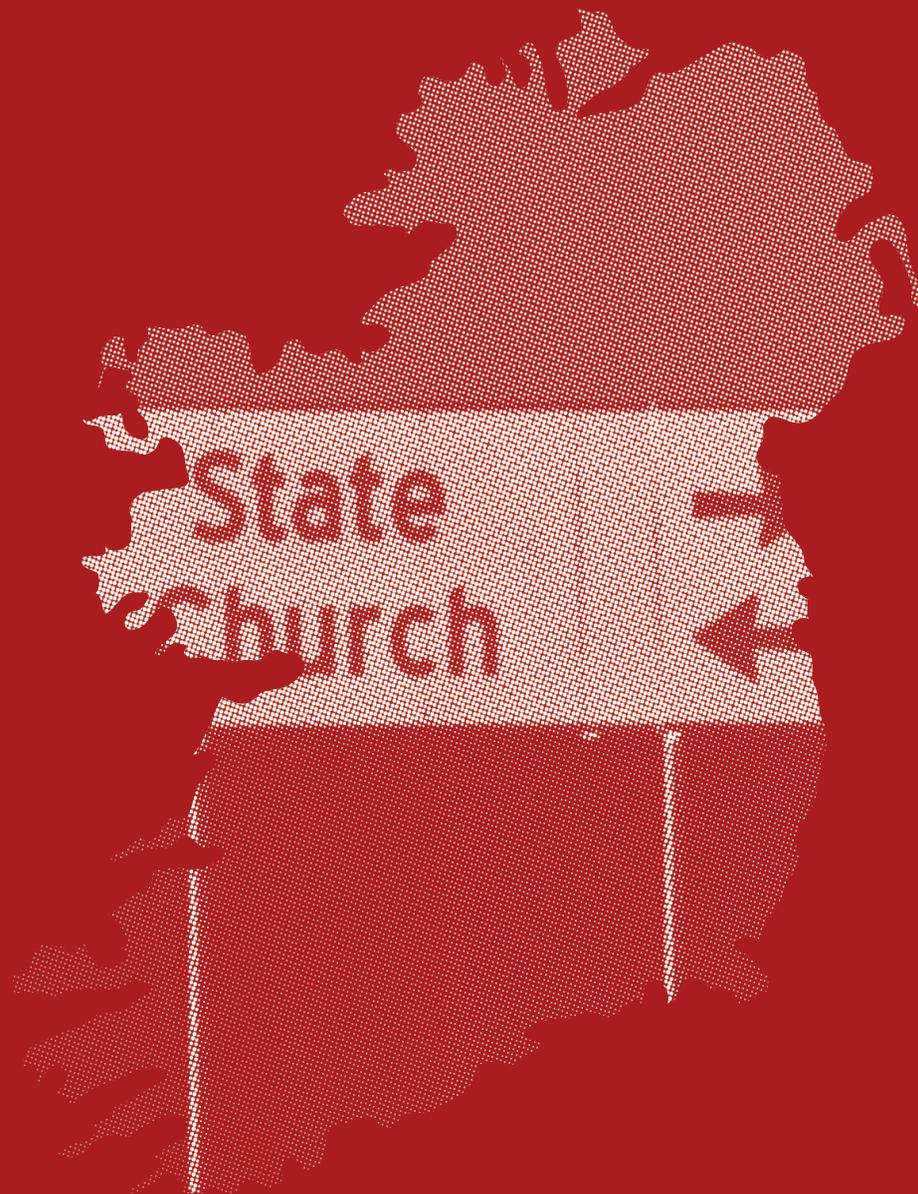


# The Future is Secular

The path towards state-owned public services in Ireland



**THE WORKERS' PARTY**



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*The Workers' Party is publishing a series of documents on critical issues facing Irish society. This paper forms part of that work and should be construed in the overarching context of Workers' Party policy.*

# 1. Introduction: Towards a modern republic

## **Secularism and the modern state in Europe**

In the 19<sup>th</sup> and 20<sup>th</sup> centuries, most countries in Western Europe went through a drastic transformation in which, with the expansion of universal suffrage and democratically elected governments, the locus of power shifted, sometimes suddenly, sometimes gradually, from the dominant church to the state.

To varying degrees, this was accompanied by a transfer in the provision of public services such as education and healthcare, previously the church's domain, to the state, an end to taxation of citizens by established churches, and, significantly, a transfer of large amounts, if not all, of church land and assets to the state.

Most famously, during and after the French Revolution, the Catholic Church went from being the country's largest landowner, and the sole provider of education and healthcare in many areas of the country, to having its land nationalised and brought under state control, in its totality. In Italy, the unification process of 1870 was accompanied by a massive seizure of church land by the newly formed state.

It would be misleading to suggest that these processes were either straightforward or motivated by lofty principles about secularism. Often, they simply reflected the fact that the Catholic Church was a threatening opponent of those seeking to consolidate their own power in the state.

But few people would dispute the importance of such processes to the establishment of modern states as we know them – to the establishment of a state that is fully separated from the church and as such owns the assets required for it to be the main provider of public services.

And, indeed, few in Ireland would dispute that this remains a critical goal here in Ireland, if we are to take steps towards creating a new, progressive Ireland. Ireland's progress towards a better future cannot be held back simply because, during the period when other western democracies underwent radical processes of secularisation, we were ruled by doctrinaire Catholics who judged it right to embed the Church's power further within our state.

## **Without ownership, we have no power**

This paper sets out the major areas of the state where the Church continues to hold influence – primarily in education and healthcare – and the policy changes required for the state to take over provision of services in these areas.<sup>1</sup>

But we go further than this. We propose that, in order to bring about these policy changes, it is necessary for the state to take control of the assets that underlie the Church's influence in our public services.

In a democratic society, individuals must be guaranteed the freedom to pursue their own religious views, so long as these don't intrude on the rights of others.

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<sup>1</sup> This document focuses on the Catholic Church, which has always been the religion of the overwhelming majority of people living in Ireland. The phrase "the Church," is used as shorthand for the Catholic Church. Nonetheless, all the provisions outlined would necessarily apply to all religious organisations.

However, in Ireland, it has been the norm for the views of one set of believers – the Catholic Church - to direct the running of our state. This has meant that the Church has been granted special privileges for centuries that have allowed it to amass a significant portfolio of property and land, with the explicit quid-pro-quo that it provides services to the community in areas such as education and healthcare.

If we no longer accept the rationale that the Church is the legitimate provider of public services then it is necessary to regain control of those assets. Without owning the schools, hospitals, and lands that the Church uses to provide *its* services, it will be impossible for the state to finally establish a long overdue system of proper, universally-accessible public services of its own.

### **A secular republic, not another corporate takeover**

We live in an era when it is commonplace for our political and economic elites to propose that public services be privatised. Handing responsibility for housing those on low incomes over to private landlords has effectively privatised public housing. Dozens of public bus routes have been ‘tendered out’ to private companies in 2017 and 2018. Waste collection services nationwide have been farmed out to a plethora of private companies, with disastrous results.

We shouldn’t fool ourselves. Even if the right-wing parties do attempt to remove our schools and hospitals from church hands, they will have no intention of stepping in to provide them themselves.

At worst, they will seek out corporate ‘partners’ to provide these services. At best, they might dole out schools and hospitals piecemeal to various charities and trusts.

Neither of these solutions is good enough. We should reject completely the idea that any public service be run in order to make profits for shareholders. And while charitable entities do not work for profit, they nonetheless are outside the realm of democratic control – they operate to their own standards and ethos.

Instead, the Workers’ Party view the policies set out below as achievable only through full public ownership, funding and control of public services. A true republic is defined by citizens’ ability to hold government democratically accountable. If the state washes its hands of the provision of basic services, it becomes impossible to hold them accountable for the provision of those services.

The pervasive influence of the Church in Ireland has impacted disproportionately on the poor and the working class. As socialists, the Workers’ Party believes that the demand for political rights must be combined with democracy in the economic sphere if those rights are to become meaningful. Democratic rights are important rights that must be fought for today but for working people these can only be fully realised in a socialist republic.

# 2. The policies we need

## I. A single, secular public education system

### *School ownership and control in Ireland in 2018*

The ownership and control of schools within Ireland's education system is complex and opaque. Both ownership (who holds title to the land and buildings), and patronage (who controls the Board of Management) have a bearing on the running of the schools.

At primary school level, 90% of schools fall under the patronage of the Catholic Church, a further 6% under the patronage of other religious denominations, and the balance by a variety of multi-denominational patrons including Educate Together. Religious ownership of schools elsewhere in Europe varies widely – from as high as 60% in the Netherlands to below 10% in Sweden – but nowhere is there the near-total ownership of the schools by religious authorities that one finds in Ireland.<sup>2</sup>

In the case of the bulk of primary schools – older, Catholic primary schools – the patron is also the owner. In the last 100 years, very few schools have been totally funded by the Catholic Church, but nonetheless they often are the sole owner. Even in the 1990s, the local patron only had to put up 10% of funding but still received full ownership of the school. Or, in some cases, a legal trust affiliated to the Church will retain ownership of land and buildings where a school is being divested to a different patron such as Educate Together.

At second level, a majority of schools, just over 50%, are privately-owned and managed by a religious body as voluntary schools. However, while the remainder of schools – comprehensive and community schools and colleges – are owned by the state, the majority of these schools retain a formal management role for religious bodies, though often in conjunction with a secular Vocational Educational Committee. There is some diversity in relation to comprehensives, some of which are state-owned and without a religious ethos.

At third level the church does not have a major or controlling role. Primary teacher education is the one exception to this rule. For over a century the churches maintained an iron grip on primary-teacher education through their ownership and control of the Colleges of Education. Mary Immaculate College Limerick continues to be run by the Mary Immaculate Foundation, with the college website stating that *"In performing its functions, An tÚdarás Rialaithe (The Governing Authority) shall . . . regulate its affairs to preserve, protect and support the College's denominational status."*<sup>3</sup>

Despite the incorporation of St Patrick's College of Education, Dublin, and the Mater Dei Institute of Education into Dublin City University (DCU), religious control of these institutions continues also. DCU's website states: *"Within the DCU Institute of Education, the MDCCCE seeks to ensure that teachers and other educators, graduating from DCU programmes, will have a deep appreciation of the Catholic understanding of the full development of the human person which informs every aspect of work in a Catholic setting"*.<sup>4</sup> The Church of Ireland College of Education was also incorporated into DCU in 2016.

<sup>2</sup> ACCEPT Pluralism Policy Briefing (2012) Faith in Schools in Europe

<sup>3</sup> <http://www.mic.ul.ie/presidentsoffice/Pages/ABRBio.aspx>

<sup>4</sup> <https://www.dcu.ie/materdei-centre-for-catholic-education/index.shtml>

### ***Current proposals for change***

Nominally, there has been commitment for some time to 'reforming' Ireland's education system, in order to cater for those who are not Catholic. The Forum on Patronage and Pluralism, established in 2011, committed to having 400 multi- or non-denominational schools in place by 2030. To date, only 10 schools have been divested from church patronage.

This has taken the shape of what might be called a 'choice-based' model of education, under which local area surveys are used to determine (a) whether parents want patronage to move from an existing patron (generally the Church) to another, or (b) what the patron of a new school should be.

The theory is that parents have the right to decide under which religion (or none) their children should be educated.

Practically speaking, a negligible number of existing schools have actually been divested to a different patron. Most change has come in new schools. However, in addition to this, there are significant problems with this approach:

#### **1. The 'choice-based' model ignores the fact that demographics change**

Changing school patronage is an unavoidably cumbersome process. If the demographics of an area shift from 45% of parents wanting a non-denominational school to 60% wanting a non-denominational school over the course of a generation, does this mean that patronage of schools will shift – and maybe shift back – accordingly? This system is wastefully bureaucratic, unhelpful to children and parents, and unpredictable.

#### **2. The 'choice-based' model pits parents against parents**

The current method for determining the patronage of a new school in an area is to advertise publicly that a new school will be established, and survey parents on which patron they prefer. This process involves patrons campaigning and soliciting 'votes' from the parents of prospective school-attenders. This exacerbates existing divisions within communities, and will inevitably cause frustrations amongst those whose preferred school option 'loses.'

#### **3. The 'choice-based' model segregates children**

Most importantly, by embracing the 'choice-based' model, our government is embedding the segregation of children into our education system. It is archaic in the extreme to suggest that a child whose parents are atheists should be educated in a separate building to a child whose parents are Muslim or Catholic. Neither is it appropriate to segregate children for one hour every day and put Catholic children in one classroom and others in another, for religious instruction.

In short, far from representing progress, the 'choice-based' model introduced by the last Fine Gael / Labour government, is a neoliberal capitalist solution to Ireland's education problems. It is based on a philosophy that groups of people with shared interests should compete against one another, with the strongest group emerging the victor. This is not an appropriate model for a progressive, secular republic.

### ***The Workers' Party's proposal: Take schools in receipt of state funding, in their entirety, into state ownership***

To base our education system on faith categories is to suggest that there are variants between religions that necessitate people being treated differently – taught different ideas about sexuality, about the world, about morality. In a Republic, our public services should

not distinguish between citizens based on faith, class, sex, ethnicity or any other criteria. This ideal is not achievable under a segregated education system.

In the medium-term, we are advocating:

1. The compulsory divestment of both patronage and ownership of all schools in receipt of state funding, to include compulsory acquisition of land and buildings where necessary.
2. The introduction of new, universal management guidelines for all primary schools, and also for all secondary schools.
3. The removal of religious instruction from both primary and secondary schools, with 'the study of religions' to remain as an optional subject at second-level.

In the shorter-term, the following reforms can improve the system as it stands:

1. Remove Sections 12.4 and 37.1 of the Equality Acts that permit schools and hospitals to discriminate on the grounds of religion.
2. Amend Section 15 of the 1998 Education Act to ensure that the curriculum in all schools is delivered in an objective and inclusive manner.
3. Reform the governance of State-funded Colleges of Education to remove the authority of religious bodies.

## II. Healthcare based on science, not religion

**"We pledge ourselves to reverence the dignity of human life at every level of its existence, believing that every person is made in the image of God."**

*Mission Statement*

*Temple Street Children's University Hospital*

The degree of influence of religion in Ireland's healthcare system is even more opaque than within the education system, as the Health Service Executive (HSE) does not explicitly distinguish between religious and secular healthcare providers, but between statutory (HSE-run) and voluntary.<sup>5</sup>

A large majority of voluntary hospitals have some religious involvement, but this is not immediately apparent in many cases. In some instances, they are not owned or governed outright by a religious body, but their governance codes provide for the permanent chairmanship or trusteeship of a local Archbishop or Archdeacon. Examples of such a structure include the National Maternity Hospital in its current form, Our Lady's Children's Hospital in Crumlin, the Rotunda, and St. John's Hospital in Limerick.<sup>6</sup>

Six acute voluntary hospitals are wholly owned by two religious orders, or companies and trusts entirely owned by those orders, the Sisters of Mercy and the Sisters of Charity.<sup>7</sup>

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<sup>5</sup> Beyond HSE-funded hospitals, discussed here, in Ireland, private hospitals receive numerous indirect supports from the state - the most obvious being tax breaks for those who purchase private health insurance. Therefore, even those wholly private religious hospitals, such as the Bons Secours hospital group, can be considered to be supported in some ways by the state.

<sup>6</sup> All information relating to funding of voluntary hospitals is taken from the HSE's 2017 Annual Report.

<sup>7</sup> Religious orders or organisations also receive significant funding for non-acute, general services, such as care for people with intellectual disabilities, and hospice services. In 2017, the most significant of these grant recipients were the Brothers of Charity Services Ireland (€189 million), the Daughters of Charity (€113 million), Daughters of Charity, €113 million, and St. John of God Hospitaller Services (€147 million).

**Over the past decade, these two orders' hospitals have received over €4 billion in public money for the management of their hospitals.**

The **Sisters of Mercy** control Cappagh National Orthopaedic Hospital (2017 HSE grant: €34 million), the Mater University Hospital (2017 HSE grant: €268 million), Mercy University Hospital Cork (2017 HSE grant: €82 million), and Temple Street Children's University Hospital (2017 HSE grant: €105 million). The order's medical companies therefore received HSE funding of just short of half a billion euro in 2017. This included €4 million of capital grants towards infrastructure which they would then own.

The hospitals are managed via the Mater Misericordiae and Children's University Hospitals Ltd., a company whose land and buildings were valued at €637 million at the end of 2015. Its constitution states that, in the case of the company being dissolved, the company's assets would be transferred to another branch of the Mercy Sisters order, to the Catholic Archbishop of Dublin, or, ultimately, to another company with an ethos consistent with the Catholic Church.

The **Sisters of Charity** manages its hospitals via the St. Vincent's Healthcare Group (SVHG). This group owns St. Vincent's University Hospital, Elm Park (HSE grant 2017: €256 million), and St. Michael's Hospital, Dún Laoghaire (HSE grant 2017: €27 million). In 2015, the SVHG had a net value of approximately €110 million and paid the Sisters of Charity congregation €1.2 million in rent and €1.1 million for the purchase of a leasehold.

The mission of the SVHG is to "bring the healing love of Christ" to the sick and poor "in keeping with the mission of the Catholic Church" and its constitution states that if the company is dissolved its property should be transferred to a charitable institution "having main objects similar to the main objects of" the SVHG.

Church control of health goes beyond the major voluntary hospitals. A broad range of psychiatric services, nursing homes for the elderly, and supports for those with disabilities are funded almost entirely by the HSE but controlled by the Church and its agencies. The largest player by far is the Order of Saint John of Gods. In 2016, St John of Gods received almost €139 million from the state which was over 87% of its total income of just under €159 million.<sup>8</sup> Another major player in the provision of HSE funded services is the Order of the Brothers of Charity.

### ***Does religious ownership in healthcare have any real impact?***

The state would argue that although religious orders own many of the country's major acute hospitals, this has little real impact on the healthcare provided. Since the HSE funds these hospitals in their entirety, under what is known as Section 38 agreements, it is possible for the HSE to attach clear conditions to funding and enforce universal standards. This was the argument of Minister for Health Simon Harris when it emerged in 2017 that the new National Maternity Hospital was to be owned by the Sisters of Charity's St. Vincent's Healthcare Group.<sup>9</sup>

This argument falls well short on closer examination.

First, it is clear that the ethos of religious, publicly funded hospitals has had significant impact on the healthcare they have provided and continue to provide. Historically, religious influence extended not just to hospitals owned by religious orders, but to national policy, most famously with the Church's resistance to Noel Browne's 1950 Mother & Child Scheme. More recently, in 2005, the Mater Hospital stopped patients from involvement in a particular

<sup>8</sup> <https://search.benefacts.ie/org/12cad92c-7121-42f6-aaff-eb79c65b5a15>

<sup>9</sup> Irish Times (3/5/2017) *Harris Reiterates Maternity Hospital Will be Independent*

lung cancer trial, because the trial required female patients to take contraception.<sup>10</sup> The issue was eventually 'resolved' through the pharmaceutical company trialling the drug confirming that abstinence on the part of the female patients would suffice. But ultimately, the hospital's 'ethos' was allowed to continue intact.

As medical advances in areas such as genetics and human fertility continue, the potential for conflict between best medical practice and the ethos of religious orders will grow. The orders have created clear legal protections guaranteeing the ethos of their hospitals. For example the constitution of the Mater's parent company states as one objective, "to ensure that there is a Code of Ethics in force in the Company and any of its subsidiary companies which reflects the ethos of the said Congregation."<sup>11</sup> Any attempts to alter this without taking ownership of the hospitals themselves will prove protracted at best.

Second, despite receiving close to a billion euro in state funding between them annually, it is at the discretion of their companies as to whether they choose to use their assets to expand public healthcare, or private, profit-making healthcare (both orders also own private hospitals).

As a relatively minor example of this, in 2007, six years after the Sisters of Mercy transferred ownership of St. Michael's Hospital in Dún Laoghaire to St. Vincent's Healthcare Group, the Sisters of Mercy proceeded to sell a one acre car-park adjoining the hospital to a private developer, for an estimated €25 million. This was in spite of SVHG having expressed an interest in building a new operating theatre on the site. Both orders healthcare companies act, by constitution, to defend their own financial interests in the first instance and retain full autonomy from the state to do this.

For the state to continue to invest its money in assets belonging to private companies who make independent financial management decisions simply makes no financial sense.

Finally, regardless of the day-to-day clinical management of the hospitals in question, no annual agreement can guarantee that a hospital will remain used in the future for the purpose it is used now.

For example, although the religious-owned companies referred to above set out that assets must continue to be used for the same charitable purpose, it is less clear that this must always be public (rather than private) healthcare. Safeguarding our public assets means looking 10, 15, 25 years down the line - will SVHG always believe it is in the best interests of its' private trust to provide any public healthcare at all? Will it be willing to forgo public funding, and provide private healthcare instead, in order to avoid providing procedures that it sees as contravening its Catholic ethos?

Were it to make that decision in the morning, the state would face the effective closure, without compensation, of a hospital it has funded to the tune of 2 billion euro over the past decade. This is an astoundingly poor management of public funds.

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<sup>10</sup> <https://www.independent.ie/irish-news/three-who-stopped-the-cancer-tests-25960150.html>

<sup>11</sup> Constitution (2001, amended 2014), *Mater Misericordiae University and Children's Hospitals*

## ***The Workers' Party Proposal: End Section 38, and take all publicly funded healthcare institutions into public ownership***

Unlike education, the process of divesting complex, multi-million euro hospitals, their staff and operation, to the HSE, will be an enormous undertaking. In addition, unlike in the education system, staff are employed by voluntary hospitals instead of being directly employed by the state.

It is recommended that the same process be undertaken with all voluntary hospitals, including those that are not religiously owned, in order to establish a single, public hospital service.

A process of divestment might proceed as follows

- The establishment of a universal policy on governance, ethics and ethos for all acute hospitals, in line with statutory hospitals.
- Tailored assessments for each voluntary hospital as to what changes will be required to meet this new universal governance and management code.
- The development of a transition plan for transferring all staff contracts from the voluntary organisation to the state, including standard terms and conditions.
- The publication by each hospital trust or company, of a comprehensive list of assets, buildings and land which have been used in the provision of publicly-funded healthcare over the past three decades.
- The development of a proposal for the acquisition by the State, by way of a Compulsory Purchase Order, of all such assets, buildings and land.

Following this preparatory work, the state should enter into negotiations with religious orders to carry out an orderly divestment of all publicly-funded acute hospitals (and, at a later date, all other Section 38 voluntary healthcare organisations). The present management companies should be given a reasonable timeframe to carry out the transition, after which time a legal CPO would be initiated to finalise it compulsorily.

## **III. A secular constitution**

*Bunreacht na hÉireann*, the Constitution of Ireland, was, in its current form, drafted by Éamonn de Valera's first government and adopted via a referendum in 1937. It was heavily influenced not just by the then-standard Catholic beliefs of those who drafted it, but by the direct input of a number of influential clergy, including soon-to-be Archbishop of Dublin John Charles McQuaid. Its religious content is therefore unsurprising. A referendum in 1973 removed a clause in the Constitution that explicitly recognised the 'special' place of the Catholic Church, but much content privileging a religious worldview remains.

It is also important to note that the backward nature of elements of the Constitution was understood and opposed by many at the time. The infamous clause about women's place in the home was vigorously opposed through a women's campaign led by trade unionist Louie Bennett. This isn't a matter, then, of needing a new Constitution because 'times have changed,' but rather needing a new Constitution because the 1937 document was actively opposed to the progressive development of society in Ireland at that time.

The Workers' Party favours a new Constitution. This would allow us to set out a positive foundation for a new Republic, as well as undoing the current Constitution's sexist and religious bias and its entrenched protection of private property over the public good.

However, in the context of right-wing government in Ireland, the Attorney General should be tasked with proposing a set of amendments to make the current constitution compatible with a secular state. This would include:

1. The amendment of Article 44 of the constitution, to remove the status given to 'God' and instead to enshrine the state's secular nature, the right to non-discrimination of all religions and none, and the separation of private worship from public services and institutions.
2. The amendment of Article 44 should include the amendment of article 44.4, to clarify that state funding should be directed only to public, secular schools, and the removal of article 44.5, which confers special property rights on religious bodies.
3. The replacement of Article 42 of the constitution, regarding education, with a constitutional right to access in a free, universal system of public education.
4. The removal of all reference to religious oaths for office-holders (President, judges, Council of State, Taoiseach etc.) from the constitution.
5. The removal of all references to religious authority, the Holy Trinity, etc. from the constitution as a whole.
6. The amendment of article 40.6.1 of the Constitution to remove the offence of blasphemy.

### 3. Taking ownership: the power to achieve the policies we need

Some years back, the Irish Times ran a historical review of how the Archbishop of Dublin built up his considerable land holdings:

*"[Archbishop of Dublin, Paul Cullen, in 1878], paid £8,260 for the 300-acre Marino estate owned by the Earls of Charlemont in Donnycarney. The ink was barely dry on the deal when he sold on all but 41 acres to the Christian Brothers for £6,000. The Brothers then sold their headquarters at Belvedere House, Drumcondra, to the Cardinal for £3000. . . None of this might have happened had not the Cardinal been left £80,000 in the will of Bridget O'Brien, whose family had made its fortune in the wholesale wool trade on Usher's Quay in the 19th century."*<sup>12</sup>

It serves as a reminder that the manner in which the church acquired land is remarkably similar to that of a wealthy corporation. The church's accumulation of its assets was done at a period when it had a scale of moral, corporate and political clout beyond any other actor.

This is how it must be treated - as a corporate, wealthy, private actor, whose iron grip on publicly funded assets must now be challenged. It is time to recognise that, without taking outright ownership of every school and hospital providing a public service, the state will never be in a position to ensure the provision of universal, secular public services.

#### **Why ownership matters**

Examining the trajectory of healthcare and education over the past number of decades, it is clear that a major, unaddressed factor hindering the state's ability to enhance secular service provision, has been the fact that it refuses to take ownership of schools and hospitals currently in religious ownership. This is what must be addressed for Ireland to make any meaningful progress towards being a secular republic.

In January 2017, Fine Gael altered government policy so that divestment would take place not just where an existing school was closing - something which had failed miserably to yield results - but through negotiation with an existing school patron/owner - the Catholic bishop in the area, in almost all cases.

In announcing the policy, Minister for Education Richard Bruton noted a number of 'lessons' from the failed divestment process. These included recognising 'The importance of working with the current landowner...' and recognising 'The value of a lease arrangement from the current landowner to the new patron, removing the need for complicated property transfer.'<sup>13</sup>

In effect, the new policy acknowledged the state no longer intended to remove any schools from the ownership of the Bishops.

In practice, the change in policy strengthened the hand of the Bishops considerably. The State demoted itself to a junior partner in a negotiation with a landowner, who would, ultimately, retain veto rights. The clear preference of Bishops in letting go of control of schools was for the Community National School (CNS) model, a model which would continue to provide religious education in the classroom, during the school day, segregating children while doing so.<sup>14</sup> However, now that the Community National Schools (CNSs) have announced their intention to phase out in-classroom faith formation, it is entirely likely that negotiations

<sup>12</sup> The Irish Times (April 22<sup>nd</sup> 2008) *An Irishman's Diary*

<sup>13</sup> <https://www.education.ie/en/Press-Events/Press-Releases/2017-Press-Releases/PR17-01-30.html>

<sup>14</sup> When the CNS model was first announced by government in 2007, it was welcomed by the Catholic Bishops, who noted its commitment to providing faith formation inside school hours. See [www.catholicbishops.ie/2007/12/13/bishops-announcement-state-model-community-national-school-phoenix-park-phibblestown-dublin/](http://www.catholicbishops.ie/2007/12/13/bishops-announcement-state-model-community-national-school-phoenix-park-phibblestown-dublin/)

with the Bishops around divestment of further schools will prove less fruitful.<sup>15</sup>

While the numbers of religious priests and nuns directly active in education and healthcare have declined, their orders have carefully ensured that a Catholic ethos would be retained into any future company governing their schools and hospitals. We have seen above how new trusts and companies established to manage the state's large religious and voluntary hospitals, have safeguarded against this ethos being watered down. And in the field of education, the Bishops obtained a clear commitment from the State that CNSs would carry out Catholic faith formation, during school hours, following any divestment.

The administrative guidelines which set out how charities and lands under the control of the Catholic Church can be used make this clear, saying: "There are certain activities which should not be permitted and these would include meetings of groups whose philosophy, ethos or politics are contrary to the teaching of the Catholic Church."<sup>16</sup>

### ***How much does the Church own?***

There are few precise estimations of how much land, property and capital the Church in Ireland controls - partly because ownership extends across the various Dioceses, religious orders, and numerous complex trusts and charities often established expressly to safeguard property and assets.

A 2011 investigation by a team of journalists in the Irish Examiner showed that, at its height, the Catholic Church in Ireland owned or occupied more than 10,700 properties across the country and controlled nearly 6,700 religious and educational sites in the country outside Dublin.<sup>17</sup> There were also 2,600 primary schools where the owner was not obvious. It found that, at one point, one in every 100 rateable properties in the state was linked to the Catholic Church.

To add to this complexity, the same 2011 study also revealed that religious orders have sold over €667 million worth of land in the last 10 years.<sup>18</sup> This is a concerning trend, in particular given much of this land may have benefitted from state investment via the provision of public services over many years.

In 2015, the Archdiocese of Dublin began producing detailed annual accounts sufficient to comply with new regulations introduced by the Charities' Regulator. The Catholic press heralded this as a new era of transparency and openness.<sup>19</sup> The accounts comprise two reports, the first detailing basic income in collections and expenditure on day-to-day parish activity, and the second detailing the Diocese's charitable activities.

Neither set of accounts give a picture of an affluent church. The day-to-day parish accounts show an income of approximately €53 million, and expenditure of just over €56 million, with €54 million of those spent on 'charitable activities,' primarily basic salaries, living costs and administration costs within parishes. The charitable trust's accounts show a considerable deficit, meanwhile.

If the Church is not cash rich, its assets show a different picture - but not one which is easily broken down. The Dublin Archdiocese's 2016 accounts list €120 million of fixed assets (land and buildings). This is likely a gross underestimation for a number of reasons.

<sup>15</sup> <https://www.rte.ie/news/education/2017/0922/906794-community-national-schools/>

<sup>16</sup> Dublin Archdiocese (2008) Administrative Regulations and Guidelines for Priests and Administrators, p.82

<sup>17</sup> Irish Examiner (Oct 26<sup>th</sup> 2011) Church's asset portfolio included 10,700 properties

<sup>18</sup> Irish Examiner (26/10/11) *Church's Portfolio Included 10,700 properties*

<sup>19</sup> Irish Catholic (11/05/17) *Archdiocesan accounts: opening up the numbers*

Firstly, the accounts themselves make reference to a planned audit of all land holdings, which as yet has not been published. The figure therefore refers to buildings only. The figure is also based on the acquisition value of the buildings, rather than current market value, were they ever sold.

Secondly, both sets of accounts refer to "The St Laurence O'Toole Diocesan Trust ... in which all diocesan and parish properties are nominally held." The overwhelming bulk of Diocesan assets - including schools, Mater Dei university, assets under Church charities such as Crosscare, and many other charities operating within the Diocese - are held within the Trust.

But the St. Laurence O'Toole accounts shed no light on the extent of the assets either. The financial accounts for 2017 list zero assets, and zero income and expenditure. This is explained in the Trust's description of its activity: "to act as a trustee for property and investments of every kind owned by or used in connection with the Roman Catholic Church in the Diocese of Dublin. It has no assets or income in its own right."

So, we are left in a situation where there exists a single, identifiable Trust, which is the sole beneficiary and decision-maker in relation to every, single asset "owned or used in connection with the Roman Catholic Church in the Diocese of Dublin," - and yet the actual listing of these assets is unavailable, because it has been devolved down to a plethora of orders, companies, charities and services - some of which publish public accounts, many of which don't.

The supposed decentralisation of the Church into such a plethora of sub-entities - parishes, school bodies, orders, hospital trusts etc., - has worsened the lack of transparency around asset ownership. As of 2011, the Catholic Communications Office said that parishes and dioceses were preparing registers of assets to meet industry standards.

What is required, however, is for the Catholic Church to provide a single list of its assets based on the same criteria as used by the St Laurence O'Toole Church - everything owned by or used in connection with the Roman Catholic Church.

### ***How can state ownership of public services be achieved?***

We have established clearly that, in order to provide universal public services, the state *must* own and control hospitals and schools, and any other institutions used to deliver those services.

Therefore, there is no option but to acquire these assets. We propose that this process should take place under three phases.

#### **Phase 1: Constitutional Change**

Much of what has been outlined above is, in our opinion, achievable under the current constitution. However, there are some exceptions, and inevitably those opposed to secularising public services will interpret the constitution in a way that is more favourable to them.

Constitutional change is in any case essential in and of itself in order to build a secular Ireland. Therefore, it makes sense to make this our first step and avoid constitutional challenges, even if they are not successful.

The particular constitutional changes are outlined earlier in this document. In particular, the amendment of article 44 would greatly improve our ability to compulsorily acquire state-funded schools.

## **Phase 2: The compulsory purchase of all privately held assets currently being used to provide basic public services in the area of healthcare or education**

This would include the following steps:

1. The establishment of an asset register of all land and buildings used to provide publicly funded healthcare or education, which are owned or controlled by any religious organisation or diocese.
2. In the case of each publicly-funded school or hospital, a report on how the institution was funded, including land acquisition, initial building, current expenditure and capital investment, over the lifetime of the asset.
3. Compulsory purchase of all land and buildings receiving more than 50% of their current annual funding from the state, for the provision of education or healthcare services.
4. Compensation for compulsory purchase orders should be determined based on the current land use zoning. Given their zoned use is non-commercial, this would be nominal.

## **Phase 3: the establishment of a long-term process to ensure any buildings or land donated by the state to The Catholic Church are used for the benefit of the general public**

Ireland was once a country dominated by the Catholic Church. This meant that, in many cases, the church received donations of land and buildings from the state.

Meanwhile, as of 2017, the church still owed the state €1.3 billion for money paid out in compensation for institutional abuse. It is entirely likely this figure will rise if further inquiries into institutional abuse are opened.

For these reasons, and in the interests of counterbalancing the historic privilege of the Catholic Church in Irish society, over time it will be justifiable to seek to bring more land owned by the church into public ownership.

Therefore, we recommend:

1. The establishment of an asset register of all land and buildings owned by any religious organisation, diocese or associated trust or company.
2. A declaration by every religious organisation, diocese or associated trust or company which maintains assets, as to all donations of buildings and land which it has received from the state (local or national) in the past 100 years, and an estimated value of these assets in current terms.
3. A call for proposals from the Church as to which lands they are willing to hand over for public use, and an assessment at that point by the state as to how to proceed in relation to remaining lands.

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