

Denominationalism and Non-denominationalism: The different traditions of Canadian and American education

Abstract

A differentiating feature of Canada and the United States is the religious bent of Canadian education and the secular orientation of American education. The key to understanding this difference is the political and religious origins of the two countries.

Résumé

L'une des différences entre le Canada et les États-Unis tient à l'orientation religieuse de l'enseignement canadien et à l'orientation séculière de l'enseignement américain. Pour bien comprendre cette différence, il faut s'interroger sur les origines politiques et religieuses des deux pays.

In their enduring search for a national identity, Canadians are on the lookout for elements in their collective make-up that distinguish them from their neighbours to the south. They would be well advised to look at education. Denominationalism is, in some form, a feature of most provincial school systems. In contrast, nondenominationalism, or more accurately, secularism, is a characteristic of public education in the United States. Put another way, state and church in Canada collaborate to a far greater degree in education than do their counterparts in the United States.

The denominational bent of Canadian education is reflected in the first instance by the recognition accorded religious groups in public education. Quebec and Newfoundland head the list of provinces in giving free scope to the educational rights of Roman Catholics and Protestants. Quebec boasts a dual denominational system with the province's 200 or so school boards being split along Catholic and Protestant lines. Newfoundland goes one better in recognizing three denominational boards, one Catholic and two Protestant.

In Ontario, Saskatchewan, and Alberta denominational rights are satisfied through the separate school system. In addition to the regular non-denominational public school which caters to all comers, the three provinces have separate Catholic schools that are an integral part of the public school system. In the Maritime provinces and Manitoba denominational schools do not exist in law, but in practice Catholic and Protestant schools are recognized. British Columbia stands alone among the provinces in not recognizing denominational schools in the public sector.

The religious bias of Canadian education is not restricted to the public sector, as most private schools are denominational in orientation and affiliation. Few Canadians dispute the legitimacy of private schools, which they see as a reflection of their democratic right to choose the education of their children. On the other hand, the country is badly divided on the question of public funding of private education. Only five provinces – Quebec, Manitoba, Saskatchewan, Alberta, and British Columbia – provide direct aid to private schools. The arguments for and against such support need not concern us here; they are effectively treated elsewhere (Magsino, 1986; Shapiro, 1986). The relevant point for our discussion is that private education is on the rise across the land, a development that has denominational implications. Until the 1970s the proportion of school-age youngsters in private schools had fluctuated little, holding firm around 3.5 percent (Bergen, 1981). But between 1975 and 1984 private school enrollment jumped by 23.6 percent, so that today an estimated 5 percent of Canadian youth are attending private schools (*Canadian Encyclopedia*, 1988, p. 1762). During the same period public school enrollment fell by 15.4 percent (Jefferson, 1988). The growing popularity of private education may be attributed to several factors, including public disenchantment with public education and a willingness of provincial governments to fund private education more generously. At any rate, since private schools are almost always religious in character, an increase in their numbers and enrollments translates into an increase in denominationalism in Canadian education.

The educational situation in the United States, particularly in public education, departs substantially from that of its northern neighbour. Much like France, the United States subscribes to a policy of church-state separation in public education. As a result, the phenomenon of denominational or separate schools is nowhere to be seen and, in theory, no religious activities are tolerated in the public school. In concrete terms this means that school boards and schools are secular, that teachers are lay and that religious instruction and exercises are forbidden. God, as one critic quipped, is *persona non grata* in the American public school.

On the other hand, the denominational gap between Canadian and American education is much less pronounced in the private sector as evi-

denced by the existence of numerous private schools in the United States, most of which are Roman Catholic institutions. Where the two countries differ is in their funding arrangements. Contrary to the practice in some Canadian provinces, American private schools are not the beneficiaries of direct aid from either the federal or state governments. And although private schools in the United States receive some public support, it tends to be selective and indirect. In order to circumvent the constitutional ban on public support of religious schools, the Congress has resorted to a child-benefit approach, directing its assistance to the private school student rather than the private school itself. For example, under the terms of the Elementary and Secondary Education Act of 1965, federal aid was targeted for specific groups of disadvantaged students in attendance at private schools.

On balance, however, public support of private education in the United States is minimal when measured against the cost of maintaining a school. This may explain why, contrary to the trend in Canada, private school enrollment in the United States is on the decline. And while a higher percentage of American than Canadian youngsters is attending private schools, the gap is narrowing. In 1965-66, 6,300,000 or 14 percent of American children of school age were attending private elementary and secondary schools; in 1980-81 the figure had declined to 5,250,000 or 10.5 percent (Erickson, 1986, pp. 84-85). The big losers were the Roman Catholic schools, almost half of which closed between 1965 and 1980. At the same time Christian Fundamentalist and Jewish schools were on the increase. The overall decline in private school enrollment is indicative of a growing secularization of American education, for it means that youngsters who heretofore were attending private religious schools are gravitating to the public schools, themselves steeped in the secular tradition.

How do we account for the fact that the two countries, both rooted in Christian tradition, should travel such different paths? The question demands that we go back in time, that we examine the cultural conditions of the eighteenth and nineteenth centuries which gave shape and direction to the educational enterprise.

The Political Dimension

The rise of public education in Canada and the United States occurred around the same time, namely, during the first half of the nineteenth century. The significant variable in this development is that the two countries were at different stages of political maturity. The United States was a sovereign nation, having severed its ties with Britain in the previous century. Canada, for its part, was still a British colony. In other words, the establishment of public education in the United States followed nationhood whereas in Canada it preceded Confederation. Owing to the discrepancy in political develop-

ment, the constitutions of the two countries played different roles in the evolution of public systems of education.

Due in part to the nation's revolutionary origins, the American Constitution has a prescriptive and futuristic quality to it. The document represents an attempt to lay the groundwork and spell out the rules and values of a new society. A product of different political conditions, the Canadian Constitution or British North America Act (BNA) of 1867, shows few of the revolutionary tendencies of its American counterpart.¹ Without a bill of rights and more intent on protecting group rather than individual rights, the 1867 document has a conservative design, more a repository of acquired rights than a formula for a bold, new society.

Although the word "education" does not appear in the American Constitution, the document has had a profound impact on the character and development of education. The "education" sections of the Constitution are the First and Tenth Amendments, ratified in 1791. The latter Amendment, in effect, made education the responsibility of the states. For purposes of our discussion the First Amendment is the more relevant section since it gave legal inspiration to the secular tradition of American education. The First Amendment² begins with the words that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." The framers of the Constitution were bent on protecting religious freedom and reasoned that the principle was at risk unless accompanied by the prohibition of an established church. Implied also by the religious clause of the First Amendment was the doctrine of church-state separation, which was developing in the individual states. Briefly put, the principle of separation holds that the interests of state and church are best served when they do not intermingle. Thus one of the purposes of the First Amendment was not only to keep the state out of the church but the church out of the state. The government's position before the church is therefore one of strict neutrality, neither helping nor hindering churches in particular and religion in general.

As applied to education, the principle of church-state separation did not take effect overnight. Due to the absence of public school systems and the predominance of religious schools in the early years of the American republic, the principle remained inert. However, as state governments began the task of constructing public education systems in the first half of the nineteenth century, efforts were made to activate the principle. The exercise was facilitated by the fact that school systems represented a fresh, new start in education building, unencumbered by the religious baggage of the past. By the time of the Civil War a variation of the separation principle had won widespread support. Although few Americans of that period demanded that the evolving school systems rid themselves of all religious traces, most believed that

sectarian instruction had no place in the curriculum, that it was incompatible with the common school idea. There was also an emerging consensus for the view that public funds not be granted to private religious schools.

In a series of landmark decisions in the middle of the twentieth century the Supreme Court of the United States raised even higher the wall of separation between church and state in education, holding that the religious clause of the First Amendment was intended not only to prohibit sectarian instruction but all forms of religious activity in the public schools.⁹ The high court has ruled that the public school must be secular in its curricular and related activities, that religious instruction, prayers, Bible reading, and other devotional practices are in violation of the Constitution. The religious ban covers both compulsory and voluntary activities. On the other hand, the Court has repeatedly authorized and encouraged the teaching **about** religion in the public school as a desirable academic objective.

The Supreme Court maintains that its broad interpretation of the First Amendment is historically valid, consistent with the views of the framers of the Constitution. However, this position has come under attack from critics who charge that the justices have been guilty of misinterpreting the words and intentions of the founding fathers. Although Jefferson was the author of the memorable phrase, "wall of separation between church and state," critics of the Court contend that Jefferson never intended to build a high and impregnable wall. Indeed, say the critics, Jefferson's bugbear in education was sectarianism, not religion as such. For example, in building the University of Virginia, Jefferson demonstrated neither in spirit nor in letter an opposition to religion at the institution. If he refused to authorize a chair of divinity at the university, it revealed his repugnance for sectarianism, which he judged educationally divisive, not religious activities, which he fully encouraged. In other words, if Jefferson, Madison, and others have been wrongly interpreted by judicial authorities, American public education has travelled a road foreign to the intentions of its founders (Magnuson, 1963).

The point was made earlier that Canadian nationhood followed rather than preceded the rise of public education. Thanks to legislation of the 1840s and 1850s, Lower Canada (Quebec) and Upper Canada (Ontario) came to Confederation with public school systems in place. As a result, the Canadian as compared to the American constitution played a different though no less important role in educational development. Whereas the American Constitution proposed a new order in education, its Canadian counterpart was designed to reaffirm existing practices. Thus in addition to making education a provincial responsibility (which it already was in a regional sense), Section 93 of the British North America Act of 1867 was written to safeguard Roman Catholic and Protestant rights in education.

The lingering tradition of denominationalism in Canadian public education in the face of contemporary secularism owes its continuance in no

small measure to Section 93, for the constitutional provision effectively restrains provincial legislatures from tampering with denominational school rights which existed in law at Confederation. Moreover, the passage of the Constitution Act of 1982 did nothing to alter this situation since the new constitution absorbed Section 93 in its entirety. At the same time, Section 93 and denominational school protections were exempted from the provisions of the Charter of Rights and Freedoms.⁴

A case can be made that Section 93 is an anachronism, a legal device that props up outmoded school systems and, in the process, creates social injustice. Nowhere is this truer than in Quebec, once the fiercest defender of denominational school rights in the country. Quebec, however, has dramatically changed over the last thirty years; it is today a secular society and the heavy confessionalism that once permeated every activity and institution in the province is little more than a memory. In keeping with the modernization of society, recent governments have enacted laws designed to replace the province's Catholic and Protestant school boards by French and English ones, for language, not religion, is what distinguishes Quebecers today. To date their legislative efforts have been unsuccessful, due largely to the constitutional obstacle of Section 93.⁵

Section 93 has also been a factor in Ontario where of late there have been increased demands for government assistance to private schools. As was pointed out earlier, Ontario does not directly fund private schools, as do Quebec and several other provinces. But calls for such funding grew louder in 1984 when the provincial government decided to extend funding for Roman Catholic separate schools through grade 13. The government action was a reminder that Catholics are a privileged group in Ontario education, the only religious group to be so favoured. But from a constitutional point of view the action of the government was both proper and correct, consistent with the provisions of Section 93. Some critics have argued that the only way to redress this educational injustice is for the government to provide a measure of funding to private schools, since most of them are religious institutions (Shapiro, 1986). Although this approach would serve to reduce some of the discriminatory practices with respect to the funding of religious schools in Ontario, it does not get at the root of the problem, namely, that of the unjustness and irrelevancy of Section 93 in today's society. It is difficult to defend a constitutional provision that ties the hands of provincial legislators, making of them slaves to an outdated legal principle.

The Religious Dimension

The presence in early times of a large Roman Catholic population in Canada but a negligible one in the United States also contributed to a divergence in education in the two countries. Until well into the nineteenth

century the United States was homogeneous in religious belief, being almost exclusively a nation of Protestants, including Methodists, Presbyterians, Dutch Calvinists, Congregationalists, and the like. The religious question facing the Protestant architects of American public education was not whether religion should be taught, but what form it should take. Given the variety of religious sects and the fact that the public school was common, a compromise was reached in which religion would be taught but divorced from its sectarian moorings. As a result, religious instruction initially took the form of generalized Protestantism, emphasizing the reading of the Bible and the transmission of the common moral values of Christianity. Had the United States remained a Protestant country, the American public school might have evolved along similar lines, showing a tolerance for a margin of religious instruction.

However, a wave of Catholic immigrants from Ireland and Germany in the decades leading up to the Civil War both changed the religious complexion of American society and triggered demands for a removal of religion from the public school. Arriving Catholic immigrants regarded the American public school with suspicion, especially its Protestant orientation, which they judged to be a form of sectarianism and therefore offensive to their own religious beliefs. They sought relief in two remedies: a request that Bible reading be discontinued or that Catholic texts be substituted; and that public funds be provided for Catholic private schools (Butts, 1950, p. 118). The second of their demands fell on deaf ears since there was widespread support among the citizenry for the restriction of public monies to private schools. On the other hand, their first request provoked a crisis in public education. In the fear that religious strife threatened to undermine the common school idea, a growing number of Americans concluded that the only solution in a multi-religious society was to exclude all religion from the public school. This principle, gradually put in practice by the states in the second half of the nineteenth century, has remained basically unchanged to the present day.

The religious history of Canada is almost the reverse of that of the United States. Here it was the Roman Catholic church that first established itself, to be followed somewhat later by the Protestant sects. Founded as a French colony in the seventeenth century, Canada was an exclusively French-Catholic society until the British conquest of 1760. While the conquest signalled the end of French rule in Canada, it did not herald the end of French culture. Indeed, French Canadian society remained more or less intact in the years ahead, sufficiently strong to resist the assimilation attempts of the British authorities and in the process win recognition of its customs and institutions, as symbolized by the Quebec Act of 1774. As a result of the tenacity of French Canadian culture and the uncompromising attitude of the Roman Catholic church in education, a pattern of dual denominational schooling was laid down in Canada before the eighteenth century was up. If public

confessional schools exist today in half of the provinces, the answer lies with the educational struggles of pre-Confederation times, during which the advocates of separate denominational schools successfully resisted those campaigning for a unified nondenominational school system.

From the earliest days of Lower Canada there were indications that the educational wave of the future was in the direction of division rather than integration. The cultural differences between the numerically superior French-Catholic population and the much smaller English-Protestant one were such as to push them in opposite educational directions. The absence of a common denominator in education was apparent from 1789 when a government education committee under the chairmanship of Chief Justice William Smith recommended the creation of a public education system from elementary through university. In order to encourage the joint attendance of Catholics and Protestants at the proposed university, Smith's committee recommended the exclusion of religious instruction at the institution. This attempt at educational accommodation, at finding a common meeting ground for the two peoples, however, drew fire from influential members of the clergy. The Catholic bishop of Quebec and the Anglican bishop of Nova Scotia condemned the idea of a "secular" university as incompatible with the inseparability of education and religion. For this and other reasons the report of the Smith committee remained a dead letter.

By the Act of 1801 Lower Canada got a public education system of sorts. According to the terms of the law, local areas that established schools were promised government funding. In general, the act enjoyed only limited success in the French Canadian parishes, for the higher Catholic clergy portrayed the measure as an instrument of English-Protestant assimilation, a device to turn French Catholics into English Protestants. In practice nothing of the sort happened. In every instance where schools appeared they reflected the cultural duality of society: Catholic schools for the French and Protestant schools for the English. This is to observe that long before an authentic school system was set up in Lower Canada in the 1840s, an educational pattern had been established by which the two peoples were attending separate schools.

Educational legislation enacted in 1841, when Upper and Lower Canada were politically united, gave birth to Quebec's dual denominational school system and Ontario's separate school system. The 1841 law was significant from several perspectives. It recognized the rights of religious, not language, groups in public education and reserved these privileges to Roman Catholics as a group and Protestants as a group. The relevant section of the 1841 law is Clause XI, known as the dissentient clause, which permitted the religious minority of a township or parish to withdraw from the common school and establish its own school. In addition, the dissentient clause was later enshrined in the Constitution, becoming part of Section 93 of the BNA Act.

If Quebec went further than Ontario in embracing denominationalism in public education, the answer lies in the cultural differences between the two provinces. As was mentioned earlier, the 1841 law and subsequent legislation worked to reaffirm existing educational practices in the lower province, where the two peoples, divided by religion, language, and custom, had gone their separate ways in education since the conquest. Moreover, the dominant French Catholic population in Lower Canada ensured that the common school remained sectarian in character. On the other hand, because the 1841 law made no distinction among the various Protestant sects and because Upper Canada, contrary to Lower Canada, was predominantly Protestant in population, conditions were favourable for Ryerson and others to establish a nondenominational common school. As for dissenting Catholics in the upper province, who judged the common school as too Protestant or too secular for their liking, they could find educational relief in the separate school.

Conclusion

Denominational differences between Canadian and American education may be traced to historical factors. The secular tradition of American public education finds its explanation in the Protestant character of the population during the nation's formative years and in the prescriptive quality of the religious clause of the First Amendment to the Constitution. The denominational bent of Canadian public education owes its existence to a strong Roman Catholic presence in early Canada and to the political fact that Confederation followed rather than preceded basic developments in education. Finally, judging by recent trends in private education – expansion in Canada and contraction in the United States – it appears that denominationalism is on the rise in the former and on the decline in the latter.

NOTES

1. The Constitution of 1982 is essentially that of 1867 with the addition of the Charter of Rights and Freedoms.
2. The first ten amendments or Bill of Rights of the Constitution were made applicable to the states by virtue of the Fourteenth Amendment in 1868.
3. In *McCollum v. Board of Education*, 330 U.S. 1 (1947) the Supreme Court declared unconstitutional a Champaign, Illinois school plan of released time religious instruction because it took place on public school premises. On the other hand, in *Zorach v. Clauson*, 343, U.S. 306 (1952) the Court ruled constitutionally acceptable a New York program of released time religious instruction because it occurred outside the school, albeit during school hours. In *Engel v. Vitale*, 370 U.S. 421 (1962) the Court provoked a public outcry by striking down a school prayer proposed by New York's Board of Regents even though the prayer was neither sectarian nor compulsory. Speaking for the Court, Justice Black said that "it is no part of the business of government to compose official prayers for any group." Similarly, in *Abington Township School District v. Schempp*, 374 U.S. 203 (1963) the Court voided a Pennsylvania law which prescribed that a minimum of ten verses of the Bible be read without comment at the beginning of the school day. And in *Epperson v. Arkansas*, 397 U.S. 97

- (1968) the Court said an Arkansas law to prohibit the teaching of evolution in the public schools violated church-state separation because its effect was to promote a religious point of view.
4. Section 29 of the Charter reads: "Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate, or dissentient schools."
 5. In 1985 the Superior Court of Quebec struck down Bill 3, which had legislated for language-based school boards in the province, on the grounds that the law violated the educational rights of Catholics and Protestants as enshrined in Section 93 of the Constitution Act, 1867. In 1988 Quebec's National Assembly reintroduced new legislation (Bill 107) designed to replace most of the province's denominational boards by language ones. But being unsure of the law's constitutionality the government withheld implementation pending a ruling by the Quebec Court of Appeal. In September 1990 the court issued its judgment, holding that Bill 107 was constitutional. Protestant school authorities subsequently appealed the decision to the Supreme Court of Canada, which has agreed to hear the case. As a result the introduction of language-based boards in Quebec education is still several years away.

REFERENCES

- Bergen, J.J. (1981, Summer). The private school movement in Canada. *Education Canada*, 21(2), 4-8.
- Butts, R.F. (1950). *The American tradition in religion and education*. Boston: Beacon Press.
- Canadian Encyclopedia, The*. (1988). *The Canadian Encyclopedia*, 3, 2nd ed. Edmonton: Hurtig.
- Erickson, D.A. (1986). Choice and private schools: Dynamics of supply and demand. In Daniel C. Levy, (Ed.), *Private education: Studies in choice and public policy*. New York: Oxford University Press.
- Jefferson, A.L. (1988). The unknown consequences of public support for private schools. *Canadian Journal of Education*, 13(3), 441-448.
- Magnuson, R. (1963, May). Thomas Jefferson and the separation of church and state. *The Educational Forum*, 27(4), 417-421.
- Magsino, R.F. (1986). Human rights, fair treatment, and funding of private schools in Canada. *Canadian Journal of Education*, 11(3), 242-263.
- Shapiro, B.J. (1986). The public funding of private schools in Ontario: The setting, some arguments, and some matters of belief. *Canadian Journal of Education*, 11(3), 264-277.

Roger Magnuson is a professor in the Department of Administration and Policy Studies in Education at McGill University. His teaching and research interests are in Quebec educational history.

Roger Magnuson enseigne au département d'administration et de politiques scolaires à l'Université McGill. Il consacre ses activités de recherche et d'enseignement à l'histoire pédagogique du Québec.