

Private Schools and Other Alternatives: A Response to Magsino, Shapiro, and Miller

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In a recent special issue, 11(3), Magsino speaks to the issue of rights and fair treatment of private schools and their supporters, Shapiro addresses the issue of public funding of private schools in Ontario, and Miller focuses on the issue of religious alternative schools within a public school system. Each writer acknowledges the historical and constitutional questions related to education. Miller argues persuasively that the doctrine of separation of church and state has not had practical relevance in Canada. The degree of denominationalism or the presence of religious characteristics in the public schools of Canada may vary from province to province, but in no province is the separation of church and state in schools absolute. Magsino asserts that the power of the state has exceeded that of the church and points to New Brunswick and Manitoba, where the assumed right of Catholics to have their own separate schools as part of the provincial school systems was denied by law and also by the courts. For example, Manitoba's separate schools, established in 1871, were abolished by a school act of 1890.

The first issue concerns *religious schools*. In Ontario, Catholics have consistently held that they ought to have separate school privileges for all secondary as well as elementary school grades and that the intent of section 93 of the 1867 BNA Act has not been applied fully to them. However, the complexion of Canadian society has changed markedly since 1867, and it is no longer possible to divide all of the people neatly into two Christian groups, the Catholics and the Protestants. In view of this change and the Charter of Rights and Freedoms, which is more reflective of current society, Shapiro holds that the Constitution of 1867 ought not to hold us captive for all time and that, today, "on moral grounds, limiting public support to Roman Catholic schools seems indefensible" (1985, p. 48). However, if such extension of support is to be acceptable, then some measure of support ought to be made available to non-Catholic groups, be they religious or not, who may find that private schools can satisfy their wants in the same manner that separate schools do

for Catholics. The Ontario scene is bound to be watched carefully not only by private school supporters in that province but also by Catholic private school supporters in Manitoba. As Magsino indicates in a table comparing support for private schools in several provinces, Manitoba Catholic private schools receive very little public funding, and their supporters have indicated to their government that they are prepared to go to the courts unless public funding is increased to approach that available to public schools. The courts might be asked to consider whether the Manitoba School Act of 1890 ought to be found *ultra vires* and, if so, whether the Catholics of Manitoba would be entitled to the restoration of a system of separate schools.

Addressing a second but related issue, Magsino favors public financial support for *private schools* on the grounds of fair treatment. One might argue that if the right to choose a private school is to be realistic for all citizens, then the choice must also be affordable. Otherwise, freedom of choice, though available in theory, becomes an exclusive right of those who are able economically to take advantage of such freedom. West Germany, for example, has enshrined the right to private school attendance in its federal constitution, and no student may be denied that right. In practice, this means that private schools must be financed largely by the state – which indeed they are, to at least 90% of the equivalent cost of public schools. Unlike West Germany, where only about 10% of students attend private schools, approximately two-thirds do so in the Netherlands, where public and private schools receive equal public funding and where private schools are prohibited by law from levying additional fees which would draw additional revenue and result in unfair competition for the public schools.

Medicare makes health services available to all, but patients may choose their doctor and perhaps also their hospital. To a limited degree, legal aid makes services available to those who cannot afford a lawyer; yet some choice is possible with respect to who will be consulted. Traditionally in Canada, no choice was available to parents in the schooling of their children unless they wished to pay for the education provided by a private school. The school located in their residential area was the school their children would attend. Open attendance boundaries, more common now, allow a degree of choice among public schools provided the parent is willing to assume transportation costs. However, a full range of options is not possible for many parents unless the choice of a private school also becomes affordable.

The problem of public financing of private initiatives in education would be simpler if public financing were provided entirely at the provincial level rather than being based in part on property tax revenues

raised in individual school districts, for there could then be a single just and equitable division of revenues between public and separate schools and between these and private schools. This is not to suggest that private schools must be publicly financed on the same basis or to the same degree as public schools. However, if the principle of free choice is to obtain in the population at large, then it follows that private schools should receive substantial public funding and that such funding should not be far short of that available to the public (and separate) schools.

A third issue, addressed mainly by Shapiro and Miller, concerns *the mission of public school education* and the control of alternative private schools. Both writers emphasize the importance of a public school, free and open to all, in which an understanding of others might be promoted and in which a measure of social cohesion might be achieved. However, both concede that our current multicultural and multireligious society requires us to offer choices. As much as possible, both writers would prefer to see such choices provided within public school systems. Miller relates the Calgary experience in providing for religiously oriented schools under a public school board. These alternative school choices were terminated by a new board which did not favor religious public schools – a development which suggests that, unless such provisions are guaranteed by law, they are subject to the whim of the prevailing boards and no permanence can be assured. Private schools, therefore, remain the viable option. Miller concedes that historically the provision for separate schools (in Alberta) provided for both Catholic and Protestant needs. Though this still holds for most Catholics, it no longer does so for active members of various Protestant denominations who have become a minority in the non-Catholic sector. Furthermore, as Miller points out, if any special privileges are granted, they must rightfully be available to non-Christians and to those of non-religious persuasions. Currently, such choices are possible only through private schools established by particular groups.

Anderson (1918), a Saskatchewan inspector of schools, in his *The Education of the New-Canadian*, wrote of the “Canadianization of the foreigner,” which should begin with “a knowledge of the English language and the principles of Canadian Citizenship” and include assimilative forces “carefully and expeditiously set to work” (p. 238). This was to be accomplished in no small measure by the public school. For Anderson, French (or, for that matter, any other language than English) would not be part of the Canadian west. Anderson’s narrow views belong to another age – a “British” Canada populated by Europeans who would quickly assimilate and whose language would be English, one in which there would preferably be one monolithic public school system. With respect to

Manitoba, Anderson wrote that "bi-lingualism has been virtually abolished, and the non-English children of Manitoba are at last coming into their own" (p. 121). These non-English children included the French of Manitoba, who were no longer permitted to receive instruction in French (except as a second-language course) following the 1916 school legislation. These conditions prevailed until 1970, when the right to instruction in French was restored.

Those who would eliminate all religious characteristics from schools would like to see one public school system in which all schools would be secular in character, even as Anderson wished all public schools to be unilingual English. Our society has become much more pluralistic in language, religion, and other cultural attributes than it was in Anderson's day. Though both Shapiro and Miller make a case for the desirability of common schooling for the reinforcement of a measure of social cohesion, the need for diversity is acknowledged. Shapiro points out that public schools in themselves do not provide for heterogeneity in a student population, as some public schools by their location serve a given economic class and others an ethnic group, making for a homogeneity as significant as may be found in some private schools.

The fear that private schools may produce students who exhibit attitudes of intolerance is not substantiated, as Shapiro and Miller point out. Intolerance may be found in a particular school, whether public or private. For example, the children of Sikhs in one British Columbia community suffered so much intolerance from their classmates that their parents established a private school in which their children could feel comfortable. Earlier, in the same province, Chinese children were not admitted to the public schools of Vancouver. There are also recorded instances of such discrimination against Jewish children by public schools in some Canadian cities. One might well argue that, in order to feel comfortable in a heterogeneous environment, a child first must feel good about himself, his family, and his ethnic or religious group and that this is best nurtured in a relatively homogeneous community. Certainly, tolerance cannot be cultivated in children who are experiencing intolerance in school. Furthermore, assimilative processes must not be forced but permitted to take their natural course over time.

Miller does not address private schools as such but only the feasibility of providing for religious alternative schools within a public school system. Shapiro argues for alternatives within a public school system, except that these likely would not be of a religious nature. The religious alternatives would be available in private schools. Perhaps it is not surprising that a school board in Calgary decided to terminate the experiment with religious alternative schools. It may have feared, on the basis of equal rights, increasing demands from various sectors of the urban community

for equal treatment in the provision of religious (and perhaps also non-religious) alternative schools. Trying to meet proliferating demands could lead to organizational and administrative chaos. It would seem, therefore, that alternative religious schools would best be left to the private sector, for they are then established only if a serious initiative and commitment is found in the group desiring a particular educational experience for its children. None of the authors would deny that provincial education authorities should have the right and duty to exercise quality controls with respect to certain core areas of learning or that any questionable divergence from acceptable norms of tolerance and understanding in all areas of instruction should suffer the disapprobation of responsible education authorities. In the Netherlands, quality control is exercised, in part, by requiring private and public school children to write the same examinations in selected subjects.

Finally, all three authors point out that research information and facts on the basis of which alone definitive policy decisions might be made are not at hand. These decisions are more likely to be formulated on the basis of prevailing values held in a society, such as those of personal and social rights, the desirability of freedom of choice, and the rights and responsibilities of parents as opposed to the state with respect to the education of children. Finally, as Shapiro points out, the policy-making process is largely political in nature, and its success depends on the degree to which cooperation and understanding can be forged between and among the relevant actors – the government, school boards, private schools, separate schools, and the school communities. And, because we have provincial school systems and social and educational environments that differ from province to province, as Shapiro says, we cannot hope to extrapolate practice directly, and any arrangements “should be expected to alter over time.”

Two lessons emerge from this discussion. The time may have come for an acceptance of a greater degree of choice in schools and school programs in both the public and the private sectors. Furthermore, the two sectors need not be seen as antagonists or unfair competitors but as collaborators representing an improved and more adaptable educational enterprise relevant to the changing nature of Canadian society.

REFERENCES

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