

ALD2/2/6/10/2/71

Forum for Peace and Reconciliation

**SUBMISSION FROM
THE IRISH CATHOLIC BISHOPS' CONFERENCE**

January 1996

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FORUM FOR PEACE AND RECONCILIATION

I INTRODUCTION

The terms of reference of the Forum indicate a goal at the heart of the challenge facing Ireland, namely to establish lasting peace, stability and reconciliation and to take steps "to remove barriers of distrust on the basis of promoting respect for the equal rights and validity of both traditions and identities".

The establishment of proper relationships between the two islands, between both parts of the island of Ireland and between the different traditions is one of the greatest challenges and most promising opportunities ever to have been offered to governments and politicians in both islands throughout the long history of our interaction with one another. Our submission reflects on the place of the Catholic Church within that task which is a profoundly religious challenge and opportunity for all the Churches in Ireland.

The traditions may be looked at from various standpoints, political, religious and cultural. It is clear however that the Catholic and Protestant identities, their faith, devotion and practice, have been major elements in moulding the traditions of each community. Each tradition may be seen by some members of the other as something to be feared or suspected.

In almost every culture, religion performs an integrating function through its symbols, rituals, beliefs and organisation. Religious communities are formative – communicating a sense of belonging, transmitting beliefs, values and cultural traditions.

Religion can be distorted so that it is regarded as simply endorsing the existing order of society. It is possible for those in power in a given society to make use of religion to legitimate their own agenda and to reinforce their position.

But religion also plays a prophetic role, challenging believers and society at large to recognise and resist injustice, calling for a sense of responsibility for the weakest, preaching the obligation to welcome the stranger and to be reconciled with enemies.

II DECADES OF CHANGE

In the decades after independence, the southern State was influenced by factors which tended to isolate the country from the rest of Europe. In Northern Ireland, each of the communities, for different reasons, also tended to adopt a defensive attitude, suspicious of anything which would threaten to dilute its inner cohesion. Patrick Kavanagh, in a perceptive line, spoke of "All Ireland that froze for want of Europe"¹. No culture can remain healthy if it is dominated by defensiveness. Cultures, like people, are enriched and developed through their interaction with one another.

One obvious example of such defensive attitudes in the south concerned censorship. As the Irish bishops said in 1985, "Abuse of censorship laws in the past banned as pornography works of serious literature. Injustice was thereby done to some of our best writers and artists.

Harm was done to the country's aesthetic appreciation. We can only look back on these aberrations with embarrassment"². In the North there was a reluctance to value the Irish language and Irish culture.

Surprisingly, these rather insular outlooks coexisted with high levels of emigration and therefore of the creation of family links with every part of the English-speaking world. There was also a great missionary effort in which Catholic orders, some of them newly founded Irish religious congregations, played a remarkable role. They preached the Gospel and worked heroically to develop the social structures of emerging societies, in other continents. Thousands of Irish priests ministered in other English-speaking countries. Today, Irish missionaries and development workers form a notable part of the Irish *Diaspora*.

Defensiveness and isolation produce a culture unprepared for change. They also ensure change will be startling and disruptive when it eventually comes. The 1960s saw the sudden acceleration and expansion of the forces that were to change Irish society so dramatically in the following decades.

These included the beginnings of affluence, increasing urbanisation, participation in the European Community, the growth of foreign travel, the communications explosion. One of the most significant of these factors was the re-emergence of violence in Northern Ireland.

II.i Aspects of Change

At the end of the millennium all of us have an opportunity to reflect on the kind of country we wish to be. If we regard changes and trends as an inevitable fate, then they will shape us, not we them. The world in which we live and the values that we find expressed in it should not be swallowed whole. Each new concept and possibility has to be understood, evaluated and then either welcomed or resisted – or perhaps welcomed in some respects and resisted in others.

The growth of **affluence** in the sixties made possible the alleviation of much grinding poverty, improvements in housing and social conditions, the wider availability of education. These brought with them opportunities for a more dignified and worthy life for many people.

They also, unfortunately, brought a certain insensitivity towards, and unawareness of, the reality of those who remained poor and marginalised. In urban areas there is, all too often, a clear separation between private and public housing. Whole communities are deprived not only of facilities but also in terms of outrageously high levels of unemployment and low levels of educational qualification. Often the only people serving these communities who actually live there are priests and parish sisters, and the clergy of other Christian denominations. Even people of goodwill often have no real understanding of what life is like for those battling to keep health, self-esteem, relationships and family lives intact in the face of quite exceptional difficulties³.

The new prosperity affected the values of those who enjoyed its fruits. Imperceptibly at first, new priorities emerged. New goals and standards came into view, some inconsistent with the values people continued to profess: "For a while everybody in Ireland wanted efficiency and modernisation, everybody also wanted to preserve the old folk-ways and the old folk-values

that had been our laws of life for centuries. 'Frugal Comfort!' said Mr de Valera, thinking of his boyhood. 'Sports cars!' said the young men, thinking of theirs"⁴.

We may welcome many things about the Ireland of the nineties and dread the thought of a return to life as it was in the early decades of this century. It is hard to deny, however, that in many ways the Ireland of today generates less loyalty, less sense of participation in a common purpose, less enthusiasm, less pride, less feeling of belonging. It generates disillusionment and cynicism to a degree that would have been unthinkable in the harsher, less prosperous Ireland of the past.

The new Irish State, once the trauma of the Second World War was over and substantial economic development became possible, began to experience the temptation to model itself indiscriminately on the more prosperous societies surrounding us. This temptation has two aspects: it heightens the attractiveness of economic goals pursued in isolation, and suggests that the features of Irish society which differ from those of surrounding countries should, by definition, be seen as signs of backwardness. Yielding to this temptation leads to a frame of mind that is far from independent and autonomous.

Political freedom is the ability to shape our society according to our own priorities and standards, not those of others. This does not mean being a prisoner of one's past, neither does it mean jettisoning the past: prophecy must spring from memory⁵.

The genuinely creative use of political freedom is not a matter of denying one's heritage but of building on it. This is true of all human creativity. The most individual and creative elements in a poet's work, for instance, are not those in which the writer least resembles anyone else, but those in which "the dead poets... assert their immortality most vigorously"⁶.

Yielding to the temptation to conform uncritically to the surrounding culture would mean failing to value the factors that unite us as a people. In many Western countries the question of what actually unites society is becoming an extremely grave one. Apart from wars and international sporting fixtures there appears to be little that can generate enthusiastic participation. The reality, as Chief Rabbi Jōnathan Sachs has noted, is that "the more plural a society we become, the more we need to reflect on what holds us together"⁷.

The fundamental question facing all of us in Ireland both now and in the immediate future is: Have we got a clear idea of who we are and what we stand for? If not, how can we hope to shape the future of Ireland, both north and south, in a way which reflects our heritage and the priorities which express our values? If not, in what sense can we describe ourselves as free?

In recent years there has been an increasing awareness of the importance of **pluralism and tolerance**. This is the key to arriving at proper relationships between the traditions: "How can the culture which is predominant in a given society accept and integrate new elements without losing its own identity and without creating conflicts? The answer to these difficult questions can be found in a *thorough education with regard to the respect due to the conscience of others*; for example, through greater knowledge of other cultures and religions, and through a balanced understanding of such diversity as already exists"⁸.

The point about convictions is that they matter greatly to the person who holds them. One cannot respect the convictions of others on the basis that it does not matter what their convictions are. Convictions deserve respect because people firmly believe them to be true and important. Anyone who genuinely seeks the truth must respect and value other people's search for truth. Pluralism, far from suggesting that any opinion is as true as any another, is founded in the belief that there is a truth to be found, that the search for truth is a quest worthy of profound respect and its outcome of fundamental importance.

If there is no objective truth, then not merely religion but the whole edifice of society is undermined. It is true, of course, that critical, questioning attitudes have helped to shape Western culture from the beginning, but, as the former Archbishop of York, Dr. John Habgood, has observed, "what they all had in common, though, was the belief that such questioning would lead to a more profound apprehension of truth. The modern crisis of authority lies in the weakening, or even loss, of this shared assumption. There is an awful suspicion in some quarters that there are no universal and objective truths to be found; there is only my truth or your truth, my morality or your morality... The present crisis of authority is that authority is perceived to have no basis; in the end everything boils down to a matter of individual opinion and personal choice"⁹.

A soundly based tolerance cannot be merely a grudging toleration of other views, religious or cultural or moral, only on condition that they are not expressed, and will have no influence, in the public arena. It cannot be based on the notion that religious beliefs and moral convictions are merely private opinions.

It is no accident that a world in which the most fundamental human questions, about the meaning of life, about the foundation of human dignity or about what lies beyond death, are thought to be embarrassing and irrelevant, is a world in which people feel increasingly alienated from public institutions. It is hardly surprising that the more the public arena of politics, economics and technology becomes uncomfortable with these questions, the more people feel that the public arena is not a sphere which demands their wholehearted participation. If the institutions of the State and of public life give the message: "Your beliefs, whatever they are, are of no concern of ours", this is hardly conducive to ******"greater knowledge of other religions and cultures" and "balanced understanding of diversity".

The more such questions are seen as matters of purely private concern, the less capable we become of discussing, understanding and genuinely respecting the beliefs and values of others. The problem then is, as Rabbi Sacks has pointed out, that "pluralism gives rise to deep and intractable conflicts while at the same time undermining the principles by which they might be resolved. It disintegrates our concept of the common good"¹⁰.

III THE NEED FOR DIALOGUE

Dialogue is demanded nowadays by the prevalent understanding of the relationship between the sacred and the profane. It is demanded by the dynamic course of action which is changing the face of modern society. It is demanded by the pluralism of society, and by the maturity which people have reached in this day and age¹¹.

III.i Ecumenism

The Second Vatican Council declared that "every renewal of the Church essentially consists in an increase of fidelity to her own calling... Christ summons the Church, as she goes on her pilgrim way, to that continual reformation of which she always has need insofar as she is a human institution here on earth"¹².

The constant need for renewal has been highlighted in recent years by the painful experience of sinful conduct among some clergy, often wrecking the lives of others. It casts into sharp relief the great discrepancy which is always present between the message proclaimed and the human weakness of those entrusted with its proclamation.

There can be no true ecumenism without a recognition of the need for internal renewal of the Churches and a humble consciousness of all our sins, particularly our sins against unity¹³. Nor must there be any attempt to present the blame for divisions and past conflicts in a one-sided manner. In relation to the dissensions of the past people of both sides were to blame¹⁴.

Conflicts and divisions cannot be attributed simply to personal faults in the past. We must also deal with present mistrust and misunderstanding. Catholic teaching speaks of "social sin", expressed through structures and attitudes which contribute to conflict and injustice. These sinful structures and attitudes can range from the vocabulary of prejudice and stereotyping, to polemical historical interpretations, to a cynicism which would "take refuge in the supposed impossibility of changing the world"¹⁵.

There is an obligation to "repent of", that is, to seek to overcome, socially sinful structures and attitudes, including those which perpetuate division, even if these have been inherited without personal blame. All Christians are called to re-examine together their painful past and the hurt which it continues to provoke today.

Catholics have an obligation to seek to profess the Catholic faith and to explain its teaching intelligibly, fairly and accurately, while being open to hearing, respecting and learning from the opinions and the contrasting historical experience of other religious and cultural communities.

This can be a sign of hope and reconciliation. In Ireland, as elsewhere, intolerant polemics and controversies have made incompatible assertions out of what was really the result of two different ways of looking at the same reality** (insert ref.) "As we Catholics become converted to Christ", said Cardinal O'Fiaich, "we shall become more conscious of the presence of Christ in our Protestant neighbours"¹⁶.

While much has already been achieved in the area of ecumenism in Ireland, much remains to be done. Progress has not been uniform or evenly diffused. Nonetheless, both at local and at Church leadership level, there is much co-operation.

There is sustained international dialogue on theological questions and much progress has been made. In Ireland, the Churches share an inter-church structure - **The Irish Inter-Church Committee** - which meets several times a year. This committee organises the annual Irish

Inter-Church Meeting. Its Department of Social Issues recently produced a study on *Sectarianism* and its Department of Theological Questions is completing a report on *Freedom, Justice and Responsibility in Ireland Today*. A special committee monitors difficulties which might arise in the area of inter-church marriages (See also Annex 1 to this submission).

The **Churches' Peace Education Programme** is a shared legal entity jointly sponsored by the Irish Council of Churches and the Irish Commission for Justice and Peace. The CPEP has developed an integrated ecumenical programme for the design, development and diffusion of peace education curriculum materials at primary and secondary level, addressing such potentially contentious issues as the Churches and Worship, Violence and Non-violence, and Human Rights.

III.ii Religious Liberty: Freedom and Truth

Vatican II's **Declaration on Religious Liberty** embraced the principle of immunity from coercion in matters of religious belief, not as the lesser of two evils but as a positive good and a fundamental right¹⁷. It moved decisively from a position of mere toleration to the affirmation that religious freedom is required by human dignity.

The Church has always insisted that nobody should be coerced into believing. Vatican II recognised, however, that at various times members of the Church have acted in ways which ignored that principle¹⁸.

It is of the very nature of religious truth that it cannot be imposed. Pope John Paul II has declared that "*truth imposes itself solely by the force of its own truth*". To deny an individual complete freedom of conscience ... constitutes a violation of that individual's most personal rights ... It is *on the level of conscience* that the difficult task of ensuring a firm and lasting peace is most effectively confronted¹⁹.

Religious liberty in the full sense is more than the right not to be coerced into holding particular beliefs. It is based on the right and duty of searching for the truth about the ultimate meaning of human existence. It is based on the right and duty to seek, to celebrate and to communicate one's understanding of the purpose and destiny of human life.

Freedom is our ability to recognise the truth and to deal with reality as it is. Freedom *from* the truth would be a contradiction in terms: "In a world without truth, freedom loses its foundation."²⁰

In Ireland today the link between freedom and truth makes it important to acknowledge the truth about past violence. People have suffered bereavement, maiming, terror, intimidation, injustice of many kinds. The building of a peaceful future requires that some way be found to recognise those wrongs and the suffering they gave rise to.

It is necessary to go beyond a shallow defensiveness which regards differing convictions about religion and morality as inherently divisive and sectarian, to a recognition that real dialogue is grounded on respect for the beliefs and convictions that mean most to others. It involves explaining to one another the truth we have discovered, or think we have discovered, to assist each other in the quest for truth²¹.

The need for dialogue concerns more than the Churches. There appears to be a steadily deepening mutual incomprehension between religious and secular approaches to Irish society. There will be little real meeting of minds in a society which lacks a common language to discuss the major questions facing it in the area of human rights and dignity, in defining a common purpose or coming to a vision of the common good²².

III.iii Human Rights

An understanding of the basis and the development of human rights is central to the evolution of community relations and political dialogue in Ireland.

The basis of the international edifice of human rights is stated in the UN Declaration of Human Rights [1948]: "... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

The Declaration did not set out the ethical, anthropological and philosophical grounds for the rights it proclaims. Indeed, it could not have done so. The world has moved no nearer a consensus on that question in the succeeding fifty years.

The Biblical revelation in no way denies or diminishes the fundamental human rights which flow from human nature created by God. Rather it provides a context which deepens and reinforces those rights.

The Catholic Church believes that fundamental human rights exist before their formulation in any law. They precede and transcend any political structure or any legal provision. They do not flow from anything that a person achieves or owns or does, but simply from the dignity that belongs to every human person. They include the right to life, to physical integrity, to the means necessary for the proper development of life – food, clothing, shelter, health care and so on. The State is obliged to guarantee fundamental rights. As John XXIII said in *Pacem in Terris*, "the human person is... entitled to juridical protection of his or her rights, a protection that should be efficacious, impartial and inspired by the true norms of justice"²³.

The Church believes that human rights can in principle be discerned by every human being since they deal with basic truths about the person. In-depth exchange about basic issues of human life with everyone is a fundamental requirement if we are to build a true culture of human life²⁴. The Catholic Church is committed to the view that such a dialogue is possible.

In what concerns the right to life, for instance, the value at stake can be grasped by the light of reason; thus it necessarily concerns everyone. When the Church declares that unconditional respect for the right to life of every innocent person – from conception to natural death – is one of the pillars on which every civil society stands, "she wants simply to promote a human State ... which recognises the defence of the fundamental rights of the human person, especially the weakest, as its primary duty"²⁵.

The concept of a Bill of Rights is, therefore, very much in harmony with the social teaching of the Catholic Church. The precise contents of such a Bill would obviously require careful discussion. It should not confine itself to political rights but provide for social, economic and other rights as well.

While emphasising the importance of human rights, we have also to see that divisions like those which exist in Ireland cannot be overcome on the basis of justice and human rights alone. Each community has real grievances and has suffered real injustice. Building peace requires everyone to move beyond strict rights and be ready to forgive. It requires us to seek forgiveness even at the risk of being rebuffed and offer forgiveness even at the risk of being exploited.

Forgiveness cannot be demanded as a right or enforced by law. It is essential to breaking the various logjams in our situation and will be inspired only by religious and moral convictions. Such attitudes have to be fostered in families, churches and communities before they infuse political structures and policies.

Without a religious and moral underpinning for the basis of human rights the necessary emphasis on equality can sink into individualism and the justified demand to vindicate one's rights may become a cold and unfeeling "justice" with no room for forgiveness²⁶.

All Christians believe that God's mercy is the foundation of our hope and of human freedom. The freedom of the children of God is founded in the act of being forgiven. That is why the New Testament repeatedly declares that we are not entitled to refuse forgiveness to those who genuinely seek it (e.g. Mt 6:12, Mt 18:23ff, Lk 11:4, Eph 4:32). Because our response is not simply to the offender, but to God who has forgiven us²⁷, forgiveness is a duty: "The Lord has forgiven you, now you must do the same" (Col 3:13). Because our freedom in its deepest meaning is a call to move towards God in love, we have a duty to act towards others in a way they have no right to demand.

IV THE CHURCH IN SOCIETY

Since it is sometimes said that the Catholic Church is an obstacle to reconciliation and the development of a pluralist society it might be useful to make some points about the relationship between the Church and society.

In modern society there is a danger that people may be suffocated between the two poles represented by the State and the marketplace. At times it seems as though the individual exists only as a producer and consumer of goods or as an object of State administration²⁸.

In this context, the role of the family and other intermediary communities which strengthen the social fabric and prevent society from becoming an anonymous and impersonal mass is vital²⁹.

IV.i Citizenship and the State

The State is not the whole of society, nor do the obligations of citizenship at all exhaust a person's moral responsibility. A century ago Pope Leo XIII was already stressing the limits

inherent in the notion of the State. He frequently insists on the necessary limits to the State's intervention and on its instrumental character, inasmuch as the individual, the family and society are prior to the State, which exists to protect their rights, not stifle them³⁰.

It is directly in the interests of the State and of good citizenship to acknowledge the priority of the individual, the family and society. The family is the first and most important agent of socialisation, playing a virtually irreplaceable role in the individual's moral, psychological and social development.

Unless the State is to become totalitarian, it has to recognise that the values animating it must be developed and refreshed by sources beyond the scope of political power to command. There is an essential area of personal, familial, communal, and social freedom in every society which is, and must remain, outside the control of the State. The health of the State, however, depends on the health of those areas of freedom.

The principle of subsidiarity, long a characteristic of Catholic social teaching, is now espoused by the European Union. It points to the importance of enabling individuals and groups to exercise without unnecessary interference or control the responsibilities and initiatives which they can competently discharge.

The virtues and values of family living – mutual respect, trustworthiness, fidelity, fairness, tolerance, sharing, responsibility for one another – are equally fundamental if the State is to function well. The State however can do little to create and develop them: they grow first of all in families, then in local communities, in churches and other religious groupings, in any setting where people can meet, free to reflect on their real concerns and share their real beliefs.

If such virtues are lacking in a family – and they can be shockingly lacking, in a family which, for instance, is violent or abusive – it can be much more difficult for children to develop the trust and openness, the concern for others which healthy social living requires.

The need for a political structure follows directly from the political and social nature of human beings. Society and the groups constituting it have need of the State to provide for the common welfare and the common good and to enable each person to contribute to an broader implementation of the common good.

The service of the common good is the full justification, meaning and source of the State's specific and basic right to exist³¹. It is the common good which, according to the Irish Constitution should guide the people of Ireland from whom, in the last analysis all powers of government derive, under God, and whose right it is "in final appeal, to decide all questions of national policy, according to the requirements of the common good"³².

The Catholic Church describes the common good as "**the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully and more easily**". This requires three elements: a) respect for the person, b) the social well-being and development of the group and c) peace³³. There is nothing "sectarian", or even specifically religious, about this description.

Our faith requires that we be concerned that others should "reach their fulfilment". It consequently requires that Catholics should be good citizens, co-operating with the State in serving the common good.

The citizen's duty to obey is not, however, absolute. The State does not always serve the common good. While our century has seen sad abuses of power, mostly by tyrannical regimes, would those crimes cease to be crimes if, instead of being committed by unscrupulous tyrants, they were legitimated by popular consensus?³⁴.

It would be a fallacy to imagine that a democracy is incapable of being oppressive. Even in participatory systems of government, the regulation of interests often occurs to the advantage of the most powerful, since they are the ones most capable of manoeuvring the levers of power and manipulating consensus³⁵.

IV.ii Morality and Law

In the light of the principle of religious liberty, the Church does not demand of the State that it should favour Catholic religious tenets or incorporate Catholic moral teaching, simply because it is Catholic moral teaching, in law. What the Church claims for itself is the right publicly to express its beliefs, and to be allowed to seek to show the value of its teaching for the organisation of society and the inspiration and enrichment of human activity.

The Catholic Church, as any religious community, is entitled to freedom in several areas: to proclaim the Gospel, to make known its social teaching, to comment on the moral implications of policies and proposals relating to the political or social sphere whenever human rights or the salvation of souls requires it, and freedom to manage its internal affairs.

This is **not** a claim to political authority, although it is often misunderstood – or misrepresented – as such. It is a claim to participate in the life of the community. If this were not accepted, it would amount to denying the members of the Church, or of other religious groups, the right to participate on an equal basis.

Some people may believe, and some may wish to believe, that the bishops speak only in the imperative mood. A reading of their collective statements shows that this is simply untrue. The interventions of the Bishops' Conference in public debate have for many years been careful to indicate the basis on which they were made. In what concerns the civil law it is not a question of seeking to impose or enforce Catholic moral teaching: Twenty years ago the Bishops' Conference stated that in matters of this kind – as far as state law is concerned – the question to be decided "is the impact which a change in the law would be likely to have. Would it tend to change the character of society for the worse, to weaken the family, to make decent living more difficult for the young? This is the type of question which has to be faced by legislators or, in the case of a proposed change in the Constitution, by the electorate as a whole"³⁶.

The Catholic Church approaches such questions on the basis both of faith and of reason. While the faith perspective is substantially shared with Christians of other denominations, it is on the basis of reason that such positions must be argued in the public forum. They are,

therefore, open to debate, reflection, questioning and refinement in the same way as arguments put forward from other sources.

IV.ii.a Morality in the Public Sphere

In fidelity to their consciences, Christians are joined with the rest of humanity in the search for truth and for right solutions to the many moral problems arising in individual and social life³⁷. That search involves reflecting on human rights, on communal values, on the actual situation of people who are marginalised or vulnerable. Faith communities contribute significantly to developing and maintaining the values which can stimulate the search for right solutions.

The Catholic Church continually addresses a wide range of issues which have moral implications. It does this in various ways: for example through the Bishops' Conference and its Commissions, through statements of individual bishops, through documents and activities of many Church-related bodies. In recent years official Church statements have dealt with such questions as prison conditions, criminal justice, civil legal aid, juvenile justice, social welfare policies, third world questions, the environment, refugees, and of course the Irish conflict. Among the most substantial statements of recent times was a pastoral letter on the right to work and on the evil of mass unemployment³⁸.

The Catholic Church at all levels is continually solicited by a wide range of groups for support on many issues, often with explicitly political implications. A genuinely pluralist society would welcome the sincere expression of views from any source on any issue.

In influencing moral and social issues, the Church does so most importantly through the convictions of its members, whose faith inspires in them attitudes of justice, integrity, concern for the vulnerable, and who bring those attitudes to bear on every area of Irish life.

IV.ii.b Morality and Human Rights

Political and legal endorsement would be inappropriate for propositions based solely on religious grounds, since these, by definition, call for free and uncoerced acceptance by individuals.

Other propositions, however, can have a claim to be respected in the social and legal sphere. The statements that torture is wrong in all circumstances, that false witness is to be condemned, that the environment is not to be recklessly destroyed, can be justified in the light of Christian revelation, but they also have a rational basis.

The principle, for example, that it is always wrong directly to destroy an innocent human life implies a claim that it should be universally enforced. The fact that the principle is endorsed by religious communities does not make this a solely religious or denominational claim.

The stance of the Catholic Church on the right to life, and in particular on abortion and euthanasia, is based on the fundamental right to life. The Catholic Church supports the same position in every country, irrespective of whether that position commands sufficient support to enable it to be embodied in legislation.

On questions of how civil society should protect human rights the Catholic Church is no more, but equally no less, entitled than any other group in society to express itself and to indicate how it believes that the law and policies of the State can best serve the common good.

IV.ii.c Morality and Civil Law

Anyone who struggles to apply general moral principles to political life knows that this is often a complex and difficult process. In many areas of economic and social decision-making a legitimate variety of options may be open to each Christian. Christians who seem to be in opposition as a result of starting from different options should try to achieve a mutual understanding of the other's position and motives³⁹.

The purpose of civil law, however, is "to guarantee an ordered social coexistence in true justice... for this reason, civil law must ensure that all members of society enjoy respect for certain fundamental rights which innately belong to the person, rights which every positive law must recognise and guarantee"⁴⁰.

People of good will may sometimes disagree about even very basic rights. Those who claim that something is a fundamental human right are claiming that it ought to be respected and vindicated. They are obliged to try to ensure that the right is acknowledged by society. There may remain the question of the precise content of the right asserted and the political question of determining the most appropriate and effective way to respect and vindicate it.

It may, on occasion, be right for the civil authority to choose not to prohibit something whose prohibition would give rise to even greater harm. It may also be permissible for a legislator to support proposals aimed at limiting the harm done by an unjust law if he or she judges it impossible, at least for the moment, to repeal it. It can never be right to seek to legitimise the violation of a fundamental right such as the right to life⁴¹.

There are many morally wrong actions which it would be inappropriate for the civil law to prohibit. Every person has moral obligations which have no direct bearing on the State or on his or her role as a citizen. Even in what concerns more public activity, what would be best in the abstract is, in the concrete case, not necessarily the best way to serve the common good. Legislators have to hold many different and often conflicting elements in balance. These would include respect for the deeply held convictions of citizens, whether of a minority or of the majority, the need for law to be seen as reasonable and equitable and for it to command peoples' respect and assent, the advancement of peace and reconciliation.

V TO BE AT HOME

The challenge before us is to build an Ireland in which people of different traditions and different social conditions may be at home. They should be able to feel accepted, in the whole of their individual and group richness, as equal participants in Irish society.

Nobody should be made to feel that the sincere expression of their values and convictions is inadmissible, except in the rare cases where this would be harmful to public order or violate

the rights of others. None should be made to feel that they are tolerated only at the price of hiding their identity – a price summed up in the telling phrase coined by Jews who felt obliged to keep their convictions private, "*incognito ergo sum*"⁴².

V.i Respecting Minorities

Every country has minorities. People may be a minority in one situation, a majority in another. Unionists are a minority in the island as a whole as are nationalists in Northern Ireland. The establishment of proper relationships on this island is very largely a problem of respecting minorities.

To reduce democracy to the rigid implementation of the will of the majority can produce an oppressive situation for minorities.

A democratic majority decision is not *ipso facto* right. Whether a given democracy is functioning morally or not depends on the morality of the ends it pursues and the means it employs. Such values as each person's human dignity, respect for inviolable and inalienable rights and the adoption of the 'common good' as the end and criterion regulating political life are fundamental⁴³.

Individuals do not exist and grow in isolation; their identity is tied up with the overlapping groups – familial, social, cultural, ethnic and religious – to which they belong. Recognition of the dignity of the person involves a recognition of these groups, which are entitled to a collective identity that must be safeguarded, in accordance with the dignity of each member⁴⁴.

Alongside respect for the individual and for groups goes the principle of the fundamental unity of the human family. This requires that we should seek to approach ethnic, national, cultural and religious differences as possibilities for the enrichment and strengthening of unity rather than as sources of conflict and division. To assume that difference is necessarily "divisive", "sectarian", "bitter" is actually to despair of pluralism – and of democracy.

Respect for those who are different is the litmus test of true patriotism, rather than extreme and unhealthy caricatures of patriotism based on contempt for other nations and cultures. Genuine love of one's own culture and tradition goes hand in hand with respect for other traditions.

One obstacle to that respect in Ireland today is the growth of what has been called the "culture of contempt". This is the fruit of many factors: the tendency uncritically to dismiss the past and admire what is contemporary, the outcome of scandals and disillusionment in the religious, political and economic arenas; the realisation that one's own tradition has been used to justify horrific deeds; a sense of inferiority which too easily assumes that one's tradition has little to offer in today's world.

The creative interaction between traditions which should give life and vibrancy to Ireland cannot occur unless people value their own culture and history and they share with others, who equally value theirs. It cannot take place by ignoring or suppressing or being ashamed of the various traditions.

V.ii Education

If political institutions fail properly to value the role of human communities such as families, voluntary associations and religious bodies, they would impoverish the political structures themselves. This is a particularly important consideration in education.

It is in such communities that people can grow to understand the meaning and challenge of integrity, and learn their own worth; that they can learn to relate to others, that their basic moral concepts develop. Moral convictions, religious beliefs, philosophies of life, are not created by any political structure or policy. Subject to its duty to preserve public order and morality, the State has no right to judge among the varied approaches which exist towards these questions among its people. At the same time, without the integrity and commitment which grow from these attitudes to life, the State could not function.

That is why it is important that parents and pupils should not be expected to leave their faith and traditions behind them when they enter the education system. Parents should be entitled, within reason, to choose a school in which their understanding of life is fully lived and fully at home.

Education is about the development of the whole person and so should be conducted primarily in the context of those human communities in which the person is most fully him or herself, in which one's fundamental approach to life can be naturally and freely expressed. Genuine pluralism does not seek to force the different groups into a single educational mould. It fosters the richness and diversity of the various strands – cultural, religious, ethnic and so on. This is the approach taken internationally by such bodies as the Organisation for Security and Co-operation in Europe and by the United Nations.

In the context of seeking a lasting and stable peace in Ireland, it would be useful to require of all who are involved in providing formal education that they should perform a systematic audit – for example as part of a school plan – of how they are addressing the roots of division, prejudice and conflict. This audit might also seek to ensure that, as far as possible, the education systems on the island are an active force for better understanding, tolerance and mutual respect.

V.iii Education for justice and reconciliation in N.I.

Catholic schools in NI accept their responsibility to foster reconciliation. This is grounded on a philosophy of education which seeks to integrate faith and intellectual development, seeing religious faith development as central to the full development of the person and therefore to the curriculum. It believes that the formation of persons who are fully developed – religiously, intellectually, morally and culturally – makes for a better society.

The most important emerging area for Catholic, and all, education is the growing emphasis on education for justice, globally and locally, whereas Governments are tending to move towards an increasingly prescribed curriculum which emphasises the utilitarian and downgrades values education, both individual and social.

A "justice" approach to the role of education in helping to achieve lasting peace and reconciliation in N. Ireland must include not only an immediate focus on reducing intolerance and prejudice but a longer-term focus on two main aspects: firstly, working on those economic aspects which can be influenced through education, e.g. vocational education, nursery education, raising standards of achievement, increasing employability; secondly, working through the EMU (Education for Mutual Understanding) programme towards the creation of a generation able jointly to discern the root problems and to work together at solving them. It will take at least a generation of well-planned work before the communities can see each other as equally victims of the past and thereby empower each other to co-operate in building a new society.

Recent developments in the control and management of the Catholic maintained schools open up further possibilities. The day-to-day management of schools has been transferred to Catholic lay people, people from outside the Catholic community and nominees of the Dept. of Education (N.I.), leading to a culture of openness and accountability. Strategic management has been transferred to a statutory body of professional education officers, following the creation of the Council for Catholic Maintained Schools (on a basis agreed between the Catholic Trustees and the Dept. of Education). This means that the Catholic school system is able to be organised and proactive in working for reconciliation in a way not possible ten years ago.

Much of the work of CCMS relates to the promotion of peace and reconciliation. A number of inherited negative factors have to be overcome, however, including the serious level of underachievement in Catholic maintained schools, particularly among male pupils from economically deprived areas, and the underfunding of Catholic schools as highlighted by the 1989 report of the Standing Advisory Commission on Human Rights.

These factors created perceptions of inequality, alienation and estrangement, leading to feelings of lack of self-worth and powerlessness, especially in young men from areas of social and economic disadvantage. CCMS has given this issue priority; steps taken so far include setting up a Business/Industry Advisory Group, advising on the development of vocational education and a report on expanding nursery education. The Council's main strategy for fostering peace and reconciliation through schools is to break the cycle of underachievement, underemployment, socio-economic deprivation, hopelessness and alienation by working to build a community in which a good educational formation and a sense of self-worth empower individuals to play a full and constructive role in society.

The continuation and development of EMU has the highest priority for the CCMS. For Catholic schools, seeking cross-community relations with other schools is not an option but an obligation. The schools and teachers under CCMS management are fully committed to promoting peace and reconciliation and their efforts, along with those of other schools, have been publicly acknowledged by the Government.

(see also Appendix 2, Education in Northern Ireland)

V.iv Fair Employment in Northern Ireland

In 1976 Catholics comprised about 35% of the 16-64 age group (the group most directly affected by unemployment). This percentage is now about 40% and continues to rise. While much has been done to address the vexed questions surrounding employment, they remain of considerable concern to the Catholic community.

In 1973 a government-appointed working party found a "... general acceptance of the validity of the basic assumption....that religious discrimination exists to some degree as a fact of life in employment in Northern Ireland today (and)...widespread agreement in principle that where it exists it ought to be dealt with in the interests of social justice and human dignity, and of the social stability which is a prerequisite of economic expansion in Northern Ireland" (Van Straubenzee, par.11).

In 1976 the Fair Employment (Northern Ireland) Act 1976 was enacted and the Fair Employment Agency established to promote equality of opportunity and work to end discrimination. In 1989 the duty of promoting affirmative action was added and the Agency re-named as the Fair Employment Commission ("FEC") and given wider powers.

Since 1976 the two bodies have sought to carry out their statutory duties in the public and in the private sectors. Discrimination in employment is now more difficult because of the Fair Employment Acts (which made direct discrimination illegal in 1976 and indirect discrimination illegal in 1989), promulgation of a recognised Code of Practice and the availability of recourse to the Fair Employment Tribunal, which can adjudicate on claims of unlawful discrimination and award compensation. Individual cases of discrimination, however, still occur.

It has proved more difficult to secure equality of opportunity, or fair participation, in employment between the two communities.

In 1971 a Catholic male was 2.6 times more likely to be unemployed than a Protestant male. The 1991 Census still showed the unemployment rate among Catholic males to be 2.2 times higher than among Protestant males; Catholic females were 1.8 times more likely to be unemployed than Protestant females. The average unemployment rate for Catholic males in that year was over 28%. The situation had improved a little by 1995 but after 25 years Catholic men are still more than twice as likely to suffer unemployment as Protestant men (FEC Report, 1995)

Although the overall percentage of Catholics employed has increased from 34.9% to 37.3% between 1990 and 1994 the percentage of Catholic males employed remains as low as 34.2% compared with their 40% share of population. Clearly some years will elapse before their share of jobs is likely to match their share of population.

To address this continuing substantial disparity the Standing Advisory Commission on Human Rights ("SACHR") recommended in 1987 that the differential between male Catholic and male Protestant unemployment rates be reduced from 2.5 times to 1.5 times within five years as an interim target. The then Minister (Peter Viggers M.P.) found the target not ambitious enough and hoped to do better. Over eight years later the differential is still more than twice.

Another important imbalance is in the most senior ranks of the N. Ireland Civil Service (Assistant Secretary and upwards, the new Grade A1). In 1973 there were only 8.4% Catholics in this (7 out of 83). By 1985 the percentage had actually fallen to 5.9% (7 out of 119). The Catholic percentage then gradually increased, amounting in 1992 to 17.1% (26 out of 152). About 1990 a target was set to increase the Catholic percentage to 20% by 1999. This was revised in 1992 to 25% by the end of 1996.

Clearly this is the most important group of officials in the Civil Service. It is essential that the Catholic community be fully represented at this level where many major policy decisions are made. The problem is that appointments usually come on promotion from within the Civil Service. In the immediate feeder grade (A2), there were 22.4% Catholics in 1993 and 22.9% in the next grade (B). These imbalances suggest it will take a very long time to reach a proportion of 40%, or even 35%, in the A1 grade.

Overall in general terms of poverty and deprivation the Catholic community is certainly worse off. Many deprived areas in Northern Ireland however suffer greatly from high unemployment, lack of amenities and facilities, leading to social unrest. A number of these areas are Protestant and face the same difficulties as their Catholic neighbours. School leavers particularly face unemployment, sometimes eased by part-time, often low-paid jobs without realistic chances of advancement.

V.v Prisoner issues.

We acknowledge the complexities involved in defining victims and also the great progress shown by victims and their representative groups. Many are not interested in retribution. Many have said that they just want to know the truth and have their suffering acknowledged. The current situation offers an opportunity to develop new initiatives in relation to crime prevention and criminal justice matters, particularly prisons.

Central to this is the need to facilitate the integration of ex-prisoners and those at risk of offending into our community, while recognising the different needs and skills of those convicted of politically related offenses, those involved with drugs or in ill-health, those on the margins of society and so on.

Concerns already widely raised remain crucial: transfer of prisoners, prison conditions, and prisoner releases. So far little or no use has been made of the possibilities now open under the Convention for the Transfer of Sentenced Prisoners. Prison conditions for Republican prisoners have deteriorated since the cease-fire and families have spent almost 2 years without seeing their prisoners because of oppressively closed conditions for visits.

The issue of prisoner release is important to the peace process; discussion of release or amnesty, however described, is complex and fraught and should be coupled with discussions on concern for victims, the right to truth, young people in prison, and the requirements of justice. Differing degrees of progress on release have been made in the different jurisdictions, and the lack of progress in some areas has produced a growing disillusionment among prisoners and families.

The potential for goodwill in the treatment, transfer and release of prisoners is great, but all parties should resist linking prisoner release to other issues. Both governments must move on prisoner transfer, set reasonable release dates for Republican and Loyalist prisoners, and simultaneously address victim concerns.

V.vi Policing

Policing in Northern Ireland is directly relevant to the Forum's concerns. The equity, fairness and justice of policing has always been a divisive issue of fundamental importance between the communities. As long ago as 1969 the Hunt Committee emphasised the difficulty of policing in a divided community. The ceasefire provides an opportunity to effect changes necessary then and equally necessary today.

It is now widely accepted that changes must and will be made in the structure, control and management of the police service. It is equally clear that major aspects of the future structure and the political and democratic control of the police force will be matters for negotiation and discussion between the political parties and the two governments during talks on the peace process.

Among the critical matters which must be considered in ensuring the fullest possible public confidence in the police force itself are the following:

- the position of the Police Authority and its relationships with the Secretary of State and with the Chief Constable are extremely important, particularly during this interim period. A way must be found to ensure that an accountable, acceptable and efficient police service will not be compromised.
- the RUC has to be made more acceptable to potential Catholic applicants, a higher percentage both of Catholic applicants and of Catholic appointees ensured, and a force really integrated in terms of community background secured;
- all aspects of policing must be, and be seen to be, just and equitable.
- the powers of the Independent Commission for Police Complaints must be strengthened in relation to its own power.

V.vii Social Justice

Religious and political differences in Ireland have perhaps obscured the underlying structural divisions arising from socio-economic forces. Social and economic divisions in Ireland run as deep as any between the two traditions. They may prove more deep-rooted and difficult to overcome than political and denominational ones. Lasting peace cannot be secured without a radical improvement in the area of social justice, North and South.

Ending violence and securing political agreement will not, on their own, be enough to consolidate peace. There is a feeling of insecurity and exclusion among many in Ireland which is not the result of politically-motivated violence. It springs from many sources, including sustained high unemployment, the loss of job security, poverty, the drug culture and

the growth of crime (especially assaults against the person), greater isolation and uncertainty for the elderly, worries about health care.

The greatest source of insecurity is perhaps the dismantling and erosion of economic, social and cultural structures in "post-industrial" society. Many people have benefited from the changes that have occurred, but there are many victims, especially the unskilled and the unemployed.

The belief that free enterprise is the most efficient engine for economic growth has become widely accepted. Free enterprise has however at least one major weakness from the moral and political viewpoint – it does not contain within itself a mechanism to ensure that wealth will be distributed justly. Left to itself, the system rewards only those who can play an active part in it. Social policies may attempt to rectify some of the defects of the system but cannot of themselves adequately address the phenomenon of exclusion.

The Catholic Church has a long tradition of providing services for the community, especially the poor and marginalised, where public provision was absent or inadequate, in promoting community development, and in insisting on a concept of the common good which embraced all members of society. Church members and leaders now face new challenges in carrying on that tradition in order to play their part in responding to new social needs and new forms of injustice. The Church at all levels will strive to do this in full partnership with other elements of the voluntary sector and with statutory bodies.

The hope of universal justice and peace is no utopian dream; it is the purpose of God. Injustice will not, as one might fear, prove ultimately to be more powerful than justice, nor hatred more powerful than love. For those who trust in the love of God the effort to build universal human solidarity will not be in vain⁴⁵.

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27. Cf. SYNOD of Bishops, *Justice in the World* [1971], no.34.
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31. GS 74.
32. Bunreacht na hÉireann, 6.1.
33. GS 74, cf. Catechism of the Catholic Church 1906, 1907-1910.
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37. GS 16.
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Appendix 1

Mixed Marriage Regulations in Ireland

Intended as background information only

1. Pre 1970

Prior to 1970 both parties in a mixed marriage were required to give a guarantee. The non-Catholic partner was required to guarantee to respect the faith of the Catholic spouse. Both were required to guarantee that all the children of the marriage would be baptised and brought up as Catholics. These guarantees had to be given normally in writing (1917 Code of Canon Law, Can. 1061). The Catholic partner was required to "*work prudently for the conversion of the non-Catholic spouse*" (Can. 1062).

The same applied in the case of a marriage between a Catholic and an unbaptised person (Can. 1071).

The main difference between the two situations is that a marriage between a Catholic and a baptised non-Catholic without a dispensation is valid but illicit whereas a marriage between a Catholic and an unbaptised person without a dispensation is invalid.

The marriage consent had to be exchanged before an authorised priest and two witnesses with a minimum of ceremonial and always without Mass (Can. 1094, 1102).

An automatic excommunication was imposed for violations of the law regarding the celebration of a mixed marriage and the baptism and education of the children (Can. 2319).

2. Post 1970

In 1970 Pope Paul VI relaxed these laws in a number of respects:

- (1) the word "**guarantees**" is no longer used;
- (2) the Catholic partner – and the Catholic partner only – is required to make a **declaration** that he/she is prepared to remove dangers of defecting from the faith and a **sincere promise** that he/she will do all that he/she can to have all the children baptised and educated as Catholics;
- (3) the non-Catholic partner is to be informed in good time of this promise by the Catholic but is not himself/herself required to make any promise;
- (4) it was left to the Episcopal Conferences to decide **in what manner** the declaration and promise are to be made – in writing, orally or before witnesses;
- (5) local Ordinaries may dispense from the canonical form in cases of grave difficulty and Episcopal Conferences are to devise norms governing this matter;
- (6) the marriage ceremony is to be that in the Roman Ritual and in the case of a marriage between a Catholic and a baptised non-Catholic this may take place, with the Ordinary's consent, during Mass;
- (7) the excommunication contained in the 1917 Code is abrogated.

– (Motu Proprio *Matrimonia Mixta*)

These provisions were repeated in the **1983 Code of Canon Law** (1124–1129).

The Irish Episcopal Conference decided that in Ireland the declaration and promise by the Catholic partner could be made orally or in writing. In a 1983 **Directory on Mixed Marriages** the Bishops explained the promise about bringing up the children as Catholics thus:

"The second (promise) is to do everything one can, in the total context of the marriage, to pass on (the Catholic) faith to one's children and to have them baptised and educated in the Catholic Church.....How (the Catholic partner) succeeds in practice in the particular marriage depends not only on the Catholic's efforts, but also on the agreement and co-operation of the other partner" (emphasis added).

This was further explained by the **Directory for the Application of Principles and Norms on Ecumenism** issued by the Pontifical Council for Promoting Christian Unity in 1993:

"In carrying out this duty of transmitting the Catholic faith to the children, the Catholic parent will do so with respect for the religious freedom and conscience of the other parent and with regard for the unity and permanence of the marriage and for the maintenance of the community of the family" (par 151).

The 1983 **Directory** of the Irish Episcopal Conference points out that the obligations undertaken by the Catholic partner in a mixed marriage "*apply to all Catholic spouses whether they marry a Catholic or not*".

In 1991 the Irish Episcopal Conference revised the standard **Pre-Nuptial Enquiry Form** with a view to situating it within the pastoral preparation for marriage as distinct from seeing it merely as a canonical investigation to establish the couple's freedom to marry one another. In this pastoral context every Catholic's acceptance of the Christian understanding of marriage, their obligation to preserve and practise their faith and their responsibility to have all their children baptised and brought up as Catholics are important.

— For that reason, the present Pre-Nuptial Enquiry includes the following questions to be asked of all Catholics:

- (6) *Do you accept that marriage has been instituted by God and made a sacrament by Christ?*
- (7) *Are you resolved to remain steadfast in your Catholic faith and to practise it regularly?*
- (8) *Do you promise to do what you can within the unity of your partnership to have all the children of your marriage baptised and brought up in the Catholic faith?*

This has one important implication as far as the promises made by the Catholic partner in a mixed marriage are concerned. The declaration and promise are already contained in the answers to these questions. For that reason they are not made again in the application for a permission/dispensation for a mixed marriage. The result is that at the present time in Ireland nothing more in the way of undertakings is required of the Catholic partner in a mixed marriage than is required of Catholics marrying one another.

Church documents over the past 25 years (e.g. the 1993 **Directory**) have authorised the presence of a Catholic priest or deacon at a mixed marriage celebrated with a dispensation from canonical form and permit the priest or deacon to say additional prayers, read from the Scriptures or give a blessing. Likewise a Catholic priest may invite the minister of the party of the other Church to participate in the celebration of the marriage, to read from the Scriptures, give a brief exhortation and bless the couple.

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Appendix 2

Education in Northern Ireland

In 1930 arrangements made between the Churches and the Government of Northern Ireland introduced, in effect, two separate systems of education, now called the "controlled" system (for the Protestant Churches), and the "maintained" system (for the Catholic Church). Initially only primary education was involved but, in 1947, intermediate (now secondary) education also became available.

Under the "controlled" school system the Protestant churches transferred, on terminable leases, almost all their Church schools to Local Education Authorities ("LEAs") under agreed arrangements which entitled the Protestant Church trustees to nominate "not less than on half" of the members of the School Committees (later Boards of Governors) of those "transferred" schools and, additionally, of each and every primary or secondary school built by the LEAs and, after 1972, by the successor Education and Libraries Boards ("ELBs"). Those majority nomination rights continued unchanged until 1984 since when the Protestant Church trustees have had the right to nominate four members to each nine member school Committee or Board of Governors. The Protestant Church trustees, since 1930, have also had statutory rights to membership of all LEAs and, since 1972, to all ELBs. All capital and recurrent costs of extending, maintaining and staffing the transferred schools as well as the entire costs of building maintaining and staffing all the new controlled schools have, since 1930, been borne entirely by public funds and at no cost to the Protestant community.

These arrangements allow the Protestant churches reasonable control over the management of all controlled schools in Northern Ireland and some control over the appointment of teachers. Additionally arrangements were put in place to provide bible instruction.

Under the "maintained" school system, since 1930, Catholic Church trustees became entitled to obtain, on terms defined by statute, a capital grant of 50% towards the approved cost of establishing a new, or of extending and renovating and repairing an existing, primary or secondary school which would be managed by a Manager (generally the Parish Priest). The trustees had no statutory rights to membership of any LEA but, since 1972, have had rights to membership of all ELBs.

In 1947 the capital grant available on maintained schools was increased by 65% of approved cost.

Between 1930 and the mid 1970s the Catholic community invested many millions of pounds in the maintained school system. No other community in Northern Ireland had to make any contribution to the capital costs of primary and secondary education. In 1977 Dr. John Benn (former Permanent Secretary, N.I. Department of Education), estimated that the Catholic people of Northern Ireland had contributed "far more than £10m." to their maintained schools during the 29 years between 1948 and 1977. In today's money terms £10m. in 1977 represents more than £30m. this estimate did not include contributions between 1939 and 1948. In later years the grants on maintained schools were increased, to 80% in 1968, to 85% in 1974 and, in 1993, to 100%. Since 1968 the maintained schools have been managed by a school management committee or by a Board of Governors to which the Catholic Church trustees nominate members, a majority until 1993 but, now under 100% funding, four members out of nine, one of whom must be a parent of a pupil attending the school.

A third system of education, the "integrated" system was introduced about ten years ago and became fully grant aided from 1989. It is the statutory duty of the Department of Education for Northern Ireland ("DENI") "... to encourage and facilitate the development of integrated education, that is to say the education together at school of Protestant and Roman Catholic pupils" (Art.64 (1) of the Education Reform Order (NI) 1989).

Teachers' salaries in all cases are fully funded by DENI as are all recurrent expenses although a report covering five years from 1981 to 1986 published by the Standing Advisory Commission on Human Rights ("SACHR") in June 1991 indicated an appreciable underfunding of recurrent expenditure for maintained schools when compared with controlled schools.

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