, he argued, not for gender equality but for efficiency. There were a great number of unfilled teaching posts in secondary schools because the religious authorities were not able to staff separate classrooms for boys and girls with their own clergy and could not afford to take lay teachers whom they would have to pay full salaries. Although O'Connor agreed that the Catholic Church had made a contribution to Irish education, he suggested that there was a 'need for dialogue at the highest level between Church and State on the problems in education now surfacing' (O'Connor, 1968 249). His article was motivated not by a concern for minority rights, liberalisation, or secularisation, but rather by national efficiency and economic nationalism. The amalgamation of small national schools proceeded, with over 1,100 closed by 1973. The department amalgamated over a third of all national schools between 1965 and 1984, and the total number of schools was reduced from 4,743 to 3,270 (Walsh, 2012 117).

The power balance between church and state changed from the mid-1950s to 1970s, as state power was enhanced dramatically. While clergy and religious authorities retained influence over education policies, Ministers of education and their officials began to challenge the autonomy of the Catholic Church in the area of education. This does not mean that the denominational patronage system was undermined, or that a process of secularisation proceeded, but rather that 'the transformation in the balance of power between the Irish state and traditional Catholic elites was an enduring legacy of the policy changes of the 1960s' (Walsh, 2012 127).

## **From the 1970s to the 1990s**

### **Religious Instruction in the National Curriculum**

The changing dynamic between church and state, however, did not seem to have an impact on the place of religious instruction in the national curriculum. The rules and regulations of Religious Instruction were all but unchanged before and after the 1970s.

In 1971, the *Curaclam na Bunscoile* (Ir. 'Primary School Curriculum') was established. This can be regarded as a modernised curriculum, based on a child-centred ideology and encouraging inquiry learning on a wide range of subjects. Religious education was recognised as one of seven curricular areas (Department of Education, 1971 20). With only limited regulation, religious education and transcendent values were generally emphasised in the *Curaclam na Bunscoile*, while state intervention in religious education was avoided. Referring to the rules and regulations of national schools, it said as follows: 'As, however, the prescribing of the subject matter of Religious Instruction, the examination of it, and the supervision of its teaching are outside the competence of the Department of Education, no syllabuses of it are here set forth' (Department of Education, 1971 23). Religious education was still situated as an integral part of the whole in the 1971 curriculum, although its concrete implementation was left up to each school.

The overall revision of the primary school curriculum was proposed in the Report of the Primary Education Review Body and written up as a Green Paper *Education for a Changing World* (1992) and a White Paper *Charting Our Education Future* (1995). The Green Paper pointed out that the rules and regulations of national schools in 1965 could be seen to have the effect of weakening the protections that existed for children of religious beliefs different to those of the majority in the schools. It also recommended that the *1971 Teachers' Handbook for the Primary School*, as part of its promotion of an integrated curriculum, should be reviewed to ensure that the constitutional rights of children be fully safeguarded (Department of Education and Science, 1992 90–91). At the National Education Convention of 1993, an integrated curriculum was discussed. "There was an acceptance that a problem arose for parents who did not wish to have their children influenced by religious doctrine when a religious ethos infused all the work of the school" (National Education Convention, 1994 71).

The White Paper also took up the tension between the denominational ethos of national schools and the rights of minorities not to have religious education forced upon them. However, here it was presented not only as a conflict between school and parents but also between parents in the majority and those of a minority.

A sensitive balance is required between the rights, obligations and choices of the majority of parents and students, who subscribe to the ethos of a 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. (Department of Education and Science, 1995 25)

This interpretation will be problematised below.

The Primary School Curriculum was finally introduced in 1999. It was supposed to reflect the thinking and aspirations of the National Convention on Education, the White Paper on Education *Charting our Education Future* and the Education Act (1998). Religious Education was situated as one of seven subject areas in the new curriculum, where state intervention in religious education continued to be avoided.

Since the Department of Education and Science, in the context of the Education Act (1998), recognises the rights of the different church authorities to design curricula in religious education at primary level and to supervise their teaching and implementation, a religious education curriculum is not included in these curriculum documents. (Department of Education and Science, 1999 58)

## Boards of Management

The 1970s and 1980s saw the development of parental involvement in Irish education. The multi-denominational movement originated among parents of children attending the local Church of Ireland school in Dalkey in south County Dublin. Their success in winning a multi-denominational school led to the formation of similar parents' groups whose efforts led to the opening of a second such school in Bray, County Wicklow, in 1981, as well as a third in Glasnevin, the North Dublin School Project, in 1984 (Hyland, 1989). These are the immediate origins of the Educate Together movement, although multi-denominational schools remained rare throughout the 1980s.

The establishment of boards of management would be another development in parental involvement. O'Connor proposed the introduction of boards composed of the school principal and parents in 1973, and they were introduced in many national schools in 1975. Granted, the board in this period was controlled by the patron because the patron was authorised to appoint the chairperson and nominees. Nevertheless, this was a big change in light of subsequent developments, because the introduction of the board of management can be interpreted as an alternative and indirect means of state intervention.

Two important issues regarding the board of management are the scope of its power and the makeup of its members. Although the boards of management were under the control of denominational patronage, they also empowered parents and other stakeholders. The power of the board was originally supposed to be limited to administrative tasks such as accounting control of state and local subscription and communication with the Department of Education. This means that the board of management was presumed not to be an autonomous executive power but an organization subordinate to and supportive of the patron (Coolahan, 1981 175). However, the expansion of parents' involvement was promoted under a centre-left Fine Gael–Labour coalition government headed by Garret FitzGerald, which in 1982 decided on the establishment of the National Parents' Council, which was set up in 1985 by Minister for Education Gemma Hussey. Labour proposed a more radical plan to give parents, teachers and owners equal representation on the board (Walshe, 1999 97). The Report of the Primary Education Review Body also recommended that the board of management be more autonomous and authoritative. It did not stipulate the composition of the board, but it did say that the chairperson should not always be a local clergyman (Department of Education and Science, 1990 37), which CPSMA saw as problematic (Walshe, 1999 92).

Subsequently, the 1970s and 1980s saw churches and patrons making gradual concessions to other stakeholders in the composition of the board of management. While state officials and teachers' unions insisted on increasing the number of parent and teacher members, churches tried to retain majority representation on boards. The original plan for the boards proposed that they be composed of six members, four of whom would be

appointed by the patron, while the remaining two would be parents (Walshe, 1999 89). The INTO was not satisfied with this plan and tried to persuade the minister and his officials that teachers should also be represented. While churches reluctantly agreed to reduce the number of the patron's nominees, they kept them in the majority and thereby retained the right to appoint the chairperson (Walshe, 1999 90).

The 1992 Green Paper *Education for a Changing World* proposed the following composition of the board for primary schools with four teachers or fewer: three nominated by the trustees or owners, two elected by parents who have children in the school, and one drawn from the local community. For schools with five teachers or more it proposed five board members nominated by the trustees or owners, two elected by parents who have children in the school, two elected by teachers in the school, and one drawn from the local community (Department of Education and Science, 1992 144). Note that nominees of the Patron would only be able to secure a bare majority under this proposal, which caused the churches to fear that they would be minorities on the boards of their own schools. The chairperson of the CPSMA, Rev. Ray Brady PP, criticised the Green Paper proposal for depriving patrons of their authority and suggested that it had a 'silent revolutionary character' which would ultimately abolish the patron system of management (Walshe, 1999 99–101). The Church of Ireland regarded the proposal as a threat because they accepted many children whose parents were not members of that church. They insisted that it was necessary for nominees of the patron to be a majority on the board in order to keep the denominational ethos of their schools.

In July 1994, Minister Niamh Bhreathnach published a position paper which suggested that the composition of boards should reflect the increasing desire for participation on the part of teachers and parents. It allowed the trustee to retain their majority on the board while proposing equal representation for parents, teachers and others, requiring the trustees to include teachers and parents of pupils among their nominees. The minister's proposal was discussed by stakeholders in September 1994 in Dublin Castle. Representatives of parents, teachers' unions and Educate Together supported equal partnership and the reduction of the number of nominees by the patron. Church bodies initially tried to take a very hard line

against any kind of state intervention. Church representatives such as those of the CPSMA, the Association of Management for Catholic Secondary School, the Federation of Catholic Lay Secondary Schools, and the Education Commission of the Conference of Religious of Ireland, expressed their concerns. Catholic spokesman Bishop Thomas Flynn regarded the proposal as an “attempt to push the Church out of education” (Walshe, 1999 108). Flynn said:

It would be unconstitutional for the state to impose conditions which require the Church or Religious Orders to lose control of their schools as a condition of obtaining grants. . . . The state has a right and obligation to see that money paid to schools is well spent. But there is a big difference between making a school accountable for its use of state grants and interfering with the running of the school. (Walshe, 1999 108)

This concern was shared by the representatives of the Protestant churches. The Church of Ireland submission said:

We have never been convinced, nor do we accept, that this desire should lead to an equality of representation for parents and teachers. It would be unusual, to say the least, for the owners, workers and representatives of the consumers to be represented in equal numbers in the management of any enterprise. (Walshe, 1999 109)

This was their last stand, however. Equal partnership in management of national schools could not be put back in the bottle. Moreover, Church bodies were aware that written legal guarantees would protect the ethos of their schools despite earlier doubts (Walshe, 1999 111). The 1995 White Paper proposed that the establishment of boards of management be made mandatory and their scope of power enlarged. It advocated that school plans be submitted to boards of management for approval, that annual reports be submitted by principals to their respective boards, and that these be assessed against specified aims and objectives contained in the plan. These proposals had the potential to make a significant change in the decision-making process, including not only the day-to-day administration of the school but implementation of the curriculum (Peck &



Ramsay, 1998, 139). Finally, the board of management was written into the Education Act of 1998, and its powers and responsibilities were legally specified.

## Rule 68 and the Ethos of the School

It was the Rules and Regulations of the National Schools, especially Rule 68, that had been scrutinised and criticised as the embodiment of the denominational character of the national school system. The Report of the Primary Education Review Body pointed out the inconsistencies of the rules and regulations and suggested that ‘such a review/revision, would be a major undertaking and should be initiated as a matter of urgency’ (Department of Education and Science, 1990, 33). Moreover, its minority report made a trenchant criticism of Rule 68.

Rule 68 states as follows: “Religious Instruction is a fundamental part of the school course and a religious spirit should inform and vivify the whole work of the school.” ... This seems to be incompatible with Rule 69 which states, “no pupil shall receive, or be present at, any religious instruction of which his parents or guardian disapprove.” Rule 69 continues, “the periods of formal religious instruction shall be fixed so as to facilitate the withdrawal of pupils to whom paragraph (a) in this section applies.” How can this be done if secular and religious subjects are integrated? (Department of Education and Science, 1990, 123-124)

This statement pointed out a serious contradiction between Rule 68 and Rule 69.

The Green Paper *Education for a Changing World* also questioned the rules and regulations from a minority perspective. It said that ‘Various changes made to the Rules for National Schools over time, and embodied in the Rules published in 1965, could be seen to have the effect of weakening the protections that existed for children of religious beliefs different to those of the majority in the schools’ (Department of Education and Science, 1992, 90).

Both the National Education Convention and the 1995 White Paper suggested that the national school system was in a dilemma: a religiously integrated curriculum could have a 'stigmatizing effect' on the children of a denominational minority, although the right to a denominational education is guaranteed by the Constitution (National Education Convention, 1994, 33; Department of Education and Science, 1995, 25). What was at issue here was not only Religious Instruction as a subject in the curriculum but the 'denominational character of a school' or 'ethos of a school' as various official documents put it, which can function as a kind of hidden curriculum with the effect of 'stigmatizing' minorities. The Education Act 1998 expressed it with the words 'characteristic spirit of the school'.

[Schools shall] promote the moral, spiritual, social and personal development of students and provide health education for them, in consultation with their parents, having regard to the characteristic spirit of the school. (9.d)

The board shall ... uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions. (15.2.b)

The Education Act of 1998 defined the 'characteristic spirit of the school' as the integrating principle of the whole work of the school. The word 'spirit' seems at first sight culturally secular, but if many denominational schools can interpret the 'spirit' as referring to their religious doctrine, then denominational discrimination and exclusion in national schools, which had been questioned in the 1990s, was thereby not outlawed but justified under the guise of multiculturalism. In fact, under section 7(3) of the Equal Status Act 2000, schools can discriminate by giving preference in admissions to children of a particular denomination or by refusing to admit a child where such refusal is essential to maintain the ethos of the school. Under the Employment Equality Act of 1998, 'certain religious, educational and medical institutions may give more favourable treatment on the religion ground to an employee or prospective employee

where it is reasonable to do so in order to maintain the religious ethos of the institution’.

## From the 2000s to the Present: Parental Choice

The Education Act 1988 and Primary School Curriculum 1999 are not the end of the discussion about religion in national schools but rather the beginning.

One of the largest changes regarding the role and status of stakeholders in primary education relates to parents. It is clear that the Irish Constitution accords paramountcy to parental rights. It guarantees the parents’ right and duty to provide for their children’s education. It also says that the state requires that children receive ‘a certain minimum education’, in which the role accorded to the state is clearly limited (Nolan, 2007, 502). However, this was not an actual vindication of parental rights but rather a limitation on state intervention and approval of church control over education. In reality, parental rights were neglected even in the 1960s. When we look back on O’Connor’s reform plan and the reaction to it from stakeholders in 1968, we will find that neither O’Connor nor his opponents relied on parental rights. Parental rights were referred to only when parents were of a religious minority, that is, Protestant (Milne, 1968).

Parental rights have, however, become the ground on which claims from all sides stand from the 2000s onward. It is easy to understand how Rule 68 or Article 15 of the Education Act could be criticised from the standpoint of minority parents, but religious minorities in Ireland are no longer limited to Protestants. The 2016 Census says that Catholics continue to be the majority of Irish religious population (78 per cent), but minority groups now practice such diverse religions as Judaism, Islam and Sikhism, and ‘No Religion’ accounted for 9.8 per cent of the population, up from 5.9 in 2011. Even if secularisation meant state-secularisation in the 1960s, agents of secularisation have not been limited to politicians or officials after the 1970s. The multi-denominational school movement, represented by groups such as Educate Together, is a movement from below, based on ‘liberal’ parental rights.

Conversely, the Catholic Church also now makes use of ‘parental rights’ in defence of denominationalism. This is clearly shown in criticisms submitted in response to a discussion paper prepared by the Irish Human Rights Commission (IHRC) and inviting comment from the public using an attached questionnaire (IHRC, 2011, 8). Some respondents felt that the template response form focused disproportionately on the rights of those who want to ‘opt out’ of denominational education over those who wish to ‘opt in’, or that the paper spoke of religious freedom in the sense of ‘freedom from’ rather than ‘freedom for’ religion (IHRC, 2011, 39).

Catholic Schools Partnership, an organization established in 2010, published a book called *Catholic Primary Schools in a Changing Ireland*, in which they emphasised ‘parental choice’. In this pamphlet, theologian John Murray says:

Parental choice in education is recognised in most democracies and enshrined in the Irish Constitution, in the universal declaration of human rights, in United Nations and European legal instruments. It is also strongly affirmed in the teaching of the Catholic Church. This principle clearly holds that parents have the right to educate their children in accord with their social, political, cultural, linguistic, religious and moral convictions. Whilst others may disagree with these views, the parents’ decisions concerning a child’s education should be respected and, where practicable, should be facilitated. (Catholic Schools Partnership, 2015, 12-13)

This same logic was used in an argument for the abolishment of Rule 68. An article by the Iona Institute states:

Faith schools exist because there are parents who wish to have their children educated in accordance with their religious convictions. If the ethos of these schools is undermined then the rights of such parents are compromised. (Iona Institute, 2012)

Such statements reflect changes in the discourse of justification for denominational patronage. No stakeholders would have felt it necessary or persuasive to appeal to parental rights or choice in the 1960s except

Protestant minorities. Both government officials and Catholic religious bodies were relatively indifferent to parental right of choice, even if they ostensibly admitted that the Constitution affirms the inalienable role of parents in education. After the 2000s, however, Catholic religious bodies frequently relied on the discourse of parental rights in defending their denominational patronage, which succeeds in giving their arguments the glow of democracy.

## International Human Rights Norms

International human rights norms have become another ground for arguments about denominationalism and education. In the 1960s the primary effect of international and European organizations such as the OECD on education policy in Ireland was economic. Since the 1990s, however, state documents have emphasised the aim of educating European citizens, which means that the Irish government accepts European human rights guidelines such as tolerance and respect for others' beliefs. The 2000s also saw international organizations giving recommendations and requirements for education reform: the United Nations Human Rights Committee addressed its concerns and recommendations for primary education in Ireland as follows:

The Committee notes with concern that the vast majority of Ireland's primary schools are privately run denominational schools that have adopted a religious integrated curriculum thus depriving many parents and children who so wish to have access to secular primary education. (arts. 2, 18, 24, 26)

The State party should increase its efforts to ensure that non-denominational primary education is widely available in all regions of the State party, in view of the increasingly diverse and multi-ethnic composition of the population of the State party. (UN, 2008, 7-8)

The United Nations Committee on the Elimination of Racial Discrimination (CERD) published reports in 2005 and 2011 which pointed out the Catholic Church's control over the education system in

Ireland and recommended 'that the State party accelerates its efforts to establish alternative non-denominational or multi-denominational schools and to amend the existing legislation that inhibits students from enrolling into a school because of their faith or belief' as well as to 'encourage diversity and tolerance of other faiths and beliefs in the education system by monitoring incidents of discrimination on the basis of belief' (CERD, 2005; CERD, 2011 6).

However, churches also make use of international human rights norms discourse from the 2000s on. 'Freedom of belief', 'cultural diversity' and 'pluralistic society' are used in churches' arguments in favour of denominationalism. Murray begins from the assumption that Irish society is pluralistic: denominational schools 'have a place in modern Ireland' (Murray, 2008, 7). The pivotal position of the Catholic Church in Irish society is no longer asserted in his argument. Murray suggests that religion is a 'philosophy of life' or a 'world view', and that 'imposition of one type of school on all would be seen as contradicting or even undermining the world-view and deepest values of many parents' (Murray, 2008, 11).

The briefing note published by the Iona Institute to refute the report of the Advisory Group to the Forum on Patronage insisted that denominational schools are not in fact in breach of national or international law. The Advisory Group required the denominational schools to be more 'inclusive', but the Iona Institute argue that this 'inclusiveness' would have to come at the price of denominational school identity, when in fact denominational schools are protected by the European Convention on Human Rights, as established in the case of *Lautsi v. Italy*.<sup>1</sup> Meanwhile, interpretations of UN documents by UN committees and anti-denominationalist Irish NGOs have no standing whatsoever in either national or international law. On the contrary, they argue, provisions from these documents support the rights of parents who send their children to denominational schools (Iona Institute, 2012).

## The Majority as ‘Victim’ or ‘Socially Vulnerable’

Catholics still represent a majority of the Irish population, although their proportion has decreased compared to that just after Independence. Moreover, the proportion of Catholic denominational schools in the whole national system has fallen only slightly, from 91.8 percent in 2014 to 90.7 percent in 2018 (Department of Education and Skills, 2019, 15). Catholic schools maintain a dominant position among primary schools.

Nevertheless, many Catholic arguments are suggestive of a minority narrative. They often follow a pattern in which criticism of the denominational school system is assumed to be part of a campaign against the Catholic Church by some foreign enemy such as the EU or other international organizations, thereby ignoring the domestic popular demand for secular or multi-denominational education as in the 2013 Department of Education survey referenced above. In this narrative, it is the Catholics in Ireland who are held up as ‘cultural minority’ and ‘socially vulnerable’ in the international and European context. This victim discourse on the part of the majority relies on notions of ‘parental choice’ and a ‘pluralistic society’ to legitimate denominationalism in education.

Majority victim narratives are sometimes constructed with reference to the division of social classes. On the 20 February 2017 edition of RTE’s *Claire Byrne Live*, Iona Institute spokesperson Maria Steen said Catholic schools were more ‘inclusive’ than multi-denominational schools. She suggested that Catholic schools have much greater numbers of children from lone parent families, and that a 2012 ESRI study (Darmody et al., 2012) showed that Catholic schools have greater numbers of children from lower socioeconomic groups, while multi-denominational schools tend typically to be middle-class. Educate Together responded to her comments on the following day. They said that it is disappointing that the Iona Institute would so easily reinforce a prejudicial stereotype of the children who attend Educate Together schools as ‘middle-class’ and that Steen quoted selectively from a 2012 ESRI study (*Irish Examiner* February 21, 2017).

It cannot be denied, however, that Catholic schools have actually become inclusive—they have a greater number of children from

vulnerable backgrounds—whether intentionally or not (Darmody et al., 2012). It may be asked how and to what extent socio-economic factors affect parents' school choices in the denominational school system. The research of Merike Darmody *et al.* suggests that students attending multi-denominational and minority faith schools are found to be more likely to come from middle-class backgrounds and have more highly educated parents. This pattern is explained by two interrelated processes. Firstly, middle-class parents are more likely to exercise active choice and send their children to schools outside the local area. Secondly, because many multi-denominational and minority faith schools are oversubscribed, admissions policies may tend to favour groups with more access to information such as middle-class families. This research shows that primary school choice in Ireland reflects both religious and socio-cultural factors, although social factors are largely absent from the public debate on school choice, which is overwhelmingly framed in terms of religious versus secular identity (Darmody & Smyth, 2018). It also suggests that religious preference and socio-economic background of parents might be constituting and legitimating a split between 'us and them,' through the medium of school choice, that is, denominational masses versus a multi-denominational and liberal middle class. In this way, a religiously pluralistic education system has contributed not to national integration but to segmentation.

## Conclusion

The history of religious instruction and denominational patronage in Irish primary education is not a linear process of secularisation or unchanging church control. Generally, it would seem that Irish people are becoming more secular and liberal. Empirical research suggests that orthodox beliefs (in life after death, heaven, sin...) declined during the 2000s. Tolerance among Catholics for homosexuality, euthanasia, abortion, prostitution, divorce, and the use of 'soft drugs' increased significantly. Approximately one in seven Catholics is found to be either liberal or very liberal (Féich & O'Connell, 2015, 244). However, this changing attitude of Catholics is not paralleled in their attitudes toward the education system. Catholic



schools accounted for 90 percent of national schools, and multi-denominational schools did not multiply dramatically (Department of Education and Skills, 2019, 13). A great number of Irish people support or tolerate denominationalism in public primary education.

It is natural that the patrons of denominational schools want to keep their religious ethos. However, we need an explanation of how and why such a great number of people still support the denominational system: it is reasonable, given the evidence, to suppose that more than half of parents at least tolerate denominational patronage (Council for Research, & Development, Irish Bishops' Conference, 2008, 21, 25). How can we understand this if Irish Catholics have become so liberal in their private beliefs and attitudes during the 2000s? Grace Davie's argument is noteworthy in this regard. She proposed the idea of 'vicarious religion', 'the notion of religion performed by an active minority but on behalf of a much larger number, who (implicitly at least) not only understand, but, quite clearly, approve of what the minority is doing' (Davie, 2013, 89). Féich and O'Connell suggest that the high and stable levels of support for religious ceremonies support Davie's hypothesis (Féich & O'Connell, 2015). What if we conceptualise this support for denominational schooling as an example of 'vicarious religion'? Is support for maintaining the denominational school ethos motivated by religious attitudes? Are so many Catholics in favour of Catholic denominational schools because the schools perform various religious exercises on their behalf?

This point of view may seem reasonable, but there are other possible interpretations. They may simply support the notion of Roman Catholic schools, but in the case of liberal Irish Catholics they may support only such an 'ethos'. We will want to examine whether the maintenance of faith school identity is really motivated by religious faith even if it is 'vicarious'. A clue to another interpretation can be found in Nathalie Rougier's 2008 study of the recent hijab debate in Ireland. The study comprised eleven semi-structured qualitative interviews with educationalists, principals, politicians, Muslim mothers, Muslim students, Catholics, and others (Rougier, 2013, 153). By exploring stakeholders' attitudes toward the hijab, Rougier reveals that the denominational character of a school can be important not because it guarantees parental rights to denominational education but because it works as an arena of symbolic politics. Rougier

concludes that those who demanded a ban on the hijab in school felt threatened not by competing religious doctrines but rather the presence or visibility of religious and cultural ‘others’. Muslims are likely to be construed as ‘outsiders’ even within the ‘established multi-denominational’ liberal education system (Rougier, 2013, 159).

However, whether or not such conflicts arise seems to depend on the proportion of minorities in denominational schools. Two interviewees involved in the education system highlighted the issue of the relative numbers of Muslim pupils in any given school:

The difficulty is if they drift towards a smaller number of schools... there are some schools where, for various reasons, they were made very welcome and the parents like those schools... but if the Islamic population in the school becomes half the school then it's no longer the school that it's originally set out to be. ... I think tensions could emerge and, strange thing, the result could be that the quality of the school would go down.

I think it was just when... when they became more than 10 in a school or something... the management started to get anxious... once parents start coming in then as well and making demands and saying, you know... “We know our rights...” you know, that's when the difficulty starts. (Rougier, 2013, 157)

These statements suggest that tolerance could be shown toward Muslim pupils only as long as they were minorities in any given school. If so, maintaining denominational identity cannot be the reason why it is important to keep a school a denominational space—if denominational identity itself were the real issue, then wearing the hijab would not be tolerated regardless of the number of Muslim pupils. We might suspect that what is important is that a hierarchy among religious denominations be publicly displayed, so that ‘we’ (Irish) may confirm that ‘we are in the majority’ and ‘we are privileged’. Could we interpret it not quite as ‘vicarious religion’ but as a vicarious sense of majoritarian identity (superiority)?

Kissane’s observation that pluralism and liberalism are not simply interchangeable is interesting in this regard. The recent changes in Ireland are often considered to be heralding the advent of a more ‘liberal and

pluralist' society in the Republic, but the nature of the present church-state relationship suggests that the pluralism that is evolving is anything but liberal. In the contemporary Irish context, state neutrality can only be construed as even-handed intervention in the religious sphere (Kissane, 2003). This insight is consistent with our findings: 'pluralism' advocated for religious education is never a liberal principle which limits denominationalism, but an anti-liberal framework which promotes denominational splits.

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## Note

1. The case originated in an application against the Italian Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms, by Ms Soile Lautsi, an Italian national, on 27 July 2006. The case concerned the presence of crucifixes in State-school classrooms in Italy, which, according to the applicants, was incompatible with the obligation on the State to respect the right of parents to ensure such education and teaching in accordance with their own religious and philosophical convictions. The Grand Chamber of the European Court of Human Rights finally held that there was no violation of the Convention (Lautsi v. Italy, App. No. 30814/06, 2011 Eur. Ct. H.R. (G.C.)).

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