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## **TRIAL: THE LOSS OF CONSTITUTIONAL RIGHTS IN EDUCATION IN NEWFOUNDLAND AND LABRADOR – THE ROMAN CATHOLIC STORY**

BONAVENTURE FAGAN  
ADDA PRESS, 2004  
\$19.95, 283 pages

*Reviewed by Leona M. English*

Though Newfoundland may be of little or no interest to you, the story of the erosion of minority rights, including those of Catholics, ought to be. An often proclaimed principle of democratic societies is that the majority must protect the rights of the minority. This is the carefully told story of how 38% of the population of one Canadian province lost their constitutional rights to have a government-funded religious school system. The rights had been enshrined in the Terms of Union of this province with Canada in 1949. Any religious school system that has to work with government to get full or partial funding (a number of Canadian provinces do provide such funding), to develop curriculum, to obtain vouchers, or garner any type of support for students and parents, ought to sit up and take notice of the story that Bonaventure Fagan tells here of the battle to save Catholic education in Newfoundland in the 1990s. This is a tale of intrigue, subversion, and unbelievable shenanigans on the part of government to take control of all schools, for no financial, moral, or educational good reason that anyone can figure.

The story begins in the eastern Canadian city of St. John, in the late 1980s, in a province of one-half million people (the total Canadian population is about 30 million), a province beleaguered on a daily basis by the financial woes of a moratorium on the cod fishery, the mainstay of the economy, and the effects of numerous sexual abuse scandals involving clergy and religious. As Fagan adroitly points out, the general morale of Catholics was particularly low. The socio-economic ecclesial climate set the stage for the successful government campaign to rid the province of its religiously affiliated schools, which were criticized by government as holding back the

future prosperity of the province and its youth. There was no strong evidence to support this claim though it was repeated so often by government that people began to believe it was true. Although all schools in Newfoundland at that time had a religious affiliation, most would agree that only the Seventh Day Adventist, Pentecostal, and Roman Catholic schools (about 40% of the total) were overtly religious, sponsoring religious leadership, teacher formation, student retreats, and pastoral care. The remaining 60% of schools were an amalgam of Protestant denominations such as United Church, Anglican, and Salvation Army, who held up their common religious education curriculum as the basis for identifying themselves as religious. The government campaign to turn all the schools into public schools involved a Royal Commission of Inquiry, numerous court challenges, two provincial referenda, two separate amendments to the Constitution of Canada, debates in the federal and provincial legislatures, and untold media battles. In the end, the government was able to strip Catholics and the others of their minority rights and legislate that the public school boards could continue to use church property and lands, without any compensation to the churches. All schools became fully public with provision for courses about religions in general.

This book tells the story of this Catholic education disaster, in copious detail, beginning with a brief sketch of the first Newfoundland Catholic schools in the early 19th century. The author fast forwards then to the first official upset in the decade long debate, which was the premier's appointment of a Royal Commission on Education in 1990. This Commission set the wheels in motion for the exchanges, debates and court challenges. By 1997, the government had held two public referenda (1995, 1997), of dubious merit, and then proceeded to change the constitution which had enshrined Catholic rights to education. Fagan is a masterful storyteller who convinces with the sheer breadth of scholarly detail, direct quotation, and in-depth knowledge of the events. Fagan's book has 17 well-documented and referenced chapters that are packed with evidence from court reports, transcripts, minutes of meetings, briefs, and media accounts. Fagan tells of the prime minister's and premier's unwillingness to answer letters, of court justices who seem ill-formed and biased, and of politicians who changed their minds and voted away the rights of Catholics, against the wishes of the bishops and despite evidence that Catholics wished to retain their rights.

Fagan was an integral part of the Catholic leadership team who stood up to government in the 1990s. A question that naturally arises is, can history be written by its makers? Then again, how else to write a book that is about such a sensitive and rights-driven topic? How else to tell a story that

needs to be told so others in the global Catholic community can be forewarned? Those who write for a living know that there is no such thing as objectivity; everyone is positioned in some community, some class, some skin, some gender. The autobiographical and reflexive turn in much current educational and social science writing lays legitimate claim to positionality and subjectivity, and challenges the myth of objectivity. Who else to tell this story but one who knows all about it? The government can tell its own story.

The issue of rights and the stripping of them, as raised in this book, is a serious one for minorities and the public at large. How this travesty happened in one Canadian province, in a country known for being proactive in terms of human rights, is instructive. However, the people of Newfoundland are a proud seafaring people and it is unlikely that this will put a permanent damper on their spirits. They have lived through British colonial rule, major economic hardship, and considerable sea-related tragedies. As evidence of their fighting spirit, three independent Catholic schools have already sprung up and a home-based religious education program is being supported by each of the four Catholic dioceses. This book is a fine scholarly study and bears careful reading.

*Leona M. English is an associate professor of adult education at St. Francis Xavier University, Nova Scotia.*