

McKinney, S. J., Humes, W. M. and Edwards, R. (2022) Navigating a path. *Open House*, 299, pp. 17-18.

There may be differences between this version and the published version. You are advised to consult the publisher's version if you wish to cite from it.

<http://eprints.gla.ac.uk/269201/>

Deposited on 14 April 2022

Enlighten – Research publications by members of the University of Glasgow
<http://eprints.gla.ac.uk>

Navigating a Path

By Stephen J. McKinney, Walter M. Humes and Roger Edwards

As was noted in the previous article, one of the challenges in the introduction of the Education (Scotland) Act, 1872 was to navigate a path through the contrasting positions concerning religious instruction and observance proposed for the new school system. The new school system would establish non-denominational board (or public) schools that were to be open to children of all denominations. In the preparation for the Act in parliamentary debates, there were different views on the best way forward. Mr E. S. Gordon, a Conservative MP, advocated that religious instruction should be secured by law in the schools through the new Act (Stevenson, 2021). Others, particularly Dr Lyon Playfair, were opposed to any form of legislation on religious instruction and observance located in the Act. This was based on a perception that legislation in such a strong Christian country was unnecessary. There were also anxieties that any form of prescriptive legislation would be potentially highly problematic for the Roman Catholic and Episcopal churches (McKinney and Humes, 2021).

In the end, great care was taken to avoid the inclusion of legislative protection for religious instruction in the new public schools in the 1872 Act. However, there was some concession in the preamble to the Act, inserted by Lord Advocate George Young:

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.

There are two very important points to this part of the preamble. In the first point, parents had the right to withdraw their children from religious instruction and observance without disadvantage to their instruction in the secular subjects. This was described as the 'conscience clause'. Withdrawing children under the conscience clause was to be facilitated, as laid out in

Section 68 of the Act, by religious instruction and observance being timetabled at the beginning or the end of the school day or at both the beginning and the end of the day. In the second point it was affirmed that there was the right to continue accepted practice. This was understood to mean that the practice would continue according to 'use and wont' (though these words are never used in the Act) and in the case of Church of Scotland this meant continuing to use the Bible and the Shorter Catechism.

The reassurances in the Act about 'use and wont' were acceptable to the Church of Scotland. Nevertheless, the initial stages of the transference of the Church of Scotland schools to the local boards was more challenging than is sometimes assumed (Stevenson, 2021). There were residual anxieties within the Church of Scotland about the continuation of religious instruction in the new board schools. By 1878 the Church of Scotland's education committee was satisfied that religious instruction was continuing in most places according to the idea of 'use and wont'. Further, the Church of Scotland was very active in ensuring that it preserved its influence on school education by being represented on the local school boards, often represented by the local minister. Despite disagreement within the dissenting churches in the lead up to the Act, the inclusion of 'use and wont' appeased the Free Churches and the conscience clause and the assurance that religious instruction would not be funded through parliamentary grants was acceptable to the United Presbyterians (Mallon, 2021). It is worth noting that a small number of Church of Scotland and Free Church of Scotland schools survived until the Education (Scotland) Act 1918.

The accommodations of the Act did not appeal to all of the Christian denominations. There were a number of fundamental concerns with the conditions of the Act that led the Catholic Church to reject the idea of transferring their schools to the new board school system (McKinney and Edwards, 2021). First, there was concern that the application of 'use and wont' in the new board schools would effectively mean that many board schools would continue as Church of Scotland schools. Second, there was strong opposition to the timetabling of religious instruction and observance at the beginning and end of the day or at both the beginning and the end. The leading members of the Catholic church believed that religion should be integral to the whole school day and not confined to certain points in the day. Third, there was also strong opposition to the conscience clause. Fourth, the conditions of the

transfer of the schools as presented in sections 38 and 39 of the Act were unacceptable. The transfer of any denominational or voluntary school included the school building, the teacher's house and any land attached to the school, but the conditions did not allow for any financial compensation to be awarded to the denomination or voluntary body that transferred their schools. Later this would be a crucial part of the Education (Scotland) Act 1918 when the Catholic and Episcopal churches would start to transfer their schools to the state system by leasing or selling them. This new and improved arrangement for schools that transferred under the 1918 Act was a major source of contention for the Church of Scotland because there had been no compensation for their schools under the 1872 Act.

Members of The Episcopal Church shared many of the anxieties of the Catholic Church that are outlined above. There was a resistance to the Episcopal schools being subsumed into the new system and losing their unique identity. Additionally, there was scepticism about the ambiguous nature of religious instruction and observance as outlined in the Act and a sense that Episcopal schools would be needed to provide a religious and moral education for the children.

The Catholic and Episcopal churches continued to rely primarily on funding from their own resources to maintain their schools until the Education (Scotland) Act, 1918. There was the additional complication that schooling had been made compulsory under the Act for all children aged 5 to 13 and this increased the school rolls. There were some very uncomfortable comparisons made between these remaining denominational schools and the well-funded and well-equipped board schools. The teachers in both the Catholic and Episcopal schools were more likely to be working with large numbers of pupils in classes in less well-appointed school accommodation and were paid less than their counterparts in the board system. They were often serving a very poor section of the population in Scotland and the schools experienced high levels of absenteeism. It was often very difficult to collect the small school fees. The continuation of these schools required an extraordinary commitment, sacrifice and resilience over a period of forty-six years.

References (full list available on request)

This article draws on the articles by Jane McDermid, Ryan Mallon, Lindsay Paterson, John Stevenson, McKinney and Humes and McKinney and Edwards, published in: '150 Years of State Provision: Re-assessing the Education (Scotland) Act of 1872', special edition of the *Scottish Educational Review*, 53 (2) edited by Stephen J. McKinney and Walter Humes (2021).

Stephen J. McKinney is a professor in the University of Glasgow. Walter M. Humes is an honorary professor at the University of Stirling. Roger Edwards is a researcher and member of Scottish Episcopal Church Historians' group.