

# The Opponents of Public Education: New York State, 1870-1880\*

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## I

A significant amount of opposition surrounded the development of state supported public secondary and higher education in New York State throughout the eighth decade of the nineteenth century. Opposition appeared within various sectors of the social structure.<sup>1</sup> However, this paper will concern itself with the opponents who occupied a political, or politically influential position. They include two governors of the State, a Regent of the State University, a president of a university, a Superintendent of Public Instruction, and the editor of a scholarly journal.

The period just preceding the 1870's in New York State was politically colored by the Radical Republicans' rise to power during Reconstruction. As 1870 approached, this group found themselves in fierce competition with the reemerging Democratic party for control in state government. The Radical Republicans, under the leadership of the newly elected governor Reuben E. Fenton, had supplanted their old Whig rivals and instituted a platform calling for progressive reform. A prominent scholar of this period, James C. Mohr, characterizes their position as follows: "The Radicals' approach to reform embodied both a faith that institutional change could produce social change and a belief that the massive problems of postwar New York could best be handled by the central government at Albany."<sup>2</sup> A vast program of civil and institutional reform accompanied their political reign. With respect to education specifically, three major steps were taken: the founding of Cornell University in 1865, the creation of four normal schools for teacher training in 1866, and the passing of the Free School Law of 1867.

By the end of 1867, the power and influence of the Radical Republicans began to falter slightly and they increasingly found themselves in a deadlock with the resurgent Democrats. The deadlock ended in 1869 when the Democrats, for the first time since the 1840's — when Jacksonian Democracy was predominant —

\*Portions of this paper were presented at the Seminar of the Center for Independent Education, New York City, August 5, 1977

won majorities in both houses of the legislature. Thus the 1870's was ushered in by the Democrats, who gave the state government an almost completely different orientation than had the Radical Republicans. The approach of the Democrats was characterized by Mohr as "virtually the direct opposite" of that developed by the Republicans.

When the Radicals had favored centralization and the imposition of rationalized administration from above, the Democrats counterattacked with a program based upon decentralization and local autonomy. Where the Radicals had tried to expand the role of the state and the power of officials at Albany to meet the needs of a rapidly urbanizing and industrializing society, the Democrats, as befitted the state's surrogate Southerners, championed "home rule" and defended those governmental units closest to the people as the most appropriate agencies to solve the people's problems.<sup>3</sup>

As the Democrats gained power in 1870, their political posture, which in some ways still hinged on the precepts of Jacksonian Democracy, was reflected in their policy toward state involvement in public education. The scope of support for state controlled and subsidized schooling varied according to the political party in power in the governor's office or the legislature, and the 1870's in New York State, a period of Democrat ascendancy, was marked by an essentially *laissez faire*, minimal government philosophy which expressed itself in the field of education in efforts to reduce public expenditure for schooling, and to exclude the state from the business of higher education entirely. This program invoked the belief that the voluntary system was adequate to the needs of society for schooling beyond the primary level.

Prior to examining the ideas of the opponents of public higher education, a brief sketch of the development of higher education in New York State before 1870 may serve as a useful background. Of course there are many social, economic, religious, and political factors which are critical to a complete understanding of the dynamic role which education played in the society. Unfortunately the scope of this paper requires the omission of these important factors.

Before 1870, higher education was considered anything beyond the level of the common school. This included secondary schools, academies, high schools, normal schools, and colleges. Legislative provisions for education began on May 1, 1784, with the creation of a corporation called the Regents of the University of the State of New York whose principal function was to establish and control schools and colleges.<sup>4</sup> The powers of the Regents included chartering of colleges and academies, the visiting and inspecting of the institutions, and the granting of financial aid.<sup>5</sup> In 1790 an act was passed "placing at the disposal of the Regents, several large tracts of land, and in the interim until this should become productive of revenue, the sum of one thousand pounds annually was appropriated for the needs of the academies and colleges."<sup>6</sup> In 1813 an act was passed "directing the sale of certain lands for the benefit of the academies," which, together with certain later acts, established the literature fund permanently devoted to the rise of the academies by the state constitution of 1846.<sup>7</sup> In 1838 a

fund composed of the excess revenue apportioned to the State of New York by the United States Congress, was made available for educational purposes; and part of the income from it was contributed by the state to the support of academies. An act passed in the same year granted the Regents \$28,000 annually from the revenue of this fund, which was known as the United States Deposit Fund, to be apportioned to the academies subject to visitation.<sup>8</sup> The Constitutional Convention of 1846 provided that this fund, together with the literature fund, would be preserved inviolate.<sup>9</sup>

Following at least a decade of growing concern for the education of teachers for the common schools and because of an increasingly insufficient number of teachers being provided by the academies, the first normal school was established on May 7, 1844. It was to be located in Albany and subject to the supervision and management of the Superintendent of Common Schools and the Regents.<sup>10</sup> In 1866, four new normal schools were established by an act of the legislature.<sup>11</sup> In addition, the Office of the Superintendent of Instruction was established in 1854 to replace the abolished office of the Superintendent of Common Schools. This new office was given the function of visiting schools and academies, thus duplicating a continuing responsibility of the Regents.<sup>12</sup>

By 1840 there was a growing interest in the establishment of union schools.<sup>13</sup> Union schools were formed by the consolidation of a common school with an academical department. Academical departments, later referred to as high schools, evolved from the introduction of higher subjects into the common schools. A union school could also be established by the consolidation of a common school with a former academy transformed into an academical department.<sup>14</sup> Due to increasing financial cost, many struggling academies chose this course of action.<sup>15</sup> Many districts became interested in the union school arrangement and began petitioning the legislature for permission to consolidate. After granting permission to many districts, in 1853 the legislature passed an act to consolidate the previous acts pertaining to union schools. This act was called the Union Free School Act.<sup>16</sup> The transition of academies to public high schools was expedited by this act of 1853 and by subsequent acts of 1864 and 1867.<sup>17</sup>

In 1867 the Free School Law was passed applying to common school education.<sup>18</sup> It had evolved from the Free School Acts of 1849 and 1851 and had commanded significant opposition, but was nevertheless passed.<sup>19</sup> Although the free school program was initially intended for the common schools, the idea of extending it to secondary schools, academies, and colleges was gaining popularity.<sup>20</sup> Rigorous debates over the issue ensued during the State Constitutional Convention of 1867 and ushered in a long period of controversy surrounding the state's role in the support of secondary and higher education.<sup>21</sup>

### I. Abram B. Weaver

Opponents of public education introduced into New York State Assembly in 1869 "an act to abolish the Board of Regents of the University and to establish a State Board of Education."<sup>22</sup> The leading proponent of this measure was Abram B.

Weaver, Superintendent of Public Instruction. Weaver was an outspoken foe of the Regents and of public secondary and higher education. Weaver's battle for the abolition of the Regents was symbolic of his disagreement with the then Chancellor V. L. Pruyn over the issue of state supported, public secondary and higher education.

"The legislature was more impressed with the views of Superintendent Weaver than with those of the Regents. In 1870, for the first time in sixteen years, Democrats were in control of the Assembly and Senate and the Governor's office as well. An act to create a department of education, and to reorganize the board now known as the Regents of the University of the State of New York was introduced in the Assembly just two weeks short of adjournment."<sup>23</sup> On adjournment day the Assembly acted unanimously to approve a bill that had emerged from the Senate in strict accord with Weaver's recommendations. Once the legislature had acted, it was up to Governor John T. Hoffman to decide whether it would become law.<sup>24</sup>

Governor Hoffman, often recognized as the personal representative of the Tweed ring, was governor from 1869 to 1872.<sup>25</sup> William Tweed had become a State Senator in 1867 and put Hoffman forward for the governorship of the State in 1869.<sup>26,27</sup> Aided by the national Democratic drift of that year, Hoffman, an outwardly respectable man, won the gubernatorial election.

As governor, Hoffman urged the legislature to "do whatever may be necessary to foster the educational interests of the state." Concerning the common schools Hoffman remarked, in 1870, "no tax should be paid more cheerfully than that which enables all, without reference to station or condition, to acquire the rudiments of a good English education,"<sup>28</sup> and, a year later, "I am sure the legislature needs no recommendations from me to extend to our school system the most liberal encouragement."<sup>29</sup> Similarly, in 1872 he made a request to the legislature: "I ask for the schools the most liberal legislative encouragement."<sup>30</sup>

These words of Governor Hoffman were not specifically directed to the question of secondary and higher education and cannot be said to provide much of an indication of how he would react to signing the 1870 bill. Regent Chancellor Pruyn and Regent Erastus Benedict argued with Governor Hoffman against the bill and Hoffman gave the measure a pocket veto for reasons he declined to state. Whatever his reasons may have been, Hoffman's action prevented the establishment of a state board of education whose chief characteristic was its "nearness" to the people.<sup>31</sup> More importantly, it acted to hinder Abram Weaver in his battle against state supported public secondary and higher education.

In his annual report as Superintendent of Public Instruction in 1870, Weaver stood forth as an opponent of public secondary and public higher education:

Should the academies be made free? . . . However great may be the personal advantage of an education, the primary object of the state, in bestowing it, is not to benefit individuals as such, but to qualify them properly for their relations and duties to each other as members of the same community. The true theory is, I apprehend, that each citizen has an interest in the education of

all others, such as to justify the taking of private property to support public schools. Public instruction is a governmental measure, adopted to support the security, good order and common welfare of society and thus to preserve the integrity of the state. But for the community of interest, the state would have no better right to take the property of one citizen to educate another, than it would to give it to him direct.<sup>32</sup>

Weaver's argument avoided condemnation of the free common schools, for which he believed there is a fundamental state obligation. But as to higher levels of education, he argued that:

Advanced education is not, in my judgment so essential to the public ends as elementary instruction, and consequently the obligation to provide for it is not so fundamental as imperative. Nor is it clear to my mind that public considerations would thereby be subserved in proportion to the extent of instruction, beyond the course now authorized, though in many cases not pursued in the common schools.<sup>33</sup>

At the urging of the University Convocation (composed of the Regents, college officials and principals of academies),<sup>34</sup> the legislature passed a General Tax Law in 1872 which levied a tax of one-sixteenth of a mill in support of academies, as secondary schools under the Regents. Since the academies were unable to meet the competition from the union free schools of the same grade, the measure was of crucial importance. The amount appropriated by this act was \$125,000 and, with an income of \$40,000 from permanent funds, this gave many academies new hope for continued existence. This measure was vigorously opposed by many, including Weaver:

But if in opposition to these considerations, and contrary to the formal policy of the state, it should be determined to levy, for academic instruction, a third tax in addition to both the general and local taxes now raised for public schools, there is no reason or justice in providing for that class of instruction more liberally than for common school education. Such a discrimination in favour of higher education, against those who cannot avail themselves of its advantage, is not only a wide departure from the policy heretofore pursued, but is manifestly unjust.<sup>35</sup>

The tax was discontinued in 1874.

As the final term of Governor John Hoffman came to a close, Weaver continued to occupy the position of Superintendent of Public Instruction. He remained in that post until 1874, the year following the financial panic of 1873 which saw the number of private academies dwindle, to be replaced and surpassed in number by the union free high schools.<sup>36</sup>

Republican John A. Dix took office as governor in 1873. A noted historian has remarked that Dix, "with a fine record in the Civil War and long service in public office, made a rather colorless governor".<sup>37</sup> The term "colorless" can also be applied to Dix's first annual messages on education. Aside from the common practice of presenting the annual statistics, his annual message of 1873 makes no mention whatsoever concerning the schools of the state.<sup>38</sup> In the following year,

Dix's message did contain remarks concerning institutions of teacher training: "Whatever is done to elevate and improve the institutions in which teachers are trained, will tend directly and positively to advance the schools in which they teach."<sup>39</sup> Ironically, Dix made reference neither to the Compulsory School Law which was to be passed during his second year as governor, nor to any opposition the bill may have encountered. Also conspicuously missing was any suggestion of the discontinuance in 1874 of the General Tax Law of 1872.<sup>40</sup> In this passage taken from his 1874 annual message, Dix mentions only the previous appropriations:

The increased appropriations lately made to these institutions are greatly stimulating the work of both teacher and scholars in all departments of institutions. They are especially felt in the classes for the preparation of teachers for the common schools, there being an increase of at least thirty percent in the number of such teachers now being trained, as compared with former years. This result is regarded by the regents as most encouraging; for with all that is done in the normal schools, the academies must continue to a great extent to furnish the teachers for the common schools, especially in the rural districts.<sup>41</sup>

## II. Samuel J. Tilden

In 1874, the Democrats were successful in getting Samuel J. Tilden elected to the governor's office. Tilden in many ways represented the great libertarian tradition of the Democratic party in New York. During his youth he had become a dedicated supporter of General Andrew Jackson for president and was an outspoken supporter of minimal government and *laissez faire* economics. Tilden's opposition to bureaucratic centralism was evident in his writings and speeches. In 1871 he remarked: "I oppose centralism because it is incompatible with civil liberty. Forty millions of people, guided by a single hand, would sweep over all dissent and all resistance of isolated or unorganized individuals."<sup>42</sup> Tilden spoke of the federal government in proclaiming the evils of centralism: "The Federal Government is drifting into greater dangers and evils. It is rushing onward in a career of centralism, absorbing all government powers and assuming to manage all the affairs of human society."<sup>43</sup> And concerning education he warned against the expanding role of government: "It is going to usurp control of all our schools and colleges."<sup>44</sup>

Tilden nevertheless remained hopeful that a restoration of democracy and individual freedom would come about.

A change of men is necessary to secure a change of measures. The opposition is being matured and educated to take the administration. The Democracy with the tradition of its best days, will form the nucleus of the opposition. . . . We will go forward until a political revolution shall be worked out and the principles of Jefferson and Jackson shall rule in the administration of the Federal Government.<sup>45</sup>

In his first annual message as governor, Tilden spoke positively in reference to higher education and seemed to favor a type of voluntarism.

The condition of the colleges and academies, subject to the visitation of the Regents of the University, is very satisfactory. . . . By the wise liberality of individual citizens, the endowments and appliance of several of these institutions have during the last years been largely increased and their means of usefulness greatly extended. The number of scholars in attendance upon the academies has increased and the standard of scholarship has upon the whole considerably advanced. These institutions, while they prepare students for admission to the colleges, are also designed to fit another class for immediate entrance upon the practical duties of life; and thus complementing the work of the common schools, form an important part of the educational institutions of the state.<sup>46</sup>

During his first year in office, considerable controversy surrounded an education-related bill proposed by Tilden. For his support of it he was later referred to as "an enemy of the state schools."<sup>47</sup> One critic remarked that Tilden "approved a new law which virtually destroyed the settled status of the common schools of the state."<sup>48</sup> Tilden's bill (enacted in 1875) was entitled "an act to incorporate the sisterhood of Grey Nuns in the state of New York."<sup>49</sup> Repealed under criticism three weeks after it was signed, the bill would have granted certification to teach in the common schools to the graduates of the Roman Catholic Seminary of the Grey Nuns. This was viewed as opening the door to the involvement of Catholic clergy and religious in public schools.<sup>50</sup>

The state had for many years provided funds to the academies for the instruction of potential common school teachers during one-third of the academic year. An annual appropriation of \$18,000 came from the U. S. Deposit Fund for this purpose.<sup>51</sup> During Tilden's second year as governor, a bill was introduced to increase the appropriation from \$18,000 to \$40,000.<sup>52</sup> The bill passed both houses of the legislature but, for whatever reason, failed to receive Governor Tilden's signature. Some speculated that Tilden was too interested in his own campaign for the Presidency to take proper care of his duties as Governor. It may also be that Tilden, and his comptroller, Lucius Robinson, who had earlier opposed the bill, conspired to allow it to fail by a pocket veto.

### III. Lucius B. Robinson

Lucius B. Robinson succeeded Samuel Tilden as Governor of New York in 1877. Robinson has been characterized as "an executive of remarkable force, sensitively obedient to the principles of honest government and bold in his utterances."<sup>53</sup> He carried on Tilden's programs of economy and reform.

As 1877 approached, opposition to public secondary and higher education had mounted significantly. With the outspoken Abram Weaver no longer in the influential position of Superintendent of Public Instruction, the opposition was

now led by Governor Robinson. In his first message as governor, Robinson wasted no time in declaring his position:

It seems to me to be a clear violation of personal right for the states to go beyond [the common schools] and levy taxes to support free academies, high schools or colleges. . . . This should be left to individual effort from which better results always come than from any amount of donation from the state.<sup>54</sup>

Skeptical of any public schooling beyond the common school level, Robinson challenged the worth of the already established state normal schools by arguing that "many pupils never ended up following the profession anyway".<sup>55</sup> That many graduates of the normal schools never taught in the common schools had also been a frequent matter of concern to the legislature. As early as 1870, the Assembly had adopted a resolution directing the Superintendent to furnish them with the number and names of young men educated at the state normal schools, who had failed to keep their pledge to teach, made on entering such schools.<sup>56</sup>

In 1879 Robinson confirmed his discontent with the normal schools and threatened their continued existence if reform did not come about. He commented:

So far as I can learn, the normal schools established in various parts of the state are, with two or three exceptions, wholly useless, and fail almost entirely to accomplish the objects for which they were established and for which the state is annually paying large amounts of money from the treasury. I recommend an inquiry into the workings of these institutions and a discontinuance of all those which fail to accomplish the purposes of their establishment.<sup>57</sup>

Robinson noted that the large amount of money raised through state taxes for education was "double the sum required to pay the entire expense of state government, executive, legislative, judicial, military, civil,"<sup>58</sup> and warned that "this is liable to lead to abuse."<sup>59</sup> Robinson proceeded to challenge the principle of support of high schools by general taxation:

In my judgment, a very great wrong has already grown up in connection with our otherwise excellent system. It lies in the principle of applying large amounts of the moneys raised by taxation, to support the high schools, and instruction in all the sciences and higher branches of study required in the learned professions. I can find no excuse for raising money by general taxation for such purposes. . . . Nine in ten of those educated in the so called high schools at public expense would far better pay their own bills than have them paid by the state.<sup>60</sup>

Speaking of the injustice of public education beyond common schools, Robinson argued: "When we go beyond this and take from one man the money necessary to educate the children of another in arts and sciences, we perpetuate an act of injustice under the forms of law."<sup>61</sup> Robinson referred to the levying of taxes upon the people as "legalized robbery" and warned of the negative consequences of over-education.

But to levy taxes upon the people for such purposes is a species of legalized robbery and even the recipients come to know it. Their sense of injustice cannot fail to condemn it. It lowers their standard of morality and helps to debauch instead of purifying public opinion. It also breeds discontent on the part of those who are educated, or attempt to be educated, to something above that for which they are fitted.<sup>62</sup>

And, addressing the argument that the "system" is a benefit to the poor, Robinson quickly denounced the idea as false.

The argument sometimes advanced that this system is a benefit to the poor is an utter fallacy. The children of the poor generally leave the schools with a common school education and go to work for themselves or their parents. Yet while the poor man's children are thus at work, his little home is taxed to give the children of others a collegiate education.<sup>63</sup>

Optimistic that his ideas would be accepted, Robinson affirmed his faith in the future.

*These views are so manifestly just, that I have no doubt they will ultimately prevail. Indeed there seems to have already been a cessation of efforts to establish high schools, academies and colleges and support them by taxation.*<sup>64</sup>

#### IV. Martin B. Anderson

While Robinson was governor, a similar type of opposition to public higher education was developing in other spheres of state government. In 1877, the *Regents of the University published its annual report and included in it the proceedings of the Regents Convocation of 1876*. The Regents had been strongly in favor of some state support for secondary and higher education. However, one of the topics at the Convocation was the "voluntary principle" of school support. At the convocation, the president of the University of Rochester, Martin B. Anderson, read a paper entitled "Voluntaryism in Higher Education." In it he assailed the principle of state supported higher education on religious grounds. Anderson cited two postulates that he believed were gaining wide acceptance:

One is that the common school, supported by taxation, is necessary to the well-being and permanence of the State. The other is that, tax payers having common rights, these schools should be administered as to do no injustice to the religious conviction of any citizen. The duty of the State to furnish an intellectual and moral education in the common schools is accepted on the grounds of self-preservation. As, by common consent, the giving of religious instruction stands outside of the functions of the State, it follows that this duty falls upon the parent, the church and the Sunday school, under the natural working of the voluntary principle.<sup>65</sup>

On the basis of these two postulates, Anderson ardently rejected the idea of state *intervention in any kind of higher education*:

Hence, professional education and high liberal training necessary for the professions, should not be undertaken by the State, because this education is for the benefit of but a very small and special class of the community, and can also be better provided for by the natural action of the law of supply and demand.<sup>66</sup>

Anderson further explains how the state does wrong by undertaking to teach in domains beyond its proper sphere of authority:

The State — as an organization with powers limited mainly to the protection of life, property and personal liberty — may not undertake to teach what belongs to the domain of the conscience. In doing so, it transcends its legitimate sphere. High education cannot be adequately conducted without the discussion, in the way of acceptance or denial, of God, the soul, the objective sanctions of morality, and all the forces which lead a man to God. As this higher education, in order to be scientific and thorough, is conversant with the sphere of topics which involve religious and moral principles, it should be referred, like religious beliefs and modes of worship, to the action of the voluntary principle.<sup>67</sup>

Anderson held that the function or duty to provide higher education falls “upon individual and corporate benevolence, acting under the general laws of the state, which define the limits and powers of religious and benevolent organizations generally.”<sup>68</sup>

In common with Governor Robinson, Anderson believed that his argument did not apply to the curriculum of the common schools:

While I hold that the elements of knowledge, such as are taught in the common school, may be taught and learned without serious and scientific discussion of these points of controversy, this is not true of the subject matter of higher education.<sup>69</sup>

And in the following passage one is reminded of the principles of the earlier governor, Tilden.

But we are told that our institutions of higher learning ought to be centralized. We answer: A country like ours, in which local self-government so predominates, never can, and never should, be brought under the control of a single type of culture. Our country's intellectual life ought not be shaped from any state or intellectual center. Such a state of things would inevitably destroy the freedom, the variety, the manifoldness, which is one of the best characteristics of American society as contrasted with that of France and England.<sup>70</sup>

Anderson concluded that any attempt to centralize or monopolize higher education would fail because:

The rapid increase of people, and the new distribution of our population, which results from our constantly developing railroad system, forbid the possibility that a few centers of education, however largely endowed, shall satisfy the intellectual wants of the future. We believe that, in the future development of the wealth and intelligence of our country, the voluntary

system, which has been so satisfactory and successful in the maintenance of religion, will be abundantly able to meet all the demands of higher liberal and professional education.<sup>71</sup>

### V. Charles E. Finch

Also in 1876, Charles Finch, editor of the Rochester *Democrat and Chronicle*, delivered a paper on "Education and the State" before the New York State Teacher's Association. The paper excited much interest and discussion. Finch laid down two propositions for public policy in education: (1) that the state has "no right to foster . . . scholarship," and (2) that the voluntary principle not only can, but will, take care of higher education.<sup>72</sup> Finch set down what amounted to basic Jeffersonian-Jacksonian political philosophy at that time:

As the individual surrenders to the state the rights that he cannot retain consistently with its well being and the right of his neighbour, so the state assumes to do no more towards or for the individual than its autonomy prescribes. Hence it must neither oppress nor favour. It must be alike devoid of absolutism and of paternalism. It must observe the maxim "that government is best which governs the least", and it must also be essentially non paternal in its character. And yet, under any and every government, there is the constant temptation to the exercise of paternal prerogatives . . . Let the rule be observed that government will do nothing that the voluntary principle can do, and there would be little left for democracy to enjoin, or to vindicate.<sup>73</sup>

Finch contrasted the basic value difference between primary and secondary education in their relation with the state.

Secondary education, valuable as it is for the individual, has a foundation entirely distinct from that of elementary education. The one is a personal benefit. The other is the national salvation. The one is democratic. The other is aristocratic. With all the devotion to their cause of the advocates of secondary education by the state, we never hear them propose to make it compulsory. They dare not. Seriously pushed it would foment civil war. And yet, why do they hesitate, if it is the duty of the state to educate classically and scientifically, as well as elementarily? With all their rhetoric, they detect the poverty of the thought it adorns.<sup>74</sup>

Finch, like Anderson and Bishop McQuaid, rejected the intermingling of theology in higher studies and believed that state involvement in such courses of study would undermine the separation of church and state.

It occurs to me that there is another very potent objection to the high school. It cannot consist with absolute secularity of education. The American people insist upon the separation of church and state. They are in earnest about this. Not so much as the weight of a little finger must the church lay upon the state, not so much as a farthing must the church (at least directly) draw from the public revenues, not the most rudimentary lesson must it inculcate in the name of the state. This vital principle the two political parties now contending

for supremacy profess in their platforms. Nine-tenths of the religious organizations endorse it. No sectarianism in the schools has the assent of the undoubted majority of citizens. In the common school the principle can be maintained. The curriculum permits — nay, involves it. Here, America takes her stand against the division of the school moneys among the sects. In this, again, there is the sternest logic and truest patriotism. Ascend to the high school, and the vindication of this fundamental becomes impossible, for here there is a curriculum the moiety of which cannot be pursued without receiving the theological bias.<sup>75</sup>

The following year, 1877, Charles E. Finch became a Regent of the University of the State of New York.

### VI. Edward Livingston Youmans

By 1878, after various opponents of public secondary and higher education had defended the principle of liberty and equality before the law, the struggle began to develop at the level of the individual colleges. Articles denouncing the establishment of new public colleges began to appear more often in newspapers and journals. One of those who undertook to confront a particular institution was Edward Livingston Youmans, editor of the influential *Popular Science Monthly* and a leading disciple of Herbert Spencer, and the City College of New York was his target.

In 1878 Youmans published an editorial in *Popular Science Monthly* in which he critically attacked the establishment of the municipally funded and tuition free City College. The article, entitled "How New York City Got a College," explained the injustice and political underhandedness that surrounded its foundation. Youmans remarked:

What on earth New York wanted with a college, when there were two good ones already in town, not half full of students, might be a perplexing inquiry, did we not know that corporations, as well as individuals, often find themselves possessed of things which they didn't want and never intended to have.<sup>76</sup>

Youmans reminded his readers that the decision to establish the college was not necessarily the choice of the people. "The people did not say, 'Go to, let us have a college, cost what it will, and teach Columbia and the New York University how to manage a higher education of learning.'"<sup>77</sup>

Youmans felt strongly that if the issue had been brought before the people, as he thought it rightfully should, the result would have been different. He declared:

Of course the repudiation of the original school, and of the ideas which led to its establishment, was not submitted to a popular vote, and it's equally certain that, if the projected change had been thus submitted it would have been overwhelmingly rejected.<sup>78</sup>

Furthermore, Youmans pointed out the inconsistency in the state's position on the principle of voluntarism.

Having affirmed the voluntary principle in religion, and denied the right of the state to meddle in this most important concern — having affirmed that the individual is a better judge in this matter than the state can be — when it comes to education, we deny the voluntary principle, deny that individuals here know what is best for themselves, and that the state — that is, the politicians who happen at any time to be in office — is better than the people to be entrusted with the absolute control of the subject.<sup>79</sup>

By 1880 the governorship had changed hands and Lucius Robinson had stepped down. It is somewhat ironic that, after a decade of steadfast gubernatorial opposition to public secondary and higher education, Robinson's successor was the man after whom the first public state university of New York was named. Ezra Cornell was a good example of the older Whiggish sort of Republican. He acquired a fortune when his own telegraph ventures were bought out against his own will in return for Western Union stocks which subsequently skyrocketed in value. Cornell joined forces with Andrew White of the Literature (education) Committee of the Senate, and the persuasive duo succeeded in establishing Cornell University.<sup>80</sup> Unquestionably a supporter of public education, the newly elected Governor Cornell affirmed in his annual message of 1880 that he was a "positive advocate of progressive education." In his second annual message Cornell argued: "Public education is also a means of public economy, for as intelligence is the best antidote for vice and crime, the expenditures for education will lessen the demands for charity and correction."<sup>81</sup>

During Cornell's first year in office, E. L. Youmans reactivated his campaign against the establishment of the City College of New York. That year he published another editorial, this one entitled "Let Well Enough Alone," a title he likened to the posture of the new Board of Education president, Stephen C. Walker. Youmans accused Walker of inconsistency in his viewpoints, alleging that whereas Walker had formerly been opposed to the policy of taxation to sustain academies or higher education, "no sooner does he find [himself] in the official saddle than all doubt is dissipated, and he becomes an eager apologist of things as they are."<sup>82</sup> Youmans remarked:

Having got two colleges, embracing every known subject of academic instruction, and grammar schools devoted to fifteen or twenty subjects which are neither essential nor elementary, and endowed beyond all dreams of private munificence by legislation which subsidizes for their support the property, real, personal, and mixed, of the whole commonwealth, for all of which he has never seen sufficient reason, Mr. Walker thinks he may now rest and be thankful. . . . A certain questionable policy being consummated beyond what its promoters could ever have dreamed, he thinks the rule should be now, "Let well enough alone."<sup>83</sup>

Youman's words in 1880 reveal a stronger emphasis and a less-controlled bitterness than his editorial of two years prior.

The school system of New York has been revolutionized and perverted from its original purposes, and that not by popular initiation and approval, but by

maneuvering and indirection, by wire-pulling and huggermuggery. It has been prostituted to ends never contemplated by those who established it and have sustained it, and this has been done in express defiance of the known convictions and wishes of the people.<sup>84</sup>

### Conclusion

As the 1880's began to unfold, new opponents appeared and old opponents reappeared. Robert Finch again denounced government involvement in secondary and higher education, this time before the Regents Convocation of 1883.<sup>85</sup> At the same convocation, A. C. Hill, Principal of Cook Academy, delivered a paper in which he challenged the state's right to promote secondary education.<sup>86</sup> In 1886, Governor David B. Hill failed to approve a bill appropriating \$60,000 for the use of academies and high schools.<sup>87</sup> Also in the eighties, the American hierarchy of the Catholic Church, represented by Bishop McQuaid and others, continued their vigilant fight against the state's involvement in all levels of education.<sup>88</sup>

Opposition to public secondary education was not limited to the individuals noted in this essay. Although reasons may have differed, there is strong evidence that public secondary education in the nineteenth century commanded significant opposition from various sectors of the social structure. Recent revisionist historical studies have, for example, emphasized the opposition among the poor. Referring to two such studies, Walter Feinberg has written:

the point has been made that, at least during the early years of public education, the poor themselves resisted the expansion of public education and did not, as suggested by many traditional historians welcome it as an unmitigated blessing. The revisionist points out that in a number of instances expansion was resisted and the resistance was overcome only by outmaneuvering the poor in the political arena and by softening the rhetoric making the inroads of school reform easier.<sup>89</sup>

Taking into consideration the opposition to public secondary schooling discussed in this paper, as well as that presented by the revisionists, one may well ask why the establishment of public secondary education was successful. An answer to this question is offered by Robert Church in his *Education in the United States*. Church describes two forces which contributed to the growth of public secondary education. In explaining the first of these he says:

Much of this pressure appears to have come from anxious middle class people, fearful of their economic and social circumstances, seeking to use the high school as a badge of status which would partially substitute, they hoped, for a lack of firm social status that rested on wealth or inherited place in a stable social structure. The high school developed as a separate unit to facilitate its symbolic value as a badge of status.<sup>90</sup>

Church describes a second force integral to the development of public secondary education as follows:

Many members of the upper class fought for the existence of such institutions. Their purposes, however, seemed to have differed. The upper class most often saw, or thought they saw, the connection between the upper extension of a practical English education and economic growth. They also conceived of the high school as a means of recruiting talent from below for assistance in managing the burgeoning economic machine of mid-nineteenth century America. They also worried about social unity and apparently felt somewhat guilty about their patronage of such exclusive institutions as the Academies. The elites saw the public high school not as a help to the lower middle class, but, rather, as a means or restoring that sense of social harmony and community which their own economic and social endeavors had done so much to destroy irreparably. The public high school, like the common school, would knit together the society by providing all children with a common educational experience and a common set of values. They rarely considered that the most alienated and impoverished classes could no more afford to attend the public high school than they could afford a boarding academy.<sup>91</sup>

Clearly, a considerable number of variables were at work both for and against the development of public secondary education.

As it turned out, in spite of its opponents and in spite of their commitment to individualism, public secondary and higher education did prevail by the end of the nineteenth century. Moreover, this commitment to individualism, which had played such an important part in the ideology of the oppositionists of the 1870's, soon began to permeate American pedagogical rhetoric as a convenient supplement to the rhetoric of democracy and idealism. Ironically, this rhetoric was in direct contrast to actual pedagogical practice, which was to mould the individual to society's conception of the good citizen, whether or not that pattern was relevant to the individual's experience or environment.

Historians of education in the United States have traditionally gravitated toward "consensus" as the model of the development of public secondary and higher education. Their histories represent the social system as a holistic enterprise with all belief structures and cultural elements ideally accommodating each other in a well-integrated form. They have tended largely to ignore the disharmonious elements, including that of opposition. By omitting consideration of such an important element, they have left their histories biased and incomplete by virtue of their narrowness.

A revised history, encompassing elements of opposition such as existed between 1870 and 1880, would be more functionally useful and more realistic and would view the social system as being comprised of social groups with belief structures and interests which inevitably bring them into conflict with groups having opposed interests. This perspective creates a new understanding of the institutional development of public secondary and higher education. If we realize the importance of dissension, conflict, and opposition as ingredients of institutional change, we may see contemporary opposition to state interference in education as an impetus for change in the educational structure.

Yet two of the most recent educational histories — *Education in the United*

*States* by Robert Church, and *Schooling in Capitalist America* by Samuel Bowles and Herbert Gintis — make no mention of the significant patterns of opposition to public secondary and higher education in New York between 1865 and 1890.<sup>92</sup> While Diane Ravitch, in her history of public education in New York State, entitled *The Great School Wars*, focuses on the battles between various factions over school organization, management, and curriculum, her treatment of opponents of public education *per se*, apart from Roman Catholics, lacks detail and makes no attempt to place this opposition in a wider ideological and political context.<sup>93</sup> My research indicates that the scope of support for state controlled and subsidized schooling varied according to the political party in command of the governor's office or the legislature. Furthermore, the period of the 1870's in New York State, a period of Democratic ascendancy, was marked by an essentially *laissez faire*, minimalist government philosophy which expressed itself on the issue of education in efforts to reduce public expenditure for schooling and to keep the state out of the business of higher education entirely. It was a movement that espoused the belief that the voluntary system was adequate to the needs of society for schooling beyond the primary level.

## NOTES

1. See Michael Katz, *Class Bureaucracy and Schools* (New York: Praeger, 1975); and Colin Greer, *The Great School Legend* (New York: Viking Press, 1972).
2. James C. Mohr, *The Radical Republicans and Reform in New York During Reconstruction* (Ithaca, N.Y.: Cornell University Press, 1973).
3. *Ibid.*
4. Laws of New York 1784, 7th sess., chap. 51.
5. Laws of New York 1784, chap. 82.
6. Laws of New York 1790, chap. 38; amended 1802, chap. 105.
7. Laws of New York 1813, chaps. 187, 199; 1814, chap. 23; 1819, chap. 222; 1824, chap. 313; 1827, chap. 228; 1829, chap. 325; 1830, chap. 184; 1831, chap. 281; and New York State Constitution of 1846, Article 9.
8. Session Acts 1838, chap. 237.
9. Constitution of 1846, Article 9.
10. See Samuel S. Randall, *The Common School System of the State of New York* (Troy, N.Y.: Johnson and Davis Press, 1851), p. 55.
11. New York State Assembly Journal 1866, p. 1339; New York State Senate Journal 1866, p. 1076.
12. Laws of New York 1854, chap. 97.
13. See Walter John Gifford, *Historical Development of the New York State High School System* (Albany, N.Y.: J. B. Lyons, 1922), p. 60.
14. *Ibid.*
15. See George Frederick Miller, *The Academy System of the State of New York* (1922; New York: Arno Press, 1969), p. 80.
16. Laws of New York 1853, chap. 433.
17. Laws of New York 1864, chap. 555.
18. Assembly Journal 1867, pp. 1872, 1434.
19. Randall, *The Common School System*, pp. 60-94.
20. Miller, *The Academy System*, pp. 42-43.
21. See the Debates and Proceedings of the Constitutional Convention of 1867.
22. Assembly Journal 1869, p. 1983.
23. Frank C. Abbott, *Government Policy and Higher Education* (Ithaca, N.Y.: Cornell University Press, 1958), p. 57.

24. See *ibid.*, pp. 57–78.
25. See Edwin Platt Tanner, "Postwar Problems and Political Reformers," in Alexander C. Flick, ed., *History of the State of New York* (New York: Columbia University Press, 1935), p. 149.
26. See De Alva Stanwood Alexander, *A Political History of the State of New York* (New York: Holt and Co., 1909).
27. See Leo Hershkowitz, *Tweed's New York* (Garden City, N.Y.: Anchor Press, 1977). While on the Committee of Charitable and Religious Societies in 1869, Tweed introduced a bill to have the city pay a portion of the annual expenses for parochial schools. By 1870 dozens of parochial schools, mainly Catholic, applied for and received funds. Although the funding ended in 1871, this was the first time parochial schools had received state aid. Tweed also received permission, after bringing forward the necessary legislation, to erect Hunter College, a normal school, in New York City.
28. Assembly Documents 1870, no. 1, pp. 11, 12.
29. Assembly Documents 1871, no. 1, pp. 8, 9, 10.
30. Assembly Documents 1872, no. 1, p. 7.
31. See Abbott, *Governmental Policy and Higher Education*, pp. 57–58.
32. Report of the Superintendent of Public Instruction, 1870.
33. *Ibid.*
34. Proceedings of the University Convocation 1872, pp. 115–18.
35. Report of the Superintendent of Public Instruction, 1873.
36. Miller, *The Academy System*, p. 46.
37. Tanner, "Postwar Problems and Political Reformers," p. 160.
38. Assembly Documents 1873, no. 1, p. 7.
39. Assembly Documents 1874, no. 1, pp. 5, 6.
40. "The fact that no continuance of the 1872 appropriation was made that year contrasts itself with the fact that \$300,000 was embezzled from the state treasury while corruption was at its height in both state and city government" (Gifford, *Historical Development*, p. 119).
41. Assembly Documents 1874, no. 1, pp. 5, 6.
42. From a speech delivered by Samuel J. Tilden to the Democratic State Convention held in Rochester, October 4, 1871.
43. Quoted in John Bigelow, *The Life of Samuel J. Tilden*, 2 vols. (New York: Harper & Bros., 1895).
44. *Ibid.*
45. *Ibid.*
46. Assembly Documents 1875, no. 1.
47. Benjamin B. Buckman, *Samuel Tilden Unmasked!* (1876).
48. *Ibid.*
49. Laws of New York 1875, chap. 353. See also Senate Journal 1875, pp. 117, 127, 131, 132, 707, 737; and Assembly Journal 1875, pp. 248, 648, 1040, 1226, 1332.
50. This act was passed originally in 1871. It was put through by the Committee on Charitable and Religious Societies headed by Tweed.
51. Related appropriations were: \$40,000 from the Literature and U.S. Deposit Funds for the payment of teachers' salaries and \$3,000 from the Literature Fund for the purchase of books. See *School Bulletin* 1875, vol. 2.
52. *School Bulletin* 1875, vol. 3.
53. Alexander, *A Political History*, p. 379.
54. Senate Documents 1877, no. 2, pp. 19–20.
55. *Ibid.*
56. Assembly Documents 1870, no. 1. "An Appeal on Behalf of Academies" was delivered by a Committee of the University Convocation of the State of New York. This appeared in the *Regents Report* of 1870.
57. Senate Documents 1878, no. 2, pp. 20–21; and 1879, pp. 15, 16.
58. *Ibid.*
59. *Ibid.*
60. *Ibid.*
61. *Ibid.*
62. *Ibid.*

63. *Ibid.*
64. *Ibid.*
65. Martin B. Anderson, "Voluntaryism in Education," delivered at the Regents Convocation of 1876; appeared in the *Regents Report*, 1877, pp. 627-37.
66. *Ibid.*
67. *Ibid.*
68. *Ibid.*
69. *Ibid.*
70. *Ibid.*
71. *Ibid.*
72. Charles E. Finch, "Education and the State," *School Bulletin* 1876, vol. 3, pp. 66-68.
73. *Ibid.*
74. *Ibid.*
75. *Ibid.*
76. Edward Livingston Youmans, "How New York Got a College," *Popular Science Monthly* 13 (May 1878): 106-108.
77. *Ibid.*
78. *Ibid.*
79. *Ibid.*
80. See Mohr, *The Radical Republicans*, pp. 155-75.
81. Assembly Documents 1881, no. 1, Message of Governor Ezra Cornell.
82. Edward Livingston Youmans, "Let Well Enough Alone," *Popular Science Monthly* 16 (March 1880): 695-97.
83. *Ibid.*
84. *Ibid.*
85. *Regents Report*, 1884.
86. A. C. Hill, "Academies and Secondary Schools," in *ibid.*
87. Assembly Documents 1886, no. 1, Message of Governor David B. Hill.
88. *Ibid.*
89. Walter Feinberg, "Revisionist Scholarship and the Problem of Historical Context," *Teachers College Record*, vol. 78, no. 3, pp. 311-12. Feinberg's comments are in reference to the work, previously cited, of Katz (*Class Bureaucracy and Schools*), and Greer (*The Great School Legend*). See also William Bullough, *Cities and Schools in the Gilded Age* (New York: Kennikut Press, 1974).
90. Robert Church, *Education in the United States* (New York: Free Press, 1976), pp. 182-83.
91. *Ibid.*, p. 185.
92. *Ibid.*; and Samuel Bowles and Herbert Gintis, *Schooling in Capitalist America* (New York: Basic Books, 1976).
93. Diane Ravitch, *The Great School Wars* (New York: Basic Books, 1974).