



01-405 7641 Extn

Prime Minister. <sup>Ⓢ</sup>

Few arguments. There are no  
new arguments here, but you  
may like F be aware of the  
continuing opposition to the "balance"  
amendment from the S.A. Gen and  
Parliamentary Counsel. MEX 25/6

ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

24 June 1986

The Rt Hon Kenneth Baker QC MP  
Secretary of State for Education  
and Science  
Elizabeth House  
York Way  
LONDON S E 1

MT

Dear Kenneth:

EDUCATION BILL : POLITICAL INDOCTRINATION

Parliamentary Counsel has written to me about  
Clause 39 of the Bill, which requires a balanced presenta-  
tion of opposing views whenever political issues are  
brought to the attention of pupils. I attach a copy of  
his letter and of Clause 39.

I agree with him that the Clause is fundamentally  
unsound. Three features of the Clause concern me:

- (a) It is not clear what the reference to "balance" in  
the phrase "a balanced presentation of opposing  
views" means, and whether it makes sense. I cannot  
believe that the Clause as drafted introduces a  
workable test.
- (b) Because the requirement for "balance" is mandatory,  
the Clause could give a legitimate foothold to  
extremist views. For example, if a teacher presents  
the argument that tolerance of racial minorities is  
a good thing, does he have to balance this with the  
views of the National Front and of black extremists,  
who are both opposed to toleration?
- (c) As Parliamentary Counsel points out, the Clause  
would oblige a teacher to present "opposing" views

/even



even when what has been brought to the attention of pupils is not a set of views but the mere existence of a political issue. It could therefore serve to introduce controversy where none exists at present.

These features make the Clause seriously defective.

Apart from its potential for aiding extremists and fostering controversy, the Clause would cause serious difficulties for teachers who try to observe its requirements and for judges who need to interpret it in court. The possibility must be faced that in practice large numbers of teachers would simply fail to have regard to it. The Clause attempts to regulate a sensitive subject: its defects can only be detrimental to public attitudes regarding the law.

I am deeply conscious of your political difficulties, but I must not conceal my views from you. It is not easy to see how the Clause can be improved by amendment; but I consider that the Government's own New Clause, which was prepared during the Bill's passage through the Lords and which spoke of political issues having to be "dealt with in a responsible manner" would at least be an improvement on Clause 39 as it stands. You will probably know that I expressed criticism of that New Clause to your predecessor in office in a letter of 19 May. Although that criticism still stands, I believe that if it is impossible for political reasons to remove Clause 39 from the Bill altogether it would at least mitigate the damage to seek to amend it in line with the New Clause. (copy attached).

I am copying this letter to the Prime Minister, the Lord President, the Lord Chancellor, the Lord Privy Seal,

/the



the Secretaries of State for Wales, Northern Ireland and  
Scotland, the Parliamentary Secretary, Treasury, and  
Sir Robert Armstrong.

*Sans ena,*  
*Edith*

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