



McKinney, S. J., Edwards, R. and Humes, W.M. (2023) The Education (Scotland) Act 1872. *Networking: Catholic Education Today*, 24(1), pp. 8-10.

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Deposited on 16 January 2023

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The Education (Scotland) Act, 1872

By Stephen J. McKinney, Roger Edwards and Walter M. Humes

In 2022 we commemorate the 150th anniversary of the Education (Scotland) Act 1872. This is the most important education Act in the introduction of the system of compulsory school education in Scotland. It is also regarded as a key Act in relation to the Education (Scotland) Act 1918. The 1918 Act provided the offer of state funding for the remaining denominational schools that had not transferred to the national system of board schools as a result of the 1872 Act. This article explores the aims of the 1872 Act for Scottish education and the consequences of the Act for the Scottish society that was emerging in the late 19th century and early 20th century.

A wide and bewildering variety of schools existed in Scotland prior to the 1872 Act. These schools were mostly for the elementary (now referred to as primary) stage and included ragged schools, adventure schools and four main types of Christian denominational schools: Church of Scotland Schools (of different models) Free Church Schools, Catholic schools and Episcopalian schools. There was limited provision for post elementary level education within some elementary schools for boys who continued their schooling. A small number of Higher-Class schools (some of the established Academies and Grammar schools) had a focus on post-elementary schooling, though these were socially exclusive. There were also some endowed schools with the same focus that had been assumed into the care of the Burgh Councils. The dominant form of Post-Reformation schooling was the parish school, and the aim of these schools was to provide local school education which was open to children of all Christian denominations. The Church of Scotland had a strong control on the parish schools in a number of ways. Masters in the school had to belong to the Established Church and were supervised by the local presbytery. Further, they were paid by the heritors, the landowners in each parish who had the responsibility for the upkeep of the Church and the graveyard until the 1920s and also for poor relief and education till the late 19th century.

Denominational schooling had diversified considerably by the time of the 1872 Act. In 1843, the 'disruption' led to 474 ministers and about half of the laity leaving the Church of Scotland to establish the Free Church of Scotland. Within a short period of time, the Free Church had set up an ambitious educational scheme that would be catering for approximately 700,000 children through 700 schools. The Free Church had also founded a Normal Seminary for the preparation of teachers in Cowcaddens in Glasgow, situated not far from the Normal Seminary that David Stow had helped to establish in 1837. Stow joined the Free Church and he and the vast majority of the staff of the original Normal Seminary transferred to the Free Church Normal Seminary in 1845.

There were a few small Catholic schools established in Edinburgh, 1788, Glenlivet, 1790 and Aberdeen, 1791. The increase in the Catholic population in the West of Scotland precipitated the establishment of Catholic schools in Paisley in 1816 and the foundation of the Catholic Schools Society in Glasgow in 1817. By 1851 the number of Catholic schools in Scotland had grown to over thirty and this number would increase especially in the West of Scotland, as Irish Catholic families arrived in Scotland fleeing the series of famines. It is well documented that religious orders and congregations from France, Belgium, Ireland and England, who were committed to teaching established Catholic schools of high quality. The Ursulines of Jesus, Franciscan sisters, Sisters of Mercy, the Jesuits and the Marists arrived before 1872. Other religious - the Sisters of the Cross and Passion, the Faithful Companions of Jesus, the Sisters of St Joseph of Cluny and the Sisters of Notre Dame started teaching in Scotland after 1872.

The history of the small number of Episcopal schools is less well known yet they had an important role to play in the retention of a distinctive (if evolving) Episcopal Church identity in the 19th century. Different types of Episcopal Schools had been founded in Scotland. These included a small number of schools that had been modelled on the English public school, for example, Glenalmond in Crieff (1847). A good number of the schools were opened in the nineteenth century as an outreach to the lapsed and poorer members of the Episcopal Church, many of whom were migrants from Ireland who had settled in the industrial areas such as the West of Scotland and Dundee. Some of the schools were initially part of a mission which later established a chapel and school or a combined chapel school. St Mary's in the Cowcaddens area in Glasgow provides a good example of a mission that developed into a chapel school.

Romantic notions of Scottish schooling were often epitomised in the idealised 'Lad o' Pairts', the boy from a poor background who demonstrated ability at the parish school and was able to access a university education and enter the professions. In reality, there were few concrete examples of this success. Jane McDermid, among other historians, points out that this equal opportunity did not apply to girls who were barred from this route from parish school to university. Attachment to romantic notions could not mask the serious issues that were emerging for school education in the mid 19th century. Parish schools were envisioned for rural settings, in the era before the massive and rapid urban expansion in Scotland. The poorer families in the cities and larger industrial towns struggled to pay the school fees and often required children to leave school as soon as possible to work and augment the family income. Further, there was limited capacity in the parish schools to prepare pupils in advanced subjects for post-elementary schooling and to expand the curriculum to incorporate the subjects required for the 'scientific and technological revolutions that were impending' (Paterson, 2021).

Prior to the 1872 Act, there were several failed attempts to introduce a new Education bill that would create some form of national compulsory school system. Some saw this as an

opportunity to free schooling of denominational interests. Nevertheless, one of the prominent and heated debating points was the proposed status of religious instruction and religious observance in any new system. The Church of Scotland sought to preserve the teaching of the Bible and the Shorter Catechism as a legal requirement in any new system. However, the dissenting churches could not agree on this issue. Mallon (2021) argues that there were three main positions. One position was similar to the stance of the Church of Scotland and favoured a legal requirement for the Bible and Shorter Catechism to be used in the schools. The second position was that there should be no state legislation on this issue and that it should be for the denomination and the parents to decide. The third position advocated a complete separation of schooling and religion.

The Education Scotland Act 1872 would attempt to navigate a path through these very different positions espoused by the Presbyterian Churches and attempt to accommodate the other Christian churches. The new school system would establish non-denominational board (or public) schools that were to be open to children of all denominations. In the preparation for the Act in parliamentary debates, there were different views on the best way forward. Mr E. S. Gordon, a Conservative MP, advocated that religious instruction should be secured by law in the schools through the new Act (Stevenson, 2021). Others, particularly Dr Lyon Playfair, were opposed to any form of legislation on religious instruction and observance located in the Act. This was based on a perception that legislation in such a strong Christian country was unnecessary. There were also anxieties that any form of prescriptive legislation would be potentially highly problematic for the Roman Catholic and Episcopal churches (McKinney and Humes, 2021).

In the end, great care was taken to avoid the inclusion of legislative protection for religious instruction in the new public schools in the 1872 Act. However, there was some concession in the preamble to the Act, inserted by Lord Advocate George Young:

And whereas it has been the custom in the public schools in Scotland to give instruction in religion to children whose parents did not object to the instruction so given, but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not receive such instruction, and it is expedient that the managers of public schools shall be at liberty to continue the said custom.

There are two very important points to this part of the preamble. In the first point, parents had the right to withdraw their children from religious instruction and observance without disadvantage to their instruction in the secular subjects. This was described as the 'conscience clause'. Withdrawing children under the conscience clause was to be facilitated, as laid out in Section 68 of the Act, by religious instruction and observance being timetabled at the beginning or the end of the school day or at both the beginning and the end of the day. In the

second point it was affirmed that there was the right to continue accepted practice. This was understood to mean that the practice would continue according to 'use and wont' (though these words are never used in the Act) and in the case of Church of Scotland this meant continuing to use the Bible and the Shorter Catechism.

The reassurances in the Act about 'use and wont' were acceptable to the Church of Scotland. Nevertheless, the initial stages of the transference of the Church of Scotland schools to the local boards was more challenging than is sometimes assumed (Stevenson, 2021). There were residual anxieties within the Church of Scotland about the continuation of religious instruction in the new board schools. By 1878 the Church of Scotland's education committee was satisfied that religious instruction was continuing in most places according to the idea of 'use and wont'. Further, the Church of Scotland was very active in ensuring that it preserved its influence on school education by being represented on the local school boards, often represented by the local minister. Despite disagreement within the dissenting churches in the lead up to the Act, the inclusion of 'use and wont' appeased the Free Churches and the conscience clause and the assurance that religious instruction would not be funded through parliamentary grants was acceptable to the United Presbyterians (Mallon, 2021). It is worth noting that a small number of Church of Scotland and Free Church of Scotland schools survived until the Education (Scotland) Act 1918.

The accommodations of the Act did not appeal to all of the Christian denominations. There were a number of fundamental concerns with the conditions of the Act that led the Catholic Church to reject the idea of transferring their schools to the new board school system (McKinney and Edwards, 2021). First, there was concern that the application of 'use and wont' in the new board schools would effectively mean that many board schools would continue as Church of Scotland schools. Second, there was strong opposition to the timetabling of religious instruction and observance at the beginning and end of the day or at both the beginning and the end. The leading members of the Catholic church believed that religion should be integral to the whole school day and not confined to certain points in the day. Third, there was also strong opposition to the conscience clause. Fourth, the conditions of the transfer of the schools as presented in sections 38 and 39 of the Act were unacceptable. The transfer of any denominational or voluntary school included the school building, the teacher's house and any land attached to the school, but the conditions did not allow for any financial compensation to be awarded to the denomination or voluntary body that transferred their schools. Later this would be a crucial part of the Education (Scotland) Act 1918 when the Catholic and Episcopal churches would start to transfer their schools to the state system by leasing or selling them. This new and improved arrangement for schools that transferred under the 1918 Act was a major source of contention for the Church of Scotland because there had been no compensation for their schools under the 1872 Act.

Members of The Episcopal Church shared many of the anxieties of the Catholic Church that are outlined above. There was a resistance to the Episcopal schools being subsumed into the new system and losing their unique identity. Additionally, there was scepticism about the ambiguous nature of religious instruction and observance as outlined in the Act and a sense that Episcopal schools would be needed to provide a religious and moral education for the children.

The Catholic and Episcopal churches continued to rely primarily on funding from their own resources to maintain their schools until the Education (Scotland) Act, 1918. There was the additional complication that schooling had been made compulsory under the Act for all children aged 5 to 13 and this increased the school rolls. There were some very uncomfortable comparisons made between these remaining denominational schools and the well-funded and well-equipped board schools. The teachers in both the Catholic and Episcopal schools were more likely to be working with large numbers of pupils in classes in less well-appointed school accommodation and were paid less than their counterparts in the board system. They were often serving a very poor section of the population in Scotland and the schools experienced high levels of absenteeism. It was often very difficult to collect the small school fees. The continuation of these schools required an extraordinary commitment, sacrifice and resilience over a period of forty-six years until the Education Act (Scotland), 1918.

References

This article draws on the articles by Jane McDermid, Ryan Mallon, Lindsay Paterson, John Stevenson, McKinney and Humes and McKinney and Edwards, published in: '150 Years of State Provision: Re-assessing the Education (Scotland) Act of 1872', special edition of the *Scottish Educational Review*, 53 (2) edited by Stephen J. McKinney and Walter Humes (2021). This is available online open access at: <https://brill.com/view/journals/ser/ser-overview.xml?contents=journaltoc>

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