

'JEW B'XEJN, JEW XEJN'



**THE CHURCH
SCHOOL
SAGA
(PART 1)**

In the first of a three-part feature, Gerald Fenech delves into the historical importance of church schools in Malta and the battle for their existence in the 1980s that led to the Catholic Church-State compromise



The massive demonstration in support of Church schools Dingli Street, Sliema, 1984

PRIVATE education has always been a contentious issue in Malta. In the eyes of some, it's a sector that has been viewed as elitist in its approach to education; a form of social segregation in the more extreme viewpoints. Up till the 1990s, the largest chunk of private education was provided by the Catholic Church, whose branches and religious orders practically dominated the sector on the islands. Inevitably this created friction between the Labour government that had been in power since 1971 after its battle with the Maltese Catholic church in the 1960s.

But it is surprising to note that this monumental tussle actually began in the early 1980s, well into Labour's third term of office, by which time questions about Labour's political legitimacy following the 1981 election had reached fever pitch.

BEGINNING OF A CONFLICT

The crux of the matter was centred (as almost always) on the issue of land and the income which the Church derived from it. Dom Mintoff's government argued that if the Church was receiving income from its considerable lands and property, then it could afford to fund its schools independently without having to rely on tuition fees. The government also halted state grants to church schools in an effort to make them financially unsustainable. In its electoral manifesto for the 1981 election, the Labour Party had promised free schools for everyone and in 1982 the government eventually issued a legal notice that froze all the church school fees at current levels, also making all donations part of the said fees.

Naturally, this brought about a strong reaction from the Church authorities, who insisted that without the occasional donations and contributions (apart from the basic school fees), most schools would have to cease operating, as the Church did not have any extra funds to spare for such expenses.

Another new directive which was introduced was the infamous '20-point system' where students who came from state schools were awarded extra points for their eventual entry into University – a system which put them in an advantageous position when compared to students from Church schools. The die was cast and the conflict was slowly but surely coming to a head.

DEVOLUTION OF CHURCH PROPERTY

In a White Paper published in 1983, the Labour government made its intentions quite clear. The paper contemplated the seizure of all land and property which had fallen into Church hands through prescription, so that the income derived from its sale or rent could be used for educational purposes. Additionally, the new law included oth-

er draconian measures, such as the freezing of compensation limits up to a maximum of Lm50,000 (€120,000) and the renouncing of the Church's right to receive property which fell into its hands as a result of prescription. Naturally the Church opposed such measures with Archbishop Joseph Mercieca heading a delegation to Rome to discuss the crisis.

After returning from Rome in July 1983, the Archbishop insisted that the government measures, were unacceptable and anti-Constitutional.

The Church also published its financial accounts for 1982, which showed a deficit of around Lm190,000, but these accounts did not include the value of all immovable property which was not held for ecclesiastical purposes, thus creating an anomalous situation. Negotiations dragged on through the whole of 1983 until April 1984, when government passed the relevant legal notices to the Education Act after a heated debate in Parliament. Basically these consisted in the issue of new licences to operate schools in accordance with government regulations and if these were broken, the schools would revert to government operation.

The Church said that it would be applying for these licences with reservations and without renouncing its legal rights under the law. In the meantime the Federation of Parent-Teachers Association asked all parents to sign a declaration that they would be paying the same fees to the schools which they paid the year before. Everything was moving towards a conflagration which saw brother pitted against sister, government against Church and parents against neighbours as political division and the seeds of envy and hatred began to rise to the surface.

THE TEACHER'S STRIKE - POLITICAL VIOLENCE - AGREEMENT

In the meantime, the Malta Union of Teachers had issued a directive to its members not to accept employment with the government if the church school at which they worked stopped operating. After a rally on the 19 September 1984, the government locked out the teachers who refused to sign a declaration that they would not be obeying union directives. On 30 September, the Archbishop issued orders for Church schools not to open due to the explosive situation with several teachers courageously risking harassment and damage to their own property by opening their doors to students to give lessons just the same. It was an act of great courage and moral force which has gone almost unnoticed over a quarter of a century.

Matters continued coming to a head in October 1984 when Prime Minister Karmenu Mifsud Bonnici (who took over from Mintoff after having been co-opted to Parliament in October 1992) addressed a group of dockyard



workers who then went on the rampage attacking the Law Courts and the Curia. In this, one of the blackest days of Malta's history, apologies were immediate as Mintoff personally called Archbishop Mercieca to express sympathy and excuse the worker's reactions although Mifsud Bonnici said that the mob had done much more than was expected of them 'ghamiltu aktar milli stennejna'. It looked as if everything was descending into the maelstrom but after a series of court cases presented by the Archbishop and the FPTA, an agreement was finally reached in November 1984, with both sides partially ceding some ground and the establishment of a Joint Commission on the administration of Church property. The agreement was officially signed in Rome on the 27 April 1985 between officials of the Santa Sede and the Maltese government. The agreement provided for a number of classes to be able to collect funds while payment for the secondary classes was phased out over a number of years.

In Part 2 of this feature: Recollections from those involved in the Church Schools dispute, the Church-State agreement of 1991 and further implications for private education in Malta with the introduction of independent schools on a larger scale.



Dom Mintoff



Karmenu Mifsud Bonnici



Archbishop Joseph Mercieca

DRAMATIS PERSONAE:

Foreign Minister (former PM) Dom Mintoff:

Although he officially retired as Prime Minister in 1984 – appointing the relatively unknown Karmenu Mifsud Bonnici to take his place – the leonine Dom Mintoff remained very much a force to be reckoned with in local politics: managing matters behind the scenes from his office in the House of the Four Winds. His final aim before resigning the post of Prime Minister was to bring about 'free education for all', as clearly espoused in the Labour Party's electoral 1981 manifesto.

Archbishop Joseph Mercieca:

A Gozitan from a winemaking family in Rabat, Mercieca was singled out for the sensitive position of Archbishop after a star studded career

in Rome's Sacra Ruota – the Vatican's diplomatic service. He acceded to the throne in 1976, coincidentally the year in which the Labour party won its second five-year term, and steered the Church through the challenging and dangerous times of the dispute with the State on property and education. Mercieca was viewed as a moderate compared to his predecessor, the fiery Mgr Mikiel Gonzi.

Minister of Education (and Prime Minister) Karmenu Mifsud Bonnici:

Stoic and determined, the lawyer from a prominent Nationalist family in Hamrun was for many years the legal consultant of the General Workers Union, and also a member of the Catholic Giunta in the 1960s. His blind deferral and complete faith in Mintoff led him to be perceived as weak and a sort of puppet, but his determina-

tion was not to be underestimated, especially in the dark days of the education crisis.

Others involved in the crisis:

Dr Harry Vassallo – Lawyer and Chairman of the Federation of Parents-Teachers' Association, he fronted the Constitutional case against the Government to keep Church schools private.

Pope John Paul II – Held meetings with Mintoff, Mercieca and the FPTA on the burgeoning crisis.

Charles Buttigieg – Editor of 'Il-Hajja' – Church financed newspaper now no longer active.

Eddie Fenech Adami – Opposition leader and subsequent Prime Minister who gave his full backing to the Church position.

John Bencini – Secretary-General of the Malta Union of Teachers, which called the 1984 teachers' strike.

TIMELINE

December 1981: The Labour Party wins the 1981 election with a majority of seats but a minority of votes. 'Free education for all' part of Labour's manifesto.

December 1982: Legal Notice freezing Church School fees at 1982 levels published

February 1983: The Holy See protests against the '20 points' awarded to state school students

June 1983: Publication of White Paper on Devolution of Church Property Acquired by Prescription

July 1983: Archbishop Joseph Mercieca returns from Rome after meetings with Holy See officials. Insists that Church will not cede to government's demands and will retain all legal rights

September 1983: Karmenu Mifsud Bonnici becomes Minister of Education. Curia publishes 1982 accounts, showing losses of Lm190,000, but does not take into account immovable properties not used for ecclesiastical purposes and their income.

October 1983: Church files case in Constitutional Court to declare Devolution Act null. In Dingli, Mifsud Bonnici declares that government was ready to 'take over Church schools if necessary'.

March 1984: Negotiations between government and Holy see cease

April 1984: Parliament amends Education Act after heated debate. New licences for schools include various conditions which Church finds 'unacceptable', declaring that it would be applying for licences 'with reservations' and without renouncing any of its legal rights.

19 September 1984: MUT orders strike in government schools. Teachers locked out with strike lasting for seven weeks. Teachers return to work to be transferred to other schools where 'angry parent's reactions' is cited as an excuse for transfers.

25 September 1984: Mifsud Bonnici addresses dockyard workers, who subsequently go on a rampage in Valletta, damaging the Law Courts and attacking the Curia in Floriana. Mintoff apologises to Archbishop while Mifsud Bonnici berates workers for excessive violence, adding that they did more than was expected of them: 'ghamiltu aktar milli stennejna'.

30 September 1984: Archbishop Mercieca orders all 64 Church schools not to open for the scholastic year. 'Clandestine lessons' begin

November 1984: Agreement finally reached between Holy See and government. Teachers' strike called off and Church schools re-open with immediate effect.

27 April 1985: Agreement signed in Rome between government and Holy See officials.