

The law on Religious Education: a Midrash

We are nearly all agreed that the law on religious education in England needs to be reformed. To address the task of reform, this piece uses the textual and legal method of Midrash. First by offering commentary on the text of the current law, and next by absorbing the impact of the commentary into the law itself to change it, I hope to show how we can move on from our current impasse. I invite critical commentary on my text, in hopes of continuing improvement.

The current law

At the heart of our impasse is the provision in the Education Reform Act 1988, Section 8(3), repeated in the Education Act 1996 Section 375(3) and the School Standards and Framework Act 1998 Schedule 19(5). The wording has not changed. Many RE professionals can quote it from memory:

‘Agreed syllabuses must reflect the fact that religious traditions in Great Britain are in the main Christian, whilst taking account of the teaching and practices of the other principal religions represented in Great Britain.’

As a profession, our reasons for wishing to change this law are multiple, so first some critical commentary is necessary.

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Our brief Midrash has revealed that the current law seems riddled with problems:

- The Agreed Syllabus system is a problem of outmoded stakeholdership in a changing educational polity.
- The relationship between the syllabuses and the demographic realities, captured in the word ‘reflect’, is vague.
- That the limit of the demographic reference point is Great Britain seems inadequate in a globalised world.
- That the demographics have changed, making ‘nones’ rather than Christians the largest group, renders the current requirement out of date.
- That there is an implied hierarchy of religions to be taught seems inimical to the spirit of dialogue and respect.
- Lastly, there can be no legal formula that excludes any religious or non-religious belief system or philosophy of life from the curriculum.

One other worrying consideration is that even this law, inadequate as it is, fails to reach most schools with a religious character. In those schools, religious teaching is entirely within

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Comment [1]: The system of agreed syllabuses is collapsing because of academisation, and is in any case hugely wasteful and undemocratic, attracting the wrong set of stakeholders to RE. We need a new law that governs what actually happens in schools.

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Comment [2]: What does it mean for a statutory curriculum document to ‘reflect the fact’? It is usually assumed to impose some quantitative rules on RE, ie a larger share for Christianity. It is hard to find a replacement for ‘reflect’, and I am not sure that my suggested replacement (see ‘A new law’, below) works.

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Comment [3]: Why should RE be determined by religious traditions in Great Britain? We are living in a globalised world, one in which religious and cultural tensions are causing great threat. Global challenges and benefits affect this country.

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Comment [4]: This is no longer the case.

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Comment [5]: One can note the implied hierarchy and condescension of ‘whilst taking account of...’.

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Comment [6]: One is puzzled by the singularity of teaching and the plurality of practices. Surely both should be plural?

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Comment [7]: There has long been some fuzziness over what the ‘principal’ religions might be. DfE lawyers once opined that it must refer to the ‘big five’, thus leaving ancient and influential philosophies such as Zoroastrianism outside the law.

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Comment [8]: Human Rights legislation in the UK requires us to reinterpret the meaning of this to include non-religious world views as well. Thus RE must, even according to the present law, ‘take account of’ non-religious world views such as atheism, humanism or existentialism, as well as religious ones.

the hands of the religious authorities; and while some faiths make entirely proper use of this arrangement, others do not. Some permit instances of ignoring religious diversity or teaching scorn and contempt for other religions. This is intolerable, yet the present law and regulations seemingly cannot prevent it. Beyond that, our country is now facing a serious threat of global organised religious violence and hatred on an unprecedented scale. We must fashion the cultural and educational tools to guard against it, and to promote religious literacy.

A new law

So the law on RE needs a new heart, one that goes with the grain of school-led educational reform, and is clear, global, reflective of the nation's traditions and of modern realities, respectful of difference, and compliant with equality requirements. What follows is a suggested successor:

'Religious Education in all maintained schools must teach the fact that Britain and the world are religiously and philosophically diverse. In RE, all schools must teach knowledge and understanding of Christianity and a range of other religions and philosophies. They must teach about how theological and philosophical ideas and traditions change over time, how a range of ethical ideas can be applied, and how texts can be interpreted in different ways. RE programmes must promote respect, openness, scholarly accuracy, reasoning, and critical enquiry.'

There may be plenty to disagree with in this proposed new law; I look forward to critical comments and suggestions from readers.

This short Midrash has only addressed one facet of RE's legal basis. Questions about the name of the subject, the right to withdraw, the future of SACREs and agreed syllabuses, and the provision of initial and continuing professional development, are all important too. Yet somehow I feel that this new law, or something like it, is the key to our progress.

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