

SUBMISSIONS TO -

Standing Committee

on

Social Development

RE -

Public Funding for Roman Catholic

Separate Secondary Schools

-Bill 30-

FROM -

Canadian Civil Liberties Association

DELEGATION -

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THE SHORT TERM IMPACT - ENCROACHMENTS ON STUDENTS AND THEIR FAMILIES

In late June of this year, a case emerged which dramatizes what is likely to happen to many students and their families. Upon receiving a delegation from the Canadian Civil Liberties Association, the Windsor Roman Catholic Separate School Board agreed to exempt 8-year-old Summer Pervin from religious instructional classes. Since the little girl was not being raised as a Catholic and since she was attending a separate school because that was the only place in the community where she could receive French as her language of instruction, the Board decided to grant the exemption which was requested. But all parties acknowledged that the exemption could only apply to formal classroom instruction. There was simply no practical way to immunize Summer Pervin from the religious atmosphere which, according to the trustees, pervades the entire school setting. Thus, so long as the Pervins wish their little girl to receive French as her language of instruction, they must surrender a rather important component of their religious freedom. They must subject her to a religious atmosphere of which they do not approve.

This situation is a by-product of the publicly supported Catholic school system. If there had been no such support for the Catholic elementary schools, it is very likely that the desired French instruction would be provided in the Windsor public schools. But, since the separate school system has attracted most of the French speaking youngsters, the public board has considered the provision of such instruction too expensive for the small constituency which wants it.

As indicated, it is not the function of this submission to question the level of public support for Catholic elementary schools that may be constitutionally required. To the extent that the Pervin case is caught by this obligation, we cannot now claim a further legal remedy for that family. What we can do, however, is urge that we learn the lesson in the Pervin case and ensure that such invasions of religious freedom are not multiplied through any additional public funding of religious schools beyond what is constitutionally required. At the moment Bill 30 contemplates a proliferation of such situations. In s.136o(6), it provides the right of religious exemption for non-Catholic students who are attending separate

schools because they are "enrolled in a program that is not otherwise available" in the public school system. What this provision cannot do, of course, is immunize such students from the religious atmosphere in the separate schools.

We must also consider what will happen to non Catholic students in the smaller communities where there is a majority of Catholics. In such places, there is a real risk that public secondary schools will disappear in favour of Catholic secondary schools. What happens to the non Catholic students in such institutions? They will either be subjected to a religious atmosphere of which they and their parents do not approve or they will sustain the inconvenience of being bussed to another community for their education. In either case, the freedom of religion of those students and their families will be reduced by the arrangement promoted in Bill 30.

THE LONG TERM IMPACT - A RISK TO INTERGROUP TOLERANCE

(a) The Relationship of Tolerance to Freedom

One of the prerequisites to the exercise of religious freedom is a situation of religious tolerance. People need to feel that they can pursue their particular beliefs with relative impunity. To whatever extent they expect to suffer sanctions - legal, political, financial, or social - they will feel less free to exercise their beliefs. How free, for example, are Jews, Moslems, or Hindus who are denied jobs or housing because their religious practices are intolerable to employers and landlords?

It is not possible, of course, to legislate tolerant attitudes. But it is quite possible to legislate tolerant behaviour. To this end, Ontario has enacted human rights legislation prohibiting various forms of discriminatory conduct in the marketplace. It is also possible for actions of the state to influence the development of tolerant attitudes. Since some institutions encourage tolerance and others discourage it, state policies toward such institutions can exert a critical influence.

(b) The Importance of the Public School System

The institution at issue here is the public school system. We believe that the public schools have contributed immeasurably to the state of religious tolerance in our community. They have done so by increasing and enhancing normal interaction among youngsters of diverse backgrounds. When such youngsters work together on a classroom project, play together in the gymnasium, eat together in the cafeteria, or collaborate together in the production of a play, they are acquiring the experience of mutual respect. Such experience stands to be enriched under the guidance of sensible and sensitive teachers. The public schools provide a virtually unique opportunity for Protestants, Catholics, Jews, Moslems, Buddhists, agnostics, and others to develop a lifelong appreciation of each other. There are few substitutes for the kind of practical experience that can be acquired in the classroom and the school yard.

Systematic investigation provides further indication of how crucial the public schools' role can be. By now, there is a growing body of social science literature which explores the relationship between intergroup contact and intergroup respect. Scores of studies have been conducted in the analogous area of race relations, particularly in connection with school desegregation in the United States. Following the historic decision of the U.S. Supreme Court in Brown v Board of Education of Topeka, there was a rich field for comparative surveys and studies. Many schools remained segregated; many were forcibly desegregated; many were voluntarily integrated. Blacks and whites in all these settings could be watched at work and at play and they could be interviewed at length. They were checked for positive and negative feelings to the other race before and after interaction occurred. They were monitored for what friends they selected, where they chose to sit in the cafeteria, and how they felt about various things. Comparisons were constantly drawn between those who were interacting a lot with the other race and those who were interacting almost not at all.

A substantial number of the studies have produced optimistic conclusions about the value of intergroup mixing at the school level. In a 1982 study of classroom racial composition and children's friendships, Hallinan's research led her to the

following conclusion.

"In particular, the decrease in white segregation over the school year indicates that greater contact with blacks reduces white prejudice and leads to greater friendliness toward blacks"¹

In a 1978 study on the attitudes of children in a desegregated setting, Stephan and Rosenfield reached a similar conclusion.

"As expected, it was found that students who increased in interethnic contact developed more positive attitudes"².

A similar theme was expressed in a 1978 article by Hawley which reviewed the literature.

"Almost all researchers acknowledge the positive influence of such steps as desegregation at early ages..."³

The point was expressed even more forcefully by Williams.

"Out of hundreds of tabulations, there emerges the major finding that in all the surveys in all communities and for all groups, majority and minorities, the greater the frequency of interaction, the lower the prevalence of ethnic prejudice"⁴ (emphasis in original)

While there are also studies which have triggered neutral and even negative conclusions about the value of intergroup mixing, it is harder to find disagreement with the conclusion reached by Schofield and Sager in their 1983 article summarizing the literature.

"There is much evidence suggesting that co-operation can and often does have positive effects on interpersonal and intergroup relations"⁵.

Even among many of the researchers who say that mere contact between the races will not suffice to produce a positive response, there seems to be a consensus

that cooperative contact is likely to yield a favourable outcome. According to Amir, for example, "cooperative factors and rewarding contact situations, especially if superordinate goals can be established, help to promote intergroup relations".⁶

Even in the more intractable setting of South Africa, similar conclusions have been reached. In a 1981 study, Luiz and Krige paired white adolescent girls with what the South Africans call "coloured" girls of similar age and intelligence for the purpose of involving them in certain cooperative activity. The interracial attitudes of these girls, both before and after the cooperative activity, were compared with those of a control group of white girls who were not similarly paired. The authors found that the "white girls who had been paired with coloured girls had more positive attitudes toward coloured people after the activity group program than before..."⁷ No such change in attitude occurred in the control group of white girls.

If cooperative contact has demonstrated such a capacity to increase the level of intergroup tolerance in the volatile climate of the United States and in the even worse situation of South Africa, there is no reason to expect anything less in the comparatively tranquil context of Ontario. Indeed, on the basis of the social science literature from elsewhere, there is good reason to believe that our public school system has been a key factor in producing the level of intergroup rapport that now obtains in Ontario.

Of course, there are no guarantees in the real world. The acquisition and maintenance of acceptable levels of intergroup tolerance require a lot more than the intergroup mixing that occurs in the public schools. But, while such mixing may not be sufficient, it may nevertheless be necessary. In a comprehensive review of the literature which appeared in a 1976 book, Amir expressed the situation as follows:

"....if a positive change in ethnic relations is desired, opportunities for intergroup contact should be provided. Though it is quite clear that such contact does not necessarily produce positive results, without it changes cannot even be hoped for."⁸

(c) The Erosion of the Public School Role

For the purpose of this submission, the Canadian Civil Liberties Association does not need to insist that the intergroup mixing in our public schools is necessary to the state of intergroup tolerance. It will suffice simply to assert that such mixing is likely to be helpful. Even the strongest critics of the social science literature will find it hard to deny at least that. If such intergroup mixing is considered helpful in promoting religious tolerance, so must any significant reduction of such mixing be seen as harmful to that objective. There is good reason to believe, of course, that substantial funding of any religious schools will significantly reduce public school attendance on the part of the group so assisted. In the Province of Alberta, for example, private school attendance more than doubled during the last ten years or so when the government of that province began to provide such schools with increasingly higher levels of financial assistance.⁹ In the case of the Roman Catholics of Ontario, we can expect an even greater reallocation of students.

Of even more concern is the danger that the funding of these Catholic schools today will increase the pressures to do likewise for other groups tomorrow. In addition to the smaller groups such as the Jews, Dutch Reform, etc., at what point might we face pressures to grant such support to some of the mainstream Protestant faiths (Anglican, United, Presbyterian)? Some of them already operate expensive day schools which propagate their ideologies. If the Catholics and any other groups were to obtain such funding, the mainstream churches might find the temptation to demand likewise simply irresistible. To whatever extent such support were forthcoming, this would commensurately undermine the ability of the public school to play the kind of unifying role it has played in the promotion of intergroup tolerance. But, even if such support were not forthcoming, the role of the public school would nevertheless be weakened. Other groups in our society would perceive the extension of support for the Catholics as unwarranted favouritism. The ensuing and continuing controversies would have to impair the unifying functions of the public school system. The result would likely be a net reduction in society's level of inter-religious tolerance.

NOTES

1. Maureen T. Hallinan, "Classroom Racial Composition and Children's Friendships," Social Forces 61 (1982) : 65-72, at 70.
2. Walter G. Stephan and David Rosenfield, "Effects of Desegregation on Racial Attitudes," Journal of Personality and Social Psychology 36 (1978) : 795-804, at 800.
3. Willis D. Hawley, "The New Mythology of School Desegregation," Law and Contemporary Problems 42 (1978) : 312-233, at 222.
4. Robin Williams Jr., Strangers Next Door: Ethnic Relations in American Communities (Englewood Cliffs: Prentice-Hall, 1964), at 167-8.
5. Janet W. Schofield and H. Andrew Sager, "Desegregation, School Practices, and Student Race Relations," in The Consequences of School Desegregation, eds. Christine Rosell and Willis Hawley (Philadelphia: Temple U. Press, 1983), at 78.
6. Yehuda Amir, "The Role of Intergroup Contact in Change of Prejudice and Ethnic Relations," in Toward the Elimination of Racism, ed. Phyllis Katz (New York: Pergamon Press, 1976), at 272.
7. Dolores Luiz and Patricia Krige, "The Effect of Social Contact Between South African White and Colored Adolescent Girls," Journal of Social Psychology 113 (1981): 153-8, at 157.
8. Supra note 6 at 255.
9. Chronology on Private School Funding prepared by the Alberta Ministry of Education.
Commentary prepared by Save Public Education on a "Proposal to Cease Government Funding of Private Schools in Alberta" dated April 17, 1985.