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Title: **What is justice for the LGBTQ+ person in the Catholic school in Scotland? A Capabilities Approach.**

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Abstract

In 2018 The Scottish Government accepted all 33 recommendations of the LGBTQI Working Group set up to explore issues of LGBTQ+ inclusion in Scottish schools. This new move to LGBTQ+ visibility and presence is to be across all school stages, across the curriculum and supported by regulation and inspection bodies. However, it sits within an education system that has within the recent past been subject to legislation, such as Section 28, that prohibited LGBTQ+ presence in schools and in a wider society that has seen some protest against LGBTQ+ inclusion in schools.

This new policy and approach therefore raises key questions about the possibility and potential of inclusion. In a Scottish context, this is particularly apt as a significant number of state schools are denominationally Catholic. The Catholic Church has in the past been powerful and vocal in the discourses of exclusion for LGBTQ+ persons and curriculum content in Scottish schools.

I argue, that through a clearer understanding and articulation of justice, employing the core ideas of Nussbaum's Capabilities Approach, the discussion of LGBTQ+ inclusion in Catholic schools can be moved from the current fear and conflict to an imagined consensus where all are entitled to the capabilities to be and do those things they have reason to value.

I maintain that, in contrast to the justification of exclusion -- based on a reliance on disjointed doctrine and scandal in Catholic education -- LGBTQ+ inclusion sits within Catholic ideas of hospitality, difference, and freedom in with each person is entitled to full human dignity and as an end in themselves.

As a result, I propose that Catholic schools should and ought to be places of LGBTQ+ presence and visibility at the institutional, pedagogical and pastoral levels.

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Authors declaration:

I declare that, except where explicit reference is made to the contribution of others, this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

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Abbreviations

CA – Capabilities Approach

CCC – Catechism of the Catholic Church

CCE – The Sacred Congregation for Catholic Education (The Dicastery for Education and Culture)

CST – Catholic Social Teaching

EG – Evangelii Gaudium

HBT – Homophobic, Biphobic and Transphobic bullying

LGBTQ+ - Lesbian, Gay, Bisexual, Transgender, Queer, +

GSA – Gay/Straight Alliances or Gender and Sexuality Alliances

SCES – The Scottish Catholic Education Service

SCG – Summa Contra Gentiles

TOF – This is our Faith

Chapter 1

1.1 The origins of the research topic

Scottish law and society have recently moved towards broader and deeper inclusiveness for LGBTQ+[1] people. For example, in 1980 gay male sex was decriminalised, in 2001 an equal agent of consent, and equal marriage in 2014 were secured (Knight and Wilson, 2016). At the beginning of 1980 people like me, as a member of the LGBTQ+ community, were potential criminals; in 2023 I can now get married. Nevertheless, there continue to be other significant challenges to inclusion and equalities for LGBTQ+ people, such as gender recognition and the rights of LGBTQ+ asylum seekers and refugees (Cowan 2021, Raj and Dunne, 2021). The changes in attitudes and law have been significant and Scotland was recently identified as 'the best country for LGBTI equality in Europe' (Hassan and Barrow, 2017:194) with one of the 'gayest Parliaments in the world' (Dugdale (n.d.) cited in Hassan and Barrow, 2017:194).

Even so, I argue that education has been much slower to respond to the changing attitudes, values and practices of the law and wider society. In 2021, Scotland became the first country in the world to seek to implement LGBTQ+ inclusion, applicable to all stages of education, across the curriculum and to be supported by Education Scotland, an agency of the Scottish government with responsibility for the curriculum and school inspections. The move towards inclusion in education is, in part, a response to the more inclusive society and legal framework, such as the Equality Act (2010), but also to the evidence gathered by organisations such as Time for Inclusive Education (TIE) (2018) and Stonewall (2017). These organisations have shown that the experiences of LGBTQ+ children and young

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[1] The acronym I will use in the dissertation is LGBTQ+. By using this acronym I wish to be inclusive of all LGBT people and through the Q, (Queer) and + to include all those children, young people and adults who sit outside a heteronormative and cisnormative framework.

people in Scottish school results in significantly lower levels of health, well-being and attainment.

A significant change in Scottish education has been that in 2018 the Scottish Government accepted *all* 33 recommendations from the LGBTQI[2] Inclusive Education Working Group. These recommendations have been claimed by John Swinney, the then Deputy First Minister and Minister for Education, to make Scotland 'world leading' in terms of LGBTQI inclusive education (Official Report, 2018). Swinney's hope, expressed in the phrase 'world leading', is that having this policy in place will be key to the changes needed in the delivery of inclusive education for LGBTQ+ children and young people and a way of addressing the discrimination and impact on attainment and health currently experienced by LGBTQ+ children and young people in Scotland's schools.

The recent history of LGBTQ+ issues in schools is dominated by the era of Section 28 of the Local Government Act 1988[3] and its continuing consequences. This legislation sought to ban the 'promotion' of homosexuality' in education. It argued that representation and inclusion of LGBTQ+ issues within schools 'promoted homosexuality' and may entice young people into a deviant and damaging sexuality and lifestyle -- one that, by implication, they may not have otherwise been enticed into adopting. Rahman (2004) claims Section 28 reflected a wider social and cultural homophobic ideology, such as homosexual contagion linked to both sexuality and diseases such as HIV/AIDS, alongside the image of the older predatory homosexual with connotations of paedophilia. Children

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[2] Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) was the acronym initially used by the Working Group. As the group has now concluded its work a new group has been formed the LGBT Inclusive Education Implementation Working Group with a separate group for Intersex/Variations of Sex Characteristics.

[3] In Scotland, and the UK, it is commonly known as Section 28 however the technical name in Scotland is Section 2a. I will use the name Section 28 as it is the more common reference in the literature and more widely recognised.

and young people were presented as vulnerable and in need of protection from LGBTQ+ people who may exploit them sexually, spread life threatening diseases, and propaganda that may entice a heterosexual young person into a homosexual orientation and 'lifestyle'. Greenland and Nunney's (2008) research agrees that Section 28 was linked to societal discourses on homosexuality as a pathologised choice. LGBTQ+ was presented as a deviancy from the preferred and *natural* norm of heterosexuality -- LGBTQ+ people in this analysis are in reality dangerous, flawed, and confused cisgendered heterosexuals.

Childhood was presented as a time of innocence, a time when children should be protected from adult sexualities – although heterosexuality was, *and is*, present in the curriculum. Greenland and Nunney (2008) maintain that the ambiguity over the concept of 'promotion' was defined by educators as a prohibition on LGBTQ+ issues and presence in the classroom. Teachers, unsure of the limits of the law, avoided breaking it through silence and avoiding content and support for LGBTQ+ children and young people. This silence and disregard extended to, at times, a neglect of homophobic, biphobic and transphobic (HBT) bullying (Moran, 2001).

Seventeen years after the repeal of Section 28 in Scotland evidence from Stonewall Scotland (2017) has shown that LGBTQ+ children and young people are still adversely impacted by discriminatory attitudes and behaviours from both their fellow pupils and teachers. Key findings from the Stonewall School Report Scotland (2017) show that 48% of LGBTQ+ young people have been bullied at school, 72% of LGBTQ+ learners report that their teachers sometimes or never challenge HBT bullying, 43% of LGBTQ+ young people have missed school days due to bullying, 96% of trans young people have self-harmed and 24% of LGB young people have attempted suicide. At home, only 41% of LGBTQ+ young people have someone they can talk to. Therefore, although the current societal and legal changes in attitudes and behaviours towards LGBTQ+ people in Scotland have indeed been important, Scotland's past, as is evidenced from the Stonewall

Scotland (2017) School Report, continues to exert a strong presence and produce negative experiences and outcomes for LGBTQ+ children and young people in today's schools.

McIntyre (2009:302), focusing on schools, highlights that they 'are highly gendered heterosexist institutions where heterosexuality is the assumed superior norm and seemingly compulsory'. Heteronormativity places heterosexuality and the concept of a narrow, binary masculinity and femininity as normative and obligatory. Allen et al (2014) have argued that schools in general are conservative institutions that reproduce the dominant ideas of wider society. A concern therefore is that inclusion, where it occurs, may be limited, to homonormative practices, where LGBTQ+ identities and experiences are welcomed -- provided they sit within a heteronormative framing – thus reaffirming the 'highly gendered heterosexist' institutions described by McIntyre (2009). Although the introduction of an affirming LGBTQ+ policy may challenge the hegemony of heteronormativity through the inclusion of a queering of sexuality and gender, questions arise as to how this policy will be interpreted and to what extent it *can* be realized in schools as heteronormative institutions.

Scottish state education is particularly interesting and challenging as it relates to LGBTQ+ inclusion -- according to McKinney and Conroy (2015), the pupil population in Scottish Catholic education in 2014 was 120,000. The Catholic Church is therefore a powerful participant and voice in Scottish education and has used that voice to be a visible, vocal, and powerful in its support for the adoption and maintenance of anti-LGBTQ+ school policies, such as Section 28, with this support coming from those who have held the highest offices in the Scottish Catholic Church such as Cardinal Winning:

> I hesitate to use the word 'perversion', but let's face up the truth of this situation, that's what it is. Are we now being asked to say what was wrong before is now right, and they can go ahead and do it.

> It's bound to affect society. It's bound to affect the transmission of things that we don't want in society. It's bound to affect the promotion of a lifestyle which is contrary to everything, natural law, not just religion. (BBC News, 17th April, 2000)

That said, it is important to recognise that the Scottish Catholic Bishops, through their executive agency the Scottish Catholic Education Service (SCES), have been members of the LGBTQI Inclusive Education group that has recommended inclusion. Nonetheless, the Catholic Church's faith position and teaching (Catechism of the Catholic Church (CCC) 2016:2357) argues that LGB practices are 'intrinsically disordered' and 'under no circumstances can they be approved' (ibid). This teaching, and the previous highly publicised and vocal anti-LGBTQ+ stance by the Catholic Church in Scotland, such as the quote above from Cardinal Winning, generate key questions in terms of the reception and application of a comprehensive inclusive LGBTQ+ policy and the subsequent changes to the curriculum and presence of LGBTQ+ issues and persons within Roman Catholic schools.

In agreement with Carlile (2019) and Callaghan (2018), I am concerned that religiosity may be a *predictor* of homophobic, biphobic and transphobic (HBT) bullying – using religious doctrine to strengthen and justify exclusion. Additionally, Carlile (2019) highlights the issue of those children and teachers who identify as both LGBTQ+ and religious—for example, LGBTQ+ practising Catholics. This dual identity may create additional challenges for LGBTQ+ Catholic children and young people, and teachers, navigating their faith and sexuality/gender. I propose that Catholic education in Scotland therefore requires a specific response to LGBTQ+ inclusion which takes account of the influence of faith on LGBTQ+ inclusion and the wider impact on LGBTQ+ children and young people in Catholic schools.

Within both Scotland and England there have been recent attempts to include LGBTQ+ inclusive policies and practices within schools. However, these have been met, by some

sections of the community, with significant disagreement and conflict resulting in antagonism and eventual recourse to the legal system (Vincent, 2020; Lee, 2021, Khan, 2021). Whilst legal decisions provide definitions and rulings in terms of what will be legally permitted, they have not addressed the attitudes, emotions and philosphies that underly affirmation or non-affirmation in both the overt and the underlying practices of the school and curriculum. LGBTQ+ inclusion continues to be contested by key stakeholders and educational leaders.

Against this complex backdrop, Nussbaum's (2010) work has been key in developing the core ideas and approaches employed in this dissertation. She has argued that fundamental to the exclusion of LGBTQ+ people within a liberal society are the emotions of fear and disgust (Nussbaum, 2010). These emotions have been used as justifications to exclude and ban LGBTQ+ people and behaviours even when those behaviours have no impact on or consequence for any other person. Fear and disgust deny the individual their full humanity, personhood and participation and create an 'othering' of people -- where the other is *less*. In the example of LGBTQ+ people this becomes focused on sexual activity, a lifestyle, a disorder/perversion in contrast to a person with a rich interior life confronting the same challenges and opportunities of personhood as everyone else. As I will argue in Chapter 4, this inferiority and disgust, at times, is turned inward for the LGBTQ+ person. Both fear and disgust have clear roles in terms of both Section 28 and wider societal discourses on LGBTQ+. I argue in this dissertation that both deny LGBTQ+ personhood – a key philosophical requirement of Nussbaum's (2007, 2011) Capabilities Approach (CA).

Alongside a wider social and political movement of respect for the person – moves she argues have taken place to some extent for race, gender and disability (Nussbaum, 2010) -- she maintains that society has made positive moves towards more equality and respect for

LGBTQ+ persons. With more LGBTQ+ people able to 'come out', to share their stories, their interior lives, and be open within families, and at their places of employment the emotional and philosophical work of seeing LGBTQ+ people *as persons* has supported the legal and societal changes identified earlier. However, she also claims that the politics of fear and disgust have not disappeared and continue to be an important influence:

> …many inoffensive moral arguments that are put forward in this sphere may well be screens for darker motives. So we should understand disgust and its proponents as well as we can before describing the 'politics of humanity' toward which we appear to be moving (Nussbaum 2010:2).

The current change being initiated in education by the Scottish Government is through a policy approach. Attitudes, beliefs and practices are embedded within wider discourses and ideologies of childhood, including hetero and gender normativity, and the continuing emotions of fear and disgust I investigate in chapters 4 and 5. Unlike other LGBTQ+ advances, where policy and legislation followed changes in societal attitudes and beliefs, the Government are now putting in place a policy that may be preceding these attitudinal advances within education. This marks a distinct contrast from previous experiences of LGBTQ+ inclusion and requires additional analysis and understanding.

As well as Nussbaum's work on emotions and her analysis of their role in the development of LGBTQ+ inclusion, her work on Capabilities has been key in developing the focus and philosophical stance for this dissertation. In reflecting on the debates around LGBTQ+ inclusion, and *faith*, the recent experiences in Birmingham in 2019 become significant. When a school sought to introduce LGBTQ+ affirming resources, there were clashes between some of the parents and the school (Vincent, 2020, Lee, 2021). The debate was presented as a binary clash between parents and faith on the one side, and on the opposite side the school and progressive, liberal British values (Raj and Dunne, 2021). Presenting the argument as an oppositional clash of rights, religious belief versus LGBTQ+, the question to be answered becomes one of legality and the power to enforce.

Nussbaum's work in developing Capabilities constructively critiques a contractarian view of justice – I will explore Nussbaum's constructive critique of Rawls' contractarian approach in Chapter 2 -- arguing that consensus can be found and built upon when *all* persons have the same entitlement to a threshold list of core universal Capabilities. The creation of a possible consensus built upon a philosophy of justice is a key idea that may be applied to the Scottish context and in particular the context of Catholic schools, where opposition has been a prominent feature in recent past responses to LGBTQ+ inclusion.   I will argue through Nussbaum's conceptualisation of justice that a potential clash between faith, parents and the school can be answered -- through a focus on the school as a social and political space where people, with fundamental differences and disagreements come together and share the classroom and the school for their own flourishing and the common good of the school. That an imagined consensus which focuses on equal respect for the person, each entitled to the full list of Capabilities, can provide a threshold of justice in the Catholic school.

In the context of wider ideological assumptions and biases, the impact of previous policies such as Section 28, and the official position from the Roman Catholic Church in Scotland, which has been vocally anti-LGBTQ+, the question of how the Catholic community, school and teacher will respond remains an open one. Exploring justice for LGBTQ children and young people in Scottish Catholic schools places the question of inclusion within constructions of the values and ideologies of the Catholic faith, the Catholic teacher and the Catholic school today. I will argue that key Catholic principles and concepts, that also align with the CA, can be used to navigate constructively both the official Vatican teachings on education and doctrine, and LGBTQ+ inclusion.

The dissertation, then, as well as using the work of Nussbaum to explore inclusion, is one written from and using a Catholic perspective.   In the development of *conscience*, within the Catholic faith, Church documents and the pronouncements from the Church hierarchy,

such as the Catechism of the Catholic Church (2016), require to be (re)considered thoughtfully and with humility. Core to the Catholic idea of conscience is that of the *informed conscience* -- the individual Catholic, called to obedience, acts in a context where their own conscience -- informed by the Magisterium, by the Catholic community, by Catholic tradition -- has primacy. There is therefore a need for those in Catholic education to think critically and to explore the issues and opportunities presented by LGBTQ+ inclusion in Catholic schools. Each Catholic must make their own informed choice and live truthfully according to their conscience. Exploring the concept of justice, of discerning the right thing to do, of contributing to the informed conscience of Catholic educators then becomes a key motivation in the origin and focus of the dissertation.

This study, then, emerges from the questions that arise from the introduction of a new national policy that is claimed to be 'world-leading' by including LGBTQ+ content at all levels and across the curriculum. In seeking to understand the inclusion of LGBTQ+ in Scotland, where state Catholic education is a significant section of the provision, it is important to recognise that the policy sits within wider societal, educational and faith discourses: discourses and practices which have recently been explicitly anti-LGBTQ+ and which, as the literature and reports (Stonewall Scotland, 2017) reveal, continue to significantly negatively impact LGBTQ+ children and young people in terms of their health, wellbeing and education.

Nussbaum's work provides an important challenge to a policy approach that may be opposed by, in particular, the effects of the emotions of fear and disgust—emotions that have been key in the justification of discrimination against LGBTQ+ people and the denial of personhood for LGBTQ+ people. Additionally, Nussbaum's explication of the concept of justice through her CA, as a partial theory of justice, provides a focus on an imagined consensus in an area that has seen so much opposition and conflict, often leaving oppositional stances entrenched.

My dissertation also emerges as a Catholic response to the question of LGBTQ+ inclusion. As a practising Catholic who shares the faith of the Catholic education community, and a member of the LGBTQ+ community, the faith requirement to develop an informed conscience, and a much-needed affirming and relational response to LGBTQ+ inclusion, lies at the heart of the study. The dissertation is situated centrally within my personal and professional experiences. In the following section, I explore two key areas that have made the defining and practices of justice as presented by Nussbaum's CA a continuing motivation for me to study and explore as I consider the Catholic school as a social and political space of difference, disagreement and potential capability deprivation or formation.

1.2 Career trajectory

My career journey has many key elements that have placed the concept of justice, specifically as it relates to marginalised and excluded groups, as *practical* questions that I have grappled with personally and professionally and sought to explore, address and resolve as a teacher working in Scottish schools. In this section, I will consider two significant aspects of my personal and professional experiences of education: my personal experience of social class and my professional experience of race working alongside bilingual children, young people and families. These experiences have brought lived experiences of the construction of 'otherness' and the potential for capability deprivation to the forefront of my understanding of school and education -- and my conscience regarding what I consider and will propose is the just thing to do in education. In my experiences as a pupil and then as a teacher I saw that on too many occasions, and for too many children, we, the teachers and the education community, get it wrong, even when strong legislation and policy positions are in place such as the Equality Act (2010).

In 1985, I was a sixteen, living on a council estate in a working-class family. My parents had a basic education which meant that if they needed a letter written then I would write it because even as a young person my spelling and grammar were better. Both my parents were employed all their working lives and valued work and the esteem working provided for them. If working-class families had mottos -- 'Work, pay the bills and don't bring the police to the door' I think, would have been my family's motto. For my family, school was the period before work. It was there to provide the basic skills you needed in order to gain employment. Therefore, at sixteen, as my education became optional it became a surplus and a luxury. Within my home, as in many poor working-class homes, income and the status of work was needed more than education.

I was not sad to leave school, I had felt excluded from the academic pathways and the value systems of the school since starting high school. Present in school physically -- although not always as I also wrote my absence letters from home -- I was absent mentally and emotionally from school and education. From my fifteen-year-old perspective, I believed that this was shared by my teachers, who I considered were absent from me too. For example, I felt an absence from my teachers when for some classes I was put into the remedial groups, a placing usually made because of one test I performed in badly. This was the lowest ability group of pupils who were not expected to be successful academically. A remedial classroom was somewhere to go and to be kept busy in the present and as a pupil I recognised this as such.

My formal school experience and my placement in remedial classes reinforced the idea that I was also receiving from home, that education was something you did in the present, rather than a possible pathway to a different future. Teachers working in a system that valued exam success meant that there were groups of children of less value who needed to be separated from those who would bring value to their departments and the school. This

was an early lesson that in education value and respect are unequally distributed – and one that even as young person in school I recognised.

In Scotland during the 1980s I was in a comprehensive school system that had been, and continues to be, broadly successful in terms of providing equality of access to compulsory education for children and young people; in Scotland 'currently 94% of Scottish secondary pupils attend state comprehensive schools' (Howieson et al, 2017:9).   In identifying equality as physical space, the opportunity to be in the same school as others, the comprehensive system can be seen as being successful. However, as Howieson (2017) has argued, if we look at equality of experiences and outcomes in Scottish school education, there are clear differentiated results correlated with social class. Howieson, et al, (2017) contend that equality of opportunity to attend school did not result in equality of opportunity in terms of equal access to the curriculum and to the attainment of qualifications. Instead, it resulted in increasingly differentiated outcomes based on social class, in particular at the post-compulsory stages of education. I argue it also did not provide equality of value or respect for those pupils within the school system. A differentiated system that was felt, if perhaps not fully understood, by those pupils.

My experience of school, and my educational failures at 16, meant that I left school with no qualifications. These experiences are important for me because they continue to exert a key influence and impact my identity, understanding and practices as a teacher. I learned through a lived experience that some children and families can be alienated and disenfranchised, or as Howieson, et al. (2017) claim, are unable to position themselves within that system to reap its rewards, resulting in serious inequality and inequity. Value and respect are unevenly distributed with significant consequences for children and young people, and the adults they become. Good policies, such as comprehensive education, are situated within wider systems of power, values and ideology and have, in application and

practice, multifaceted and potentially problematic outcomes (Howieson, et al. 2017).

Children and young people needed more than equality of space and good policies but

required equal respect and the opportunity to develop their full list of capabilities – of what

they may be able to be and do.

Another significant experience for me was my twelve years as an English as an Additional

Language (EAL) teacher. As an EAL teacher, and someone who was different, 'other'

than the heterosexual teacher, I sat alongside and listened to the stories of the children and

young people who were also different with whom I worked. I learned of the rich and

diverse languages and cultures of the children who were teaching me about their diverse

and rich contexts, faiths, languages, cultures and lives – that there are many other valuable

ways of being and doing in the world. I worked with them, their families and the schools

to deal with the questions and challenges of inclusion and success in a system created for

and by native speakers of English.

Moskal's (2013, 2016) work focuses on the experiences of Polish children, the largest

additional language group in Scottish schools. The absence of the Polish language and the

privileging of English in schools, she argues, is recognised by the children.   English is

accepted as the language of educational success and the language of the majority of their

peers and teachers.   The acquisition and use of English is essential to educational and

social success:

> the young people's desire to improve their English was linked to an awareness of
> the lack of cultural currency or recognition of their native language in the
> classroom (Moskal, 2016:147).

In the restrictive language practices of the Scottish classroom and school, Polish is defined

as 'other' with either no or limited space -- other than perhaps a few Polish books in the

school library. Polish has no, or limited presence, and therefore no value as a language to

be learned or as a language *through* which to learn. Hence it has limited, or even no, cultural or social capital within the school.

Investigating bilingual children's experiences within school, Moskal (2016) reports that class teachers lack background information on migrant children in their classrooms. This lack of knowledge results in prejudice, ineffective teacher evaluations and lowered teacher aspirations. In Devine's work (2013:288), teachers' evaluations of migrant children tended to focus on 'their demeanour and disposition', rather than academic progress, and she noted that migrant children had less involvement in the classroom than their indigenous peers. The lack of background information and involvement reflects the idea that the children are not 'being 'seen', 'heard' and 'valued' in the classroom' (Devine, 2013:288). When they *are* recognised in the classroom, the children are seen as deficient, limited and being other.

Devine (2009:527) further points to the experience of migrant children, not only in terms of the restriction of their languages in school, but also in relation to how they sought to minimise the 'embodied aspects of cultural difference related to accent, dress, and diet' and engaged in ethnic self-monitoring. The self-monitoring and editing of identities reflect the reality that, within the cultural and social capital of the school, these aspects of identity additionally held little exchange value in terms of social and cultural capital.

As an EAL teacher, my role acknowledged that equality of space – that bilingual children shared the same educational space in the classroom -- was insufficient for inclusion, equality, and attainment. Additional support was needed in order to deepen the processes of inclusion and access to educational success. In the context of the Scottish education system, I worked directly with curriculum materials in which language structures and cultural content created barriers to success for the children with whom I worked. I could see the tests failing the child rather than the child failing the test. However, the failed test became, as in my own school experience, evidence stored and used. In working with

bilingual learners and families, I was concerned about an implicit hierarchy of values and norms in terms of language, ethnicity and culture, which meant that some children and families were valued and respected less than others.

Too many of the children with whom I worked, concurring with the findings of Moskal (2013, 2016) and Devine (2009), would seek to hide or limit their ethnic and language identities, telling me that they did not speak a home language different from English or feeling embarrassed at the content of their lunch box. Families would change the names of the children because they thought it might make it easier for the teachers to pronounce. As well as resonating with the literature on bilingual children, this also resonated with my personal experiences in terms of class and schooling where for some there was less value, less respect and increased barriers to inclusion and educational success. Significantly, it was clear that the experiences of class and race are not obscured or hidden but *experienced* and *recognised* directly by the children and families with significant consequences for how they felt about themselves and what they were willing to share, or hide, of their own rich lives.

Having worked supporting bilingual children and families in school, I was aware that there is extensive literature in terms of supporting bilingual learners. There is also important and widely recognised legislation in place to support children and families, such as the Equality Act (2010) and specifically within education the Education (Scotland) Act 2016 — as well as key guidance from powerful stakeholders in education such as Education Scotland and the guidance document Learning in 2+ Languages (Education Scotland, 2020). And yet barriers to inclusion through the curriculum, through classroom and school practices and a lack of cultural and social capital, continue to be the experience for many bilingual children and families even with these policies being in place – and having been in place over a number of years.

In working as an EAL teacher my experience of the school and classroom was one of fundamental differences. My everyday experience was of the school as a shared place where children from all over the world came together to benefit and flourish from education. These children and their families brought their different languages, faiths, beliefs, and cultures. I was in school to support those children and families – respecting and providing a valued space for their different beliefs, cultures, and languages. As such, I celebrated Diwali, I sourced resources that helped me in working with one of the children as they learned to recite the Quran, I ensured that there were appropriate spaces for those who wished to pray during the day and that their dietary requirements were being met. Not asking them to change or to dilute these differences but rather working to promote the school and classroom practices where differences and disagreements can cohabit and where all are seen as equally entitled to flourishing, respect and dignity without the need to change.

Taking these two central elements of my educational and career trajectory, the core questions and challenges which I worked with as a teacher in school focused on the challenge of equal value, equal respect, presence and recognition for children and families who are traditionally excluded through school environments and practices linked and reinforced by wider societal culture and norms. Having learned and experienced the limits of policy and school practices within bilingual education, the Scottish Government claim that a new policy would make Scotland 'world leading' in terms of LGBTQ+ education concerned me. It stirred within me questions of how this might be and what might be the barriers to the adoption by the school of practices and outcomes supportive of LGBTQ+ children and young people. And, in particular, how this policy would be adopted by Catholic schools. My experience working with bilingual children taught me that, despite policy, when equal value and respect are missing or are unequal, children and their families

recognise this and – to use a LGBTQ+ metaphor – feel safer 'in the closet' using strategies to hide their selves from their peers and teachers.

LGBTQ+ inclusion sits within a very recent history of direct policy in education, which argued for a long time that there *could not* and *should not* be such inclusion. Notably, Section 28 and the ban on the 'promotion of homosexuality'. Additionally, and importantly for me, as I am a part of the Catholic education community and a part of the LGBTQ+ community, questions over how LGBTQ+ inclusion would be approached by my own faith community seemed central. The Catholic institutional approach, which had supported Section 28 and highlighted key documents of faith such as the Catechism of the Catholic Church, meant that the Church had effectively arguing *against* the extension of civil rights for LGBTQ+ people in society as well as education.

This dissertation is hence part of my continuing professional, personal and faith journey. An attempt to think through how, as a community of educators, and specifically a community with a faith background, we can move towards practical inclusion for a group whom we have excluded and whose absence we have demanded and supported; who in our practices and systems we have valued and respected less rather than more. It is clear that this exclusion and absence, seen in the research produced by Stonewall Scotland (2017), has had and continues to have such negative impacts on LGBTQ+ educational attainment and health. Like class and race, LGBTQ+ children, young people and teachers recognise their place and value within school and society and react accordingly when it is denied them.

My professional journey in education has meant that I have rubbed up against school culture, practices and personnel that exclude in terms of race, despite public assertions and policies sitting within government and within local school equality policies. My

personal and professional experience of school is of a community where culture and power are reproduced to the benefit of some, where some are allowed to be themselves and others forced to hide or at least diminish themselves (Stonewall Scotland, 2017). These are core questions and experiences of the LGBTQ+ community who at policy level are now to be included.

In all school communities, and specifically within ones which are Catholic, so much is written and spoken in terms of justice. The focus of this dissertation is on doing the right thing for LGBTQ+ persons -- Catholic schools as sights of justice for all. The statistics and reports from organisations such as the TIE campaign and Stonewall tell us very clearly that we are currently not doing the right thing. Justice requires an answer and as a faith community doing the right thing is a core part of our faith claim and a requirement of conscience. This dissertation seeks to explore the questions of absence, value and respect within Catholic school and education to answer the question -- what is justice for LGBTQ+ persons in the Scottish Catholic school? In order to answer the question of justice, this complex concept needs to be clarified and elucidated. In the next section, I will explain why a philosophical study has been chosen and consider how a philosophical focus can provide an important contribution to the exploration and answer to my research question.

1.3 A philosophical study

This Doctorate in Education (EdD) dissertation utilises philosophy as method to explore and clarify the concept of justice as a key tool to answer the questions surrounding the introduction of a new affirming policy for LGBTQ+ children and young people in Scottish Catholic schools. In agreement with Conroy et al (2008:176), the philosophical as it relates to the development of policy provides key points of clarification and exposition:

to provide the bridge between initiation and completion precisely because it can recover and elucidate the connections through exploration, exposition, analysis and development.

Fox and Slade (2014) point to a generalised perception of the EdD as one which seeks to develop the practising professional as they contend with practical problems. Philosophy as method has been chosen here as a way of utilising both clarification and elucidation in order to explore the concept of justice as it relates to the issues and practicalities of what is to become LGBTQ+ inclusion in the Scottish Catholic school.

The decision to focus on a philosophical approach is, in part, a reflection on the difficulties and ethics that a time-restricted desk-based EdD may encounter in terms of accessing educational sites and practitioners. An empirical based study would have sought to access and engage practitioners in a school setting, researching practices and attitudes as they relate to a Catholic response to LGBTQ+ affirmation in schools. Jones, et al. (2019) have argued that gender and sexualities within education and educational research are seen as contentious issues. The addition of religion, which I bring, within this dissertation (Allen, et al. 2014) adds to the sensitivities and problematisation of an empirical study and even its viability. As two intersecting controversial and sensitive areas, faith and LGBTQ+, additional and unnecessary challenges and anxieties may be faced by those who take part in an empirically based research study – potentially impacting access, consent and withdrawal as well as the validity and reliability of responses and the raising of key ethical issues in terms of faith, sexuality and gender.

Additionally, problems of accessing participants, according to Jones et al (2019), have meant that recruitment to gender and sexuality studies has often relied on known contacts of the researcher and then snowballing -- using those contacts to gain further contacts. This may mean that recruitment is within a very narrow and limited population – of people known to and by me, an out LGBTQ+ teacher -- affecting both reliability and validity.

Furthermore, Allen et al (2014) raise the issue that in educational sites, where personnel and management can change quickly, consent for this type of research can often be withdrawn when a key participant changes role or school. Given the need to have a small-scale study within the limits of a professional doctorate—for example, a single case study––this added an additional significant difficulty to an empirical dissertation.

Wortham (2015) and Conroy, et al. (2008) argue that both the philosophical method and empirical methods can work together and provide stronger argumentation and practical solutions. This dissertation has a philosophical core, however, there is not a clear binary and available empirically based studies will be utilised to consider the practices of justice in relation to LGBTQ+ inclusion. The implications of empirical studies as they relate to the dissertation focus will be used to support and develop the argumentation for LGBTQ+ affirmation in Catholic schools and the philosophical exploration of the concept of justice.

Importantly, selecting philosophy as method for the conceptualisation of justice works well with the issues of LGBTQ+ inclusion within Catholic schools, because, I contend, the problem has philosophical significance and is at a heart a philosophical question (Wortham, 2025). The educational and policy communities need to address a situation where the philosophical concept of justice has been and is understood and practised differently. As I argued in the previous section, there are groups in schools who have been 'othered' and devalued. In using a philosophical approach to the question of LGBTQ+ I seek to address the core philosophical concept of justice and its related principle of who are seen as persons entitled to justice in the shared space of the Catholic school.

Ruitenberg and Vokey (2010) claim that each differing conceptualisation of justice impacts on and is related to associated concepts and practices, such as equality and inclusion,

which are in turn, key to LGBTQ+ inclusiveness. The Catholic Bishops in Scotland have previously claimed to have justice as a core value and practice even when calling for and excluding LGBTQ+ teachers, children and young people from having a presence and a value as themselves in schools through, for example rejecting the repeal of Section 28/2a:

> From the Catholic Church's point of view, all members of the bishops' conference issued a common statement at the end of January, uniting behind the position, espoused first of all by Cardinal Winning, which was opposed to repeal of section 2A' (Scottish Parliament, Equal Opportunities Committee, Ronnie Convery, Spokesperson for Cardinal Winning, 6 March, 2000)

The ways in which justice is defined, understood, and subsequently practised is of core concern, brought into renewed focus by a new national policy which demands, through policy and inspections, all schools to be LGBTQ+ inclusive.

Conroy, et al. (2008) have argued that the philosophical method of research employs an analytical clarification of concepts and the scrutiny of practice. The pervasive and recent history and culture of anti-LGBTQ+ within society and education means that LGBTQ+ inclusiveness is situated within, and will challenge, pervasive and long held heteronormative and cisnormative ideologies, norms and practices.   The questioning and analysis of concepts and practices which underly policy and practice will, through conceptual clarification, increase the possibility of developing a response based on philosophical investigation and analysis. Philosophy as method is one way of advancing the educational discourse through reasoned and reasonable argumentation which is particularly significant within justice claims for LGBTQ+ children and young people, rather than a reliance on past prejudices and unquestioned assumptions – on fear and disgust (Nussbaum, 2010).

Donovan (2021:107) suggests that the task of the philosopher lies in considering carefully complex systems focusing on 'concepts and/or ideas, and the relations between them'

towards an end of supporting a change in thinking differently and seeing the world differently. Thomson (2012) argues that this clarity and change is not only an outward seeing of the world but an inward seeing of our ourselves as different.

Nussbaum (2017:218) provides a list of six criteria for philosophical work of this kind:

1. Rigor and Transparency – philosophical work should carefully consider the clarity or lack of clarity in thought.

2. Respect for other disciplines – that philosophical work adds to knowledge but requires partnership with other disciplines to develop and advance knowledge.

3. Respect for religious belief and practice – political philosophy should aim to develop a consensus where citizens have the principles of equal respect and good faith in others views.

4. Curiosity and respect for the world's diverse philosophical traditions – the work of the philosopher is to create opportunities for diverse dialogue.

5. Concern with previously excluded voices – to include those who have been excluded into the dialogue of philosophical enquiry.

6. Concern with the messy and complex real life of the person – particularly in ethics and political philosophical work needs to explore and be in dialogue with messy human lives.

In using philosophy as method, in agreement with Wortham (2015), and having selected a central concept of philosophical ethics, justice, I employ Nussbaum's (2017) above six criteria for philosophical work. I use the insights of philosophers to describe and clarify different and contested conceptualisations of this justice, for example Rawls (see Chapter 2). I draw on their argumentation to explore their thinking with an aim of strengthening clarity and exposition as they relate to the possible practices of LGBTQ+ inclusion in

Catholic schools. In the pursuit of clarity and rigor I also seek to discover contradictions, tensions and uncover assumptions that may limit or restrain justice.

I argue from the political philosophical tradition of Nussbaum's (2007, 2011) thought, respectful of different beliefs and argumentation whilst seeking to find points of consensus and congruence, in particular, with Catholic thinkers. In agreement with Freddoso's proposition of a key role of the Catholic philosopher (1999:231) I aim to 'to articulate the Catholic faith (or, better, Catholic wisdom) in a comprehensive, systematic, and intellectually rigorous manner'.

I include key Catholic thinkers to address, in agreement with the critique provided by McDonough (2016:161), that argumentation provided solely from a secular perspective 'Overlooks the Catholic context that governs these schools and may even be perceived as hostile.' In this dissertation, I seek to be respectful of other beliefs and find space to engage in dialogue and clarity of thought with those with whom I may respectfully agree and disagree. In seeking consensus and agreement within Catholic thought and using key thinkers such as Nouwen (1989), I thus hope to address Nussbaum's criteria of an expanded dialogue with diverse thinkers seeking to find points of consensus.

I utilise vignettes from the experiences of schools and the tensions experienced in Catholic educational spaces, as well as research informed from the real-life experiences within Catholic education, such as Pang (2021) and Callaghan (2014), as ways of expanding the philosophical work to include a dialogue with previously marginalised voices and to explore philosophical concepts as they influence people's real lives. In using vignettes and the experiences of LGBTQ+ persons, as described in the literature (Callaghan (2014), McDonough (2012), Pang (2021)), I seek to be respectful to those experiences and curious to how they are congruent, or not, with the practices of justice and Catholic wisdom. In

agreement with Spalding and Philips (2007) and Kim (2020:188) that vignettes, such as the ones I include,:

> crystallizes moments of live enquiry by sampling and digging purposefully into the small-data elements of a representative process or event

Recognising and foregrounding the messiness and dilemmas in the real-life choices and experiences of children, young people, parents and teachers and utilising the vignette 'as representations that can stimulate reflection and improve action' (Spalding and Philips, 2007:961).

In foregrounding the political philosophical work of Nussbaum in this way (2007, 2011), I do not make explicit theological claims or argumentation. In agreement with Schultz 2016:29) I recognise that Nussbaum's work focuses specifically on the social and political person as distinct from Catholic Social Teaching that additionally includes the theological:

> Nussbaum grounds our social obligations on an understanding of human dignity as entitlement to equal freedom and respect among essentially political (interdependent) beings, while CST grounds them on an essentially relational understanding of the human being as one whose dignity is inseparable from her participation in familial, political, and theological realities.

In agreement with Donovan (2021), I am focusing a specific optic and therefore present a view from where I am – utilising the gaze of Nussbaum's political philosophy. However, aligned with Nussbaum (2017), I also argue this is carried out with respect for other disciplines and argumentations, some of which I use, as in the inclusion of the work of Alison (2003) and Nouwen (1989). Additionally, I align my thinking, and this work of philosophy, with Davies' (2016) work on St. Thomas Aquinas' *Summa Contra Gentiles* (SCG), who in this key theological work argues that:

> Aquinas is perfectly prepared to engage in philosophy, considered as a matter of rational evaluation and argument not presupposing the truth of any theological doctrine. And never more so than in the SCG

In seeking to include and persuade people of other faiths and none, Kerr (2022) argues that Aquinas in the SCG uses natural reason as a starting point from which to build a dialogical

consensus. In using the philosophical approach of Nussbaum (2007, 2011) I aim to explore where consensus can be found in the plural Catholic school – including both intra-Catholic plurality and plurality of beliefs, faiths and traditions beyond Catholicism. Unlike St. Thomas I stop at a possible shared threshold of philosophical consensus and leave to the theologians (see van den Heuvel, 2021) and other philosophical work the metaphysical questions of capabilities. However, as I utilise the work of philosophy in exploring, clarifying, opening up a more diverse dialogical space from within the perspective and concerns of politically philosophy I do this, as a committed Catholic thinker, within a position that aligns with Aquinas that 'truth cannot contradict truth' (Davies, 2016:13).

Conroy et al (2008) and Barrow (2020) all point to the role of the philosophical method in terms of conceptual clarification, but they also point to this as a limited view of philosophy. A core focus of this dissertation is conceptual clarity as it relates to justice and therefore it could rightly be critiqued as having a limited focus. However, the use of philosophy as method in the dissertation, whilst placing a central conceptual focus on justice, additionally links justice to norms and aims within education. In exploring the links between concepts, norms and aims, the dissertation through 'philosophy as method' has a purpose to, as Conroy et al (2008:173) say, 'actualise a particular conception of how things 'ought to be'. Justice as a concept requiring clarification and elucidation additionally solicits a response to what the 'ought' of a just Catholic school requires both in terms of duties and outcomes.

Tomasz (2020:148) argues that philosophy is unable to respond to practical problems, because, he says 'it fails to generate any practical knowledge'. Conceptual clarification and the link to norms and aims within this dissertation argues to the contrary that philosophy as method, and specifically as tool of an EdD which focuses on the practical (Fox and Slade, 2014), confirms that, as Barrow (2020:725) claims,

> the primary function of philosophy must by its nature be to advance clear, penetrating and productive thought, and then, secondarily, we may hope that such thought leads to action

Within education in Scotland this 'lead to action' is strengthened by the governing body of teaching who require all teachers to engage with and reflect on policy, theory and to change practice appropriately (General Teaching Council for Scotland, 2021). Both the primary and secondary function of philosophy: clarification and resulting action are required by all teachers.

Thomson (2012:241) points to how within the philosophical method there is the 'practice of defamiliarization'. A defamiliarization with what has been defined previously as justice, providing the space to rethink those definitions and associated norms and practices, is undertaken here. In relation to the differing philosophical conceptualisations of justice and their implications for practice within schools, this defamiliarisation will provide the opportunity to think through those conceptualisations of justice, which I will argue, resulted in anti-LGBTQ+ policies and practices, such as those associated with Section 28 and move towards change.

Defamiliarisation as a tool of the philosophical method is additionally useful as it relates to LGBTQ+ inclusion. Strong personal identification with gender binaries and self-imaging linked to a hegemonic heteronormativity, as explored by thinkers such as Butler (2006), have created performativities that become identified as inherent and unchanging realities. Philosophical defamiliarization becomes an openness to other ways of thinking about the self, other ways of being, some of which may be challenging for those who have never had to think about either their gender or sexuality as performative and fluid.

Philosophy through conceptual clarification and normative exposition, as a tool of enquiry, additionally provides the opportunity and frame through which to answer the requirement of an informed conscience which is expected of all Catholics and therefore specifically of those charged with the needs and well-being of the most vulnerable; such as children and young people. The Catholic Church has an authoritative centre from which emanate many encyclicals and other teachings that the Catholic community should attentively read and consider (Paul VI, *Dignitatis Humanae*, 1965b:14). However, the Magisterium is but one source of authority and an informed conscience, as reiterated by key doctors of the Church such as Saint Thomas Aquinas and recent popes, such as Paul VI in *Gaudium et Spes* (1965d), is another source of authority and guidance:

> In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience when necessary speaks to his heart: do this, shun that. For man has in his heart a law written by God; to obey it is the very dignity of man; according to it he will be judged. (Paul VI, *Gaudium et Spes*: 16)

The Catholic stance on conscience is that it is universal and one which, in the words of Paul VI, is a response felt within the heart. Pope John Paul II, in agreement with Paul VI, speaks in *Veritatis Splendor* (1993) of this same heartfelt pulse towards conscience and in exploring these ideas he points to the Catholic understanding that the voice of conscience is not always clear and can become 'darkened'. The Catholic community, and specifically within this dissertation, the Catholic education community, is required to reflect on the possibility of error. Philosophical enquiry, as a tool of clarification and elucidation, is able to become a means of developing a clearer, informed listening and response to the pull of conscience and the Catholic requirement that conscience is informed and errors corrected.

A philosophical study adds to the discourse on LGBTQ+ inclusion, specifically within Scottish Catholic schools, through taking as its stance a critical exploration of the divergent meanings and impacts of the conceptualisations of justice, and in particular justice within

Catholic education for LGBTQ+ persons. Exploring the different conceptions of justice may provide new reflections and new ways of thinking for teachers, question assumptions and ideologies, and support informed positions and practices in terms of the delivery of a new policy and its place within a just education system—and, in particular, a Catholic education system, where for Pope Benedict XVI the pursuit of justice is a core value and practice of faith within the Catholic school:

> Is the faith tangible in our universities and schools? Is it given fervent expression liturgically, sacramentally, through prayer, acts of charity, a concern for justice (Benedict XVI, 2008:3)

The dissertation, through employing philosophy, seeks to clarify the concept of justice and associated norms and practices to add depth to the discussions and the options for all those who provide education specifically within a Catholic education that seeks to practice justice within the Catholic school.

Pring (2010:65) argues that words can deceive and change meaning as contexts change:

> Language can be deceptive. Certain words hide important differences of meaning – differences which embody different understandings of how the physical, social and moral worlds we inhabit should be seen. The philosopher, much to the annoyance of some people, keeps asking 'What do you mean by that?'

The context for the conceptualisation of justice for LGBTQ+ persons has been changing in society and this now is entering into schools. Such change involves more than the introduction of a new policy, but is a change in the aims and norms of education, of what as a community of educators we think of as 'what ought to be'; what education ought to aim for, and who is entitled to justice. In this sense, my hope is that in using philosophy through a focus on the concept of justice and an analysis of the norms and aims of education, this will support educational practitioners in terms of 'clear and productive thought…that such thought leads to action' (Barrow, 2020:725). As a way to move

forward in elucidation and action, Nussbaum's (2007, 2011) work on Capabilities as a partial theory of justice has provided key points of reflection and insight.

As a teacher of English as an additional language, my focus and experiences of schools, in particular, highlighted Catholic schools as places of diversity. As an EAL teacher I worked with children from varied and diverse faith backgrounds and from many different cultures and traditions. I experience and see Catholic schools as sites of encounter and disagreement for those within the school in terms of comprehensive philosophical and religious traditions. I therefore recognise and am in agreement with McDonough (2012) that Catholic schools are places of encounter with those with whom we both agree and disagree -- those from other traditions and intra-Catholic diversity and faithful dissent. I align my thinking with McDonough (2012:41) when he claims that:

> Catholicism does not conceive of persons existing in isolation, it posits that a person is only fully formed when in relationship with others, and that formation obtains through the experience of learning how to negotiate freedom and responsibility, given the challenge of working and living together to promote the needs and goods of all.

I have been concerned that previous attempts to introduce LGBTQ+ inclusion in schools have resulted in a clash of rights discourse and what appears to be an increase in community division (see Chapter 2). In Catholic schools, in agreement with McDonough (2016) this is additionally played out as a clash of rights between the denominational Catholic school and the individual rights of LGTBQ+ students. In seeking a threshold of consensus, a minimum conception of the good life that can be accepted across metaphysical differences, disagreements and dissent, I focus on the Catholic school as a shared social and political place where people encounter and are shaped by each other in the pursuit of education as a goal of human flourishing.

In using the political liberalism of Nussbaum (2007) I focus on the Catholic school as a social and political space: as a public institution where diverse individuals are invited to come together for the individual and mutual advantage of public education. In agreement with Nussbaum (2007) I therefore focus on schools as sites where the political principles of the capabilities approach may be accepted by people with diverse metaphysical comprehensive doctrines as the basis for a threshold system of justice. My attention is on the Catholic school as a site of diversity where individuals come together to learn how to live together whilst promoting the 'needs and goods of all' (McDonough, 2012:41). In proposing the approach of Nussbaum's (2007) CA I argue that a core question of LGBTQ+ inclusion in Catholic schools is fundamentally a *political philosophical* question of how we live together – including how we live in Catholic schools as sites of faithful dissent and of metaphysical disagreements – as persons of equal dignity. In the following section, I explore the Magisterium and foreground the role of listening, reason, and conscience as key ways of being Catholic.

1.4 The Magisterium: a listening and teaching authority in Catholicism

The term Magisterium has been applied to different groupings of people within the Catholic Church. In medieval times Sullivan (1983) discusses two specific categories recognised as having magisterial authority, defined as the authority to teach: the *magisterium cathedrae pastoralis* (the magisterium of the bishops and the pope) and the *magisterium cathedrae magistralis* (the magisterium of the theologians) – both authorities represented by a chair: the bishop's chair in the cathedral and the professor's chair in the university. Both magisteria were recognised as having a teaching authority in terms of the faith, possessing their own particular charisms – the Bishops having a leadership and pastoral charism and the theologians having an academic-epistemological and teaching charism Sullivan (1983).

Sullivan (2012) has argued that Post-Vatican II the term Magisterium is now used in a much more restrictive way to refer to the teaching authority of the bishops and the Pope – *magisterium cathedrae pastoralis*. He claims that this term has come not just to refer to the teaching office but to the hierarchy of the Church itself as the locus of authority. Other groups such as theologians continue to function as core authorities in the teaching of the Church, as do lay Catholics (Lumen Gentium, Pope Paul VI, 1964), however, the term itself is now used to refer normatively to the Pope and the bishops as a teaching authority and to the range of documents they produce or approve.

In Catholic theology there are two important principles that prepare the foundations and justifications for the teaching authority of the Pope and the bishops –the Pope is also the Bishop of Rome. Firstly, *Lumen Gentium* (Pope Paul VI, 1964:12) indicates that the bishops, as the successors of the apostles, have been given the authority to 'teach in the name of Christ' and therefore have a pastoral teaching authority. Secondly, the Church claims that,

> It is this Magisterium's task to preserve God's people from deviations and defections and to guarantee them the objective possibility of professing the true faith without error. Thus, the pastoral duty of the Magisterium is aimed at seeing to it that the People of God abides in the truth that liberates. (CCC, 2019:890)

Those with Magisterial authority -- to define Catholic doctrines and dogmas as infallible, without error, are:

- the Pope, when speaking definitively *ex cathedra*

- the bishops in ecumenical council with the Pope

- the bishops when dispersed throughout the world are united in judgement

There are two basic categories of teaching authority: definitive (infallible) and non-definitive (non-infallible) (Akin, 2018). For infallible teachings the Church teaches that,

> The entire body of the faithful, anointed as they are by the Holy One, cannot err in matters of belief. They manifest this special property by means of the whole peoples' supernatural discernment in matters of faith when "from the Bishops down to the last of the lay faithful" they show universal agreement in matters of faith and morals. (Lumen Gentium, Paul VI, 1964:12)

Only through those categories mentioned above is the Church able to define a dogma or doctrine as infallible. An example of this is the dogmatic declaration of the Assumption of the Blessed Virgin Mary, body and soul into heaven, declared by Pope Pius XII in 1950. In *Muntificentissumus Deus* (Pope Pius XII, 1950), Pope Pius XII refers to the centuries of tradition of the theological teachings; the tradition of belief held by the majority of lay Catholics, and of the agreement of the bishops and declared it as an infallible dogma of the Church. Other key infallible teachings of the Catholic Church can be found in Catholic Creeds such as the Apostles Creed and the Nicene Creed, which make statements of faith in dogmas such as the Trinity, the Resurrection, the Communion of Saints, etc. many of which are repeated and acknowledged as central truths of the faith by Catholics weekly at Mass.

In terms of non-infallible, or non-definitive teachings, the Church indicates that there are differences in terms of their levels of authority, and therefore levels of obedience and consent required by Catholics. However, as Akin (2018:30) describes:

> The Church acknowledges that non-definitive teachings have different degrees of authority, but thus far it has not developed a way of objectively classifying these.

These non-definitive teachings may include encyclicals written by popes, papal interviews and homilies given by bishops or the pope. When acting alone or within a group of bishops these magisterial teachings are defined as part of the *ordinary magisterium*. They therefore do not fall into the category of infallible teachings and as such are not protected from propositional error.

As well as the teachings of the Magisterium, the Church also produces documents from the various congregations and dicasteries whose role is to support the bishops, Pope and lay Catholics in the understanding and development of the faith. For example, the CCE (now renamed as The Dicastery for Culture and Education) falls within the *curia* of the Catholic Church whose role is to support the Magisterium and Catholic educators throughout the world in promoting Catholic education. However, as Akin (2018) maintains, since most of the documents produced by the dicasteries are not doctrinal or have the approval of the Pope, the two categories needed for a magisterial teaching, they fall outside that classification.

Although Sullivan (2012) has claimed the Church hierarchy is now seen as the Magisterial authority, in terms of magisterial teachings, only those documents that have the approval of the pope and are concerned with doctrine, according to Akin (2018), may fall into the category of magisterial teachings. The teachings of the Magisterium and the congregations/dicasteries therefore become entangled in complex levels and degrees of authoritative teachings, multiple teachings and, and at times, competing theological debates. The proliferation of documents and teachings has, according to Galliardetz (2018b) made it more confusing and difficult for Catholics to distinguish between the teachings and their levels of authority -- and therefore of obedience and the possibility of dissent.

Catholic obedience to Church teachings is one of a developing and forming of *conscience*. The development of a 'Catholic conscience' lies in the attempt actively to consider and reflect on Church teaching, working towards consent. However, as Sullivan (2002:166) claims,

> If, in a particular instance, Catholics have offered their 'religious submission of mind and will' to the authority of the magisterium, by making an honest and sustained effort to achieve internal assent to its teaching, and still find that doubts

> about its truth remain so strong in their minds that they cannot actually give their sincere intellectual assent to it, I do not see how one could judge such non-assent, or internal dissent, to involve any lack of obedience to the magisterium. Having done all that they were capable of doing towards achieving assent, they actually fulfilled their obligation of obedience, whether they achieved internal assent or not.

Catholics are required by the Magisterium to consider and reflect on their teachings and to make an honest and serious attempt to see how those teaching may be true. In the CCC (2019:1777) conscience is described as both a property of reason and a law 'inscribed in the heart'. It requires an active engagement and consideration of Magisterial teachings, reflection on the implications of those teachings on specific circumstances and a judgment.

The Catholic Church recognises that conscience can be in error and advocates rational and prayerful discernment in terms of conscience. Errors in conscience are to be avoided, as much as is humanly possible. Errors may be avoided through actively taking time to reflect and consider -- taking due account of Church teachings, sacred scripture and tradition -- and in the application of guiding principles such as 'charity always proceeds by way of respect for one's neighbour and his conscience' (CCC, 2016:1789):

> Man has the right to act in conscience and in freedoms so as personally to make moral decisions. "He must not be forced to act contrary to his conscience. Nor must he be prevented from acting according to his conscience, especially in religious matters." (CCC, 2016:1782)

The duty on Catholics is to actively engage with Church teachings, seeking to find the truth in them. However, if after careful and prayerful consideration there is still faithful dissent, then the Catholic, in agreement with Sullivan (1983), has fulfilled their obligation to obedience.

Galliardetz (2018a:135) claims that Vatican II proposed a 'new form of doctrinal humility'. This humility recognised by Vatican II proposed that with Magisterial teachings there is a 'hierarchy of truths' (Galliardetz, 2018a:135)—with foundational Christian beliefs, such as those of the Gospels and the Creeds, providing a simple articulation of

doctrine. And, that the Church, in relationship to truth, is on a *journey* of faith towards a deeper understanding of truth. Catholic epistemology is presented as a recognition of the potential limits to current knowledge and understanding. As is seen in the dogmatic declaration of the Assumption, discussed above, Catholic epistemology is also one that is collective – it requires the Church, as the whole people of God, to have accepted and believed certain propositions.

Pope Francis in *Evangelii Gaudiam* (2013:36) proposes that Church teachings need to be presented proportionally, with a balance across the teachings and in recognition that,

> All revealed truths derive from the same source and are to be believed with the same faith, yet some of them are more important for giving direct expression to the heart of the Gospel… This holds true as much for the dogmas of faith as for the whole corpus of the Church's teaching, including her moral teaching

All Church teaching therefore is presented as hierarchical in relation to the core message of the Gospels, the love of God made manifest in Jesus and each person made in the image and likeness of God (Pope Francis, 2013)—with discernment, proportionality and balance key in seeking to understand and practise the foundational beliefs of the faith. Catholics therefore presented with a plethora of teachings with different authoritative levels, as they are in the CCC, and through the many publications of the Dicasteries, should through an informed conscience foreground those teachings that lie at the core of the message of Jesus in the Gospels. I argue this has major implications for Catholic educators who are therefore required to discern and proportion Church teachings in their work in schools.

The highest level of authority, infallibility, a teaching without error to be accepted by all Catholics, does not mean that understanding and wording of infallible statements may not change. As Sullivan (2002:80) claims,

> Infallibility guarantees the truth of the proposition. It does not guarantee that the statement in which the proposition was enunciated was a fully adequate expression of the divine reality which it was intended to express. Nor does it guarantee that it will always be an appropriate or easily intelligible expression of that meaning.

Galliardetz (2018b) additionally proposes that in seeking to understand Magisterial teachings we cannot ignore the limitations of the human person who seeks to comprehend the teaching. Church teaching therefore is one that points to the truth but one that requires *all* Catholics to listen and consider as processes of moving to a deeper understanding of both infallible and non-infallible teachings. Pope Paul VI (1965c) proposes in *Dei Verbum* that,

> there is a growth in the understanding of the realities and the words which have been handed down. This happens through the contemplation and study made by believers, who treasure these things in their hearts (see Luke, 2:19, 51) through a penetrating understanding of the spiritual realities which they experience, and through the preaching of those who have received through Episcopal succession the sure gift of truth. For as the centuries succeed one another, the Church constantly moves forward toward the fullness of divine truth until the words of God reach their complete fulfilment in her.

As such, the Catholic response to dogma and doctrine is one that requires a humility in the understanding of doctrine that is both eternally true but also one that develops in truth over time and in the light of the experiences and practices of the faithful. To *know* as a Catholic, therefore, is to accept the propositional truth of teachings, such as the Assumption of the Blessed Virgin Mary body and soul into heaven, and to continue in prayer, contemplation and listening in order to move forward in faith and truth together as a journey – obedient to conscience.

A 'Catholic knowing' is one that is communal, and rather than static; is one that *moves* deeper and fuller into truth. To know as a Catholic is to be humble in relation to that knowledge, and to the human who seeks to understand, with a confidence in truth as a communal journey that must involve listening, dialogue, rethinking, renewing of ideas and wordings in the light of the experiences and situations of the world as it is in the present. The 'known' of Church teaching (Coll, 2021:26) therefore should be understood not as a measurable and static teaching but, I suggest, the possibility that the teaching that can be revised, renewed, reconsidered and made proportional. And one where, the Catholic

school – as part of the people of God – must *speak back* to the Magisterium as part of a collective listening, knowing and discernment of faith.

Galliardetz (2018a:132) argues that the Magisterium has come to represent a binary that,

> emphasises doctrinal unity over theological diversity. It privileges office over charism, magisterium over the sense of the faithful, authoritative pronouncement over communal discovery

My position in this dissertation is one which argues that this binary has been carried into Catholic schools. As I argue in Chapter 4, the Catholic concept of scandal as applied in Catholic school settings, a potential leading of people away from the faith, has been one of doctrinal obedience to a restricted set of teachings. Catholic schools, I claim, rather than having a humility, critical discernment, communal journey towards truth and proportionality in the application of teachings have presented the identity of the Catholic school as one, not of a communal Catholic journey of faith, of discernment and the formation of an informed conscience, but of a binary obedience to narrowly selected specific Church teachings.

However, with the papacy of Pope Francis there has been a movement away from this binary position in the Church. The papacy of Francis, Galliardetz (2018a) argues, has moved towards a position where the Magisterium is required to listen before it teaches. Moving the Church towards broader and deeper synodality, Pope Francis has sought to break down the binary distinction between an *ecclesia docens* (teaching Church) and an *ecclesia discens* (listening Church).

Pope Francis has emphasised that leadership in the Church requires bishops, priests and other leaders in Catholic institutions and services to adopt multiple positions -- of one who listens, learns, leads and follows (Pope Francis, 2021:6) and one who seeks 'listening to all the baptized, the subject of the infallible *sensus fidei in credendo'* – the sense of the

faithful in belief.   And in seeking this sense of the faithful to include those voices, according to Galliardetz (2018b:2364) who have been in 'ecclesial exile'. Pope Francis in *Amoris Laetitia* (2016:37) has argued that those in authority in the Church,

> also find it hard to make room for the consciences of the faithful, who very often respond as best they can to the Gospel amid their limitations, and are capable of carrying out their own discernment in complex situations. We have been called to form consciences, not to replace them.

In calling Catholic leaders and decision-makers to a pastoral sense of doctrine, Pope Francis, EG, (2013:35) has warned against 'the disjointed transmission of a multitude of doctrines'. Galliardetz (2018b) proposes that Pope Francis' move to a pastoral Magisterium is one that does not need to provide all answers to all questions. It is one that allows time in the journey of faith, that is open to new insights and knowledge as time and experiences change and develop, and that includes those voices of disagreement and dissent as part of the journey of faith and discernment. The journey of faith is one that includes support to be a part of the process of the formation of conscience – not to replace them (Pope Francis, 2016:37), but to have humility, proportionality and balance in the teaching of doctrine, with a focus on the core of the hierarchy of truths. This recognition has included the Pope presenting himself as engaged with, and ready to listen to, diverse groups of people through modelling this way of dialogue, respect, listening and teaching.

In the documentary *The Pope Answers* (2023) Pope Francis is seen modelling a listening, inclusive Magisterium, in particular to those dissenting voices as he sits in dialogue with a group of young people who include people from the LGBTQ+ community, people who have left the faith, Catholic feminists, advocates of reproductive rights. For Francis the Church has to move toward encounter and to listen to those who are marginalised – including those who feel marginalised by the Church itself (EG, 2013:49). In EG Pope Francis addresses the Church:

> More than by fear of going astray, my hope is that we will be moved by the fear of remaining shut up within structures which give us a false sense of security, within rules which make us harsh judges, within habits which make us feel safe.

In the move to synodality, marked by dialogue and encounter that is inclusive, the Pope has sought to place listening and exchange at the heart of Magisterial processes and practices.

I propose this model of encounter and dialogue is needed to replace the current fear of the scandal of disobedience that currently marks the identity of the Catholic school and the abjection of LGBTQ+ people.   Catholic educators have, as modelled by Pope Francis, someone who goes to those who are marginalised, and first listens, values and shares in hospitable dialogue. Part of the mission of the Catholic school -- as a part of the Church – is to provide a space where the local bishop can seek out the voices of those in 'ecclesial exile' Galliardetz (2018b:2364) and for the Catholic school to speak back to the Magisterium, offering the discernment and diverse experiences of faith of the schools and families they serve.

In agreement with McDonough (2012), I argue, in Chapter 4, that Catholic schools need to provide a central place for a pedagogy of faithful dissent. One that recognises dissent not as scandal but as an opportunity to explore the depth and varied responses of the Catholic community to Catholic teaching and wisdom in the Catholic school. In seeking to include everyone I claim that Catholic schools need to consider the ways in which we live together in the shared space of the school and classroom -- taking particular concern with those with whom we may have fundamental disagreements but who we recognise as persons entitled to a shared dignity, respect and conscience. As Nussbaum (2007) would describe, as being able to be and do those things that *they* have reason to value.

1.5 Introduction to Nussbaum's Capabilities Approach

This dissertation will apply the work of Martha Nussbaum (2007) and in particular her argument for a Capabilities Approach (CA) as a potential answer to the definition and practice of justice for LGBTQ+ people in the Scottish Catholic school: applying the core Capability questions of what people are able to be and to do, enabling them to live a life with equal dignity and respect and one capable of human flourishing.

The CA focuses on threshold entitlements for Capabilities that should be in place for everyone. Nussbaum (2007) has created a list of 10 Capabilities that she proposes are needed in order for people to be able to be and do those things which they may define as *required* for their good life and for a life of equal respect.   She argues that to fall short in any one of these Capabilities is to fall short on a basic threshold of justice; each capability is interdependent and non-fungible.

The 10 Capabilities (Nussbaum, 2007:76-77) are:

1. Life – a life worthy of living, not dying prematurely
2. Bodily health – to have good health, shelter, nourishment
3. Bodily integrity – movement, freedom from violence and assault, bodily satisfactions and choice in reproduction
4. Senses, imagination and thought – to use the senses, imagination and thought in human ways such as freedom of expression and religion and to have these Capabilities developed through education and training
5. Emotions – adequate attachments, to love and grief. Freedom from emotions blighted by fear and anxiety
6. Practical reason – freedom to conceive of the good and engage in critical reflection
7. Affiliation – freedom to live and to imagine the lives of others. Freedom from humiliation and the basis of self-respect. Non-discrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion and national origin.
8. Other species – to live and have concern for other species
9. Play – freedom to enjoy and have recreation
10. Control over one's environment – freedom to involve oneself in political participation, equal material and employment rights, to use practical reasoning and enter mutual relationships of mutual recognition.

Providing a limited list that forms a threshold means that the CA is a partial theory of justice. It leaves to the individual state, or within the context of Scottish Catholic

education, the educational community, to discuss and reason Capabilities beyond the threshold and beyond the list.

Education is a core institution within society and has for Nussbaum (2007, 2011) a key place in the development and support of Capabilities. The developmental stage of children may limit their choices and Capabilities. Therefore, children have a specific relationship to the CA, where functioning, the *doing* of certain activities, may at times be a requirement— for example, as in the case of compulsory education. Compulsory education places the functioning of education before the capability because, as I argue in Chapter 2, it provides the skills required for potential capabilities to be an option for a child. Children must be educated as opposed to only have the capability to be educated.

Schools are of course institutions where inequalities and social injustices may be potentially addressed and/or reinforced (Treanor, 2020). The school is a place where the community comes together in the potential sharing of their stories and experiences allowing for the understanding of individual persons, differences and where key skills such as the development of critical thinking and practical reasoning are core responsibilities (Nussbaum, 2011). The role of education has, as Nussbaum claims (2011:152), a 'fertile functioning'. Education makes possible the development of, and the ability to make use of, Capabilities, for all members of the community who have access to it.

The individual within CA is a reasoned social and political person in a plural society. He, she or they, is one who, as a member of a plural society, can recognise that the capability to be and to do those things which enable them to live their good life with dignity is dependent on shared Capabilities and which hence allow others, who may have very different conceptions of the good, to live their good life with equal dignity and respect. A consensus emerges in this society, not in the functioning of the capability—that is, what

people actually do—but in the entitlement to the capability: that each person has the ability to be and to exercise those actions which involve their own definition of a good life and of human flourishing.

The idea of an emerging consensus on the list of threshold Capabilities rests on the recognition of the universality of the Capabilities—that each person's entitlement in a plural society secures the entitlement of the other to the same Capabilities (Nussbaum, 2010). Within a concept such as justice and its associated practices, the focus on consensus is a key feature in this dissertation. For Nussbaum (2011), such consensus does not need to exist currently, but it can be imagined as existing. This may be the case with the introduction of an affirming LGBTQ+ policy, which for some will be controversial. Nonetheless, in using a Capabilities Approach this dissertation will argue that a consensus *can* indeed be imagined within the Catholic school.

Nussbaum (2007) critiques the social contract model of justice, which she argues influences not just our conceptions of justice but wider debates in society. I argue that the social contract provides an illuminating framing and elucidation of the current oppositional discourses on the inclusion of LGBTQ+ within education – see Chapter 2. The example of Anderton Park Community School in Birmingham provides an illumination of a social contract framing of LGBTQ+ inclusion in a school that fell prey to the oppositional discourses.

From March 2019 protests were held by some family members outside of this school and on social media. The objections focused on the school's introduction of LGBTQ+ materials in teaching and learning as being in opposition to the Islamic faith and the school as intruding on the rights of parents. In response, Birmingham City Council sought an injunction on the protests both on the street and through social media (Vincent, 2020) --

both parties claiming (Raj and Dunne, 2021) that each position was one of justice.   In the case of Anderton Park Community School, this resulted in recourse to the courts and the framing of the argument over a clash of rights, where both parties argued referencing claims for justice under the terms of the Equality Act (2010).

As such, the social contract model of justice has been unable to answer here the question, beyond legal enforcement, of how to move forward in relation to a more pluralist and inclusive society the questions of inclusion of LGBTQ+ within schools. I will argue in Chapter 2 that the social contract model is limited and may reinforce opposition and resolution through enforcement. Alternatively, I offer Nussbaum's CA as way in which to conceptualise and practice of justice -- finding a way towards a solution within universal entitlements and an interdependent consensus based on Capabilities. Thus this study uses the CA as a way forward in the adoption of an LGBTQ+ affirmative policy and as a potential answer to the clash of justice for 'protected characteristics' seen in the example of the Birmingham schools.

Nussbaum (2007) is clear that a core aspect of the Capabilities Approach, fundamental to the building of a consensus, is that it does *not* provide answers to metaphysical questions. In this sense, there may be a challenge to using Nussbaum in answering the question of whether or not this liberal political philosophical conceptualisation of justice is able to address the needs of a school community, such as the Catholic school.

The Catholic tradition is one where a metaphysical position is—as evidenced from Vatican documents such as *Male and Female He Created Them* (Congregation for Catholic Education, 2019)—one that argues that God created only two genders. The Vatican's position on opposition to LGBTQ+ inclusion according to Lawler and Salzman (2020)

rests on three core foundations – which they go on to show are not justified in terms of Catholic thought -- to exclude LGBTQ+ people:

1. The Bible

2. Magisterial teachings

3. Catholic traditional moral understandings

This metaphysical position is used in key sections of Vatican teachings as justification for an antagonistic and exclusionary stance towards LGBTQ+ inclusion. I will propose however in this dissertation that Nussbaum's work can be used in the context of Catholic schools.

I will use the CA to centre my argument on the school as a social and political space where all are able to flourish and were the common good of the school is advanced. Catholic schools are already, in practice, places of diversity with often fundamental disagreements and intra-Catholic dissent. The issue of persons of different faiths is an example where, as described by Franchi (2018), Scottish Catholic schools value their specific perspective alongside the contributions that people of different faiths, and none, can make as welcomed and valued members of the same school learning community. Fundamental and oppositional metaphysical disagreements therefore come after the consensus on the school as a shared space with persons of equal value– including children and young people's as capable of faith choices. The CA, I argue, provides the space, both philosophically and in terms of the practices of justice, for the informed Catholic conscience and the Catholic understanding of the common good as a place of difference to come together.

The experiences of Catholic schools in Canada (Liboro et al, 2015) have shown that a consensus can be reached in schools through the concepts which are core to the philosophical elucidation of justice as explored by Nussbaum (2007, 2011). Nussbaum's central focus on the person as the object of respect, her concern with dignity of the person

and human flourishing, as well as the core concept of justice, have been highlighted in the Canadian research on LGBTQ+ inclusion in Catholic schools to be at the core of inclusion. Liboro et al. (2015) have shown in their research in Canadian Catholic schools that concepts such as equality, dignity and a focus on Catholic social justice values—for example, *kindness* as a Catholic value—have been used to advance and put into place services within Catholic schools, such as Gay/Straight Alliance groups, which are affirming of LGBTQ+ children and young people.

In a Scottish context the Scottish Catholic Education Service (SCES, 2018) guidance on equality and inclusion, which includes LGBTQ+ education, highlights four key areas of Catholic social teaching: equal human dignity, a non-discriminatory and equal access to the common good, human flourishing as a social concept, localised participation and decision-making. These are core ideas which are discussed within a Capabilities perspective and I argue that an LGBTQ+ policy not only sits comfortably within these ideas but helps to consolidate and reinforce Catholic social teaching – that the inclusion of LGBTQ+ persons bears many gifts for the Catholic school community.

The Stonewall Scotland (2017) School Report has highlighted that there are significant current capability deprivations as a consequence of the historical and present discrimination and prejudice faced by LGBTQ+ children and young people in schools in Scotland. The new policy on inclusion, as in Liboro et al's (2015) study, may promote interventions that utilise concepts and practices such kindness and compassion as a justifiable Catholic response to the harm and humiliation experienced by LGBTQ+ persons. However, I argue in this dissertation that through using a CA perspective inclusion is not one limited to compassion but is a central question of justice and the LGBTQ+ person as the subject of justice. I argue that LGBTQ+ persons unable to be or

do those aspects of the CA list, which is applicable to them, are not only deprived of compassion, equal respect and kindness, but of applied justice as well.

In this dissertation I therefore propose that Nussbaum's (2007, 2011) partial theory of justice shares key concepts, values and norms with Scottish Catholic education. As an outcomes-based approach, this conceptualisation of justice asks of schools not only what are the procedures in place to support the adoption of an LGBTQ+ affirming policy but, what are the outcomes for LGBTQ+ children and young people? The dissertation will use Nussbaum's work to argue that acknowledging that there can be a consensus moves the debate beyond opposition and polarisation. Capabilities places the central focus on justice as the question of LGBTQ+ inclusion in Scottish Catholic schools.   Building on the Capabilities Approach to justice, in this dissertation I will argue that Scottish Catholic schools committed to their faith position *can and should* be places of welcome, safety, recognition, and justice for LGBTQ+ persons in the Catholic school.

1.6 Conclusion

In 2021 national policy affirms LGBTQ+ children and young people as present and to be recognised in schools in Scotland. This is situated within a country that has been and continues to experience homophobia, biphobia and transphobia, and where LGBTQ+ children and young people currently continue to experience education with significant and unacceptable outcomes in terms of education, well-being and health (Stonewall Scotland, 2017). These outcomes, subject to Nussbaum's (2007) CA scrutiny, can be clearly defined as capability deprivations. Failures to meet the basic threshold of a minimum list required of a minimally just school.

In Scotland there is a significant number of denominationally Roman Catholic schools, whose educational position, I have argued, has reinforced the exclusion of LGBTQ+ presence. The interaction between faith and LGBTQ+ children and young people in school has been contentious and requires a specific response (Carlile, 2019). Although recent situations, such as those in Birmingham, have been presented as an oppositional clash of rights (Raj and Dunne, 2021) between faith groups and those who seek to include LGBTQ+ content in the school, I claim in this dissertation that a consensus can still be imagined. I argue that Catholic schools through the teachings and practices of the Church, such as the role of the informed conscience and faithful dissent, can be places of recognition, safety and flourishing for LGBTQ+ children and young people.

I am someone with a working-class experience of school and one who, as a teacher, worked closely with children from Black, Asian and Minority Ethnic (BAME) backgrounds. I have argued in this first chapter that these children also have and continue to be treated inequitably in schools and through the curriculum. For both groups there exist well-intended policies which have been introduced over a number of years. However, as can be seen from the evidence, these policies sit within discriminatory ideologies, structures and practices of power. The experiences of class and race highlight how a progressive policy approach can be constrained and underline that there is a need to explore conceptualisations and practices of justice that address aims, norms and outcomes such as that provided by the CA.

A response to the research from groups such as Stonewall Scotland (2017) and society's greater openness to LGBTQ+ people, wherein their stories are being shared, spotlight the intolerable and exorbitant price being paid by LGBTQ+ persons. This reading and listening to the experiences of discrimination, humiliation and harm may provoke a response of compassion, which is good. I agree that more compassion is needed in

schools. However, in this dissertation I take the position that the fundamental question of inclusion of LGBTQ+ persons goes beyond compassion and is centrally one of justice. Using philosophy as method in the dissertation to elucidate and clarify, leading to action, I use the work of Nussbaum's CA to illuminate this ambiguous and oft abused concept. I argue that justice is currently denied LGBTQ+ persons. I insist that justice clarified can make an affirming LGBTQ+ policy one of 'justice applied' for LGBTQ+ persons in Scottish Catholic schools.

Chapter 2

2.1 Rawls, the social contract, and the Capabilities Approach

This dissertation emerges, in part, from the distinct and seemingly entrenched oppositional stances taken by those who argue *against* LGBTQ+ affirmation in schools, and those whose goal is to ensure that a comprehensive LGBTQ+ inclusion is realised. I propose that the framing of LGBTQ+ inclusion debates may be influenced by, and constrained within, the boundaries, concepts and practices of contractarianism. I will use here an application of the core ideas and principles of the Rawlsian (1974) conceptualisation of contractarianism and 'justice as fairness' to illustrate my proposition. Through the example of a school in Birmingham I will demonstrate how the current discourses can be understood in terms of a contractarianism that *reinforces* oppositional stances and may further marginalise minority groups.

I use a Birmingham school as an illustration of the crystallization of the debate on LGBTQ+ inclusion – that continues with similar protests against LGBTQ+ inclusion such as those in July 2023 outside Birchfield's Primary School in Manchester (Timan, 2023) – and demonstrate that current approaches have been unable to move beyond conflict to

consensus. By contrast, I will then demonstrate that Nussbaum's Capabilities Approach (CA), and in particular the CA starting point of an 'imagined consensus', provides a philosophy of justice that can in practice be utilised by teachers and schools to move towards justice defined and practiced as inclusive of LGBTQ+ children, young people and teachers.

Nussbaum (2007) draws on the work of Rawls (1971) in explaining that the CA does *not* reject all of Rawlsian contractarianism. She identifies agreement with core contractarian concepts, such as a person as an end in themselves (Kant and Gregor, 1998) and maintains these as essential within the CA. This concept is contrasted with a key principle of utilitarian philosophy which is rejected by both Rawls (1971) and Nussbaum (2007). Utilitarianism views the individual as secondary to the majority's greatest happiness in the measure of a just society. Rawls (1971) argues that a utilitarian culture could therefore result in clearly unjust practices, such as ones where slavery may emerge, justified on the utilitarian grounds of the individual subservient to the greatest happiness principle. Nussbaum (2007:3) is here in agreement with Rawls (1971), whom she sees as providing the 'classical idea of the social contract in its strongest form' and therefore also with those elements of the contractarian philosophy which she finds useful—such as, indeed, the person as an end in themselves. However, for Nussbaum (2007), Rawlsian contractarianism as a philosophy of justice has failed to address three specific areas: *disability, nationality* and *species membership*. These failures for Nussbaum (2007) are failures caused by key categories within contractarian philosophy and its resultant principles.

For Rawls (1971), a just society and its institutions emerge through individuals coming together, creating a social contract: one in which the cooperation of roughly equal parties, guided through mutual advantage, results in rational decision making and just institutions.

Mutual advantage, rough equality, conflict and cooperation are key ideas in Rawlsian contractarianism. In contrast to other contractarian philosophers, Rawls (1971) does not constitute a contract emergent from a particular historical period or state of nature, but as a thought experiment; one where, according to Brandstedt and Brännmark (2020), the theorist, through the thought experiment, makes evident the relationship between judgements. Through reason and reflective equilibrium, the Rawlsian thought experiment can result in practical revisions to the current state of injustice.

In Rawls' proposal of his *original position*, the parties to the contract should come to the discussion behind a veil of ignorance, not knowing any potential advantage they may have; for example, not knowing whether they may be rich, poor, female, male, and/or a minority ethnic person. These roughly equal parties come together and cooperate based on the idea of mutual advantage. Two principles of justice arise in the original position:

1. An extensive as possible range of liberties for all individuals

2. Inequalities can be justified as fair if they provide a benefit to all, with openness to social and economic positions and their benefits for everyone.

These principles emerge because, behind the veil of ignorance, by virtue of not knowing whether we as persons to the social contract may have advantages or disadvantages in our society and its institutions, the parties to the contract therefore create conditions for securing extensive liberties for themselves by extending liberties for all.   Through ensuring that society provides support for those disadvantaged, as well as openness to move to positions of advantage, the individual parties provide for those who may be worst impacted in their society—which could of course, behind the veil of ignorance, be them— to have fair opportunities.

In justice as fairness, it could be argued for example, that it is fair to pay a headteacher more than a class teacher because the work of the headteacher ensures the school's overall

functioning, which as a result is a benefit for all. All in the Rawlsian just society, through the provision of liberties and social goods, can become headteachers, if they as individuals wish to be headteachers, and they have the skills and capacities to fulfil functions and roles, that result in benefits for all in that setting. The principles of justice as fairness have therefore been met. Inequalities still exist but they are rationally fair inequalities and those class teachers who want to receive the higher salary as headteachers can -- if they have the capacities.

However, Nussbaum (2003, 2007) identifies significant weakness in Rawlsian contractarianism—such as the emphasis on the rationality required by those who are party to the contract. One clear way she does this is through bringing into the discussion the category of people with disabilities, and in particular those individuals whose rational functionings may be significantly limited by their impairments. These individuals fail to meet the Rawlsian conditions to be parties to the contract as rational beings with rough equality. Human diversity, and in particular the exclusion of people with disabilities, for Nussbaum (2007), therefore, becomes a fundamentally unresolved issue of justice in the Rawlsian approach. The contractarian condition of mutual advantage is also problematic for those members of society for whom their disability requires significant support as a necessity throughout their lives.

As a philosophy of justice, these key problems fail to address significant human experiences and human lives, which, for Nussbaum (2007) highlights a key concern with contractarianism: the distinction between those *accepted* as parties to the contract, who choose the principles of justice, and those who have justice *chosen for* them. For Nussbaum (2007) this distinction is deeply problematic because a philosophy of justice should be one where *all* are primary subjects of justice, all entitled to equal dignity and respect.

These criticisms of Rawlsian contractarianism presented by Nussbaum are central to her 2007 critique in *Frontiers of Justice: disability, nationality and species membership*. The core conditions of the contract, which I discuss later in this chapter in relation to LGBTQ+ inclusion—mutual advantage, rationality of parties, and rough equality—are, I contend, also evident in the oppositional positions in the localised case of the example of Anderton Park Infant and Junior School in Birmingham (Nottingham, 2020, Khan 2021), a school which sought to introduce LGBTQ+ inclusion initiatives. I argue they are key factors in the resultant philosophical positionings of the debates and the reasoning and in explaining why there has been a failure to move away in this episode from imposition to consensus.

In the example below, I argue that contractarian concepts and arguments have provided core philosophical ideas that have shaped the protests and the discourse. In this vignette, I suggest there is evidence of a contractual breakdown - between parents who have argued the school has a contractual responsibility with them to restrict school education to one that in the main aligns with their community/faith values, and those who argue the school has a new civic responsibility to include LGBTQ+ in public schooling and education. In agreement with Nussbaum's (2007) CA approach, I argue that *all* are entitled to equal dignity and respect and the vignette highlights the need to find a common consensus -- that the contractual arguments have failed to provide -- between people as equal subjects of a threshold of justice as a starting point for LGBTQ+ inclusion. This applies, in particular, to areas where there are central metaphysical differences and disagreements and marginalised communities seeking to live together in the common and community space of the public school.

In 2019, over a period of seven months (Vincent 2020, Khan 2021), there were demonstrations outside of the school by some parents and community groups who were

against LGBTQ+ curricular content, and online abuse was directed towards school staff. The local community and the school had a majority Muslim children and family population.   Those who protested argued that the introduction of LGBTQ+ materials and content was discrimination against their community ethnicity and faith (Khan, 2021). However, it is important to note that there were also many Muslim families and children at the school who *did not* object to the LGBTQ+ content.   And, in another similar school in Birmingham, Parkfield, the *No Outsiders* project, which included LGBTQ+ content, had been in progress uncontroversially for the previous four years (Vincent, 2020)—however, in 2019 protests also spread to that school.   As Vincent (2020) explains, the Equality Act (2010) was used to formulate the legal positions taken by *both* oppositional sides in the debate on LGBTQ+ inclusion. Arguments presented by the protesters were that there was discrimination on the protected characteristic of race and religion. In contrast, the Local Authority argued that sexual orientation was the protected characteristic being safeguarded. The debate then manifested as a clash of rights and legal protections.

Nottingham (2020:243) argues that the protesters also exploited a 'paedophilia agenda', because claims were made that the teaching of LGBTQ+ included age-inappropriate materials such as teaching children about specific sexual practices. Objections were also raised by protestors about materials that portrayed different family types, including those from the LGBTQ+ community (Senthorum and Dunne, 2021).   The school reacted by addressing the specific concerns of parents in terms of content: that materials were age-appropriate, by showing that they were in line with equalities legislation and supported knowledge about different family types and not about different types of adult relationships or sexual practices. The school maintained that they encouraged family learning and discussion, showing in this way that families who may affiliate with different beliefs or cultures could be supported in dialogue and discussion with their children in addressing issues where there might be a home-based disagreement with school content.   In reaction

to the protests, Birmingham City Council sought, through the courts, an injunction on the grounds of nuisance and a stop to the online abuse of teachers (Nottingham, 2020). In its judgement the court agreed with Birmingham City Council and placed restrictions on the protests.

Vincent (2020:13) argues that the Anderton Park school case shows the polarising of positions as a result of policy and power dynamics, with opposition arising from two positions: one which uses 'muscular liberalism' as a way of positioning some parents, in this case minority ethnic Muslim parents, as 'retrograde, hostile and discriminatory'. At the same time, the protesters saw LGBTQ+ inclusion as another step in the state's marginalisation of their community and beliefs, limiting their ability to utilise collective goods and services, such as the local school. As a result, Vincent (2020) argues for the need in such dilemmas to base practice on developing relationships between schools and parents. Whilst the need for relationship and relationality, which will be discussed later in this chapter, is key, the case of the school in Birmingham, I claim also presents an example of the influence of social contract ideas and the ways in which a contractarian philosophy of justice frames and limits the debates on LGBTQ+ education:

> In our time, the social contract tradition has assumed a distinctive shape, in part through the pervasive influence of economic ideas of bargaining on our political culture as a whole. Nussbaum (2007:13)

Rawls (1971:3) argues that 'the first virtue of institutions is justice' and as such is, therefore, a key requirement of schools. The conditions of justice within a contractarian position contend that mutual advantage and rough equality are founded on the idea that parties to the contract have related needs and interests, with no-one having a monopoly or an overabundance of resources. In the context of education, the school is seen (Vincent, 2020) as a shared institution and community resource. However, the contractarian assumption of a fair contract having a rough equality between the parties is challenged in a school context because it is the school that holds abundances, in terms of resources,

knowledge of the system, and official learning pedagogies. The additionally weaker position of marginalised groups, such as Muslim parents, also draws attention to the disparity in power between a state institution, such as a school, and specific groups of parents. The parties to the school contract, the school and parents – as well as the school, parents and children -- are then not roughly equal. This creates a challenge for contractarianism and questions over power between the parties to the contract.

Those who protested in Birmingham, as Senthorum and Dunne (2021:11) claim, presented fundamental concerns that LGBTQ+ inclusion resulted in discrimination based on religion and culture, 'to the extent that they could not preserve their cultural values that are 'centred on heterosexual relationships in marriage'.   In the arguments advanced by those protesting these were presented as existential and moral threats that would impact not only on their children's values and beliefs, but which would, in essence, be a cause of harm to their children and the community. The school, as community resource that should provide mutual advantage, is thus undermined when parties to the contract argue they will not benefit from the institution. In Birmingham, the protestors went further than simply critiquing the school for impinging on mutual advantage, they made the claim that the school through its LGBTQ+ inclusion would actually *harm* their children and community:

> the contract perspective has not been able to move from conflict to cooperation in cases in which there is a significant asymmetry of power and to which the concept of mutual advantage is seen by the parties as inappropriate.   (Nussbaum, 2011:87)

The case of the school in Birmingham provides a clear example of an asymmetry of power and how the discourses of LGBTQ+ inclusion when based on ideas upon concepts such as a contractarian 'mutual advantage' have not been able to move beyond conflict to consensus. This is perhaps seen most clearly in those parents who withdrew their children from the school, which is in effect a withdrawal and rejection of the contract they held with the school.

Justice as fairness acknowledges that conflict and cooperation *are* an intrinsic part in questions over justice and that conflicting claims require reasonable and rational deliberation. In relation to the school in Birmingham, this argumentation was presented in the media as a binary opposition which, as Vincent (2020) shows, was further reinforced through a justice system that is itself binary-adversarial in structure. When the conditions of justice, such as rough equality and mutual advantage, as well as contestation over the reasonableness of the claims, as seen in Birmingham, have resulted in an inability to move conflict to cooperation, then, we can consider the two principles of Rawlsian contractarianism in helping us to answer the question of whether justice as fairness has been applied in the context of the protests and LGBTQ+ inclusion.

Firstly, the question over inequalities as described by the second principle. The Rawlsian second principle of justice — exemplified in the earlier example of the Headteacher who receives a reasonable higher salary. In the second principle of justice, Rawls argues that inequalities are acceptable as long as they benefit everyone. The arguments presented by the protesters, who focused on threats to children in terms of inappropriate materials, LGBTQ+ teachers, the threat to the heteronormative family, etc, were effectively predicated on the idea that having unequal respect and value for LGBTQ+ people provides advantages for all. The arguments presented by the protesters reflected the heteroactivist arguments, described by Nash and Brown (2019), which commonly claim that the heterosexual family unit is essential to the proper functioning of society. In this argument, all benefit because the functioning of society requires heteronormative families. This, therefore, if accepted, sits acceptably within the second principle of justice as described by Rawls (1971).

If we accept, under the Rawlsian second principle of justice, that inequalities are permitted in just institutions, such as inequalities in respect and recognition for LGBTQ+ people, this

should then bring us back to the argument centred on the first principle of justice: the most extensive range of liberties for all. However, under this first Rawlsian principle of justice the range of liberties would be, in the case of Birmingham, profoundly limited for LGBTQ+ people. It would limit the liberty of teachers from the LGBTQ+ community to teach in all schools and limit the liberties that provide opportunities for the recognition and respect which mark LGBTQ+ inclusion. These limitations to the range of liberties may indicate that justice as fairness has *not* been achieved in this context. LGBTQ+ exclusion is, under the first principle of justice, an unacceptable injustice. However, although I have proposed that under the first principle of justice LGBTQ+ inclusion is required of a just school, as I have argued earlier, the impact of the framing of key aspects of the discourse within contractarian categories and concepts has meant that LGBTQ+ inclusion remains an area of deep contestation and polarisation. I argue that Rawlsian contractarianism has not been able to answer the question of LGBTQ+ inclusion -- beyond a muscular liberalism with which I am concerned further marginalises minority groups. Now I turn to Nussbaum as a response to the weaknesses within Rawlsian contractarianism and an answer to contestation and polarisation with a move towards an 'imagined consensus' and a focus on who is the subject of justice.

Going back to the work of Nussbaum (2007, 2010), we can see the strong similarities with Nussbaum's concern about *who is counted* to be parties to the contract in Rawlsian contractarianism. LGBTQ+ people, parallel to the experiences of women, of black and minority ethnic people, of people with disabilities, have been excluded because of a narrative that places the body and uncontrollable emotions and desires as limitations on the rationalism of members of these groups. Nussbaum's (2013) work *Political Emotions* maintains that the exclusion of groups, based on the idea that these groups have limited rationality, has been used repeatedly by dominant interests—white, male, able-bodied and heterosexual—to constitute groups of people as outsiders, excluded from sharing

community goods, such as voting, equal respect, human dignity and liberties. As underlined by Nottingham's (2020), reference to paedophilia, the focus on sexual acts rather than relationships and personhood, has been used by the Birmingham protesters in their arguments against LGBTQ+ inclusion. This is the homophobic, biphobic and transphobic narrative of the LGBTQ+ person as a lifestyle, a disordered desire, unable to control their sexuality: as one who is limited as a person, and therefore outside of rationalism and of equal human dignity, respect and justice. This discourse is one in which LGBTQ+ people become less than persons and are placed outside of the protections of the social contract and of the possibility of being rational parties to the contract.

The Rawlsian original position depends on a very thin subject: one without gender, wealth, race, disabilities. The veil of ignorance for Rawls as a thought experiment seeks to foreground the person as a rational individual, as free from bias as possible, in order to support justice as fairness where social and political benefits can be fairly distributed. In the context of LGBTQ+ people, however, the very existence of an LGBTQ+ person is challenged by a discourse that focuses on sexuality and acts that are 'intrinsically disordered' (CCC, 2357). In this narrative, the LGBTQ+ person exists as a *condition* and one for whom, as Cardinal Ratzinger (the future Pope Benedict) defined in these terms:

> the Church provides a badly needed context for the care of the human person when she refuses to consider the person as a "heterosexual" or a "homosexual" and insists that every person has a fundamental identity: the creature of God (1986:16)

LGBTQ+ inclusion I argue provides an insight into situations where the personhood of a subject can be denied, or at least diminished, by powerful parties to the contract. I propose this is a fundamental challenge to the principal practice of the Rawlsian 'veil of ignorance', which depends on an agreement by the parties that such persons *can* and *do* exist.
Nussbaum (2010:xii) describes a young man at an evangelical school:

> … he had learned to feel horror and disgust at the behaviour he desired and to think of it as base or animalistic, not suited to the full dignity of a human being.

Fricker's (2007) use of the concept of epistemic injustice applies to Nussbaum's example of the young man, and of other LGBTQ+ people thus affected. Fricker (2007) argues that this powerfully influences not just the day-to-day experiences of injustice, as evidenced in Nussbaum's example, but the knowledge and value one has of *oneself* and one's experiences. The recent history of LGBTQ+ people has been one in which the denial of a self, the limitation of an aspect of self to a disordered desire, has been a personal experience reinforced by society. In the original position, the parties should not know what their identity is. The example of LGBTQ+ people illustrates that our very existence, as persons, has been and continues to be questioned – sometimes even by ourselves. Not knowing or agreeing to the existence of a person who may exist as parties in the original position, therefore, pushes some, like me, outside of the contract. My concern with the veil of ignorance is that it depends on recognising that there is such a subject. However, the very existence of many persons, as seen in the example of LGBTQ+ people, has routinely been denied.

This can be seen in the example of the case of the school in Birmingham. The debates and actions around LGBTQ+ inclusion in schools take oppositional stances. Social contract philosophy has been important in shaping these debates. However, as argued in this section, because of the weakness and manipulations of contractarianism, the debate has not been able to move people from conflict to cooperation. In the case of Birmingham, the courts were involved and focusing on the particular issue in front of them placed conditions on the protests. As Vincent (2020) demonstrates, in terms of the content of the curriculum, the Equality Act (2010), which was a key legislative reference point in the legal case, is silent in terms of curriculum content and pedagogical practices. The judge's decision to focus on the protest was because that was the central legal issue in front of him. The recourse to the law limits the decisions to legal procedures and decision making. It leaves undecided the practical implications of LGBTQ+ content in schools.

For Nussbaum, (2007), the CA is able to address the weakness and problems of contractarianism whilst retaining those aspects of the philosophy which are also integral to the philosophy of justice as capabilities. In Nussbaum's CA approach, the LGBTQ+ person is an end in themselves, one as a subject of justice entitled to equal respect and equal dignity. The debate on inclusion in schools within capabilities thinking asks what are all children able to be and to do? Nussbaum's CA is a partial theory of justice, allowing for interpretation and dialogue, and this may include misinterpretation and misapplication.   But it is one, nonetheless, where all have respect and dignity, and all capabilities are applicable to everyone.

Nussbaum's (2007) philosophy of justice as capabilities has practical applications that can move the debate forward. Everyone is entitled to the full list of capabilities. Through focusing on the central capabilities for ensuring equal dignity and respect, as key concepts in the CA, and in terms of both duties towards each other and outcomes derived from the individual's definition of human flourishing, Nussbaum's (2007) CA begins with the need for an imagined consensus. In the case of possible impasses such as those of conflicts between faith and LGBTQ+,

> The protection of the Central Capabilities always be regarded as "compelling state interest" that would justify the imposition of a burden on the free exercise of religion (Nussbaum, 2011:147).

A key position within Nussbaum's CA is, I propose, that where the influence of contractarianism has solidified oppositional stances and been unable to move the debate beyond conflict, the CA moves the philosophical question to *before* conflict and disagreement by asking what are the universal threshold capabilities for each person?—and importantly in schools draws our attentions to the processes and outcomes of LGBTQ+ inclusion in schools.   In this way, the CA provides, in the work of Nussbaum (2007,

2011), a list of universal capabilities, through which each person is entitled to *all* capabilities.

Conflict is not avoided in CA; we are all entitled to disagree, and in Catholics schools as I argue in Chapters 4 and 5 this may continue — but we are not entitled to deny other persons their capabilities. The CA starting point is not that we, as in a contract, will argue from a particular position, but that we start with a consensus of universal entitlements and relate to each other as equal persons. In a school we start with *how is each person supported to do and be those things that they have reason to value?* We may disagree, as in the case of the parents who protested. However, in the CA the school has a duty of securing the universal and non-fungible capabilities to which *all* are entitled. The question of the rights of religious belief versus LGBTQ+ inclusion is answered through the school's requirement to protect a child's capabilities, and that may therefore mean, in some instances, a restriction on religious freedom. I discuss in the following section that restrictions on parental rights are already embedded e.g. parents must educate their child. This supports moving away from a contractual understanding of school/parent relationship to one in which there is support and the opportunity for schools to work and dialogue with parents. Articulating that the school is a place where different people come together with a key goal of relating to each other as equal persons entitled to justice.

2.2 Children and the Capabilities Approach

Nussbaum's (2007) critique of Rawlsian contractarianism justice as fairness identifies key areas where the Rawlsian framework fails satisfactorily to address people with disabilities, the relationship between nations, and species membership. Nussbaum (2007) also argues that, however admirable Rawls' theory is in exploring justice, these areas reveal

fundamental limitations and provide a need for the application of the Capabilities

Approach as a more comprehensive answer to the questions of justice.

A key aspect of the alleged weakness in Rawls' argument is the failure of the contractarian

position to deal with those parties to the contract who are perceived as having limited

rationality and unequal power. Children, a key concern of this dissertation, are a category

of people who are often seen as people with limited rationality and power:

> Being especially vulnerable, dependent and "unable" has been used as a
> justification for limiting individual freedoms in order to deter from harm that may
> be caused by the unable individual (both to herself and to others). Children are the
> typical example of how vulnerability and inability condition what we are owed
> (Brando, 2020:249)

Nussbaum (2007) acknowledges that within the CA, contrary to the position she takes for

adults, certain functions, such as education, take primacy over capabilities. The example

of mandatory education highlights that freedom and agency, core and fundamental ideas

that shape capabilities, are argued (Nussbaum, 2007) as justifiably limited when it comes

to children. Children, on the basis of their stages of development and vulnerabilities, are a

special category of subject within the CA. This section explores the relationship between

the CA and children, investigating how the CA can be applied to the special category of

children and the application of the CA for LGBTQ+ inclusion in schools.

Children raise issues within the CA in terms of their agency and their ability to reason. In

applying the CA to children, questions arise because, as a liberal theory of justice, claims

that individuals in a just society should have the full range of capabilities (Nussbaum,

2007, 2011). To have capabilities is to have the freedom and the abilities to make and

enact choices. These choices are made as the individual decides what is important for their

flourishing, choices which they then have a reason to value (Nussbaum, 2007). Children's

agency and abilities to rationalise are limited: associated with their stages of development

and the wider perceived vulnerabilities of children as dependents within their families,

communities and societies. The justification described by Brando (2020), that children's freedoms and agency may be limited, is therefore valid as a reason for avoiding harm to themselves and to others.

In the case of education, Nussbaum (2007) is clear that it is not the capability to go to school that is of paramount importance. She argues, that because of a child's stage of development, dependency and the impact education has on future capabilities, the child *must* be educated. Nussbaum (2007) recognises the child as a subject with limited rationality and abilities; one who is a vulnerable subject in their present circumstances, as a child, and who requires mandatory functions and child-affirmative policies.   The CA has therefore a dual perspective on the child: the child in the present and a different, future, developing child who becomes a young person, then an adult.

Nussbaum (2007) is clear that capabilities is concerned to address the issue of the child as a subject in the present whose functionings are an integral aspect of the formation of both their present *and* future capabilities.   A key function of education within capabilities is, as Terzi (2014) emphasises, the *development* of capabilities where children's knowledge and skills are established alongside their abilities to participate as agentive subjects in their families, schools and communities.   Education has a core function in 'capability formation', playing a formative and vital role, such as in the development of the imaginative and critical thinker. These capabilities support the individual to make choices based on their understanding of their own flourishing, to develop other capabilities and to function as subjects within the social and plural settings of a liberal society. Children within the CA are subjects in the present, with, as Ballet et. al (2011:30) underline, the need to experience boundaries and support. However, these boundaries are fluid and not fixed; 'typically renegotiated by children'. The child is therefore an active subject in the CA, one who is engaged with their environment, engaged with other social actors and

capable, in age and stage appropriate ways, of *choice*. The issues of LGBTQ+ inclusion draw attention to children as developing subjects where choice, reasons, values, decisions and imagination may change as the child develops when given the opportunities and the freedoms into a choosing and imagining young person and then an adult.

This selection and choice can be seen from the very first stages of a child's life when, for example, the baby cries and wriggles because they do not want to be in their pushchair when they would rather be held. This familiar example shows that even very young children exercise a form of agency, seeking to exert choice. Within the CA, agency is a key concept that is, as shown in the example above, to be understood as developing from the first stages of life. Comim, et al (2011:5) argue that children within the CA must be seen as active agents in their settings, which involves,

> ceasing to regard children as irrational or immature, and instead considering them to be active actors, agents and subjects of capabilities.

In this argument, the focus is on how children's choices are supported and developed with a view of them as active choosers and evaluators of their choices and circumstances. However, choices sit within wider structures of what is seen and are limited to what is acceptable and permissible. Children are therefore a group vulnerable to capability deprivation.

The concept of *adaptive preferences* within CA draws attention to the ways in which the social environments of, for example, family, school, community and faith influence the opportunities for, and availability of, the agency and freedom for children. Buzelli (2015:452) points to how capabilities and functionings can be restricted through 'coercive pressure and preference deformed by either our surroundings or our pasts'. The choices available and the values that shape reasons for choosing specific ways of human flourishing are restricted by our societies, parents and those in power. The CA approach,

through its emphasis on capabilities and freedoms, draws focus on to the ways in which agency and choice can therefore be limited by culture, society and those with power and authority over us, such as parents and schools. The choices we make, and the reasoning for those choices, may be restricted by the adaptive preferences structured by our schools, families and wider society. Nussbaum's (2010:xii) description of the young gay man's understanding of himself is worth repeating here:

> … he had learned to feel horror and disgust at the behaviour he desired and to think of it as base or animalistic, not suited to the full dignity of a human being.

Adaptive preferences illustrate the potential of agency and reason to be distorted by institutions and those who surround us. This potential distortion of agency, freedom, reasoning and imagination is a key concern as it may limit and deprive both capabilities and functionings.

The CA argues that even parents' rights can therefore be justifiably limited because of the child's developing and future capabilities. This is already embedded in UK law, in, for example, the legal requirement for each child to have an education. The state, through affirmative policy, acts against those parents who would not want this for their child. Although some parents, and some children, may have reason to choose not to go to school––for example, because they need or want to work—obligations to educate are legally placed on parents because of the requirement that children develop knowledge and skills through education.

Ferracioli and Terlazzo (2014:450) use the example of *autonomy* to highlight the role of education and the limits on parental rights.   It is the role of the state through education to ensure autonomy for all children, even when their parents do not recognize autonomy as a good. They argue that the liberal state cannot ask parents to go against their own beliefs because that would be an extension of the state into the private life and choices of the

individual. In respecting parents' rights not to choose an autonomous life for themselves, it nevertheless becomes the role of education to ensure that all children have a 'mental capacity for autonomy'. In this way, we can see that the CA puts limits on parents and other adults when it comes to children and that a key role of education and schools is to develop the opportunities for children as individuals to be able to make choices.

Furthermore, the school is a place of plurality where choice must be truly available, even when that choice may sometimes go against the wishes of the parents. Children, like everyone else in the CA, are an end in themselves and not a means to someone else's ends. Schools in a liberal society should be places where the child has the opportunity and ability to develop their own sense of self, with the capabilities to choose those ways of being and doing that they have reason to value. The child cannot be an end to the parents' ideal of what the good life means for the parent. The child as a present and future person within CA must have the capacity to develop in terms of their own developing reasonings and values:

> it will also require as well that schools aim to foster in children the kind of self-esteem that is required to truly see oneself as a person who can choose such an alternative course of life even when the doctrines in which they have been raised teach them to abhor those choices (Ferracioli and Terlazzo, 2014:450)

Within LGBTQ+ inclusive education, the role of the school is to provide the opportunities for children to imagine other lives, to see other ways of being and doing in the world; to imagine lives that may not be seen within their families or even seen as abhorrent in their families and communities – I will return to these key concepts in Chapter 5. And to foster the capabilities through which children and young people may have the freedom and the capabilities to choose for themselves – in the present and the future.

I argue that schools and authorities who use silence and erasure of LGBTQ+ in the curriculum deny children the opportunity to develop their capabilities in these key regards.

As Biggeri and Libanora (2011) argue, when applied to the inclusiveness of LGBTQ+ education, capabilities can be seen in showing how providing inclusion will increase children's agency and autonomy; seeing children as ends in themselves rather than as the means of parents, communities and/or educators. Absence and erasure deny a child's imagination; which is a denial of critical thinking and a denial of awareness of different ways of being, some of which they may ultimately freely choose or freely reject for themselves.

The child in the logic of erasure and absences is defined as an 'incapable subject' and not as one who is active or critical. With the CA, the child by contrast is one who is active, who has agency, whose developing capabilities support their abilities to choose a life for which they have reason to value; and whose choices and values may change as they grow. LGBTQ+ inclusion allows all children to see and consider the choices they, and other members of their communities, societies and faith groups, may make. It provides the space and resources for the 'mental capacity for autonomy'.

> When children's agency is recognized, as capable human beings, they can be seen as part of the solution and not merely as part of the problem. (Comim, 2011:333).

The CA provides vital insights into the role of education in which social relations, practices and resources shape autonomy, subjectivity and the formation of capabilities. The CA approach argues that, although children require boundaries and protection because of their stages of life and vulnerabilities, they are also active, capable agents in their own lives. LGBTQ+ inclusion encourages us to consider that choices and imagination may change and may be different from those choices available in our families, communities and faith groups. As such, it requires schools to be places where children and young people have the freedoms to imagine and reason both for themselves and as these relate to others, who may be different to them, their families and their communities. It requires an articulation of these ideas in our relationships and dialogue with parents.

I argue that the CA perspective on the child as an active, critical thinking subject is one where the child is 'part of the solution' to LGBTQ+ inclusion. In this framework for justice, teachers, parents, members of the education community need to consider children as ends in themselves who, through their capabilities in the present and the future, should be able to, through school practices and pedagogies, make, consider, evaluate and re-evaluate their own choices, and the choice of others, based on the opportunity to imagine and to reason. The child as the active subject who is supported to imagine, to reason and to develop values requires LGBTQ+ inclusion through presence and respect.

2.3 Capabilities Approach and Catholicism

Deneulin (2018) and Goodey (2019) both argue that the Capabilities Approach and Catholicism share key philosophical ideas and related concepts. Those shared perspectives and philosophical foundations provide a framework where the CA can be used to support Catholics as we consider the questions of justice in our organisations and societies, such as schools. This section will explore the intersection of the CA and Catholic teachings to improve our understanding and practices of the inclusion of LGBTQ+ children and young people in Catholic schools.

There are some authors who consider the CA as *incompatible* with a Catholic approach. Skerker (2004) explains that the CA is not politically neutral. It includes key political and social choices, some of which are, in his argument, in fundamental ways unacceptable to Catholics. Skerker (2004) is concerned with two key dangers, particularly for religious groups who may have illiberal beliefs and practices, that he sees as incompatible with the CA. One danger is the imposition of an external standard that may further marginalise an *already* marginalised minority group. The second is that it can create political instability

as those groups may feel excluded from the key institutions and processes of a democratic society.

These two dangers may be manifested again in the experience of the local authority Birmingham school, see section 2.1, with the introduction of LGBTQ+ inclusive resources Khan (2021). Based on ideas that the school could no longer provide a safe space for their children's religious and cultural identities, some families threatened to withdraw them from the school to provide home or community schooling. Using Skerker's two key dangers theory, it may be that some members of a marginalised religious group, in this example some Muslim families, withdrew their children from the school due to the imposition of what was for them an unacceptable external liberal standard, with the potential that this would further isolate them from key social institutions and the majority community.   Skerker (2004) claims the political values and principles of the CA are an example of an external standard that requires religious believers, such as these, to give up some of their foundational beliefs and therefore for such groups, this price of a liberal CA is too high.

Brennan (2009) and Schultz (2016) apply their critique of the CA to a specifically Catholic context. The prioritising of CA liberal values pushes away the foundational values and practices that some Catholics see as fundamental for themselves and the proper functioning of a healthy society. Schultz (2016) uses the example of equal marriage. The political liberal, according to Schultz (2016), who has advocated for equal marriage on grounds of marriage equality as it extends dignity, respect and legal assurances to lesbian, gay and bisexual citizens – enjoyed up to this point by heterosexuals -- fundamentally alters the nature of marriage for the Catholic heterosexual. In this argument, marriage equality has diametrically altered the core functions and meanings of heterosexual marriage, as defined

by the Catholic Church, such as reproduction and the heteronormative family unit as a
foundational building block of a good society.

For Schultz (2016) the individual is more than the political individual of the CA, but one
who sits in relation to all others in terms of political but also family and theological truths.
Milbank (2012) argues that equal marriage negates the link between sexual attraction,
reproduction and child-birth, as well as arguing that heterosexuality is integrated at both
the natural and the cultural levels. Equal marriage, for Milbank (2012), diminishes the
natural biological and cultural expressions of heterosexuality, for example, he is concerned
that sex and reproduction become increasingly replaced with child-rearing as a technical
rather than natural outcome and process. Heterosexual cultural expressions, such as
biological kinship, normatively and only expressed through heterosexual marriage, are also
diminished. To extend the marriage relationship to people of the same gender, therefore,
negatively impacts all those who are married, as it changes the fundamental theological,
familial, as well as cultural role of heterosexual marriage.

According to Schultz (2016), the political and partial theory of justice advocated by
Nussbaum would therefore impact the fundamental principles of the Catholic believer,
pushing them to accept, and be changed, in ways contrary to their fundamental theological
and domestic beliefs. As Skerker (2004) claims, this would make Catholics, as a minority
faith group, feel further alienated and withdrawn from key institutions of society. Brennan
(2009:6) adds:

> a fact about the political liberalism of the sort Nussbaum pursues is that it cannot
> adequately accommodate the Catholic Church, a disability that Catholics should
> regard as a reductio.

However, Mulligan (2010), uses the concept of the 'common good' developed by Thomas
Aquinas (1225-1274), a key thinker and Doctor of the Church, to explore how Catholic
theology and values relate to these institutions and wider society. The concern here is with

how non-Catholic political and legal institutions and practices relate to the ideas and teachings of Catholicism. Different people with different and alternate beliefs may have opposing fundamental values and practices supported by societal institutions. However, understanding the common good— with a concern for the means and dispositions towards individual and common flourishing—which includes all (Keys, 2006), requires a deeper investigation of what these means and dispositions might be for Catholics advocating for a just institutions and society.

Mulligan (2010) argues that the common good approach can and should accommodate people with diverse religious and personal beliefs. Within Catholicism, the concept of the common good provides a Catholic framework for working with diversity:

> In intellectual, cultural, and civic environments marked by fragmentation and moral dissension, the time would seem ripe for a fresh study of theorists such as Aquinas, whose ethics and politics give pride of place to the common good. (Keys, 2006:9)

For Mulligan (2010) in particular, the use of intellectual solidarity between diverse peoples and groups is a fundamental way of working towards the common good. In plural societies, intellectual solidarity, based on dignity and respect, is created through encounter and dialogue. The arguments from Brennan (2209), Schultz (2016) and Skerker (2004), that the CA would be paternalistic and impose an unacceptable external framework on minority groups such as Catholics, it is argued in this dissertation, in fact rejects a foundational Catholic belief in that common good: that in a diverse and plural societies there must be encounter, dialogue and the pursuit of the common good across our individual and group differences. Devine and Deneulin (2011) highlight that even within a faith group, such as Catholicism, religious values and practices are embedded within their own historical and social contexts, meaning that people of faith inevitably form part of an additional intra-religious diversity and plurality. The common good supports an understanding a framework of intellectual solidarity through encounter and universal

human flourishing that allows for difference between people of different and no-faith as well as within faith communities.

The CA recognises that marriage equality goes some way in protecting the rights of a minority group, who have been harmed by unequal marriage laws, but does not enforce it on those whose theological or familial understandings and values are contrary to this. In this way individual flourishing is promoted through protecting people from harm and the common good is promoted through solidarity, encounter, and dialogue. People can be free to choose for themselves a way of life, but they cannot harm or impose their life choices on others.

> As with theories of the common good, the concept of human capabilities tries to illuminate how best to live 'the good life'. Identifying this 'good life' is no easy task. Indeed it is one that will inevitably require risk on our part – intellectual risk as well as practical risk. The social 'give and take' that Hollenbach refers to will involve compromise (Mulligan, 2010:405)

For Mulligan, the Catholic in pursuit of the common good, which is common to all (both Catholic and believers of other faiths and non-believers) recognises, as does Nussbaum's CA, that there are universal values and the possibility of an emerging consensus: a consensus that is the starting point and one that allows for subsequent disagreement. Pope Francis, on a return journey from a papal visit to Slovakia in September 2021, commented that,

> If a homosexual couple wants to lead a life together, the state has the possibility to give them safety, stability, inheritance (Pope Francis, cited in Martin, 2021: online)

This comment from the Pope reflects a position that could be supported by a political liberal -- protecting equal legal citizenship and not imposing a belief or practices on others. Diversity itself therefore, as Mulligan (2010:393) points out, is not incompatible with a 'shared vision of the good life'. And as Pope Francis suggests, the state is able to protect the individual from the social and political harm caused by unequal dignity and

respect whilst allowing the freedom of the Church and those Catholics who choose, to follow their own conscience.

For Deneulin (2018), the sharing of the philosophical idea of people as ends in themselves, with intrinsic value and equal dignity, is both core to CA and to Catholic Social Teaching (CST). Both viewpoints claim that an individual must not be used because of a perceived benefit for the majority. For example, the transgender young person cannot be used as a warning, through ostracism and humiliation, in order to reinforce gender norms that maintain the privileges of the majority cisgender community. The CCC (2019:1789) states, as a rule applicable in all cases, that 'One must never do evil so that good may result from it'. Each person has equal value and equal human dignity with the opportunity for each individual to attain all aspects of human flourishing. Pope Francis (2020:55) specifically warns against the violence done to those perceived as different and used instrumentally to benefit the majority:

> All this calls for the ability to recognize other people's right to be themselves and to be different. This recognition, as it becomes a culture, makes possible the creation of a social covenant. Without it, subtle ways can be found to make others insignificant, irrelevant, of no value to society. While rejecting certain visible forms of violence, another more insidious kind of violence can take root: the violence of those who despise people who are different, especially when their demands in any way compromise their own particular interests.

Francis recognises that individual human flourishing and difference require what he calls 'a covenant' and what Nussbaum (2007) would call 'a consensus'. A framework where individuals have equal dignity and respect without which violence will emerge.
Both CST and the CA focus on the individual, but as one interconnected with their communities, institutions, societies and economies.   For the CA, as a partial theory of justice, the focus is on individuals as political beings, living and reasoning in community, where through an attention to individual threshold capabilities decisions are able to be made that reflect individual beings and doings. In a school context, decisions analysing

policies and practices that focus on what children are able to be and to do provides, according to the CA, a minimum threshold of justice.

Catholic social teaching, as Schulz (2016:29) explains, focuses on the relationality of the individual 'whose dignity is inseparable from her participation in familial, political and theological realities'. The interconnectedness in Catholic social teaching moves beyond the political to the relational and includes a metaphysical aspect as foundational. The Catholic teacher therefore needs to ask not only are the threshold entitlements in place—a CA—but how do I relate to each child as a person of equal dignity made in the image and likeness of God? What is my relationship with that child? In what ways do my actions and inactions connect with each child and the wider school? In this way, the Catholic teacher places both relationality and the common good as central pedagogical and personal practices.

Where the CA highlights the question of equal human dignity and respect for every individual in the shared social and political space of the school, CST provides a clear focus on which individuals demand our attention *first*. In CST our *preferential* focus should first be drawn to the 'cry of the poor' (Pope Francis, 2013); to those who are marginalised and excluded in and by their societies:

> Exclusion ultimately has to do with what it means to be a part of the society in which we live; those excluded are no longer society's underside or its fringes or its disenfranchised – they are no longer even a part of it. The excluded are not the "exploited" but the outcast, the "leftovers" (Pope Frances, 2013:23)

In a school context, using CST, we, therefore, should have a clear practical focus on those individuals who are made poor in those conditions of life, such as dignity and respect; such as LGBTQ+ people, who are often marginalised and excluded; who are made outcast and absent.

Both CST and the CA value pluralism as explored through reason, dialogue and an encounter with those who have different perspectives and traditions. Both are wary of prescription, avoiding the promotion of specified policies, and promoting dialogue and a critical stance to support transformation at both the individual and the structural level. Nussbaum's CA (2006:70), in providing a partial theory of justice based on political liberalism, argues that the CA,

> can become the object of an overlapping consensus among people who otherwise have very different comprehensive conceptions of the good

Pope Francis (2020:53) in his encyclical *Fratelli Tutti* argues that:

> In a pluralistic society, dialogue is the best way to realize what ought always to be affirmed and respected apart from any ephemeral consensus. Such dialogue needs to be enriched and illumined by clear thinking, rational arguments, a variety of perspectives and the contribution of different fields of knowledge and points of view. Nor can it exclude the conviction that it is possible to arrive at certain fundamental truths always to be upheld. Acknowledging the existence of certain enduring values, however demanding it may be to discern them, makes for a robust and solid social ethics.

Francis (2020) places dialogue, encounter and reason in the development of a consensus and shared values as core to his encyclical, which is subtitled 'On Fraternity and Social Friendship'. Here he shares ideas with the core capabilities advocated by Nussbaum's CA – *reason, affiliation, sense, imagination and thought,* in the development of universal values and consensus 'fundamental truths always to be upheld'. This is all placed within a CST perspective this is developed through relationality, interconnectedness and metaphysical claims of the universal dignity of each individual person as a divine creation sharing, with equal dignity, in the humanity of Jesus.

Nussbaum's CA and CST share many foundational concepts and principles. With each focusing on the person as an end in themselves entitled to freedom, equal dignity and respect, I argue that both move forward the discussion and practices of justice for LGBTQ+ children and young people. Both the CA and CST provide the space for plurality and difference as key practices that do not harm but add to the individual and

common good. My focus in this dissertation is thus on the social and political aspects of the school and the classroom and my concern is with those who are LGBTQ+ who may have different beliefs and Catholic dissent. Pope Francis has highlighted a concern with those who have been marginalised -- and whilst not changing Catholic doctrine on LGBTQ+ such as that expressed in the CCC -- has shown that Catholic thinking includes being able to provide a space where institutions can protect LGBTQ+ people and their social and citizenship rights. I propose that this moves the debate forward to focus on the *how* of Catholicism – *how* Catholics can share the social and political spaces, and value and protect those who are different and who may have fundamental metaphysical disagreements. I argue that both the CA and CST ask for a deeper, more open response to those who are different but who must be welcomed and valued with equal dignity and respect in both CST and the CA.

2.4 Conclusion

In this chapter I have argued that the Capabilities Approach allows us to adopt a new starting point in the debate on LGBTQ+ inclusion. Where the influence of contractarianism has reinforced a binary oppositional stance where the answer to conflict is power, the CA asks us to reconsider the starting point to dialogue with an answer that lies in universal and non-fungible capabilities. Although Capabilities, as a liberal theory of justice, focuses on the freedom of individual capabilities, as it relates to children, their special status and stage of development requires us to consider education as a mandatory provision: mandatory because of education's key role in developing children's functioning – what they are able to do, and the impact this has on their future capabilities. There is nonetheless a cautioning that education, similar to other social and political institutions, can be a site of restriction and control that generates adaptive preferences – preferences that move the individual towards an inaccurate and diminished account of human

flourishing. The CA explores education as a set of institutions where children's imagination and reasoning are supported through difference – a difference that requires a presence and respect that may sometimes be unlike those values and that presence available within their families and communities. Education should be a location therefore where children will encounter a range of differences that may oppose those seen and practised within the family. In the CA and Catholicism children are active thinkers and meaning makers, able with support and through age-appropriate materials, to engage with difference.

LGBTQ+ inclusion within the CA means that children and young people in schools are provided with the real opportunity to imagine themselves and others in different ways. It is one of the ways in which education functions to support the development of a child's capabilities. Catholicism, as opposed to being antagonistic to difference, is, through concepts such as the common good, encounter and solidarity well placed to work with a liberal theory of justice such as the CA.   Catholicism asks us to focus the response of faith on a preferential option for the poor and the marginalised and as such, a concern for all Catholic educators must be for those people, such as LGBTQ+ children and young people, who may experience Catholic education as a place of a restricted imagination and reasoning, a place where there is a failure at the threshold of capabilities and therefore I argue there is a failure of justice.

Chapter 3

3.1 The Scottish Context of Catholic Education

The modern education system in Scotland tends toward uniformity and standardisation. It is based on a national system of comprehensive schools, a small independent sector, national qualifications and a national curriculum: *Curriculum for Excellence* (CfE) (Education Scotland, n.d.). The curriculum, supported by the government agency – Education Scotland – guides schools in terms of principles, educational capacities, levels and curricular areas.

A distinguishing feature of the Scottish education system is that most Catholic schools are also included as part of the state sector (McKinney, 2008). These Catholic schools are fully funded by the state, follow national guidance -- CfE, take part in the national qualifications and are inspected by Education Scotland. This section will explore the emergence of publicly funded Catholic schooling in Scotland and the key issues that arise as a result of the agreement between the Catholic Church and the State to move Catholic schools within the state sector then going on to discuss the issues of contemporary Scottish Catholic state education.

Catholic migrants to Scotland during the 19th and early 20th Century included Italians, Lithuanians and Poles, (McKinney, 2008) with their own cultures and expressions of Catholicism. Within the Central Belt there was also a small but significant 'old Catholic' incomer group who had maintained their Catholicism during the reformation and internally migrated from the Scottish Highlands and Islands. However, particularly in the West of Scotland, the majority of Catholics were from an Irish heritage or were Irish migrants forming a significant section of the overall Scottish population –

> the Roman Catholic community in the west of Scotland represented up to a third of the population of industrial towns in and around Glasgow (Vaughan, 2012:31).

These mainly Irish Catholic migrants, according to Paterson (2020b), were poor, occupied lower-skilled jobs with lower than average wages. Escaping the poverty and the famine in Ireland, Irish Catholics resided in the poorest areas of big Scottish cities, living in extreme conditions of poverty and deprivation.

The Scotland to which these Irish Catholics migrated defined itself as a Presbyterian nation. This was a Presbyterianism that was suspicious of and, at times and in many sectors of society, sharply hostile to Catholicism, to Catholics and the Catholic Church (Vaughan, 2013). McKinney (2008:2) considers that these suspicions regarding Catholics and Catholicism, to some extent, continue to more recent times:

> This Scottish-Irish Catholic Church and community, in some periods of history, have been subjected to structural and attitudinal sectarianism and appear to continue to be viewed with some ambivalence, and some suspicion, in contemporary Scottish society.

O'Hagan and Davis (2007) discuss how Catholics were at times viewed as disruptive—for example, engaging in strike action—and were seen as having only a rudimentary education. The Catholic Church and Catholicism were seen as anti-progressive by liberal

reformers who were advocating for an increasingly powerful and centralised secular state – one that indeed emerged in the 19th and early 20th Century.

However, despite the sectarian and anti-Catholicism of the wider Scottish population and an increasingly strong secular state, O'Hagan and Davis (2007) describe how the state and the Catholic Church were to develop a lasting partnership, as seen in the agreement to the provisions of 1918 Education (Scotland) Act. This was, and is, one in which, through the provisions of the Act and its successor legislation, the state would fund Catholic schools and Catholic teachers whilst the Church maintained control over Religious Education and the approval of who could teach in the state Catholic sector.

Previous to the 1918 Act partnership O'Hagan (2002) demonstrates that separate Catholic schools were founded and managed by the Catholic Church and often controlled by religious orders. The presence of religious orders and their various charisms created by a religious community—for example, the Marist Brothers and the Sisters of Notre Dame— provided a strong outward expression of Catholicism which then maintained a professionalised religious ethos and practice within the schools.

The central importance of, in particular, Catholic women in Catholic education is highlighted by McDermid (2009), who demonstrates that Catholic schools were largely dependent on the work of religious sisters – although there were some male religious orders such as the Marists and the Jesuits. These Sisters maintained a key influence, even when the number of schools increased, making the lay, again mostly female, Catholic staff key teaching personnel in the Catholic schools, 'By 1918, only 4% of Scotland's Catholic schoolteachers were members of religious orders' (McDermid, 2009:619). The religious sisters, confident in their religious and educational vocation and training, guided the pedagogy, ethos and practices of the school – at times, according to McDermid (2009), in

contrast to both the advice and wishes of the local priest—highlighting that Catholic plurality and disagreement has been a feature of Catholic education in Scotland for a considerable period. The religious who managed and controlled the schools in the main served a population in extreme poverty and therefore as well as providing education they also supported the local community through what McDermid (2009:608) refers to as 'social services among the poor and the sick'.

Conroy (2001:546) discusses the challenges faced inside the Catholic schools, including overcrowded accommodation, teacher shortages, poorer teacher salaries and concludes that during this period 'the quality of education on offer to Catholics generally lagged behind that available to others'. Vaughan (2012, 2013) argues that Catholic parents and the Catholic hierarchy were concerned that the publicly managed schools, through the School Boards, were denominationally Protestant, using curriculum resources and teachings that were based on Presbyterian practices, resources and theology. This generated a fear of -- what they would have seen as – the significant errors of Protestantism being taught to their children through the school. The religious context in Scotland, where Catholicism was a minority and different ethnic identity and faith, was an important deciding factor in the identity, provision, and attendance at Catholic schools.

Vaughan (2012, 2013) also highlights that parents were sometimes less concerned about the teaching of Religious Education in the Catholic school and more on schools as developing key employability skills such as literacy:

> 'It is to be regretted that parents do not take more interest in sending their children to catechism… [They] are against teaching anything but reading and spelling until they are proficient in both' (1865, report by a Greenock school director, cited in Vaughan, 2013:78)

McKinney (2020) has emphasised the conditions of poverty that many Catholic children were living in, with some lacking adequate clothing that would allow them to attend

school. He explains that the depth of poverty of Catholic families meant that many children were required for work both in and outside the home. At numerous times this work had importance and precedence over school attendance.   Both time and money were precious commodities for Catholic families living in extreme poverty. In the context of this poverty, Vaughan's (2013:78) argument that 'some Irish parents did not seem to value religious education' also has to be examined within the context of the additional payments, the loss of money for families for those children to attend catechism classes, and the additional time added to the school day for Religious Education. Poverty may have prioritised parents' minds on the here and now of literacy and maths rather than the hereafter of Religious Education. Vaughan's (2013) claim however highlights faith and religion are one of many in a list of hierarchical priorities explaining why parents would send their children to a Catholic school.

It also has to be noted that, as McDermid's (2009:620) research claims, 'more parents sent their children to Catholic school than attended church' and therefore questions over parental agreement and alignment with official Church teaching and practices (weekly attendance at Mass is a key requirement of all adult Catholics (CCC, 2042)) are key issues to address -- and ones that I will explore in Chapter 4 in terms of the Catholic community and dissent today from official Church teaching and LGBTQ+. On balance, we can conclude that, as is the case today, there may be many reasons why Catholic parents sent their children to Catholic faith schools and alignment with the official Church teachings, being important for some, but certainly not all.

As the Catholic population grew and education provision expanded – the 1872 Education (Scotland) Act made elementary education compulsory -- significant problems grew for Catholic education.   Additional staffing, level of qualifications of teachers, lower salaries for Catholic teachers, the poor quality of the buildings and expansion into secondary

education created a situation in which partnership with the state became a pragmatic

necessity for the Catholic Church:

> It is also possible to see the 1918 Act as the moment at which the Catholic Church
> acknowledged that it was no longer capable, within its own resources, of providing
> a sustainable education to its children. (O'Hagan and Davis, 2007:93)

It was in the light of these factors that the Catholic Church agreed to the 1918 Education

(Scotland) Act. Where previously the Church had opted out of state control of its schools,

agreeing to the provisions of the 1918 Act meant that Catholic schools would become fully

managed and funded by the state through a local Education Board.

Paterson (2020a) proposes that the state's 1918 main objective was not to provide Catholic

education but a desire to expand state educational provision, and in particular secondary

education, to all groups. The state recognised that Catholics were a minoritised and

marginalised group in Scottish society and the government's aim, as argued by Paterson

(2020a), was a secular goal of equality of opportunity rather than denominational

provision.   O' Hagan and Davis (2007) highlight that government support for Catholic

education was a tool used to strengthen state control overall -- through the provision of

religious diversity in education a limit on the influence and power of the Presbyterian

Church was also created. This was achieved through, for example, supporting the Sisters

of Notre Dame in creating a Catholic Teacher Training College in Glasgow. The influence

of the Universities on teacher training was also deliberately limited by the state at this

stage.

> Empowering the colleges, even to the extent of reinforcing the hold of the Church
> over its own institution, assisted the SED in building a teacher education structure
> quite independent of the university influence, which Craik feared infinitely more
> than he feared the Catholic Church (O'Hagan and Davis, 2007:86)

The 1918 Act also helped in providing funding for school buildings, generating a parity of

staffing between denominational and non-denominational schools, improving salaries and

pensions, and providing the resources to expand the Catholic sector. Through agreeing to

the Act, the Catholic Church was freed of the financial burdens of education – staff, buildings, expansion -- whilst maintaining control over who taught in Catholic schools and what was taught in terms of Religious Education.

Paterson's (2020a) argument is that the state's aim -- through a universal and secular curriculum and exam system -- was a part of the modern liberal secularisation of education that then steadily resulted in a depletion of Catholicism within the schools. He (2020a:95) states that 'None of the structure of curriculum or of examinations was coloured by Catholic ideas'. However, in contrast, I argue in this dissertation that Catholic schools maintained, and currently maintain, a Catholic ethos not only through the Catholic teaching staff and confessional religious curriculum, but through Catholic social and religious teachings that influence content and relationality across the curriculum and school life. LGBTQ+ inclusion, as an example, draws this influence into focus through how Catholic ideas shape the experience and content of teaching and the curriculum around sexuality and gender. This is present, for example, in the texts and examples that are chosen, as I discuss in Chapter 4, and those which are erased, or in voices that are permitted and those that are silenced, or as Callaghan (2014) discusses, whether an openly gay student can take his boyfriend to the prom. A Catholic school in one instance argued no he could not because it was a Catholic school. Hence the influence of Catholicism can be seen throughout the curriculum and the life of the school.

I maintain here that the curriculum is shaped by the pedagogical, philosophical and religious understandings of those who manage, deliver, and experience it and as such it is key to understanding LGBTQ+ inclusion and exclusion. Burke and van Kessel (2021) argue that the concept of secularism, as distinct from the religious traditions and histories from which it emerged, is erroneous. In discussing the emergence of secular education in the United States they argue that what emerged was in fact a Protestant-framed secularism.

This form of secularism may also have emerged within Scottish education too, but as Burke (2015:325) claims, within Catholic education Catholic stories, such as the lives of the saints, and Catholic educational documents have been created to 'aid (or discipline) lay members as regards the norms of given versions of Catholic theology'. Secularism as a concept and ideology separate from religion is problematic and particularly within Catholic education where the documents and practices of schools and teachers present and reinforce 'given versions of Catholic theology' (Burke, 2015:325). Indeed, I argue that in contrast to Paterson's (2020a) position, the influence of Catholicism on education has not always been one way -- from the secular state to the Church but also from the Church to the secular state – seen in the Church's influence over Section 28 discussed in Chapter 1. Paterson's (2020a) claim for the universal secular curriculum as lacking in Catholic influence I propose has not taken account of key important forces that shape the creation, experience and delivery of the curriculum and the life of the school to the present day.

This concern with who delivers the curriculum -- and therefore how they shape and select from within its possibilities -- is also evidenced I propose within the key provisions and outcomes of the 1918 Act that made assimilation of Catholic schools within state provision an acceptable proposition for the Church. In the 1918 Act, these provisions accorded the Church continuing legal power to approve teachers who wished to teach in Catholic schools, according to their belief and character. This continues to the present day, usually consisting of an approval letter from the local parish priest confirming (for Catholic staff) regular Mass attendance and general adherence to the faith. For those accepted on to Catholic teacher education courses there are also the requirements of additional programmes in Catholicism and Catholic education with observations of Religious Education teaching during placements. Echoing Paterson's (2020b) claims, although most of these Catholics will have been raised and socialised within the faith, I argue that these requirements reflect a concern, by the Church, that lay Catholics, who will be in positions

of interpreting and delivering the curriculum, are recognised as requiring further religious formation beyond that experienced within Catholic families, and their own childhood learning within the Catholic education sector—in order to more accurately and competently deliver the curriculum in a Catholic school.

In the 1918 Act, the Catholic Church also maintained control of Religious Education in Catholic schools. Coll (2015) has shown how the structures of the current curriculum, Curriculum for Excellence (CfE), have been employed successfully in creating an RE curriculum within Scottish education that is confessionally Catholic. She (2015:185) argues that the current RE syllabus in Catholic schools, *This is Our Faith* (SCES, 2011), provides a balance between developing young Catholics as critical thinkers while ensuring that,

> Core content is provided to teachers to ensure that pupils are being adequately catechised and that they are provided with sound, theologically accurate content which will underpin their wider education.

The debate around whether a RE curriculum *should* have a catechetical function will be explored in the next section. However, it is interesting to note at this point that even to the present day there continues to be a perceived need to provide, as Coll (2015:85) describes, 'theologically accurate content' to Catholic teachers -- professionals who have already been approved to teach in Catholic schools and have successfully completed Catholic formation and Catholic RE curricula within their initial teacher education programs.

I argue that lay Catholic teachers, through both approval and the Church's control over the content of RE, are seen as needing guidance and support in both the understanding and the practices of the faith. Indeed, I note that this dissertation may *also* be seen as born of an insider, a Catholic's suspicion, that as a Catholic community, we may be relying on past misunderstandings and errors in our knowledge and practices of our own faith and teachings. In this way, the dissertation sits within an historical and continuing tradition of

the Catholic education community in Scotland, arguing for the need for further formation of Catholic teachers to develop a more informed and agentive understanding of our faith and Church teachings in particular as it relates to the content and practices of schools and teachers when we consider the inclusion of LGBTQ+ children and young people.

McKinney and Conroy (2015) describe how the existence of state Catholic schools has been questioned since their inception and continues to be an area of controversy in Scottish society and education. Questions have arisen over the existence of publicly-funded Catholic education, which previously served a marginalised and low socio-economic group, and whether it continues to be required in 21st Century Scotland (McKinney and Conroy (2015). Although Catholics continue to represent a minority position in terms of numbers in Scottish society, Paterson (2020b) has argued that Catholics are now fully integrated members of all sectors of Scottish society with Catholic schools equivalent in terms of outcomes, such as exam results. He goes on to argue that the success of Catholic schools is not because of a Catholic distinctiveness but because of the equality of opportunity they have provided.   Catholic education within the state system, therefore, has and continues to deal with questions over the *continued* existence of Catholic schools within the state sector.

A key argument, identified by McKinney and Conroy (2015), for those who argue against the existence of Catholic schools today has been linked to the changing nature of a modern Scottish society and whether Catholic schools represent an unnecessary and potentially harmful segregation of Catholic children and young people from wider Scottish society. This is an interesting debate because it represents a continuation of the debates identified by O'Hagan and Davis (2007) at the beginning of the 20th Century and the liberal secular reformers who saw Catholics as illiberal and retrogressive. The modern argument identified by McKinney and Conroy (2015) is one in which modern Catholic schools

represent a ghettoization of the Catholic community and one where rationalism is being limited through religious indoctrination.

O'Hagan and Davis (2007:98) describe the founding of the Catholic Teacher Education College in Glasgow close to Glasgow University, and the agreement within the 1918 Act that mainstreamed Catholic education, as examples that evidence the Catholic community as one which -- rather than ghettoise and withdrawn -- has 'proclaimed its identity as active and involved'. In 1918, the evidence is of a Catholic education community that was pragmatically engaged with the culture, society and institutions in which it was placed. I claim that LGBTQ+ inclusion is an opportunity, that should not be dismissed or diluted, for the Catholic school community not only to deepen its own understanding and practices of our faith through a process of continual revision and formation, but also to provide a substantive response to the critique of Catholic education that it is exclusionary, divisive and based on indoctrination. The debates about LGBTQ+ and Catholic education raise issues for those who argue that the values and practices of Catholic schools oppose an increasingly plural and liberal Scottish society. However, I argue in this dissertation that LGBTQ+ inclusion provides the Catholic education community with an opportunity to once more ensure that it is engaged with the society and world that it finds itself within.

The Catholic community has an identity and defining experiences as minority, as migrant, as being the 'other' in a sometimes very hostile environment. It is a minority community that in the past has actively worked with and engaged with institutions and people with different values and beliefs and through doing so has been able to come to shared agreements and provision (O'Hagan and Davis, 2007). It is a community that itself includes difference and diversity in terms of adherence to and practices of faith (Franchi, 2018). There are opportunities to learn from how the Catholic educational community has dealt with difference and disagreement in the past and how it has been open to the idea that

the formation of the Catholic education community is one that is reflective, continuous and engages with wider society.

I argue in this dissertation that LGBTQ+ inclusion in the Catholic school is one where the Catholic education community can clearly show, at least in this specific area that the Catholic school and education community can be a site of critical engagement with itself and with the society in which it is situated. An opportunity to be both outward and inward looking, engaging critically with itself and Scottish society, in particular, through engaging in solidarity with those in our society who are the poor and the marginalised -- such as LGBTQ+ children and young people.

Section 3.2 What is the Catholic School?

Catholic schools are an integral aspect of the core mission and service of the worldwide Catholic Church. Franchi (2018) and Opiela (2020) point to Catholic schools as having a role to play in the mission of the Church to share the faith through supporting Catholic children and families in their continuing faith formation. The Sacred Congregation for Catholic Education– recently renamed as The Dicastery for Education and Culture (CCE, 1977:17) makes clear that Catholic schools are places of the 'integral formation of the human person, which is the purpose of education'. Catholic schools, therefore, are places to support Catholic children and families but are, however, not only for Catholics. According to the CCE, Catholic schools should be places where *all* members of the school community are supported -- especially those who are poor, marginalised and those who are 'strangers to the gift of Faith' (Pope Paul VI, 1965:9). This section will examine how the Church defines the Catholic school; how that definition asks educators to clearly consider the role and place of catechetical education and to ensure that all who are part of the school community, including those with different beliefs are able to flourish.

Makosa (2020) points to Canon Law, the ecclesiastical law of the Catholic Church, that

defines schools as Catholic when they are recognised by Church authorities. In the context

of Scottish Catholic education, this recognition is linked to the role of the Scottish Bishops.

Through the Bishops and their agencies, such as the Scottish Catholic Education Service

(SCES), and institutions such as the St. Andrew's Foundation at the University of Glasgow

(a foundation originating from previous Catholic teacher education institutions), provision

is made for Catholic initial and continuing education for Catholic teachers and Catholic

schools that are recognised by the Church. Upheld by these pillars of Catholic education in

Scotland, Catholic schools are integrated within Scottish education -- recognised by the

Church, supported by Catholic teachers, and funded by the state – as per the 1918

agreement. As the Scottish Catholic school sits within the wider Church, this offers

guidance from key Vatican authorities such as The Dicastery for Education and Culture

(CCE) to support Catholic education in terms of definitions, purposes and the aims of

Catholic schools.

Whittle (2016) proposes that within one of the key documents of Vatican II, *Gravissimum*

Educationis, the Vatican describes distinct ways in which a school can have fundamentally

different aims and purposes and yet still be distinctively Catholic. One type of school has

a clear catechetical role. In this school the faith is taught and offered as a key aim and

educational practice. Another type of Catholic school is one in which there is a plurality of

beliefs, with those who have different beliefs 'free from evangelisation or tacit catechises'

(Whittle, 2016:29). A third type of Catholic school is one in which the school's central aim

is to provide an education as a service to the poor and marginalised, meeting the needs of

those children regardless of the child's, family's or community belief.

These present fundamentally different conceptions of Catholics schools – one in which the confessional nature of the school is presented as a spectrum of provision with a clearly catechetical view, and other schools in terms of a service to meet the needs of the poor and marginalised regardless of belief. Through documents such as *The Catholic School* (CCE, 1977) and *Gravissimum Educationis* (Pope Paul VI, 1965a), *The Identity of the Catholic School for a Culture of Dialogue* (CCE, 2022) the different Catholic schools are *all* defined as places of dialogue and encounter -- and therefore I propose as places of difference and disagreement as requirements of dialogue and encounter. McKinney and Hill (2010) note that in Scotland Catholic schools are places of plurality where Catholic, nominally Catholic, and children of other beliefs and no belief, are educated.

The Catholic Church recognises the key importance of religious freedom and freedom of conscience CCE (1988). The CCE is very clear that although the Catholic faith is central to the ethos of the school community, this should be one which is exercised within a framework of religious freedom:

> To proclaim or to offer is not to impose, however; the latter suggests a moral violence which is strictly forbidden, both by the Gospel and by Church law (CCE, 1988:6)

The Catholic school is a place where the Catholic faith should be recognised and offered, even for those schools that sit close to the 'catechetical' Catholic school, within the curriculum and the life of the school, but also one where there should be a 'love for all that excludes no-one because of religion' (CCE 1988:87). Faith in the plural Scottish Catholic school may be offered but not imposed. In Scottish Catholic schools this can be seen in the offering of sacramental formation for those who choose it, or in the offering of the daily prayers with space and respect shown for those of other faiths and none. As Hall, Sultmann and Townend (2019) describe, the Catholic Church has underlined the mission of Catholic schools to be places of dialogue and openness to the societies in which they are located, thus continuing to reflect the historical position described O'Hagan and Davis

(2007) in the early formation of Catholic schools in Scotland. In so being, they can help children and young people to explore responses to those issues that concern them and their families, the school and wider community.

The Church (CCE, 1982, 1988, 2017) describes children as active agents in their education, using their human faculties such as reason, emotions, and faith to respond to the questions of life and living in a wider community and a plural world. In this way the Church uses core concepts also utilised within the liberal idea of the child, presented in Nussbaum's CA— described by Comim (2011) as one which is a part of the solution to the questions over plurality and difference. The CCE (1988) describes children and young people as developing a critical understanding of themselves and their societies:

> A school exerts a great deal of effort in trying to obtain the students' active cooperation. Since they are active agents in their own formation, this cooperation is essential. To be human is to be endowed with intelligence and freedom; it is impossible to be educated without the active involvement of the one being educated. Students must act and react; with their intelligence, freedom, will, and the whole complex range of human emotions (CCE, 1988:105)

Catholic schools are therefore situated as places of dialogue, encounter and relationality -- which acknowledge that difference and disagreement are essential experiences within a Catholic school and as places that look outward and engage constructively with the people, communities and societies in which they are located.

My claim in this section is that, by definition, a single offering of a particular Catholic position, a focus on a narrow set of teachings, is an *imposition*. In using the CA, I am concerned with the possibility of 'capability deprivation' that may occur when reason is negatively impacted by a restriction on both the critical examination of ideas and the imagination of the child. I argue that reason requires a pedagogy that views children and young people as able, active persons who should be supported in developing their 'intelligence, freedom and will' (CCE, 1988:105) through encounter, relationality and

dialogue. Both encounter and dialogue require the existence of other ideas or other ways of being and doing; 'intelligence, freedom and will' I argue require a diversity of choices offered. Henry (2021:122) points to the problem, that he sees is prevalent within Catholic schools, that there can be a

> Taken-for-granted assumption that Catholic education (and the Catholic school in particular) ought to exist as a site for preserving a narrowly-constructed understanding of Catholic identity, one that is immutable in its deference to institutional orthodoxies, and their attendant homophobia and transphobia.

I suggest that LGBTQ+ inclusion provides Catholic schools with an opportunity for dialogue, presenting different interpretations of inclusion, supported by the Catholic education core aims of children as active subjects who, as part of their wider community and family life, are grappling with questions of human flourishing both for themselves and those they encounter. As society has moved towards wider inclusion and presence of LGBTQ+ people, as I described in Chapter 1, these questions become fundamental in a Catholic school located in the current context and one that seeks to engage with the wider community.

This dialogue and encounter I propose includes intra-faith dialogue within the Catholic community. In relation to LGBTQ+, there are core Church documents, such as the CCC (2019:2357), that declare homosexual acts to be 'intrinsically disordered' -- that I propose Catholic schools should not shy away from teaching. However, I propose that this cannot be presented as an isolated text that determines a specific position. The CCA in describing how to use the CCC proposes that the Catechism is,

> conceived as *an organic presentation* of the Catholic faith in its entirety…Numerous cross-references in the margin of the text… as well as the analytical index at the end of the volume, allow the reader to view each theme in its relationship with the entirety of the faith (CCC, 2019:18).

Alongside other sources of authority within the Church, such as the Magisterium, Scripture and Tradition, the CCC is one that should be read intertextually. Diversity of understandings, such as those presented by Catholic thinkers who propose LGBTQ+

inclusivity, such as Alison (2003), are also a part of the Catholic intellectual tradition (CIT). An openness and use of the CIT within Catholic schools, as suggested by Davis and Franchi (2013:42) in their discussion of the sources of thought within the curriculum, 'unreservedly affirms the conditions of academic and educational pluralism that make its own existence possible'. Reading intertextually and employing the CIT provides space for children and young people's imagination and freedom.

Paterson (2020) has proposed that Catholic schools today are almost replicas of the non-denominational sector in Scotland because, for nearly all of the curriculum and in terms of pedagogy and examinations, Catholics schools teach in the same way as the non-denominational sector, using mostly the same curriculum, resources, and towards the same exam system. However, Moog (2019) argues that Catholic schools are places where the technocratic and quantifiable curriculum is placed alongside, and sometimes in criticality to, a faith position that considers what is the 'art of living'? Catholic schools see education as intended to support children and young people as ends in themselves and as an aspect of an integrated individual human flourishing linked to the common good. For Moog (2019) this combination can be contrasted with a curricular approach that functions on an epistemological technocratic rationalism, which limits knowledge to what can be measured and examined—with the value of education chiefly as a gateway to university and career. Catholic schools, according to Moog (2019), provide a space and a dialogue between aspects of education that can be classified as technical with the ethical and spiritual questions of human flourishing. Flourishing that is both at the individual level and at the level of the common good – both within the school and the wider community.

D'Orsa (2013) has also claimed that children and young people are shaped by the epistemic claims of the curriculum. She argues that modern schools, including Catholic schools, focus on a Westernised modernism in terms of epistemic claims, looking for explanations

and answers. McDonough (2009) however, argues that Catholic schools are places where faith as a way of knowing, which includes an engagement with mystery, is practised and valued. The epistemological claims of faith critique the limits of the technical rational curriculum—a curriculum where answers are known, knowledge is quantifiable by exam results, and which serves to function as a means to individual employment or higher education. The Catholic school as a community centred on a faith response orientates the school community towards an epistemology which is open to faith as a lifelong journey of revelation and coming to know—and a response to unknowable mysteries.

For Whittle (2016:33), what can make Catholic education distinct lies in the development of reason, where children and young people are supported in their, and the school communities', relationship to what are 'unsolvable in principle mysteries'. The crucifix on the wall, the statue of the Virgin Mother, the response to faith of the Catholic teacher all help in the formation of community that is not solely sociological but also theological -- one that values a rational response to mystery, including the mystery of living in a diverse faith community, and therefore that sees the formation of the person who continues into new ways of understanding and being. As Galliardetz (2018b) proposes, the Catholic Church is one itself that acknowledges it does not and should not have all the answers. The Catholic school therefore is one that should be comfortable with mystery, with knowledge that is limited and developing and with acknowledging the unknown.

The Catholic Church has a clear position (CCE, 1988) that within Catholic Education catechesis and religious education are connected but are distinct (see Franchi, 2018). Catechesis is defined as the passing on of the deposit of faith to those who accept the claims of the Catholic faith – both in childhood and throughout adulthood. It is a process for the whole of life and to be supported, not only by the school, by the wider Catholic community such as the family and the local parish. For McDonough (2012:39)

> Catechesis is the subset of religious instruction that aims to educate for belief. It instructs for the purpose of inducting the learner into the committed community of believers through information, invitation, and persuasion.

Catechesis, in McDonough's (2012) work; informs, invites, and seeks to persuade the believing Catholic of the reasons, beliefs and values of the Catholic faith. Respectful of Catholic conscience and religious freedom catechesis should avoid instruction that may fall into indoctrination and 'uncritical socialization' (McDonough, 2012:39).

Religious Education, however, should not make a presumption of the acceptance of a message but focus on the development of knowledge:

> it tries to convey a sense of the nature of Christianity, and of how Christians are trying to live their lives (CCE, 1988:69).

Franchi (2018) argues that Religious Education (RE) in Catholic schools is able to balance teaching of the Catholic tradition in ways that are pastoral, and which meet the needs of children and young people from a variety of traditions, beliefs and faiths. For Franchi (2018:221), the distinction between catechesis and RE is that RE is located within a robust academic discipline that locates the subject within a respectful and critical dialogue with the experiences, cultures and faiths of all the children and young people, leading to the development of a 'nuanced understanding of the Church's tradition'. In agreement with McDonough (2012) I also suggest that catechesis should support 'a nuanced understanding of the Church's tradition' for those children and young people who identify as part of the believing Catholic community. My concern is that in Catholic schools, described by both McDonough (2012) and Callaghan (2018), as ones where the identity of the school becomes aligned with obedience to the Magisterium, such catechesis may resemble more of instruction rather than the classical invitation and dialogue.

Coll (2015) also claims that the current RE syllabus within Scottish Schools, *This is Our Faith*, attempts to balance a catechetical function and the critical, agentive child and young

person. I argue that this attempt identified by Coll (2015) may create a blurring of the boundaries of RE functioning as an academic subject and the catechetical teaching within *This is Our* Faith. The definition of the nature of Catholic schools as 'communities of faith' in TOF (SCES, 2011:8) I am concerned further weakens the boundaries between catechesis and Religious Education because catechism is appropriate for those in the school community who hold the faith to be true -- but not for those of other faiths or beliefs. As McKinney and Hill (2010) show, people from other faiths and beliefs are key constituents of the modern Scottish Catholic school community.

Coll (2015:185) argues that the balance and content of the syllabus rely on TOF to be 'used correctly'. This then develops the question of what may be an *incorrect* use of the syllabus. Whittle (2016:29) argues that for those defined in *Gravissimum Educationis* (Paul VI, 1965a) as 'strangers to the gift of faith', Religious Education should be 'free from evangelisation or tacit catechesis'. My concern is that the definition of the nature of Catholic schools as 'communities of faith' suggests explicit as well as implicit catechesis – that there is a Catholic homogeneity within Catholic schools. To be free from the possible imposition of religion for those who are members of the Catholic school and are members of other communities of faiths and beliefs I suggest requires a pedagogical and curriculum stance that would be better served by considering Catholic schools as Catholic 'communities of encounters and dialogue'. This is encounter and dialogue with children and adults of other faiths and beliefs, and, I propose, also encounter and dialogue with an 'internal Catholic diversity regarding the interpretation and reception of doctrine' (McDonough, 2016:161).

Coll (2015) and McDonough (2019) discuss the plurality of views within Catholic teachers and young people, as well as an increasing secularisation and a 'weakening of the matrix of sources of spiritual capital of Catholic teachers' (Coll, 2015:185). Burke (2015) has

argued that as consecrated religious have disappeared from schools, and in a Scottish context, with a decreasing 'spiritual capital' of teachers in Catholic schools generally, the curriculum and Catholic documentation may take on the more disciplinary and controlling role as described by Henry (2021). A key question arises, based on the work of Franchi (2019) and Coll (2015), in terms of the effective, critical engagement with the faith, and, in particular, in relation to the Catholic school's response to the inclusion of LGBTQ+ issues: *how can a nuanced and critical approach be developed on these questions and experiences retaining a distinction between catechesis and Religious Education?* This dissertation argues that there is a place for catechesis within the Catholic school—for example, in the religious celebrations throughout the school year; in the parental consent and preparation of Catholic children for the sacraments; in the presence of religious symbols throughout the school; in the daily classroom prayers made inclusive for those of other faiths and none. However, catechesis should be an offer and not an imposition, in line with CCE (1988) and the thinking of McDonough (2012, 2016).

McDonough (2009) has further argued that Catholic schools are places of disagreement: a faithful dissent within the staff, children and families who identify as Catholic. This dissent as it relates to LGBTQ+ can be seen in the inclusive thinking of Alison (2003). The Catholic school is a community of pluralities in terms of understanding, faith commitments and responses to the faith. For both D'Orsa (2013) and McDonough (2019), Catholic schools should be places where criticality, including criticality in terms of Catholicism itself, is supported as a key tool in helping children and teachers to understand and develop their response to faith and their link to understanding themselves and the liberal, plural cultures and societies in which they live. I argue that criticality is a fundamental step in avoiding a narrow orthodoxy.

The integrated approach of Catholic education, that seeks human flourishing in places of openness, dialogue and respect -- which presuppose a respectful encounter with difference and disagreement -- requires schools to be locations that should be engaging with the Church in critical ways.   The 'Our' in This is Our Faith (SCES, 2011) should be one of inclusion with no-one excluded because of religion (CCE, 1988). However, my concern is that the blurring of the catechetical with Religious Education may mean that for some the 'Our' becomes exclusive. The impact of secularisation and a weaker deposit of faith I am concerned may also reduce the critical and agentive pedagogy advocated by the Church to one of transmission and imposition. I suggest that LGBTQ+ inclusion is a gift to the Catholic school and the Catholic teacher – it requires a critical exploration of the sources of the faith as intertextual and interdependent; it provides the space for the CIT as one of plurality and engagement with the world and therefore supports children, young people and teachers in the development of their conscience and in their responses to the questions of life and the responses of faith – of which sexuality and gender are crucial. In arguing from within a CA, I propose that LGBTQ+ inclusion in the Catholic schools provides an opportunity for capability formation in supporting children's critical examination and imagination – helping them to have the autonomy to be and do those things that they have reason to value.

A key concern identified in this dissertation has to be with the Catholic identity of the Catholic school and its relationship with Church teachings – specifically those to do with sexuality and gender. The CCE (2022) document, based on a 2015 Congress, recognised the Catholic identity of a Catholic school as a key issue requiring 'a clearer awareness and consistency'. In seeking to clarify the defining features of the identity of the Catholic school, the CCE (2022:1) highlights that Catholic schools are not only there to respond to those in need of education but, as an expression of the Church, are 'an essential part of her identity and mission'

The CCE in the 2022 document emphasises two key areas for Catholic schools:

evangelisation and integral human development.

> '"The Church is bound as a mother to give to these children of hers an education by which their whole life can be imbued with the spirit of Christ". In this sense, the education that the Church pursues is evangelisation and care for the growth of those who are already walking towards the fullness of Christ's life. However, the Church's education proposal is not only addressed to her children but also to "all people's [to promote) the complete perfection of the human person, the good of earthly society and the building of a world that is more human' (CCE, 2022:13)

In the CCE, Catholic schools are communities that help provide support to those who are

Catholic to develop in their faith. Another *equal* duty is that Catholic schools provide for

all children, including those who do not share the faith, care and support in their growth

and development in the pursuit of the common good. This includes for both Catholic and

people of other faiths/traditions religious freedom, the dignity of the human person, and the

development of an informed conscience. In the 2022 document both the individual and

society are identified as plural subjects – the inclusion of those who are Catholic and those

of other faiths and none, and societies that are plural in terms of beliefs, cultures and

identities. The CCE asks the Catholic educator to '*bear witness,* to *know* and to *dialogue*

with diversity' (CCE. 2022:27 – italics in the original).

Catholic education in the 2022 document is presented as one the focus of which is on

freedom, conscience, solidarity and faith, aligned with reason, are cornerstones of 'the

search for truth' (CCE, 2022:20). The Catholic school in this document is one that

proposes faith as a part of the fundamental questions of life, as a working together of

reason and faith that will support children and young people to develop as questioning and

critical thinkers beyond a focus on the measurable and the knowability of facts and

declarations. To engage with metaphysical ideas and thinking and to develop in their

understanding of truth that develops and emerges, as well as truths that are given and

replicated within the range of school subjects and curriculum. The goal of Catholic

education is not to impose faith but to offer faith as a valued way of questioning and being in the world. For those who are Catholic this will support their understand and deepening of their journey of faith, and for those who are not, it offers the concept and practices of faith as one worthy of consideration.

The CCE propose that Catholic schools see themselves as communities rather than institutions. Dialogue is presented, not as a technical skill, but as relational. Through dialogue the CCE (2022) encourages each member of the school community to get to know oneself and each other. To deepen an understanding of one's own position, as well as the genuine position of those with whom we may disagree, with difference as a reality to be accepted and 'welcomed as fellow travellers' (CCE, 2022:30). Dialogue is offered as a key identifying feature of the Catholic school community 'the Church considers dialogue as a constitutive dimension' (CCE, 202:30). Where dialogue, freedom and solidarity are key markers of a Catholic school community that seeks to know each member and to support them as individuals and as members of their wider societies.

The Catholic school promotes community life as it 'prepares pupils to exercise their freedom responsibly, forming an attitude of openness and solidarity' (CCE, 2022:16). Inclusion is presented as a movement, core to the Christian message, the specific focus of which is on moving 'the excluded and vulnerable closer' (CCE, 2022:32). In doing so, the CCE (2022) proposes that Catholic schools work towards building a community of dialogue, fraternity, peace and mutual understanding. I propose that this movement needs to include a recognition of who we have excluded and made vulnerable, with the onus on the Catholic decision makers and educators to move closer to the LGBTQ+ school community through recognition and inclusion.

Difference and the potential for disagreement and conflict between the different personnel and people in schools is acknowledged, with time, dialogue and encounter presented as a way forward. Concerned that conflict and disagreement may result in people falling into their own silos, retreating from each other or ignoring that a conflict exists and carrying on as normal – Coll (2021:25) identifies this in the Scottish Catholic school context when she utilises and phrases this as 'burying our heads in the sand' -- the CCE propose the guidance advocated by Pope Francis when he says:

> But there is also a third way, and it is the best way to deal with conflict. It is the willingness to face conflict head on, to resolve it and to make it a link in the chain of a new process. 'Blessed are the peacemakers!' (Mt 5:9) (Pope Francis cited in CCE, 2022:86).

Pope Francis suggests that in dealing with conflict there should not be a flattening of positions, a diminution of a person's positioning and thinking or ignoring that there are disagreements -- I develop ideas of Catholic hospitality in education in Chapter 5 . Time is needed to begin and continue the processes of dialogue and encounter. Conflict and disagreement are a part of the living of the school community, and they bring together people who are different in terms of cultures, beliefs, practices and roles.

Concerned that conflict can result in the exercise of power and retreat from each other Pope Francis argues 'instead of trying to defend positions and spaces of power' (Pope Francis cited in CCE, 2022:88) inclusive processes of encounter and dialogue are 'to be protected and cultivated even during conflicts, and if necessary re-established' (CCE, 2022:87) . Dialogue and communication are presented as inclusive and continuous. A dialogue that happens within the school community but also with the local diocese and with the universal Church.

This section has explored the definitions of the Catholic school as primarily considered by the Church. The Church defines the Catholic school as a place of dialogue, relationality

and encounter where the faith may be offered but not imposed. To offer requires Catholic schools to be places of plurality of thought and beliefs – including a Catholic plurality and faithful dissent – and spaces where encounters are framed with equal dignity and respect for each person.   It requires that the distinct RE curriculum in Scottish schools be one of criticality, including a critical approach to Catholicism, and a clearly distinct offering from those experiences within the school that are catechetical. The Catholic school is a key space where the institutional Church seeks to implement its mission of evangelisation and its mission in supporting all children and young people, including those of other beliefs and faiths. In a world more open to and respectful of LGBTQ+ lives and experiences this increasingly includes these issues as a part of the everyday experiences and questions that all young people and teachers explore as they develop their understanding of what they value and what they define as the good life.   Catholic schools are sites of plurality, both as a minority faith group within wider Scottish society, as places offered to those of other beliefs and faiths, and even as places of plurality from within those who identify and accept the faith and those who might dissent in their responses and practices. My concern, as I will go on to describe in Chapter 4, is that obedience to a narrow set of Catholic doctrines has been at the core of the current discourses on LGBTQ+ inclusion and the identity of the Catholic school rather than as I have argued here that the identity and function of the Catholic school is as communities of encounter, relationality and human flourishing for all free from the imposition of religion.

3.3 The Catholic Teacher

The CCE (1982) recognises the family as primarily responsible for the education of children. However, alongside the family, the school has a complimentary and fundamental role in Catholic education the aim of which is the flourishing of the whole person:

> The school must be concerned with constant and careful attention to cultivating in students the intellectual, creative, and aesthetic faculties of the human person (CCE, 1982:12)

The personification in the document, the attribution of human qualities to a non-human object: the school, obscures the day-to-day reality of schools: that it is the *teacher* who is the person who 'must be concerned with constant and careful attention'. This section will explore the role of the Catholic teacher as defined by the Vatican, the context of the Catholic teacher in Scotland and the ways in which encounter and relationality can move the Catholic teacher from what I argue is a juridical to a relational role that recognises and affirms the LGBTQ+ children and young people they encounter.

The Catholic teacher is key to the mission of the Church in supporting children and young people to flourish in Catholic education (Roberts and O'Shea, 2022). This flourishing, according to the Church (CCE, 1982, 2017) includes the teaching and learning about culture, history, values, judgements and the school as a place of encounter with those who are different. Freedom and respect are key in these encounters both with others and as it applies to learning:

> Every educator in the school, ought to be striving 'to form strong and responsible individuals, who are capable of making free and correct choices' (CCE, 1982:17)

To be able to make 'free and correct choices' requires that differences are treated with respect and dignity and that freedom allows a child or young person to choose those values, beliefs and practices that they have reason to value.

The role of the Catholic teacher is one that is situated in a Catholic theology of faith – an understanding that faith is freely given and freely received (CCE, 1982). The guidance from the CCE (1982) is that the Catholic teacher

> Should be open at all times to authentic dialogue, convinced that in these circumstances the best testimony that they can give of their own faith is a warm and sincere appreciation for anyone who is honestly seeking God according to his or her own conscience

In sharing the mission of the Church, and in pursuit of integrated human flourishing, the Catholic teacher is one who is expected to respect conscience and freedom (Roberts and O'Shea, 2022). Catholic teachers are called to a relationality with children and others in the school who may have alternative beliefs and traditions, as persons who are worthy of equal respect and dignity (CCE, 2022). They may offer the faith but must take care not to impose it.

> In this way it can become clearly evident that religious and human freedom, the logical fruit of a pluralistic society, is not only defended in theory by Christian faith, but also concretely practised (CCE, 1982:50)

In *Educating for Fraternal Humanism* (CCE, 2017:10) the role of education, and therefore of the educator, is said to be one that 'does not aim to create division and divergence, but rather offers places for meeting and discussion'. The Catholic teacher therefore sits within their own faith choices and responses, required to be honest and open about their own thinking and reasoning, and one who shares their free response to faith as equal to those who have freely chosen other faiths, other ways of being Catholic, and other intellectual traditions (Carmody, 2017).

The CCE draws our attention to the goal of the educator, not just as a transmitter of knowledge, but to the teacher as a site of genuine human relationality and dignity. The teacher in a plural society and school engages with difference, even differences of faith traditions, that are fundamentally divergent from a Catholic world and faith view, but that should be respected and valued. The Church defines these encounters as extending beyond 'an exchange of views' (CCE, 2017:12) to encounters that are situated within an ethical exchange based on freedom and equality. For those with different views, the Catholic teacher in accordance with the Church, and in the practice of their faith, relates to themselves and to the other(s) in dialogue as free equals who in their human dignity are entitled to equal respect (Meehan, 2023).

In this relational perspective of the Church, I argue that the Catholic teacher therefore does not start with a conception of the 'other' – someone who is fundamentally different to them – but to a shared human experience and to a shared ethics of personhood, autonomy and subjectivity – which I discuss further in Chapter 5. This is an attitude to children and young people who, like them, are in the process of faith formation (or faith rejection) and provides opportunities to reason, thinking through all life experiences, choices and questions through which all persons are developing their own informed conscience (CCE, 1982). As children and young people come to school with many differences – faith, LGBTQ+, conceptions of the good life, and so on – the Church elevates children and young people as answers to the creation of a culture of dialogue and encounter. To be able to teach, to practise the faith as an offering and not as imposition, the Church asks teachers to be collaborators with the children and young people in education:

> As living cells of fraternal humanism, interconnected by an educational pact and intergenerational ethics, solidarity between teachers and learners must be ever more inclusive, plural and democratic (CCE, 2017:25)

For Mescher (2020), solidarity differs from charity, where charity is directional from one to the other, solidarity requires a 'being-with', a mutuality. This mutuality is one where the Catholic not only listens but also learns from the other, from those who are different. In order for the teacher to learn from the diverse children and young people they work with, to have collaboration as practice, then these children and young people need to be safe, to be treated with respect and capable of bringing their whole selves to the classroom encounter. Solidarity according to Mescher (2020:72),

> strives for a deep sense of communion, one that does not ignore conflict but is committed to reconciling differences by promoting shared interests and joint efforts to liberate the suffering and oppressed

Solidarity calls the Catholic teacher to recognise the 'shared interests', grounded in a shared humanity, in particular with those who are different or who hold different beliefs. To recognise the causes of suffering and oppression and—as opposed to the concept of mere 'toleration', which accepts a difference but does not seek change—true solidarity

requires the Catholic teacher to actively participate in recognition and liberation –

especially for those who are marginalised and poor.

Alison (2003:107) employs the concept of *liking*. In describing God's relationship with

humanity and our relationship with each other, Alison argues that this should be based on

liking:

> The divine regard is one of liking us, here and now as we are. Glad to be with us…
> is looking at us with the delight of one who enjoys our company

In using this concept of liking– one in which the person is liked in the 'here and now as we

are', Alison's proposal (2003), as it applies to the Catholic teacher, is therefore one where

LGBTQ+ students are 'liked' for who they are, in the here and now, whose company is

sought and enjoyed.

Pope Francis (2013, cited in Spadaro, 2013:9) asked the Church to be a 'field hospital after

battle' and through this metaphor asked for proximity and healing that went beyond binary

identities and rules. For Francis (2013:10, ibid), 'The Church's pastoral ministry cannot be

obsessed with the transmission of a disjointed multitude of doctrines to be imposed

insistently.' The Catholic teacher, in responding to this call for healing and solidarity

beyond imposition and transmission, therefore needs to provide not just a space for

LGBTQ+ children and young people, but to be a part of the healing process. This is one in

which church doctrine is proportional and nuanced -- requiring an informed and agentive

Catholic teacher -- in providing the space for healing for those who are marginalised but

also the space for freedom and the critique and the avoidance of indoctrination.

In Scotland, as was discussed in the previous section, Catholic teachers who teach

Religious Education, which includes all primary teachers, are required to be approved by

the Church. However, as Coll (2008) has pointed out, there are many children in Scottish

Catholic schools who come from other faiths, who may be nominally or culturally Catholic and indeed there are some classrooms in Catholic schools where a majority of pupils are non-Catholic (Coll, 2008). Franchi and Rymarz (2017) discuss recent changes in teachers' faith formation and adherence in relation to many of those who would like to work in Catholic schools but whose own commitment to Catholicism may be more fluid and less committed to Magisterial teachings. This changing teacher demographic would suggest:

> It is likely that many who enter teacher education programmes to work in Catholic schools may not have a strong cognitive grasp of Catholicism (Franchi and Rymarz, 2017:5)

Barrett (2015), in discussing the religious beliefs of teachers in Ontario, Canada, a province that also requires Church approval for teachers, points to not just a looser cognitive grasp of Catholicism, but the diversity of beliefs held by Catholic teachers, arguing that there exists *Catholicisms* within the Catholic teacher population. Coll's (2008:95) research highlights that student Catholic teachers were 'worried about their competence in the transmission of accurate knowledge and about being questioned on aspects of the Catholic Church's teaching'. This suggests that 'accuracy' and questions as they relate to content are of concern rather than, as I argue, an honest sharing of a teacher's response to complex, multiple, and differently authoritative Magisterial and Church documents. As well as to the varied responses to the mystery of faith and as the CCE (1982:42,50) petition for 'authentic dialogue' and 'mutual respect' would suggest.

The teacher's looser attachment, understanding of the faith and the presence of a plurality of Catholicisms can all be important in terms of Church teaching. Nixon, et al. (2021) research into non-denominational schools in Scotland discovered that a majority of Religious Education teachers in Scotland and England do not have a religious faith. The consequence they argue is that there is a growing tendency to sanitize and essentialise faith – to focus on the aspects of faith all can agree to -- an uncritical understanding of concepts such as peace, love, goodness – and to present faith in singular and essentialist terms. The

looser and varied attachment and understanding of Catholicism therefore suggests that

some teachers in Catholic schools may also present an uncritical and singular version of

Catholicism, one that portrays a singular and conservative understanding of the Church

teachings as described by Henry (2021).

3.4 Conclusion

Burke (2015:325), writing in a US context, suggests that as the religious orders began to

withdraw from schools as teachers, a disciplinary function, the adherence to doctrine and

faith, moved to the religious stories and curricular documents that provided the basis for

control over what was presented and acknowledged as Catholic:

> Much of what was produced in the documents examined was meant to aid (or
> discipline) lay members as regards the norms of given versions of Catholic
> theology

As mentioned above, within Scottish education there has been a concern over the loss of

the spiritual capital of the Catholic teacher (Franchi, 2018) and a mixing of the catechetical

with Religious Education through documents such as TOF. I argue, in this section, that

what has emerged is in part a *juridical* approach to Catholicism in schools, leading to

documents, such as TOF– a title itself that declares in its language that this is a definitive,

version of the faith. My concern here is that the field hospital, suggested by Pope Francis

is in our schools risking becoming fortresses of an essentialised Catholicism -- one where

LGBTQ+ inclusion is presented as the opposite to Catholic identity and values, rather than,

as Alison (2003) argues, a faithful response to complex questions of conscience and faith,

and one where LGBTQ+ children, young people and teachers are *liked*.

For Whittle (2021) a key challenge for Catholic educators is to acknowledge the

complexity of the faith in education and that this is obscured by an overuse and

oversimplification of Catholic theological and philosophical terms such as 'Gospel values'. Franchi (2018) argues for a nuanced understanding of the faith. Burke (2015:322) proposes that complexity is a good thing – Catholic schools are places where teachers should be open to 'anxious knowledge'. This complexity requires of Catholic teachers an acknowledgement that there are other ways of being Catholic and of responding to the question of human flourishing: ways that are equal in dignity and respect. The rights to be free of imposition, to develop one's conscience, require teachers in Catholic schools to think through how dignity and respect for difference, which for Mescher's (2020) requires solidarity and for Alison (2003) liking.

I propose that Catholicism, like Nussbaum's CA (2007) begins with the human who through reasoning, imagination, freedom and, specifically for Catholics, solidarity and liking, see and respect in each other as persons of equal dignity and respect, teacher and pupil, the right to conscience, and to be free from coercive pressures with the capacity for autonomy. Alison (2001:23) describes this Catholic standpoint in these terms:

> For catholicity doesn't mean a unity of perspective from which we start, but the discovery and construction of a real and surprising fraternity which begins with overcoming the tendency to forge from our own perspectives a sacred which excludes

Unfortunately, as Pang (2021:456) highlights, LGBTQ+ teachers, children and young people are often excluded in Catholic schools. Catholic educators therefore need to think through the challenge of offering the faith without restricting autonomy and how through concepts such as collaboration, solidarity and liking schools can be places of inclusion. This requires, as the CCE (2022) describes, the presence of authentic dialogue. I claim in this dissertation that collaboration with LGBTQ+ children and young people can be possible through providing from the outset a safe and respecting place in Catholic classrooms, in the relations with Catholic educators, based on equal dignity and respect for complexity, difference and disagreement. In foregrounding the Catholic school as a place

of difference, disagreement and intra-Catholic plurality that is supportive of engagement

with the wider society, I argue from a CA perspective, that the identity of the Catholic

school should be that of a shared institution and that the pedagogical practices of the

Catholic teacher should be firstly as one of an imagined consensus based on capabilities

that all are entitled to. As this consensus includes people with very differing metaphysical

reasoning and beliefs, I argue that the metaphysical comes after the consensus that all are

entitled to the capabilities to be and do those things that they have reason to value. In

Chapter 4 I discuss the experiences of LGBTQ+ persons in the Catholic school arguing

that in the current climate and practices there is significant capability deprivation rather

than capability formation.

Chapter 4

4.1 The LGBTQ+ teacher in the Catholic school

Catholic schools in Scotland have been places where I have argued the deliberate erasure and silencing of LGBTQ+ content and people has been a key practice and policy within Catholic education, as in the example of Section 28 discussed in Chapter 1. In this section I focus on the experiences of LGBTQ+ teachers in Catholic schools. I aim to shed light on how silence and erasure is experienced by LGBTQ educators and the implications this has for them, and, in maintaining a narrowly defined juridical orthodoxy that is upheld in Catholic schools. I argue that the regulatory power of the CCC, as it relates to human sexuality and gender, provides the framework for schools and teachers to avoid making decisions and thinking through the practical applications and tensions of the faith – pedagogical, pastoral and relational -- as it concerns issues of justice and the inclusion of LGBTQ+ teachers, children and young people.

Callaghan (2018) argues that key Catholic documents such as the use of the CCC's (2019:2357) definition that 'homosexual acts are intrinsically disordered… under no circumstances can they be approved' is used as a tool of three types of power: regulatory, coercive and repressive. The regulation of the CCC in defining homosexuality as 'disordered' and not to be approved, according to Callaghan (2018:26) means that Catholic educators,

tend to abandon the tradition of Catholic social teaching and turn instead for guidance to the formidable Catholic canonical law on the topic of homosexuality

This use of a narrow selection of Catholic doctrines, according to Callaghan (2018), is key to creating Catholic schools as places of institutional homophobia, biphobia and transphobia (HBT). I argue the narrowed focus on a particular direction set out in the CCC regulates who can be present in Catholic schools in terms of LGBTQ+ and provides a religious justification for erasure and absence and that this ignores Pope Francis' call to proportionality and his critique of the selection of a narrow set of doctrines to justify Catholic practice. This also maintains a discourse of LGBTQ+ as restricted to a 'disorder' rather than, as I propose, and argue in Chapter 5, the need for Catholic educators to see LGBTQ+ people as persons with rich interior lives.

With little research in a Scottish context I will use research from the US and Canada to explore the experiences and responses of LGBTQ+ teachers in Catholic schools to the regulatory, coercive and restrictive application of Catholic doctrine. Pang (2021) and Callaghan (2018) have both highlighted that for LGBTQ+ teachers in the US and Canada, respectively, there have been multiple examples of LGBTQ+ educators being fired -- once their gender status or partnerships became publicly known.

> For LGBTQ people based in the United States, nearly forty percent of church employment disputes tracked between 2011 and 2020 involved LGBTQ Catholic educators (Pang, 2021:454)

Being out, being truthful about their identities and lives, for LGBTQ+ educators, situates them in precarious employment—with a threat to income, health insurance, to a career many will feel called to -- 'vocation' to use a religious phrasing. A vocation that many Catholic educators will use to describe not just a job but a career in which they find their own flourishing that has been developed and enriched over many years. The impact of being dismissed for being openly LGBTQ+, or being 'outed', having one's gender identity

or sexuality disclosed, can impact all aspects of a person's life – employment, professional identity, health, self-worth, vocation.

For Callaghan (2018) being out, or a person's LGBTQ+ status becoming known within the school, is when educators are more likely to have their employment terminated or to feel 'forced' out of employment in the Catholic sector. Callaghan (2018), in agreement with Pang (2021), argues that there has been an increasing focus on and practice of firings of LGBTQ+ educators in contrast to their heterosexual colleagues. However, for those heterosexual teachers who do openly fall foul of Catholic doctrine on human sexuality and gender identity it is illuminating to note that certain groups of people are *more* vulnerable to precarity of employment in Catholic schools.

The example of an unmarried teacher in New Jersey who was fired because she was pregnant (Tully, 2021) reveals similarities with LGBTQ+ teacher disputes in Catholic schools. In firing the teacher the school claimed this was due to Catholic doctrine, a prohibition on pre-marital sex, and the school's responsibility to uphold a Catholic ethos. However, the Principal of the school 'made no effort to determine if other staff members, including men, were engaged in extramarital sex' (Tully, 2021, n.p.). The similarities between this example of a pregnant woman and LGBTQ+ people reveals a concern not with the private lives of teachers in Catholic schools but with the public adherence to an orthodoxy on human sexuality on behalf of the Catholic school and how this may be seen to impact the ethos of a Catholic school -- in particular a public adherence to obedience to Vatican teachings as they relate to sexuality and gender.

It indicates a discriminatory way in which *certain* groups are therefore more likely to experience conflict with the school and be presented as being in public disobedience to Vatican teachings. In the example cited, women are more likely to be fired for unmarried

pregnancies than men who have engaged in extramarital sex. It reveals a concern in some Catholic schools when truth may become publicly known -a Catholic understanding of the concept of *scandal*, which I will explore later in this chapter – becomes a key factor argued for by Catholic educators whose stances rely on obedience to certain aspects of Vatican teachings.

Callaghan (2018) argues that LGBTQ+ as regulated in Catholic schools through the application of doctrine significantly ignores other key Catholic teachings. In the example of the unmarried pregnant teacher who was fired, questions can be asked about how this may impact the unborn child of this pregnancy -- stress caused to the mother, and the potential loss of health insurance in the US context, – all having potentially significant impacts on 'the right to life'. As well as the impact on this teacher and her child, there is the missed opportunity in the Catholic school to publicly practice a relational pedagogy of dialogue, openness and liking – which I argued for in the previous chapter.

In relation to homosexuality the CCC states, 'Every sign of unjust discrimination in their regard should be avoided' (CCC, 2019:2358) and definitions of Catholic schools as places of 'love for all that excludes no-one because of religion' (CCE 1988:87), discussed in the previous Chapter, appear to be outweighed in the practices of Catholic schools whose focus is on obedience to the idea of LGBTQ+ as incompatible with the space of a Catholic school. The focus, as in the examples of dismissed unmarried teachers and the precarity of out LGBTQ+ teachers, is that reference to specific aspects of doctrine comes at the cost of wider Catholic social teachings and a Catholic ethos of schools, as defined in Church teachings such as CCE (2022) as places of dialogue, conscience and respect for all. The 'scandal' appears to be disobedience, eclipsing solidarity and relationality when people need it most – an unmarried mother and LGBTQ+ people who are vulnerable both inside and outside the school.

For Pang (2021), LGBTQ+ educators navigate a school culture and climate different from heterosexual teachers, including those heterosexuals who also privately dissent in practice from Vatican teaching on sex and gender – as is seen in the disparity in employment disputes. For Pang (2021) a key term to help in understanding LGBTQ+ educators in Catholic education is the concept of *precarity*. LGBTQ+ educators experience of the Catholic school community is one where their careers and lives can be quickly and fundamentally changed by the power held in the hands of others. In response to the Catholic school environment in which LGBTQ+ educators find themselves, Callaghan (2018) discusses the strategies LGBTQ+ staff employ in response: such as a gay teacher wearing his wedding band on his right hand, not taking his partner to school social events, teachers feeling forced to resign because they were openly LGBTQ+, feeling forced to pretend to be heterosexual; LGBTQ+ allies -- heterosexual teachers who want to create a welcoming and safe environment for LGBTQ+ people -- feeling forced to move schools or lessen LGBTQ+ visibility in their classrooms.

For many LGBTQ+ teachers the experience of Catholic schools, according to both Pang (2021) and Callaghan (2018), are as places where they daily monitor their behaviours and conversations in order to stay safe and securely employed. These same places allow, and I would argue encourage, the heterosexual teacher to be open and truthful about their married partners, be free to wear the clothes they want, to walk and talk in ways natural to them whilst the LGBTQ+ teacher needs to monitor conversations in order to avoid staffroom and classroom discussions about who they go on holiday with, what they did at the weekend and with whom. They monitor the way they move, the way they talk, the way they are, for fear that their behaviours and speech patterns may reveal a truth that will put their jobs and livelihoods at risk (Brett, 2022).

In the Australian and US contexts discussed by Pang (2021), the precarity experienced by LGBTQ+ educators in Catholic schools 'is experienced in a mode of survival that drives their self-disciplining into invisibility and silence' (Pang 2021:52). Many LGBTQ+ educators are in a position where there is a

> fracturing of the self, where the expression of one's professional identity as teacher demands a suppression of sexual and gender identity, especially when it contravenes the heteronormative ecclesial discourse constructed of sexuality (Pang, 2021:458)

The LGBTQ+ teacher is one who continuously monitors themself lest the truth become known. For those LGBTQ+ teachers in Catholic schools the truth of their lives, the wisdom of their religious discernment, as it relates to sexuality/gender and faith, their rich interior life, rational, emotional and faith responses to faithful Catholic dissent, are silenced and erased. The orthodoxy of hetero and cisnormativity is therefore strengthened and maintained in Catholic schools – the only visible and sayable option available, particularly for those who identify as Catholic. LGBTQ+ people are othered, not to be spoken and therefore separate from Catholicism and inferior to the heteronormative norms. Openness and discussion regarding the experience of faith, of the wide range of Catholic teachings and the diverse responses to LGBTQ+, is closed to all those who form the Catholic school community (McDonough, 2014). Pang (2021) also discusses the challenges that many LGBTQ+ educators, and their allies, feel in relation to the teaching of the Church's position on homosexuality and the tension felt by people asked to teach a doctrine that they themselves, in their own discernment of faith and conscience, do not agree with. Indeed, they may consider the doctrine as fundamentally wrong -- oppressive of themselves and of others within the LGBTQ+ community – an oppression that includes child suicide, self-harm, and bullying (Stonewall Scotland, 2017).

In Australia and Canada, and here we can also discuss Scotland, there are 'Catholicity clauses' in employment. Catholic schools require *all* educators, including those from

different faiths and none, to observe the Catholic ethos and educational aims of the

Catholic school if they opt to be employed there (SCES – Charter for Catholic Schools in

Scotland). The 'fractured self' described by Pang (2021), referring to one whose LGBTQ+

identity is to be separated from their professional identity, is hence also required to have a

fractured conscience – where those who prayed, discerned and came to a reasoned

conclusion informed by their conscience and their faith that Catholicism is compatible with

and supportive of LGBTQ+ inclusion are required to avoid openly discussing the truth of

their own thinking and reflective journey of faith and conscience.

Through the Catholic clause in teachers' contracts, Callaghan (2018) argues that the

Church is able to exert regulatory, coercive and repressive power and erase the expressions

and ideas of non-heterosexuality and non-cisnormativity. The issues raised in Chapter 3 on

the lessening of the religious capital of Catholic teachers, and I include here those of other

faiths and none who also teach in Catholic schools, become more reliant on this restrictive

regulatory focus on specific doctrines of the Church, such as paragraph 2357 of the CCC,

restricting and limiting the ability and opportunity of teachers to be a part of an informed,

agentive and critical dialogue of faith with difference and disagreement that the Church has

as an aim of Catholic education. The increasing publicised focus on the dismissal of

LGBTQ+ teachers (Pang, 2021), as well as other groups such as unmarried mothers,

reinforces a position that obedience to doctrine on human sexuality trumps other Catholic

teaching, and puts a stop on the discourse, of how to create an ethos, values and identity of

the Catholic school based on a critical understanding and wider application of scripture,

tradition and Church teaching (Lawler and Salzman, 2022).

For Catholic educators who are LGBTQ+ this silence and erasure additionally holds a

tension with their faith. Pang (2021) highlights that Catholic educators called to practice

and to be witness to *truth* are through precarity within Catholic education, and the

abjection of LGBTQ+ outside Catholicism, placed in a position where truth, for them, is dangerous and to be avoided. As Callaghan (2018) has highlighted, LGBTQ+ educators monitor the outward signs or conversations that may bring the truth of their lives, and their responses to faith, into visibility and presence in the Catholic school. However, for some educators, such as Pang who is an out Catholic educator, (2021:459),

> I am out not despite being Catholic, but because of my Catholic faith that calls me to be true to myself before God, to stand unashamed before God as I am, and to bear God's loving presence to others as teacher, lover, sibling, child.

Invisibility and erasure by Catholic authorities requires an adherence to religious orthodoxy applied to certain groups such as LGBTQ+ people and unmarried pregnant women, where teachers are judged in terms of their fidelity to specific ways of being Catholic. As Pang (2021) describes, this also places LGBTQ+ Catholic educators in tension with the truth of their lives and the call of their faith to truth in all things. LGBTQ+ teachers are therefore not being judged as teachers, nor judged in terms of a genuine faith response to the mysteries of sexuality and gender, but in whether they publicly perform one way of adherence to a restricted doctrine.

For Callaghan (2018), Catholic orthodoxy originates from the Vatican. In particular, she highlights, and I agree with her comments, that the CCC in defining homosexuality as 'intrinsically disordered' is a homophobic statement and, as I argue in this section, is an aspect of the institutionalised HBT of Catholic schools. She argues that key doctrines such as those set out in the CCC provide the framing of the response of Catholic schools to issues of LGBTQ+ children and staff – in spite of, and in contrast to, national legislation requiring equality duties for inclusion that focus on supporting the weakest in society. Her focus is on how these aspects of doctrine are key to understanding homophobia in Catholic schools and the erasure of LGBTQ+ experiences and lives. For Callaghan (2018:174),

> The dominant ideology in the Catholic schools of this study is not to respect and value sexual diversity but to correct and control sexual diversity and to ensure that it finds no physical expression

In this way, she agrees with Pang's (2021) idea that LGBTQ+ is seen as dangerous in the Catholic school because it is seen as a threat to a narrowly cited range of Church documents.

I agree with Callaghan (2018) and Henry (2021) who have both highlighted how a restricted orthodoxy has been a key move in schools in the maintenance of homophobia in those schools. However, Callaghan's (2018) study also shows that, for some of her participants, Jacob and Judith, who suffered HBT bullying in Catholic schools, once they moved to another Catholic school their experiences were more positive. In these examples, I argue lies evidence that Callaghan's (2018) work perhaps focuses too much on the same restrictive doctrine that she accuses those Catholic schools and educators of implementing. In this way, I suggest she may reinforce the idea that these doctrines are examples of Catholicity *in action*.

Section 4.2 The LGBTQ+ pupil in the Catholic school

Coll (2021:33) recounts a Director of the Scottish Catholic Education Service (SCES) at the start of a team development session asking the staff

> 'Did you see on the news or in the paper that story about the Catholic school in Scotland discriminating against a child identifying as LGBT?' When the answer is 'NO' *(capitalised in the original)* she responds, 'That is because there is no story'.

Unfortunately, there are *many*, *many* stories of discrimination in schools and by schools. And this has, at times, a tragic impact on LGBTQ+ children and young people (Stonewall Scotland, 2017, Russell et al, 2021, Hutching and Fischer, 2019) – LGBTQ+ inclusion I maintain is hence a pro-life issue. In particular, the work of Callaghan (2018), Schwarz

and Roe (2015) and Carlisle (2019) provide a specific challenge to faith-based schools. They highlight that children in faith schools may experience discrimination *due* to faith-based prejudice and religiously grounded justifications for anti-LGBTQ+ inclusion.

Coll's (2021) paper is a call on Scottish Catholic educators and schools to be places of hospitality to LGBTQ+ individuals and as such recognises that there are current tensions, evasions and an important need for articulating new ways of interacting and creating safer spaces in Catholic schools for LGBTQ+ children and young people. In this section, I present the current approach in Catholic education to be one where LGBTQ+ presence for children and young people is presented as incompatible with the aims and mission of the Catholic school.

Callaghan (2018:20) claims that silence, such as that suggested in the quote cited in Coll's (2021) paper, rather than representing inclusion, that there is nothing to see, may denote 'institutionalized homophobia'. In Catholic schools, this can be a religiously fortified homophobia, biphobia and transphobia (HBT) that, according to Callaghan (2018:13), becomes 'actively institutionalized through the use of Catholic doctrine'. The narrow selection of Catholic doctrine is used as a way of silencing and making invisible sexual and gender diversity through the maintenance of hetero and cisnormativity as the doctrinal norm and only option for Catholic pupils, teachers, and schools. As discussed in the previous section, this has significant consequences for those educators who may consider dissenting from the expected Catholic doctrinal position. In this section I also argue that there are also significant consequences for LGBTQ+ children and young people.

Grace and Wells (2005) argue that erasure and silence of LGBTQ+ presence in Catholic schools is an attempt by the Church to keep queerness as 'privatized': an issue for children, young people, educators, and families to keep hidden from the public arena of the Catholic

school. Children and young people are to remain silent, or at a minimum, to accept homosexuality as an inferior condition to the presented norm and naturalness of the cisgendered heterosexual person:

> Heterosexism is the precursor to homophobia, which is an ignorance-and-fear-based manifestation of symbolic and/or physical violence in relation to a homosexual positionality as an undesirable identity and expression. (Grace and Wells, 2005:240)

In the case of Marc Hall, a young man who wanted to take his boyfriend to his school prom, presents an interesting example of an attempt by a gay young person to be visibly gay at a Catholic school event – presumably to hold hands and dance with his boyfriend in the same way as was unquestioned for the young heterosexual couples who were to attend the same prom. In this example, I suggest we can see not only the attempt to 'privatise' a young person's LGBTQ+ identity and expression but also a Catholic school concern with public obedience to a restricted set of doctrines. Despite Canadian equalities legislation, Marc's parents, and the young person's wishes -- and I would also argue despite wider CST such as the right to an informed conscience, to be free from the imposition of religion, to a preferential option for the poor and marginalised -- the school authorities refused his request to attend his prom with his boyfriend. The issues presented in the Marc Hall example focus key concerns of those Catholic educators who prefer to keep LGBTQ+ as a privatised issue, and to be kept outside of the school gates. Through this refusal, the school maintained a position of compulsory public heterosexual identities making other identities invisible and inferior – not worthy of the public space, recognition or visibility in the Catholic school. I agree with McDonough (2012) and Callaghan (2018) that despite wider Catholic doctrine and the body of Catholic Social Teaching, this is an example of a core issue discussed in the chapter that approaches to the issue of LGBTQ+ inclusion in Catholic schools are often failing to take account of, and sidelining, other key Catholic teaching and wisdom.

What is particularly interesting to note in terms of doctrine and Catholic schools is that the prohibition on Marc and his boyfriend was not the prohibition of homosexual genital activity contained within the CCC (2019, 2359) – the school was not advocating genital activity for *any* of its students who attended the prom, or that heterosexual prom dates would lead to potential occasions of sexual sin for the heterosexual young people who would also be holding hands and dancing with their opposite sex partner -- but of a *public* LGBTQ+ identity comparable to the heteronormative identities of a school prom. The school's decision whilst acknowledging that there was a gay Catholic student, and acknowledging the wishes of Marc's parents – whom the Church recognises as the primary educators of the child -- that he attend with his boyfriend, reinforced the position that an affirming homosexual identity and presence is incompatible with the identity and ethos of a Catholic school. What we can see embedded in this example, is that students may attend Catholic schools but surrender their rights to be treated with equal dignity and presence – instead to be treated as 'less than' and with an identity, an affirming sense of self, that is presented as incompatible with the Catholic identity and ethos of the school.

McDonough (2014), Liboro et al. (2015) and Callaghan (2018) have also discussed the controversy of Gay and Straight Alliances (GSA – sometimes referred to as Gender and Sexuality Alliances) in Catholic schools. GSA are clubs that support LGBTQ+ children and young people through giving them a safe space in school and peer group through which to support each other. The refusal of Catholic schools to have GSAs (McDonough, 2014, Callaghan, 2018) based on the idea that they 'contradicted Catholic moral teaching' (McDonough, 2014:71) reinforces the discourse that an affirming and supportive LGBTQ+ presence is incompatible with the Catholic identity and mission of the Catholic school. It reinforces obedience rather than dialogue, difference and faithful dissent. Callaghan (2018) has highlighted that Catholic schools have also tried to avoid the use of affirming symbols such as the pride flag because of a concern that any form of positive affirmation

of an LGBTQ+ presence contradicts the heteronormative identity of the Catholic school.

For those participants (19 LGBTQ+ people and 1 straight ally) who were part of

Callaghan's (2018:192) study,

> All the participants experience some form of homophobia in their Catholic schools, and none described a Catholic school environment that was accepting and welcoming of sexual diversity.

The example of Marc Hall, the rejection of GSAs and affirming LGBTQ+ symbols and

images, all highlight a concern in Catholic education with the presence of supportive

spaces and the visibility for LGBTQ+ persons in schools. I argue, in agreement with

McDonough (2012) and Callaghan (2018), that the privatisation and rejection of affirming

LGBTQ+ presence foregrounds Catholic school policy and practices as a public adherence

to a restricted set of doctrine at the expense of wider Catholic doctrine and wisdom. In

agreement with McDonough (2012), I also suggest that this restricts the opportunities

within Catholic schools to be places of a widening Catholic dialogue and dissent evident in

the recent example within the UK, of the banning of an author at the John Fisher School in

London for World Book Day 2022.

The author, Simon James Green, a LGBTQ+ author who has written books that contain

LGBTQ+ themes and characters, was banned by the Diocese of Southwark from reading

and signing his books in one of their Catholic schools.   Some school governors, parents

and children welcomed and supported the visit – some school staff went on strike in protest

at the diocesan decision to ban the author from the school. However, in response, the

diocese removed some of the supporting governors – an example of Callaghan's (2018)

regulation, coercion and repression.   The diocese argued that the book included sexual

imagery and an inappropriate rewording of the Our Father. 'The use of this prayer in this

way, and for this to be promoted in a Catholic school, is a source of deep disquiet.'

(Education Commission Catholic Diocese of Southwark, 2022). The diocese claimed that

the issue was not sexual orientation but inappropriate content for 12 and 13 year olds.

However, a reading of the selected text from the book relating to the changing of the wording of the Our Father provides the context for this incident in the novel, which is clearly an episode of homophobic bullying. The diocese quotes the rewording of the Our Father as containing inappropriate sexual imagery, but *fails* to acknowledge that this rewording of the Our Father is done in order to bully a pupil his peers suspected of being gay. The statement includes a direct quote of the reworded Our Father in the story '*He makes Harry come. He gives him one.*' (which the pupils have replaced from the original text of the Our Father -- Thy kingdom come, Thy will be done). The diocesan statement also *misses* key text from the story that provides the homophobic context of the event: 'It was quite clear that the simple act of holding hands with another boy has unleashed a new form of total hell (*Noah Can't Even* by Simon James Green, 2017:125). The statement is therefore incomplete in terms of providing the context and storyline that are key to understanding the inclusion of the text cited. Its aim is to justify why a particular author and book should be banned in a Catholic school – interestingly the statement does not provide alternative LGBTQ+ stories that could be used – and reinforces the public incompatibility discourse. I also argue it maintains the position that doctrinal obedience is more important than the pastoral and personal needs of the LGBTQ+ person.

The *scandal* for the diocesan authorities therefore appears *not* to be the homophobic bullying through the misuse of core resources and prayer in Catholicism, to abuse and bully a young gay person, but that a story may contain forms of LGBTQ+ imagery and an offensive rewording – in whatever form it is used – and that it would be presented to pupils in a Catholic school, therefore in the words of the statement content being 'promoted in a Catholic school'. This ban on an LGBTQ+ author and his books, reported in the press, I argue, sits within the wider consistent public discourse on Catholic education, identified by authors such as Callaghan (2018) and McDonough (2012, 2014), that the visibility of

LGBTQ+ is presented as incompatible with the ethos of a Catholic school. The public reaction and stance of the diocese reinforces and reiterates that affirming LGBTQ+ content, in this case even one where there is clear homophobic storyline, is incompatible with the Catholic identity of the school.

In the John Fisher incident, there was also a return to the language of Section 28, supported by the Catholic Church, through the use of words such as 'promotion'. I maintain that the substantive *scandal*,– a scandal that I consider was not missed by those parents, governors and children who supported the author in the John Fisher School incident -- is the issue of failing to use the context of LGBTQ+ bullying and the resources of faith as a teachable moment. An opportunity in a Catholic school to explore and imagine with children the experiences of LGBTQ+ children in faith-based schools – something that is lost, to the educators and to the children, when Catholicism is presented as absolutely incompatible with LGBTQ+ visibility.

Carlile (2019) and Callaghan (2016) have both claimed that, for those times, when there *is* LGBTQ+ visibility in faith-based schools, it is framed within an anti-bullying strategy. For Callaghan (2016,2018), Catholic schools do, at times, respond to HBT bullying, however, this response is directed at the level of the individual, the student who is LGBTQ+ and suffers instances of HBT bullying, rather than addressing the school as an institution that in its selection and application of doctrine is institutionally HBT. This becomes a situation where LGBTQ+ people are presented as victims and it is *because* of this victimhood that they need support – not because they are LGBTQ+ with support required because of the societal and school assumptions and practices of both hetero and cisnormativity that tell LGBTQ+ people they are invisible and inferior, routinely subjecting them to both symbolic and physical violence.

Callaghan (2016) goes on to discuss how in Catholic schools this victimhood is partially answered by Church and educational authorities through a call to prayer and obedience to a restricted orthodoxy – a continuation of the idea presented by Cardinal Ratzinger (who became Pope Benedict XVI) who argued in the 1986 - still currently available guidance on the Vatican's website - document 'On the Pastoral Care of the homosexual Persons' that,

> the proper reaction to crimes committed against homosexual persons should not be to claim that the homosexual condition is not disordered. When such a claim is made and when homosexual activity is consequently condoned, or when civil legislation is introduced to protect behavior to which no one has any conceivable right, *neither the Church nor society at large should be surprised when other distorted notions and practices gain ground, and irrational and violent reactions increase*. (Raztinger, 1986:10 – italics added for emphasis)

The identification of victimhood for LGBTQ+ children and young people reinforces the idea that they are vulnerable, lacking in agency and, according to the 1986 guidance from the then Cardinal Ratzinger, may in fact be causes of the bullying they receive.

The experience of Catholic students in schools, according to Callaghan (2016), is therefore one of fear – a fear of coming out or being outed whilst in school and of being outed by the school to their parents. For those who were out they commonly did not feel safe in a Catholic school:

> Standing up to homophobic bullying and changing the school for the better required two things: A vocal student who refused to take "no" for an answer, and a strong ally who held completely different worldview than that of the Catholic school administrators. (Callaghan, 2016:281)

In Catholic schools there is also resistance to anti-LGBTQ+ inclusion by some children and young people (Callaghan, 2016), as seen in the John Fisher incident, suggesting that such children, young people and parents are dissenting from the dominant teaching of Catholic education that LGBTQ+ is incompatible with the Catholic ethos of the school. Callaghan (2016) therefore presents these young people and allies as resistors to Catholic

doctrine and as a part of the solution to the issue of LGBTQ+ inclusion in Catholic education. In contrast, my position, argued in this dissertation, is not one of resistance but, as described by McDonough (2014) one of Catholic *faithful dissent* that I argue should be a pedagogical goal of the Catholic school. This is a solution that requires affirming pupils and teachers working together to challenge the powerful current discourse of incompatibility through Catholic reason, conscience and visibility.

Coll's (2021) paper uses the concept of *hospitality*—asking Catholic educators to take seriously the pastoral mission of the Catholic educator in the school. In arguing for hospitality in Catholic education in Scotland – Coll (2020) does acknowledge that a part of this response is because of a Catholic defensiveness -- responding to legal requirements and to pre-empt those who want to abolish publicly funded Scottish Catholic education. Coll's paper argues that through the concept and practice of Biblical hospitality Catholic educators can provide classrooms where LGBTQ+ is visible and that common ground can be found between LGBTQ+ inclusion and Catholic education. However, whilst I welcome the acknowledgement by Catholic educators in Scotland that there is a serious problem that can be addressed within Catholic concepts and discourse, I argue in Chapter 5, that hospitality without solidarity, personhood and a pedagogy of dissent in schools worried about *scandal* may in fact reinforce the divisions between the LGBTQ+ person and Catholicism.

Section 4.3 Catholic and liberal philosophical approaches in the Catholic School

Summarising a narrow view of Catholic identity as obedience to the Magisterium, McDonough (2014), has argued that this has not been providing the pedagogical, pastoral and theological support for Catholic plurality and faithful dissent.   McDonough (2014), writing from a Catholic perspective, claims that Catholic schools are contributing to a false

dichotomy of 'obey or abandon' the faith. I have argued from the LGBTQ+ experience of Catholic schools that current practices of silence and erasure reinforce the idea of a binary division between Catholicism and LGBTQ+, which denies Catholic school plurality and a core aim of Catholic education – the flourishing of the whole person, each entitled to human dignity and freedom. In this section, I extend the argument presented by Henry (2022) and Callaghan (2018) on the influence of Catholic doctrine, to argue that the current Catholic education response to LGBTQ+ inclusion is one that also includes an account of philosophical incompatibility between liberalism and Catholic thought.

McDonough (2014) argues that an aspect of the Church's response to LGBTQ+ is an *entrenchment* of the Church – seeking to reinforce its position as opposite and an alternative to modern liberal secularity. The Church is concerned that modern society, inspired by liberal and post-modern ideas, is one where primacy is given to the individual and individual choice is supreme in moral and ethical discernment. In liberalism, a conception of justice emerges from a focus on core liberal concepts such as individual liberty and autonomy. In line with liberal enlightenment philosophers, such as Kant, the individual can choose for themselves their own morality -- as long as it does not impede the liberty of others. There is no need for a metaphysical understanding of morality since each individual choice has the same worth. In describing the CA, Nussbaum (2007:70) argues that,

> The capabilities are then presented as the source of political principles for a liberal pluralistic society; they are set in the context of political liberalism that makes them specifically political goals and presents them in a manner free of any metaphysical grounding.

The CCE (2019) argues that the debates on LGBTQ+ focus on each individual. It is based on a philosophy and practice of the individual who can choose their own sexuality and gender identity free from any metaphysical understanding of sexuality and gender as divinely ordained and ordered towards natural law. In Catholicism, as argued by Pope

John Paul II (cited in Torode and John Paul, 2008), categories such as male and female and human sexuality are orientated towards specific ends for the good of both the individual and the community -- such as heterosexual procreation and the institution of the heterosexual family as a cornerstone of support for children and society in general.   A liberal conception where human sexuality and gender may be socially constructed, independent of natural law and divinely ordered categories, is therefore incompatible with a Catholic understanding of the metaphysical ordering of human sexuality and gender.

As is seen in the examples from the previous section, the scandal, understood within Catholicism as leading others to occasions of sin and/or away from the faith (CCC, 2284), appears to take on more significance for Catholic educators when it becomes public knowledge—a public scandal (Pang, 2021, Callaghan, 2018). These scandals demand actions from those within Catholic education, such as the CCE, who propose that LGBTQ+ is not only an attempt to individualise human gender and sexuality but is also a liberal philosophical attempt to privatise religion, to push faith outside of the realm of the public sphere—including within Catholic environments and creating within a Catholic school a philosophical position which is incompatible with the faith.

The inclusion of LGBTQ+ through symbols such as the rainbow flag, GSA groups, going to the prom with a same-sex partner therefore creates a public scandal. LGBTQ+ in this perspective is a liberal philosophical trap that has the potential to take people away from the centrality of the divinely arranged natural order towards an individualistic, relativist and secular morality (CCE, 2019). The school therefore does not allow a same-sex couple to attend the prom – not only because of the Catechism's prohibition on same-sex genital activities – but because through becoming known it may reinforce a modern secularism and may scandalise the faithful who may then see in this action the school supporting moral relativism and individualism within Catholicism —a philosophical approach the

CCE consider to be outside the boundaries of Catholic thought. I, therefore, am proposing that the dichotomy presented in the current discourse of LGBTQ+ and Catholic education is one not just at the level of policy and practice but one that is fundamentally an argument about philosophy and a Catholic concern that increasing secularisation and moral relativism is undermining the philosophical position and power of the Catholic Church.

In creating a dichotomy of philosophies between liberalism and Catholic thinking the Church seeks to enforce its regulatory power concerned with LGBTQ+ inclusion as a liberal and a secularist force that seeks to undermine Catholic philosophy and teaching. However, this argument sits in tension with those principles and concepts within Catholicism that make a simple and comprehensive rejection of liberalism problematic. Hutching and Fischer (2019:7) argue that CST, specifically focusing on three core tenets of Catholicism—the dignity of each individual, the preferential option for the poor and the Common Good—provides a Catholic basis for the inclusion of LGBTQ+ in Catholic schools:

> To send the message that these aspects of self are incompatible or that an individual must deny one aspect of self to be accepted by others is to ask someone to live an inauthentic life and denies their lived experience.

The Catholic educator, therefore, does not have a consistent philosophical and pedagogical position from the Church but chooses, either through silence or dissent, which teaching to emphasise or which to ignore.

In applying a liberal theory of justice, such as that utilised in this dissertation through the CA, I argue that Catholic schools *can* be places of an overlapping consensus without threat to the faith. The CA argues for a threshold universal capabilities approach. Each individual is entitled to all the capabilities as each guarantees the flourishing both of the self *and* the other. In the CA a fundamental Catholic philosophical position –that each has

their own dignity that must be respected – is actually ratified and secured. CA as a threshold capabilities philosophy provides a framework where the diverse school community, which includes people of different faiths and none, have the capabilities to flourish in a Catholic environment where faith includes dissent and is offered but not imposed. Weithman (2022:1660) argues that Catholicism,

> shares with Rawlsian political philosophy the aspiration of articulating a view of justice that can appeal to religiously and morally pluralistic audiences

The Catholic critique of secular liberalism, that it pushes faith outside of the public sphere (Twomey, 2015), is I maintain not applicable in the Catholic school. As I have argued in Chapter 3, Catholicism is embedded in the practices and pedagogies of the Catholic school. Catholic schools are places that have a central identity of faith and where mystery and paradox are valued as ways of knowing. Catholic schools, whilst being a part of the mission of the Church, are distinct institutions of plurality where the pedagogical, the secular, the atheist, the Muslim, Hindu, and many other faiths and the Catholic faith meet. They are institutions where the boundaries between the state and faith meet and as such require an overlapping consensus, religious freedom and freedom from the imposition of faith.

A Catholic school, therefore, needs to be a place of *visibility* – respecting each individual's choice to live the life they define as flourishing in a setting where there are universal capabilities. Catholic schools and educators are already places of plurality and places where educators – although there is still a lot to do in terms of race in schools (Moskal 2013, 2016) engage with people with different beliefs with dignity and respect. The Catholic school that respects the Sikh child through visibility, through pedagogical and pastoral practices that include the *presence and observances* of Sikhism, and other faiths, is a school that recognises at the level of policy and practice that inclusion of people with

different faiths and beliefs includes presence and affirmation of that belief (Education

Scotland, 2020).

Catholic schools are also places of *Catholic* pluralism. McDonough (2009) highlights that

Catholics are not a homogenous group and that many Catholics disagree with Church

teaching on key issues such as women's ordination, same-sex marriage and contraception.

McDonough (2012:36) defines dissent in these terms:

> To dissent from Church teaching or from the prevailing view within a Catholic
> institution (the two are not always congruent) implies one's existential desire to
> maintain spiritual ties with the group while being true to the self

Those LGBTQ+ Catholics who chose to stay in a Church that calls them 'disordered'

(CCC, 2357), as well as other Catholic dissenters, are doing so from a desire to remain

inside the Church and the faith and inside the school, a faithful dissent. However, for the

student-led, critical pedagogy developed in other areas of the curriculum, this appears not

to be applied when it comes to an understanding of the Church and its teachings:

> The pedagogical models for discussing controversial issues in Catholic education…
> suggest that a focus on defining the unity of Catholicism by doctrinal similarity
> rather than as a pluralistic confederation of diverse points of view is the primary
> aim in these schools. (McDonough, 2009:198)

McDonough (2014:72) argues that the scandal of the present dichotomy is that Catholic

educators, children and young people are denied the opportunity to develop in their faith

by 'relying excessively on the Church hierarchy to make decisions for them'. For

McDonough, (2012:32) schools are places of education where magisterial doctrine may be

taught as part of the overall educational development and flourishing of the child:

> The Church has its responsibility to produce and disseminate doctrine, but the role
> of the school is much larger than to promote doctrine on behalf of the Church,
> because the school has a primary educative responsibility to get students to *think
> religiously* rather than *to be religious generally* or *to be religious in a certain way*

The non-imposition of faith as a core tenet of Catholicism, understanding faith as freely given and freely accepted. In a Catholic education context this, therefore, needs to take account of the power dynamic of a school at both the institutional and the relational levels. When schools as institutions and education leaders and teachers through erasure and silence avoid LGBTQ+ persons and miss the opportunities to explore Catholic dissent, they fall into the trap of the imposition of a narrow faith and doctrine. They offer only one perspective, from a position of power and authority, on fallible Catholic teaching and only one way of being a 'good' Catholic.

Rather than Catholic schools as places of openness and dialogue they become places of a presented homogenous heteronormative orthodoxy. Those whose faith and truth place them as 'different' are therefore not welcomed into dialogue and presence, and are placed outside the gates of the school:

> The result for students who disagree on non-infallible magisterial teaching is that they are left without any explicit, realistic academic, social or ecclesial means of criticizing the Church without feeling as though they are being forced to abandon it (McDonough, 2009:189)

The lost opportunity of Catholic pluralism and critical engagement with its own doctrines pushes those children -- who may disagree with magisterial teaching on this and other areas such as masturbation and contraception – away from the faith. Lacking a vocabulary, theology and educationally critical space, the children may, as some of those did in Callaghan's study (2018), chose to remain silent and either stay in the faith in private disagreement or leave the faith without dialogue. This lack of dialogue and engagement therefore negatively impacts the development of their own and others informed consciences. Individual dignity is lost, and the Common Good is impacted. I suggest that a significant scandal in current practices of erasure and silence is that when Catholicism becomes synonymous with obedience children and young people, as

McDonough (2012) argues, are placed in a position of obedience without conscience, or abandonment of the faith.

In this way, the Church misses the opportunity for all in the Catholic school to consider the Common Good and the aim of Catholic schools to be places where individual human dignity is welcomed through an affirming recognition of each individual's worth, free from the imposition of faith, and supported in the development of their informed conscience. For Catholic educators in Catholic schools the rejection of the LGBTQ+ identity, as is understood in the reports from organisations such as Stonewall Scotland (2017), has significant negative pastoral and learning outcomes for children and young people. Individual human dignity and the preferential option for the poor are side-lined in preference for obedience.

A CA approach asks schools to consider first the threshold level of justice that all in the school community could accept. As places of many faiths, beliefs and none the approach is one of affirmation and support at the institutional level:

> one central purpose of social cooperation is to establish principles and institutions that guarantee that all human beings have the capabilities on the list or can effectively claim them if they do not. It thus has a close relationship to institutional and constitutional design (Nussbaum, 2006).

There are many fundamentally competing metaphysical definitions of the good with which Catholic schools currently appear not to have an issue in terms of the Catholic faith and plurality in the Catholic school. This is most clearly seen in the Catholic approach to children and young people from other faiths and beliefs. As McDonough (2012) highlights, there are many Catholic institutions and organisations that provide services for people such as soup kitchens and Catholic hospitals, that do not see in the provision of these services an attack on the philosophical thinking of Catholicism or Catholic identity. Catholic schools as places there to serve the poor and marginalised, as places of individual

human dignity, free from the imposition of faith are places where social cooperation requires and already has an overlapping consensus that, in a Catholic plural environment, allows for very different beliefs and practices.

4.4 Conclusion

In this Chapter I have argued that the *scandal* presented in Catholic schools emphasises the public obedience to certain Church doctrines. I argue this use of scandal unjustly discriminates against those who are seen to publicly dissent, such as LGBTQ+ people and unmarried pregnant women, and that it emphasises narrow doctrine over pastoral obligations and care of vulnerable groups. Placed as the other, LGBTQ+ educators are to keep their lives, sexuality and gender identities as individual and private. LGBTQ+ educators are to have a fractured self and a fractured conscience -- to hide the truth of their lives, faith and discernment. For the LGBTQ+ educators who are public or who are outed, employment becomes precarious. Through this privatisation and individualisation schools can avoid the question of institutional HBT and also evade the demands and tensions between the CCC's definition of intrinsic disorder, its requirement not to have any unjust discrimination, and its wider CST requirements.

McDonough (2014) also argues that key to understanding Catholic schools' responses to LGBTQ+ identity may be linked to the issue of scandal, a concept used in Catholicism to argue that one can be led into sin and away from the faith by the example of others (CCC, 2019: 2284/5). In relation to LGBTQ+ identity and support for LGBTQ+ children and young people in Catholic schools, scandal is presented as LGBTQ+ visibility being interpreted as Catholic affirmation of LGBTQ+ identities. This potential presence and visibility as a result becomes one where visible signs and practices of LGBTQ+ affirmation are erased and LGBTQ+ people silenced. Callaghan (2018) and Henry (2021) have argued that current Catholic education is restricted in the application of a narrow

orthodoxy. In this sense, they agree with Coll (2020): there is a clearly known position from the Church on sexuality and gender which is known.

My concern in this chapter is that through applying the concept of scandal to a definition of obedience to selected doctrine that there has been a capability deprivation in Catholic schools for LGBTQ+ persons. Schools as places of plurality can however be supported through a liberal theory of justice, such as that proposed by Nussbaum's CA. In the CA, the school is a place where people with different beliefs and characteristics come together cooperating in the creation of an institution where each individual can flourish. This cooperation and flourishing requires that the persons in the Catholic school relate to each other as equals, where reasoning is supported through the safe and valued visible presence of people, and through critical dialogue with people who may hold different beliefs and be different. In the Catholic school, I argue that this can be supported by Catholic wisdom, pedagogical and pastoral practices – as I will argue in the next chapter -- when we see LGBTQ+ people as valued persons who add to the school community's wisdom, values and practices and as persons capable in the Catholic school, as we would hope for all others in the school, of being and doing those things that they have reason to value.

Chapter 5

5.1 A Catholic argument for hospitality and LGBTQ+ in the Catholic school

Professor Roisin Coll, the current Director of the St. Andrew's Foundation for Catholic

Teacher Education, strongly proposes hospitality as a key concept that could be used in

supporting Catholic schools towards LGBTQ+ inclusion, in what she acknowledges

(2020:25), is:

> a 'theme' or 'matter' or 'question' that has been insufficiently ventilated in relation
> to the Catholic school. It is shrouded in inhibition, confusion, evasion or fear.
> Burying our heads in the sand is not helping us move forward and there is a
> potential political threat to the mission of Catholic schools from failing to engage.

For Coll (2020), proposing the concept of hospitality is one way in which Catholic

educators can acknowledge, engage and move forward in the contested debate on

LGBTQ+ inclusion in Catholic schools. Coll recognises the sensitivity of this area in

Catholic education – indeed that some may even disagree with the terminology, such as

LGBTQ, that she uses, and those who may object to the very fact that there is a discussion

to be had. However, she firmly places herself in the position that LGBTQ+ inclusion in

Catholic schools is an area that *must* be explored and solutions to this confusing and fear

inducing matter be found.

I, however, disagree with the idea that Catholic educators have been 'burying our heads in the sand' – that to me suggests a passive ignoring of LGBTQ+ whereas I maintain, see in particular Chapter 4, that the *active* erasure of LGBTQ+ in Catholic education has been a deliberate policy and practice (Callaghan, 2018). The importance of acknowledging an active erasure requires Catholic educators to acknowledge what we have done, what we have failed to do, and the consequences of both a passive and active/continuing erasure.

I do agree with Coll that this is an area where many Catholic educators feel fear and confusion. Callaghan (2018) and Pang (2021) have highlighted that teachers in Catholic schools are fearful of the doctrinal appropriateness of inclusion of LGBTQ+ people and resources. There is also fear about the professional and personal consequences of the introduction of LGBTQ+ visibility into their classrooms and as well as a fear of the precarity-inducing judgement of others and the personal and professional vulnerabilities this then places them under. Fear and confusion are of course also experienced by many LGBTQ+ Catholic students and teachers, occupying spaces where they have been excluded and erased both educationally and pastorally.

James Martin SJ, in the forward to Jason Steidl's (2023:7) book on LGBTQ Catholic Ministry, recognized in his call to be 'Building a Bridge' (2018) between the LGBTQ+ community and the Catholic Church:

> Jason himself challenged me in the most fruitful of ways by reminding me that it is the Catholic Church that has marginalised the LGBTQ community and not the other way around. In order words, both lanes in this admittedly "two-way bridge" are not equal, and the onus to begin bridge-building belongs to the Church.

Coll's argument, therefore, is important because it represents an important and fruitful challenge to address the fear and confusion which surrounds LGBTQ+ in Catholic schools. The call comes from a key figure in Catholic education in Scotland who is taking a laudable stand in steps towards 'building bridges' both with the LGBTQ+ education

community and with those in Scottish Catholic education who may wish, as I argue, to actively keep their 'heads buried in the sand'.

In exploring philosophically and theologically the concept of hospitality, Coll (2020) goes to the example of Jesus in the Gospels. Through a range of Gospel verses, Coll (2020:32) reverses central secularised ideas of hospitality such as that of the role of the host and guest. Through a discussion of Jesus as very much the *guest* -- someone who needed a welcoming place from his birth, someone misunderstood and who throughout his public ministry relied on 'the hospitality of others' she places hospitality within Catholic theology and pastoral duties. In the Catholic school, Catholic hospitality is a principle that recognises the gifts that each person brings as both a guest *and* as host and that the distinction between a completely separate host and guest is blurred in the example of Jesus. A Catholic understanding of hospitality requires this recognition that at one and the same time people can be both guests and hosts. McGovern (2010) also argues that a Catholic understanding of hospitality is distinct from a modern, secular understanding. A modern understanding of hospitality, McGovern (2010) argues, emerges from both liberal enlightenment philosophies such as Kant and in the 20th Century with an increase in international mobility and migration. As a result, questions began to arise in terms of welcome, presence and space for those who were defined as the 'other' and how to be hospitable towards this 'other'.

McGovern (2010) also argues that hospitality in the context of migration and the emergence of multi-ethnic communities too often became focused on a flattening of difference. Difference would be tolerated if all were subject and agreed to the same policies and a shared, homogenised space. A secular universalist concept of hospitality is one where the other is welcomed as one whose otherness is regulated and controlled by policy and institutional practices. Hospitality becomes an ethic of regulation and a

transaction where the 'other' is made universally the same -- all are different and differences are managed through sameness. Differences based on religion and culture become flattened. By contrast, McGovern (2010) proposes that an engagement with otherness through *Catholic hospitality* becomes an engagement with people who are fundamentally different in their beliefs and cultures and these differences are acknowledged, sustained and valued as the guest/host come to know each other.

In contrast to a flattening of difference, Nouwen (1989:71) proposes that Catholic hospitality does *not* require the host to be 'neutral nobodies'; to give up their Catholic beliefs and practices – a dilution and avoidance of difference -- and so adds to the concepts Coll (2020) proposes in her discussion of hospitality such as 'encounter'. Catholic schools as places of Catholic hospitality and encounter are places where separate persons with different beliefs and cultures, which at times may be confrontational, encounter and welcome each other in the recognition of a shared 'otherness'. This encounter can be a meeting of fundamental differences and disagreements.

Derrida (2005) famously argues that hospitality can only be understood in relation to the possibility of 'hostility'. For Derrida hospitality is always conditional, people are welcomed but this welcome is conditional on accepting the limits of a guest: for example, in respecting the property of the host, where there is always an 'other' who is fundamentally different, and one where a person can only be a guest if the host accords the right to be a guest – otherwise, Derrida argues, they fail to be guests and become seen as parasites. Catholic thinkers, however, such as Nouwen (1989), argue that previously when there has been hostility between guest and host that this can be developed into a hospitality free of hostility: one where difference is acknowledged and roles between guest and host become *an exchange of gifts*, where the distinction between host and guest is problematised as each becomes the host and guest in welcoming the other as an 'other',

who is thus valued. This valued other is relieved of the obligation to change or diminish their otherness as the price of welcome and encounter.

Nouwen (1989:44) further suggests that Catholic hospitality, as inspired by both the Old and the New Testaments, becomes not just a concept of welcoming, of providing a space for the 'other', but a recognition of guests as those who 'are carrying precious gifts with them, which they are eager to reveal to a receptive host'. LGBTQ+ as 'other' therefore become not just recipients of the goodness of the host -- a concern I have with a secular understanding of hospitality -- but also as gift bearers. In welcoming and encountering the LGBTQ+ person, in being places of hospitality, the Catholic school, community and classroom are enriched. And the LGBTQ+ person is enriched with the encounter and/or deepening of their Catholicism. Each is recognised as persons with rich interior lives who through a welcoming presence of difference and disagreement share these differences and disagreements as gifts.

For Nouwen's (1989:75) hospitality the tensions identified by Coll (2020) in terms of the Church teachings and LGBTQ+ inclusion, become ones where the Catholic school community can be a place of both articulation of positions, such as current Vatican teachings on LGBTQ+ people, *and* at the same time a place of listening and openness to a discovery of the other:

> Someone who is filled with ideas, concepts, opinions and convictions cannot be a good host. There is no inner space to listen, no openness to discover the gift of the other. It is not difficult to see how those who 'know it all' can kill a conversation and prevent an interchange of ideas

For Nouwen (1989:70), welcoming the other into Catholic spaces such as homes, schools, and hospitals requires a welcome to the other on 'their terms'. There is no requirement on the 'other' to change, to come to believe or behave as the host does. The boundaries between host and guest therefore are liminal places for the exchange of ideas and positions,

but ones where neither guest nor host is required to change. Catholic educators, as part of the mission of the Church, become listeners and learners first and then teachers, reflecting the Church as a listening, learning and teaching institution (McDonough, 2012).

Coll (2020) describes how, in recent years, Catholic educational leaders have made significant moves towards a position of *presence* for LGBTQ+ issues in schools. In the national context, she discusses the Catholic Church's membership and involvement in 'genuine dialogue' in terms of the Scottish Government's working party in 2018 on the inclusion of mandatory LGBTQ+ materials in schools and inclusion within teacher education. Indeed the Church has continued to be a member of the Scottish Government's LGBTQ+ implementation group. Coll (2020) considers Catholic schools in this setting to be places of pastoral and theological response, which should include LGBTQ+, as well as the legal requirement for all schools to be places of LGBTQ+ inclusion. For these two reasons, Catholic schools cannot and should not, she argues, continue to be places where Catholic educators ignore LGBTQ+ people as members of society and the school community.

Catholic hospitality, then, using the ideas from Coll (2020) and Nouwen (1989), allows Catholic schools to be places of the articulation and defence of Church teachings as well as places of the articulation and defence of LGBTQ+ lives and inclusivity. Providing hospitality in Catholic schools helps, Coll argues, in meeting the legal requirements on Catholic schools to be places of inclusion and will support Catholic educators to challenge those who argue that Catholic schools are places of segregation and indoctrination, not fit for purpose in a plural liberal state (McKinney and Conroy, 2015). Catholic schools, by contrast, through a Catholic understanding of concepts such as hospitality, can be shown to be places of diversity, with plurality of ideas, positions and peoples. In exploring and

experiencing the concept of hospitality Coll argues that Catholic schools can hence be places of welcome, support and presence for a plural student population.

Coll (2020) also considers key concepts that can provide a balance between those who hold different positions, highlighting ideas such as 'trust', 'encounter', 'openness'. Each idea establishes the possibility of a space that is shared: to trust the 'other', to encounter the 'other', to be open to the 'other' requires the guest and the host to be in a relationship of equal respect, value and safe recognition. She argues that concepts such as these allow for schools to be places where disagreement exists, and the relationship is one where each is allowed to be different and to hold these different positions. Both the LGBTQ+ position and Church teachings are ones where, through a relationality of trust, openness and encounter, each seeks not to change the 'other' but to encounter the other. Nouwen (1989) goes further and adds that each is open to receiving the gifts the other brings.

The articulation and knowledge of one's own position and identities are key to the concept of Catholic hospitality as described by Coll (2021:26), who makes the additional claim that 'what the Church teaches – which is assumed is known'. However, I argue the 'known' is problematic in Scottish Catholic education as it applies to LGBTQ+ presence. As Coll's (2015) work also notes, there is an increasingly fragile 'religious capital' – student teachers wishing to teach in Catholic schools are coming to teacher education with less knowledge of the Church and Catholic teachings than previous generations. This lack of religious capital I propose has significant challenges for the utility of the concept of hospitality as identified by Nouwen (1989) and Coll (2020),where theological and pastoral positions can be articulated and truly encountered. For both Coll (2020) and Nouwen (1989), boundaries and articulated positions create a condition of hospitality and the encounter with the 'other'. However, with the declining religious capital of Catholic educators, my concern is that the tendency may not be to articulate a clearly understood

position but to recite a narrow understanding of what is perceived to be Church teaching
and to place teaching of a perceived orthodoxy before listening (Nixon, et al., 2021).

This condition of hospitality as expressed by Nouwen (1989) therefore becomes
significantly problematic in LGBTQ+ inclusion because the current 'known' of
Catholicism and LGBTQ+ is limited and therefore, I argue, limiting the Catholic educator
response. As in the recent experiences of LGBTQ+ in Catholic school, hospitality in this
current context may therefore be framed within a juridical understanding of a restricted
Catholic doctrine as opposed to one of relationality, pastoral responsibilities and critical
knowing of Church teachings.

Nouwen (1989) argues that in harnessing the concept of hospitality there can be a move
from previous hostility to hospitality, where former enemies and feared strangers can
become welcoming hosts and guests. This is particularly significant in terms of the
historical conflicts between the Catholic Church, Catholic education and the LGBTQ+
community (Martin, 2018, Steindl, 2023). Catholic teachers who are LGBTQ+ working in
Catholic schools are positioned as educators as both hosts of the children and young people
in their classrooms and guests in the Catholic school. However, as discussed by Pang
(2021), they are often precarious guests. Catholic schools need to take seriously the claim
by Steindl (2023) and Martin (2018) that it has been Catholic decision-makers who have
placed LGBTQ+ people in places of erasure, silence and precarity. Hospitality is a
complex and risky business: risky for the Catholic school which may fear the judgement of
others, of getting doctrine wrong but more significantly, and importantly, for the LGBTQ+
teachers, children and young people who have found themselves on the receiving end of
both psychological and physical violence (Callaghan, 2018). As Blevins (2009:114) has
articulated:

> In the transition from hostility to hospitality that we are most vulnerable to enshrining our hostility in a complex, implicit system of rationalizations and prejudices that operate to limit who precisely receives an invitation.

Our general backdrop of Catholic education has been one of hostility towards LGBTQ+ people (Callaghan, 2018). In foregrounding LGBTQ+ inclusion as an aspect of how one is Catholic, I argue hospitality requires solidarity and liking the other enough to want to get to know people and ideas very different from our own — as well as to critically encounter our own ideas and teachings and our understanding of ourselves within a plural community of LGBTQ+, heterosexual and cisgendered Catholics. It requires the Catholic educator to place listening before teaching.

I am additionally concerned that hospitality as a core concept in LGBTQ+ inclusion may emphasise the goodness of the host. The host is the one who provides the safe space, despite their fundamental doctrinal disagreement – *because* of the goodness and virtues of the host. It requires the LGBTQ+ person to both forgive and forget the context discussed in Chapter 4 of the HBT bullying and lack of safety and security many LGBTQ+ experience in the Catholic school -- as well as the Church's wider impact on society in being commonly opposed to LGBTQ+ rights such as equal marriage (Martin, 2018). This fails to address the experiences of LGBTQ+ people in Catholic schools who have experienced discrimination and violence, because it may emphasise the actions of the host.

I also argue that hospitality needs to become divorced from the argument that LGBTQ+ inclusion allows Catholic schools to address the legal requirements of UK equalities legislation (Coll, 2021). To include this suggests not that LGBTQ+ people are welcome and bringing gifts to the Catholic school but are part of a transaction – we welcome LGBTQ+ people because it benefits the argument for the maintenance of Catholic schools and maintains minimal formal alignment with equalities legislation – this is too resonant of

the secular transactionalist conceptualisation of hospitality as criticised by McGovern (2010).

Burke and Greteman (2013) consider education as a place of encounter and relationality. The assumption in the concept of hospitality is that the host and the guest both relate to each other as known persons. For Burke and Greteman (2013), when persons relate to each other as static, as having a prescribed way of being, then the relationality of education becomes one of the power to change the other. This is significant in LGBTQ+ inclusion because as Alison (2003:107) says,

> You have probably met people, as I have, who tell us that they love gay people, and that is why they are so keen to change us.

For Alison the concept of liking – wanting to be in someone else's company because of who they are, not how you can change them -- is required. LGBTQ+ inclusion therefore requires more from Catholic educators than the articulation, trust and encounter of hospitality. It requires Catholic educators to create spaces where LGBTQ+ people are liked and valued as persons of equal value. Liked and valued enough to have the same religious and personal freedom -- subjectivity and autonomy -- to live the life they define as flourishing for them. As Alison (2004) has said, loving the LGBTQ+ person in Catholicism has over a number of years come with the hope that they would stop being LGBTQ+.

5.2 Subjectivity, autonomy and the person

For Nussbaum (2021a) two key concepts are important for modern institutions, which she claims are also supported by the world's major religions – *subjectivity* and *autonomy*. In both concepts Nussbaum (2021a) proposes that the individual, treated as a person who is an end in themselves, should be able to live a life where what they feel and think -- their

own interior life – can be recognised by themselves as valued ways of thinking, feeling and being *and* respected by those who support them. The individual should also be supported in being able to make their own life choices, autonomous, as much as possible, as long as it does not negate the rights of others. Both subjectivity and autonomy require the person to be seen and to be listened to with equal respect. Nussbaum (2021a:228) has argued that,

> The virtue opposed to the vice of pride is not humility in Hume's sense of thinking yourself lower than others. It is closely connected to respect and involves the willingness to listen to the voices of others, rather than closing off those voices in lofty superiority

As I have argued in the previous chapters, the experience of LGBTQ+ people has been marked by silence, erasure and othering from a shared Catholic identity – 'a closing off of those voices'. In this section I focus on LGBTQ+ subjectivity and autonomy in spaces of silence and erasure, exploring how this denies both subjectivity, autonomy and personhood for the LGBTQ+ person.

In the previous section I have argued that Catholic educational leaders and teachers should be humble and proportional in terms of Catholic Church teachings and in doing so to open themselves to the voices, in particular, of those who are marginalised, the voices of the poor, such as LGBTQ+ people. There are current processes in the Church where we can see a new 'willingness to listen' (Secretariat of the Synod of Bishops, 2023: 30) to LGBTQ+ people and the issues they encounter. In October 2023 the 16th ordinary General Assembly of the Synod of Bishops will meet to consider the results of the processes of synodality carried out in the dioceses of the world -- a process where all Catholics were invited in the Church to take part in discussion, prayer and discernment. As a result of this listening process the Secretariat of the Synod of Bishops have stated LGBTQ+ inclusion is an issue that has arisen in the process of synodality and therefore is one of the topics they will discuss.

In particular, the synod will focus on providing safe spaces and welcoming spaces for those who 'feel hurt by the Church and unwelcome' (Secretariat of the Synod of Bishops, 2023: 30). The synod has been asked to discuss the concrete ways in which people, such as LGBTQ+ people, can 'feel recognised, received, free to ask questions and not judged' (Secretariat of the Synod of Bishops, 2023: 30). As part of the Church's move to greater synodality, as an institution, the Catholic Church – without changing Church teachings -- is now asking the questions of recognition and welcome in relation to LGBTQ+ people. Nussbaum (2021a:4) has suggested that:

> Good social and political institutions in modern democracies, are understood to have the job of protecting both autonomy and subjectivity (Nussbaum, 2021:4)

In exploring ways in which the Catholic school can be site of recognition and schools as places of hospitality, welcome and listening, I argue that subjectivity and autonomy are key to the concrete ways in which recognition, welcome and safety can take place for the LGBTQ+ person in Catholic schools. As discussed by Nussbaum (2015:118), emotions are used by societies and political institutions, such as schools, to 'cause certain goals to be realized or not realized'. The subjective sense of self, including one's positive feelings about oneself and others, has been denied through a lack of representation, the denial of a LGBTQ+ self, and the pushing of the LGBTQ+ self outside of Catholic identity (Callaghan, 2018, Pang, 2021). Erasure and silence in relation to LGBTQ+ people in Catholic schools cause the subjective self to be one of unrealized capability as the LGBTQ+ person is denied the equal opportunity to view their own interior life and feelings as valued and valuable ways of being.

As I discussed in Chapter 1, my own experience of working with bilingual children has been one of the key motivators for this dissertation. In working with bilingual children in schools I was -- as were the children -- aware that there was a hierarchy of values, languages and culture in the school. Devine's (2009) work showed how bilingual children

recognise and internalise this hierarchy and as a consequence the children edit or hide their identities. Callaghan (2018) has shown how this also is the experience of LGBTQ+ children and Pang's (2021) work focuses on the impact on LGBTQ+ teachers. Erasure and silence may suggest a lack of voice and a lack of presence, however, my argument is that silence also speaks loudly about what and who is valued. In treating LGBTQ+ people, as those who are not to be seen or heard, this teaches children that there is a hierarchy of identities and ways of being. And, this hierarchy reinforces ideas of who and what is good and bad; whose interior life is worthy of respect and whose is not. Not to be seen or heard is in some ways not to exist. My argument here is that, in comparison with the experience of bilingual children in schools, the erasure of identities and home languages described by Moskal (2013) and Devine (2009, 2013) reinforces an ideology and pedagogy of bilingual children as those who are not good at English, who are not good at being white, and for LGBTQ+ children, young people and teachers they are identified as people who are not good at being a cisgendered heterosexual.

The work of Stonewall Scotland in the 2017 School Report shows that LGBTQ+ children and young people are at a higher risk of suicide and self-harm than their heterosexual and cisgendered counterparts (Stonewall Scotland, 2017). The abjection of LGBTQ+ people in schools, I argue, is a significant aspect to the negative subjective experience of LGBTQ+ people within a school community that refuses to recognise them and their interior life with equal respect. I see that there is a comparison to be made with bilingual children since LGBTQ+ children and teachers read and listen to silence and erasure and in this reading and listening the LGBTQ+ person learns that their own interior life and sense of self is 'less than' and inferior. For some LGBTQ+ people this inferiority is internalised:

> To some extent too, internalized society's attitudes: a student at an evangelical school, he had learned to feel horror and disgust at the behavior he desired and to think of it as base or animalistic, not suited to the full dignity of a human being (Nussbaum, 2010:xii)

The school is giving a clear message of the ideal self: heterosexual and cisgendered and as consequence LGBTQ+ people are less than, inferior to, and never able to achieve the ideal. In choosing erasure and silence, the Catholic school, I propose, is denying the LGBTQ+ person the subjective experience of self as worthy of respect, equally human, and this has negative impacts on the LGBTQ+ person as well as the way they are treated by others. The consequences of this are documented throughout the literature such as Callaghan (2018), Pang (2021) and the Stonewall Scotland (2017) School Report.

Nussbaum's (2010) work focuses specifically on the LGBTQ+ community. In this, she argues that society has treated LGBTQ+ people with feelings towards them of disgust and has used this emotion, in particular, as a reason to exclude, discriminate and to reinforce a general fear – as with other things people find disgusting – that contact with LGBTQ+ people can contaminate and degrade heterosexuality, its institutions and the morality of wider society. In employing the emotion of disgust, societies have been able to use this to deny rights and respect that are afforded to others even when those rights may not impact on anyone else's rights. For example, the right given to same sex couples to marry does not take away the right for heterosexuals to get married (Nussbaum, 2010). And the remedy she proposes is one of respect and sympathy. Respect and sympathy require the 'other' to be seen, to use one's imagination to understand the other, to have concern over a person's subjectivity and their autonomy. Disgust, by contrast, relies on silence, erasure, abjection, where the 'other' becomes 'a thing' (Nussbaum, 2021:12), not fully human, an object.

The importance of recognition, and in the Catholic school this will mean, LGBTQ+ themed stories, GSA groups, and teacher representation is key. The sharing of people's experiences and thinking in the daily life of the school is key to combating the fantasy created by disgust toward LGBTQ+ people (Nussbaum, 2018). As the Church in the

synodal process is now recognising the importance of welcome and listening, I argue that presence, visibility and imagination need to be addressed in the Catholic school.

Recognition and presence support the sharing of stories, the opportunity to see the world through another's subjectivity. To help develop a sense of self and a sense of who is different. In drawing focus to a person's subjectivity, Nussbaum's (2010) work centres on employing *the imagination* as a way of being able to see the world through others experiences and perspectives. Emotions are key for Nussbaum (2015, 2018:9) as she argues that 'laws can't be enacted, or sustained, without the hearts and minds of people'. The laudable policy of the Scottish Government to introduce LGBTQ+ in schools in Scotland is supported by the Catholic Church in Scotland (Coll, 2021). It therefore needs to be a policy that in concrete ways recognises the importance of emotions and the role they play in changing both minds and hearts, of providing a space for subjectivity and of seeing and imagining the LGBTQ+ person as fully human.

In her (2010) work Nussbaum argues that in terms of religious pluralism in society and modern institutions a fundamental idea is that of respect for each *person*. Although religion is an area where people have fundamental disagreements, both within and beyond the different faiths, there is, however, a respect that each person is entitled to make those choices for themselves; those whose interior lives – their decisions and emotions – are hence valued. This is seen in Catholic schools where people of all faiths are welcomed to become a part of the Catholic school community. Different faiths are also taught as valid answers that some young people and families make. Difference and disagreement may therefore are *not* seen as scandalous in Catholic education when it comes to religion. Catholic teachers teach different faiths in ways that respect others' interior lives and abilities to make fundamentally important religious, and associated life, choices based on

what each individual values and finds reasonable. I argue for the same for LGBTQ+ persons.

The respect for people of different faiths holds to a key philosophical position that, 'The object of respect is the person, not the person's actions' Nussbaum (2010:xvi). My position is that this focus needs to be addressed for the LGBTQ+ person. That people hold different positions is not the issue, as is the case with religion, the key issue is that each person is supported in their own subjective experience of self and in making those choices that they have reason to value. The focus is on personhood and equal respect:

> Respecting one's fellow citizens as equals doesn't mean approving of their choices, but it does mean respecting their right to make certain choices consistent with the principles of equal dignity and equal entitlement (Nussbaum, 2010:34)

In applying the idea of Pope Francis, I have claimed in the previous section that the Catholic school has sought to replace the conscience of the child, through a narrow and uncritical selection of Church teachings, rather than acting as a guide. However, Nussbaum's (2010) argument suggests that more than conscience has been replaced and that there is also unequal respect and lack of both subjectivity and autonomy. The LGBTQ+ person is not seen as a person – someone with a valued interior life, capable of their own interior life and choices – but one as a disordered way of being and thinking (CCC 2016:2357) -- Nussbaum uses the term 'thing' (2021:12), -- not equal in terms of either subjectivity or autonomy.   And, in those schools that employ the concept and practices of scandal, I argue, when denied a personhood that includes subjectivity and autonomy, the person can be treated as a pollutant that can infect the wider Catholic school community. Respect for conscience requires, at the very least, the ability to see the other as a person, with a conscience and pursuing a conscientious search for their good life (Nussbaum, 2010:48).

We need to take seriously erasure and silence because it creates a school community where some are seen to be more valuable and valued than others. This guarantees that the imagination cannot be used, denying everyone an insight into the 'other's' thinking and feelings about the self. They deny the person the capability to develop as an autonomous person – to develop their thinking, feelings and their own conscience to make those choices that they value. It presents one way of being for those whose bodies and identities do not function in the same way as the heterosexual and cisgendered body works for them and gives them no alternative way of imagining how their world may look and be.

Nussbaum (2010) argues that disgust is still prevalent, although perhaps more hidden, in modern discourses on LGBTQ+ inclusion. The Catholic school, rather than being a site of welcome and safety, through erasure, silence and unequal treatment of the person and conscience reinforces wider societal views. In creating a hierarchy of persons who are treated unequally creates a space for violence against LGBTQ+ people in the Catholic school as it has for LGBTQ+ people in wider society (Nussbaum, 2010). For some LGBTQ+ people this violence will turn inwards (Stonewall Scotland, 2017), a violence of suicide, self-harm, high-risk behaviours. To be treated with unequal dignity and respect as a person, to not be supported in developing one's imagination and conscience, for some will be internalised with feelings of disgust and shame felt within the person.

To take seriously Pope Francis' invitation to support rather than replace conscience we need to see LGBTQ+ people as autonomous persons, able to make choices about what they value, with deep and valuable interior lives. For some in the Catholic school they may not approve of people's choices, and as I argue in my discussion of hospitality and the Magisterium that current doctrine and dogma should be taught, but that the central focus must be on the equal dignity of each person to have the opportunity to make those choices that they value. This requires representation, imagination and sympathy. In a school

context, it means creating safe spaces where LGBTQ+ stories and people are able to be seen and heard as valued ways of being. This also requires Catholic educators to be proportional in applying Church doctrine, to choose those doctrines and practices that foreground the Gospel values and Catholic theological principles of freedom from the imposition of religion, prizing rational thinking and the value of the interior life.

Catholic schools need to be aware of their record of historical discrimination and in the way emotions have been used to exclude and to justify – even to the point of violence against LGBTQ+ people. Catholic schools therefore, in recognising the equal dignity of each person, need to work towards cultivating emotions that recognise the capability of each person to value themselves, their own interior life and to respect those of other people in the school community:

> Education will then be one of the main arenas in which the shaping of politically appropriate sympathy will take place, and in which inappropriate forms of hatred, disgust, and shame will be discouraged. (Nussbaum, 2015:124)

The lack of representation and dialogue has denied the LGBTQ+ child and teacher subjectivity, autonomy and personhood – as individuals treated with less dignity and respect. In this sense Nussbaum (2021a:221) categorises this treatment as 'the vice of pride'. LGBTQ+ people and issues call Catholic schools to be places where each person is treated as a person with equal respect, subjectivity and autonomy.

5.3 Conclusion

I argue here that LGBTQ+ does seek to change the Catholic school and the Catholic educator – that is what happens when you affirm someone, you each benefit and are changed in the process. Encountering the other, such as LGBTQ+ people, in Catholic spaces may change the emphasis from what a Catholic thinks to 'how one is Catholic' (McDonough, 2014). LGBTQ+ people bring with them the gift of challenging the current

selection of Catholic doctrine that restricts rather than expands inclusion within Catholic schools. One of the gifts I argue that LGBTQ+ people bring to Catholic educators is to take seriously the hierarchical nature of Catholic doctrine and teaching – not all doctrine carries the same authority (Sullivan, 2014) and to reconsider the *how* of Catholic hospitality which includes the *how* of welcoming, valuing and liking the other.

I have shown in Chapter 4 that there has been a juridical approach to the theme of LGBTQ+ in Catholic schools, where the 'what is known' (Coll, 2021:26), I contend, is the idea that LGBTQ+ people sit outside of Catholic identity and therefore are incompatible with the Catholic school.

The listening and inclusive movement of the Church under Pope Francis I propose opposes the active erasure and invisibility that have marked our past practices relating to LGBTQ+ people in Catholic schools. The Pope in his outreach to LGBTQ+ people has modelled a Catholic hospitality which I argue should be employed by Catholic schools as places of the offering of faith, not to be imposed, open to all who need education in the community, as places where conscience is developed and formed, not to be replaced by the given, and as places where Catholic educators should come to listen to all voices before they teach.

This also requires Catholic educators to make visible LGBTQ+ experiences and stories as part of the imaginative understanding of the other and the cooperative sharing of a rich interior life. To support the formation of conscience requires an equal respect for the person where the focus and proportionality of pedagogy and doctrine is on the capability of autonomy and subjectivity of the person who is equally seen and equally valued.

Chapter 6

6.1: The insights from a philosophical study

Through employing Nussbaum's CA (2007), I argue that there is currently significant

capability deprivation for LGBTQ+ persons in the Catholic school (Goodey, 2019). That

the status quo is unsustainable and there is a need for reform. In using Nussbaum's

thought in this way, my claim is that Catholic schools should consider the threshold level

that each person is entitled to for each of the capabilities. Considering the Catholic school

as a political space – a space where people come together for their own individual good

and the common good of the school. I am proposing that Catholic schools can utilise the

ethical and philosophical account of justice described by Nussbaum (2007) to the practical

questions of how to share the educational space and educational project of the Catholic

school.

I claim, in agreement with Nussbaum's (2007) CA, that in contrast to continuing conflict, a

possible *imagined consensus* can be identified. That this consensus can be imagined as

reasonable to people with different beliefs, and who may have fundamental metaphysical

disagreements, but who share the educational and social space of the school. In agreement

with Nussbaum (2007) I further propose this consensus as a threshold of capabilities for *all* members of the school community -- *after which* metaphysical accounts and people with divergent beliefs can be and do those things that they, according to their own metaphysical answers, have reason to value. In particular, as my focus is on Catholic education, I have proposed that this consensus sits in key areas of *agreement* with Catholic pedagogy and wisdom.

Fear, identified by Pang (2021) and Callaghan (2018), has been a key driving force for Catholic educators in the exclusion of LGBTQ+ visibility and inclusion. In particular, in Chapter 4 I argue that when LGBTQ+ visibility is present in Catholic schools that the issue of scandal – the possibility of leading others away from the faith and/or into error through doctrinal inappropriateness – is employed to exclude, for example, a young person from his prom, an author from a Catholic school and the dismissing from employment of the out/outed LGBTQ+ educator. The Catholic identity and ethos of the Catholic school is presented, in these examples, as incompatible with LGBTQ+ inclusive practices. Scandal is used to reinforce the position that selecting the correct doctrine is a central concern of the Catholic identity and ethos of the school. The educator dismissed, the young person prevented from attending the prom, the author refused—all become something that is then used to warn others and as a disciplinary tool in Catholic education. Scandal is being used here as a utilitarian method with LGBTQ+ persons seen as means to the ends of an institution that is fearful and prioritises a narrow doctrinal correctness to the exclusion of presence, dialogue and solidarity.

In contrast, I argue that the central concern of justice in Catholic schools is not in the utility of warnings or discipline, but in the ways in which Catholic schools can be places that support children, young people and teachers with the capabilities to be and do those things

that they have reason to value -- and as I have argued, even when there are fundamental differences and disagreements. In a Catholic school context, I propose that utilitarian arguments and fear of correctness fail to address the call from the CCE (1988:87) that Catholic schools be places of 'love for all that excludes no-one because of religion', that reinforces a binary of obey or leave and that from both a Catholic and CA perspective negates a central principle that each person is an end in themselves, entitled to a relationality with others of full and equal human dignity.

In engaging with Magisterial and Vatican teachings, Pope Francis (2013) has asked that Catholics recognise the hierarchical nature of truths in teachings, to be proportional and balanced. My argument in this dissertation has been that this is a challenge in Catholic schools in Scotland that we have still to take seriously both in terms of the application and selection of doctrine, in our pastoral duties and in our support for faithful Catholic dissent. Indeed, I agree with Pope Francis (2013:35) that there has been a 'disjointed transmission of a multitude of doctrines' and apply this to Catholic schools in their treatment of LGBTQ+ persons. My call in this dissertation is that as Catholic educators we grapple with and seek to understand the richness and diversity of Catholic experiences and wisdom as active and critically purposeful members of the school and faith community.

In agreement with McDonough (2009), I believe that Catholics are not a homogenised demography and there are many who disagree and faithfully dissent with current Magisterial teachings on same-sex marriage, women's ordination, divorce, contraception and LGBTQ+ rights. The Vatican II document *Gravissimum Educationis* (Pope Paul VI, 1965a), and other key documents to support Catholic schools and educators such as *The Identity of the Catholic School for a Culture of Dialogue* (CCE, 2022), describe Catholic schools as places of dialogue and encounter. The questions that emerge then are dialogue with *whom?* And, *who* is it we are to encounter in Catholic schools? My proposal in this

dissertation is that both individual and institutional dialogue and encounter depend on the safe and visible presence of an 'other'.

Difference and disagreement are inherent qualities of encounter and dialogue and, as I have argued above, are presented as intrinsic qualities of Catholic schools. As argued for by both Coll (2021) and Neuman (1989), encounter in hospitable Catholic spaces is one where the 'other' is welcomed as an 'other'. Encounter and dialogue are with deep subjects – persons able to share their beliefs, differences and disagreements in spaces where neither is implicitly or explicitly asked to change. Alison's (2003) work highlights that this is a difficult challenge in Catholic spaces that have often employed the word *love* to oppress LGBTQ+ people in the hope that they would stop being LGBTQ+. As I have argued throughout this dissertation Catholic schools should be places where the faith is offered but not imposed. Where all are welcome, not with an implicit or explicit hope that they change, but that as Catholic schools the ethos and values of Catholic hospitality and solidarity are places where each person is able to flourish in those areas that they have reason to value.

6.2: The move to Capabilities

The focus on encounter and dialogue I argue includes a key philosophical argument that is core within the CA (Nussbaum, 2007:76-77) -- the object of justice is the *person* and not the person's beliefs, differences or disagreements. I now return to Nussbaum's (2007) inventory and consider its practical application in the Catholic school:

The 10 Capabilities (Nussbaum, 2007:76-77) are:

1. Life – a life worthy of living, not dying prematurely
2. Bodily health – to have good health, shelter, nourishment
3. Bodily integrity – movement, freedom from violence and assault, bodily satisfactions and choice in reproduction

4. Senses, imagination and thought – to use the senses, imagination and thought in human ways such as freedom of expression and religion and to have these Capabilities developed through education and training
5. Emotions – adequate attachments, to love and grief. Freedom from emotions blighted by fear and anxiety
6. Practical reason – freedom to conceive of the good and engage in critical reflection
7. Affiliation – freedom to live and to imagine the lives of others. Freedom from humiliation and the basis of self-respect. Non-discrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion and national origin.
8. Other species – to live and have concern for other species
9. Play – freedom to enjoy and have recreation
10. Control over one's environment – freedom to involve oneself in political participation, equal material and employment rights, to use practical reasoning and enter mutual relationships of mutual recognition.

In centring the person, the imagined consensus emerges in the entitlement to the universal and non-fungible capabilities of the CA. Each person is entitled to the full list of capabilities as a threshold of justice. Justice requires the capabilities of all. Whereas the recent public protests have included a focus on oppositional beliefs and rights, between faith groups and LGBTQ+ inclusion, the proposal I make, from a CA perspective, is that the discussion starts with a consensus. I am proposing that teachers and leaders in Catholic schools can use Nussbaum's Capabilities as a clear articulation of the duties and outcomes of the Catholic school. My position is that, in working with parents, staff and other members of the school community, the list presents capabilities that are reasonable to the educational project of a Catholic school and the duties of a Catholic teacher.

In this proposal, the school as a political space – shared by diverse groups – is foregrounded. In considering a consensus threshold of capabilities for all, the questions of plurality, diversity, and faithful dissent in the Catholic school, can be fully addressed. The invitation to the shared space of the Catholic school therefore becomes one where each person is entitled to the full inventory of capabilities -- where difference, disagreement and dissent are seen as adding to the individual flourishing of the child, and the common good of the school. Where those who are different, disagree and dissent are not seen to

scandalise but are in fact gift bearers. Bringing the gifts of disagreement, faithful dissent and new imaginings and reasonings. That our invitation to Catholic ideas, teachings and principles is one that we recognise will and can be declined.

This will require the Catholic school to place the capabilities before the metaphysical, for example, the capability to be and do those things that a child has reason to value must come before a prioritisation or application of a metaphysical understanding of gender and sexuality. I see Catholic schools, such as those I have worked in, as a community resource and open to all. This openness identifies that these schools are places of fundamental disagreements on what is the good life. I propose that the CA's starting point of a possible imagined consensus supports the school, in these key social and political questions of a shared space, to be one that foregrounds what is universal in us all, and the responsibility each of us has to safeguard and promote each others' capabilities to be and do those things we have reason to value.

I argue that the idea of universal entitlements is shared by Pope Francis (2020:55) who has proposed that people have the 'right to be themselves' and warned against violence that emerges when this is not upheld. Pope Francis (2020) uses the religious term 'covenant' as a universal concept of agreement of the basic principles of relationality across difference, the CA describe this as an imagined consensus – that we are all persons, objects of justice. I find in Nussbaum's CA a clear articulation of a potential Francis covenant.

6.3: Proposed changes for Catholic schools

Catholicism describes the Catholic school as a place of freedom, including freedom from the imposition of religion. In describing schools in this way my position is that the Church requires Catholic educators to consider both the autonomy and subjectivity of the person,

described by Nussbaum (2021a:3) as 'central features of a full human being'. In agreement with the CA, autonomy and subjectivity are both social and relational; the functionings and availability of capabilities requires opportunity but also the freedom to enact those opportunities. Latkovskis (2021:16) describes this respect in these terms:

> Respecting an individual means respecting her capacity to respond to reasons and to make free choices about what kinds of reasons to act on

To restrict, to suffer erasure and silence, denies the child and young person the opportunity to engage with stories, to imagine lives that may be different from theirs. It stifles the opportunity of the child both in terms of subjectivity and autonomy, through a constraint on the sources of reason and through relationality practices that silence all except those who agree with the institution. It depends on a philosophy of childhood as one that defines children and young people as lacking in agency and capability through limiting choices and therefore restricting both autonomy and subjectivity.

I take the position of Nussbaum (2010) who has argued that there has been and is a fantasy of disgust towards LGBTQ+ people. That LGBTQ+ people have been in the imaginations, reasoning, and emotions created as scapegoats -- imagined to be an inferior other who may contaminate the otherwise contrasted purity of the heterosexual and cisgendered person with whom they come into contact. I am in agreement with Lawler and Salzman (2020:5) that this disgust is a 'socially learned emotion'. To counterbalance this, I suggest that the Catholic school community *requires* and *needs* to secure the visible presence of LGBTQ+ persons, their experiences and stories. As Nussbaum (2021b:126) describes 'sharing a common daily life is the best way to explode these fantasies'. A daily encounter with fellow LGBTQ+ pupils, teachers and their stories is key to counterbalance the fantasy we have chosen to create and strengthened through erasure and silence.

Taking the position of Pope Francis, that conflict can result in the exercise of power and a retreat to self-referential silos, I argue for the introduction of GSAs and safe spaces for LGBTQ+ people. In arguing for this, I propose the value of the institutionalisation of places of encounter and dialogue within schools which are 'to be protected and cultivated even during conflicts, and if necessary re-established' (CCE, 2022:87). Difference and disagreement in the papacy of Francis are not seen as things to be avoided, people to be avoided – indeed he is concerned with the violence that results when we avoid each other – but foreground a listening and opening of the Church and her institutions to all. In welcoming the 'other' into Catholic schools and education this is to be on their terms in accordance with description of hospitality provided by Nouwen (1989).   Alison (2003) and Steidl (2023) have both described the institutional Church's use of power to discriminate against LGBTQ+ people and I propose that we also need to consider the school as a site of institutional power and therefore the need for institutional welcome. In arguing for the introduction of safe spaces/groups for LGBTQ+ persons in the Catholic school there is the opportunity to provide a space for affiliation. Where LGBTQ+ persons can support each other, can provide a collective speaking back to the school of their experiences and concerns, and one where the Catholic leaders in the school have recognised and provided this need for LGBTQ+ support.

I suggest that through the support provided through GSA's and an institutional presence of LGBTQ+ visibility, such as pride symbols, the school as an institution makes visible and concrete the call to Catholic hospitality and a welcome to the other based on their terms. I propose, in alignment with the inclusive policy of the Scottish Government, that LGBTQ+ inclusion should be included throughout the curriculum. For example, in the fictional and non-fictional texts studied, in the use of inclusive LGBTQ+ pronoun usage throughout the curriculum, in the availability of inclusive spaces such as gender-neutral school toilets, and in the inclusion of the teaching of LGBTQ+ experiences such as those during the

Holocaust, etc. Further to these institutional changes, the liturgical resources of Catholicism such as, for example, prayers in support of Transgender Day of Remembrance, should be used to provide a clear voice that as a Catholic community we not only welcome LGBTQ+ people but see and foreground our faith as providing a means of standing with and by those who have suffered violence and discrimination.

LGBTQ+ visibility at the individual and institutional level of the Catholic school as argued for by McDonough (2012) addresses the issue of the privatization and individualisation of LGBTQ+ issues seen previously in Catholic schools that have advocated erasure and silence. I propose that Catholic schools who provide institutional presence and visibility may help to address the socio-political issues of how people with whom there may be disagreement within the Catholic school are treated as persons. Additionally, this supports the school community by widening the knowledge and reasoning basis of the school as a shared social and political space through addressing the complexity of human life, human social community, and questions of individual human flourishing and the common good.

Although some parents have rejected the introduction of LGBTQ+ content into schools, it is important to recognise that both Catholicism and the CA describe children as ends in themselves and not ends of their parents or of schools. I claim that protesters who use slogans such as 'My child, my choice' present an argument that the child is an end of the parents' wishes. The CA and Catholicism's position that children are agentive and should be free to choose their own flourishing requires educators to articulate the ways in which schools as a community resource and spaces of plurality balance the idea of parents as key in the education of their children but as *distinctively* different. This distinctiveness, I claim, highlights schools as places that offer children and young people the possibility to encounter and imagine other ways of being and doing that they may not see within their families. Schools, particularly in a comprehensive system that pedagogically brings

difference together, such as we have in Scotland, therefore can be supported by the CA and Catholic ideas of children as end in themselves and schools as places of difference, encounter and respect for each person. As places of a cosmopolitan encounter that nourishes the child's and young person's imagination and solidarity with others expanding their opportunities to reason and choose those that they may value in the present or in their future. The relationship with parents therefore is one of partnership to recognise where consensus lies but also as distinctively different.

In working with parents and teachers, there needs to be the clear articulation that the duties and outcomes for children and young people are interdependent and non-fungible. To deny someone aspects of their capabilities infringes on the capabilities of others. The CA argues that in securing capabilities, the focus in this dissertation for LGBTQ+ persons, that the capabilities for all are secured. Rather than LGBTQ+ as a threat to children and families who disagree the argument is that through a CA justice is strengthened for all.

The CA addresses the issue of the development of practical reasoning and in doing so highlights the ways in which reasoning can be inhibited and stifled by the culture, social conditions and institutions of a society. In applying these concerns to the Catholic school we can address potential ways in which religion may be imposed -- through limiting the classroom and institutional opportunities to reason beyond obedience reinforced by the hierarchical power structure of the classroom and school. In considering both the individual capability to reason and the social conditions in which reasoning is made possible (Austin, 2018) the change towards LGBTQ+ visibility and inclusion within the Catholic school provides opportunities for children and young people to reason and imagine and the freedom to develop those capabilities that they have reason to value.

In contrast to the era of Section 28 LGBTQ+ and our recent past, changes in law and society such as in the mainstream media, in our schools, in our families have made a reality of the everyday and visible presence of LGBTQ+ people as our aunts, uncles, mums, dads, and teachers, favourite celebrities. LGBTQ+ people, therefore, form part of the everyday experiences of children and young people. The Catholic call for schools to be outward-looking, to deal with the societies in which they are placed requires a Catholic response to LGBTQ+ inclusion. O'Hagan and Davis (2007) discussed how in the early creation of state Catholic schools in Scotland those schools sought to engage in the societies in which they found themselves. This dissertation joins in that call and asks Catholic educators to engage with the society today that our children, young people and colleagues find themselves in and the questions that arise because of those encounters. In introducing LGBTQ+ visibility, issues and themes, we are not introducing something new to children and young people. This is a part of their everyday life in Scotland, but we are acknowledging the reality of their lives and the questions they bring to their Catholic teachers, schools and their education.

Pope Francis in *Evangelii Gaudium* (2013:21) cautions us that our society has moved towards a throwaway culture, which includes the human person. In particular we, as Catholics, are required to be concerned in a throwaway culture for those who are ostracised and marginalised: 'the excluded are not the "exploited" but the outcast, the leftovers' and his concern that we have become,

> incapable of feeling compassion at the outcry of the poor, weeping for other people's pain… as though all this were someone else's responsibility and not our own.

My concern in this dissertation is that we as Catholic educators have also, through silence and erasure, avoided seeing, hearing, and sharing LGBTQ+ stories and experiences. We have avoided listening and seeing the 'outcry of the poor, weeping for other people's pain'. Catholic schools therefore must include the visibility of LGBTQ+ people and stories in

order that the 'throwaway person', the silencing of the marginalised, can be avoided by the telling and respect for LGBTQ+ person, their stories and lives. The encounter through visibility and presence with LGBTQ+ lives and experiences will provide the opportunity for all in the school community to critically examine marginalised experiences, to hear voices that have been marginalised, 'the outcry of the poor' and to imagine the 'other' as a full human who reasons, feels, thinks and considers what is their understanding of flourishing. This centres solidarity and personhood in the educational project of the Catholic school. I call on SCES and the St. Andrew's Foundation to work closely with organisations such as TIE and Stonewall in identifying, providing and recommending LGBTQ+ teaching and learning resources for Catholic student teachers and experienced teachers to use in Catholic schools.

In further agreement with the work of Nixon et al (2021), who focus on RE teachers working in England and Scotland, the majority of whom they claim lack a faith – and the work of Coll (2015), who discusses a declining religious capital amongst Catholic educators in Scotland, my concern is that a correctness is reinforced through an essentialised approach to Catholic doctrine. In Chapter 1 I explored the different levels of teaching authority of Magisterial and Vatican documents, its complexity, and in agreement with Galliardetz (2018a) that for Catholics the plethora of teachings and their different authorities is extremely difficult to navigate. The CA requires practical reasoning (Nussbaum, 2013) and therefore Catholic educators are challenged with the difficult task of understanding and navigating multiple, difficult, complex, and potentially contradictory, Magisterial teachings. The pastoral realities of the children in front of them, the children and parents who may dissent, fellow teachers who differ and disagree with LGBTQ+ Magisterial teachings present in the Catholic school. These requirements of practical reasoning require the Catholic school to be a safe space for dialogue and faithful dissent, not one where teachers may be fired or disciplined when explaining their own reasoning.

The Catholic school should be one in which they can articulate their reasons, markedly for those Catholics who faithfully dissent, or as McDonough (2012:29) states:

> To explore, justify and live a theoretically rigorous Catholicism along uniquely developed and legitimated lines of ecclesial thought, "citizenship", and authority.

I have claimed in this dissertation that there is currently a fear of doctrinal correctness and that this has both displaced the 'how' of Catholicism and wider Catholic social, pastoral and other doctrinal positions. The formation of Catholic teachers and leaders therefore requires a change to one in which Catholic plurality and dissent are foregrounded as legitimate ways of being a Catholic educator and the pedagogy of the Catholic school. I align my thinking with a stated concern of Pope Francis (EG, 2013):

> More than by fear of going astray, my hope is that we will be moved by the fear of remaining shut up within structures which give us a false sense of security, within rules which make us harsh judges, within habits which make us feel safe.

In agreement with Ruiz (2023:56), this will include more than providing listening and dialogue with LGBTQ+ persons in the Catholic school. It will encourage the community to 'recognise their dignity as persons' and, in agreement with McDonough (2012), to recognise the value of faithful Catholic dissent in the formation of Catholic teachers, continuous professional development, and in the religious education resources provided.

Pang (2021) discusses the fractured self of those educators, including Catholic educators, who teach a doctrine with which they disagree and which contradicts the truth of their experiences and conscience. Lawler and Salzman (2020) and McDonough (2009, 2019) have all highlighted this as it relates to LGBTQ+ issues:

> the moral sense of ordinary Catholics is at serious variance with the moral sense of the Catholic Magisterium and deserves to be discerned carefully. (Lawler and Salzman, 2020:573)

In agreement with McDonough (2009, 2019), I argue Catholic teachers, children and young people in Catholic schools need to be supported through a pedagogy of dissent. I,

with McDonough (2019) am concerned that the present binary of obedience or rejection may push people away from the faith rather than to a goal of Catholic education as an invitation to the faith. This binary, in line with the work of Pang (2021), also places some Catholic teachers in situations of untruth, or at least an avoidance of the truth.

The creation of Catholic schools as safe spaces where truthful dialogue and reasoning are valued and practised will support LGBTQ+ persons to bring forward their true selves, their reasoning, and their consciences as tools of imagination, reason and dialogue. In this respect, I again align my thinking with the CA (Nussbaum, 2013:156) that pedagogy, content, and 'the nature of classroom interactions' are key in evaluating and shifting pedagogy. From the pedagogy of transmission of content -- from one who knows and controls content -- towards pedagogies and classrooms that recognise children as knowers -- having valued reasonings, experiences, and ways of being that require to be part of the content and shape of the educational experiences of the classroom. This would mean creating pedagogical and classroom spaces open to diverse reasonings and ways of being. It would also denote recognising the distinct valued ways and knowledge that LGBTQ+ persons bring to the classroom and school from whom we all have much to learn.

As Catholic schools become, as I hope, places of a broader truth that reflects lived experience and conscience, this provides the space for the Catholic school to speak back to the Magisterium. This move towards dialogue and encounter, seen in the synodal processes under the Francis' papacy, reflects what Ruiz (2023:60) calls a,

> Collegiality between the laity and the hierarchy is key for the responsible and genuine exercise of magisterial authority. Pope Francis' call to synodality reflects an attempt to strike a new balance between these two components.

Moving the Church, as the whole people of God, to be one where listening precedes teaching and what Ruiz (202362) calls 'integrated teaching' is the aim here. In particular, this would help to meet the call from the CCE (2022:32) to move 'the excluded and

vulnerable closer' and from Pope Francis (2016) that we are listening to all of the faithful, including those in the past with whom we have disagreed and have failed to listen to. It supports the idea that we, and the Church, should listen to each other before we each teach. This requires those in positions of authority in Catholics schools to listen to dissent and disagreement from within the school and to support the teachers, children and young people to speak clearly, reasonably, and unfearfully of their potential disagreement and faithful dissent. This means speaking back to, for example, the Bishops of Scotland of the reality of difference, disagreement, and faithful dissent in Catholic schools in the trust that, as leaders of the Catholic community, they want to draw all closer and that they are listening.

Institutional and individual visibility and presence are important ways in which capabilities are externalised allowing us to recognise the presence of the CA in a Catholic school. However, as well as the external, there also needs to be ways in which we continue providing opportunities to actively monitor internal LGBTQ+ experiences in Catholic education. For example, an absence of LGBTQ+ people at the school prom, a lack LGBTQ+ authors invited for World Book Day, a lack of information on LGBTQ+ bullying in school, may indicate that we still have some way to travel on our journey to a threshold of justice for LGBTQ+ persons in the Catholic school. In keeping a focus on the internal dimension of LGBTQ+ experiences in Catholic schools we may hope to 'investigate emotions that subvert the Capabilities Approach, including various forms of hatred and disgust' Nussbaum (2013:182) The practice of CA requires not only the external but also the internal experiences that may support or hinder a person's capabilities.

The Church calls Catholics and Catholic schools to be places that support in particular the poor and the marginalised. In order to do this we need to become places of where listening to others, including to those with whom we disagree is valued. Listening requires the

presence and visibility of LGBTQ+ stories in places where they are *safe*, personally,

psychologically, pastorally, and professionally. The Catholic school that claims to be a

place for the poor and the marginalised, a place that foregrounds justice, ought not to

define who they claim are marginalised or who can be objects of human dignity, but

instead be places for *all*—where *all* persons are objects of justice' with those who are

marginalised *actively* sought out rather than silenced in order for Catholic educational

leaders to hear their stories and address their capability deficits.

Summary Conclusion

In Chapter 1 I proposed, in agreement with Fox and Slade (2014), that the EdD provides a

doctoral level study in which a professional explores practical problems. As a working

class, Catholic LGBTQ+ educator who worked in particular with children from diverse

faith, belief, and cultural backgrounds, I have been concerned throughout my teaching

career with who is included, seen, and valued in schools and education.   In all these

experiences, I could see gaps in who was counted as a person entitled to be and do those

things that they had reason to value. I was concerned with the capability deprivation that I

saw in the bilingual child who said he did not speak Punjabi, in the children who hid the

contents of their lunch box. I was concerned with the silence and invisibility of LGBTQ+

people and resources. I am in agreement with Conroy et al. (2008), who argues that

philosophy as a method of enquiry has a focus on what 'ought to be'.

Both the CA and Catholicism describe children as active agents in their learning and in

their world. The inclusion of LGBTQ+ resources and people takes seriously the idea that

children are active in their learning, in the shaping of their identities and in evaluating the

choices they and others make. The statement from Pope Francis (2016) that our role is not

to replace conscience but to support others in the formation of their conscience therefore I

propose requires the encounter and dialogue with difference such as that provided with

LGBTQ+ visibility in terms of stories and people as well as an institutional welcome to LGBTQ+ affirming spaces, groups and symbols.

My concern at the beginning of this dissertation was that there was a new policy for schools in Scotland – world-leading was the claim, -- and there are many oft-repeated *good* words expounded in Catholic documents. As Catholics, when examining our conscience at the beginning of Mass, the Church asks us to reflect on 'what we have done and what we have failed to do' and the Catechism teaches us that after careful and faithful consideration we must follow our conscience.   An examination of conscience is not something we do once but should be an integral part of our individual and communal journey of faith that includes the centrality of the concept of justice and its application.

A Catholic epistemology describes truth as a journey we are all on – it is my hope in this dissertation that this exploration of justice for the LGBTQ+ person in Catholic schools may add to the discourse, to our journey, about what this means in our day to day teaching practices. That it will then bring to the foreground the question of how we relate to each other as persons worthy of equal dignity and respect in our schools. I see LGBTQ+ inclusion as a pro-life issue -- education not only enriches lives but it can also save lives.

Philosophy as described by Nussbaum (2018:10) is not in the formulation of difficult concepts and obscure argumentation but,

> about leading the "examined life" with humility about how little we really understand… and a willingness to listen to others as equal participants.

In this dissertation I have argued that difference, disagreement and doctrine are not causes to justify exclusion in the Catholic school.   In contrast, I claim that these aspects of the daily life of a Catholic school in Scotland are key components of leading the examined life for oneself and in one's understanding and relation to others. I argue, in agreement with

both Church teaching and the CA, that a person is an end in themselves, worthy of full human dignity, who makes choices, values, and reasons, and who should be free from the imposition of religion. That it is the person who is the object of justice entitled to all the capabilities – in agreement with Nussbaum (2007) to be and do those things *they* have reason to value and the freedom and safety in the Catholic school to be themselves as flourishing persons.

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