

Self-Government and the Teaching Profession: A Comparison of Canada and Scotland

Ernest Stabler

university of western ontario

Une revue des modalités de self-management professionnel, spécialement en Ontario, révèle une tendance à l'inclusion de représentants du public et du gouvernement dans les organismes de régulation et une modification de leur autonomie. Au Canada, les ministres de l'éducation détiennent le pouvoir ultime en matière de permis et de brevet d'enseignement, bien que chaque province possède un Conseil quelconque fournissant des avis au ministre ou aux universités quant à la formation et la certification des enseignants. Par ailleurs, l'Ecosse a créé en 1965 un Conseil Général de l'Enseignement qui confère aux enseignants une large mesure de self-management. Le Conseil qui est ni créature corporative, ni succursale du gouvernement, se compose de 49 membres dont 30 enseignants. Il peut légitimement prétendre agir comme instrument de contrôle d'une profession à la fois publique et autogérée. La conclusion ouvre quelques perspectives sur le self-management professionnel de l'enseignement dans le contexte canadien.

It is probably safe to say that nowhere in the world is teaching a self-governing profession if by "self-government" we include the right of the profession to control admission by setting qualifications of education and competence, to determine and maintain a code of ethics and conduct, and to take disciplinary action against a member who fails to meet those standards. The traditional case for granting powers of self-government is the implication that the members of a profession or occupation are the best qualified persons to set and maintain standards of competence and enforce a code of ethics. This principle was boldly advanced more than three decades ago by Alfred North Whitehead (1942, pp. 78-79), who argued that the general community is not competent to determine who shall be permitted to enter and continue in a profession or to decide on what grounds they should be expelled.

The right of self-government does not reside only within the older and more prestigious professions. In Ontario, for example, there are more than 20 professions and occupations that are self-governing, ranging from architects to optometrists and from doctors to embalmers. If statutory self-government is accorded not only to the legal and medical professions but also to surveyors, radiological technicians, and osteopaths, what is its justification? On this point the Ontario Royal Commission Inquiry into Civil Rights (1968, p. 1162) was unequivocal:

The granting of self-government is a delegation of legislative and judicial functions and can only be justified as a safeguard to the public interest. The power is not conferred to give or reinforce a professional or occupational status. The relevant question is not "do the practitioners of this occupation desire the power of self-government?", but "is self-government necessary for the protection of the public?" No right of self-government should be claimed merely because the term "profession" has been attached to the occupation. The power of self-government should not be extended beyond the present limitations unless it is clearly established that the public interest demands it.

Now the crucial questions are, of course: (1) whether the members of a profession or occupation are in fact the best or the only qualified persons who can regulate a calling; and (2) whether self-government can be reconciled with the protection of the public interest, or whether the risk is too great that power will be exercised more in the interests of the profession itself. While the power to license is not, as a matter of principle, conferred to protect the economic welfare of the profession, it may be used, and it has been, to control the number of practitioners by setting excessively high educational standards or erecting barriers for those who are trained elsewhere. Self-government should entail the responsibility not only of licensing those who are qualified but also of ensuring that all of those who are qualified are licensed.

Self-governing professions and occupations in Ontario have not always accepted this responsibility. For many years the Law Society of Upper Canada discriminated against applicants from outside the province by imposing a fee of \$1,500 before calling them to the Bar, whereas a candidate trained in Ontario paid a fee of \$100. The pharmaceutical chemists at one time restricted membership by accepting, in a given year, no larger a number of qualified out-of-province applicants than 1% of the total registered membership in Ontario. The Surveyors Act of 1960 contained a different kind of protective device. Reciprocity with other jurisdictions in the matter of admission was confined solely to "Her Majesty's realms" and was further limited to those realms that extended similar privileges to Ontario surveyors. There is, therefore, the ever-present danger that a self-governing profession or occupation will use its statutory monopoly to enhance its prestige, to control the number of its members in order to reduce competition and increase income, and in some instances to protect a particular orthodoxy in, for example, the manner in which candidates for the profession should be trained.

The right of a profession to regulate itself entirely through its own membership has increasingly come under attack. The British Medical Act of 1956 provided for the appointment of lay members and the General Medical Council of Great Britain consists of 44 members of which 8 are nominated by the Queen, 28 are chosen by universities and relevant professional bodies, and 8 are elected by the medical profession. The McRuer Commission was impressed by the principle employed in creat-

ing the British Medical Council and recommended that lay members be appointed by the Lieutenant-Governor in Council to the governing bodies of all self-governing professions and occupations in Ontario. Similarly, the Commission of Inquiry on Health and Social Welfare in Quebec (1970, p. 45) recommended that no profession should be regulated by its own members from behind closed doors, and representatives of both the community and of public authorities should sit on the governing boards of the professional associations.

The influence of professional bodies over professional schools has also recently come under attack. The Ontario Committee on the Healing Arts (1970) found a resemblance between the various health occupations and guild-like organizations that were interested primarily in self-preservation and self-promotion. If professional training in the health sciences were to keep pace with the discovery of new knowledge and the development of technology the professional bodies should not possess control of medical education. Accordingly, the committee recommended that "the control of admissions and curriculum in bona fide provincially chartered universities should reside with the institution providing that licensing requirements are met by graduates" (Recommendation No. 5).

A typical example of the trend in self-government may be found in the Ontario Health Disciplines Act of 1974. Under the Act, the College of Physicians and Surgeons is designated as the licensing agency for the practice of medicine. The governing body of the College is a Council composed of one representative from each of the 5 faculties of medicine in Ontario, 12 persons elected by members of the College, and 4 lay members appointed by the Lieutenant-Governor in Council. The Council makes its own regulations on such matters as the qualifications for the several classes of licences (general practitioner is one), the classification of specialists in the various branches of medicine, and the definitions (31 in all) of professional misconduct. Through its Disciplinary Committee, the Council may revoke or suspend a licence on the basis of proven misconduct or incompetence. The Council accepts degrees in medicine from accredited medical schools whether in Ontario or elsewhere, but, for certain of its licences, prescribes the nature of internship programs and requires the successful completion of examinations set by the Medical Council of Canada or its equivalent in the United States. All the regulations must, however, receive the approval of the Lieutenant-Governor in Council with prior review by the Minister of Health. The minister may at any time review the activities of the Council and advise it on the implementation and enforcement of its regulations. Within these constraints the medical profession in Ontario enjoys a large measure of self-government.

By way of summary we may say that the trend in self-government is toward a modification of monopoly and autonomy, the inclusion of lay members and government representatives on governing bodies, and a

greater degree of control over admission and curriculum within the training institutions. But of equal if not greater importance is the fact that it is not the professional organization that holds the power. It is, for example, the British Medical Council, not the British Medical Association, the Ontario College of Physicians and Surgeons, not the Ontario Medical Association, that have the statutory power and responsibility to license and discipline members of the medical profession. This distinction is significant, particularly in any discussion of self-government for teachers.

TEACHER EDUCATION AND CERTIFICATION ADVISORY BODIES IN CANADA

In all 10 provinces of Canada the Minister of Education has the power to license and certify teachers. The regulations concerning the many and varied certificates (Ontario at one time issued some 400 different certificates) are determined within the ministries and departments of education and must carry the minister's approval. The minister also has the power to discipline a teacher and, for cause, to suspend or withdraw his or her certificate. Through his power of approval over teacher certification, the minister has *de facto* power of approval over all teacher education programs.

Teaching is, shall we say, somewhat less than a self-governing profession in Canada. There is, however, extending across the country a network of advisory boards, councils, and committees. These are, of course, unique to each province, but all are advisory to the minister and, in most instances, also advisory to the universities. A summary of the composition and function of these bodies is shown in Table 1. All but one, that of British Columbia, advise the minister on matters related to certification, and all but Prince Edward Island and Newfoundland provide advice on teacher education. The majority of these bodies appraise programs of university faculties of education. One is struck with the small number of teachers on these boards, and in Ontario and Quebec there are no teachers' representatives.

In Ontario the creation of a new body, the Teacher Education Forum, composed of 34 representatives from 14 agencies, was announced by the Minister of Education in June 1978. Its function is not to serve as a policy-making body, nor to act specifically in an advisory capacity to the minister or the universities, but rather to become a "rolling seminar" for the discussion and clarification of basic issues in teacher education, to establish communication among all interested parties, and "to provide direction, recommendations and potential solutions to identified problems." Although funded by the Ministry of Education, at least for the first year, with support for a part-time Executive Director, the Forum is not a creature of the ministry. In British Columbia the McGregor Committee (Note 1) has recently recommended that the Joint Board of Teacher

TABLE 1
Teacher Education and Certification Advisory Bodies in Canada

<i>Provinces and Name of Body</i>	<i>No. of Members</i>	<i>No. of Teacher Reps.</i>	<i>Advisory to Min. on Certif.</i>	<i>Advisory to Min. on Teacher Ed.</i>	<i>Advisory to Univ. on Teacher Ed.</i>	<i>Chairperson Appointed by Min.</i>	<i>Statutory Body</i>
British Columbia, Joint Board of Teacher Education	12	2	No	Yes	Yes	No	Yes
Alberta, The Board of Teacher Education and Certification	25	12	Yes	Yes	Yes	Yes	Yes
Saskatchewan, The Board of Teacher Education and Certification	11	2	Yes	Yes	Yes	Yes	Yes
Manitoba, The Board of Teacher Education and Certification	20	3	Yes	Yes	Yes	No	Yes
Ontario, The Teacher Education Liaison Committee	Not fixed	None	Yes	Yes	Yes	No	No
Quebec, Comité Interne de la Formation des Maîtres	10	None	Yes	Yes	No	Yes	No
New Brunswick, Advisory Committee on Teacher Licensing & Certification	6	2	Yes	Yes	Yes	Yes	Yes
Prince Edward Island, Teacher Certification & Standards Board	7	2	Yes	Yes	No	Yes	No
Nova Scotia, Council on Teacher Education	20	5	Yes	Yes	Yes	No	Yes
Newfoundland, Teacher Certification Committee	11	2	Yes	No	No	Yes	Yes

Education be replaced by a Council for the Education of Teachers, and that a Board of Certification be established. A key but somewhat ambiguous paragraph of the McGregor report reads as follows:

While the Minister will of course be the ultimate authority with whom sovereignty rests, the Council will be completely autonomous. The Council, in collaboration with the Board of Certification, *will control the preparation of teachers*. The universities, naturally, cannot be given instructions; but the authority to issue licenses will rest with the Board of Certification (on behalf of the Minister), which will, in the shaping of policy, receive directions from the Council. (p. 9)

In addition to teachers who invariably are appointed by their professional association or federation, the representatives on these boards include faculty of education deans, school trustees, and ministry of education officials, one of whom is normally appointed as chairman by the minister. Only one province, British Columbia, includes representatives of the community at large. The testimony of deans of education (Note 2) indicates that these bodies effectively serve as vehicles of communication among the major partners in the education and certification of teachers — that is, the profession, school boards, government, and the universities. On the other hand, several deans are inclined to the view that the minister takes a board's advice only when he finds it politic to do so. Regardless of the strengths or weaknesses of these bodies their very existence does little to hasten the movement towards a more self-governing teaching profession. Indeed, to the extent that these bodies operate effectively and allow for co-operation among the several partners, the ministers of education across Canada have every reason to be convinced that there should be no erosion of their power to license teachers.

PROPOSALS FOR SELF-GOVERNMENT IN ONTARIO

As early as 1886 the Ontario Teachers' Association was considering a proposal made by George Dickson of Upper Canada College for the formation of a College of Preceptors. The College, based on the example of the Law Society and the College of Physicians and Surgeons, would control admission to the profession through its own system of examinations and would assume responsibility for the conduct of those admitted. The proposal was approved in principle, relegated to a committee, discussed in a desultory manner by local associations, and never heard of again (Althouse, 1967, pp. 101-102).

A brief on the recruitment and training of elementary school teachers prepared by the Ontario Public School Men Teachers' Federation in 1950 raised the question of self-government and pointed to the fact that the profession had no influence on the normal schools and no control of entry to its ranks (Hopkins, 1969, pp. 26, 233).

A quarter-century later another federation, the Ontario Secondary School Teachers, raised the same issue but with more of a sense of urgency. The conditions necessary for quality education were the Federation's responsibility, and it must "move quickly to increase its direct influence over teacher education." The Federation forthrightly recommended

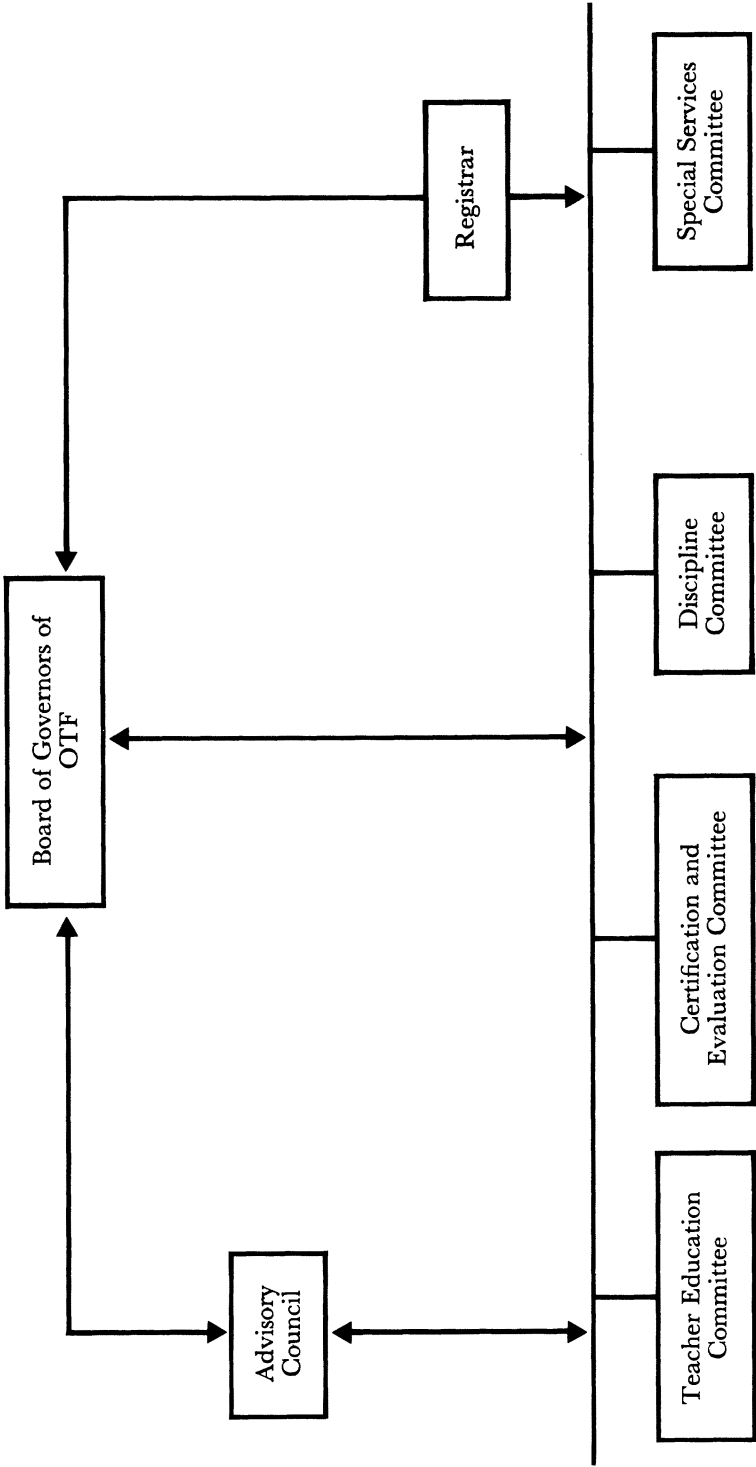
that teachers be given the right to regulate their profession, to set standards of admission, to certify and discipline members and to develop standards for courses and evaluation of courses. Teachers should continue and intensify their work in upgrading, retraining, and professional development. (OSSTF, 1976, Recommendation 20)

The Hall Dennis Report of 1968 recommended a Teaching Profession Act which would make teaching a self-governing profession with powers to license and discipline its members. These powers should be exercised, not through the existing federations but rather through a new body to be known as the College of Teachers of Ontario (Ontario Department of Education, 1968, p. 192). When the government of Ontario showed no intention of acting formally on the recommendations of Hall Dennis, the Ontario Teachers' Federation decided it was now its turn to nurture the cause of self-government. In 1972 the Board of Governors of OTF passed a series of resolutions for establishing a Governing Council for Teachers. These resolutions grew out of an OTF committee report which reflected the Federation's frustration over the minimal measure of self-government it had achieved.

The OTF Report (1972) contends that since its founding in 1924 the Federation has had little influence on either the admission requirements or the curriculum of teacher education programs, and since the universities have now become responsible for educating teachers, the influence of the organized profession has further diminished. Similarly, neither the decisions on who enters or who stays in the profession are left to the Federation. The remedy lies in the formation of a statutory body, a Governing Council for Teachers to be composed of the OTF Board of Governors, an Advisory Council to the Board of Governors, and four committees: Teacher Education, Certification and Evaluation, Discipline, and Special Services.

The Advisory Council of 19 members would include 10 representatives from government, the universities, and both lay and professional groups, as well as nine OTF members. The four committees would be composed entirely of OTF members drawn from the five affiliate federations, and these committees would communicate with the Advisory Council or directly with the OTF Board of Governors (Figure 1). The significant features of the proposal are the stipulations that the Advisory Council would report to the Board of Governors and that the governors would be "the sole legislative and the ultimate appeal body within the profession itself" (OTF, 1972, p. 4). Thus the responsibility for reviewing and

FIGURE 1
Flow Chart of the Governing Council



approving programs of teacher education, and the registration of graduates of those programs as a necessary condition of entry to the profession would lie with the Federation and not with the universities and the Minister of Education.

The report was presented to the minister, who in turn agreed to consider its proposals through a committee composed of ministry officials and OTF representatives. At the first meeting of that ad hoc committee in 1975, the ministry officials were reluctant to discuss any changes in the Teaching Profession Act and instead recommended that OTF add representatives from the public to its own Discipline and Legislation Committees. And there the matter appears to have come to rest. The present Minister of Education does not intend to relinquish his power to certify teachers, his right to approve programs of teacher education, or his responsibility to discipline teachers who transgress from the code of ethics. Ironically, that code was written in an earlier day by OTF, and on its urging enshrined in provincial legislation which gives the minister and not the Federation the power to take effective disciplinary action against Federation members. For more successful attempts to win self-government for teachers we need to look beyond the boundaries of Ontario.

THE GENERAL TEACHING COUNCIL OF SCOTLAND¹

The Scottish tradition in education is usually regarded as conservative, rigorously academic, and not given to innovation. It is then something of a paradox that a unique development in self-government for teachers has appeared in Scotland. On the other hand, the General Teaching Council is more of a compromise than an innovation, and one of the chief factors leading to its formation was a fear that the academic standards of Scottish teaching were in jeopardy. Thus the Council is entirely in keeping with the Scottish tradition.

From the end of World War II, teachers in Scotland watched apprehensively as governments lowered professional qualifications, mounted recruitment campaigns, and shortened the training period. Through their professional organizations older teachers grew increasingly restive; by 1961 a strike had occurred in Glasgow and relationships between teachers and the Secretary of State for Scotland were moving towards a crisis. True to tradition, government appointed a committee and gave it a wide-ranging mandate to examine the rights of teachers to participate more fully in affairs concerning their profession. Thirteen of the 21 members were certificated teachers, and a distinguished jurist, Lord Wheatley, was appointed chairman. The proposals of the Wheatley Report (HMSO, 1963), which were translated into legislation with no substantive change, led to the establishment of the General Teaching Council.

The Wheatley Committee had the delicate task of demonstrating that while the teaching profession should possess "a reasonable degree of con-

trol over its own affairs," there were nonetheless "considerations of the public interest which must involve limitations on the degree of self-government which the profession can reasonably expect to exercise." Control over entry was a case in point. If the profession were given such power it would mean control over teacher supply, that is in effect the staffing of the nation's schools, a matter which was of course a government concern. How could the Secretary of State answer in Parliament for the supply of teachers if the standards of entry to the profession were in the hands of a professional body for which he had no responsibility and over which he had no authority? Given the fact that education in Scotland was a public service, that it was publicly financed, and that schooling was compulsory, a democratic society could not deny the right of its elected government to decide the qualifications of those who teach. In short, the problem was to secure the fullest measure of self-government for teachers while at the same time recognizing government responsibility for a public system of education in the Scottish tradition. It was a new statement of an old problem because the view of teaching as a "public profession" has traditionally been regarded as a sufficient deterrent to the achievement of any form of self-government.

The Wheatley solution was a Teaching Council the majority of whose members would be certificated teachers. The Council, created by parliamentary legislation in 1965, is a statutory body that reflects the degree of self-government which can be accorded to teachers when government authority and the profession are prepared to reach a compromise. Of the Council's 49 members, 30 are teachers, 15 are appointed by various educational, local government, and religious bodies, and 4 are nominated by the Secretary of State. The teachers on the Council are not representatives of teachers' organizations but are teachers who are nominated by their colleagues, and elected from the primary and secondary schools (22), colleges of education (5), and further education centers (3) in nation-wide elections conducted every four years. Thus the Council is neither a creature of the organized profession nor an arm of government.

A fee of £2 paid annually through payroll deduction by all registered teachers supports the Council. This revenue accounts for 90% of the Council's income and enables it to be independent. In 1977-78 total operating costs amounted to £145,000 which were allocated largely to an administrative and support staff of 22, and to the rental and upkeep of a handsome suite of offices in a house designed by Robert Louis Stevenson's grandfather on Royal Terrace, Edinburgh.

The Council has no jurisdiction over teachers' salaries or conditions of work, but is rather the agency that provisionally registers probationary teachers as they leave the colleges of education and, two years later, or the recommendation of a head teacher, issues to them full registration in the profession. In past years the selection sieve has been generously porous and fewer than 5% of probationary teachers have been refused registra-

tion. The Council is also the body that may discipline and "defrock" a teacher found guilty of "infamous conduct in a professional respect," or one who has registered through the submission of fraudulent documents. Incompetence is not regarded as sufficient cause for revoking registration. The Council staff not only keep the Register of some 75,000 teachers, but also determine whether teachers applying from other countries, including England, are eligible to teach in Scotland.

Its terms of reference give the Council a broad advisory function. Council members regularly visit the colleges of education and report to the principals on the nature of the instruction and the quality of the programs. The colleges are not, however, legally obliged to act on the recommendations of these visiting committees. The Council also advises the Secretary of State on the matter of teacher supply and on proposed changes in teacher qualifications. The Secretary may or may not act on such advice, and in recent years he has ignored the Council on at least two significant issues. In 1976 when a surplus of teachers had become all too apparent he established quotas as a means of reducing college of education enrolments, and in early 1977 he published a "consultative paper" proposing to reduce the number of colleges of education from 10 to 6. In neither case was the Council consulted.

On the other hand, the Council has exerted significant influence in the past 10 years. Perhaps its most outstanding achievement was the elimination of uncertificated teachers from Scottish schools, and since 1968 no fewer than 2,500 unqualified persons have been removed from the classroom. The concurrent teacher education program at the new University of Stirling was visited, studied, and finally blessed by the Council, and in 1966 the Secretary of State accepted the Council's recommendation that men be admitted to the three-year diploma course for primary teachers. On this issue the Council acted contrary to the position taken by the Education Institute of Scotland, the largest of the professional organizations.

A pessimist might well regard the Council as a half-empty vessel of power offered to teachers in place of full self-government. Thus far it has compiled a Register, offered bland criticism of teacher education, and put forward to the Secretary of State advice which he has accepted only when it suited his purposes. The Council has had, according to this pejorative assessment, relatively little influence in improving the quality of education either in the colleges of education or in the schools. In a word it is not at the moment a vibrant force in the educational life of Scotland.

A more accurate view would recognize that the Council has the ultimate power to license and discipline teachers. This power rests with government in other jurisdictions. With regard to teacher education, the Council is basically advisory although new programs of training must receive its approval. Such an advisory function is entirely consonant with decisions elsewhere to preserve a large measure of autonomy within pro-

fessional schools. And the Council represents a further trend in professional self-governing by existing as a statutory body independent of the organized profession. Finally, it serves, as do the Canadian boards, as a vehicle of communication among practising teachers and other relevant constituencies, but with the important difference that teachers form a majority of the membership of the General Teaching Council. The Council can, therefore, legitimately claim to function as the instrument that controls a profession that is at once both public and self-governing.

The GTC was created at a time when post-war school enrolments were climbing and Scottish teachers, who enjoyed a high degree of respect and were in short supply, were able to influence the Wheatley Commission and subsequent legislation. In a word, a unique combination of circumstances gave teachers the leverage they needed. Rather different circumstances currently exist in Canada. The harsh realities of declining enrolment, a surplus of teachers, and a public disenchantment towards the profession and the formal education system would appear to make it difficult for Canadian teachers to mount support for a self-governing profession, particularly if they used the traditional arguments that the members of a profession alone know best how to regulate admission, certification, and standards of conduct.

But consider the possibility of a different approach: a form of self-government that would give representation to the public, government, and the profession, and one which would be dedicated to serving the public interest through improving the quality of teaching. With falling enrolments and a teacher surplus this may be precisely the time — indeed, the first time since World War II — when it has become possible to grant initial certification more selectively, to insist on high standards of performance before granting tenure and permanent certification, and to dismiss teachers who have proven their incompetence. But could self-government on these lines win the support of the professional organizations of teachers? The enrolment crisis appears to have forced them to adopt protective measures and to recommend seniority rather than competence as the criterion for job security. Furthermore, as we have seen, recent legislation governing the self-governing profession does not give autonomy to members of a profession and certainly not to the professional associations.

Where then could the initiative come from for a form of self-government that would recognize the role of the government, the aspirations of teachers, the public interest, and the Canadian tradition in education? The ministers of education, as we have seen, do not appear to be willing to give up their present powers, and are satisfied with existing channels of communication through which they receive advice and counsel. The proposed Board of Certification for British Columbia may, however, be a straw in the wind. Instead of placing responsibility for teacher certification on the shoulders of a Registrar who presently acts on the recommendations of faculties of education, the minister would delegate responsi-

bility to the Board of Certification, a body of five including the Registrar, a member of a faculty of education (but not a dean), and three practising teachers. If implemented, this would create a precedent for actively engaging teachers in licensing procedures. The original proposal for a Teacher Certification Board came from the British Columbia Teachers' Federation in 1974 and again in a revised version, *Working Paper for a Teaching Profession Act*, in 1975. This paper recommended that a board, to be appointed by the Lieutenant-Governor in Council with a majority of its members nominated by the Federation, be given "the power to make rules and regulations concerning the certification of teachers," and "the authority to issue teaching certificates." The Bennett government took no action on this BCTF proposal, but it may fare better now that it has been resurrected and revised by the McGregor Committee.

If, however, the provincial education establishments make no appreciable progress towards self-government, it is just possible that somewhere in Canada a group of Young Turks representing teachers, faculties of education, and parents will take the initiative. They have the most to lose under present procedures, and the most to gain from a teaching profession that would obtain a mandate, conceivably from a provincial equivalent of the Wheatley Committee, for a greater degree of self-government through a statutory and broadly representative body with clearly defined powers for controlling both initial and continuing certification, not only on the basis of paper credentials, but on a record of performance and professional development.

NOTE

- ¹ For much of the material in this section I am indebted to James Miller, Registrar of the General Teaching Council, and to a monograph by the late W. B. Inglis, *Towards a self-governing teaching profession*. Edinburgh: Moray House College of Education, 1972.

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² Deans of Education. Personal correspondence.

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Ernest Stabler is a Professor in the Department of History and Comparative Education at the University of Western Ontario, London, Ontario N6G 1G7.