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The significance of the Education (Scotland) Act, 1918

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Abstract

The Education (Scotland) Act of 1918 was the most influential piece of legislation governing Scottish education in the twentieth century, and the system which it established is still essentially in place today. Yet it is remembered now mostly because of one of its provisions – setting up a mechanism by which Catholic schools could transfer from the ownership of the Church to that of the locally elected Education Authorities. Significant though that arrangement was, its importance lies in its being an instance of the Act's wider framework of promoting the liberal universalism that became Scotland's guiding social principle in the ensuing century.

Key words

Secondary education; higher education; opportunity; liberalism; denominational school; religious school; educational governance.

Introduction

Much confusion surrounds the significance of the Act reforming Scottish education which was approved by Parliament just days after the end of the First World War. It is widely, and correctly, remembered as being very important in diverse ways. The most notable of these claims concerns Catholic schools (s. 18¹). The Act is frequently (and somewhat inaccurately) described as the moment when the State took over responsibility for them, thus entrenching the rights of Catholics against a supposedly sectarian Presbyterian society (for example, Brown, 1991: 22; House of Commons Early Day Motion 735, 2017). The Act, in this view, becomes a kind of declaration of Catholic human rights, much celebrated in this centenary year, perhaps most prominently in a public lecture given by the First Minister in June (Sturgeon, 2018).

The Act has also been regarded as notable for the step that it marked in the slow incorporation of women into the public sphere. Their new public role that accompanied the new responsibilities of the State was reflected in the Act's explicit acknowledgement of their electoral eligibility:

A woman shall not be disqualified either by sex or marriage from being a member of any Education Authority, or committee thereof, or school management committee, or school committee, or advisory council, or any other body constituted, elected, nominated or appointed for educational purposes under or in pursuance of this Act.

(s. 28)

Women had long been eligible to be members of local school boards, but this comprehensive legislative recognition was, for Scottish education, as significant as the

more famous enactment in the same year of the first widespread women's franchise for parliament.

Diverse other currents of thought attach at least symbolic importance to the Act's pronouncements. That it was the first piece of modern legislation to require that Scottish education pay attention to the Gaelic language (s. 6(1)(a)) is sometimes taken to be another marker of human rights, a belated declaration by Scottish education of its cultural heritage (for example, McLeod and Smith, 2007: 27). In a different linguistic vein, the Act changed the title of the government department which oversaw Scottish education from 'Scotch' to 'Scottish' (s. 30), on grounds (as one commentator has put it) 'allegedly connected with language and liquor' (Kenneth, 1968: 125).

There are versions of this fame for the Act that appeal to aficionados of very obscure political facts. Its financial provisions (s. 21(1)(ii)) entrenched the convention by which Scottish public expenditure would rise by 11/80ths of any rise in corresponding expenditure in England and Wales; much later, this formula became the focus of intense debate about how the Scottish Office and then the Scottish Parliament should be funded (Mitchell, 2009: 34-6). Even more obscure than that is the Act's innovation in electoral politics (s. 23): the new locally elected education authorities that it set up were the first instance on the British mainland of the use of proportional representation (specifically the single transferable vote), unmatched until the advent of the Scottish Parliament and the National Assembly for Wales at the very end of the century.

Yet, at the same time as these diverse forms of celebration, none of which is entirely without foundation, there is almost complete ignoring – we might be tempted to say ignorance – of the Act's pioneering though tentative attention to what we would now call equality of opportunity. Andrew McPherson – a rare exception to this neglect – put the point succinctly. The Act, he wrote,

recognise[d] the principle that, above a certain level of 'promise', neither material nor intellectual factors should restrict access to any level of the national system, including higher education.

(McPherson, 1992: 88)

The main purpose of the Act, as we shall see, was to set up a coherent framework of governance in order to create a coherent system of schooling that would stretch from ages below 5 to the point of entry to work at age 15 or to university and the professions at ages 17-18. Since the primary-school stages of this had been established by the preceding major Act of 1872, the new Act's attention was mainly to secondary schooling. In its intentions and (as we shall further see) its long-term effects, the Act thus hastened the advent of secondary education for all, the radical slogan which even the Labour Party did not adopt until R. H. Tawney's pamphlet of four years later and which did not come to pass in the rest of Britain until after 1945. Another way of putting this is to say that the Scottish Act of 1918 was the true analogue of the Butler Act of 1944 for England and Wales, notwithstanding the lazy tendency of some writers to equate the latter with the relatively minor Scottish Act of 1945, and to equate the great Scottish Act of 1918 with the English and Welsh Act of the same year. Some parts of that other 1918 Act were catching up with prior Scottish legislation, such as raising the school-leaving age to 14, which had been the norm in Scotland since 1901, and enforcing medical inspection of children and developing what would now be called

special-needs education, both of which had been provided for in Scotland by the Education (Scotland) Act of 1908.

The Scottish 1918 Act also recognised officially for the first time the central importance of teacher professionalism, by insisting on national salary scales and in its formalising of the moves towards a proper system of accrediting teachers (s. 6(1)(c)). At the very moment when the modern welfare state was being established, Scottish education thus also formally recognised what Harold Perkin (1989) called the advent of ‘professional society’, a social system where professionals were the allies of the state in its battle against the evils of industrial capitalism, afforded by the wealth which that same economic system seemed at last to be making available to all.

In leading this alliance with professional educators, the Scottish state also recognised within the Act the need to formalise the expression of professional opinion as a contribution to the making of policy. Eight decades before the advent of the Scottish parliament, the Act provided for an Advisory Council on Education in Scotland, not directly elected, it is true, but with at least two thirds of members being ‘persons qualified to represent the views of various bodies interested in education’ (s. 20), and having the right to advise the Scottish Education Department on anything to do with education. The power was potential rather than actual until much later, when, during the next war, in 1942, the Labour Secretary of State for Scotland, Tom Johnston, charged the Council with the task of planning for another post-war renaissance, telling its members to

regard themselves as a parliament of education, ... select[ing] their own subjects for inquiry, and ... discuss[ing] among themselves priority questions in education.

(quoted by Young, 1986: 215)

A century of hindsight offers an occasion to reflect on the Act’s true significance. None of its widely recognised claims to fame are spurious, but they are all best seen as being expressions of something deeper. The Act represented Scottish education’s – and therefore Scotland’s – firm choice of liberal universalism as its preferred way of entering the age of the welfare state. It was not laissez-faire liberalism but it was also not socialism or even, in a sense, social democracy. It was a Scottish predilection for common but individual rights, for freedom that was constrained by conformity to social norms. It was Adam Smith and David Hume for a modern age.

The Context

The main context was set by the Education (Scotland) Act of 1872 – what it had achieved, which was very great, what it had not, despite its good intentions, and, above all, what had happened in the meantime as its provisions had interacted with social change (Anderson, 1983, 1995).

The purpose of the 1872 Act had been to re-create a national system of public education for the first time for over a century. The thoroughness of the scheme of education which derived ultimately from the seventeenth-century Reformers had broken down, undermined by the rapid growth of new population centres in the industrial towns and cities, by the split in the Church of Scotland in 1843, and by the growth of the Catholic population mainly because of migration from Ireland. Although the new Free Church after 1843 had tried to respond to the educational needs of the

poor – inspired by the leadership of Thomas Chalmers – the provision was found to be far from satisfactory when it was investigated in the 1860s by a Royal Commission chaired by the Duke of Argyll.

The 1872 Act established a national system managed by school boards elected for each of the more than 900 parishes. It also set up a new branch of central government to oversee this – the Scotch Education Department, which was itself overseen by the new Scottish Office when it was established in 1885. Thus this Act was part of the process by which the Scottish governing structures that had been inherited from times before the Union were modernised for what would become the welfare state of the twentieth century. The boards eventually succeeded in addressing the most pressing challenges – accommodating all children in new buildings where they would be taught by well-qualified teachers. The work was slow, partly because persuading parents to let their children attend school when they could be earning money was not easy, partly because ensuring a supply of properly trained teachers was difficult until a national system of teacher training was in place, and partly because the legacy of social breakdown in the industrial areas was so great. But by the first decade of the twentieth century these problems were being overcome.

Even more intractable, however, were the problems that the 1918 Act was in due course intended to address. The earliest was indeed denominational. Although the 1872 Act offered all denominations the opportunity to transfer their schools to the new boards, and although almost all of the schools of the Presbyterian churches took up that offer, the Catholic and Episcopal churches declined to do so because of suspicion that the public schools would be surreptitiously Calvinist. This was despite the good record which the Argyll Commission had noted of the former overtly Presbyterian schools' accommodating children of other faiths and allowing them to opt out of worship in school: it found in the mid-1860s that, of around 12,500 Catholic pupils in elementary education, around 7,300 were attending schools which were not Catholic (Education Commission (Scotland), 1867: 24). Following this, the 1872 Act had a preamble – known colloquially as the 'conscience clause' – which allowed parents to withdraw their children from religious instruction.

These two churches struggled on, and the Catholic achievement in building up its primary schools was remarkable for a community that was very poor. The number of Catholic schools grew from 65 in 1872 to 224 in 1918, teaching on average a total of around 12,000 pupils in 1872 and 94,000 in 1918 (Treble, 1978: 113). The 1872 Act did allow public subsidy for voluntary schools of this kind, but not capital grants. So the Catholic and Episcopal churches had to find from their own resources the means to build schools and to train teachers. Although the resulting running costs were heavily subsidised by the state (covering 82% of expenditure in 1910), the quality of buildings and the salaries of teachers remained much inferior to those in the public schools (Anderson, 1995: 290; Brown, 1997: 144; Rosie, 2001: 220; Skinnider, 1967: 53). The need to maintain adequate infrastructure was unavoidable if the public subsidy was to be forthcoming, since it depended on the state inspectors' confirming that standards were acceptable.

For all the schools, whether public or denominational, the eventual outcome of the 1872 Act was pressure to raise standards and opportunities. The most salient aspect of that was what would happen to children after they finished elementary education. The Scottish tradition had never confined the public schools to teaching only the basics. The

opportunity for very able boys to be taught enough mathematics, Latin and occasionally Greek in the local school to be accepted for entry to the universities was the real basis of the mythological lad o pairs (Anderson, 1985), supplemented even in the nineteenth century by the very occasional girl (Moore, 1984) whose numbers were growing rapidly in the first decades of the new century.

The 1872 Act failed to find ways of modernising this tradition, but popular pressure forced the Scotch Education Department to try to develop a coherent system of post-primary provision between the 1890s and the 1910s. This process was complex, but by the eve of the First World War had resulted in three distinct types of post-primary course. The largest consisted of supplementary courses, lasting at most two years, and catering for around three quarters of pupils. These were serious attempts to reform the tradition for pupils who were not academically inclined, mainly by the intention of sustaining a broad, general education up to age 14. After that age, there would be part-time 'continuation classes', but these were developed more extensively in some places (such as Edinburgh and Glasgow) than others (Paterson, 2003: 90-1).

The other two types of post-primary courses eventually led, after 1918, to pressure for secondary education for everyone. The highest-status consisted of courses lasting five years after elementary education. The Department had set up a Leaving Certificate in 1888, and used it to regulate the nature and quality of these courses. This went through a rather bewildering variety of detailed mutations right through this period and even up to the 1950s, but the persisting principles were coherent. Individual courses were available at Higher and Lower levels. To gain the full Certificate, every candidate had to pass Higher English, and usually at least two other Highers and two Lowers. To enforce breadth, at least one of these passes had to be mathematics or a science, and at least one had to be a language. The subject called English included what would later be called history and geography, and was really an introduction to liberal citizenship (Paterson, 2004). Between these five-year courses and the supplementary courses was, from 1902, an Intermediate Certificate, which, from 1912, became a necessary step on the way to the full Leaving Certificate. This required at least four passes at the Lower level, but had the same insistence on breadth as the Leaving Certificate. The number of candidates for these various examinations grew steadily in the first two decades of the century, from 13,000 in 1895 to 21,000 in 1924, by which date they were equivalent to about one quarter of all 17-year-olds (but not all candidates had to be of that age) (Paterson, 2004: 56).

One reason for that growth was the expansion of schools that could offer such courses. Again the history is complex but the idea simple. At the end of the nineteenth century, there were only about 55 secondary schools in the whole of Scotland, mostly endowed and charging fees, but in a few cases (about a dozen) the very old burgh schools that dated back to the eighteenth century and earlier. To extend this small sector, the Department created in 1899 a new category of school, with the purpose of focusing on technical training, taking the idea from some school boards (notably Glasgow and Govan), from England, and from the successful vocational high schools of Germany. These schools were called Higher Grade (not to be confused with the level of the Leaving Certificate). Popular pressure from teachers, parents, inspectors and boards led to the technical requirement's being removed in 1902, and, from 1908, to the Department's offering to the most successful Higher Grade schools the option of becoming a full secondary school, able to offer the five-year course towards the

Leaving Certificate. The number of Higher Grade schools grew fast – from 75 in 1903 to 196 in 1918, at which date they contained 60% of pupils on publicly financed secondary courses (Anderson, 1995: 310). The Higher Grade schools were free or charged low fees, and their pupils came mainly from the lower middle class and the skilled working class.

This expansion and the availability of the Leaving and Intermediate Certificates thus was a significant widening of opportunity. Nevertheless, it was also clear that the position that had been reached by around 1917 was not stable. Further expansion was pressed for by opinion in the Liberal and Labour parties, by the representatives of the teachers, by many of the school boards, and (inside the Department) by many school inspectors. Catholic opinion also was inclined to favour expansion, since the provision of Catholic secondary schools was extremely low. Finding a way of funding an expansion was indeed one reason for seeking a new relationship between Catholic education and the state. Against all these opinions favouring expansion were more conservative views, such as that of the former secretary of the Department, Henry Craik, who was now a Unionist MP for the Scottish universities. Although he had been responsible for the policy of developing Higher Grade schools, he also argued that proper secondary education was suitable for at most 10% of the age group (Craik, 1926: 261). Both sides of this debate thus would welcome, for differing reasons, a properly planned policy for managing all aspects of post-primary schooling.

To achieve this planning, there would have to be some reform to the governing system. Many of the school boards had already recognised that they were too small to plan secondary education on their own, and had joined with neighbouring boards and with the larger burghs in setting up joint committees for this purpose. These had achieved statutory recognition as a result of the Education (Scotland) Act of 1908. But that delegation was inadequately democratic at a time when democracy was imminent. There was also a feeling outside the Department that, on its own, it did not have the capacity to plan properly, and that there was a need to bring external, expert opinion to bear on the policy process. Linking this need with the relative weakness of the boards became a common theme. For example, in a pamphlet of 1903, Henry Jones, who was professor of moral philosophy at Glasgow University, and C. M. Douglas, who was Liberal MP for north-west Lanarkshire (and also a philosopher), argued that

the control exercised by the Department has become more and more detailed and minute in recent years. ... It is the natural outcome of an active and energetic official authority on the one hand, and of the weakness of some of the local authorities on the other.

(quoted by Young, 1986: 43)

They advocated a National Council to overcome the secretiveness and the weakness (Young, 1986: 44).

A newly expanded secondary sector would also need a new kind of teacher. The Department had been reforming teacher training since the beginning of the century, initially through taking over the management of the teacher-training centres that had been run by the various Presbyterian denominations (Cruikshank, 1970: 136-38). The purpose had been to raise the academic standards that would be required of teachers on secondary courses. Principal teachers, who headed subject departments in secondary schools, were increasingly likely to be Honours graduates, and the Department wanted

to push that trend further (Bone, 1968: 176). At the same time, teachers' salaries and pensions arrangements were felt by teachers to be inadequate. The main professional association of teachers, the Educational Institute of Scotland, was becoming militant on this matter, and led the way in forming a single union for all sectors (Anderson, 1995: 290-1). Thus secondary expansion would not be possible without better-qualified teachers, and that in turn would depend on adequate pay and status. This then formed a different kind of link to the other pressures for reform – to the inadequacies of the smaller school boards as employers, and to the difficulty which the Catholic church faced in paying adequate salaries.

Each of the separate strands leading to the Act of 1918 may be understood as being implicitly part of a larger purpose. This was the sense that the state ought to be responsible for all such questions. Having taken on the responsibility for the public system in 1872, the state inevitably was faced with being responsible for managing its development. Having assumed responsibility for the welfare of children in the Education (Scotland) Act of 1908 – for example, providing free books, meals and milk, and imposing compulsory medical inspection – it could not evade an expectation that it was responsible for actively promoting opportunity. And having acquired from philosophers such as Henry Jones a belief in the state as the very embodiment of national purpose – a principle from Germanic idealist philosophy of which he was one of the leading British exponents – the aim of coherence became much more than mere administrative tidiness. This was an ideal which transcended party divisions, one of its most eloquent exponents being Henry Craik (1914). Craik's Tory idealism was perfectly in harmony with the new social liberalism, as expressed for example by the widely respected president of the Educational Institute of Scotland, Duncan MacGillivray:

the wheel has come around almost full circle from individualism to collectivism, from competition to co-operation, and from the doctrine of laissez-faire to that of State control.

(MacGillivray, 1919: 1)

The Act

All these pressures were influential before the wartime coalition government published a Bill in 1917, and were brought to bear in the debate around the Bill between then and the final passing of the legislation. The essence of the Bill was drafted in a memorandum in June 1917 to the Scottish Secretary Robert Munro by John Struthers, who, from 1904, was Craik's successor as secretary of the Department. Munro was Liberal MP for Wick Burghs (which was the geographically very dispersed assortment of Cromarty, Dingwall, Dornoch, Kirkwall, Tain and Wick); this seat disappeared before the December 1918 general election, and he was then elected for the new constituency of Roxburgh and Selkirk. Struthers and Munro worked so closely together on the Bill, on the consultation, and on getting the Act passed that the common description of the measure as the 'Munro Act' is insufficient. As Stocks (1970: 76) notes, Struthers 'in deference and self-effacement ... was the perfect civil servant', and relied wholly on Munro for the political manoeuvring and the emollient but also idealistic speeches. Munro depended on Struthers's deep understanding of Scottish education, saying later that 'the policy of the Act was his. ... [H]e he did more to fashion and mould its provisions than any other man' (Stocks, 1970: 75). Between them, and in

response to the expression of the pressures for change which had been accumulating, they set in train a slow revolution that took the rest of the century to be fully worked through.

Governance and provision

In keeping with the over-arching aim of coherence, the main purpose of the Act was to reform the governance of Scottish education. There were three aspects to this (McPherson, 1992; Stocks, 1970). One was the principle of abolishing the 947 school boards and creating 38 new education authorities at the level of the county or the large city. On the whole this was not contentious (except among the boards), but there was some opposition from the political left, who feared domination of small radical towns by conservative landowners. They were appeased by the Act's also including a requirement that each school or group of schools have a management committee. The second aspect of the new authorities was whether education would be lost amidst all the other policy responsibilities of the counties and cities. This concern was expressed particularly by Liberal MPs, and Munro and Struthers conceded the point by the new authorities' being ad-hoc: that is, they would be elected to deal only with education. Then the third feature of governance was the electoral system, chosen to be the single transferable vote in order to give minorities a chance of gaining places. That was relevant to the religious denominations, but also to the Labour Party at that time. Nevertheless, unusual though this was in a British context, it set no precedent, and there was no suggestion that this limited experiment with proportional representation might lead to its wider use.

These new authorities then were charged with drawing up schemes of provision, with a very broad remit:

It shall be the duty of every education authority ... to prepare and submit for the approval of the Department ... a scheme for the adequate provision throughout the education area of the authority of all forms of primary, intermediate and secondary education ... (including adequate provision for teaching Gaelic in Gaelic-speaking areas) without payment of fees.

(s. 6(1)(a))

The authority might still charge fees in some schools if the supply of free places was adequate. It is easy to forget now – after a century when this general duty has been consistently conferred on education authorities – how recently unprecedented it was. Not since the Reformation scheme of the Second Book of Discipline had there been an attempt to charge public bodies with responsibility for all the stages of school education, and the difference from then was in the background assumption now that this scheme would apply, in some form at all these stages, universally to every child.

The aside on Gaelic was the eventual outcome of a long campaign by An Comunn Gàidhealach for statutory recognition of the language in education (MacLeod, 1981: 328-42). School boards had in fact had the option to provide Gaelic classes since an innovation by Henry Craik in 1886, following from recommendations in 1884 of the Napier Commission on conditions in the Highlands (O'Hanlon and Paterson, 2015: 306-7). This change had allowed for Gaelic teaching in 'Gaelic-speaking areas' without defining these, and in any case remained optional. Drawing contrasts with the more generous treatment of Irish and of Welsh, An Comunn unsuccessfully tried to have a

requirement to provide Gaelic classes written into the 1908 Education (Scotland) Act, and their further campaigning led to the brief but symbolically important mention in 1918. Although not much that was new came of it immediately, essentially on account of its vagueness, the statement became a point of reference for future developments of Gaelic education (O’Hanlon and Paterson, 2015: 309-15).

The legislation also proposed to raise the minimum leaving age to 15 and to restrict the employment of children under that age (s. 14). Beyond school education, each authority should prepare a scheme ‘for the part-time instruction in continuation classes of all young persons within the education area of the authority who may under this Act be required to attend such classes.’ (s. 15(1)). The intention was that these classes would amount to a minimum of 320 hours each year, and that this would apply to almost everyone under the age of 18 who was not still at school. The goal would be mainly vocational, because it was assumed that most such young people would be in paid employment. But the aim was also to ensure that, despite leaving school at the first opportunity, they would still benefit from education. Thus, although, in Scotland, curricular details for schools were never prescribed by legislation, the continuation classes were required by this Act to include ‘instruction in the English language and literature, and in such other parts of a general education as may be deemed desirable’ (s. 15(4)(a)).

In permissive powers, the schemes would indeed go further than this attention to the needs of all children. Going beyond any previous powers, the general responsibility for child welfare which dated from 1908 led naturally in 1918 to the Education Authorities’ acquiring the power to fund nursery education and to attend to the welfare of children in them (s. 8). The Act allowed the Education Authorities to spend money to ensure that no child at any stage of education would be denied opportunities from which they were judged capable of benefiting. The kind of support which the authority could provide was without restriction:

payment of travelling expenses, or of fees, or of the cost of residence in a hostel, or of a bursary or maintenance allowance, or any combination of these forms of assistance, or otherwise, as the authority think fit.

(s. 4(1))

A separate section (s. 5) explicitly added the provision of free books to the list, linking this, if the authority wished, to the local provision of public libraries (itself stemming from the most recent public libraries legislation, of 1887). This same range of options was available to the authority to aid any student who was qualified to attend universities, higher education colleges, or teacher-training colleges. It was also permissible to make grants directly to universities or higher-education colleges (s. 9(1)), and the authorities were required to make such grants to the training colleges (s. 9(3)).

The authorities could also give grants to schools that they did not manage (s. 9(1)), which provision was the basis of the grant-aided sector, not within the public sector but not wholly independent either. Their distinctiveness ensured that, until the ending of such grant aid in the 1970s, Scotland had only a very small, wholly independent sector that was not in receipt of any state aid. The large grant-aided schools came to be regarded locally as being part of the same public system as the highest-status schools among those which were managed by the education authorities. Examples of the grant-aided schools were George Heriot’s School and the Merchant Company Schools in

Edinburgh, the Hutchesons' Grammar Schools and the Catholic St Aloysius' College in Glasgow, Dollar Academy, the High School of Dundee, and Robert Gordon's College in Aberdeen (Highet, 1969: 60-105).

The status of teachers

The Act had little to say directly about the qualifications required of teachers, a matter that had traditionally been left to detailed specification by the Department (Bone, 1968; Cruikshank, 1970: 138-40, 168-71). But the expectations of an increasingly highly educated profession were met by the Act's stipulation of national salary scales, to be 'laid down by the Department after consultation with representatives of the education authorities and of the teaching profession' (s. 6(1)(c)). In his commentary on the Act in 1919, John Strong, who was rector of the Royal High School in Edinburgh, said that this was the most important provision of the Act:

now at last, and apparently for the first time in a statutory enactment, the State has recognised that the chief element in the efficiency of national education ... is a sufficient supply of properly qualified teachers.

(Strong, 1919: 15)

Such a comment from within the teaching profession reflected the growing status of teachers as the core leadership of education. The provision for an Advisory Council (s. 20) dominated by educational expertise was also a recognition of the importance of educational professionalism.

Voluntary schools

Thus governance leading to the promotion of equal opportunities under the leadership of well-regarded professionals may be said to be the essence of the Act's purpose. These features of the Act are not now well-remembered, and yet they remain more or less intact to this day, and were unprecedented. They are the lens through which some of the more famous aspects of the legislation are best seen, notably in connection with the voluntary schools that were managed by the Catholic and Episcopal churches.

The Act allowed the managers of any voluntary school to request that it (and all its property) be transferred to the Education Authority, and it also obliged the authority to agree to such a request (s. 18(1)), after which the school would be managed by the authority like any other public school (s. 18(3)). Because the Act ended any further grant payments for running costs to voluntary schools after two years, the transfers became almost inevitable. This was an entirely different arrangement from that which had been provided to the voluntary schools in England since 1902, where the denominations could continue to have full control of the schools while also continuing to receive public grants (Pugh, 1968). The Scottish denominational schools, if they wanted public money, had to accept being fully public.

It is inaccurate to describe the Act itself as transferring the schools. That may seem a quibble, but was fundamental. The Act created an opportunity for a voluntary decision. It was not sequestration or compulsory purchase, but nor was it the recognition by the state of any special rights for Catholics. It embodied a partnership between state and church based on the principle that all children, of whatever faith, were to be treated in essentially the same way. There were also three important ways in which the transfer left powers with the denominations, even though far less than in England. One was that

the transfer could be by 'sale, lease, or otherwise'; the option of leasing would retain significant church control, as we shall see. The religious character ('instruction or observance') of the school was to be maintained (s. 18(3)(iii)), subject to the same conscience clause as applied in any public school. Of greatest importance from the church's point of view, all teachers would have to be 'approved as regards their religious belief and character by representatives of the church or denominational body' associated with the school (s. 18(3)(ii)). Although the teachers would be employed by the authority and would have to have the usual professional qualifications that were required by the authority, the church would, in principle, have a veto. In essence, then, almost the entire religious character of the school would depend on the teachers. Thus only the passage of time and its accompanying social change would test the claim in 1918 of Henry Grey Graham, Auxiliary Bishop of Edinburgh – a sceptic about these safeguards – that to make the Catholic schools into public schools 'is the first step on the downward path towards secularising them' (quoted by Fitzpatrick, 1986: 46).

The Outcome

As with any fundamental legislation, the effects of the Act took many decades to be felt fully. Its potential for radical reform was restricted by the economic conditions of the 1920s and by the only slowly diminishing conservatism of the Scottish Education Department. The Act thus became a standard by which further radical campaigners could judge progress. Its own provision for an Advisory Council led to one such tribute, in 1947, when the Council that had been appointed by Tom Johnston recognised the Act as 'the largest single advance in the history of secondary education in Scotland':

To recognise that primary education must normally end at twelve, to make mandatory free intermediate and secondary schooling for all children able to profit by it, and to constitute education authorities with areas and resources equal to the new tasks, was a remarkable act of enlightened policy. Disappointment that all the hopes raised by the passing of the Act have not been fulfilled must not blind us to its very great significance.

(SED, 1947: 2).

One provision was enacted immediately – setting up the new Education Authorities. These operated relatively smoothly, though never managing to achieve more than quite modest levels of electoral turnout of around 40% (Rosie, 2001: 234; Stocks, 1970: 87-8). They were wound up after 1929, when their functions were taken over by the new county and city councils that were created in that year, these being required to appoint a specialist education committee. There was little opposition to this move (Stocks, 1970: 88). The main achievements of the ad-hoc Authorities was the drawing up of schemes of educational provision to which we will turn below.

The experience of the Advisory Council was more contentious, and takes us to the heart of the extent to which the promise of the Act was realised immediately. The first council that was appointed might be described as cautiously radical, including, for example, MacGillivray of the EIS, Joseph Duncan of the Workers' Educational Association, and John Burnet, who was professor of Greek at St Andrews University and who believed firmly that educational democracy required the extension of liberal education to everyone (Paterson, 2003: 64). The Council recommended early in 1922 that the best way to achieve the opportunities promised by the Act was to organise school education into three stages – primary to age 12, intermediate from there to age

15, and secondary after that. There would be a common curriculum up to the leaving age at 15.

This radical idea, quite in keeping with the spirit of the Act and anticipating policy by at least half a century, was contrary to opinion in the Scottish Education Department, which insisted on there being two distinct kinds of post-primary course, one academic and liberal, and the other – in what were now to be called Advanced Divisions – not. They announced this plan in 1921, deliberately pre-empting the Council. This victory for the Department's conservatism not only denied the most radical interpretation of the Act but also discouraged any further such radical ideas from that or any succeeding Council until Tom Johnston's quite different views prevailed in the 1940s.

In this way, the potential of the Act to lead to secondary education for all was delayed (Stocks, 1995, 2002). The problem was indeed worse than merely the perpetuation of the existing system, because the Department also abolished the Intermediate Certificate, and in effect prohibited the Education Authorities from developing schemes that included anything like the Council's three-stage structure. They argued that the severe restrictions on public expenditure that were being caused by the economic recession that had followed the brief post-war expansion prevented any more expansive ideas from being afforded. Similar caution and economic retrenchment prevented the growth of nursery schools, of which there were still only 19 in the whole country in 1934. The conclusion of the researcher who gathered this information confirmed the importance of the public funding that the Act in principle allowed but that government policy had withheld: 'it is obvious that voluntary effort cannot hope to do more than touch the fringe of the great problem of the pre-school child' (Muir, 1934: 479).

Financial stringency also postponed indefinitely the raising of the leaving age to 15 (which did not happen until 1947), and severely restricted the development of continuation classes. Although they had been growing steadily before the war – enrolments nearly doubling to 145,000 between 1901 and 1911 – participation had barely changed by 1926, and rose only to 164,000 by 1938. During the inter-war period, only about 14% of 15-18-year-olds were in these classes (Paterson, 2003: 91). Since fewer than 5% completed the Leaving Certificate (normally taken at age 17), the vast majority of people in that age range had no educational opportunities at all.

Nevertheless, highly cautious though the interpretation by the Scottish Education Department was, the prospect was not as bleak as much commentary at the time and subsequently has implied. There was criticism of the 1921 policy from the teachers and the education authorities, to which the Department could not but respond by measures to show that the courses in the Advanced Divisions were worthwhile, with some curricular breadth and with certificates at the end of two years or of three years that were intended to be respectable (Paterson, 2003: 66-7). Because of this aspiration to a liberal education, and because the Advanced Divisions were more poorly funded than the secondary courses, pressure inevitably grew to provide a proper secondary education for all.

One reason for that was that, despite everything that happened in the early 1920s, secondary education really was much more widely available than it had been just two decades earlier. The Department, conservative though it was under Struthers's successor George Macdonald (from 1922), did not reverse their previous policy to recognise Higher Grade schools as full secondaries. Thus, despite the restrictions, there

were five times as many secondary schools in the 1920s as there had been at the turn of the century. Their success in providing a broad, liberal education to around a third of the age group (even if only one sixth of these completed the Leaving Certificate) tended to vindicate the 1918 Act's idealism in this regard. Evidence from the 1930s and from the surveys of entrants to secondary school in the late-1940s confirms that the former Higher Grade schools were educating pupils from a much wider social range than the old secondaries, and that they were extending a proper secondary education to girls for the first time (Paterson, 2004, 2011; Paterson et al. 2010, 2011). The bursaries which Education Authorities could provide under the 1918 Act encouraged this widening. Despite the severe economic pressures of the inter-war years, the amount spent on bursaries grew. For bursaries relating to school education, the growth was from £74,000 in 1919-20 to £92,000 in 1937-38, a rise by a factor of 1.75 in real terms (SED, 1921: 11; SED, 1939: 52)². For those relating to university-level education, the rise was from £24,000 to £101,000, a factor of 5.91.

All the pressures for the most liberal interpretation of the 1918 Act then had formal consequences from the mid-1930s right down to the present. A new Act of 1936 defined all post-primary schooling as secondary, though still of two types, three years for the non-academic courses and five years for the Leaving Certificate. That inspired the post-war Advisory Council to recommend an end to any kind of division, which in turn led to the ending of all selection in the public sector from 1965. The result was the comprehensive system that still exists, and the reforms to curriculum and examinations between the 1960s and the 1980s. All these reforms of the post-1945 half century might be said to have fulfilled the aims of the 1918 Act in the sense that all schooling was planned as a series of stages, and that these stages and what happened within them were designed to enable pupils to progress as far as their ability would allow them, regardless of material circumstances. The debates today about widening access to higher education are not only the natural corollary of these changes, but also a further consequence of the principle which the 1918 Act enunciated that promoting equal opportunities in higher education should be thought of in the very same way as doing so for secondary school.

This expansion of secondary education also vindicated the transfer of the denominational schools, and indeed is the main reason why the 1918 Act may reasonably be interpreted as the foundation of the modern Catholic system of secondary schools. The process by which the Act had its full effects may be understood as a complex interplay between the wider social pressures towards equal opportunity and the specific insistence by the Catholic church on defending the distinctiveness of its schools.

There were, it will be recalled, three lines of distinctiveness – ultimate ownership, curriculum, and teachers. On the first, the large Glasgow archdiocese tried to hold out for leasing; since at that time (before the separation of Motherwell and Paisley) it included about three quarters of all Scottish Catholics, this decision was important. The problem was that it would be expensive, since it would require the church to take responsibility for building new schools before leasing them back to the Education Authority. Two legal judgements in the 1920s, moreover, established that the Act conferred on these Authorities the responsibility of extending the Catholic system, not merely of accepting the transfer of schools that already existed. When the main pressure for extension came from the growth of Catholic secondary schooling alongside the

general such growth which we have discussed, this responsibility was crucial, since secondary schools costs more than primary (because of higher salaries of specialist teachers and because of the need for specialist equipment).

In due course, the financial pressures forced even the Glasgow bishops to relent, and this was easier than it might have been because of the general absence of religious sectarianism on the elected Education Authorities. Rosie (2001: 238) notes, indeed, that Christians of all denominations began to find a common cause:

The central concern for Catholic educationalists, therefore, in 1929 as in 1872, was not the relation between Catholic and Protestant, but between the interests of religion and the claims of the secular state.

For the remainder of the century, the various manifestations of county Education Authorities planned Catholic education in the same technocratic way as they did everything else (for example, when dealing with the question of how to cater for Catholic children dispersed to new housing schemes on the outskirts of the cities following the clearance of slums (I. Paterson, 2002)). The Authorities consulted the church, but it was not in control of the process.

On the curriculum, the only part of the 1918 Act that defended the religious interest was the guarantee of religious instruction or observance. The schools were also pervaded by a Catholic ethos, especially initially at secondary level since most of the small number of existing Catholic schools were run by religious orders. But the whole new structure of opportunity in which the schools were about to take part contained an unavoidable undermining of distinctiveness. Except in religious education itself, absolutely none of the structure of curriculum or of examinations was coloured by religion. Pupils in Catholic secondary schools followed the same syllabus and sat the same examinations as those in any other school. Since a great deal of autonomy still lay with individual schools, there was, no doubt, some difference of emphasis, but what is noticeable about school-inspection reports in the 1920s and 1930s is how similar the inspectors' comments were on Catholic and non-denominational courses (Paterson, 2004, 2011).

Indeed, a measure of the sheer success of the new Catholic secondary sector was the extent to which it enabled its pupils to take part in the same kind of educational experiences, and to be judged by the same universal criteria, as pupils in the majority schools. By the 1930s, the proportion of candidates for the Leaving Certificate who were in Catholic schools was close to the proportion of all pupils who were in these schools (Paterson, 2004: 64-5). By the 1950s, the ways in which Catholic schools translated intelligence, gender and social class into examination attainment and into opportunity after leaving school was the same as in the other schools (Paterson et al, 2015). By the 1980s, all the Catholic public schools had become fully comprehensive, a reform that was particularly beneficial to Catholic children because, in the 1950s, a higher proportion of Catholic than of non-denominational secondary schools provided only three years of secondary schooling (McPherson and Willms, 1986; Paterson, 2000). By the end of the century, therefore, the rates of social mobility among the Catholic population were indistinguishable from that in the rest of the population (Paterson and Iannelli, 2006). That was success for Catholics, but we might say also that it was not a Catholic success: it was success judged by secular criteria.

The third line of defence for the church were the teachers. The statutory requirement that teachers be acceptable to the church remains to this day, and now often seems to be the only distinctive feature of the Catholic schools. The church was aware from the beginning that it was not enough to rely on its teachers' having been socialised at home or in church into Catholic ways of life. So, for many decades after 1918, in order to become a teacher in a Catholic school it was necessary to follow special courses in Catholic faith and principles, and pass an examination in these. That was fairly easy for the church to enforce on its most captive student audience – young women in the Catholic teacher-training centres, with no prior university degree, who were preparing to be primary teachers. But for secondary schools, the Act's insistence that teachers have the same specialist qualifications as any other teacher forced the church into less satisfactory ways of trying to ensure adequate faith and principles, for example by requiring that students preparing in a post-graduate course to be a teacher take the religious course in parallel (Fitzpatrick, 1986: 69-77). That proved awkward and unpopular, and was dropped in 1960.

The problem for the church ultimately lay in the absence of any denominational universities in Scotland. The only higher-education institutions that have ever been denominational have been the training colleges, taken over by the state in 1920-2 but thereafter still managed by the church (Cruikshank, 1970: 138, 162; Fitzpatrick, 1986: 175). Thus even teachers who were raised as Catholics had acquired most of their relevant education outside a Catholic milieu. Even in the training colleges, the criteria (again except in relation to religion itself) were set by the Scottish Education Department and thus were the same as for the other colleges. So as Scottish society in general became more secular – pushed on its way by increasing amounts of education – the teachers themselves, who had been the intended bulwark against secular erosion, became instead its main channel.

A further problem then also arose from a combination of loss of faith and the sheer success of the schools in opening up different professional careers to Catholic graduates of university. In the 1930s, there were already some minor problems in finding enough Catholic secondary teachers, and so church approval had to be essentially an ethical matter rather than a religious one (Treble, 1978: 128). That problem has steadily become larger. In the mid-1970s, about 24% of teachers in Catholic secondary schools were not Catholic (Darragh, 1978: 215; Payne and Ford, 1977: 95). This had risen to 28% in a survey of 1996 (Paterson, 1998³). Once again, the requirement of expertise in schools that have an essentially secular purpose has come to over-ride religion. The humanity of the church in accepting this cannot but be admired from without, but, to the adherent, the loss of religious character in the schools might indeed tend to confirm Bishop Graham's fears in 1918, noted earlier, that surrendering the schools to the state would lead to their being lost to the community.

Conclusions

The Act has set the general direction of Scottish school education for a century, and still does. The framework which it established of including all stages and types of schooling as part of a common system had not been expressed in policy for three centuries, and, in its ecumenical liberalism, it prepared the ground also for a much more secular age. The Act was the first clear articulation in policy of the idea that educational opportunity ought not to be constrained by pupils' economic circumstances. An

aspiration is not an achievement, of course, and economic inequality has not gone away; no education policy could ever, on its own, make that happen. But the Act established a principle, or, perhaps better put, modernised an older Scottish aspiration. The principle became secondary education for all, and then comprehensive education for all, and then a common course for all. The modernised principle, in the words of the most radical of the Advisory Councils, reporting in 1947, was thus that these common educational experiences were ‘the natural way for a democracy to order the post-primary schooling of a given area’ (SED, 1947: 36).

It is in that wider context that the Act’s important achievement for Catholic schools ought to be seen. The bargain that was struck between church and state was, at the time, quite remarkable. The church trusted a secular state that had a strongly Presbyterian heritage. The state trusted the church to work constructively in the common cause of using education to enable Catholics to become full citizens. So successful has this partnership been that the specific need for Catholic schools is sometimes questioned, largely on the implicit grounds that this part of the Act has achieved the inclusion that was its goal. In an era of parental choice and religious pluralism, there seems little political chance that the schools will disappear. But the Act laid down no basis for any more thorough separation of religious schools from the mainstream than the partial autonomy that has been the source of their striking success. That the church accepted a circumscribed religious character, even if irreducible, was itself one of the most significant steps in its becoming a core institution of Scottish civil society.

In the end, though, what really matters about the Act is not what it achieved but what it facilitated. It created opportunities, not only of a structural kind but also for teachers and those who plan the curriculum to help to shape a new kind of Scotland. The secondary courses of which the Act enabled the extension became the core education of the Scottish professional middle class, and then, in the final quarter of the century, the core for everyone. These courses were themselves a modernising of another tradition – that the Scottish way of doing education was broad and general, with philosophy at its core; but the place of philosophy was taken here by the humanistic study of great literature, summed up by the official guidelines for teaching English literature in 1952: ‘the main aim ... is not so much the imparting of information as the inculcation of a liberal culture’ (SED, 1952: 24; see also Paterson, 2015).

The liberal context established by the Act thus enabled teachers and policy makers to offer the pupils studies that were enriching and lasting. The 1947 Advisory Council advocated common schooling on the grounds that ‘the good school is to be assessed not by any tale of examination successes, however impressive, but by the extent to which it has filled the years of youth with security, graciousness and ordered freedom’ (SED, 1947: 10). The balancing of an orderly framework with liberty has been Scotland’s characteristically cautious kind of reform. The 1918 Act’s coherence, generosity of spirit, and trust left a model of how great legislation can set people free.

Endnotes

¹ References are to sections of the Education (Scotland) Act, 1918, as printed with commentary by Strong (1919).

² Calculated as ‘historic standard of living’ from the ‘measuring worth’ website of the Economic History Association (2017).

³ The survey is described by Paterson (1998), but this statistic has not previously been reported. Respondents were asked ‘do you regard yourself as belonging to any particular religion?’, and offered a list showing the main Christian denominations and other religions in Scotland. They were also asked ‘about the school or college in which you mainly teach’ the question: ‘is it a Roman Catholic school?’. Of the 74 respondents who reported teaching in a Catholic school, 72% said they were Catholics.

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