

## PE1623/R

Petitioner letter of 16 December 2016

We respond here to the specific arguments raised in submissions to the Committee. To avoid repetition, we present some relevant general points, before dealing with the individual submissions.

### General points

1] Several submissions refer to the presence on the Education Committees of other non-elected members, such as parent, teacher, and pupil representatives, and Council officials. We would have no objection to the presence of religious representatives **on the same terms**, i.e. by invitation of the elected members, and non-voting.

Religious representatives hold the *only* positions within the entire Scottish government structure that are not answerable to the electorate or their chosen representatives. They are chosen without reference to the general public, and then imposed on Councils regardless of the wishes of the elected members; none of the submissions opposing our petition address this central fact.

2] (This matter was raised in Committee): the [minutes](#) of Falkirk Education Committee for September this year show that the religious representatives there do vote on divisions, including divisions on topics not directly related to religion, and we have verified that this is also the case elsewhere.

3] It is claimed that the religious representatives are independent, non-political, and broaden representation by their presence. We disagree on all counts. They may be independent of party, but that is only because they are independent of the electorate, and we do not see that as a strength in a democracy. They are, instead, totally dependent on their nominating Churches, and pursue those Churches' agenda in Committee. Fully one third of the representatives are clergy, and there is no reason to regard the others as more broadly representative than the elected Councillors.

4] Our opponents refer extensively to the importance of religion. Religion is indeed important, and so are many other things, such as science and physical health. We trust our schools and the Education Committees that supervise them to teach pupils about science and health, without imposing on them representatives of the Royal Society of Edinburgh or the local Health Boards. Why this strange need for supervision by special interests when it comes to religion?

5] The petition is criticised for singling out religious representatives, as if this were an attack on religion. This is a straw man argument. Religious representatives are not singled out by us, but by the uniqueness of their situation. They are insulated from the discipline of the ballot box, and are the *only* persons so privileged within the

entire Scottish government structure. We would object on the same grounds if there were similar protected positions for the irreligious.

[The Scottish Government response](#) represents a significant change from [its earlier position](#) when responding to PE01498, a closely related petition 3 years ago. Their more recent response makes interesting use of the past tense (“was viewed as providing support to the authority”) and while stating that there are no plans for change, now stops short of declaring support for the status quo. The new response also invites the Scottish Secular Society to take part in the current consultation on education. We will of course do so. However, we are concerned in case the two processes (petition and consultation) interfere with each other, since we regard the subject of the present petition as a free-standing issue.

### **Submissions from the Consortium of Scottish Local Authorities, the Equality and Human Rights Commission, and the Scottish Parent Teacher Council**

[COSLA](#) appears neutral, denying excessive influence by the religious representatives, but making no arguments in their favour, and referring, as if by contrast, to the broader question of community representation (see [1] above).

We regard [EHRC](#) as supportive, reiterating [their earlier position](#). This specifies three issues under the Equality Act, specifically the need to:

- eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

and states that “the Commission believes that, as concerns have now been raised, an appropriate course of action for Scottish Ministers may be to assess whether these provisions and the policies and practices which flow from them meet the requirement to give due regard to the three elements of the Equality Duty listed above.”

We agree, and note that none of these issues have been addressed by any of the opponents to our petition, nor by the Scottish Government in its responses to date.

The [Scottish Parent Teacher Council](#) completely supports us on the central issue that the Churches should not have the right to appoint voting members of the Committees, and is generally in favour of membership of these Committees being broadened. It makes a number of detailed recommendations to that end, but these lie outside the scope of our petition.

### **Other submissions in support**

With one exception, individual submissions from a range of backgrounds and belief positions are strongly supportive; we let these speak for themselves. Note that [Iain](#)

[Campbell](#) is founder of the Western Isles Secular Society, while [Janet Briggs](#) is Secretary of the Glasgow Unitarian Church.

Michael Zimmermann, of [Clergy Letter Project](#), is rightly concerned about the disproportionate influence of science-denying fringe Churches. As emerged in Committee, what matters here is not merely that such views are educationally unhelpful, but that they are unrepresentative, so that their empowerment demonstrates fundamental flaws in how the system operates.

[Edinburgh Secular Society](#) draw attention to the lack of progress since they first raised the matter in 2013. They point out that the Churches have not owned the schools since 1872, now represent a minority of the population, and that their representatives are unelected, unaccountable, and use their influence to further their special interests. One example is the frustration of attempts to set up joint-campus schools. Those who wish to pursue such a divisive policy should do so by standing for election.

[Glasgow Theosophical Society](#) supports the petition on general grounds, and is specifically concerned “that the present arrangement does not support non-religious individuals and groups or promote the views of rational philosophy in shaping educational learning.”

### **Hostile submissions**

Although our general points (above) anticipate many of the arguments against us, we prefer to discuss the hostile submissions in detail for completeness, and in case we appear to acquiesce. We apologise for the unavoidable length of this section, and make repeated references to General Points [1] through [5] in an attempt to minimise repetitiveness. The one hostile submission from an individual, [Andrew Strachan](#), has already been discussed in Committee.

[Church of Scotland](#) accuses the petition of selective quotation from an outdated document. We had in fact intended to quote in full at greater length, to avoid such an accusation, but were advised by the Clerks to be selective for reasons of brevity. The petition gives the full citation to the source we used, and unfortunately the Church of Scotland does not provide a reference to the current version.

Turning to matters of substance, CofS denies, despite having itself introduced the term, that its position is one of privilege, but states no reason for this view, other than its own benignity. It denies that its representatives are “unelected”, since it considers its internal process (which it does not describe) to be a form of election. This completely misses the central point, that the representatives are not answerable to the general electorate. CofS refers to its 1.7 million adherents (less than a third of the population, and even this according to figures cited in the petition is an overestimate), but gives no details of how they are involved in the process, which we suspect of being restricted in practice to a handful of highly active members. It also

asks how the petitioners know that the 37% (latest figures give 52%) of non-believers are unhappy with the Church of Scotland representatives. This is irrelevant to our arguments, but we could equally well ask what makes the Church imagine that nonbelievers would be happy with the situation if they knew about it, as most do not?

The CofS submission draws the usual misleading analogy between the religious representatives and co-opted Council members (see [1] above), and makes the unsupported claim (see [3] above) that its appointees broaden democracy and make it more participatory.

Finally, the submission denies our claim that present practice “violates equality by excluding non-believers, and many believers”, on the grounds that some small faith groups also have representatives in some districts, such as the Bahai in Shetland. We do not follow the reasoning here. How is an atheist, or for that matter a Bahai, in Glasgow, rendered any less excluded from the making of the decisions that affect them by the fact that there is a solitary Bahai religious representative taking part in decision-making, 300 miles away?

The [Scottish Catholic Education Service](#) claims that “[T]his current petition is discriminatory in nature against religious bodies as it refers solely to unelected Church representatives.” For refutation, see [5] above. It is worth repeating that our objection is not to their being Church representatives, but to their being unelected, imposed, and voting.

The Catholic Education Service refers to the “many unelected members” of Education Committees; for our response, again, see [1].

“Church representatives ... operate on a non-political basis and therefore make a valuable and objective contribution to the local community.” For rebuttal, see [3].

Unaware of the self-contradiction, the Catholic Education Service in its very next paragraph describes its Church’s representatives as committed to the pursuit of a very specific agenda, saying that “their role in doing so is seen by the Church as vital to the welfare of Catholic schools.” This passage shows a marked lack of confidence in the ability of Catholic voters to look after their own interests. The reality is that we will have Catholic schools as long as there is demand for them, but here the Catholic Education Service seems to be demanding protection over and above this.

The Catholic Church submission also refers to the legislation independently ensuring the continued existence of denominational schools, the legal requirement that the Catholic Church must, like other interested parties, be consulted over Council education policy, and the special entrenched role of the Catholic Education Service and the Council of Bishops in the management of Catholic schools. These are presented as reasons for the continued presence of the Catholic Church representatives on Education Committees, whereas on the contrary they are reasons for regarding those representatives as redundant. Nor do they excuse the fact that

nominees from all churches have, and use, the right to vote on all matters of educational policy, whether their own denominations are particularly affected and indeed whether or not religion is specifically involved (see [2] above).

[Interfaith Scotland](#) reports that “diverse traditions support having a religious voice on Education Committees to ensure a balanced and nuanced approach to education in Scotland which includes an understanding of the potential religious needs of an increasingly religiously diverse Scotland,” and go on to speak of the role of faith groups in Scottish society. In response, we refer to [4], and also raise again the implied neglect of the educational needs of the nonreligious. To the extent that the religious do have special educational needs, these can surely be met, and generally are, from the religious community’s own resources.

Finally, Interfaith Scotland aspires to greater inclusiveness, as in the examples (also cited by CofS) of Bahai and Muslim representatives. This is mere tokenism, since religious views are so diverse that it would require an enormous commitment to accommodate them (how many different representatives would be needed merely to accommodate the diverse Presbyterian groups in Glasgow, for example?)

[The Muslim Council of Scotland](#), MCS, claims that religious representatives do represent the majority of the population. This is no longer true, but is in any case irrelevant to the issues of discrimination and lack of democratic accountability. MCS deplores sectarianism, prejudice, and hate crimes, and argues for mutual understanding. Few would disagree. It further states “We believe that it is vital that the views of all faith and belief groups, are taken into account to inform committee decisions. Therefore, we would like to see wider representation where views of all faith groups are considered.” This is an interesting agenda, but it cannot possibly be achieved by representation of all groups. For instance, within Scottish Islam alone there are at least two major groups (three if one accepts the claim of Ahmedis to be regarded as Muslims), each with its own internal divisions. MCS suggests dealing with this problem by having one faith group speak for several others. We don’t see how this could possibly work.

MCS refers to “the very human values adopted by the Scottish people, over the years such as wisdom, compassion, integrity and justice,” and the role of religion in developing these. Yet the relationship between religion and morality is, as we point out in the petition itself, debatable, and the suggestion that religion is necessary for appreciation of these values is deeply offensive to non-believers. MCS recognise that many elected Councillors belong to religious communities, but notes (correctly) that that is not the sole determinant of how they vote. But why should it be? MCS claim that the religious representatives are not unelected, since they are elected by their own faith groups; for rebuttal see our response to this argument as advanced by the Church of Scotland.

MCS further states “This petition singles out religious representatives on Education Committees. Other Local Authority Committees, in fact the practice of the committee system as a whole, invariably include unelected voting members representing other bodies”. This is not true. In the cases that we have examined, the other nonelected members are always non-voting. Moreover, they invariably derive their mandate to serve from the elected Councillors; see [1]. MCS states that the religious representatives’ contributions are “often greatly appreciated”. Maybe. Under our proposal, if Councils do indeed appreciate such contributions, they have but to ask for them. MCS then repeats the argument from the alleged diversity of religious representatives; here, again, see [3].

To summarise this section, our opponents use, repetitiously, a limited range of by now familiar arguments, none of them addressing the core issues in ways that will stand up to examination.

## **Conclusion**

We rest our case on broad principles of democracy, equality, and fairness. In this we are supported (SPTC), or at least not opposed (COSLA), by those most directly affected, while EHRC agrees with us that the questions we raise require an answer; we are also supported by some religious groups and all but one individual commenters and respondents. As might be expected, we are opposed by those organisations whose undemocratic privileges we seek to remove, but their arguments will not stand examination. The system we have inherited is anti-democratic, unfair, and discriminatory. Changing demographics only underline its anachronistic nature. The time is ripe for change.