

# Unravelling 'Ethos' and Section 37 (1): The Experiences of LGBTQ Teachers

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## Executive Summary

Section 37 (1) of the Employment Equality Act allows religious institutions to differentiate in the recruitment of employees in order to maintain religious 'ethos'. It also facilitates legal action against an employee who is undermining the 'ethos' of a religious institution. Several factors have ensured that this piece of legislation is of particular concern for Lesbian, Gay, Bisexual, Transgender and Queer teachers in Ireland. Firstly, many religious teachings have traditionally marked LGBTQ sexualities as illegitimate. Secondly, the majority of Irish schools are under religious patronage — 96% of primary schools (91% Catholic) and 52% of second-level schools (48% Catholic). Thirdly, the nature of the teaching profession is such that a careful watchfulness of the professional/private divide is required by all teachers. This poses unique problems for LGBTQ teachers who struggle to find ways to be open about an identification other than heterosexuality. Finally, there have been several cases in recent years in the US where LGBTQ teachers have been dismissed from teaching positions on the grounds that they were undermining the 'ethos' of their school. The majority of these cases have come about because of entering into a marriage or civil union.

This document draws on data from an in-depth qualitative study with 15 LGBTQ teachers (7 primary and 8 second-level, 7 women and 8 men) entering into a civil partnership (CP) in Ireland and 6 activists involved in LGBTQ politics in Ireland. This document focuses on one key theme arising from this study: Section 37 (1) and the workings of religious 'ethos' in the everyday lives of LGBTQ teachers. All of the teachers in this study saw Section 37 (1) as oppressive because of how religious institutions have marked LGBTQ sexualities as illegitimate. They argued for its removal and the vast majority asserted that a secular education system was the progressive solution that was needed. However, the teachers' accounts also confirmed that the removal of Section 37 (1) alone or a secular education system will not ensure that the workings of religious 'ethos' will suddenly disappear. This document provides a nuanced picture of these teachers' personal religious attachments alongside the pervasive workings of religious 'ethos' in their schools. Despite negative, delegitimizing experiences of religiosity, the majority of teachers had religious attachments and many sought religious involvement in the celebration of their CPs in line with the cultural weight of religiosity in Ireland. However, in their dealings with school life, religious 'ethos' worked through overt and subtle means to reproduce fear and isolation in LGBTQ teachers and maintain schools as heterosexually privileged spaces.

This document argues that the removal of Section 37 (1) is a first step in dismantling some of the power of 'ethos'. However, it cautions that 'progressive' secular solutions ignore how religiosity continues to be part of the (hetero)normative fabric of Irish schools and society and thus continues to be a marker of legitimacy and illegitimacy.

## Introduction

### What is Section 37 (1) and what place is given to 'ethos' in Ireland?

The 'ethos' of a school is its 'distinctive range of values and beliefs, which define the philosophy or atmosphere of an organisation' (Darmody et al. 2012). 96% percent of primary schools and 52% percent of second-level schools in Ireland are under religious patronage (Coolahan et al. 2012). Article 44 (5) of the Irish constitution (Office of the Attorney General 1937) allows religious denominations the right to manage their 'own affairs' and so, the 'ethos' or philosophy of the majority of schools in Ireland is shaped by their denominational character.

Schools in Ireland cannot discriminate on the basis of gender, marital status, family status, age, disability, race, sexual orientation, religious beliefs and membership of the travelling community (Equal Status Act 2000, 2004). Under the Unfair Dismissals Act (1993), dismissals are not permitted on several grounds including sexual orientation. However, equality legislation simultaneously contains religious exemptions on the grounds of 'ethos'. Schools can differentiate in the admission of students and the recruitment of teachers on the basis of religious 'ethos'. Article 7 (c) of the Equal Status Acts includes an exemption that outlines how a faith-based school is not deemed to discriminate if it

admits persons of a particular religious denomination in preference to others or refuses to admit as a student a person who is not of that denomination, provided that the refusal is essential to maintain the ethos of the school (Equal Status Act 2000, 2004).

Section 37 (1) of the Employment Equality Act also contains a religious 'ethos' exemption. The organisation is not deemed as discriminatory if

(a) it gives more favourable treatment, on the religion ground, to an employee/prospective employee over that person where it is reasonable to do so in order to maintain the religious ethos of the institution, or (b) it takes action which is reasonably necessary to prevent an employee or a prospective employee from undermining the religious ethos of the institution (Employment Equality Act 1998, 2004).

Although it sits alongside equality legislation, the presence of Section 37 (1) ensures that the concept of religious 'ethos' governs the recruitment and dismissal of employees in many institutions in Ireland.

Section 37 (1) has not been tested in the courts in Ireland. However, one example of the reach of school 'ethos' in managing the behaviour of teachers can be observed in the case of Eileen Flynn (Flynn v. Power 1985). Eileen was a post-primary school teacher from Wexford. In 1982, she was dismissed from her post because she was an unmarried mother, living with the child's father, a separated man. According to the school authorities, her lifestyle 'ran contrary to Catholic mores' (Cunningham 2009, p.225). Her appeal against the dismissal failed, the court concluding that her lifestyle could damage the fostering of norms of behaviour and religious tenets of the school. Although taking place over 30 years ago, this case draws attention to the lack of clarity surrounding what constitutes the concept of 'ethos' in schools.

In recent years, there have been several efforts to reform Section 37 (1). A Bill, brought forward by Senator Averil Power, was published in February 2012. Following the Bill's defeat, another Bill was introduced by Ivana Bacik in 2013 and this included an explicit distinction between privately funded and publicly funded institutions. This Bill was recently put on hold at committee stage to allow for the reading of the Irish Human Rights and Equality Commission (IHREC) report on Section 37 (1) (Irish Human Rights and Equality Commission 2014). Following 60 submissions from various advocacy groups, the report recommended that employment equality law should allow for freedom of religion while ensuring that the protected grounds (of which sexual orientation is one) are unlawful grounds for discrimination.

### Why is Section 37 (1) an issue of concern for LGBTQ teachers?

Section 37 (1) applies to all types of religious run institutions. However, it particularly affects the Irish education system given that the majority of Irish schools are under religious patronage — 96% of primary schools (91% Catholic) and 52% of second-level schools (48% Catholic). Section 37 (1) does not only apply to LGBTQ people. It applies to those who are 'undermining the religious ethos of an institution' (Employment Equality Act 1998, 2004). However, several factors have ensured that this piece of legislation is of particular concern for LGBTQ teachers in Ireland. Firstly, many religious teachings have traditionally marked LGBTQ sexualities as illegitimate. Past Catholic Church teachings on homosexuality as 'morally disordered' (Ratzinger 1986) and recent reactions of religious groups to civil partnership and same-sex marriage alert to the ongoing conflicts between sexuality rights and religious freedom. When asked about

the application of Section 37 (1) to LGBTQ teachers, the Irish Bishops Committee emphasised that:

The law allows for a school to be mindful of its ethos in the employment of its staff. It is part of the responsibility of the board of management of the school to maintain the ethos of the school. Employees should not undermine the ethos of the school (Carbery 2010).

This vague and non-descript response is an indication of the ways in which ‘ethos’ has long been a barrier to LGBTQ sexualities and has been used as an ‘invisibility cloak’, silencing discussion around alternatives to heterosexuality in schools (Lodge 2013 p.18; Lodge et al. 2011).

Secondly, the nature of the teaching profession is such that a careful watchfulness of the professional/private divide is required by all teachers. This poses unique problems for LGBTQ teachers who struggle to find ways to be open about an identification other than heterosexuality (Neary 2013; Gowran 2004; Gray 2013). Thirdly, there have been several cases in the media whereby teachers in other contexts have been dismissed on religious ‘ethos’ grounds (The Guardian 2013b; Huffington Post 2012; Buzzfeed 2014; The Guardian 2013a). Many of these cases have arisen when LGBTQ teachers have entered into marriages or civil unions. The Civil Partnership and Certain Rights and Obligations of Cohabitants Act was signed into law in Ireland in 2010. This legislation provides many of the securities, rights and entitlements accorded by civil marriage. Many couples have chosen to enter into a Civil Partnership (CP) and primary and second-level teachers are among those who have done so.

## What is the purpose of this document?

Given the various factors outlined above, it is unsurprising that Section 37 (1) has caused a ‘chill factor’ for many LGBTQ teachers (Gay and Lesbian Equality Network 2012). This study used the lens of entering into a CP to provide in-depth insight into the everyday lives of LGBTQ primary and second-level teachers. This document focuses on one key theme arising from this study: Section 37 (1) and the workings of religious ‘ethos’ in the everyday lives of LGBTQ teachers. It is guided by the following questions:

1. What are these LGBTQ teachers’ relationships with religiosity?
2. How are these teachers’ everyday experiences of school life shaped in relation to Section 37 (1) and religious ‘ethos’?

It provides a nuanced picture of these teachers’ personal religious attachments alongside the pervasive workings of religious ‘ethos’ in their schools.

## Methodology

This document draws on in-depth, qualitative research conducted with 15 LGBTQ teachers while they planned or entered into a CP in Ireland. The strategies used to recruit teachers were formal and informal networks and advertisements. Seven women and eight men, seven primary school and eight second-level teachers took part [Table 1].

Pseudonym	Age	School Type	Religious (Dis)Identifications
Eimear	43	Catholic Primary	Had been in religious life. Now practising Catholicism professionally, not personally. Has faith and spiritual belief but no institutional affiliation.
Darina	56	Catholic Primary	Practising Catholic.
Simon	38	Educate Together Primary	Practising Church of Ireland.
Fergal	38	Educate Together Primary	Has faith and spiritual belief but no institutional affiliation.
Ronan	52	Catholic Primary	Identifies as Catholic but not practising.
Tom	35	Catholic Primary	Has Christian faith and spiritual belief but no institutional affiliation.
Steve	29	Educate Together Primary	Practising Catholic
Sarah	43	Education and Training Board (ETB) Second-level	Had been in religious life. Now practising Catholic.
Mary	59	Gaeilscoil Second-level	No religious faith mentioned.
Anna	46	Catholic Second-level	Practising Catholicism professionally, not personally. No religious faith mentioned.
Bev	54	Catholic Second-level	No religious faith mentioned.
Elaine	30	Education and Training Board (ETB) Second-level	Practising Catholic.
Conor	43	Community School Second-level	No religious faith mentioned.
Richard	51	Education and Training Board (ETB) Second-level	Had been in religious life. Now practising Quaker.
Eoghan	47	Community School Second-level	Had been in religious life. Identifies as Catholic but not practising.

[Table 1]  
Research Participants

They participated in initial in-depth interviews of approximately 90 minutes in length and wrote reflections about negotiating their everyday lives at school. Approximately a year later, I shared my written summaries of the interviews and reflections with each teacher and these narratives encouraged another layer of interpretation and reflection and, in part, shaped follow-up interviews of approximately 70 minutes in length. Interviews were also conducted with 6 key activists in LGBTQ politics as CP emerged in Ireland. Data analysis was qualitative and cyclical and three central meta-themes were constructed through a process of 'thinking with theory' (Jackson and Mazzei 2012).

# LGBTQ Teachers' Relationships with Religiosity

It is often assumed that LGBTQ people do not have religious attachments (Shannahan 2010). However, the teachers in this study demonstrated complex relationships with religiosity. The previous table [Table 1] illustrates the variety of à la carte relationships with religiosity amongst the teachers in this study. This aligns with Inglis's (2007) description of religiosity as heterogenous, detached from religious doctrine and operating more in terms of cultural mores, traditions and rituals in Ireland. This section illustrates how LGBTQ teachers are marked as illegitimate by religiosity yet many turn towards it for legitimacy and belonging in line with the cultural weight of religiosity in Ireland.

## Religious Illegitimacy

Many of the teachers' accounts are characterised by a potent sense of hurt, anger and loss in relation to the practices and teachings of the Catholic church around LGBTQ sexualities:

*I would be very angry about their teaching and I certainly think it contributed to the guilt and shame and unease... we were considered 'objectively morally disordered' that phrase stayed in my head...So it makes me... it made me very angry and it certainly contributed to a lot of my unease about who I am (Darina, Teacher, Catholic Primary).*

Eoghan described how the hypocrisy in relation to LGBTQ sexualities caused him to leave ministry:

*I would have a real issue with the Catholic Church on that... I think it's very hurtful, I think it's spiteful, I think it's quite uneducated and I think it's very riddled with hypocrisy, absolutely riddled with hypocrisy...from my own experience and obviously having been in ministry in (big city) and known of contemporaries and priests I mean, there's just a huge number of gay priests and a lot of them are not celibate gay priests and they are out there with boyfriends...The prevailing homophobia that is within the church...I think it is...there is an awful lot of hypocrisy there (Eoghan, Teacher, Community Second-level).*

Many teachers who now identified with religious institutions saw the tensions between their sexuality and religiosity but had developed their own individual approaches to their religious faith:

*I see myself as a liberal Christian and I see myself as being in conflict to that very conservative dogmatic Catholic attitude that exists in the school which I taught (Tom, Teacher, Catholic Primary).*

Some teachers continued to be acutely aware of how their participation in religious practices had the potential to overtly mark them as illegitimate at any moment. Sarah, who had been in religious life but has remained committed to a Catholic religious faith since she left, talked about her feelings of hurt and sadness associated with a memory of being at a Catholic Mass one weekend with her nieces and nephews:

*The kids were small. We were minding them for the weekend... Eve's brother wife and 5 kids were just seated in front, the seat behind her mum and dad...The priest started talking about "damage to the family" and how "the media, TV and homosexuality were damaging family life". I absolutely... I couldn't believe my reaction. I actually stood up ... took one child up in my arms and the other and they said "Where are we going Sarah?" and I said "That man is saying bad things about Sarah and Eve (partner)". And people around just looked. I said it loud — I didn't care...It was a spontaneous thing...and it wasn't done to be a public show, it was out of immense hurt' (Sarah, Teacher, ETB Second-level)*

These accounts confirm that LGBTQ teachers have complex emotional relationships with religiosity. Some have past experiences of belonging to a religious faith community. However, church teachings and various personal experiences have marked them as illegitimate. Their intense emotional reactions are a reminder that the business of religious faith and spirituality is a particularly complex one for LGBTQ people.

## Claiming Cultural Belonging and Legitimacy

The civil registration process for marriages and civil partnerships in Ireland necessitates that these ceremonies must take place in state-sanctioned, non-religious buildings and must not contain religious references. Because of their personal religious faith, some teachers expressed disappointment with the CP legislation because of this:



*Everything I know about weddings and marriage, it's always bound by God and everything in it is nearly blessed or preached about or whatever. There's that side of it... We haven't fully discussed what's going to be said and how it's going to be said [in our CP] but we've seen what happens in a civil ceremony and they're beautiful ceremonies but it is going to be probably a regret that I can't have God mentioned during the ceremony (Elaine, Teacher, Catholic Second-level).*

Several teachers found ways to include religious blessings either in a ceremony directly after the official CP or in a separate celebration on a different day:

*My aunt is a Catholic nun. She provided a blessing at the end after the civil ceremony... It (religion) is part of my definition I suppose as a person (Tom, Teacher, Catholic Primary)*

Heterosexual church weddings have significant normative weight and gravitas in the Irish context. Many of the teachers in this study claimed a cultural legitimacy amongst family and friends through the inclusion of religious involvement in their CP:

*I thought it gave it a kind of a legitimacy ... and also, I suppose, you have this thing in your head that you know people are going to be... well... a few people are going to be talking about it... especially, you know, if someone said "well there's a priest here —he said a blessing" do you know they'd say "WHAT"!* (Ronan, Teacher, Catholic Primary).

Ronan's motivations draw attention to how some teachers pointedly claimed a cultural legitimacy in the inclusion of religious involvement with an acute awareness of how it functions as part of a normative framework of sexual citizenship and legitimacy in Ireland.

And so, there were different motivations for religious involvement in CP celebrations. Some teachers sought to publicly acknowledge their personal faith while others sought acceptance from the institutions to which they were affiliated. Some teachers sought a certain kind of cultural legitimacy. Whatever the reason for religious involvement in their CPs, these teachers' approaches refute assumptions that LGBTQ people are secular beings. Their accounts also demonstrate how LGBTQ people are faced with unique tensions in that religiosity promises belonging and legitimacy while simultaneously marking them as illegitimate. Their accounts affirm that secularism has a Christian history and so it is not a simple case of categorising people or institutions into 'faith'

and 'no faith'. In Ireland, significant life moments such as birth, relationship commitment and death largely take place within religious frames. These teachers' accounts reiterate how religiosity works as part of the normative fabric of everyday life in Ireland and how it is these everyday cultural workings that subtly mark some people as illegitimate and others as an 'elite of whom they [the Catholic Church] consider to be perfect people' (Darina, Teacher, Catholic Primary).

The next section explores how these teachers negotiated religious 'ethos' and everyday life at school.

# LGBTQ Teachers' Experiences of Section 37 (1) and 'Ethos'

All of the teachers in this study saw Section 37 (1) and religious 'ethos' as a significant threat to LGBTQ teachers. This section explores some key ways that 'ethos' worked to maintain schools as spaces that privilege heterosexuality and reproduce heteronormativity<sup>1</sup>. This section outlines how, in the teachers' dealings with school life, religious 'ethos' worked through overt and subtle means to maintain schools as heterosexually privileged spaces. The following key aspects of the teachers' experiences are presented here: negative past experiences, watchfulness of visibility, temporary status, vulnerability of temporary teachers, uncertainty and confusion, protection and gratefulness, isolation and exclusion and reproducing assumptions.

## Negative Past Experiences

Many of the teachers' current negotiations of school life were, in part, shaped by past negative experiences of the difficult relationship between schools and LGBTQ sexualities. In the early stages of Ronan's (Teacher, Catholic Primary) teaching career, a colleague — who he believed was homophobic — was set to take over as principal. Ronan began to look for other jobs because he was fearful that Section 37 (1) could be used against him. When Bev was an early career teacher, her mother received several anonymous letters informing her of her daughter's relationship and saying that she was unsuitable to teach in the local school. Bev was 'freaked out' and 'deeply upset' and soon afterwards took a career break from school in an effort to invest in 'another qualification so that if I ever got fired...I would have a back-up career' (Bev, Teacher, Catholic Second-level). Bev explained how past fears live in the present and she is always conscious of the potential threat of Section 37 (1):

*I think **that** issue [the anonymous letters sent to the school] in the 80s can come back to me and I don't want **that** repeating or being any risk. Like, I don't want to be the guinea pig for the Employment Equality Act (Bev, Teacher, Catholic Second-level).*

These past negative experiences are embodied and thus, present as these teachers deal with their current lives at school. The exact extent to which these past experiences shape present thoughts, actions and decisions is, of course, uncertain. Nevertheless, it is clear that past negative experiences are part of the backdrop as LGBTQ teachers negotiate schools. These schools continue to be governed by the same 'ethos' exemption as was present in their early careers and are situated within a contemporary Irish society that continues to pivot on heteronormative cultural workings of religiosity.

## Watchfulness of Visibility

For those teachers currently employed in schools under religious patronage, making their sexuality visible created the risk of being interpreted as an act that was contrary to the 'ethos' of their school and therefore legitimate grounds for dismissal under Section 37 (1). Darina had been involved in the early development of the INTO LGBT Teachers' group and during this time she was acutely conscious of Section 37 (1):

*'I knew if I started the lesbian and gay teachers group, I could lose my job because it would be seen as contrary to the Catholic 'ethos' (Darina, Teacher, Catholic Primary).*

For several teachers, entering into a CP carried with it a watchfulness that they weren't being too visible and thus contrary to ethos of the school. Elaine highlighted how she only told certain very close colleagues about her upcoming CP because she was working in a Catholic school. She perceived that life was much easier for a heterosexual teacher with regard to talking about personal relationships:

*I suppose it's sad for me that she [a colleague] can announce to the whole staffroom that she's engaged whether she's friends with the people or not but I really can only depend on my friends to tell. I suppose it's sad that one member of staff can be totally acknowledged and I have to stay quiet and the reason I stay quiet is because I'm teaching in a Catholic environment, it's a Catholic school and because homosexuality is seen as not right by the Roman Catholic Church. I feel like I can't be seen to be living a sinful life...I still feel it's sad that I'm afraid to come out in the school but I still feel I'm safer to stay quiet and stay in the background than to openly talk about my lifestyle (Elaine, Teacher, Catholic Second-level).*

<sup>1</sup> Michael Warner (1993) first used the term 'heteronormativity' to denote how heterosexuality works pervasively as the ideal basis for all gender relations.

Despite feeling affirmed by support from colleagues in relation to her CP, Eimear still worried about news of her CP becoming public knowledge in the school community:

*'I don't want somebody writing to the bishop saying that there's an openly gay teacher teaching in this school' (Eimear, Teacher, Catholic Primary).*

Darina was conscious that heterosexual wedding traditions — such as a presentation of a gift, cake or flowers — would be an overt expression of sexuality that might be contrary to the Catholic 'ethos' of her school:

*I think the board of management would have said "Look, you have a teacher on the staff, she had a CP and she's here in a Catholic school. And she really is ...upfront about her CP.. which is contrary really to the catholic 'ethos' and what are we going to do about it as a board?" (Darina, Teacher, Catholic Primary).*

And so, it is clear that everyday decisions around visibility were shaped in relation Section 37 (1). These were fuelled by fears for job security but there is also evidence in the quotes above of a fear of the unknown illegitimacies that an overt expression of sexuality would bring.

## Vulnerability of Temporary Teachers

Some of the teachers' accounts indicated the subtle ways in which Section 37 (1), 'ethos' and the tensions with LGBTQ sexualities were manifest in the behaviours of school managers. These accounts highlighted the particular vulnerability of early career teachers who hold temporary teaching positions. Following accepting a new job in a Catholic primary school, Darina found out about the reference that her previous school principal (of another Catholic school) had given:

*The principal told me in confidence that when he rang my [previous] manager for a reference, the manager said: "oh she's great professionally etc etc no problem". And then he said: "it shouldn't make a difference but I have to tell you she's gay. That might make a difference to you". Now, the principal took me on, but I mean, I was really upset that that was still used... it was used like you mightn't want a gay person on staff (Darina, Teacher, Catholic Primary).*

This moment illustrates how Section 37 (1), because of its place in law, provides a legal frame for discussions between school managers about the sexuality of a teacher. In other words, an LGBTQ identification becomes worthy of note because of the powerful place given over to 'ethos'.

This moment also raises important questions about the myriad of subtle ways in which those LGBTQ teachers who do not have permanent positions in schools have an increased vulnerability in relation to school 'ethos'. This quote from the ASTI LGBT Teachers' Group convenor homes in on the realities of those tensions:

*He was gay and he was temporary. And I said to him 'God, I don't know if I would say anything about my sexual orientation until I get a permanent job'. Now, in a way, you could say that I'm colluding with a regime...and maybe I was mistaken, I don't know that I would do it now...this was 4 or 5 years ago...I think it is a big issue for our members because they feel that it gives statutory protection to an employer to treat them less favourably or to penalise them because of their sexual orientation. They're (managers of schools) too clever to have done it to a permanent member of staff (Convenor, ASTI LGBT Teachers' Group).*

Highlighted here is the potential power of employers in discriminating against LGBTQ teachers while remaining within the protection of the law. What is also powerfully alluded to here is how this situation is all the more destructive for early career teachers. Elaine had a temporary post in a secondary school under Catholic patronage but how she approached her personal life at school was primarily shaped by the fact that she didn't have job security:

*I was worried about wearing it [CP engagement ring] initially and then I felt, why shouldn't I? I deserve to wear it, it's mine and it's my life. And I suppose I'm taking a risk because I'm not a full-time permanent member of staff. I am taking a risk that they could ask me about it...If I was permanent, I probably wouldn't be afraid then that I'd lose my job...I suppose... if I was permanent, full-time I would not have hidden the fact that I was gay (Elaine, Teacher, Catholic Second-level).*

It is evident that the powerful presence of Section 37(1) in law provides a frame that legitimises discrimination. Moreover, the subtle workings of 'ethos' have a particularly potent consequence for LGBTQ teachers who do not have permanent teaching positions. The stakes of conformity are higher where the ultimate consequence of non-compliance is that there will be no teaching position the following year.

## Uncertainty and Confusion

The powerful presence of Section 37 (1) created uncertainty and confusion for many LGBTQ teachers. Anna (Principal, Catholic Second-level) described a constant awareness of a religious presence in her school. A religious colleague who was involved in the running of the school was a continuous reminder of the Catholic church in the school:

*'It [religious presence] is there, invisible the whole time. You know you just feel that sometimes you just kind of feel that she's watching' (Anna, Principal, Catholic Second-level).*

This 'presence' has ensured that she practiced Catholicism 'professionally but not personally' and resulted in her conforming to what she believes was required of her. But there was uncertainty about what conformity actually meant:

*I do the very best job I can possibly do.... and if I am toeing the line... if they turn round and say something to me about, sorry Miss \_\_\_\_\_ but you can't be in that position because.... well it's then, I would take them to task on it (Anna, Principal, Catholic Second-level).*

Of note here also is Anna's expectation of a problem in relation to her sexual identification. The uncertain and arbitrary nature of 'toeing the line' resulted in a constant expectancy of trouble.

Another example of the powerful uncertainty and vagueness that surrounds 'ethos' can be found in Bev's account of her decision around applying for entitlements associated with CP legislation. Bev didn't apply for CP/marital leave because she was under the incorrect impression that these statutory entitlements did not apply to her because she worked in a religious secondary school:

*But they couldn't ask the board of management for CP for five days for me...Section 37 (1)...I wouldn't get it anyway because I'm not recognised as an employee in that situation and it is illegal in that situation so therefore I'm not entitled to five days leave from the board who have not been informed of my sexuality. I've only informed the principal and deputy principal, not the board, so the board is the local canon, priest, parents, teachers so I couldn't apply to the board' (Bev, Teacher, Catholic Second-level).*

The uncertainty and confusion present in the accounts here affirm the idea that the power of 'ethos' works in many ways that not only maintain silences around alternatives to heterosexuality but also deprive LGBTQ teachers of statutory protections.

## Collegial Protection and Gratefulness

School 'ethos' also worked in subtle ways through collegial protection and gratefulness to conduct behaviour in specific ways. Conor's (Teacher, Community Second-level) school had been formed by an amalgamation of three schools — two which previously had had a religious 'ethos' and one that hadn't. To Conor, the school was a community school and he chose to be open about his relationship with his partner from the beginning. However, in the first few weeks of teaching there, a colleague asked him if he thought it wise to be open about his sexuality given the stated 'ethos' of the school was 'something along the lines of we're not.... we can't ... behave in a way that would bring the school into disrepute'. His colleague was suggesting that this 'could be kind of a code way of saying...basically, hide your sexuality'. In this case, the intention might have been to 'protect' Conor. However, this moment also draws attention to how the arbitrary nature of the concept of 'ethos' was such that relations with colleagues served as another layer of surveillance that maintained silences, however well intentioned.

When it came to celebrating her CP, Darina chose to be discreet about it at school. This was in part for her own benefit but she also demonstrated a gratefulness to her principal who had been protective of her in the past:

*I didn't want it [to mark CP at school] because I really was conscious that it's a Catholic school. If there was something like that made or done I might be putting the board in a situation....I was having it very quietly, because I was very very conscious of my principal who really facilitated me in every way possible. I didn't want to kind of land him or the Board of Management in the soup with the Catholic 'ethos', so I had a very quiet CP (Darina, Teacher, Catholic Primary).*

In Darina's case, the concept of 'ethos' worked in a subtle way through loyalty and gratefulness with the result that alternative expressions of sexuality were avoided and the school remained as a heteronormative space. The power dynamics involved in protectiveness and gratefulness demonstrate that religious 'ethos' works in more subtle ways than just a straight-forward fear of dismissal on the part of the LGBTQ teacher.

## Subtle Exclusion and Isolation

Many of the teachers in this study saw the power given over to religious 'ethos' in schools as a reminder of how religious teachings marked LGBTQ sexualities as illegitimate. Bev provided a description of how school actors and practices reproduced the 'conformist' function of the religious secondary school in which she worked. She noted how her school sends out overt messages to the school community through the kinds of activities it permits and promotes. The week after our conversation, the choir in her school was leaving the school in the middle of the day to sing at her colleague's wedding in the local church. She pointed out that she couldn't have had this support from the school at her CP even if she wanted it. Although her colleagues were supportive around her CP, Bev continued to be disappointed by how they didn't notice a conflict between their collegial support for her as a lesbian woman and friend and their allegiance to the Catholic Church with its position on LGBTQ sexualities:

*There's always a double layer really you know. There's always that shadow side no matter what and sometimes it's more open what is causing it. But other times it's just on that unconscious level that it's going on. For example, when the pope was elected, I was just fed up with...a few of the staff...were saying "oh wasn't it great, we've Pope Francis now"...and there am I, standing...but they've forgotten ... or just not aware that that affects me that he is conservative around gay marriage ... and he doesn't want it...and has spoken out against it strongly in Argentina where it's legal! And you know, that just pissed me off. Really, I'm just so tired of that. And that's going on for 30 years—the lack of awareness really. But I always feel there's no point even in trying [to interrupt it] because you're only going to be interpreted as being a nuisance or having an issue with somebody else's freedom to speak. That's how it'd be seen... [but] I'm one of those excluded. But they don't see that — they don't make those links but I do. And that's where that loneliness comes in then and that kind of isolation in your mind and your own heart. You carry that and you can't explain it you know (Bev, Teacher, Catholic Second-level).*

Although her colleagues employed the practices that they would normally apply for heterosexual weddings around Bev's CP, she continued to feel the weight of everyday actions and speech acts as markers of her exclusion. She embodies the 'loneliness' and 'isolation' of not belonging. Bev's account draws attention to how through a variety of means, the

connotations of Section 37 (1) and religious 'ethos' are such that LGBTQ people can feel fearful, isolated and excluded from and by the dominant normative practices of school life.

## Reproducing Assumptions

It wasn't only teachers who worked in schools under religious patronage who were acutely conscious of the workings of Section 37 (1) and religious 'ethos'. Many teachers had actively avoided teaching in schools with a religious 'ethos' because of assumptions about the practices, procedures and philosophies of these schools:

*The big statues in the hall and the pictures ... no nuns or anyone around anymore but ... just the whole kind of... Catholic 'ethos' dripping off the walls — it is oppressive. I would find that very hard to work in — the morning prayer business and all this kind of stuff...I think I'd be angry...and it's indoctrination, so, I think I'd be a very uncomfortable bedfellow in any of those schools (Richard, Teacher, ETB Second-level).*

Other teachers assumed that the presence of a religious person on a Board of Management was a threat to their career progression:

*At the end of the day, if you were a teacher who wanted to progress in a school or go to a different school and there's a priest on the board of management then that's a massive stumbling block (Steve, Educate Together Primary).*

The assumptions of several teachers in relation to religiosity and religious representatives in schools caused them to avoid having any dealings with schools under religious patronage. It is possible to see how such avoidance ensures that schools under religious patronage are reproduced as heterosexual environments. To put this in perspective, if every LGBTQ teacher sought to avoid teaching in religious schools, they would only be eligible to apply for posts in 48% of the second-level schools or 4% of the primary schools in Ireland.

There were other types of assumptions in relation to Educate Together schools or non-denominational second-level schools. Some teachers assumed that because of their non-denominational or multi-denominational status, they were somehow implicitly more inclusive of LGBTQ people. However, stories such as Steve's about his experience in an Educate Together School indicate the pervasiveness of religious 'ethos' across all school types:

*I made some really good friends there and one of them gave me the 'heads up' not to kind of come out to the principal even though it was an Educate Together school it was a bit old school. She came from a Catholic school for like thirty years. Her daughter, by all accounts, is a lesbian but she was not that happy with her daughter coming out... so I was kind of not warned, I was kind of told, 'listen if I were you I would keep things quiet' (Steve, Teacher, Educate Together Primary).*

Rasmussen (2010) reminds us that it cannot be assumed that secularism can be separated from religious prejudice. Nevertheless, given the teachers' descriptions of personal negative experiences related to religiosity and given the place of 'ethos' in law, their assumptions are unsurprising. Consequently, many were adamant that a turning away from religiosity and a move towards a secular education system would be a progressive step:

*'I think my feeling would be that all education should be state run... And it shouldn't be in the care or the custody of any particular church group at all... It should all be in the secular arena' (Richard, Teacher, ETB Second-level).*

However, one teacher didn't agree with a turn towards secularism as a progressive solution for education in Ireland:

*I just want to stay in a Catholic school. I feel I have never ever said in anything that I have left my faith. I haven't. So I feel I am as entitled as a normal Catholic person to be within the tradition I believe in...I just don't feel that if one is gay or lesbian therefore one should leave the Catholic Church or one should leave the Catholic school. I'm very happy teaching in that framework.*

Darina's quote draws attention to how in the rush to assume that secularism equals progressiveness, teachers' attachments to religiosity and the complexities of religiosity in Irish schools are ignored. A glorification of secularism also overlooks 'the very places where politics comes to matter most: at the deepest levels of the unconscious, in our bodies, through faith, and in relation to the emotions' (Pellegrini 2007, p.933).

Some teachers were reflexive about how their own assumptions could potentially make them complicit in reproducing silences:

*I would have been very nervous around the chaplain. And it's interesting with that speech and, you know, that's assumed prejudice because she's a chaplain and she's a Catholic chaplain she wouldn't accept me...like 'oh she's conservative one... you can't always blame others for not accepting you when you don't even know whether they do or not' (Bev, Teacher, Catholic Second-level).*

Following Bev's reflections, some key tensions within the teachers' accounts are evident when placed alongside one another. On one hand, many teachers told stories of nuns and priests being officially involved in their CP celebrations while on the other, many teachers perceived that religious iconography in schools equalled oppression and illegitimacy. On one hand, Catholicism works in an à la carte cultural manner (Inglis 2007) and so is a significant part of normative society in Ireland. On the other hand, many teachers assumed that religious 'ethos' was relevant to denominational schools only. In this light, we can see that the business of religious 'ethos' is far more complex than it first appears.

## Conclusion

It is clear from the accounts of the teachers in this study that Section 37 (1) poses a particular threat for LGBTQ teachers. All of the teachers in this study argued for its removal:

*'[Repealing] Section 37 (1) would bring security...It would give me some sense of security that I wouldn't be unemployed because I said I was gay (Elaine, Teacher, Catholic Second-level).*

For those teaching in schools under religious patronage, Section 37 (1) was a source of fear that fuelled an incessant watchfulness. Those who taught in other school types avoided teaching in Catholic schools partly because of the presence of Section 37 (1). The teachers' perspectives presented in this document emphasise how Section 37 (1) bestows a significant power upon the arbitrary concept of 'ethos'. Their accounts demonstrate how 'ethos' functions in subtle ways that mark as illegitimate those who do not conform to a particular ideal. The removal of Section 37 (1) is a first step in dismantling the delegitimising power of 'ethos'. However, dismissal is not the only fear of LGBTQ teachers. They fear a loss of reputation, not fitting in, isolation and exclusion. The removal of Section 37 (1) will decrease the legislative power of 'ethos'. However, the subtle but pervasive power of 'ethos' described by the teachers in this study will not just magically disappear. To what extent will 'ethos' continue to work — in the many ways that the teachers in this study described — to delegitimise those who do not conform to the heterosexual ideal? There will always be tensions when engaging with difference and it is necessary to ask difficult questions from the brink of these tensions. What kind of beliefs, attitudes and actions do religious institutions deem necessary to maintain religious 'ethos' and what are those that undermine religious 'ethos'? Are those teachers who identify as LGBTQ deemed to be undermining the religious 'ethos' of the institution because of their identification? To what extent is the state, through the public funding of religious schools, complicit in a system that marks some of its students, teachers and managers as acceptable while others are deemed illegitimate? This study demonstrates that LGBTQ teachers have complex relationships with religiosity and illustrates how religiosity works through (hetero)normative cultural means such as weddings. Quick-fix, secular solutions attempt to sidestep the tensions between religiosity and LGBTQ sexualities but instead further entrench silences around the complexities of LGBTQ teachers' lives.

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