

## The Right to Educate

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# The Right to Educate

Control of education is vital. The agency which shapes the education of a community influences the future of the community as well as the children of that community.

Neither Nazi Germany, Communist Russia, nor any other government which claims or covets control of every person and every agency within the State, dares relinquish control of education to any but state schools.

The history of education in the United States bears witness to the desire of Americans to decentralize control of education. Even many advocates of federal aid to education are concerned lest federal aid be a harbinger of federal control.

Supervision of education in America has been placed in the hands of the several state governments. Yet even here supervision has been distinguished from control, much less monopoly, and a strong and vital system of private schools is a direct product of our pluralist community and the truly democratic nature of our society.

Almost every organization of serious purpose in the United States has from time to time been concerned with some phase of education. The churches in particular have, without exception, engaged themselves actively in educational pursuits ranging from private instruction, through Sunday schools, to the vast and complex educational system of the Catholic Church.

The 1958 Convention of the National Catholic Educational Association took as its theme "The Right to Educate — The Role of the Parent, the Church and the State." For four days some 12,000 delegates from every state in the Union discussed the nature of the right to educate and its implications. Some of the papers read at the Convention were of such importance that they deserve publication beyond the ordinary circulation of the NCEA official journal.

This issue of THE CATHOLIC LAWYER has been devoted in part to a selection of papers which should have a particular interest for lawyers. They are, for the most part, devoted to history, philosophy and law. An effort has been made to isolate important principles from the arena of contemporary controversy with the hope that they may be discussed as calmly and dispassionately as possible.

Inevitably the question of support for private schools will be raised again and again. But advocacy of federal or state aid for parents who may elect to send their children to private or even to parochial schools has not been attempted.

An exhaustive exploration of all the possible means of assisting parents to finance their children's education has never been accomplished and is beyond the scope of the present discussion.

More importantly, the question of the right to public assistance of parents who may elect to educate their children in church-operated schools is ancillary to the right of parents to control their children's education and cannot properly nor profitably be discussed until the more basic right to educate is better understood and more widely accepted.

The keynote address which delineates the theme of the 1958 NCEA Convention is followed by three articles which treat in greater detail the various facets of the theme.

The legal status of the church-controlled school in America is then explored and a discussion of the Kerala Education Bill, 1957, has been reprinted from *The New Leader*, a newspaper in Delhi, India, to show the universality of the problem.

Finally, in a concluding article, emphasis has been transferred from the right to the *obligation* of Catholics to educate.

The subject matter of this issue is highly controversial. The editors sincerely believe and confidently expect that a serious discussion of the principles involved, divorced from demands for public monies, will give all parties to the debate a new perspective and a key to a mutual understanding of and sympathy for conflicting points of view.

America needs the combined and coordinated contributions of parent, Church and State in the education of America's children if this country is to remain the America we have known and loved.

Joseph J. Tinnelly, C.M.

EDITOR