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## **Framing New Zealand's funding of religious schools**

By Max Wallace

*Do not use their language. Their language picks out a frame – and it won't be the frame you want ... Framing is about getting language that fits your worldview. It is not just language. The ideas are primary – and the language carries those ideas, evokes those ideas. – George Lakoff*



George Lakoff is a professor of cognitive science and linguistics at the University of California. In his best-seller, *Don't Think Of An Elephant!* he demonstrates how the art of 'framing' – posing an argument in seemingly impartial terms, such as 'tax relief' – is often a method for advancing a political cause by stealth. The cause can be for the left or the right.

In western societies today the language of the conservative right is effective in blindsiding citizens. By 'blindsiding' I mean the obverse of what Lakoff is driving at: making certain ideas unthinkable by never referring to them, hence the phrase 'don't give them oxygen'; it is a way of posing an argument in terms that no one in their right mind would question.

When I was a philosophy student at the University of Auckland so many years ago, I happened to get into a lift with a sometimes iconoclastic lecturer in that department, Mr Bernard Pflaum. Out of interest he decided to enrol in the law school and became – simultaneously and I guess part-time - a student himself.

He gave up on it. When I asked why he shook his head and said ‘casuistry’. This squared with what he did, at another time, when I asked him, in his office, as a naive undergraduate, what he was really on about. He waved to a picture on the wall of his office: Jesus casting out the money-changers out of the temple.

Philosophy as we know is a very demanding subject. Mr Pflaum found the law school wanting. Dictionaries define ‘casuistry’ in its negative sense as ‘specious or excessively subtle reasoning intended to rationalise or mislead.’ That’s what he meant. His well-honed mind couldn’t cop what often amounts to hypocrisy. In sociology this is known as the public face as opposed to the private reality, the latter being the way things really work.

Nevertheless, as barrister Dr Jocelyne Scutt has said, the law is a tool we can use to seek ever-elusive justice. In so far as that is true, and in so far as certain kinds of law reform can have consequences for those that control the power-money-status systems of law, politics and religion, it behoves the latter to ‘frame’ law textbooks in ways that structure a subject in ways that often precludes critical, or even, other, perspectives.

In this situation, students are unwittingly duped if they are not mindful of a basic philosophical principle: prejudices are more often found by contrast than by analysis. By comparing two different bodies of literature we see what they include and exclude. It is the old ‘compare and contrast’ question, but so easily forgotten.

Bury yourself in the legal textbooks of human rights and pretty soon you will find they have been authored by the same sorts of people who author the weighty tomes of black-letter law. They are beautifully written, well argued, apparently fairly, to the finest legal point. The problem is, the result is much the same as in other areas of law: defence of power-money-status in most of its aspects. It’s hard to see that without broadening your reading to other perspectives.

A New Zealand example. Churches are tax-exempt by virtue of the ancient category of religion as a form of charity. This was initially formalised in the 1601 Statute of Charitable Uses, during the reign of Elizabeth I. Partly as a consequence, the major churches in New Zealand today, as elsewhere, are very wealthy. The Anglicans and Catholics are billionaires, the rest are merely rich.[1]

Despite this wealth, New Zealand continues to fund religious, mainly Catholic schools. In a 2007 talk freely available on the internet, Professor Paul Rishworth, formerly Dean of the Faculty of Law at the University of Auckland, who, as a barrister, recently represented the Anglican Church in a case against a gay Anglican wanting to become a minister of religion,[2] said that New Zealand decided to fund Catholic schools because a

funding crisis placed the continuation of those schools in peril. The state enacted a law that allowed schools to integrate and receive public funding. This facilitated the continuing desire of Catholic parents to have their children educated in a Catholic environment – the schools were allowed to retain

their 'special character'. But note this was done in an equal way: the Private Schools Conditional Integration Act was neutral as between religions and other philosophical beliefs.[3]

This is a perfect example of the framing technique detailed by Lakoff cited above. It frames history to justify a predetermined position.

Firstly, Professor Rishworth fails to mention that the idea that children of Catholic parents should only be educated in Catholic schools goes back to a Papal Encyclical of 1864. Briefly, the Pope saw the newly emerging secular education systems of the 19<sup>th</sup> Century as a threat to Catholic indoctrination. The view was that religious and secular education could not be separated and the church should go its own way free from the contamination of the secular state.[4 ]

In faraway New Zealand the Pope's encyclical was ignored in 1883 when Bishop Moran unsuccessfully stood for parliament on the state aid [public funding of religious schools] platform. Much later in 1956 a petition to parliament requested 'justice' for private schools and Catholics were urged to vote for candidates who would be sympathetic.[5]

It only occurred to critics of state aid that if the Pope insisted on Catholic education for children of Catholic parents that maybe the Vatican should put its money where its mouth was and fund it. For their part, Catholic advocates of state aid came up with a new argument: ignoring the fact that churches are tax-exempt they argued Catholics were taxpayers too, so why shouldn't their taxes go to the funding of Catholic schools?

Critics were swift to point out that (1) the state provided free education for all children (2) the Catholic Church had turned its back and gone its own way with its own system of schools for decades (3) it was a bit rich to be crying poor now and if aid was granted there would be less for public schools (4) it was divisive to separate children on the grounds of their religion.

There is a longer, even murkier story here involving a Catholic lobby group,[6] but the likely motivation, I suggest, for the eventual 1975 legislation facilitating the funding for Catholic and other private schools was, again, the perception of the electoral advantage of mainly Catholic votes.

As Associate-Professor Dakin pointed out, just prior to the 1969 election, then Opposition Leader, Norman Kirk, offered to pay half of Catholic teachers' salaries if Labour won the election. Dakin remarked this move was seen as 'a desperate ploy to outbid the National Party'.[7] If this bidding war meant compromising New Zealand's secular education system, so be it. Labour lost the 1969 election but won in 1972.

When the 1975 election rolled around the state aid issue was still in play and Labour was facing a confident and acerbic Opposition Leader, Robert Muldoon. But the charismatic Norman Kirk, Prime Minister from

1972, had died of a heart attack, aged 51, on 21 August 1974. Kirk's replacement, Bill Rowling, was likeable, but ineffectual. They were staring at defeat.

The Private Schools Conditional Integration Act was passed at a late night session of parliament at the very end of the parliamentary term. It passed 40 votes to 26 on 7 October 1975. A third reading of the bill was held on 10 October and it received Royal Assent that very day, which was the last sitting day of the parliament. Why the rush? The election was to be held on 25 November 1975.

Second, why should the secular state 'facilitate' the 'special character' of Catholic schools so that Catholic parents could have their children 'educated in a Catholic environment'? The Catholic home and their many churches were not enough?

When Professor Rishworth characterises this total breach of the principle of separation of church and state,[8] and a total breach of the secular nature of the Education Act, as 'equal' and 'neutral' it is framing. The Private Schools Integration Act 1975 served to privilege those who claimed to be victims, in this case, the tax-exempt Catholic Church. Their schools could have been integrated into the public system, minus the religious instruction, and life would have gone on.

The very likely point of the exercise was political, to save a failing Labour Government, caught at a moment of weakness. Was it just a coincidence the same thing happened in Australia around the same time? It was reported recently that a Catholic Labor activist helped persuade Australian Opposition Leader Gough Whitlam to roll over and promise to fund Catholic schools in order to enhance his chances of winning the 1975 election, which he did, narrowly.[9]

A triumphal reading of this New Zealand history is caught in a Catholic writer's provocatively titled paper 'Unmaking New Zealand's State Secular Education System', predicated, again, on a total lack of appreciation of the principle of constitutional separation of church and state.[10]

It is instructive that Professor Rishworth defends private, religious school funding, using religious criteria, ignoring their current wealth.

The churches fight to keep the 19<sup>th</sup> Century Nelson system of religious instruction in public schools and attempt to place as many religious chaplains in schools as possible. With their flock declining inexorably at every Census, churches are doing everything they can to retain and get further access to children's minds.[11] Just why adults' attempts to indoctrinate children is not considered an abuse of children's human rights is something that conservatives are loathe to consider.

A truly secular, impartial state would see religious instruction taken out of public schools altogether, taking the view that children should be allowed to ask questions about religion in their own good time. It would also reconsider the constitutionality of the funding of religious schools.

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## Notes

1. M. Wallace & R. Nola, 'Asset rich churches should pay fair tax', *New Zealand Herald*, 8 August 2013. When asked about their wealth in 2008 before the Charities Commission was fully able to put their wealth reporting requirement into practice, the Anglican and Catholic churches would not respond. S. Blundell, 'The God Dividend', *The Listener*, 2 February 2008.
2. B. Manning, 'Church should be free from state interference', *New Zealand Herald*, 9 May 2013. While the Anglican Church was opposing a would-be gay priest in the Human Rights Tribunal in May, the parliament was preparing to approve gay marriage, which occurred on 19 August 2013.
3. P. Rishworth, 'New Zealand Diversity Forum on Religion and Schools', *www.hrc.co.nz*, 14 September, 2007.
4. The Pope castigated those who would 'approve the system of educating youth unconnected with Catholic faith and the power of the Church', T.H. Smeaton, *Education in South Australia from 1836 to 1927*, Adelaide, 1927, pp99-102 cited by A.G. Austin, *Australian Education 1788-1900*, Pitman Press, Melbourne, 1961, pp201ff.
5. C. McGeorge & I. Snook, *Church, State and New Zealand Education*, Price Milburn, Wellington, 1981, pp. 10 & 17.
6. Ibid, pp 47-9.
7. J. Dakin, 'Undermining New Zealand's State Secular Education System' in M. Wallace (Ed) *Realising Secularism: Australia and New Zealand*, ANZSA, Melbourne, 2010, p. 117. See also J. Dakin *The Secular Trend in New Zealand*, NZARH, Auckland, 2007.
8. For a recent discussion of church and state in New Zealand see M. & M. Wallace, 'Finding separation of church and state for New Zealand', *On Line Opinion*, 30 September, 2013.
9. B. Johns & P. Rolfe, 'Labor stalwart helped secure Catholic vote', Obituary, *Sydney Morning Herald*, 21 July 2011.
10. R. Sweetman, 'Unmaking New Zealand's State Secular Education System' in J. Stenhouse (Ed) *The Future of Christianity*, ATF Press, Adelaide, 2004.
11. M. Petersen, 'The Future of Christianity in New Zealand: What Is Happening with the Children?' in *The Future of Christianity*, *ibid*.

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