

# Catholic Schools: The Inclusion of Non-Catholic Students

J. Kent Donlevy

In this article, I examine the adequacy of a Catholic school district's written documents dealing with the inclusion of non-Catholic students. I first describe, in communitarian terms, the nature of a Catholic school community; then I use a contractarian analysis of the school district's written inclusionary policy to better understand its implications. The analysis illuminates several policy deficiencies for protecting the contractual and constitutional rights of both non-Catholic students and their parents. Suggestions are offered, pointing towards the creation of a new, meaningful inclusionary policy.

Keywords: Catholic education, religious education, inclusion, non-Catholic schools

Dans cet article, j'examine la pertinence des documents écrits d'une commission scolaire catholique au sujet de l'inclusion des élèves non catholiques. Je commence par décrire, en termes communitariens, la nature de la communauté que forme l'école catholique ; j'utilise ensuite une analyse contractualiste de la politique d'inclusion de la commission scolaire afin de mieux en comprendre les implications. L'analyse fait ressortir plusieurs lacunes de cette politique quant à la protection des droits contractuels et constitutionnels des élèves non catholiques et de leurs parents. Je formule des suggestions en vue d'une nouvelle politique inclusive digne de ce nom.

Mots clés : Éducation catholique, éducation religieuse, inclusion, élèves non catholiques

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In the certainty that the Spirit is at work in every person, the Catholic School offers itself to all, non-Christians included, with all its distinctive aims and means, acknowledging, preserving and promoting the spiritual and moral qualities, the social and cultural values, which characterize different civilizations. (Sacred Congregation For Catholic Education,<sup>1</sup> 1977, para. 85)

Vatican II<sup>2</sup> opened wide the doors of the Catholic Church not only to new ideas but also to inclusivity that carried with it the challenge of translating itself from the intellectual world of authoritative Church text to what Habermas (1971) called the *life-world* of the community. This translation would, according to the principle of subsidiarity, be in the hands of the laity but under the authority of the local bishops to ensure the "authentic Christian character of the Catholic school" (Sacred

Congregation, 1977, para. 70).

School boards translate the above text to their community through their inclusionary policies. The importance of this policy cannot be overstated because, when it is deficient in meeting the spirit of the text and balancing the overall purpose of Catholic education, unintended consequences can occur that go to the root of Catholicity within the school. Mulligan (1999) quoted an Ontario Catholic school chaplain who said, "It is extremely difficult, if not impossible, to maintain, let alone deepen, the Catholic character of the school with . . . a large [32%] non-Catholic population" (p. 182). The Ontario Catholic School Trustees Association (2000) identified what they believed to be one of the major issues facing Catholic education in: *Our Catholic Schools: A Report on Ontario's Catholic Schools & Their Future*, "many are worried about internal factors that could threaten our existence. . . . *Many wondered if the increasing number of non-Catholic students who are present in the secondary schools would change the tone of the schools*" (p. 17) [italics added]. Francis and Gibson (in press) added to the concern of the Ontario school trustees, asking a question about school ethos: "*the presence of non-Catholic pupils may . . . have a deleterious impact on the overall school ethos as reflected in the attitude toward Christianity of the student body as a whole*" (p. 18) [italics added].

In other words, the phenomenon of inclusion is significant for Catholic schools. Interestingly, the number of non-Catholic students who comprise a part of the approximately 750,000 students enrolled in Canadian Catholic schools is not known. Anecdotal evidence suggests that this number varies widely from district to district and from school to school within each district. Notwithstanding the number of non-Catholic students, school boards should arguably examine their inclusionary policies from differing perspectives to ensure that they are in accord with Church teaching and the practicalities of the social world within which their schools function. This matter is, then, current and topical to Catholic schools.

The question is, have Catholic schools adequately addressed the issue of inclusion, in a legal sense, as it deals with the inclusion of those who are not of the Catholic school faith community? In this article I have analyzed a Saskatchewan Catholic school district's inclusionary policy in communitarian and contractarian terms to answer this question.

#### COMMUNITARIANISM AND CATHOLIC SCHOOLS

Communitarianism is a theory of people in relation with each other, positing that society exists prior to the individual and that it creates the *social self*. Indeed, because society pre-exists the individual, it provides

continuity of the *life-world*, allowing individuals a place and time within which to function and exercise their capacities through interaction with others, resulting in interdependence. From this interdependence flow the “primordial sources of obligation and responsibility” (Selznick,<sup>3</sup> 1986, p. 5). To be sure, the *me* exists as a separate entity from the collective, but the other part of the person, the *I*, exists as the agent of “reflective morality” (p. 3). This presupposes that the *I* has a morality that learns from the community through interactions with others. It is this sense of morality, or of what is good, held as a community value, that distinguishes and indeed can transform a community from a mere association or grouping of individuals. The community defines the common good, the *authoritative horizon*, and seeks it. Communitarians believe that this “feeling of commitment to a common public philosophy . . . is a precondition to a free culture” (Kymlicka, 1990, pp. 122–123). Those in the community have a responsibility to defend the common values when under attack by others from within because failing to do so would result in the “debasement and decay” of the community’s values and ultimately the community itself (Dworkin, 1985, p. 230). In general, communitarians believe that the freedoms and rights enjoyed by individuals, which are not denied but are circumscribed by society, flow from the peace, order, and good government of the community, without which life is, as Hobbes (1651) has said, “nasty, brutish and short” (Chapter 13, p. 3). The enforcement of social values within the communitarian ideal is not physical force but rather persuasion and opprobrium. Such an approach is possible because interrelationships are the grist to action within society. To be an outcast is so restrictive to individuals that they will, theoretically, stop the offending behaviour (Etzioni, 1998, p. xii).

Communities, then, share common meanings and values within their language and actions. The legitimization of a community’s values rests not on consent but on what sociologists call the *implicated self*, an idea that postulates that “our deepest and most important obligations flow from identity and relatedness, rather than from consent” (Selznick, 1986, p. 7). Surely, relatedness entails duties to others; within this context the duty to respect the rights of others arises (Selznick, 1986, p. 11). Thus, unlike liberalism, which posits the primacy of autonomy and individual rights with few social restrictions — the thin social order — communitarianism states that a necessary precondition to freedom and rights is a society that possesses common values to justify many reasonable restrictions on the individual to protect those values: the thick social order. In other words, the real world is composed of interrelationships, which to function with any degree of consistency, require order and common values

as preconditions. These relationships justify social rules to promote cohesion and the survival of its communal values. Communitarians do not steam-roll over individuals nor seek to produce automatons to the collective will. Bellah (1998) stated,

A good community is one in which there is argument, even conflict, about the meaning of the shared values and goals, and certainly about how they will be actualized in everyday life. Community is not about silent consensus; it is a form of intelligent, reflective life, in which there is indeed consensus, but where the consensus can be challenged and changed — often gradually, sometimes radically — over time. (p. 16)

Beiner (1992) described the purpose of the communitarian society:

The central purpose of a society, understood as a moral community, is not the maximization of autonomy, or protection of the broadest scope for the design of self-elected plans of life, but the cultivation of virtue, interpreted as excellences, moral and intellectual. (p. 14)

Communitarianism is about individuals living in community where they maintain free will but where personage is formed through a common language, values, and concepts that in turn frame reality and cause them to relate to that world and the people in it with the values of the community. Any inclusionary policy must take cognizance of the school as a Catholic community.

#### THE CATHOLIC SCHOOL AS A COMMUNITY

The Catholic Church's view of its school community is very similar to the communitarian view of society. As with communitarians, the Church believes in the crucial importance of the experiences of past generations and their legacy of values (Vatican IIb, 1965, para. 5). Within the school, the systematic formation of students takes place, and, in that process, students experience the meaning and truth of their personal experiences (Sacred Congregation, 1977, para. 27). School becomes a place where values are crucial because they are derived from faith and where they "are communicated through the interpersonal and sincere relationships of its members and through both the individual and cooperative adherence to the outlook on life that permeates the school" (para. 32). Sharing the same vision, the same values, and thus the same educational norms within the school community makes the school Catholic (para. 3). The Catholic school, besides the ordinary pedagogical goals, transmits the values of faith and reason to its students. Clearly, because faith itself

requires continuous nourishment from the lives of those who live the faith, this can be done only in relationship and thus in a co-operative community (paras. 54, 62).

The Church stated in *Lay Catholics In Schools: Witnesses to Faith* (Sacred Congregation, 1982) that teachers in Catholic schools (para. 6) “bring to life in the students the *communitarian* dimension of the human person . . . [as] every human being is called to live in a community, as a social being, and as a member of the People of God” (para. 22) [italics added]. Within the school community, the norms and values of students in the faith are formed by those who teach and interact with them, including fellow students. This transmission of faith is in concert with the transmission of culture and knowledge as seen through the faith. Faith gives moral freedom that stands upon “those absolute values which alone give meaning and value to life” (Sacred Congregation, 1977, para. 30). The Catholic school is of the thick social order and, like communitarianism, “*Christian faith, in fact, is born and grows inside a community*” (Sacred Congregation, 1977, para. 30) [italics added].

The Catholic school seeks to produce students who have experienced the *implicated self* and, as Selznick (1986) noted, “The morality of the implicated self builds on the understanding that our deepest and most important obligations flow from identity and relatedness” (p. 7). Further, it is the *anchored rationality* of communitarianism, solidly fixed in *concrete reason* that is “in part, the funded experience of the political community” (Selznick, 1986, p. 14). The latter is comparable with the Church’s position that truth is not the result of consensus but rather a flow from “a consonance between intellect and objective reality” (para. 56). The sense of community within the Catholic school is, however, at risk. The Church has noted that Catholic education suffers from “pedagogical tiredness” (Congregation, 1997, para. 6) with an increasing number of its students lacking motivation, seemingly incapable of self-sacrifice, and, like some Catholic parents, seeing the Catholic school as being required to provide “quality instruction and training for employment” (Congregation, 1997, para. 6). In interpreting the Congregation’s text, some Catholic school communities have changed the sense of community. Gone is the common feeling of membership in a community, replaced by mere association with duty to the function. The Church offers a reaffirmation of the Catholic school’s ecclesial identity as an antidote to this spiritual malaise (Congregation, 1997, para. 11).

A clear connection exists between the communitarian idea of community and a Catholic school’s faith community. The communitarian view of a community is similar to what Foster (1982) calls a “community

of faith" (p. 54).

It is a people whose corporate as well as personal identities are to be found in their relationship to some significant past event. Their reason for being may be traced to that event. Their response to that event shapes their character, confirms their solidarity, and defines their identity. Their unity is expressed through their commitment to that event, and their destiny is revealed in the power of its possibilities. . . . [F]rom a Christian perspective, however, the formative power of an event takes place through the initiative of God. . . . The community takes shape through the accumulating responses of men and women to God's continuing action. (p. 54)

Foster suggested that a community of faith is experienced by its members in three ways: (a) through rituals and symbols connecting to the community's past that is acknowledged and shared (p. 56); (b) through bonding relationships with "institutional structures, customs, and kinship networks" (pp. 56–57) that guide through trust and mediate people in their relationships with others; and (c) through experiencing a spontaneous moment of egalitarian commonality with others, where "participants are not known to one another by their roles, jobs, or positions, but in the commonality of their submission to the power of the moment" (p. 58). In these spontaneous moments of community, members experience the spaciousness of time, the intimacy of the transcendent, and the transformation of the immediate (p. 58).

O'Neill (1979) characterized a faith community as existing "when people in a school share a certain intentionality, a certain pattern or complex of values, understandings, sentiments, hopes, and dreams that deeply condition everything that goes on, including the maths class, the athletic activities . . . everything" (p. 49). In the absence of a faith community Flynn (1979) suggested that "religious socialization" cannot exist (p. 5).

The Church's belief is that the crucial communitarian element of the Catholic school is a sense of belonging due to the common experience of history, belief, and purpose, experienced in the present. Flowing from that belief, the Catholic school has the task of transmitting to students, by various means, the specific norms, values, and beliefs of the Catholic Faith.

#### CONTRACTARIANISM AND INCLUSION

It may be argued that the proper approach by Catholic schools to inclusion is pastoral in nature. Alternatively, a normative approach may be used to deal with inclusion. Nevertheless, I have not used either of these approaches in this article, choosing rather a third approach for the analysis of the inclusionary documents of the Saskatchewan Catholic school district:

a Canadian law approach. This type of legal analysis is precisely what a Canadian court would require if a school were faced with inclusion as a legal issue, and it would judge issues under Canadian law as it views the institution's policies, pursuant to rules of fairness, and under the Church's own law. Given the litigious nature of some students in Catholic schools, for example the Marc Hall case (Globe and Mail, 2002) where a Catholic student sought successfully to take his gay boyfriend to a Catholic school's graduation dance, prudence and fairness demand that Catholic schools should examine potential issues involving students' rights. For these reasons I have used the third type of analysis in this article. The sample documents are from Saskatchewan, which has a constitutionally protected, publically funded Catholic school system. Yet many of the same contractarian issues arise elsewhere in Canada where students' rights are found in statute or by way of contract, or both.

#### *Contractarian Concepts*

Contractarianism is both a theory of political legitimacy and of the formation of ethical norms. Most contractarian theory posits a hypothetical state of nature wherein humankind finds personal reasons to enter into a societal arrangement by mutual agreement.

Rawls (1971) postulated the Original Position, a hypothetical state of nature in which individuals who, at their first negotiating meeting to form a new society, are ignorant of any benefits, power, education, wealth, or family status that they might have at that time: the Veil of Ignorance. Thus, each participant in the hypothetical first meeting acts reasonably to ensure that fairness or justice results. Once the parties have struck an agreement, it is legitimated in the eyes of the participants. Through the desire to benefit themselves, individuals consensually enter into the fundamental agreement that shapes their community.

All contractarians would agree that, to have a legitimate agreement, three elements must be present (Stanford Encyclopedia of Philosophy, n.d.). First, there must be pre-existing norms to ensure no coercion, force, or fraud in the formation and content of the contract occurs. These pre-existing, accepted norms assure that fairness will accompany the agreement and can be used to clarify and determine the terms of the agreement should ambiguity arise. Second, there must be scarcity in what is desired by the parties, such as material goods, social status, and political power. Given the Veil of Ignorance, bargaining power is equalized and all participants begin from a fair starting point wherein bargaining is possible. Third, all parties are assumed to be acting rationally because they have an interest

in a fair agreement and desire the benefit of the social interaction. Once the agreement is made, people obey the terms of agreement either because of Kantian duty or because, as with Rawls, the parties freely entered the agreement. In today's world, "contractarianism is not intended as an account of the historical origins of current social arrangements, but instead, as an answer to, or framework for answering, questions about legitimacy and political obligation" (Stanford, n.d.).

*Contractarianism and the Catholic School Board*

Five documents comprise St. Mary's Catholic Separate School District's<sup>4</sup> (pseudonym) inclusionary policy: its Philosophy of Education, its Mission Statement, the Open Boundaries statement, board policy, and a Declaration of Status form. My analysis of these documents indicates ambiguity and confusion in the district's inclusionary policy. I shall examine these documents using contractarian concepts within three categories: (a) pre-understandings; (b) consideration, terms, and conditions; and (c) compliance (or remedies on breach).

*Pre-understandings.* The board's Philosophy of Education statement reads, in part, "Catholic schools have a unique mandate to support families through shared beliefs and a common faith, combined with academic learning and skill development." It is silent respecting non-Catholic students and their parents. The board's Mission Statement reads, in part, "The purpose of St. Mary's Catholic Board of Education is to assist *parents* and the *local Church community* in the formation of students in heart, mind, body and spirit" [italics added]. The latter statement is clearly meant to refer to the Catholic community, but, by allowing non-Catholic students into the system, it could by implication refer to the non-Catholic parents' church community. This is a small point, which would be in contradiction to the philosophy statement that speaks of "a common faith," but relevant to show the lack of focus in the mission statement. In fact, to argue against this strange interpretation, but in favour of consistency between the philosophy and mission statement, would appear to mean that the mission statement does not refer to inclusion because it is not part of the school board's mission. If that is the case, then why is inclusion contained in other board policy documents?

The Open Boundaries statement reads, "Parents who are not of the Catholic faith may register their children in a Catholic school, with the understanding that their children will take part in the Religious Education program." This statement refers to parents who are non-Catholic but children who may be Catholic. This is, of course, not an impossible situation



in today's society with separated and divorced parents. A registering parent may be non-Catholic yet the child might be raised as a Catholic. Further, no definition or reference to a definition states what is required in the system's regular Catechetics courses, except for a short comment on the religious education program. Nor, crucially, does the statement define the words, "to take part." It is unreasonable to assume that non-Catholic parents would know what they are committing to before enrolling their children without some clarification of these matters.

The policy itself is strangely written because it refers to all parents within the system and is apparently to be signed by Catholic and non-Catholic parents alike if they have non-Catholic children.

Two inclusionary documents, the Declaration of Status and IDB policy, read:

#### DECLARATION OF STATUS

(To be completed prior to the admission of a Non-Catholic student to a Catholic School)  
Parents or Guardians of Non-Catholic children

I agree to have my child attend a Catholic School and to meet all the enrolment requirements including participation in the regular Catechetics courses.

#### IDB POLICY

Non-Catholic children whose parents or guardians reside in our city *will be permitted* to register providing:

- a) They meet the age and academic requirements for admission.
- b) Their parents or guardians complete the necessary documentation indicating that their children will participate in the formal religious instruction offered at the school.

These documents are silent respecting the non-Catholic parents' implied agreement to waive their children's rights under the *Charter of Rights and Freedoms* and *The Saskatchewan Human Rights Code* (Saskatchewan Human Rights). The *Charter* restricts students' rights under section 7 in so far as a Catholic school acts in accord with its religious goals. The *Human Rights Code* provides for the specific exclusion or suspension of certain rights due to the nature of Catholic education (Section 13, subsection 2). The obvious question is whether or not parents can waive their children's constitutional and statutory rights. Arguably, a parent cannot do so by agreeing to enroll the child in a Catholic school. Lastly, no statement tells non-Catholic parents that by provincial law they cannot run as a candidate for school trustee, nor can they vote in those elections. Some parents, however, may not know that they are giving up their own statutory and constitutional rights when they register their children in a Catholic school. Because enfranchisement is fundamental to Canadian democracy, disenfranchisement should be mentioned within the documents referring

to the registration of non-Catholic students if the parents are non-Catholic.

The above documentation is problematic because non-Catholic parents do not know exactly what the board's philosophy and mission are regarding their children. Further, the lack of information about the religious program and what *to take part* means does not lend itself to valid consent from the parents.

Lastly, the legal position with respect to student rights being waived by parents, Catholic or not, is seriously in question. Although this issue may appear moot with very young children, high school students may choose to live a lifestyle that is anathema to Church teachings.

*Consideration, Terms, and Conditions.* The consideration or *quid pro quo* between parties entering into a contract supports the bargain. What does each party agree to give to make the bargain?

Non-Catholic parents agree to three things: their children will attend school and participate in Catechetics courses, attend the celebration of the Mass, and attend religious liturgies. The commitment is restricted to the cognitive domain, where Catechetics is content oriented and participation is defined as mere attendance. Parents do not have to commit or agree about their own actions as they might reflect upon the school system or affect Catholic students interacting with the children of Catholic parents. Further, once enrolled in a Catholic school the children's parents have implicitly accepted the role of parents within the school, a role crucial within the Catholic system because parents are the first educators and the moral agents of their children. In this respect the Catholic Church demands that parents be made aware of their role in Catholic education and puts a duty on Catholic educators to inform the parents. It says, "The school is aware of this fact but, unfortunately, the same is not always true of the families themselves; it is the school's responsibility to give them this awareness" (Congregation, 1988). Non-Catholic parents are not exempt from this responsibility, at least insofar as their own faith is concerned.

The board's commitment, on the other hand, is multi-faceted. It must provide not only the elements of secular education but also those elements stated within the objectives of its Philosophy of Education and its Mission Statement. In contractual terms, the issue is, can the board meet its obligations to non-Catholic parents and students under the proposed agreement? Arguably it can, but not without some difficulty.

The Mission Statement may mean that the purpose of the board is, at least in part, "to assist non-Catholic parents and the local Church community." However, the mission is directed to the Catholic community, Catholic parents, and Catholic students, and is silent about non-Catholic parents and their children. Simply put, the mission of the board does not

include a commitment to non-Catholic students respecting their “formation of . . . heart, mind, body and spirit.” Yet the board has an obligation to make clear that its mission, or at least its meaning, is wider than stated because it must include non-Catholic students. Must? Yes. The Church is very clear in its treatment of non-Catholic students within the Catholic school both in its invitation and in the non-Catholic students' rights to freedom of conscience and religion within the school system (Vatican IIb, 1965, paras. 2, 9, 10, see also Vatican IIa, 1965, para. 2).

The board has a further obligation in Canon Law<sup>5</sup> (The Code of Canon Law, n.d.) to further the “closest cooperation between parents and teachers (Canon 796 sub. 2)” and to “raise the consciousness of the parents” to perform their spiritual task (Canon 799). Once this task is completed, “experience shows that parents who were once totally unaware of their role can be transformed into excellent partners” (Congregation, 1988, para. 43).

It is further arguable that the school board has an obligation to provide non-Catholic parents and students with a clear understanding that the Catholic Church does not accept that all churches are the same in their spiritual effect and the affect of their faith.

In this postmodern world it is not seen as politically correct or intellectually valid to claim any superiority to the truth. However, that is exactly the position taken by the Catholic Church in *Dominus Iesus* (Congregation, 2000a; Congregation, 2000b) and it should not be avoided by a lay Catholic Board of Education. The Church accepts and embraces ecumenism but it sees religious relativism as the greatest current threat to the Faith (Ratzinger, 1996).

In Catholic terms, “Catholic” necessarily means Christian but “Christian” does not necessarily mean Catholic. Non-Catholic parents and students should be told expressly, before entering the school system, that they are entering into an agreement with an institution that derives its identity and *raison d'être* from the Catholic Church and that it is not a Christian education but a Catholic education that forms the basis for the school's community.

A word or two must be said respecting the argument that contractarianism, when applied to Catholic education, implies sectarianism and parochialism, twin social evils used by some who argue against the continued existence of Catholic schools. Groome (1998) defined sectarianism as “a bigoted and intolerant exaltation of one's own group that absolutizes the true and the good of its members, encouraging prejudice against anyone who has [an] alternative identity — especially immediate neighbors” (p. 42). He stated that parochialism “reflects a

narrow-minded, self-sufficient, and insular mentality that closes up within itself, is intolerant to or oblivious of other perspectives, and conceited about its own" (p. 44). The position I have taken in this article is that a willingness to hear and understand other voices and perspectives, Christian and non-Christian alike, while espousing within an institution the theological singularity of one's own faith, are not incommensurable. Just as an "ethic of care" as proffered by Noddings (1995) is insufficient in itself to distinguish a school as Catholic, pluralistic Christian education is insufficient to ensure the Catholic school's uniqueness, nor to justify and legitimate its existence both within and without the Catholic community, and before the law.

St. Mary's school board seeks minimal consideration from non-Catholic parents and non-Catholic students for entering into the Catholic school system. Further, the terms and conditions of the agreement are either unstated or so vague that the validity of the agreement itself is in question because, prior to entering into an agreement, parties require clarification regarding the terms and conditions under which they will act during their relationship.

Contractarians who follow Rawls' (1971) thinking would argue successfully that fairness or justice is that which comes about due to a reasonable process. One cannot argue that an agreement is fair if the process is flawed by a lack of information, which goes to the root of informed consent on the part of non-Catholic parents. Fairness is also seen in the adjudication of contentious matters.

*Compliance (Remedies for Breach)*. Every agreement is subject to interpretation. In the normal course the parties live by the terms of their contract either from a Kantian sense of duty, or as suggested by Rawls (1971), because the parties, having freely entered into the agreement, feel it is fair and reasonable to live by its terms. When the terms are in question because of ambiguity or a refusal to abide by them for whatever reason, the question of remedies arises. Parties in breach who fail to comply face sanctions or the termination of the agreement, with a refusal by one party to provide the services or performance under the original contract. In the case of the school board, its remedies for breach by a student encompass not only the standard remedies available under the *Education Act, 1995* (Education Act), but specific remedies for denominational breach. These grounds are religiously based and one might ask how a non-Catholic student can be held liable for breaching the norms of a faith which he or she does not espouse.

Contractarians would respond that the student is indeed bound by the denominational definition of breach, and by denominational remedies,

even though the student did not sign the original contract. Rawls suggested that the concept of Reflective Equilibrium allows, in theory, that people in the Original Position contract for, and thus legally bind, all those who come after crystallization of the negotiated contractual terms and conditions (Brown, 1986, p. 75). Yet, because these late or subsequent additions to the society did not sign on the dotted line, how could this be so? The answer is that the individuals who enter the society, or who are born after the original terms are negotiated, are expected to see and agree with the reasonableness of the agreement made by those who are, in effect, trustees for those who come after crystallization of the contract. Because a reasonable person would have agreed to the conditions under which the original agreement was made, so too would their successors and thus the agreement's terms and conditions hold as binding on them. In terms of the non-Catholic student, the parents are, in effect, the trustees (those capable of entering into binding agreements on behalf of minors) of their children. Thus the student is bound to abide by the terms and conditions of the contract entered into by the parents. The contractarian might have difficulty with a parent acting as a moral agent for a student at the age of majority but not for a younger child.

The five board inclusionary documents of St. Mary's are silent with respect to what constitutes a denominational action or inaction by a non-Catholic student sufficient to cross the administrative threshold of action, excepting non-performance regarding "participation in the regular Catechetics courses" (Declaration of Status). The Church, however, is well aware that many adolescent students are at an age of personal instability (Congregation, 1988, paras. 10–13). Catholic schools could expect challenges to an agreement that students feel they did not personally enter into nor consent to after the fact. This is especially so with challenges in the area of morality, where the Catholic school must respond to protect the Catholic milieu of the school. Clearly, a student who is acting in flagrant disregard to the teachings of the Catholic Church, such as living in a common-law relationship, living a homosexual lifestyle, or practising occultism of any kind, will find himself or herself in direct conflict with the Catholic school administration when the school becomes aware of the activity. Many of these actions that have been guaranteed to the non-Catholic student are or can be seen as matters of personal conscience and thus solely a personal matter of the student. Of course, in a Catholic school the definition and purpose of the human conscience is quite different from the society at large.

John Paul II (1993) stated the Church's position on personal conscience in *Veritatis Splendor*: the "witness of God himself . . . whose voice and

judgment penetrate the depths of man's soul, calling him *fortiter et suaviter* to obedience" (para. 58). In other words, the person's conscience resides not within the solitude of the individual but rather calls the person to his or her personal interior temple wherein natural law exists and where God resides as counselor.

The totality of the inclusionary documents of St. Mary's school board are neither coherent nor integrated in dealing with inclusion. These documents need further examination and clarification to ensure fairness to non-Catholic parents and students and to provide Catholic school administrators with better guidelines to deal with non-Catholic parents and students.

#### A NEW POLICY OF INCLUSION

Terry (1993) suggested that thoughtful administrators ask, when facing a difficult question, "What is really going on?" (p. 77). He believed that real leadership looks to the intended effects of policies and not just their structure (p. 77). He offered his Action Wheel, a method of breaking conceptual paradigms, as an instrument of evaluating the question asked.

In the case of the inclusion of non-Catholic students, one would normally ask if the mission of the board was broad enough to deal with non-Catholic students and their parents in a fair and reasonable fashion. Counter-intuitively, the Action Wheel suggests that, rather than mission, the real issue facing the school board is meaning. Terry (1993) suggested that whereas mission directs, "meaning legitimates and orients missions. It provides the cultural justification of missions . . . it legitimates and orients missions . . . and provides the cultural justification" (pp. 84–85).

Thus, if a school board perceives the inclusionary issue to be of importance, it should look not to its mission but rather the meaning behind the mission, which is clearly to accommodate non-Catholic students within the Catholic school community, not just to give access to Catholic theology within an institution. This observation brings up the question of how this might be done. The answer to that question may very well lead to new policies that re-frame the meaning of the mission of St. Mary's Catholic schools. Certainly, it would raise the issue of the ecclesial identity of the Catholic school, an issue of great concern to the Catholic Church. The new policy should reflect the meaning of St. Mary's Catholic schools as a Catholic community in which specifically Catholicity is meant to flourish.

Although St. Mary's Catholic School Board has dealt with inclusion in a brief written fashion, it may be time to shed the old and develop a new

conscious appreciation of the policy in the light of changes to society and possible changes to the system since it was first written in 1982. An examination of the current inclusionary policy would be worthwhile to ensure that it does not marginalize any student or parent but rather that parents and students become part of and receive benefit from the spiritual richness that is the Catholic school community. How that is to be done is a worthwhile topic for policy makers.

Contractually, the Catholic school board's position on Catholic education should be transparent to non-Catholic students and parents, such that when they agree to sign a contractual agreement the latter is explicit with respect to the board's expectations of both the parents and students.

#### CONCLUSION

In this article I have described the communitarian nature of a Catholic school community and examined, in contractarian terms, the inclusionary policy of a Roman Catholic school district in Saskatchewan, to provide a window through which a new policy of inclusion might be seen. What is needed in facing the inclusionary issue is not a policy dealing solely with the cognitive domain of the non-Catholic student but rather a new view encompassing the non-Catholic parents and students within the Catholic school's faith community. In turn, I hope that by an examination of these issues, a board might clarify the meanings behind its mission statement and philosophy of education and strengthen its school's ecclesial identity.

#### NOTES

- 1 The Holy See has organized various departments of its administrative body, the Curia, to deal with different matters in the Church. These departments are called Congregations. The Congregation for the Doctrine of the Faith is the oldest of the Congregations, founded to promote and safeguard the doctrine on faith and morals. The Sacred Congregation for Catholic Education, renamed the Congregation for Catholic Education in Seminaries and Institutes of Study in 1988) deals with matters concerning Catholic education (Catholic Encyclopedia, *General Councils; The Roman Congregations*).
- 2 *Vatican II* is the name given to a Council of the Catholic Church. Councils are legally convened assemblies of ecclesiastical dignitaries and theological experts for the purpose of discussing and regulating matters of church doctrine and discipline. (Catholic Encyclopedia, *General Councils*).
- 3 P. Selznick's 1986 lecture, is available from Dr. J. Kent Donlevy, University of Calgary, Alberta.

- 4 The name of the school board from which the various inclusionary documents were taken has been changed in this article for reasons of privacy.
- 5 The *Code of Canon Law, 1983*, which may be viewed as the internal law of the Roman Catholic Church, deals with the rights and obligations of the laity, clergy, and religious institutions.

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