ABSTRACT

This article discusses the ways in which the 1872 Act, often perceived as landmark legislation in the history of Scottish education, has been interpreted by historians. In pursuing this aim, the article examines celebratory and critical narratives about the importance of the Act and highlights some key aspects of the 1872 Act: central and local administration; its implications for teachers; and the financial consequences for poor families. This is followed by a section that argues that the permissive provisions in the Act had limited effect in the short term, and that certain areas of educational importance did not feature at all. Finally, the sensitive religious issues, which were partly responsible for thwarting earlier attempts to introduce legislation, are discussed. The article concludes with some brief reflections on the social and cultural provision of the 1872 Act and its significance for the ‘democratic’ tradition of Scottish education.

Keywords: Education (Scotland) Act 1872; historiography; administration; social and cultural importance.

AIMS AND STRUCTURE

The principal aim of this article is to examine how the Education (Scotland) Act of 1872, generally regarded as one of the major landmarks in Scottish educational history because of its introduction of state-controlled compulsory schooling for all 5-13 year-olds, has been presented by historians. Thus, the focus is on historiography; that is, on how various writers in the 150 years since 1872 have explained and interpreted the Act. The intention is to provide an overview of a range of historical approaches that will provide a useful reference point for the detailed studies that follow.

In pursuing this aim, the article first notes the mixture of celebratory and critical narratives in explaining the Scottish educational tradition, before proceeding to comment on three important aspects of the 1872 Act: central and local administration; its implications for teachers; and the financial consequences for poor families. This is followed by a section in which it is shown that permissive provisions in the Act had limited effect in the short term, and that certain areas of educational importance did not feature at all. Finally, the sensitive religious issues, which were partly responsible for thwarting earlier attempts to introduce legislation, are discussed. The article ends with some brief reflections on the social and
cultural importance of the 1872 Act and its significance for the ‘democratic’ tradition of Scottish education.

CELEBRATORY AND CRITICAL NARRATIVES

There was a tendency in earlier historical accounts of Scottish education to present what might be called a narrative of continuous progress. This can be seen, to varying degrees, in Morgan (1927), Knox (1953) and Scotland (1969a). But over time, these largely celebratory contributions have been balanced by more critical analyses (Humes & Paterson, 1983; Smout, 1986). They have also been challenged by studies which see educational developments not just in terms of particular pieces of legislation, but as part of wider social and political changes. The best example of this remains Robert Anderson’s magisterial 1983 work, Education and Opportunity in Victorian Scotland. There are also valuable contributions in the edited collections by Holmes (2000) and Anderson et al. (2015).

‘The most important Act in the history of Scottish Education became law on 6 August 1872’: thus began James Scotland’s article in the British Journal of Educational Studies, written to mark the centenary of the Act (Scotland, 1972: 121). He drew attention to the need ‘to impose order on chaos’ (ibid: 121) following the evidence presented in the three main reports of the Argyll Commission (1865, 1867, 1868) which indicated that although standards of teaching were high in some parish and burgh schools (particularly in the north-east), there was considerable variation and that many adventure, charity and subscription schools were highly unsatisfactory. The case for a national system, funded by the state, managed by local boards, and subject to inspection was strong (Withrington, 1972; Bone, 1968). A number of specific weaknesses had been identified by the Argyll Commission: the inadequacy of the parish system of schooling to cope with the social changes brought about by industrialisation and population expansion; wasteful duplication by the Protestant churches following the Disruption of 1843; huge variation in the quality of provision in different parts of the country; sub-standard accommodation in many schools; a teaching force that ranged from able university graduates to poorly qualified individuals. Scotland praised the provisions of the 1872 Act for erecting a national system that provided school places for all (which were subject to checks on their quality), for putting in place administrative arrangements at national and local levels, for introducing improved provision for the financing of public education, for ensuring the competency of teachers, for leaving a place for voluntary schools, and for granting freedom to an individual’s religious conscience (Scotland, 1972: 136).

It is always tempting for legislators and officials to present a narrative of progress in relation to their efforts and so it was not surprising to find Henry Craik in 1884, soon to be appointed the first Secretary of the Scotch (later Scottish) Education Department (SED), claiming that ‘during the last decade we have a record of advance such as can probably be rivalled by none’ (Craik, 1884: viii). With the benefit of hindsight, however, it is always possible to identify the weaknesses of any piece of legislation and, although the 1872 Act is rightly regarded as a very significant event, some of its limitations were pointed out by Scotland in his centenary tribute.
He observed that 'At secondary level . . . the Act fell demonstrably short' (Scotland, 1972: 129). It should be noted that the terms 'primary' and 'secondary' to define particular stages of schooling did not come into general use until the twentieth century. In the period after 1872 the more usual terms were 'elementary' and 'post-elementary'. The most detailed guide to the confused landscape of post-elementary education in the period 1872-1936 – with its specific subjects, supplementary courses, advanced divisions, higher class and higher-grade schools – remains Wade (1939). The SED was fearful of the costs of extending secondary education for all, a stance reinforced by class attitudes (Monies, 1974) and beliefs about the distribution of intelligence (Paterson, 1983). This was a recurring theme among many commentators. Clarke, writing in 1904, stated that ‘while Elementary Education was put on a new basis in 1872, Secondary was left to muddle along as it could, and the confusion has been rendered worse, confounded by partial measures adopted in the interval since then' (Clarke, 1904: 50; see also Strong, 1909). And Anderson (1983: 111) concluded: ‘Perhaps the greatest weakness of the 1872 Act was that it ended a well-understood but obsolescent tradition without offering a clear replacement and left secondary education in a financial and administrative limbo.’

ADMINISTRATION

The governance arrangements put in place by the 1872 Act were controversial from the start and led to continuing debate for many years. The SED was initially presided over by the Committee of Council in Education in London and had the same Permanent Secretary as the English Department. This led to accusations that decisions about Scottish education were being taken by ill-informed English staff. Myers (1972) has offered an interesting analysis of the nationalistic issues which delayed the introduction of the Scottish legislation until 1872. It was not until 1885 that a separate Permanent Secretary of the SED was appointed, though the department continued to be located in London, not Edinburgh, a situation that failed to silence the complaints. The tone of the complaints ranged from largely constructive suggestions to create an Advisory Council on Education drawing on Scottish expertise (Douglas & Jones, 1903) to impassioned tirades against oppressive bureaucratic control (Smith, 1913). Feelings were not appeased by the perception that the early Permanent Secretaries, especially Henry Craik, were dictatorial and dismissive of critics (Humes, 2021). Writing in 1997, Withrington concluded: ‘The 1872 Act not only marked a striking change in educational administration, it introduced something close to a new culture of schooling . . . The SED, with its codes and circulars, under the direction of successive and domineering permanent secretaries, took an astonishingly tight control over Scottish schooling.’ (Withrington, 1997: 64-65).

Day-to-day running of schools fell to the 980 (reduced to 947 by 1918) School Boards set up under the terms of the 1872 Act. These remained the local administrative unit until 1918 when they were replaced by 38 ad hoc education authorities. The School Boards consisted of between five and fifteen elected members and have been seen as the beginnings of democratic control of local education in Scotland (Bain, 2003). Certainly, some of the larger boards did sterling work in tackling the scale of the challenge involved in providing for
adequate buildings, encouraging attendance and recruiting sufficient teachers. Scotland (1972: 124) reports that inspectors were particularly impressed by the achievements of Glasgow and Govan boards: on the work of the former, see Roxburgh (1971). But the functioning of the boards was highly variable, especially in small communities. At first, membership was dominated by religious representative, landowners, and local businessmen. The landowners and businessmen were often more concerned with keeping costs down than with improving the quality of accommodation or teaching (McDermid, 2015). Some boards became involved in regular disputes with teachers over appointments, dismissals and salaries, and with inspectors over recommendations to improve facilities and raise standards (Bone, 1967, 1968).

TEACHERS

The 1872 Act created an urgent need for more, and better qualified, teachers. One consequence of this, which was evident at the time, but did not attract the attention of historians until much later, was a major shift in the gender balance of the teaching profession. In 1851, 65 percent of teachers had been men; by 1911, 70 percent were women (Smout, 1986: 220). Although teaching was an attractive career to women seeking employment, access to training was not straightforward. A complicating factor was that, while state schools were to be non-denominational, the main training colleges at this time remained under the control of the churches (a situation that did not change until 1905). The SED was not keen to strengthen ecclesiastical influence in education but necessity obliged it to give approval for two new colleges for women in Aberdeen (Church of Scotland 1873 and Free Church 1874).

Another reason for the growing presence of women in the teaching force was that they were cheaper to employ. Between 1872 and 1900 the average salaries of male teachers varied between £121 and £143 a year, while those for women were only between £62 and £72 (ibid: 220). This differential would have been attractive to those School Boards seeking to keep costs down. Corr (1983) has offered a detailed account of the feminisation of the teaching profession in the period 1872-1914, and the edited collection by Fewell and Paterson (1990) has highlighted the extent of gender discrimination in the teaching workforce well into the second half of the twentieth century. Until 1945, unmarried female teachers were required to give up their jobs on marriage and even in the 1950s and 60s most heads of primary schools were men, often in charge of an entirely female teaching staff.

Prior to the 1872 Act, schoolmasters in parish schools (and in some burgh schools) enjoyed relative security of tenure. They were appointed ad vitam aut culpam. This meant that they could be dismissed only if they were found guilty of immoral conduct or cruel treatment of scholars. Until 1861, local presbyteries had the power to investigate and pass judgement. After that date, complaints were heard in courts of law and Sheriffs had the power to decide the outcome. There was thus a measure of legal protection against unjust or capricious dismissal. Under the 1872 Act, this protection continued for teachers already in post but was not extended to new appointments. Instead, the new School Boards had the power to suspend or dismiss. Sir John Kerr, Her Majesty's Senior Chief Inspector of
Education from 1888-96, later expressed regret that ‘no satisfactory attempt was made to compensate teachers for the abolition of security of tenure by the Act of 1872’ (Kerr, 1910: 275) and the issue continued to be a source of dispute for several decades. A detailed study of the security of tenure of teachers between 1872 and 1908, citing specific cases, was undertaken by Bone (1967). He found that during the period 1873-1882 ‘there were many complaints about the arbitrary proceedings of school boards’ (Bone, 1967: 91) and teachers had little confidence in the fairness of inspectors or SED officials in seeking a remedy. An attempt to secure a right of appeal against board decisions was rejected by the SED in 1897 (ibid: 108-111).

Belford in the Centenary Handbook of the Educational Institute of Scotland records some of the disputes that arose when teachers felt they had been suspended or dismissed without due cause (Belford, 1946: 310-315). The EIS campaigned against what it saw as arbitrary action by some Boards and in 1882 the Public School (Scotland) Teachers Act (commonly called the Mundella Act) was passed. While this gave some limited protection to teachers, in that School Boards had to follow specified procedural requirements, it was not sufficient to prevent cases where teachers felt they had received unfair treatment. It was not until the Education (Scotland) Act of 1918, which replaced School Boards with much larger ad hoc authorities (Paterson, 2018), that a system that was perceived as fairer to all parties was introduced. The EIS claimed that this demonstrated the value of teachers being members of a strong professional association (Belford, 1946: 314).

FEES AND SCHOOL RESOURCES

Prior to 1872 poverty was seen as a major obstacle to adequate educational provision and absenteeism was common (Morgan, 1927: 164). At that time, there were around half a million children of school age but over 90,000 were not attending any school and there were serious questions about the quality of the education received by the 400,000 who were attending school. The adventure schools, for example, were often simply used to ensure that children under the age of thirteen had attended school for a minimum period of time before commencing work (Fitzpatrick, 1985: 93). Despite school education becoming compulsory for children aged five to thirteen under the 1872 Act, poverty would continue to prevent children from attending school or would contribute to patterns of irregular attendance. Children were required to work to provide financial assistance for the family or they were required to attend to family chores and responsibilities for siblings that freed the parents for work (McKinney and McCluskey, 2019a). Younger children in the family were often able to remain longer in school as older siblings were working and helped to support the household (Anderson, 1995: 126).

The move to the Board schools under the Education (Scotland) Act, 1872 did not mean, as is sometimes assumed, that there were no more school fees and that schools were free (Anderson, 1995: 69). Section 53 of the 1872 Act explains that the board had the responsibility to set the fees for all schools that they managed, and the fees were to be paid to the treasurer of the board. The 1872 Act did not set a limit on the amount that could be charged, but the Scotch Education Department ruled that ‘ordinary payments’ for instruction ‘should not
exceed ninepence per week from each child’ and this was laid down in section 53 of the English Elementary Education Act of 1876 (Knox, 1953). Catholic schools usually charged a penny a week around 1872 compared to other schools which would commonly charge 2d to 4d (usually 3d) and in some cases, even 4d to 6d (Anderson, 1995: 93). Secondary schools charged higher fees, and this could create class tensions as many children were effectively excluded from secondary education (Anderson, 1995: 244-245). There was provision in the Act for fees to be paid or partly paid out of the poor fund for families that could not afford them or could only afford part of the fees (Education (Scotland) Act 1872, section 69).

The abolition of fees for elementary schools was not accomplished until 1890 and was hotly contested (Anderson, 1995: 250-251). Those who supported the abolition of fees argued that they reinforced class distinctions. Those who opposed abolition argued that they provided good income for schools and attracted the middle class. This latter argument was more relevant in urban settings than in the country. The Acts of 1889 and 1890 ensured there was adequate funding available and this allowed the local boards to abolish the fees in elementary schools. Fees for secondary schools would not be abolished until 1945 (Scotland 1969a: 87-88). The supply of free books and stationery for schooling was not included in the 1872 Act and was not provided in all state schools until 1939 (Scotland 1969a: 88). This became compulsory under the 1945 Act.

Scotland was excluded from the Education (Provision of Meals) Act 1906. However, there was provision for the free supply of food, clothing and books to children in need under the later Education (Scotland) Act 1908 (Vaughan, 2012: 44). Stewart (1999: 76) points out that the legislation in Scotland was ‘more comprehensive’ than the comparable legislation in England in 1906. School Boards were required to investigate neglected children and provide free clothing and food with no ‘upper limit on expenditure’. The introduction of these measures was contested as grounded in socialist ideology and state interference that would undermine philanthropic activities, the role of voluntary bodies that provided meals, and the responsibility of the family. One notable opponent to the board schools providing meals for children was Sir Henry Craik who opposed the Education (Scotland) Act 1908 and had previously opposed the inclusion of Scotland in the Education (Provision of Meals) Act 1906. He considered this form of intervention to be damaging to: ‘The home-life of Scotland, and the moral character of Scotsmen, of which they were so proud’. (Stewart, 1999: 86). Nevertheless, the Act was passed to provide a more systematic national response to the number of children who were ill-fed and undernourished (which affected their ability to participate in the school day).

Under the 1908 Act, a board could provide, in principle, similar help to children in voluntary schools (Vaughan, 2012: 44). Some Catholic schools lobbied for assistance, arguing that the Catholic members of society paid rates too and saved ratepayers’ money because they ran their schools at their own expense. The issue arose in the House of Commons when the Lord Advocate was asked on the 22nd of April 1909 why the Edinburgh School Board had refused to supply free books to needy children in Catholic schools in Edinburgh. The Lord Advocate replied that it was at the discretion of the board, not the managers, under section
3 (6) of the Education Scotland Act, 1908 (Hansard, 1909). The Education Department, he added, had no right to interfere.

ASPIRATIONS AND OMISSIONS

Like many pieces of legislation, the 1872 Act expressed some good intentions that were slow to be fulfilled. It also omitted mention of topics that were later to assume importance. This section considers examples of both aspirations and omissions.

Infant Education

Section 40 of the Act allowed boards to make provision for children under five. Legislation which is permissive rather than compulsory runs the risk of being disregarded. The challenge of meeting the statutory requirements for 5-13 year olds meant than nursery education was marginalised. Scotland (1969a: 47-8) observes that the state was slow to cater for pre-fives. Indeed, younger children, who had sometimes attended the old parish schools, were excluded after 1872 because of limited accommodation. Even by the turn of the century, little progress had been made. The pioneering efforts of Margaret McMillan, who had been educated in Inverness, but who did most of her work in Bradford and London, only began to have some limited impact in Scotland in the 1920s and 1930s (Humes, 2018).

Evening Classes

The 1872 Act also allowed boards to offer evening (or continuation) classes for young people over 13 who could continue their education on a part-time basis while in employment. Uptake was limited, partly because employers were often reluctant to let their young workers attend. Even after the Education (Scotland) Act of 1908 obliged School Boards to offer continuation classes, provision was patchy (Paterson, 2003: 90-91). This failure may help to explain the growing popularity of adult evening classes run by socialist organisations in the early decades of the twentieth century. A key figure in this form of provision was John Maclean who became a folk hero of the radical left (Bell, 2018).

Industrial Schools

One of the aspirations of the 1872 Act was to make provision for the inclusion of industrial schools in the new governance arrangements. Under the Act, any School Board, with the permission of the Board of Education could establish and maintain certified industrial schools consistent with the conditions of the Industrial Schools Act 1866 (Education (Scotland) Act, 1872, section 41). The Scottish industrial schools provided a full elementary schooling and the children remained in the school until apprenticed or moved into domestic service (Mackie, 1992: 3-4). The 1872 Act was consistent with the Acts of 1854 and 1866, which distinguished between reformatory schools and industrial schools (Anderson, 1995: 96). Reformatory schools were designed for those convicted of crimes; industrial schools were for ‘vagrants’, younger convicted children or those children neglected by their parents. The city of Glasgow had four of each type of school by the 1860s. Progress was slower in other ‘specialised’ forms of education.
Disabled children

The 1872 Act is silent on the subject of provision for children with various forms of disability. However, a number of historians have highlighted earlier philanthropic endeavours in provision for ‘sensory impaired’, ‘physically handicapped’ and ‘mentally defective children’, and the steady move towards greater state involvement and control in the late nineteenth century and early twentieth century (Knox, 1953; Scotland, 1969b; Mackie, 1992; Anderson, 1995; Egan, 2001; Hutchison, 2005). It should be noted that some of the vocabulary in this section was widely used in the late nineteenth and early twentieth centuries but will appear anachronistic and crudely pejorative to the contemporary reader.

Disability is a complex term and can refer (broadly) to sensory, mental or physical disability (Hutchison, 2005). There was little school provision for disabled children in Scotland in the 19th century and the early focus was on children with sensory impairments. One example was the school opened by the Glasgow Society for the Education of the Deaf and Dumb in 1819 (Scotland, 1969b: 275-276). In 1890 the Education of Blind and Deaf Mute Children (Scotland) Act made it the duty of school boards to accommodate blind and deaf-mute children in a board school or in ‘some other school or institution approved of by the Scottish Education Department’.

The first institutional provision for ‘mentally defective children’ or the ‘feeble minded child’ was the Baldovan Asylum, later the Strathmartine Hospital, for the treatment of ‘idiot and imbecile’ children, located four miles from Dundee. This was opened in 1855 by Sir John and Lady Jane Ogilvy (Coupland and Telfour-Smith, 1856; Anderson and Langa, 1997). Dr and Mrs Brodie opened a home and school for ‘invalid and imbecile’ children in Gayfield Square, Edinburgh in 1855. After a relocation to Colinton in Edinburgh, there was a move to establish a Scottish National Asylum in 1859 and this was promoted by the newly formed Society for the Education of Imbecile Youth in Scotland. The Society helped to raise funds and The Royal Scottish National Hospital was opened in Larbert in 1863 (Hutchison, 2011).

Prevailing ideas on ‘mental deficiency’ slowly began to be reconceptualised – it was no longer deemed to be a private problem but a social problem (Simmons, 1978). In 1906, the Education of Defective Children (Scotland) Act granted the power (but not the duty) to school Boards to provide special classes for ‘mentally defectives’, ‘physical defectives’ and epileptics. The Education (Scotland) Act 1908 raised the leaving age for children attending special classes from fourteen to sixteen (Thomson, 1983). The Mental Deficiency and Lunacy (Scotland) Act 1913 made the distinction that the School Boards had a duty ‘to make provision for the education or proper care and supervision’ of ‘educable defectives’ of school age, whereas the ‘ineducable’ children would be dealt with by the parish council (Egan, 2001: 111-112, 117). While this ensured that ‘educable defectives’ would be educated under the Board school system, this did not mean that every school board had to arrange special classes. The school board could relocate a child to another area where special classes existed.

The 1872 Act prompted recognition of the educational needs of children with physical impairments. This led to the establishment of the Association for
Visiting and Aiding Permanently infirm and Imbecile Children (later in 1876 devoting itself to infirm children as The Association for Aiding Infirm children) and the opening of the East Park Cottage Home in 1874 (Hutchison, 2005). Some of the credit for raising awareness of the needs of children with disabilities should go to school inspectors, who in their reports on visits to schools drew attention to those for whom ‘mainstream’ provision was inadequate.

**Gaelic**

A significant omission from the 1872 Act was any provision for Gaelic education (MacKinnon, 1972; Smith, 1978; Macleod, 1981). The medium of instruction was to be English, with the aim of promoting common standards of literacy across the whole of Scotland. Unsurprisingly, this provoked complaints from Gaelic-speaking areas in the highlands and islands. Historians have offered a variety of interpretations in explaining both the omission and reactions to it. A balanced appraisal of the issues is given in O’Hanlon and Paterson (2015). Some have seen official attitudes to Gaelic as evidence of a sinister attempt to impose linguistic and social uniformity in areas where political dissent had sometimes surfaced. MacKinnon (1972) describes the failure to provide for Gaelic as a ‘disastrous omission’ from the Act and evidence of an attempt at social control through cultural assimilation. And Withers states that ‘prejudice against Gaelic was held by persons of authority in education, persons who were in a position to determine the fortunes of the language’ (Withers, 2000: 403). A more pragmatic explanation is offered by Smout (1986), who suggests that the policy was driven by awareness of the likely geographical destinations of many learners. A good command of English would be required by those who would have to leave their native community in order to find employment. Official attitudes changed slowly, partly as a result of representations by Gaelic pressure groups but also by the findings of the Royal Commission on Crofting chaired by Lord Napier. It condemned the ‘discouragement and neglect of the native language in the education of Gaelic-speaking children’ (Napier, 1884: 81). This led to some limited scope being made for the teaching of Gaelic in Gaelic-speaking areas under the 1886 Scotch Code, but it was not until the Education (Scotland) Act of 1918 that there was a statutory requirement to make ‘adequate provision’. O’Hanlon and Paterson argue that growing child-centredness may have been a factor in the relaxation of official attitudes. This could be linked to the development of psychology as a discipline and increasing awareness of the importance of cultural roots in the development of personal identity.

**REligious Issues**

The religious issues that were hotly contested in the lead up to the Education (Scotland) Act 1872 in the 1850s and 1860s are well documented (Anderson, 1995; Stevenson, 2012). Christian denominations, especially the Presbyterians, exercised a strong influence in school education up to the 1872 Act, and indeed beyond the Act. The religious issues included: (1) the transfer of the majority of the presbyterian schools; (2) the legal position and limits of religious instruction and religious observance; (3) the ‘conscience clause’ and (4) the non-transfer of the Roman Catholic and Episcopal schools. Conditions for the transfer
of denominational schools (and all voluntary schools) are outlined in sections 38 and 39 of the 1872 Act and include the transfer of the school building, the land, the teacher’s house and any land used in connection with the school to the appropriate school board (Section 38). Crucially, the transfer process did not include any compensation payment to the denomination or voluntary body. This would later become a major source of contention in the Church of Scotland because of the new arrangements for the transfer of the remaining voluntary schools under the Education (Scotland) Act 1918 (McKinney, 2019). Under the 1918 Act, the remaining voluntary schools that transferred did receive compensation – they could be sold or rented to the local ad hoc County Education Authority (Treble, 1978).

The 1872 Act carefully avoided legislative protection for religious instruction in the new public schools. Nevertheless, in the preamble to the Act there is a statement that affirms the right to continue accepted practice:

And whereas it has been the custom in the public schools in Scotland to give instruction in religion to children whose parents did not object to the instruction so given, but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not receive such instruction, and it is expedient that the managers of public schools shall be at liberty to continue the said custom.

This was widely understood to mean that the Bible and the Shorter Catechism would continue to be used according to ‘use and wont’, although these words do not appear in the preamble nor in any other part of the Act (Lenman & Stocks, 1972, 100). The idea of ‘use and wont’ was accepted practice in Scotland but a proposal from the Conservative MP Mr E. S. Gordon sought to secure religious instruction in the Act (Stevenson, 2012). In debates concerning the Act, some members of Parliament, notably Dr Lyon Playfair, were opposed to legislation on religious instruction and observance in the Act on the grounds that legislation was unnecessary and there was no need to disrupt the accepted ‘use and wont’. Further, if legislation had been introduced this would have led to serious difficulties with some of the denominational schools, especially those of the Roman Catholic and Episcopalians (Hansard, 1872). In the end the Lord Advocate George Young modified Gordon’s proposal and inserted the text above into the preamble.

The limits on religious instruction (and religious observance) and conditions of the conscience clause are set out in section 68 of the Act. The public schools were to be open to children of all denominations and parents could withdraw their children from religious instruction and religious observance without disadvantage to their secular instruction. To facilitate the exercise of the conscience clause, religious instruction and observance were to be planned at the beginning or at the end of the day or at both the beginning and the end of the day. This accommodation in the school day is described by Withrington (1972) as the ‘timetable clause’. Despite some initial anxieties about these arrangements within the Presbyterian churches, religious instruction and observance continued with little interference from the school boards (Stevenson, 2012: 154-155).

Most historians make some reference to some or all of the challenges of the ‘religious issues’ of the 1872 Act. Morgan (1927: 194) explains the transference (and non-transference) of the denominational schools with little additional
comment. He notes the transfer of the majority of Presbyterian schools and the non-transference of the Roman Catholic and Episcopalian schools (ibid: 168). Hunter (1971: 74) comments that the ‘religious question was settled early and amicably in Scotland’ in an historical section of a (then) contemporary account of Scottish education. He refers to the move towards the transfer of the applicable denominational schools and the conscience clause (and to the later developments of the Education (Scotland) Act, 1918). Findlay (1973) takes a similar stance. Knox (1953: 63) comments on the majority of the voluntary schools that transferred after the introduction of the Act: ‘the ease with which this was effected is no doubt attributable to the avoidance of explicit reference to the religious question in the text of the Act’.

Some writers provide other explanations for this settlement of the religious issues, especially the position of religious instruction. Cruickshank (1970: 85) claims that there was little dispute because of the presumption that ‘public' and ‘presbyterian' schools were really synonymous terms. She argues that the ambiguity about the position of religious education was a cause for concern but was ameliorated by teacher training remaining with the churches. The existing Training Colleges were deliberately left out of the Act and the Colleges became practically non-sectarian or non-denominational. More contemporary historians argue that this non-denominational admissions policy was viewed as a means to recruit larger numbers of students (which attracted larger grant money from the government) rather than an ecumenical or egalitarian stance (Hillis, 1996; McKinney, 2020). It is also worth noting two points. First, the Church of Scotland and Free Church Colleges provided reports to the relevant annual General Assemblies of the two churches (Cruickshank, 1970, 86). Second, Douglas (1985) points out that even when the presbyterian Colleges transferred to state control in 1905, the schools were staffed by teachers who had been trained in these Colleges and some would continue to be influenced by this training in their teaching careers.

The 1872 Act is perceived by some academics to introduce a new era in Scottish education that transfers control of education from the churches to the state. Morgan argues that the state took the place of the Church as the ‘official agent of education’ (Morgan, 1927: 165) and non-denominational religious instruction was introduced. Scotland (1969a: 366) proposes that ‘sectarian institutions were never again more than a minority, albeit an increasing one, outside the national system’. Anderson (1995: 69) adds nuance to the narrative that 1872 initiated the era of the 'public school' that was run by the state. He points out that the school boards, representing the local community, ran the schools. The public schools were non-denominational in principle yet the Presbyterian churches and the Catholic church ensured that they were strongly represented on the boards, often by a clergyman. It is estimated that about one quarter of the seats on the boards across the nation were occupied by ministers of religion (Lenman & Stocks, 1972, 95)

McKinney (2019) focuses on the significant complexity in the discussions around the transference of the Presbyterian schools and subsequent attempts to gain legislative security in the provision of Presbyterian religious education. Other historians comment more extensively on the dissatisfaction of the Catholic and Episcopal churches with the conditions of transfer and the profound financial
implications for the maintenance of these schools, especially the Catholic schools, outside of the board school system. The more detailed accounts of these issues tend to be written by historians with a Catholic background and represent a particular set of perspectives or narratives (McKinney and McCluskey, 2019b). These historians include: Handley (1943; 1947); Skinnider (1967); Kenneth (1968); Treble (1978), (1980); Fitzpatrick (1985), (1986) and O’Hagan (2006). Anderson (1995: 94) provides an interesting view on the narrative of the ‘poorly resourced but heroic efforts’ of the Catholic schools. He proposes that the poorly resourced Catholic schools, that permitted no exemption from religious instruction and were used ‘only by Catholics’, prevented Catholic children from escaping the working-class ghetto.

CONCLUSION

There are many reasons why it is fitting to mark the 150th anniversary of the passing of Education (Scotland) Act of 1872. It indicated an acceptance by political leaders, after many years of argument and debate, that the state had a responsibility to ensure that all children had the right to receive an education. In the third edition of his book The State and Education, published in 1914, Henry Craik remarked that ‘in no other sphere of activity has the advance of State intervention, after centuries which saw very little but voluntary effort, been so astonishing’ (Craik, 1914: vii). While religious, voluntary and philanthropic provision had made important contributions in the past, changed social and economic circumstances, as well as humanitarian concern for the welfare of the poor, now required statutory enforcement. It was a massive undertaking, involving major financial, administrative, building and staffing challenges, but it was an important step in modernising educational provision. The parochial system had served Scotland well but its limitations had been revealed by the Argyll Commission and it was time to introduce reforms designed to improve opportunities for all.

It was noted above that early attempts to present education post-1872 as a story of continuous progress representing continuity with the Scottish ‘democratic’ tradition have been challenged by later writers. Morgan, writing in 1927, went so far as to claim that the aspirations of the Protestant reformer, John Knox, had inspired the educational legislation in the late 19th and early 20th centuries: ‘The great Education Acts of 1872 and 1918 are but modern expressions of some of his ideals, others having still to be fulfilled’ (Morgan, 1927: 53). In contrast, Anderson (1995) argued that the discontinuities wrought by industrialisation and urbanisation brought about radical change between 1850 and 1914. Furthermore, this change was accompanied by a cultural shift, from an educational world which was part of Scotland’s religious culture to one which was tied to the state, secular, and pluralistic’ (Anderson, 1995: 296). We have noted some of the ambiguities of this cultural shift. Rural education, which had been central to the parish system, was now relegated in importance, overtaken by the sheer scale of urban provision. The rural ideal, of an inspiring local dominie and hard-working scholars aiming for a university education, remained potent in popular consciousness, but it took on the character of myth, conveniently avoiding some of its less attractive aspects. Smout (1986) has even questioned the ‘democratic’ credentials of Scottish schooling, pointing out that its prevailing ethos
was conformist, disciplinarian and deferential. Those who managed to climb the educational ladder from parish school to university were few in number: the system was one of ‘selective meritocracy’ in which social class divisions were not seriously challenged. While the 1872 Act did not remove these inequalities, it nevertheless represented a significant step in improving the education of the masses and establishing basic standards of schooling for the country as a whole. It is fitting that we should acknowledge its historical importance.

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