

A Short History of Catholic Schools in Ontario

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Few people in Upper Canada in the early nineteenth century would have envisioned a publicly funded system of free schools for the tiny Catholic population of an overwhelmingly Protestant Province. Three factors came together to help provide legal and philosophical foundations for the creation of distinctive denominational schools for Catholic children. First, in early nineteenth century British North America, few citizens could imagine a school or a network of schools without religious knowledge built into its curriculum. The non-denominational secular schools, often referred to as “godless” by their detractors, of the neighbouring United States of America, were considered an anathema by British North Americans. Thus it was natural to have clergy or dedicated lay persons create schools under a religious auspices—Catholic or Protestant. Secondly, British North Americans had a strong understanding of the existence of both individual and collective rights. As early as 1774, under the terms of the Quebec Act, the British Parliament acknowledged that Roman Catholics in the “Old” Province of Quebec had rights of collective rights of free worship, public institutions, and individual opportunity to hold property, engage in liberal professions, and even participate in governance. Nowhere else in the British Empire, at that time, were the collective rights of Catholics as citizens protected by law. These collective rights were assumed in Upper Canada (now Ontario) when it was created out of the Province of Quebec in 1791. Finally, Upper Canadians and their successors in the Province of Ontario had no firm belief in the separation of Church and State, and there were blurred lines between the activities of governments and the Churches throughout the Province’s early history.

All of these features of colonial life made it possible to think about and create religious schools with private money. No government in the early nineteenth century considered it state responsibility to build and fully fund a free education system for all of its citizens. Nevertheless, a convergence of several historical forces in the 1840s presented an opportunity for religious groups to claim government support for their schools. In 1837-8 both Upper and Lower Canada (now Ontario and Quebec) experienced rebellions against the local governments. When the armed uprisings had been suppressed, the British Government sent John Lambton (Lord Durham) to Canada to investigate the causes and crises that led to the rebellions. In his famous report of 1839, Durham acknowledged (among many problems) “that Canada was essentially two nations warring in the bosom of a single state.” For him the best remedy was the dissolution of the current colonial government and the creation of a new United Province of Canada in which one “nation”—the English-speaking Protestant group—would assimilate the other “nation”—the French Canadian Catholic group, a people Durham deemed had no history, no present, and no a future.

The assimilationist program foreseen by Durham never came to pass. Minorities from each former colony (Catholic in Upper Canada and Protestant in Lower Canada) now had the protection of the majorities from the “other side of the Ottawa River” that they had not had before. In 1841, it was deemed in the Day Act that these minorities should be protected within the fledgling school systems that were being created in the new United Province. The Day Act allowed for minorities to dissent from having their children attend the local public or common school and permitted them to build their own separate school. Thus the first separate schools in what is now Ontario were permitted for both Catholics and Protestants depending on their geographical circumstances. In 1843 and 1846, in the Hincks Act and Egerton Ryerson’s revisions to the Common School Act, respectively, separate schools were entrenched in what

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would become the Ontario school system. Ryerson's educational reforms in his Canada West section of the United Province (now Ontario) would be revolutionary. In Ryerson's system both the municipality and the state would assume the cost of schools in order to uplift and develop the Province's youth; schools would be open to all; there would be no tuition fees; and there would be a progressive curriculum, permeated by a strong sense of Christian doctrine and morality. Ryerson considered the role of the school trustee to be of the utmost importance because they would have to establish, manage, and nurture schools that would prepare future generations for life in Canada. Public education had been born out of the thought that if quality education was not provided for the masses, a loyal, believing, upright, law abiding, and progressive citizenry would never develop in the Province. Throughout, separate schools were protected as a means of acknowledging the collective rights of minorities to educate their youth in a manner germane to their religious beliefs and practices. For his own part, however, Ryerson believed that the Common schools would be so superior that parents would not elect to create separate schools at all.

For Roman Catholics, however, this option to dissent from the Common schools was imperative. Common schools, in the minds of most Catholics and their bishops, were merely Protestant schools in clever disguise. Protestant teachers, Protestant Bible readings and prayers, and a generically Christian values curriculum were sufficient for Bishop Armand de Charbonnel of Toronto (1850-1860) to demand that Catholics retain and expand their schools wherever possible. His sense of urgency was not only conditioned by the necessity of inculcating Catholic students with a holistic education—nurturing body, mind, and soul—but also one of necessity due to rising levels of anti-Catholicism in British North America. Catholics simply did not feel secure in what is now Ontario and feared proselytism evident in some of the common schools. To this end, the Tache Act of 1855, pertaining to Catholic schools in Canada West (now Ontario), passed by the weight of French Canadian Catholic votes in Canada East (now Quebec), ensured that five Catholic ratepayers could form a separate school section, regardless of the religion of the common school teacher and without seeking permission from the local Common school board. Catholics could build their own schools, elect at least three trustees, hire faculty, and manage their schools autonomously. These rights were strengthened by the passage of the Scott Act, in 1863, which extended these separate school rights to rural areas and ensured separate schools an equitable share of financial support from the central government. By the time of the end of the Union of the Canada's experiment in 1867, the governance, managerial, financial, legal, and curricular foundations of Catholic separate schools had been laid.

In 1867, the United Province of Canada dissolved and the confederation of Canada was proclaimed under the British North America Act, which divided powers between a federal government in Ottawa and at that time, four provincial legislatures (Ontario, Quebec, Nova Scotia and New Brunswick). The Provinces were given jurisdiction over education, which was a cause for concern among the Protestant minority in Catholic Quebec and the Catholic minority in Protestant Ontario. In what future Prime Minister of Canada, Sir Charles Tupper, referred to as the critical element in affecting the successful outcome of the Confederation agreement, a section was written into the new constitution to ensure the collective educational rights of religious minorities. Section 93 of the British North America Act offered constitutional protection for denominational schools as they existed in law at the time of Confederation. Should the Provinces tread on these denominational rights, the federal government was awarded the power to disallow

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the provincial statute and replace it with remedial legislation to restore these school rights if necessary. Thereafter, the Catholic minority in Ontario would see Section 93 as a touchstone in every court case that involved the life and health of the Province's Catholic separate schools.

Two key issues dominated the separate schools in Ontario after Confederation: the allocation of corporation and business taxes, and the extension of government grants to secondary schools. In 1871, just prior to his retirement, Ryerson placed the finishing touches on his education project by creating high schools or secondary schools. Ryerson combined some of the curriculum of the senior forms of elementary school with additional years of study for those who were aspiring to clerical jobs, business, or professional vocations. Having completed eight years of elementary school, students now had the option of attending four more years of higher education, although most youth elected to enter the growing labour force instead. The issue of publicly funded high schools as part of the separate school system did not come into play until the late nineteenth century when the industrial economy of the province grew and the increasingly larger Catholic population began to make demands for high schools under a Catholic auspices. The Government of Ontario refused to extend public funding to Catholic high schools on the grounds that such institutions did not exist at the time of Confederation and, this being the case, the Department of Education was not obliged to fund Catholic schools that were not 'established in law' at the time of the passage of the BNA Act, as stipulated in Section 93. Catholics refuted these claims, arguing that no high schools of any kind existed at Confederation and that the common schools at that time did in fact deliver some of the curriculum that was now classified as grade nine and ten.

The Government of Premier Oliver Mowat (1872-1896) did affect some compromises after careful negotiations with Archbishop John Joseph Lynch (1860-88), including the inclusion of "Separate School Trustees" on the high school boards, in order that the interests of Catholic students in public high schools could be advanced. It was clear that the Catholic community, however, could not afford to build and maintain a network of high schools, despite the yeoman effort of the religious orders. Men and women of a variety of orders created Catholic Colleges and academies that were tuition-based, but these were expensive both in terms of their upkeep and in terms of affordability to average working class families in the Province. Moreover, as a means of saving money in rural areas, the Province funded Continuation Schools wherein local children could earn grades nine and ten in their local common or separate school, and the Province would save millions in not having to construct high schools in these areas. While Catholics took what they could get, it was clear that as demand increased from within the community, Catholic ratepayers and leaders would press harder for funding completion of the entire Catholic system, from kindergarten to the senior grades in high school.

The fact that Quebec had extended public funding to Protestant high schools in that Province did not sit well with Ontario's bishops and by 1925 they took the Province to court. In test case launched by Tiny Township Separate School trustees and ratepayers, or "Tiny versus the King" the question was raised as to whether or not the Provincial Government was obliged to fund Catholic separate schools after grade eight; the Provincial government split along religious lines and rejected the idea that the Province must fund Catholic high schools. In 1928, the Judicial Committee of the Privy Council, at Westminster, the highest court of appeal in the British Empire, ruled in favour of the lower courts and the Catholic cause appeared lost.

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However, precedents and practice on the ground in Continuation Schools and with Catholic schools having allowed students to study the fifth form (grades nine and ten) curriculum in the elementary schools, forced the government's hand on the funding issue. Should Catholic school boards wish to apply for it, they could be allocated funding for grades nine and ten, but the funds would be allocated only at the "elementary school rate", since that was the circumstance under which these grades had been taught in separate schools in the past. Catholic high schools came into existence in a new form, with grades nine and ten being funded under the auspices of the local Catholic school board, but with all of the senior grades falling into the private sector, in which all students paid tuition. Catholic parents who elected to send their children to such Catholic high schools were still obliged to pay their public high school tax, in addition to the private Catholic high school fees. This remained the basic pattern of Government funding and private initiative that was characteristic of most Catholic high schools in Ontario until 1984.

The second great challenge facing Catholic schools was the issue of chronic underfunding. Since the 1850s, Catholics, upon declaration as separate school ratepayers, could direct their property taxes for education to their own schools. The Government also provided money under the auspices of the Common School Fund, which was allocated proportionally to all schools based on the actual attendance. Given the size of the Catholic population, which constituted about seventeen per cent of the Province's total population on average until the 1950s, and the uneven distribution of this population, Catholic schools never seemed to have adequate funds to develop their schools in a manner that would keep up the high standards set in the well-funded public school system. Had it not been for male and female religious orders, who built schools, designed and taught curriculum, and donated their salaries back to the schools, Catholic education as we know it would not have survived after Confederation. The contributions of religious men and women assured that schools in the major urban areas and small towns could be maintained, despite the low levels of funding.

One particular obstacle was the inability of Catholic schools to have access to the lucrative corporate and business taxes made available to public schools. In an agreement between Premier Mowat and Archbishop Lynch of Toronto, in the 1880s, Catholic businessmen, on a voluntary basis, were permitted to direct their commercial taxes to Catholic Schools. This minor concession in no way compensated for the fact that the public companies and private corporations to which Catholics often contributed through their labour or investment, paid all of their business tax to public schools. In the 1930s, the bishops of Ontario encouraged laypersons across the province to agitate for a more equitable share of the business and corporate tax. This lobbying would come at a critical time when all separate schools were threatened with extinction because of the financial duress placed on ratepayers by the Great Depression. Taking up the gauntlet, Toronto Catholic businessman, Martin J Quinn, launched the Catholic Taxpayers Association, which quickly through its network of over 400 parish groups became the largest Catholic lay movement in the Province's history. By 1934, the CTA was credited with supporting the election of a Liberal Government under Mitchell Hepburn (1934-1942), in exchange for amendments to the corporation tax system that would assist Catholic schools on a proportional basis. By December 1936, after a disastrous by-election in eastern Ontario, Hepburn decided to scrap the amendments fearing a massive backlash against equity of taxation for

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separate schools from the still largely Protestant electorate. Catholics would have to wait another generation before more equitable funding.

In the 1940s, the new Conservative government under Premier George Drew (1943-1948) attempted to rewrite curriculum and scrap the innovations of the previous administration. In this reconstruction of Ontario's education system, Drew created a royal commission under Mr. Justice Andrew Hope. After passionate briefs from both the Catholic and Protestant communities, demanding either equity or the dismantling of the separate schools, the Hope Commission failed to reach a compromise on the status of Catholic schools. In 1950, after years of tedium, the Commission issued a Majority Report, which included a recommendation to end funding for Catholic schools. In response, the four Catholic Commissioners issued a minority report stating the legal, political, and constitutional case for the retention of funding of Catholic schools. The former report was largely ignored, while the latter was published and circulated widely throughout the Province; Catholic schools survived.

The significant growth in the Catholic population of Ontario in the post-war period, due to increased immigration from southern and eastern Europe and a natural baby boom, coincided with a more conciliatory view towards Catholic schools from the provincial government. In the 1960s, the Progressive Conservative governments of John P. Robarts (1961-1971) and William Davis (1971-1985), who had previously served as Robarts' Minister of Education, undertook massive reforms of school curriculum, funding, and management in the Province. Acknowledging that most of the "have not" schools in Ontario were Catholic, the government undertook to top up grants to elementary schools, in 1963, under the auspices of the Foundation Tax Plan. By 1969, the government merged hundreds of small public and separate school boards into mega boards that coincided with municipal and county boundaries. At the same time, in the wake of the Hall-Dennis Report, *Living and Learning* (1968), the school curriculum was overhauled and the pedagogical focus changed to a "child-centred" approach. Similarly, in a spirit that echoed the optimism of Canada's centennial, in 1967, the Robarts-Davis administrations expanded the accessibility of Franco-Ontarians to French-language education. When full funding was offered to French-Language secondary schools (1968), but only under the auspices of the local Public school board, French Catholic high schools defected to the public system. In fairness, Franco-Ontarian leaders believed that this funding was just the first step in a fully funded French Catholic system. By the late 1980s their idea proved to be prophetic, as the Liberal government under Premier David Peterson (1985-1990) created parallel French Catholic and French Public school boards in Ottawa-Carleton (1988), which essentially created a precedent for the establishment of other Francophone boards, where numbers warranted elsewhere in the Province.

The one area of grave concern for English-language Catholic schools, however, was still secondary schools, which could only acquire limited funding for grades nine and ten, and nothing for the senior grades. With the declining numbers of recruits from religious orders into the teaching cadre, the increased financial demands coming from the payment of salaries and benefits to lay men and women, more student demand, and the increasing costs associated with the new curriculum and facilities, most Catholic high schools in the province lived constantly on the brink of extinction. In 1971, funding completion for grades eleven, twelve, and thirteen became an election issue, when Premier Davis refused to extend funding, but both the Liberal

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and New Democratic parties supported the idea. Internal polling by the Conservatives indicated intense opposition to funding completion among the electorate, including one in every four Catholics. Davis' government was re-elected by a landslide. Catholic high schools continued to live day-to-day with several forced to close their doors, particularly in eastern Ontario. When in 1976-77, the Blair Commission recommended against the government's plan to tax private schools, Catholic high schools dodged a near fatal bullet.

Given this checkered history of the relationship between the Conservative government and Catholic schools, it came as a surprise that in June, 1984, the very same William Davis announced funding completion for Catholic high schools, just before his retirement. By 1987, the Peterson Liberal government, in association with the New Democratic Party under Bob Rae, successfully survived a Supreme Court challenge to Bill 30 (for funding completion) and had rolled out funds for the three senior grades in Catholic schools. These years marked a revolution in Catholic education as new secondary schools were erected across the province. Senior students no longer had to pay tuition fees for the senior grades, secondary schools were entirely assumed by local Catholic boards, and teachers were placed on a better footing with their peers in the public system. Full funding was not achieved until the passage of Bill 160 (The Education Quality Improvement Act, 1997), which formed part of the massive overhaul (and some would say denigration) of the Ontario education system by the Conservative government of Mike Harris (1995-2002). By the end of the millennium, Catholic schools were now fully funded from kindergarten to grade 12 (grade 13 having been eliminated during the Harris reforms). The government had even provided 2 million dollars in funding so that a distinctive Catholic curriculum could be developed and new course profiles for Catholic schools prepared. At first appearance, it seemed that the historic dreams of Catholic education had been fulfilled.

Beneath the surface, however, there were causes for concern within Catholic education that were not easily remedied. The debate over the "Harris Reforms" caused some division within the Catholic partners. The Ontario Catholic School Trustees Association was generally supportive of the proposed reforms, while the Ontario English Catholic Teachers Association viewed the reforms as destructive of meaningful pedagogy. The timing for such divisions could not have been worse. Ontario was changing and the role of Catholic schools was constantly in question, not necessarily from former sectarian opponents like the Loyal Orange Lodges or Protestant ministerial associations, but from an Ontario public that recognized that publicly funded denominational schools appeared to be an anachronism in the "new" Ontario.

In the last quarter of the twentieth century, and well into the new millennium, Ontario's population had changed dramatically in its composition. No longer could the four solitudes of Catholic-Protestant-English-French characterize the demographic makeup of the Province. Ontario had become a multicultural, multi-racial, and multi-religious society. In the larger urban centres, one was as likely to see a mosque, synagogue, Hindu shrine, Buddhist worship centre, or a Sikh temple, as to see a Catholic or Protestant Church. The "lived" practice of Christian worship was in free fall, as mainstream Protestant churches, once the mainstay of Ontario's religious life, witnessed steep declines in Sunday worshippers, the closure of both rural and urban churches, and defections to growing evangelical "box" churches in the suburbs. Roman Catholics had experienced the reform and renewal of the second Vatican Council (1962-1965) and have been thereafter grappling with issues regarding what should be changed and what must be

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retained in terms of liturgy, ethical practices, social teaching, clerical celibacy, and many other issues. Younger generations of Catholics have come to embrace the secularity of Ontario, as their peers have done in other Western countries. Church attendance has faltered and many Catholics dissent from the Church's teaching, particularly on issues of human sexuality. In the midst of these changes, Catholic school supporters have struggled to keep their schools vibrant centres of a holistic education, nurturing the faith, and making it relevant in a post-modern world.

For many Ontarians this is simply not good enough. The thought that one religious group is privileged to have schools funded from the public purse, while others are denied the opportunity, is an anathema in a pluralistic, tolerant, multicultural, secular society. While constitutional and legal arguments still hold strongly in the courts of law, they hold no weight in the court of public opinion. When in the provincial election of 2007, the Progressive Conservatives floated the idea of publicly funded denominational schools for all religious groups, they were abandoned at the polls and Premier Dalton McGuinty (2003-) cruised to re-election. McGuinty, the only Catholic premier since J. Sandfield MacDonald (1867-71), kept his Liberal party wedded to the status quo of Catholic and Public school systems in both languages. The *vox populi* was clear, however, and there appeared to be less and less patience with educational rights for some Ontarians but not for others. Similarly, in 2012, Ontarians, including many Catholics, began to question the continued existence of the system during the debate on providing support and safety in Catholic secondary schools for students with same-sex orientation when Catholic trustees and clergy balked at providing anti-bullying groups in secondary schools for students with same-sex orientation. How could the province of Ontario, some argued (including the fledgling Green Party), continue to fund schools that appeared uncooperative on issues regarding basic human rights as now understood by the body politic? Moreover, questions were continually raised regarding the increasing number of non-Catholics enrolled in Catholic high schools under the "open-access" provisions that were a condition of funding completion to these schools in the 1980s. How would a "mixed" population of students affect the Catholicity of these schools? Clearly, the struggle for Catholic education continues, but in a different form. In the future, the challenge to Catholic educators and the Catholic community will be how to maintain the integrity of their schools, while reasonably engaging the increasing secularized and humanistic society in which they find themselves.

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