Rendering Unto Caesar: Reconciling Liberal Principles With the Requirements of Roman Catholic School Board "Expectations for Graduates"

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ABSTRACT: I discuss potential ethical issues for an educator required by a publicly-funded Ontario (or similar) Roman Catholic School Board employer to teach students such that when they graduate they will be "discerning believer[s] formed in the Catholic Faith community who celebrate[s] the signs and sacred mystery of God's presence through word, sacrament, prayer, forgiveness, reflection, and moral living" (1998, p. 5). I contrast the moral responsibilities of a Catholic religious studies educator with the moral responsibilities of a public school educator who is guided by principles of liberalism as characterized, primarily, by some of the works of Will Kymlicka.

RESUME: Ici, j'aborde les questions éthiques possibles auquel un enseignant a dû faire face parce qu'un conseil scolaire catholique de l'Ontario financé par le public (ou équivalent), en tant qu'employeur, lui a demandé d'enseigner aux étudiants de façon à ce que lorsqu'ils obtiendront leur diplôme, ils puissent "discerner le(s) croyant(s) formé(s) au sein de la foi catholique qui célèbre les signes et le mystère sacré de l'existence de Dieu par les mots, les sacrements, les prières, le pardon, la la pensée et la bonne moralité" (1998, p. 5). J'oppose ici, les responsabilités morales d'un enseignant dans les études d'un milieu catholique, aux responsabilités morales d'un enseignant d'une école publique qui est, lui, dirigé par les principes de libéralisme comme il est, avant tout, précisé dans certains travaux de Will Kymlicka.

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moral living." (Province of Ontario, Department of Education, *Catholic Schools Graduate Expectations Statement,* 1998, p. 5)

Introduction

Teachers in the Roman Catholic School system in Ontario can find themselves in conflict as they attempt to reconcile the principles of the liberal-democratic government that legitimizes the system in which they teach with the requirements of the Roman Catholic Church's mandated program of religious studies education as instituted in their schools. The potential for conflict extends to all teachers in this system – not only those teaching religious studies – since the *expectations for graduates* [1] appears intended to apply across the curriculum. This paper focuses on the potential ethical dilemmas these teachers could face as they attempt to honour the liberal-democratic rights as well as the religious/cultural rights of their students, while remaining faithful to the terms of their employment with their Roman Catholic School boards. By extension, I also address the theoretical ability of the Roman Catholic Separate School system (RCSS) to effectively insist that its students' adhere to – and enact – Roman Catholic religious beliefs while remaining faithful to the core liberal principles that help frame the liberal-democratic context in which it delivers education for its secular employer. At issue is the ability of the Catholic system to "render unto Caesar the things that are Caesar's and unto the Lord the things that are the Lord's" [2] without compromising the ethics of its educators.

My paper focuses on specific ethical issues that could arise for an educator working in a publicly-funded educational institution under a Roman Catholic Separate School Board's pedagogical and educational policy, where the latter is predicated on teaching for specific religious beliefs and related, required, behaviour, in the context of Canadian liberal-democratic pluralism as represented by one of its leading theorists, Will Kymlicka. I recognize that other understandings of liberalism exist and that a number of political philosophers may well disagree with Kymlicka's views on liberalism. However, Kymlicka bears the distinction of speaking specifically to issues in Canadian contexts, especially as they relate to our uniquely Canadian pluralistic society. I suggest his international stature as a political philosopher and his national prominence as an adviser to Canadian governments have imbued his work with sufficient authority to serve as a defensible sole source in matters related to Canadian liberalism.

To further circumscribe the terrain, I do not implicate any educational institutions private or public that include curricula designed to teach *about* religion, since it is broadly recognized that this form of religious education is mostly uncontroversial.[3] In short, I will examine the excerpt from the vision statement quoted above against relevant aspects of Will Kymlicka's theory of liberalism with the purpose of determining whether or not teachers in the Ontario RCSS, in acting as agents for the state in the delivery of publicly-funded education are or can be in line with core liberal principles.

Structure and Approach

I start by unpacking the controversial subtext of the opening quotation to highlight the kinds of issues and contradictions that may point to specific liberal principles. I then examine Kymlicka's theory of liberalism to identify the key principles related to these issues. I organize my analysis by suggesting and critiquing possible defenses of the RCSS board policy in terms of: a) arguments from freedom of religion, and b) arguments from minority-group-culture/community. I then examine the principal charge from liberalism based on an argument from autonomy that could challenge RCSS board policy. Finally, I explicate some of the ethical issues that arise from my conclusions for educators in the Roman Catholic School system.

Unpacking the Opening Quotation

This paper would be an empty exercise were it uncontroversial that graduates of the RCSS are *expected*[4] to be "discerning believer[s] formed in the Catholic Faith community who celebrate[s] the signs and sacred mystery of God's presence through word, sacrament, prayer, forgiveness, reflection, and moral living" (Ontario Education, 1998, p. 5). However, in establishing this requirement for graduates, the RCSS would appear to be effectively discriminating against students on the basis of their religious beliefs or lack thereof, which would infringe on the liberal principle of freedom of religion (explicated below). This may not be controversial relative to students who are registered as Catholics, but it would seem to be problematic for those non-Catholic students who are legitimately entitled to register as students in a Catholic school (under conditions set forth below) since the expectations for graduates does not exempt them from the expectations for graduates, quoted above. Without such an exemption, it appears possible (if improbable) that

students could qualify for graduation on the basis of their academic performance, yet be denied a diploma were they to choose not to believe – or fail to demonstrate their beliefs – in the Roman Catholic religion.

On one reading, whether or not the RCSS boards are acting as agents of a liberal-democratic government while stipulating a specific religion that a student must adhere to as a condition of graduation from their schools, they would appear to be in breach of The Ontario Human Rights Code as described in the Government of Canada's Canadian Heritage websites's updates to the *Ontario Report on the Convention on the Rights of the Child*, which prohibits children from discrimination on the basis of "Creed" (Government of Canada, 2009, article 2). The same document stipulates that "children cannot be forced to accept or comply with religious beliefs or practices and measures that may be required to facilitate the practice of religious observances (Article 14).

That RCSS boards are in fact acting for the government seems to preclude the possibility that they are exempted from the Code; however, the Code specifically states that it "shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the Constitution Act, 1867 and the Education Act (Ontario Human Rights Code, R.S.O., 1990, Sec. 1)," nor does the Code "apply to affect the application of the *Education Act* with respect to the duties of teachers (Sec. 2)." On the face of it, RCSS boards and all Ontario teachers appear to have been granted a blanket dispensation from the Ontario Human Rights Code. Yet, in a move that appears to work against its own parochial interests, the Toronto Catholic District School Board (TCDSB – and perhaps other Catholic boards) nonetheless *defers* to the Ontario Human Rights Code in its board policy on "responsible citizenship," which precludes discrimination on the basis of creed (gender, sexual orientation, etc.) (Toronto Catholic District School Board, 2001, p. 9). So, where the TCDSB might have accepted the Code's exemptions, it chose instead to endorse contradictory – if laudable – policy guidelines: a teacher who follows board policy to teach for religious beliefs will at the same time be contravening the Ontario Human Rights Code and the board's own policy on "responsible citizenship" by effectively discriminating on the basis of creed.

Further muddying the context, RCSS boards are permitted to develop their own religious education program, which would seem to mean developing discrete courses or programs apart from the mandated provincial curriculum.[5] However, the course profiles guidelines of the

Toronto Catholic District School Board, for example, state that *all* courses are to be "aligned to mandated expectations *including the Ontario Catholic School Graduate Expectations*" [italics added] (2005b, p. 13). In the parlance of the genre, the TCDSB requires religion to be taught across the curriculum, which seems to contravene the Education Act, as it provides for a religious studies curriculum exemption only; and, as shown above, it also appears to contravene its own policy on "standards of behaviour."

Additionally, RCSS boards are required by legislation to accept non-Catholic students whose parents or guardians have elected to direct the education portion of their property taxes to their local RCSS board. This requirement would appear to complicate the RCSS boards' expectations for graduates, however, which would imply – on the face of the matter – that non-Catholic students must effectively become Catholic as a condition of graduating from the system. Although it is unlikely that any student has been so treated, such a possibility is not precluded by the overt vision statement of the RCSS and its registration policy effectively ignores the issue.[6] Implicating the matter further, whereas the Ontario Education Act allows a "Roman Catholic board [to] establish and maintain programs and courses of study in religious education for pupils in all schools under its jurisdiction"(Ontario Human Rights Code, R.S.O., 1990, c.31, s.28, ss. 52), it also provides for exemptions from religious studies for non-Catholic students who cannot access their desired program in a public high school, or who must attend an RCSS because they are unable to attend a public high school where "it is impractical by reason of distance or by reason of physical handicap, mental handicap or multi-handicap"(c.31, s.20, ss. 11a, b). Finally, in a directive that seems clearly to contravene the RCSS board's expectations for graduates, the Act states that secondary students in schools operated by Roman Catholic boards can clearly be exempted from programs of religious study where their parents or guardians apply to the board in writing, requesting such an exemption (c.31, s.20, ss. 13).

Yet there is nothing in the RCSS boards' expectations for graduates that seems to allow for these exemptions. For example, I have been unable to find provisions where RCSS boards exempt students from its expectations for graduates where that student has been exempted from religious studies courses, as allowed by the Education Act. It would seem to ask a great deal of a non-Catholic student, for example, to meet the expectations for graduates had this person no knowledge of Catholicism prior to registering at an RCSS, and further had been exempted from

religious studies programs during his or her term there prior to graduation.[7] Given the apparent conflict between RCSS board policy and the Education Act, the question arises as to whether, in allowing or turning a blind eye to the RCSS graduate expectations, the provincial government is abrogating its responsibility to uphold the rights of a child (student) as stipulated in the Ontario Child and Family Services Act, which requires children to be consulted – relative to their ability to understand the issues – in decisions on their behalf that are related to education and religion (Ontario Human Rights Code, R.S.O., 1990, c. C.11, s.107). [8]

Unpacking the Unpacking

In attempting to contextualize teachers in the question relative to their ethical duties and responsibilities, I have shown that the intersecting, overlapping legislation and school board policies and directives represent a train-wreck of opposing principles and requirements that may well be used to justify opposing views with equal force. Ethical terrain illuminated by such cross-purposed principles seems an ideal platform for equivocation, and thus would not be conducive to ethical decision-making predicated on the equitable application of principles of justice. The contradictory patchwork of exemptions and *ad hoc* legislation that appends to the delivery of the RCSS religious studies component of its curriculum in Ontario serves to underscore the value of interpreting the ethical duties of teachers in this system through the lens of Canadian liberal-democratic principles rather than by attempts to extrapolate their ethical duties from the murky legal context in which they work. Thus, I will now move to examine the question of the status of the over-arching liberal-democratic rights of students and teachers in a RCSS and the concomitant ethical duties and responsibilities of the teacher to uphold these rights. In doing so, I will be taking the discussion out of the RCSS context to ferret out general principles that apply to many different contexts, of which the RCSS will be just one. However, the intent is to demonstrate to educators in the RCSS the principles they could employ to resolve ethical dilemmas from a liberal perspective, wherever and however else they might apply.

RCSS: Schools or Churches?

A public school board is relatively straightforward in its composition and mission: it is a legal entity charged with overseeing public schools; with

delivering a broadly-applicable curriculum across racial, religious, cultural, and ethnic differences in a way that is as equitable as possible for all involved. *Ad hoc* ethical details related to a public board's operation are continually being raised and discussed in terms of applicable liberal principles, and although arguments can be brought to show that its secular stance is neither neutral nor without an agenda (see, for example, Lang, 2007), it tends not to be in conflict with other secular philosophies – whatever they might be – and it nevertheless provides relatively clear principles from which educators may inform ethical decisions. As a creation of a liberal-democratic plural society, it is predicated on liberal principles of justice, *tout court*. For example, students in the public system are neither prevented from nor required to hold any religious belief – or a belief in secularism, for that matter – as a pre-condition for their graduation.

The status of a school system operated by a religion on behalf of the larger liberal society however, is considerably less straightforward – especially when it *does* require its students and staff to hold and act on specific religious beliefs. Setting aside the constitutional and legislative authority of the Roman Catholic Church to operate public schools in Ontario, what liberal principle(s) justify the RCSS in Ontario? There appear to be two main possibilities, a) principles related to religious rights and, b) principles related to minority rights. Because the RCSS system is predicated on Roman Catholicism, it might claim a right to set its expectations for graduates under the liberal-democratic right to freedom of religion.

According to Will Kymlicka, a prominent scholar of liberalism in the Canadian context, liberalism is clear and unequivocal about religious rights: "It is impossible to overstate the importance of freedom of association, *religion*, speech, mobility, and political organization for protecting group difference" [italics added]. Furthermore, Kymlicka claims that religious rights include the right "to promote their views to the wider population " (1995, p. 26). On this view teaching for beliefs – even to non-Catholic students – might be taken as legitimate promotion, at least in the broader context of society. However, if the RCSS is acting as an agent of a liberal-democratic government in delivering public education, it is not clear that it can "coat-tail" its religious rights into the classroom. In doing so, it would appear to be standing on the authority of the government while promoting one religion over all others, which would seem to grant it an unfair advantage over other religions that are excluded by law from establishing similar deals with the government in

our plural society. There are Canadian precedents for religions receiving exemptions regarding schooling. Kymlicka claims that religions that establish schools as a prior negotiated right of citizenship are uncontroversial:

> The United States exempts the Amish, a centuries-old Christian sect, from laws regarding the mandatory education of children. Canada provides a similar exemption to a number of other long-standing Christian sects (Mennonites, Doukhobours, Hutterites). Members of these sects can withdraw their children from schools before the legal age of 16, and are also not required to teach the usual school curriculum. (1995, pp. 41-42)

Where there were no prior negotiated special rights, some related rights appear to append to any religion that chooses to establish its own schools and offer its own education at its own expense in Canada. As long as they offer the usual school curriculum and do not make a claim on the public purse the plethora of private religious educational institutions in Ontario, alone, operate with little controversy.[9] Thus, Kymlicka would say that the state does places some "external restrictions" on religions and their schools in these cases, whereas the Hutterites (et al.) operate free from these restrictions. However, issues arising from liberal principles may relate to internal restrictions, for example, the right of a member of a religion to choose to leave the religion. Here Kymlicka is not entirely clear. Whereas he allows the freedoms to the Hutterites et al. predicated on prior agreements, he also says that "there is little enthusiasm for what we might call 'pure' internal restrictions – that is, protecting the historical customs or religious character of an ethnic or national group through limitations on the basic civil liberties of its members" (Kymlicka, 1995, p. 44). In other words, the tension develops between the rights of the individual relative to the rights of the community in which the individual lives and develops as a person.

More on this shortly, but first, to sum up the issue in terms of religious rights: Where a school or school system is seen to be an extension of a religion and agrees – or not, depending on prior negotiated rights – to offer the normal public curriculum, assumes no responsibility for educating the general public, and makes no claims on the public purse,[10] Kymlicka would say it is in good standing with liberal principles of religious freedom. In effect, I suggest, these schools are *operating like churches*, and as such enjoy the liberal right to freedom of religion. However, there exists no corporate or legal connection

between the Roman Catholic Church and Roman Catholic school boards, nor would the Catholic Church likely want its schools to be viewed as operating like churches. Thus, it would appear on my reading of Kymlicka that attempts to defend Catholic School boards' expectations of graduates by employing an argument from religious freedom based on the premise that Catholic Schools exist as extensions of the Church, would falter.

I will now explore the possibility that the RCSS boards could find more traction in arguing for their expectations for graduates from minority rights, similar to those granted to minority cultures. Kymlicka brings a unique take on these rights by developing a compromise between interpretations of these rights from communitarian/collectivist versus individualists' perspectives.

Community (Chicken) or Individual (Egg)

It could be relatively straightforward at this point to argue that in teaching for specific religious beliefs to the exclusion of others and in demanding certain types of behaviour consistent with those beliefs, the RCSS boards are at odds with liberal conceptions of autonomy, to wit: the students have a right to determine their own good and to revise it if they choose. However, in carving a space between collectivist and individualist positions Kymlicka troubles this "easy way out." He sets out the key classical distinctions between the two positions:

> Theories of individual rights begin by explaining what an individual is, what interests she has *qua* individual, and then derive a set of individual rights that protect those interests. Similarly, collectivists begin by explaining what a community is, what interests it has *qua* community, and then derive a set of community rights that protect those interests. Just as certain individual rights flow from each individual's interest in persona liberty, so certain community rights flow from each community's interest in self-preservation. These community rights must then be weighed against the rights of the individuals who compose the community. (1995, p. 47)

The problem with the individualists' thesis, according to Kymlicka, is that it does not acknowledge the context of community in which individuals exercise autonomy to choose and revise their conceptions of the good; and the problem with the collectivists' thesis is that it reserves the right of the community to restrict the autonomy of its individual members. Kymlicka says that minority rights are limited by their consistency with the "freedom or autonomy of individuals"(1995, p. 75)

and that liberalism is defined by its ascription to individuals the freedoms to "choose a conception of the good life, and then allows them to reconsider that decision, and adopt a new and hopefully better plan of life" (p. 80).

In advancing a theory of liberalism that accommodates key elements from both the collectivist and liberal theories, Kymlicka acknowledges the importance of community in providing a context within which an individual forms decisions about the good. However, he or she cannot accept as given the communitarian notion of *a shared conception of the good*, one in which individuals' autonomy would be restricted by the common good, "even if this limits the ability of individual members to revise their ends. [Communitarians] believe that members have a 'constitutive' bond to the group's values, and so no harm is done by limiting individual rights in order to promote shared values" (1995, p. 92). Although it is possible to imagine the RCSS boards arguing that the Roman Catholic religion bonds its members in shared values so constitutive of their individual identities that no harm is done in not providing alternative religious choices. Kymlicka is not willing to grant such communitarian freedoms at the minority level. He is more amenable to the possibility at the national level, where restricting individual rights for the common good is derived from society as a whole, but he objects to "communitarian politics at the subnational level. To inhibit people from questioning their inherited social roles can condemn them to unsatisfying, even oppressive, lives" (p. 92). In other words, individuals' autonomy should not be sacrificed merely to preserve a minority institution;[11] and this would include religious institutions, which, Kymlicka says, already enjoy significant, if limited, freedoms:

> A liberal society not only allows individuals the freedom to pursue their existing faith, but it also allows them to seek new adherents for their faith (proselytization is allowed), to renounce their faith entirely and convert to another faith or to atheism (apostasy is allowed). It is quite conceivable to have the freedom to pursue one's current faith without having any of these latter freedoms. (1995, p. 82)

Thus an RCSS argument from minority rights appears to meet with a fate similar to that of religious freedom.

Autonomy: The Liberal "Petrus" [12]

The key ethical problem for liberals relative to the RCSS boards' expectations for graduates lies in their explicit proscription against

individual autonomy; against students choosing another religion or no religion while enrolled in the RCSS system. This focuses the attention on the liberalism-derived right of individual RCSS students to choose their own good and to revise it later, if they choose. It raises concerns about students' ability develop and exercise their autonomy in a context that does not provide, as Kymlicka puts it:

> The conditions necessary to acquire an awareness of different views about the good life, and an ability to examine these views intelligently. Hence the equally traditional liberal concern for education, and freedom of expression and association. These liberties enable us to judge what is valuable, and to learn about other ways of life. (1995, p. 81)

Thus, Kymlicka subjects minority and religious rights to the overriding right of individuals to not only act autonomously in pursuit of their good, but with the right to question beliefs and "to examine them in light of whatever information, examples, and arguments our culture can provide" (p. 81). This tracks his view that there must be "*freedom within* a minority group" (p. 152). Indeed, summing up his liberal interpretation of individual and group rights, Kymlicka says that "liberal values require both individual freedom of choice and a secure cultural context from which individuals can make their choices" (1989, p. 169). The same values include the individual right to dissent from their group, and for the group not to be persecuted by the state; but most importantly, "it limits the power of illiberal groups to restrict the liberty of their own members, as well as the power of illiberal states to restrict the liberty of collective worship (Kymlicka, 1995, p. 158).

Because Kymlicka takes such a strong position on the principle of individual autonomy while simultaneously holding that the Hutterites (*et al.*) have the blessing of the state in restricting their members' choices for the explicit reason of preventing them from leaving their religion, it would appear that the ethical requirements of liberalism exceed that of the state, which, in negotiating religious exclusions to these rights, apparently fail to protect the individual rights of children within minority groups. On my reading of Kymlicka the ethical positions derived from liberalism would override state-granted exemptions where these exemptions appear to weaken or ignore the individual liberal rights of minority-group members. Thus, the Hutterites may have a legal right to restrict the rights of their children, but not a moral right, as derived from liberalism. As confusing as this appears to be, it serves my purpose in this paper, which asks for a discussion of ethical issues

arising from liberalism, and not from the legal requirements of the teachers in question. Thus the question: How might Kymlicka's liberalism inform the examination of the quotation this paper addresses?

Illiberal Expectations for Graduates

I will now compare the following two statements to see whether a liberalism as espoused by Kymlicka could lay a charge of illiberalism against RCSS boards on the basis of their expectations for graduates. First, from Kymlicka:

> If liberalism can indeed be seen as an extension of the principle of religious tolerance, it is important to recognize that religious tolerance in the West has taken a very specific form—namely, the idea of individual freedom of conscience. It is now a basic individual right to worship freely, to propagate one's religion, to change one's religion, or indeed to renounce religion altogether. To restrict an individual's exercise of these liberties is seen as a violation of a fundamental human right. (1995, p. 156)

Next, the RCSS boards:

> [The expectations for graduates of the RCSS is that they will be] discerning believer[s] formed in the Catholic Faith community who celebrate[s] the signs and sacred mystery of God's presence through word, sacrament, prayer, forgiveness, reflection, and moral living. (Institute for Catholic Education, 1998, p. 5)

On the communitarian aspect of Kymlicka's liberalism, students in the RCSS system who come from the Catholic tradition and have been raised in a Catholic community might seem to be well-treated by pursuing their education within a familiar and supporting context. To this extent, the RCSS in general could conceivably be defended on these terms. Setting aside the problems for non-Catholic students in the same institutions for the moment, we can also see that Catholic students are being deprived of the option of choosing another religion, should they desire, as well as the conditions – information, varied perspectives – under which they *might* choose another – or no – religion. By stipulating the religion students must profess the RCSS are abrogating the students' right to choose for themselves, which according to Kymlicka, is *the* key and fundamental liberal right. Not only do graduating students from the Ontario RCSS *not* have the opportunity – nor the encouragement – to explore other religious beliefs, they do not have an option to believe in God, sacrament, or prayer; they are *required* to hold these beliefs.

Students and (teaching or supervising) staff are also "expected" to "celebrate" these beliefs through "moral living." In what appears to be a self-serving tautology, moral living in an RCSS would be impossible in these terms were one not a Catholic. As such, this morality is diametrically opposed to liberal morality, which is grounded in justice, "in this irreducible commitment to the role of individual self-direction and responsibility in a just community, and to the principle of moral equality that underlies both" (Kymlicka, 1989, p. 264). Students and teachers imbued with both Catholic and liberal principles would need to navigate the tension between the Catholic belief that living a moral life requires them to be Catholic, and the liberal idea that it is immoral to require someone to *be* a Catholic.

What of non-Catholic students in the RCSS system? They would seem to be caught in a double-bind: Their autonomy would have been sidestepped had they not been involved in their parents' or guardians' decision to enroll them in an RCSS, and thus they may not have known – or fully understood – what would be required of them to graduate. Indeed, there is considerable concern that such students and their parents are not sufficiently aware of the nature and purpose of RCSS, and their presence in these schools is being seen by some as a growing problem. J. Kent Donlevy cites *Our Catholic Schools: A Report on Ontario's Catholic Schools & Their Future*, which says that "many are worried about internal factors that could threaten our [RCSS] existence ... the presence of non-Catholic pupils may ... have a deleterious impact on the overall school ethos as reflected in the attitude toward Christianity of the student body as a whole" (Donlevy, 2002, p. 102). According to Donlevy, it is crucial that parents and students of non-Catholics especially are perfectly clear about "the board's expectations" when "they agree to sign a contractual agreement" (p. 115). If this is not undertaken, Donlevy claims, (and here he is worth quoting at length):

> Catholic schools could expect challenges to an agreement that students feel they did not personally enter into nor consent to after the fact. This is especially so with challenges in the area of morality, where the Catholic school must respond to protect the Catholic milieu of the school. Clearly, a student who is acting in flagrant disregard to the teachings of the Catholic Church, such as living in a common-law relationship, living a homosexual lifestyle, or practising occultism of any kind, will find himself or herself in direct conflict with the Catholic school administration when the school becomes aware of the activity. Many of these actions that have been guaranteed to the non-Catholic student are or can be

> seen as matters of personal conscience and thus solely a personal matter of the student. Of course, in a Catholic school the definition and purpose of the human conscience is quite different from the society at large. (p. 113)

Clearly so. On my reading of Kymlicka I would argue that in this position of the RCSS the difference between "consciences" is so great that were principles of liberalism to prevail, the RCSS could no longer continue to act as agents of a liberal-democracy in delivering education as a public service. Morality based on Catholic faith may well cast homosexuality and common-law relationships beyond the pale; however, liberalism sets a moral code predicated on justice and equality. On this code RCSS boards would be forbidden from taking action against students who choose these activities in their private lives; rather the RCSS board would be subjected to an ethical requirement that these students' decisions be respected. As such we would appear to have two conflicting moral codes under a liberal-democratic banner. As much as RCSS boards may want to endorse Donlevy's counsel, they would need to clarify their own legislated duties to the province of Ontario as to the legality and morality of effectively requiring students and parents of the RCSS system to sign away their liberal-democratic rights as a condition for attending a publicly-funded RCSS in Ontario.

Conclusions: Ethical Implications for Catholic Educators

That liberalism is not always compatible with Roman Catholicism is uncontroversial – indeed, at one time – and perhaps still, in some quarters – liberalism was viewed as a "mortal sin." [13] Yet Roman Catholic school boards, charged with delivering religious instruction to their students, operate in Canada within a plural liberal democracy and as such they have certain obligations predicated on liberalism to "render unto Caesar." Reconciling ethical obligations across such significant differences can be daunting, if not impossible. In the context of an RCSS authoritarian system, an educator charged with the requirement to teach for a specific religious belief would be in breach of contract to do otherwise; in the context of a liberal-democratic public school system, an educator attempting to teach for a religious belief would be in a similar breach of contract for precisely the opposite reason. Appealing to "conscience" will not help the liberal position relative to the Catholic educator's dilemma, since, as Donlevy so aptly put it, "in a Catholic school the definition and purpose of the human conscience is quite

different from the society at large" (2002, p. 113). Furthermore, *which* conscience will apply is covered by conditions of employment, where the requirement of "Catholicity" is such that teachers who are to come into direct contact with students must "be recommended by a priest with pastoral responsibility through a favourable report in the prescribed form on the applicant's commitment to the Catholic faith" (Toronto District Catholic School Board, 2005, H.T.01). Thus, the successful applicant is expected to employ a "Catholic" conscience while teaching in an RCSS. If so, the RCSS board would expect such a teacher to act first for the spiritual/Catholic well-being of students and second, if at all, for the well-being of the student as a liberal individual.

In all cases, a Roman Catholic conscience will require its bearers to counsel homosexual students to avoid acting on their sexuality and thus sinning; to counsel all students to avoid all sexual experimentation until they are married in a heterosexual union sanctified by the sacrament of marriage; to counsel against the use of condoms and other birth control devices as sinful; to counsel against pregnant students seeking medical advice on their own without spiritual guidance; to counsel female students against aspiring to the priesthood; to counsel against examining the tenants of other religions or other beliefs with a view to possibly changing religions.[14] In short, teachers acting on their Catholic consciences will in many instances be acting in direct opposition to those employing a conscience predicated on liberal principles.

Thus, the principal ethical issue for Catholic educators in an Ontario RCSS arising from liberalism is their moral obligation *to eschew liberal principles* as working against the good that is the further enhancement of their students' Catholic faith. From the perspective of liberalism, the ethical issues from the perspective of an educator in an RCSS are precisely the opposite: Although the RCSS system can be defended for providing a continuation of the cultural/religious context in which its Catholic students have formed their world-views, and within which students could more effectively exercise their autonomy, by its vision statement it effectively announces its intent to deny its students and staff the most fundamental of liberal principles, individual autonomy itself; and further to deny them access to information and choices on which to base their autonomous choices. Teachers in this system who act on consciences predicated on Catholic religious beliefs would be considered to be acting ethically by their employer, but unethically on the basis of Kymlicka's liberalism.

NOTES

1. I refer to this part of the quotation in the abstract as "the quote" from time to time.
2. This Biblical saying attempts to reconcile dilemmas between secular and religious duties for religious adherents. See the Christian Bible, New Testament: Mark 12:13-17; the same passage appears, slightly modified, in Matthew 22:15-22 and Luke 20:20-26
3. Teaching about religious beliefs is broadly accepted in the public school system.
4. The use of this term is unclear, and perhaps an equivocation. Although the RCSS boards do not expressly state that their expectations constitute requirements, the force of an expectation is similar to that of a requirement. For example, "You are expected to complete assignments" has the same force as "You are required to complete assignments." Thus if a student is officially expected to believe and act as stated in the "expectations for graduates" and these expectations are attached to *conditions* for graduating, there seems little choice but to assume the boards could play this card at will and thus block a student from graduating.
5. Section 52 of The Act stipulates: "A Roman Catholic board may establish and maintain programs and courses of study in religious education for pupils in all schools under its jurisdiction" (Ontario Human Rights Code, R.S.O., 1990, c. E.2, s.11(1), par. 20). This contrasts with legislation for the public boards which provides: "for the exemption of pupils from participating in such exercises and education and of a teacher from teaching, and a public board from providing, religious education in any school or class" (c. 31, s. 7(2)).
6. Although the TCDSB's registration policy favours Catholic applicants is also acknowledges the eligibility of other students who have the legal right to attend a school operated by the Catholic board (2005).
7. Although this seems unlikely, it appears to be common and an increasing source of worry for RCSS boards across the country (Donlevy, 2002, p. 102).
8. This would turn on whether a child in the care of the state under Family Services is sufficiently similar to a child in the care of a school board. Certainly, many secondary students would qualify as being sufficiently mature to be included in this kind of consultation.
9. There are about 800 private schools in Ontario, of which hundreds are religious. See:
http://www.educ.queensu.ca/placement/links/canada/index.shtml
10. Aside from the potential revenue were churches not exempt from taxation.
11. Arguments in favor of the rights of minority groups to preserve their institution by ensuring continued membership through inculcating their children into their beliefs and customs have also been critiqued as self-serving to institutions and against the rights of the child. To treat children

instrumentally and not as subjects unto themselves has been deemed unethical by the United Nations Charter on the Rights of the Child (1990, articles 12-15).

12. The Catholic Church famously justifies its primacy among all religions by tracing its lineage to the Apostle Peter, or "Petrus," Latin for "rock." From the New Testament: "You are Peter and upon this rock I will build my church." See: Christian Bible, New Testament, Matthew: 16.

13. See: Pallen, Conde B. (1963). Liberalism is a Sin. Adapted from Sarda Y Salvany, D (1899). New York: Herder. Intro to chapter 4. Available at http://www.liberalismisasin.com/index.htm

14. See the Baltimore Catechism for details of all the beliefs that underscore these positions, and the remaining full belief-set required of all Catholics. Available at http://www.baltimore-catechism.com/index.htm

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