

## LUX EDMUNDI: REFLECTION: OCTOBER, 2015

The Education Act 1998 does not use the word “ethos”. It uses, instead, the phrase “characteristic spirit”. The *Shorter Oxford English Dictionary* defines “ethos” as “The characteristic spirit of a culture, era, community, institution, etc., as manifested in its attitudes, aspirations, customs, etc. ...”. The Education Act (s. 2 (1)) states that “‘characteristic spirit’ means the characteristic spirit referred to in section 15 (2) (b)”. The latter provides that, in discharging its functions under the Act, the Board of Management of a recognised school shall, *inter alia*, “uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school and at all times act in accordance with any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school (*ibid.*)”.

Though we have expert commentary on this section of the Education Act (see, e.g., Dympna Glendenning (2012), *Education and the Law*, 2<sup>nd</sup> ed., Dublin: Bloomsbury Professional, 6.33-6.37, pp. 282-285), we do not yet have any court decision as to its meaning. For all recognised schools, perhaps for faith-based schools especially, it will be interesting to see how the judges will explain and balance the duties of the Board to the Patron, on the one hand, and, on the other, to the Oireachtas. It will also be interesting to see how they will analyse and interpret what is meant by the phrase “the objectives and conduct of the school”. The lay reader would take “objectives” to refer to the ends of a school, its stated purpose(s) and “conduct”, to its operation, or, as the *SOED* puts it, its “Leadership, command, management ... The action or manner of carrying on a proceeding, business, etc.; management; ...”; to what are, in effect, the means by which its ends, its stated purpose(s), are attained. It may be, therefore, that, under the law of the land, the “characteristic spirit”, the “ethos”, of a school will be deemed by the courts to be “determined”, not just by the values espoused, and the principles enumerated, in, say, its Mission Statement, or in its Charter, but by those values and principles which, overtly or covertly, actually govern the day-to-day, on-the-ground, implementation of the school’s policies in respect of, say, admissions, the education of persons with special educational needs, behaviour. It may be, therefore, that, eventually, court decisions may require us to establish empirically what we may call the “hidden curriculum” and constrain us to give that due weight in any discourse on our school “ethos”.

Irrespective, however, of what the courts may one day require of us, we who now govern, manage, lead and/or serve Catholic schools, must ensure that the discharge of our respective functions is really and truly informed by the Gospel, the Good News proclaimed in and by Christ Jesus. It is imperative that we do “what it says on the tin”, that we be Catholic, Christ-like, Christ-thinking, Christ-speaking, Christ-doing, true to our respective founding charisms, Charters, Mission Statements, not just in what we say, but in what we do and in how we do it. If we are not, we must surely merit the judgement of the Saviour on the scribes and Pharisees: “Well did Isaiah prophesy of you hypocrites, as it is written, “This people honours me with their lips, but their heart is far from me; in vain do they worship me, teaching as doctrines the precepts of men” ’(Mk 7:6-7)”.

“Search me, O God, and know my heart! Try me and know my thoughts!

And see if there be any wicked way in me, and lead me in the way everlasting (Ps 138: 23-24)”.

“Put false ways far from me; and graciously teach me thy law! (Ps 118:29)”.