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# Public Education and Public Justice in a Pluralist Society \*

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## Introduction

The United States is in the midst of a major movement to reform education. The renewal is motivated in part by a series of reports that have critically evaluated the condition of public education at every level.<sup>1</sup> What is not so evident is whether or not today's soul-searching will encompass a

reevaluation of the commonly held assumptions regarding the meaning and structure of public education in a pluralist, democratic society such as America.

It is my conviction that such a reevaluation is long overdue. The focus of the first part of this paper (*The Nineteenth Century: The Establishment*) is, therefore, to examine critically how public elementary and secondary education in the United States came to mean government owned, operated, and funded secular schools? I will argue that this perspective reflects an essentially nonpluralist understanding of public education. It results in a monopolist educational establishment that discriminates against the

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\* An expanded version of this manuscript was prepared in 1985 for the U.S. Department of Education. That paper, slightly revised, is to appear in a book edited by Richard John Neuhaus.

diversity of schools within the public community.

Although a monopolist structure for public education did not emerge in the United States until the nineteenth century, it has become a reigning paradigm, the validity of which is assumed by many to be self-evident. The historical record demonstrates, however, that the nonpluralist structure is the product of political and ideological choices that were less self-evident than they were self-serving of majoritarian interests.

In the last section (*The Future: Toward Genuine Educational Pluralism and Disestablishment*) I focus on the need to move toward genuine educational pluralism and the disestablishment of the present public school monopoly. By disestablishment I do not mean that the government has no legitimate role to play in education. In this paper disestablishment refers to a change in the present monopolist structure of public education. A pluralist structural reform, I will argue, is required if education is to be both truly "public" and meet the democratic norms for a just political community.

In the United States the present nonpluralist educational establishment (elementary and secondary education in particular) stands in contrast to an honorable history of pluralist disestablishment of churches. While an established church is no longer permitted, there exists a monopolist, public school establishment that tolerates other schools only if they are largely privately funded. (In contrast, in some European states a monopolist, ecclesiastical establishment survives and other churches are privately funded and tolerated.)

Genuine educational freedom demands that we disestablish the present monopolist structure and replace it with a pluralist system. This will result in a more comprehensive definition of public education—a definition that encompasses a fuller range of schools worthy of public support. But if this democratic reform is to take place it will be necessary to reexamine (1) a more pluralist

view of the state, (2) the nature of public responsibility for education, (3) parental responsibility for and freedom of choice in education, (4) the rights, privileges, and responsibilities of founding organizations and cooperating institutions in the educational enterprise, and (5) ways to improve excellence in education. Each of these points will be briefly addressed in this paper.

### The Nineteenth Century: The Establishment

In our contemporary society it is not too difficult to identify the characteristic features of a public school. Public ownership, public control, public financial support, and secular education are some of the traits that come to mind. In the history of American education, however, the meaning of "public" in reference to education has been far more ambiguous than it is today. Historians have only recently realized this fact.<sup>2</sup>

As Bernard Bailyn's insightful historiographical study of American educational history reveals, there has been a tendency to read modern definitions back into the past. He points out that "public" is perhaps the best example of this anachronistic tendency. Indeed, one of the main weaknesses of the history written by Ellwood Cubberley and other "educational missionaries" at the turn of the century was their assumption that the seeds of modern public education were to be found in the seventeenth century. They came to this conclusion because "it was the 'public' aspect of education that most involved their energies and that framed their vision: 'public' vs. 'private,' the state as equalizer and guarantor, assuring through tax-supported, free, publically maintained and publically controlled schools the level of education that made democracy effective."<sup>3</sup>

A more objective reading of history reveals, Bailyn argues, that the "modern conception of public education, the very idea of a clean line of separation between 'private' and 'public,' was unknown before the end of the eighteenth century."<sup>4</sup> He

further demonstrates that the emergence of the modern conception of public education is directly related to nineteenth century "changes in the role of the state as well as in the general institutional character of society."<sup>5</sup> This is an extremely important observation because it alerts us to the structural issue of the relationship between the state and schools. It also raises the question of the respective rights of these two institutions as well as the rights of parents and students in a pluralist, democratic society. We will return to these central issues in the last part of this paper.

Bailyn contends that the origins of the clean line of separation between "public" and "private" education is part of a complex

called public schools because such schools were serving the public interest by preparing children for responsible public life and the community stood to benefit if students attended the school of their choice.<sup>7</sup>

During this same period in Boston, New York, Philadelphia, and elsewhere, both government and nongovernment schools taught from a religious perspective. Government-controlled schools reflected a Protestant consensus and other publicly funded nongovernment schools were organized by specific churches or religious groups.<sup>8</sup> Thus while the distinction between public and private schools was relevant in matters of ownership and management, it was irrelevant in such matters as religious

**In the history of American education, however, the meaning "public" in reference to education has been far more ambiguous than it is today.**

story that "is elaborately woven into the fabric of early modern history."<sup>6</sup> While this is true, we need not dig too deeply into the story to discover that although the terms "public" and "private" were used to describe schools in the colonial and early national periods, the terms had meaning only as they related to the ownership and management of schools. They were not relevant to two features that today characterize public education: public funding and a secular perspective.

In the nineteenth century both government and nongovernment schools often charged tuition and received public funds to pursue their educational objectives. It was an established practice for nongovernment schools to receive public funds in the form of local taxes, allocations from state school funds, and land grants. Independent pay schools, academies, and church schools were

education and funding. In the early nineteenth century few sharp lines between "public" and "private" education existed because "public" implied performance of broad social functions.

In the early national period the significant changes that were occurring in rural and urban schooling were somewhat different. According to Carl F. Kaestle the dynamic aspect of rural education during this period was expanding enrollments. In urban education the important change was the shift from diverse independent pay and charity schools to consolidated free schools.<sup>9</sup> As academies and other independent pay schools declined in numbers and became increasingly elite and expensive, charity schools expanded and became the vehicles for pedagogical, organizational and financial reforms.<sup>10</sup> By the 1820s in several urban areas a single school organization "became dominant,

controlling the bulk of charity schools and attaining favored status for financial assistance from the city and state."<sup>11</sup> In urban areas public education was coming to mean nonsectarian (eventually secular) schools, financed and run by a common school system.

The example par excellence of this development is New York City. Here the emergence of a clean line of separation between public and private schools clearly reflected political and ideological choices. The gradual separation came in the midst of two controversies involving the New York Free School Society and its successor, the New York Public School Society.

The first conflict involved the Free School Society and a school operated by a Baptist church. At the turn of the nineteenth century a diversity of schools in New York city was funded by allocations from the state's "permanent school fund." This fund was established in 1805 to support public education. The funding was in proportion to the number of students given free education in a variety of schools (church schools, charity schools, etc.) in the city.

We need not go into the details of the conflict between the Society and the Baptist school because it is documented well elsewhere.<sup>12</sup> All that needs to be pointed out is that as a result of the conflict an educational funding policy based on proportionality was transformed into a monopolist policy. For the first time in New York City only the schools of the Free School Society received public funds and all other schools were denied public support.

A consensus so dominated the city in the 1820s that citizens were willing to publicly support just one school system and give to it the task of educating children into the "common faith" of the people. The controversy did not, however, result in a clean line of separation between public and private schools. Despite the fact that the Society changed its name to the Public School Society, it remained a private philanthropic organization run by a self-perpetuating

board of trustees.

The New York Public School Society was again involved in a controversy over public funding in the 1840s. In this conflict it became clear that the "common faith" of the people was really the "common faith" of the Protestant majority in New York City. It was the self-serving political and ideological choices of majoritarian interests that finally defined the modern meaning and structure of public education.

By 1840 large scale immigration of Irish Catholics to New York City produced a significant ethnic community with its own newspapers, social clubs, and professional elites. Catholics refused to send their children to the Society's schools because they clearly reflected a Protestant world-and-life view. To Catholics the very reading of scripture from the King James Bible without note or comment fostered the Protestant doctrine of private interpretation of scripture. In addition, they objected to the use of sectarian prayers and hymns, the presence of objectionable school books, and a deistic educational perspective. Catholics did not attend the city's public schools because they could not do so with a clear conscience. In the end the basic issue, as they saw it, was the violation of the rights of conscience and citizenship.

In 1840 the Governor of New York, William Henry Seward, responded to the growing numbers of Catholic citizens by recommending "the establishment of schools in which they [immigrant children] may be instructed by teachers speaking the same language with themselves and professing the same faith."<sup>13</sup> Seward was concerned for both the immigrants' rights and the large number of their children who were not being educated. He felt he had to address this situation because "no system of education could answer the ends of a republic but one which secures education for all."<sup>14</sup>

The Catholics in New York City were encouraged by the Governor's proposal. Led by the newly appointed Bishop John Hughes, they responded by pressing the

claim to a proportional share of the common school fund to support their schools.<sup>15</sup>

In a written petition to the Common Council of New York City, Bishop Hughes argued that a monopoly of state funds for education was controlled by a private corporation which had as one of its goals the "early religious instruction" of children.<sup>16</sup> In his oral presentation before the Council, Hughes pointed out the bias against Catholics in this religious training. The Bishop stressed that Catholics resented having to support schools that violated the religious conscience of their children. He did not object to all groups sharing in the common school fund; he objected only to the educational monopoly of the Public School Society. Hughes ended his oral comments by appealing to the Council not to

take from Catholics their portion of the fund by taxation, and hand it over to those who do not give them an equivalent in return. Let those who can receive the advantages of these schools; but as Catholics cannot, do not tie them to a system which is intended for the advantage of a class of society of which they form one-third, but from which system they can receive no benefit.<sup>17</sup>

The Public School Society was represented before the Common Council by two prominent New York attorneys. One of them, Hiram Ketchum, was a long-time trustee of the Society. Ketchum rejected Hughes' charge that the Society's schools engaged in offensive sectarian education. Sectarian teaching, he argued, was completely inappropriate in a common school supported by public funds. At the same time he stressed that public education must inculcate universal principles of virtue and morality. This was the legitimate responsibility and task of a common school such as the Public School Society:

We have the right to declare moral

truths, and this community gives us that right—not the law, but as my friend says, public sentiment. . . . We thus undertake in these public schools to furnish this secular education, embracing as it does, not solely and exclusively the common rudiments of learning, but also a knowledge of good morals, and those common sanctions of religion which are acknowledged by every body.<sup>18</sup>

In the debate before the Common Council, Hughes and Ketchum were speaking past each other. Each rested his argument on a completely different understanding of the nature of religion. Hughes defined religion in a holistic way. From his perspective sectarian doctrine was an essential part of every religious perspective. Any effort to appeal to so-called universal or neutral moral precepts was just another form of sectarianism—in the case of the Public School Society the sectarianism of infidelity (deistic rationalism).

Ketchum had a very different understanding of religion. He defined religion in a dualist way. He believed there was an essential difference between the general core of moral principles and the specific doctrinal beliefs of the denominations. From his point of view it was possible to teach universal principles of virtue and morality in a nonsectarian way.

This argument was essentially the same as that of Thomas Jefferson in the eighteenth century.<sup>19</sup> And like Jefferson, Ketchum was completely unaware that his views were simply another sectarian opinion or doctrine. He assumed his beliefs were authenticated by common sense, and, therefore, had a universal claim to truth. Naively he believed his world view represented self-evident facts of human existence.

The difficulty people often have in recognizing their own religious presuppositions is evident in the debate between Hughes and Ketchum before the Common Council. The Bishop argued that it was,

impossible for one group to teach a common moral education ("essentials of religion") without offending the beliefs of some other group because groups would always differ regarding what moral education should be. But Ketchum could not comprehend this argument. He sincerely believed, like Jefferson before him, that it was possible to foster universal moral training in a nonsectarian and nonoffensive way. And, as he stated before the Council, the Public School Society had the "right to declare moral truths."

The right, Ketchum admitted, came not from the law but from the community. In the end Ketchum's definition of religion prevailed because majoritarian "public sentiment" supported the Society's viewpoint. Therefore the Common Council rejected the Catholic petition and the Society continued to receive all the money from the common school fund to support its schools.

Bishop Hughes was certainly disappointed by the Council's decision. But he was neither surprised nor defeated. The Bishop realized that the Catholic community had merely lost a skirmish in what was likely to be a long struggle for the "claims of justice and equal rights." Addressing his fellow Catholics he pointed out that the only question that needed to be addressed was this:

What, then, remains for us to do?  
We must not fold our arms and rest.  
We must take measures. . . . I trust that no such defeat as we have experienced—the defeat of justice by authority—shall make you give up your principles. Spread it abroad that you ask no favor. . . . but that you have rights and these rights you claim. Let them reserve their favors for those who want them. This is the ground on which the question will meet with respect, both from your brethren in faith, and your fellow-citizens at large. This is a question of right; and though a whole Board should be found to bend the knee to the Baal of bigotry, men will be

found who can stand unawed in its presence, and do right.<sup>20</sup>

John C. Spencer, the New York Secretary of State, was just such a person. He was concerned with the demands of the law and the doing of justice. Acting in his capacity as *ex officio* superintendent of public schools, he submitted in 1841 an official report to the state senate, which became embroiled in the New York City educational struggle. Spencer agreed with Governor Seward that there was a legitimate state interest in providing for the education of all children in the state because citizens must be educated if they were to participate in the democratic process. But he was also concerned that the state's interest should be met in a way that did not sacrifice the rights of any individual or group in society. In examining the Catholic claim that justice demanded they receive a proportional share of public funds for their schools, he expressed his concern this way:

It can scarcely be necessary to say that the founders of these schools, and those who wish to establish others, have absolute rights to the benefits of a common burthen [burden]; and that any system which deprives them of their just share in application of a common and public fund, must be justified, if at all, by a necessity which demands the sacrifice of individual rights, for the accomplishment of a social benefit of paramount importance. It is presumed no such necessity can be urged in the present instance.<sup>21</sup>

The Secretary of State responded to those who assumed that education could be nonsectarian by pointing out that, "No books can be found, no reading lessons can be selected, which do not contain more or less of some principles of religious faith, either directly avowed, or indirectly assumed."<sup>22</sup> He applied this point directly to the activities of the Public School Society:

Even the moderate degree of religious instruction which the Public School Society imparts, must therefore be sectarian; that is, it must favor one set of opinions in opposition to another, or others; and it is believed that this always will be the result, in any course of education that the wit of man can devise?<sup>23</sup>

As if to anticipate the modern argument about the possibility of secular (neutral) education, Spencer pointed out that it was impossible to avoid sectarianism by abolishing religious instruction altogether:

On the contrary, it would be in itself sectarian; because it would be consonant to the views of a peculiar class, and opposed to the opinions of other classes. Those who reject creeds and resist all efforts to infuse them into the minds of the young before they have arrived at a maturity of judgment which may enable them to form their own opinions, would be gratified by a system which so fully accomplishes their purposes. But there are those who hold contrary opinions; and who insists on guarding the young against the influences of their own passions, and the contagion of vice, by implanting in their minds and hearts, those elements of faith which are held by this class to be the indispensable foundations of moral principles. This description of persons regard neutrality and indifference as the most insidious forms of hostility. It is not the business of the undersigned [John C. Spencer] to express any opinion on the merits of these views. His only purpose is to show the mistake of those who suppose they may avoid sectarianism by avoiding all religious instruction.<sup>24</sup>

Spencer went to the heart of the educational controversy by pointing out that calling something nonsectarian did not make it so.<sup>25</sup> What is nonsectarian to one group is often seen as sectarian by another. Because in education ideas mattered, education by its very nature always reflects different views of life and different understandings of moral training. It is impossible to avoid religious issues in education. The question that Spencer faced was how to do justice to different views in the allocation of public funds to schools. He concluded that justice demanded the recognition "of the choice of parents" in the education of their children.<sup>26</sup> The only way this was possible was through an evenhanded distribution of public funds to all schools, regardless of their perspectives on education.<sup>27</sup>

Spencer did not convince the New York State legislature of the justice of this position. In the face of the growing anti-Catholic sentiment of the Nativist movement, any hope that a Protestant majority would approve educational funds going to a Catholic minority was out of the question. The best that could be accomplished was for the city to take over the schools of the Public School Society and place them under the supervision of an elected Board of Education and State Superintendent of public schools.

The structural consequences of this political development meant the formalization of a clean line of separation between public and private schools. The change, however, was not that radical. In reality it only meant that the nongovernment monopolist structure of the Public School Society was replaced by the government monopolist structure of a public school establishment. The real significance in the educational controversies of the 1820s and 1840s was the transformation of New York City's original pluralist funding policy into a monopolist policy similar to that in Massachusetts and to the policies that were developing in other parts of the country.

There is little question that there was a pressing need in cities such as New York and



elsewhere for more educational opportunities. Academies, church schools, and charity schools were not adequately meeting the needs of an increasing school population. Expanding educational opportunities, however, did not have to come by way of a monopolist public school establishment. It is conceivable that the principle of proportional funding to a diversity of schools could have been expanded to meet the increasing educational challenge. This was the recommendation of both Governor Seward and Secretary of State Spencer. The fact that this course of action was not followed is an indication of how public policy is often shaped by self-serving political and ideological choices of majoritarian interests rather than by a self-conscious understanding of the demands of public justice for all citizens.

In the first part of this paper I have argued that the modern meaning of public education clearly reflects nineteenth century political and ideological choices. Majoritarian interest often self-consciously created a nonpluralist educational monopoly in order to exclude minorities from receiving public funds for their schools. Today a clean line of separation between public and private schools is deeply rooted in American society. But the public school establishment is now facing a crisis of legitimacy. The roots of a good part of the crisis can be traced directly to unresolved tensions inherent in the monopolist structure of the nineteenth-century educational establishment. (The second part of McCarthy's essay, *The Future: Toward Genuine Educational Pluralism and Disestablishment*, will appear in the next issue of *Pro Rege*.)

#### ENDNOTES

<sup>1</sup>Among the many reports are the following: National Commission on Excellence in Education, *A Nation at Risk: The Imperative for Education Reform* (Washington, D.C.: US Government Printing Office, 1983); Task Force on Education for Economic Growth, *Action for Excellence* (Denver: Education Commission of the States, 1983); Task Force on Federal Elementary and Secondary Education Policy, *Making the Grade* (New York: Twentieth Century Fund, 1983); National Science Board Commission on Precollege Education in

Mathematics, Science and Technology, *Educating Americans for the 21st Century* (Washington, D.C.: National Science Foundation, 1984); National Endowment for the Humanities, *To Reclaim a Legacy: A Report on the Humanities in Higher Education* (Washington, D.C.: Government Printing Office, 1984); National Institute of Education, *Involvement in Learning: Realizing the Potential of American Higher Education* (Washington, D.C.: Government Printing Office, 1984); and Project on Redefining the Meaning and Purpose of Baccalaureate Degrees, *Integrity in the College Curriculum* (Washington, D.C.: Association of American Colleges, 1985).

<sup>2</sup>For much of the historical material in this section I have relied on my previous writing in the following two books: Rockne McCarthy, Donald Oppewal, Walfred Peterson, Gordon Spykman, *Society, State, and Schools: A Case for Structural and Confessional Pluralism* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1981); Rockne McCarthy, James Skillen, William Harper, *Disestablishment A Second Time: Genuine Pluralism For American Schools* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1982).

<sup>3</sup>Bernard Bailyn, *Education in the Forming of American Society: Needs and Opportunities of Study* (Chapel Hill: University of North Carolina Press, 1960), p. 10. Lawrence Cremin discusses the turn of the century educational historiography in *The Wonderful World of Ellwood Patterson Cubberly* (New York: Teachers College Press, 1965).

<sup>4</sup>Bailyn, *Education in the Forming of American Society*, p. 11.

<sup>5</sup>*Ibid.*

<sup>6</sup>*Ibid.*

<sup>7</sup>David B. Tyack, ed., *Turning Points in American Educational History* (Lexington, MA: Xerox College Publishing, 1967), p. 120; Carl F. Kaestle, *Pillars Of The Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983), pp. 51-52.

<sup>8</sup>Tyack, *Turning Points*, p. 120.

<sup>9</sup>Kaestle, *Pillars Of The Republic*, p. 57.

<sup>10</sup>*Ibid.*

<sup>11</sup>*Ibid.*

<sup>12</sup>See in particular John Webb Pratt, *Religion, Politics and Diversity: The Church-State Theme in New York History* (Ithaca, New York: Cornell University Press, 1967); Vincent P. Lannie, *Public Money and Parochial Education: Bishop Hughes, Governor Seward, and the New York School Controversy* (Cleveland: The Press of Case Western Reserve University, 1968); Diane Ravitch, *The Great School Wars, New York City, 1805-1973* (New York: Basic Books, 1974).

<sup>13</sup>Quoted in Glyndon G. Van Deusen, "Seward and the School Question Reconsidered," *The Journal of American History*, 52 (1965), p. 313.

<sup>14</sup>Quoted in Lannie, *Public Money and Parochial Education*, p. 22.

<sup>15</sup>By 1839 the Roman Catholic Church had estab-

lished seven Catholic schools in the city with more than 5,000 students enrolled. The schools were open to all students.

<sup>16</sup>Bishop Hughes' evidence came from the Public School Society's 1827 Report. See Hughes, "The Petition of the Catholics of the City of New York," September 21, 1840, in *Documents of the Board of Aldermen of the City of New York*, VII, No. 40, (1840-1841), reprinted in Rush Welter, ed., *American Writings on Popular Education: The Nineteenth Century* (Indianapolis: The Bobbs-Merrill Co., 1971), p. 104.

<sup>17</sup>Quoted in Lannie, *Public Money and Parochial Education*, p. 78.

<sup>18</sup>*Ibid.*, p. 83.

<sup>19</sup>Jefferson's plan to establish a system of public elementary and secondary schools was outlined in a bill (*Bill for the More General Diffusion of Knowledge*) he presented to the Virginia legislature in 1779. For a full examination and critique of Jefferson's educational perspective see McCarthy, et al., *Disestablishment A Second Time*, Chapter II ("The Republican Vision of Thomas Jefferson"). See also David Little, "The Origins of Perplexity: Civil Religion and Moral Belief in the Thought of Thomas Jefferson," in *American Civil Religion*, ed. Russell E. Richey and Donald G. Jones (New York: Harper & Row, 1974), pp. 199-200. Jefferson's vision for a nonsectarian system of public education was based largely on the assumption that sectarian opinions and doctrines could not "pass the sure, simple standard of common sense." It is precisely for that reason, argues David Little, that Jefferson believed that sectarian opinion and doctrines "should be set apart and fenced off from the world of action, the world of civil responsibility, by a 'wall of separation.' It was not, as we are so often told, that Jefferson honored and respected differences of opinion so much that he erected his famous wall. On the contrary, it was because he honored and respected them so little." David Little, "Thomas Jefferson's Religious Views and Their Significance on the Supreme Court's Interpretation of the First Amendment," *Catholic University Law Review*, 26, Fall, 1976, p. 64. (Italics in the Original)

<sup>20</sup>Quoted in Lannie, *Public Money and Parochial Education*, p. 78. (Italics added)

<sup>21</sup>"Report of the Secretary of State upon memorials from the city of New-York, respecting the distribution of the common school moneys in that city, referred to him by the Senate, Document No. 86," *Documents of the Senate*, April 26, 1841, p. 6.

<sup>22</sup>*Ibid.*, p. 9.

<sup>23</sup>*Ibid.*, pp. 9-10. (Italics added)

<sup>24</sup>*Ibid.*, p. 13. (Italics added) At another point the Secretary of State refers to the neutral or secular argument as a "sectarian principle." *Ibid.*, p. 12. This same insight into the impossibility of nonsectarian or neutral education is what led A Committee on Education of the House of Representatives in Massachusetts one year earlier (1840)

to criticize the monopolist system of public education established by Horace Mann. The House committee challenged Mann's assumption that education could avoid feelings of jealousy by being neutral toward all perspectives. In addition, the committee pointed out that even if neutrality was possible in education (which it denied) it was not desirable because a book "containing no party or sectarian views, will be likely to leave the mind in a state of doubt and skepticism, much more to be deplored than any party or sectarian bias." Report of the Committee on Education of the House of Representatives, March 7, 1840, in Welter, *American Writings*, p. 92.

<sup>25</sup>In the educational controversy of the 1840s the term "secular" was a synonym for nonsectarian. It was used, for example, in the Public School Society's defense of its educational perspective before the Common Council. "We have the right to declare moral truths. . . . We thus undertake in these public schools to furnish this secular education, embracing as it does, not solely and exclusively the common rudiments of learning, but also a knowledge of good morals, and those common sanctions of religion which are acknowledged by every body." Quoted in Lannie, *Public Money and Parochial Education*, p. 83. Years later the concept of secular education would be championed by secularists who assumed education could be nonreligious but who were themselves deeply religious in their secular world view.

<sup>26</sup>Document No. 86, *Documents of the Senate*, April 26, 1841, p. 11. Spencer was critical of the Public School Society because "It provides an educational establishment, and solicits the charge of children to be placed under its exclusive control, without allowing to the parents of the pupil the direction of the course of studies, the management of the schools, or any voice in the selection of teachers; it calls for no action or co-operation on the part of these parents, other than the entire submission of their children to the government and guidance of others, probably strangers, and who are in no way accountable to these parents. Such a system is so foreign to the feelings, habits and usages of our citizens, that its failure to enlist their confidence, and induce a desire to place their children under its control, ought not to excite surprise." *Ibid.*, p. 19.

<sup>27</sup>To illustrate his proposal the Secretary of State compared a monopolist structure for schools "to the religious establishments formed and supported by the governments of Europe, upon the plea that they are necessary to the moral instruction of the people; and that without them, their subjects would degenerate into heathenism. It was reserved for the American people to prove the fallacy of this position. An experience of fifty years has shown that religious worship has been better provided for, and attendance upon it has been more general, by being left to the free and voluntary action of the people, without the aid of any legal establishment; in other words, without any attempt to coerce the support of religious institutions, or to compel any one to participate in their advantages." *Ibid.*, p. 18-19.