

PAROCHIAID?

NO!



GLENN L. ARCHER *

AT STAKE in the controversy over parochiaid is the very nature of education itself. Is education a function to be mandated to private groups, each with its own particular ideology or theology to purvey, or is education basically a public function?

Parochiaid represents a reversion to an outworn concept of education. It conceives education as basically a private function. Under this concept, public funds would be used to "hire" private and religious groups for performance of the educational task. These groups would assemble their followers in educational enclaves and receive subsidies from the state to educate them therein. Their institutions would, of course, provide for the basic education requirements of the state and would supplement these with their own particular doctrines or message. Under this concept, education is basically a mandated operation. The state pays for it, but it is run by private groups for their special purposes.

It will be remembered that education in this country was originally operated according to this concept. Most schools were private schools, generally Protestant church schools. It was soon discovered, however, that education was far too vast and complex a task to be managed by private groups. It appeared appropriate for the public itself to assume management and direction of a

function so integrally related to the democratic processes that people had chosen. The decision was made that the task of education should be assumed as a public function. The schools would not be government schools but more properly public schools or common schools, owned and managed by the people themselves acting through their duly constituted authorities. Most churches accepted this decision and threw in their lot with the common schools. These schools have been the glory of a free democratic society.

Parochiaid resumes education arrangements that were abandoned for good reasons. It would delegate the educational responsibility to private groups and provide public funds for their performance.

Selectivity

The radical change in our educational pattern which this represents can be seen in the fact that all private schools are "selective schools." That is to say, they can choose their student body. If this were not so they would not be private. That is their nature.

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There is all the difference in the world between a private school which selects its students according to various norms and a public school which must admit everybody.

One private school system in the United States completely dominates this area of education at the elementary and secondary levels. The Catholic system enrolls about 89 percent of the private school students, 9 percent of all students. The Catholic system enrolls 97.3 percent Catholic pupils. This is in contrast with the public system, which enrolls members of all religious faiths without discrimination. The Catholic system enrolls 5.5 percent blacks, as compared with 23.4 percent blacks in the public schools. There are other forms of discrimination as well. Catholic schools frequently practice discrimination in aptitude, and also sex.

Such forms of selectivity are understandable in a private school, but the funds of the public could not in justice be used for such institutions. Public schools accept all students without these discriminations and they are properly entitled to receive tax support. Indeed, it would do violence to our entire concept of public education if we were to commence state support of private and sectarian schools.

Pressures for public subsidies to private schools are being exerted as a way of escape from the admitted problems of the public system. It is much easier to run out and away than it is to stay and solve these problems. Any subsidy program for private schools would merely serve as a means of escape whereby the middle class parents could abandon the public system to its fate and place their children in what appears to them to be the protected atmosphere of a private school. This might be a short term solution for the few, but in the long run and for the total welfare of the nation it would prove less than desirable. Two decades ago,

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James B. Conant, then president of Harvard, challenged the separatist trend in education which had become visible even then. He said:

A dual [school] system serves and helps to maintain group cleavages. . . . To my mind, our schools should serve all creeds. The greater the proportion of our youth who attend independent schools, the greater the threat to our democratic unity. Therefore, to use taxpayers' money to assist such a move is, for me, to suggest that American society should use its own hand to destroy itself.¹

Secular Instruction

Parochialism deeply challenges our entire tradition of separation of church and state. There is simply no escape from this conclusion. To aid church schools with public subsidy is certainly to aid the cause of religion itself. What better way to "establish religion" than for the state to subsidize religious schools?

In the argument before the U.S. Supreme Court in *Lemon v. Kurtzman* and *Earley v. DiCenso* the issue was raised as to whether government might subsidize "secular studies" in religious schools. Justice Blackmun asked the question as to what difference it would make in the financing of the school if the funds went to the program of religious education or to the program of "secular education." The answer was, of course, that it made no difference.

Government may not subsidize church schools, the Court held 8 to 0 in *Lemon* and 8 to 1 in *DiCenso*, because it would involve entanglement between government and religion. When government undertakes to finance religious institutions there is an inescapable involvement in management, regulation, and continuing detail. This sort of entanglement the Founding Fathers sought to avoid when they separated church and state.

The Court also found that state support of church schools for their "secular instruction" could not pass constitutional muster because it brought the church into politics.

¹ N.E.A. News, May 16, 1952.

"It is not a function of government to shore up the fortunes of failing church programs. . . . It is fundamental to the separation of church and state that the church carry the financial burden for its own institutions and not rely on taxpayers."

Having once ensconced itself in the tax structure, the church must undertake to see that it stays there. It must hold its benefits, constantly enlarge them if it can. This involves incessant political activity. Politicians would have to position themselves on one side or the other of the issue. They would seek to enlarge the church's benefits or to cut them back. This, again, is the kind of sectarian divisiveness that the Founding Fathers sought to avoid. It is a political chapter which we have not opened to this point, and it is better that it remain unopened.

A Crisis of Confidence

We should say "NO" to parochialism because it is not a proper function of government to shore up the fortunes of failing church programs. The largest private school system in the United States—that of the Catholic Church—is having serious problems and is suffering a drastic decline. This is not true of other private systems, however. Other private systems, both sectarian and secular, are actually flourishing.

The real problem of the Catholic schools is not financial. It is, as Bishop William E. McManus has noted, "a crisis of confidence" in the future of the Catholic school. It is dramatized by the withdrawal by the thousands of nuns teaching for subsistence wages and the necessity of filling their positions with lay teachers. This is obviously an internal church problem. *The Philadelphia Inquirer*, July 14, 1971, states this matter very clearly:

The government cannot and should not commit itself to the survival of the Catholic schools in their present form or any other. If such a commitment is to be made, it must come in the name not of the state but of the church.²

² *The Philadelphia Inquirer*, July 14, 1971.

It is fundamental to the separation of church and state that the church carry the financial burden for its own institutions and not rely on taxpayers. History makes clear that every church which has sought to harness the resources of the state has, sooner or later, found itself harnessed. The church therefore, like any private corporation, must determine its priorities, deciding what can be maintained with its own finances and what cannot. In no case should it seek to be sustained by taxes collected under the state's compulsion.

With the failure of the concept of state payment for "secular instruction" in church schools, advocates of this form of religious subsidy now seek it by other means. One means they promote is the so-called "voucher plan." Under this arrangement the parent of a student would receive a voucher cashable for tuition in a private school that he might choose for his child. The indirection of having the subsidy go at least theoretically to the parent before it reaches the institution has impressed some as easing the constitutional stricture. One can see here little more than wishful thinking.

The "purchase of services" arrangement which the Court struck down this year did at least seek to segregate the religious indoctrination and carefully avoid subsidizing it. Under the voucher arrangement the funds of the public would simply be channeled into the institution, supporting not only secular instruction but religious instruction as well. There is little reason to believe that the Court would look favorably upon this procedure and much reason to believe the arrangement would be stricken even more quickly than the "purchase of secular services" plan. Protagonists of public subsidy to private schools would do well to desist and concentrate instead on solving the problems of the public schools which need the attention of all. □

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