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GEORGE DREW AND THE RABBIS: RELIGIOUS EDUCATION IN ONTARIO'S PUBLIC SCHOOLS

In 1950, three of Toronto's Orthodox rabbis took up the cudgels of George Drew, Ontario's erstwhile premier, in support of compulsory doctrinal Protestant religious education in Ontario's public schools. What prompted such a bizarre partnership?

Politically, the enabling event occurred in the fall of 1943 with the election of Drew's Conservative party.¹ A few months later, this minority Conservative government announced changes to the Religious Education Program in the Province. Instituted by Regulation 30/44, which I will refer to as the Drew Regulation, these changes included:

13. 2 a) Two periods per week of one half hour each, in addition to the time assigned to Religious Exercises at the opening of school, shall be devoted to Religious Education.

b) Religious Education shall be given immediately after the opening of school or immediately before the closing of school in either the morning or the afternoon session.

c) Instruction in Religious Education shall be given by the teacher in accordance with the course of study authorized for that purpose by the Department [of Education], and issues of a controversial or sectarian nature shall be avoided.

d) By resolution of the School Board, a clergyman or clergymen of any denomination, or a lay person or lay persons selected by the clergyman or clergymen, shall have the right, subject to the regulations, to give Religious Instruction, in lieu of a teacher or teachers.

3 a) No pupil shall be required to take part in any religious exercises or be subject to any instruction in Religious Education to which objection is raised by his parent or guardian.²

The Drew Regulation did not alter the essence of Religious Exercises. Sometimes called Opening Exercises, Religious Exercises included the recital of a prayer, generally the Lord's Prayer, reading from the Bible and possibly the singing of a hymn. Part and parcel of Ontario's public schooling since the Common School Act of 1816, Religious Exercises had always been conducted within school hours and, although compulsory, were subject to exemption on the part of any student.³

The major change reflected in the Drew Regulation was that, for the first time, instruction in religious education was made compulsory in all public schools, up to and including Grade 8, for two one-half hour periods per week during the school day. Curriculum guides and materials for religious education courses were provided by the *Regulations and Programme for Religious Education in the Public Schools* and *The Teachers' Guide to Religious Education*, freely based upon the English Cambridgeshire Syllabus, as prescribed by the Church of England.⁴ Published by the Ryerson Press, a subsidiary of the United Church of Canada, the *Guide* included titles such as *Stories of God and Jesus* (Grade 2), *Jesus and His Friends* (Grade 3), *Jesus and the Kingdom* (Grade 6) and *The Story of Jesus* (Grade 7). The curriculum for Grades 4, 6 and 7 was restricted to—and in the remaining grades was heavily weighted toward—the New Testament. The *Programme* counselled teachers to “bring home to the pupils as far as their capacity allows, the fundamental principles of Christianity and their bearing on human life and thought.” Clearly, both the intention and course materials of this provincially approved religious education curriculum were designed to deliver doctrinal Protestant teachings.

Prior to the 1944 Drew Regulation, religious instruction was not formally part of the public school curriculum. In fact, the only provincially authorized formal religious instruction that took place in public schools was limited to a clergyman of any denomination giving “religious instruction to the pupils of his denomination...once a week *before* the hour of opening in

the morning or *after* the hour of closing the school in the afternoon....”⁵ With the primary responsibility for the giving of instruction in religious education now shifted to the regular classroom teacher, during normal school hours, religious education took on the aura of a curricular subject, much like Mathematics or History. As a sop to religious minorities, there were so-called “conscience clauses,” enabling parents to obtain exemptions from religious education instruction for their children. As well, teachers were warned to avoid “issues of controversial or sectarian nature.”⁶

Why make these dramatic changes to the teaching of religion at this time? After all, at the dawn of the twentieth century the Protestant religion was secure in Ontario and in its public schools.⁷ Ontario was said to be the home of the “best kept Sabbath in the world.”⁸ In the last decade of the nineteenth century, the *Toronto Daily Mail* boosted circulation with “the most popular pastor” contest and Consumer’s Gas Company reserved pews at the Metropolitan Methodist Church much like today’s corporations might reserve boxes at prominent sports facilities.⁹ The marked success and influence of Protestant Christianity fed into the vision of the Canadian nation as “His Dominion.”¹⁰ Although the authority of a single church in Canada was less patent and pervasive than in England, nevertheless, the English influence had contributed greatly to Canada’s development of a unique affiliation between church and state. Not quite on the English model, but most definitely not modelled on the American example, the relationship has been described as “legally disestablished religiosity.”¹¹ Maybe there was no Church of England-like established church, but the combined force of a number of Protestant churches was not to be denied.

Protestant influence was equally influential in Ontario’s public schools. Since 1791 most schools in Upper Canada opened and/or closed their school day with scripture readings and the recitation of the Lord’s Prayer. The Bible was often employed as a primer to teach young children to read.¹² These

practices were endorsed by John Strachan, later Bishop Strachan, Chairman of the General Board of Education for Upper Canada from 1823 to 1833, and generally credited with infusing Upper Canada's nascent education system with a strong Christian emphasis, accented wherever possible with a Church of England flavour.¹³ Egerton Ryerson, during his term as Superintendent of Education for Upper Canada and Ontario from 1844 to 1876, was less sectarian than Strachan, preferring public schooling to be constructed on a "broad basis of common Christian faith."¹⁴ By "common Christian" Ryerson meant Protestant. The distinctions between Strachan and Ryerson in this area were in degree only. Without the historic wall of separation that confronted their American counterparts, the stranglehold of the Protestant churches was aided and abetted by education statutes that enabled Protestant teachings to flourish in Ontario. For instance, by the close of the nineteenth century, public school teachers were bound by statute to be "persons of Christian sentiment," and to "inculcate [in their students] by precept and example, respect for religion and the principles of Christian morality..."¹⁵

However, shortly after the turn of the century, a series of societal changes brought to an end this honeymoon between church and state in Canada. Mainstream religion became battered by forces over which it had no control. Industrialization, World War I, immigration from countries other than Great Britain, all combined to gradually diminish the influence of the churches in Canada. The Great Depression affected the churches considerably, impoverishing them just as it did their parishioners, removing from church budgets local outreach projects as well as the foreign missions that enhanced their work and their reputations. Youth was most affected by these changes. After-school religious education classes faltered. Sunday Schools, a carry-over from the English model, were poorly attended. Juvenile delinquency was on the rise. Families were restructuring as more women became part of the workforce. In the result, many Ontarians drifted away from all but minimal

contact with churches. It was said that, like Americans, “Canadians seemed determined to kick their institutions to pieces...to cast off the Puritanism in which they and their forefathers had been steeped.”¹⁶

The immediate signs of decline were reflected in the shrinking of congregations. This was not helped by the increasing dinginess of church buildings,¹⁷ nor by internal issues that Protestant churches found difficult to overcome.¹⁸ Adding insult to injury, Catholic Separate Schools were making inroads into Protestant territory by demanding a more equitable sharing of education tax dollars.¹⁹ The Protestant churches were feeling besieged.

Hard pressed to keep pace with change, Protestant churches looked for ways to shore up their defences. Just as the Allies stepped up their military efforts in the war against Hitler and Nazi Germany, many Christian organizations pronounced the need for a spiritual battle plan. Canadian Christian leadership was actively seeking to organize Canadian youth “for good” to counter the Nazi organization of youth “for evil.”²⁰

By the 1940s, the time was definitely ripe for some change to Ontario’s public school religious education program. For almost a century it had sufficed to have Protestant clergy enter the schools after school hours to give religious instruction to those who wanted it. But the times had changed. Protestants envied the state-supported Catholic education, with its doctrinaire infusion into all aspects of the curricula. Protestants needed such a model. With both empty pews and coffers, churches were desperate to find a cheap and effective way to reach Ontario’s children with their message. To accomplish this, the churches put aside sectarian differences. Their goal was to force a shift from the principle of passive Protestant orientation in Ontario’s public schools to one of active engagement.²¹ The public school would be the Protestant answer to the Catholic Separate Schools. The churches lobbied. Circumstances, locally and internationally, dictated a Provincial response. All that was missing was the political will.

George Drew would provide that will. A devout Anglican, Drew heeded the signals emanating from the grass-roots religious communities.²² Once World War II began, Protestant clergy breached religious education regulations by entering public schools to give religious instruction during the “traditional school day.” A number of school boards were complicit in this action by altering their school hours in order to provide technical legitimacy to this breach.²³ These years were also witness to the continuous lobbying of the Provincial government and Drew’s opposition Conservative party by the Inter-Church Committee on Weekday Religious Education which sought to enshrine some of these practices into law.²⁴ Beyond Drew’s Church of England connection with the United Kingdom, his service overseas in World War I had entrenched his strong Anglophile tendencies. A member of the 1915 Canadian Expeditionary Force to Europe, and wounded a year later, Drew returned to Canada convinced that the British nation was to be emulated.²⁵ To Drew, the timing of his election victory during yet another war in which Canada was allied with the English was fortuitous. He could make a difference. While the result of World War II was still in doubt, England was considering the introduction of compulsory religious education.²⁶ Drew’s admiration for all things English encouraged his advocacy of similar program for Ontario.²⁷ As a result, the Drew Regulation paved the way for Ontario’s Protestant after-school program to be converted into a compulsory curricular requirement for all public school elementary students. The change to the curriculum was immediate and seamless.²⁸

Initially, the battle between those in favour of the Drew Regulation and those opposed was no contest. Those opposed based their arguments in rational pedagogy or common sense, stripped of emotion. Their adversaries, the defenders of the Drew Regulation, attributed all kinds of societal ills to the lack of religion in the public schools and built a passionate case on that account. There was no arguing with them.²⁹ Leadership of the opposition fell, almost by default, to the Jewish communi-

ty. There was no realistic alternative. Other minority faith groups were small in number.³⁰ Human rights organizations were only just beginning to form. And after much discussion in the press, concern about the discriminatory aspects of the Drew Regulation dissipated.³¹ Only the Jewish community mobilized against abuses precipitated by this Regulation.

But, how much muscle could the Jewish community muster? In 1944, Jews were still, for the most part, an immigrant community. Moreover, recognizing the potential security and upward mobility apparently assured by education, Jewish parents were eager and grateful for the opportunities that universal, compulsory, free public education made available to their children.³² This did not necessarily translate into a strong motivation to do battle with those who these parents saw as the benefactors of such a system. Yet, Jews were sensitive to anything that had the potential to diminish the availability of the Province's public school system. Jewish communal organizations and in particular the Joint Public Relations Committee (JPRC), a joint committee of Canadian Jewish Congress ("Congress") and B'nai Brith, took this as its mandate to oppose the Drew Regulation.³³ For some time, this opposition fell on deaf ears.³⁴

Early in the struggle against the Drew Regulation, an incident occurred which offered a portent of what could follow. Known as the Christmas carol controversy, it arose innocently enough as the result of a Sabbath-eve sermon delivered by Rabbi Abraham Feinberg to his Reform Holy Blossom Congregation in Toronto on 1 December 1950.³⁵ Rabbi Feinberg devoted his remarks to the observance of Christmas in the public schools and its affect on Jewish students and their families. He advocated greater sensitivity to the plight of minorities as the "best proof of peace and good will," arguing that public schools are not designed as instruments of religion. Because they are designed for—and supported by—all elements of the population, the intrusion into the school of sectarian teaching (i.e. Christmas carols) violated the principle and

purpose of the public school.

The larger community reacted immediately. A number of Christian clergy, upset at the Rabbi's comments, chorused that, as the majority of Canadians were Christians, Canada could claim to be a Christian country. As such, they hectored, public bodies within Canada could adopt Christian religious customs with impunity.³⁶

The press was similarly unsympathetic to Feinberg's arguments. In a particularly strongly-worded editorial entitled "A Deplorable Proposal" the *Globe and Mail* warned Ontario's Jewish community that although

The Jewish people in Canada are on the whole an admirable element of the community...they are a minority of one to 100. The majority has an absolute right to hold its own beliefs and express them in a manner acceptable to itself.... Nobody should ask [the majority] to give up their right to be Christians in the full expression of that word, just to avoid hurting the minority's feelings."³⁷

Feinberg countered with a personal letter to the *Globe's* editor-in-chief, explaining that his "only objective [in the sermon in question] was to deal with the question of Christmas...as part of the larger issue of sectarian religious instruction in the public schools..."³⁸

This was a perfectly reasonable explanation on Feinberg's part. As chair of the JPRC since 1944, Rabbi Feinberg had been charged with making the Jewish community's case against the Drew Regulation before the Hope Commission on Education in Ontario in 1945.³⁹ Having found the Hope Commission unreceptive and even adversarial, he continued to press the Jewish community's position.⁴⁰ In fact, the singing of Christmas carols in public schools was not a curricular expression of the Drew Regulation and Feinberg knew it. However, it offered Feinberg a platform from which he could publicize the Jewish community's disaffection with the related issue of the compulsory teaching of religious education in the

public schools.⁴¹

The reaction from the Christian community, the general community and even the press was expected. But Feinberg was unprepared for the furore his sermon caused within the Jewish community itself where many lay and rabbinical members condemned him.⁴² Easily, the most publicized and flagrant attack on Rabbi Feinberg came from three of Toronto's Orthodox rabbis, Abraham A. Price, Gedaliah Felder and Erwin Schild.⁴³ In a public statement reprinted in the Toronto daily newspapers, these three Orthodox rabbis disassociated themselves and the Jewish community from Feinberg's remarks. Discounting the mandate of the JPRC and Congress itself, they claimed that his remarks must be construed as personal as Feinberg had no authority to speak on behalf of the Jewish community.⁴⁴ Giving expression to the Jewish community as a respectful and dutiful minority, the rabbis objected to "any attempt by a minority to regulate the majority." In a curious example of politics making strange bedfellows, they mimed the position taken by Drew Regulation supporters that

the majority is free to operate schools or other public services for the best advantage of the greatest number. It would be absurd therefore to eliminate Christmas, which plays such an important part in the religious life of Christian Canadians of all denominations, from its rightful place in our schools. Moreover as religious leaders, we welcome and appreciate that Christian children love and observe their religion, for religion is indispensable to our Canadian way of life.⁴⁵

The statement, although attributed to all three rabbis, was clearly the work of Rabbi Price, the senior of the three and mentor to the other two rabbis. Rabbi Price had two personal beliefs that coloured his approach to this issue. First, he did not object to Jewish children being educated in public schools because he was convinced that any untoward notions they might be exposed to there would be offset by the Jewish values

these children learned in their homes and elsewhere in the Jewish community. Second, because Rabbi Price did not recognize the legitimacy of the Reform movement or its rabbinate, he had no compunction about criticizing Rabbi Feinberg, spiritual leader of the largest Reform Congregation in Canada, Holy Blossom, in public, nor was he concerned about the resulting discomfort to which Feinberg would be subjected in fending off attacks from both Jews and non-Jews alike.⁴⁶ And the possibility of reprisal was real. In the very early stages of the Drew Regulation, George Drew and J.G. Althouse, his Chief Director of Education, were firmly of the opinion that “to adopt a policy of avoiding emphasis on Christianity...would be to abandon the consistent policy of Ontario education and would be resented by the vast majority of school supporters.”⁴⁷ The statement from the three Orthodox rabbis certainly supported this point of view.

In response to the denigration of Rabbi Feinberg’s position by the three Orthodox rabbis, Congress took the middle ground, applauding the lessons of Christmas such as the universal brotherhood of man, while at the same time urging that the singing of Christmas carols in public schools be restricted to a voluntary basis.⁴⁸

Congress saw itself and was seen by others, both within and without the Jewish community, as the Parliament of Canadian Jewry and the political voice of Jewish life in Canada, speaking “in the name of the great majority of Jewish communities in Canada, directly or indirectly represented by delegates.”⁴⁹ Accordingly, Congress’ decision to take the middle road between Feinberg’s aggressiveness and the three Orthodox rabbis’ docility speaks to Congress’ reading of the general comfort level of the Jewish community in this regard. To assess Congress’ stance respecting issues that received public exposure one need look no further than a few months earlier when another contentious situation respecting Jewish students in public schooling required Congress’ input. That issue arose when the Jewish community learned that, for the school term commencing in September 1950, Toronto’s Forest Hill Board of

Education had allocated students to classes in Grades 8 to 12 in its Forest Hill Secondary School on the basis of whether they were Jewish or non-Jewish.

The setting for this controversy, Forest Hill Village, was unique.⁵⁰ A very well-to-do community in mid-town Toronto, the Jewish residents of Forest Hill Village, who, it was estimated, comprised forty percent of its 18,000 residents, included the cream of the Jewish establishment. Following the rapid growth of Forest Hill's Jewish population after World War II, the number of Jewish students in the public school system grew out of proportion to Forest Hill's Jewish population. Generally younger than their gentile neighbours, the Jewish residents had more school-aged children. Then too, many of the wealthy gentile residents sent their children to private schools which were then closed to Jews. As a result, it was estimated that in grades above Grade 8, Jewish students constituted "in the neighbourhood of 66 percent of Forest Hill's student population.

Congress investigated this matter on behalf of the Jewish community.⁵¹ It learned that, in fact, the Forest Hill Board of Education had grouped students in classes "based, in part, on the[ir] non-Jewish or Jewish identity." The Forest Hill Board defended this action as a necessary procedure, designed solely to placate gentile students who were feeling outnumbered. To accomplish this goal, at least one class in each grade in the Secondary School was limited to Jewish students so as to increase the ratio of gentile to Jewish students in the remaining classes in each of those grades.

After receiving this explanation, Congress objected, but very carefully, couching its objections in terms of a breach of democratic principles.⁵² Indeed, Congress backed off quickly when the Forest Hill Board of Education agreed to consider an alternative course of action for the following year.⁵³ As far as Congress was concerned, it had brokered a satisfactory resolution for the Jewish community, and had forestalled extensive public discussion. Nothing more was necessary. *Time Magazine*

commented at the time that “the situation would have provoked an uproar in the United States, but with typical Canadian restraint, Jewish organizations decided against a public outcry because the Board [of Education] had acted in good faith.”⁵⁴

The Christmas carol controversy, however, did not disappear so easily. As badly as many members of the Jewish community wanted this matter to go away, ironically, it was kept alive by the Jewish press, specifically, Yiddish language newspapers. One of these, the *Canadian News* lectured Congress for being “diplomatic and cautious, if not timid...however infinitely less truckling in tone than that of the statement signed by the Rabbis.”⁵⁵ Another, the *Hebrew Journal*, took up the cause of Rabbi Feinberg, arguing that “this tempest in a teapot would soon have blown over had not...several Orthodox Rabbis rushed into print heatedly endorsing the singing of Christmas carols, as though Christian children would not learn them without their [the rabbis’] prior approval.”⁵⁶ To the *Journal*, by agreeing to “bow and scrape before the Christian community,” the three Orthodox rabbis were guilty of over-reacting.⁵⁷

When Rabbi Feinberg issued a public apology in response to all the fuss his sermon had provoked, the *Journal* accused him of “too much humility,” terming Feinberg’s plea to the Christian community “to believe that [he had] the most profound respect and reverence for the sanctity of the faith which they hold dear,” not so much an attempt to mollify the Christian community “as [an attempt] to calm the rather too-easily alarmed Jewish public.”⁵⁸ The *Canadian News* refused to believe that Rabbi Feinberg had caved in willingly. Positing that Feinberg’s retraction was not of his own making but that it was imposed upon him by his congregation, the *Canadian News* reasoned that

seeing their Rabbi assailed by Christian clergymen for un-Christian conduct and by rabbis for un-Jewish conduct, some members of Rabbi Feinberg’s congregation, it is reasonable to assume, may have pressed him to make a public

retraction of his remarks lest they imperil the friendly relations that have been slowly but successfully forged between Toronto Christians and Jews.⁵⁹

With less bluster, the *Journal* worried that as a result of the uproar caused by Rabbi Feinberg's sermon and his failure to acquire wide support within the Jewish community, "no one will raise a voice of protest if the public schools should be transformed into full-fledged religious institutions."⁶⁰

The lightning rod for this controversy was the American-born and educated, Rabbi Abraham Feinberg. Having served several congregations in the United States, in 1943 he assumed the pulpit at Canada's pre-eminent Reform congregation, Toronto's Holy Blossom Temple, and remained there until his retirement from the active rabbinate in 1961.⁶¹ Rabbi Feinberg personified liberal and progressive views through all of his rabbinical career, from his condemnation of American isolationism of the 1930s and 1940s to his concerns about nuclear disarmament in the 1950s and 1960s. After leaving the pulpit he was outspoken in his criticism of the Vietnam War. This resulted in threats against his life and the publication of a pamphlet which dubbed Feinberg "the Red Rabbi."⁶²

Save for the outspoken Feinberg, the more typical approach of many Congress leaders and even those involved in the JPRC, was cautious in the extreme.⁶³ Even before the religious education issue came to the fore, the JPRC was accused of having a *sha shtil* (hush-hush), "don't rock the boat," mentality.⁶⁴ Congress claimed that it was only trying to be sensitive to the experiences of Jews in Eastern Europe assuring critics that there was no planned program of kowtowing to the government and the church.⁶⁵ And as far as the Drew Regulation was concerned, Congress opposed it officially, all the time cognizant of the importance of public schooling to Jewish parents.

The head-to-head confrontation between Rabbi Feinberg and the three Orthodox rabbis reflected, in many ways, the Jewish community's quandary over compulsory reli-

gious education in the public schools. To Rabbi Feinberg, Christmas carols were not in the best interests of Jewish children; to the three Orthodox rabbis, it was not Feinberg's place to make that judgment on behalf of the Jewish community. To Rabbi Feinberg, Christmas carols represented a violation of the democratic principles inherent in the concept of public schooling; to the three Orthodox rabbis, any religious behaviour, even someone else's, guarded against atheistic behaviour, which, to them, was a far greater concern. To Rabbi Feinberg, Christmas carols were imposing doctrinal Protestant religion on Jewish children; to the three Orthodox rabbis, the teachings of the Jewish home and community would safeguard against the influence of such public school practices. Moreover, their position of preferring religious over non-religious Christians as classmates for Jewish children in public schools, was entirely tenable within Ontario's Jewish community in 1950.⁶⁶ To Rabbi Feinberg, an American in training and inclination, the idea of an established church had to be rejected out of hand; to the three Orthodox rabbis, without Feinberg's American background which was steeped in the constitutionally-supported concept of the separation of church and state, there was no benchmark against which to measure the reasonableness of Feinberg's argument.⁶⁷ Nor was the apparent discounting of the rights of minorities and the corresponding rule by the majority a black-and-white issue to these rabbis. Unlike Feinberg, each one of these rabbis was born in Europe. Their experience taught them both to be grateful for the benefits of public education, often unavailable to Jewish children in Eastern Europe, and at the same time, to be careful, respectful and accepting in their dealings with government authorities. Moreover, they viewed the majoritarian church, which spoke for Protestant traditions, as part and parcel of the ruling authority in the country and specifically in the Province of Ontario.

As for the other players in the Christmas carol controversy, although Congress supported Feinberg's position, as a matter of record, for it damage control was paramount. To the Jewish

press, any indication of a retreat from Feinberg's statements was an admission of wrongdoing which it categorically denied.

For all the posturing, clearly, the three Orthodox rabbis did not endorse the larger community's reaction to Rabbi Feinberg's sermon, nor by extension did they endorse the Drew Regulation. Although not plumping for the right of the majority Protestant faith to monopolize the public school religious education curriculum, the three Orthodox rabbis preferred that the non-Jewish classmates of Jewish public school students formed their opinions and based their morals and values on some form of religious belief. For this limited purpose, these rabbis could see a place for majoritarian religion in the public schools. Moreover, while the Christian clergy and the press were defending majoritarian prerogative, these three Orthodox rabbis, by allowing that majority religious traditions had a place in the public schools, addressed their own agenda. They were attempting to minimize Feinberg's statements in order to reduce the potential of disfavour of the Jewish community in the larger community. At the same time, they were declaring that they were not handing over the Jewish community's agenda to a Reform rabbi.

The manner in which the Christmas carol controversy played out provided many telltales for the actions of the Jewish community in its long-standing campaign against the Drew Regulation. This helped to place in some perspective the position taken by Ontario's Jewish community in the context of its general opposition to the Drew Regulation in the decades following the Christmas carol controversy, including:

(1) The Jewish community's reticence to test the Drew Regulation in the courts despite compelling arguments;⁶⁸

(2) The Jewish community's need to bring credibility to the opposition campaign by seeking out alliances with non-Jewish organizations;⁶⁹

(3) The frustration caused by the inability of Jewish public school parents to obtain school-wide exemptions from religious instruction, even in schools where Jewish students

were in the majority;⁷⁰

(4) The helplessness of the Jewish community in the face of the Provincial government's unwillingness to risk the negative political repercussions of implementing the 1969 recommendation of the government-appointed Mackay Committee that the Drew Regulation be repealed;⁷¹

(5) The continuing dilemma created by Jewish community representatives lobbying for government funding on behalf of Jewish Day Schools with compulsory religious components in their curricula at the same time as the Jewish community remained in the forefront of the opposition to compulsory religious education in the public schools.⁷²

The Christmas carol controversy demonstrated that the immigrant persona of Ontario's Jewish community had not been shed by 1950. It further demonstrated that the trappings of that persona, including concerns about "rocking the boat" and fear of drawing undue attention to positions taken by the Jewish community, which were at variance with that of the general community, would curb an otherwise heart-felt campaign against a blatantly discriminatory government-authorized educational practice. This controversy also foretold that Drew Regulation opposition campaign would often fall victim to the lack of consensus within the Jewish community. Sometimes this lack of consensus was due to the subtle differences between the circumstances of Jewish families in large urban centres as opposed to those in rural settings or small communities. Sometimes it was because the anti-Drew campaign had to take a back-seat to matters that the Jewish community deemed more urgent. These urgent matters may have gained priority because they carried with them the potential to impact seriously on community finances, such as government funding of Jewish Day Schools, or because Jewish lives were in jeopardy, such as threats to the State of Israel or to Jews elsewhere.

The Christmas carol controversy also served as a reminder to the Jewish community that certain Ontario traditions which had been formed over time in a Christian-dominant-

ed society were virtually inviolable. One of these was Christmas, and another was the Lord's Prayer.⁷³ If the Jewish community chose to attack these traditions, even within the public square, it did so at its peril.⁷⁴ Finally, the community learned that new traditions will become enshrined if you permit them. The Drew Regulation was one Ontario government's wartime response to certain perceived societal ills. Yet, no matter that it was clearly discriminatory, no subsequent Ontario government mustered the political will to overturn it. Therefore, the Drew Regulation remained the law for forty-six years. And until the Charter of Rights and Freedoms was entrenched within a repatriated Canadian Constitution, thereby providing a statutory basis for a successful cause of action against the Drew Regulation, just as with Christmas carols, compulsory doctrinal Protestant religious education remained a virtually immovable institution in Ontario's public schools.⁷⁵

ENDNOTES

¹Although Drew's victory in the 1943 Provincial election marked the beginning of forty-three successive years in power for the Tories, after becoming premier, Drew personally enjoyed an abbreviated career in Ontario politics. Following his personal defeat in the 1948 election, he moved on to federal politics where he served as the Conservative Leader of the Opposition for eight years.

²Regulation 30/44, R.O., 1944. This Drew Regulation, approved on 22 August 1944 and filed on 31 August 1944, replaced Regulation 13 of the General Regulation, Public and Separate Schools, 1939, as amended, 2 February 1944. By simply effecting amendments to the Regulations, Drew avoided the requirement of a new legislative enactment. The Drew Regulation simply gave effect to existing statutes. Legislation was already on the books providing that "Subject to the Regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire." The Public Schools Act, R. S. O. 1937, c. 357, section 7 (2).

³Regulation 13/24, R. O. General Regulations, Public and Separate

Schools, 1924.

⁴Issued by the Authority of The Minister of Education, 1944.

⁵Regulation 13/24. R.O. 1924. General Regulations, Public and Separate schools, 1924, section 13 (3). The italics are mine.

⁶The right to exemption was problematical because it carried with it, by its very nature, the stigma of accentuating one's uniqueness, a characteristic that school-aged children resisted. In response to the Jewish community's concern about this potential stigma, Premier Drew observed "I must say that I would not have thought this was the first time it had been discovered by the other children." Public Archives of Ontario, (PAO), Drew Papers, M-9046, Volume 177, File 24, George Drew to W. R. Plewman, 11 February 1946. As for the "controversial or sectarian" issues, the warning was part of the same section that required compliance with the Department of Education course of study. Evidently indoctrination in Protestant teachings was not considered "controversial or sectarian" by the Regulation's draftsmen.

⁷"Religion" in the nineteenth century had a very traditional connotation. It meant a system of belief which included a reference to a 'higher' divine power. George Grant, "Religion and the State," *Queens Quarterly* 70 (1963): 183-184.

⁸John Webster Grant, *A Profusion of Spires: Religion in Nineteenth Century Ontario* (Toronto, 1988), p. 235 citing the Methodist *Christian Guardian*.

⁹Grant, *A Profusion of Spires*, p. 197.

¹⁰The fact that many Protestant denominations bought into this vision contributed to the formulation of a "broad Protestant consensus and coalition." N. K. Clifford, "'His Dominion': A Vision in Crisis," *Studies in Religion/Sciences Religieuses*, 2, 1 (Summer, 1972): 315-326.

¹¹John S. Moir, *Church and State in Canada. 1625-1867* (Toronto, 1967), p. xiii.

¹²Robert M. Stamp, *The Schools of Ontario, 1876-1976* (Toronto, 1982), p. 11. Stamp adds that nineteenth century authorized public school readers also included reminders for students to be "thankful for God's blessings."

¹³Previously, Strachan served as headmaster of one of the two elementary schools in York (Toronto), the Church of England National School,

dubbed the “blue school” because it was painted the same colour as the Church of England across the street. Edwin C. Guillet, *In the Cause of Education. Centennial History of the Ontario Educational Association. 1861-1960* (Toronto, 1960), p. 4. As Grant points out, the denominational pluralism of Upper Canada, did not compel the state to adopt a position of “ecclesiastical neutrality” until the 1850s. John Webster Grant, *The Church in the Canadian Era* (Burlington, 1988), p. 6.

¹⁴E. R. McLean, *Religion in Ontario Schools* (Toronto, 1965), pp. 1-2.

¹⁵The Public Schools Act, 1896, 59 Vict. c. 70, section 76 (1).

¹⁶ Grant, *The Church in the Canadian Era*, pp. 131-138.

¹⁷ Ibid. p. 148.

¹⁸For example, the United Church suffered from a lack of unity, the Presbyterians from the wounds of church union and the Baptists from the fall-out from continuing disputes with the Catholics. Circumstances were not improved by the antics of some Protestant religious leaders such as T. T. Shields. From 1910 to 1955 when he served as Pastor of the Jarvis Street Baptist Church in Toronto, one of the largest churches of any denomination in Canada, Shields conducted continuous assaults on the Catholics and any possible Catholic sympathizers. C. Alyn Russell, “Thomas Todhunter Shields, Canadian Fundamentalist,” *Ontario History* 70, 4 (December, 1978): 263-280, and Gerald Anglin, “The Battling Baptist,” *Maclean’s Magazine* 62 (June 15, 1949): 15ff.

¹⁹Stamp, *The Schools of Ontario, 1876-1976*, p. 136. and Grant, *The Church in the Canadian Era*, p. 136.

²⁰F. D. L. Smith, *Saturday Night Magazine* (8 November 1941), 14ff. Moving beyond rhetoric, there were some audacious souls who took matters into their own hands. In the early years of World War II, and prior to the Drew Regulation, in communities such as Fort William, Chatham and Owen Sound, religious instruction was made part of the public school curricula although this was a blatant breach of the then-existing regulations. Those responsible felt, however, that the immoral times necessitated this response. As well, fascists had appropriated the “Christian” trademark in organizations such as the Christian Aryan Syndicate, Father Coughlan’s Christian Front and the Christian Mobilizers. Therefore, Christians felt there was a need to advance the cause of Christian or Judaeo-Christian morality as a counter-weight. Mark Silk, *Spiritual Politics. Religion and America*

Since World War II (New York, 1988). pp. 40-41.

²¹Jack Arthur Mobley, "Protestant Support of Religious Instruction in Ontario Public Schools," (Unpublished Doctoral Thesis: University of Michigan, 1962), pp. 1-10.

²²Drew's religious convictions did not preclude a certain amount of political realism. J. D. Mills, Chairman of the East York Board of Education, advised Drew that his sincerity was being questioned by people who wondered "how can a man be sincere in bringing in religious teaching and then bringing in cocktail bars?" Drew's response was that he was in favour of "honest and not hypocritical laws" and this accounted for his support of more expansive legislation permitting cocktail bars. Declarations of honesty notwithstanding, Drew could not eliminate the continuing suspicion that he had increased church influence in religious education in the public schools in order to ingratiate himself with church leadership so that the churches would not object too strenuously to more open liquor laws. PAO, Drew Papers, M 9046, Volume 95, File 901. Mills to Drew, 12 May 1946. Drew to Mills, 17 May 1946.

²³Charles E. Phillips, *The Development of Education in Canada* (Toronto, 1957), p. 330.

²⁴Formed in 1936, this committee was an outgrowth of the Ontario Religious Education Council, itself formed in 1927 by eight Protestant churches. A key component of the Council, the prime function of the Inter-Church Committee on Weekday Religious Education was to respond to Protestant denominations' growing concern about the religious education of their youth. McLean, *Religion in Ontario Schools*, pp. 6-8.

²⁵Drew carried a reminder of his World War I experience throughout his political career. He left the Canadian army on his return to Canada in 1917, but "he was pleased to be known as Col. Drew [for decades thereafter] although he found that the title was used pejoratively in later stages of his political career." In 1947 he hatched an unsuccessful scheme to increase British immigration to Canada by means of low-cost charter flights. Later, as Canadian High Commissioner in London, Drew, a lifelong champion of the British Commonwealth, attempted to influence British opinion against joining the European Common Market. *Globe and Mail*, 4 January 1973.

²⁶Edwin Cox, *Problems and Possibilities for Religious Education* (London, 1983), pp. 4-6. The Butler Commission resulted in the imposition

of compulsory religious education into the English public schools. Although no religion was specified in the relevant legislation, to Cox it was clear that Christian doctrine was intended. Another commentator observed that “one cannot imagine the word [Christian] being left out for any other reason than its pervading obviousness.” Vincent R. Rogers, “Religion in the English Schools,” *Phi Delta Kappan* 49 (November, 1967): 134-137.

²⁷Charles Phillips argued that Ontario’s schools in the 1940s were in no need of an English model. Drew’s strong “attachment to Great Britain [moved Drew] to graft on the Ontario school system the religious instruction required by legislation of 1944 in England for a system of schools different in its origin and development.” Phillips, *The Development of Education in Canada*, p. 330.

²⁸Years later Drew would claim that the fact that the Drew Regulation was introduced without much opposition or difficulty was evidence to support the view it was not a drastic measure as it merely changed the structure of teaching religion by giving it some organization. *Toronto Star*, 31 March 1969.

²⁹*Globe and Mail*, 11 March 1944.

³⁰The 1941 Census included a classification of Ontario’s population according to religious denominations, listing fifty-seven different religious groups or sects, forty-nine of which considered themselves to be Protestant. The first seven on the list were:

United Church	1,073,425
Roman Catholics	882,369
Anglicans	815,413
Presbyterians	433,708
Baptists	192,915
Lutherans	104,111
Jews	69,217

Of the total Ontario population of 3,787,655, these denominations totalled 3,573,158, leaving the balance, some fifty denominations and sects, with less than five per cent of the population. For example, Jehovah’s Witnesses totalled 4,486, Adventists 2,353, Unitarians 1,244, Sikhs, Hindus and Mohammedans (sic) totalled less than 60, and Baha’is none at all.

³¹For example, *Globe and Mail*, 12 March 1945 determined that the Drew Regulation was upholding freedom. The bases for this conclusion

included:

(1) The “conscience clause” which permitted students to be excused from these classes;

(2) The fact that there was no “singling out” of minorities such as Jews because “many [Jews] take their children out of school for their own holy days” and

(3) “The wishes of the majority should prevail as long as the rights of the minorities are protected.”

³²Jews were aware that the public schools posed certain threats to maintaining the faith of their children. Yaacov Glickman, “Jewish Education: Success or Failure,” in M. Weinfeld et al, eds., *The Canadian Jewish Mosaic* (Toronto, 1981), p. 113. Attempts to “assimilate” Jewish public school students were often equated with conversion attempts which were on the whole, unsuccessful. Luigi G. Pennacchio, “The Defense of Identity: Ida Siegel and the Jews of Toronto versus the Assimilation Attempts of the Public School and its Allies, 1900-1920,” *Canadian Jewish Historical Society Journal* 9 (1985): 41-60.

³³This committee was formed in 1934 to monitor relations between Jews and non-Jews. Unlike Congress which derived its membership from constituent organizations, B’nai Brith was based on individual membership. The committee’s name was changed in 1961 to the Joint Community Relations Committee and again in 1987 to the Jewish Community Relations Committee after B’nai Brith severed its ties in this co-operative effort with Congress.

³⁴Although official pronouncements and submissions from the Jewish community received little by way of positive feedback, the JPRC was available to counsel Jewish parents who needed guidance in dealing with everyday issues of religious education in the classroom. In general, the JCRC advised these parents to seek exemptions from religious instruction on behalf of their children. Ontario Jewish Archives (OJA), JCRC Papers, MG8/S, Reel 1. Form letter, 23 October 1944.

³⁵American Jewish Archives (AJA), Feinberg Papers, Box 6, Series B, Folder 7. Christmas Carol Controversy. Rabbi Abraham L. Feinberg, "Christmas-Hanukkah In The Public Schools," 1 December 1950.

³⁶*Toronto Evening Telegram*, 2 December 1950 and *Toronto Daily Star*, 2 December 1950. Included in those who went on record as critical of Rabbi Feinberg's remarks were the Assistant Anglican Bishop of Toronto, the General Secretary of the Baptist Convention of Ontario and Quebec and Ministers of Presbyterian and United Churches.

³⁷*Globe and Mail*, 5 December 1950.

³⁸AJA, Feinberg Papers, Box 6, Series B, Folder 7. Feinberg to Dalglish, 13 December 1950.

³⁹On 21 March 1945, Drew appointed a Royal Commission on Education in Ontario under the chairmanship of Mr. Justice John A. Hope to inquire into, and report on, the Provincial education system as a whole. On the next day, 22 March 1945, Congress issued a public statement declaring the Jewish community's dissatisfaction with the Drew Regulation. OJA, JCRC Papers, MG8/S, Reel 1, 1945. Although the Hope Commission was in no way a religious education study, Congress seized upon the opportunity to make the Jewish community's case against the Drew Regulation.

⁴⁰Feinberg described the Hope Commission's response to Congress' brief as "so inquisitorial that a Gentile waiting in the wings to make a submission on art classes phoned [Feinberg subsequently] to apologize for Christians and the Canadian people." Abraham L. Feinberg, *Storm the Gates of Jericho* (Toronto, 1964), p. 299. The *Hope Report*, delivered on 15 December 1950, made little mention of religious education in the public schools, save to endorse the Drew Regulation and to recommend its application to secondary schools as well. *Report of the Royal Commission on Education in Ontario* (Toronto, 1950) (*Hope Report*), pp. 123-127. Although, clearly, the submission from Feinberg and Congress had not made an impression on the Commission, the Jewish community was loathe to complain, waiting until November, 1952 to issue a statement regretting the *Hope Report's* recommendation to retain the Drew Regulation. PAO, Department of Education Papers, RG 2-43, Box 150, File 994c, 1951. Sydney Harris letter and enclosure, 8 January 1960.

⁴¹In truth, Feinberg let his views on religious education in public schools be known in many quarters. See excerpts of Feinberg's 18 February

1945 sermon delivered at Holy Blossom Temple in the *Canadian School Journal* (1945): 229-230 and publication of his views in the Christian press, including, *The Churchman* (18 May 1949): 7-8 and *Current Religious Thought* (June, 1949), 20-23.

⁴²Years later Feinberg wrote that he might have succeeded in “riding out the storm save for desertion by colleagues, Jewish communal leaders and panic-stricken co-religionists” who saw his words as “impolitic, ill-timed and tactless.” Feinberg, *Storm the Gates of Jericho*, p. 310.

⁴³Rabbi A. A. Price was the senior rabbi of the three, having obtained his rabbinical ordination in Poland in 1919. After coming to Toronto in 1937, Price founded the Yeshivat Torah Chaim centre of learning and established himself as a leading voice for Orthodox Judaism in Toronto. Felder, also born in Poland, came to Canada as a child and received his ordination in 1940 from Rabbi Price’s Yeshivat Torah Chaim. Rabbi Schild, born in Germany and interned as an alien in Canada, received his ordination from Rabbi Price as well, in 1947. *Who’s Who in Canadian Jewry* (Ottawa, 1964).

⁴⁴*Toronto Daily Star*, 4 December 1950; *Globe and Mail*, 4 December 1950 and *Toronto Evening Telegram*, 4 December 1950.

⁴⁵*Toronto Daily Star*, 4 December 1950.

⁴⁶Rabbi Irwin Schild, interview, 8 December 1997.

⁴⁷PAO, Drew Papers, M-9046, Volume 176, File 2. J.G. Althouse to George Drew, 25 October 1944.

⁴⁸*Toronto Daily Star*, 5 December 1950.

⁴⁹C. M. Hanane, *Canadian Jewish Yearbook* (Montreal: Canadian Jewish Year Book, 1940), pp. 121-131. Louis Rosenberg, a long-time Jewish civil servant, characterized Congress as unique among voluntary Jewish national representative bodies in the Diaspora in that it was recognized by all elements of the Jewish community as well as the Canadian government as the representative body that spoke for the Jewish community in Canada. Louis Rosenberg, “Some Aspects of the Historical Development of the Canadian Jewish Community,” *Canadian Jewish Population Studies #4*, 50, (1960): 121-142 at 139.

⁵⁰*Time Magazine*, 13 November 1950, 38 and *Toronto Star*, 14 October 1950.

⁵¹OJA, JPRC Papers, MG8/S, Minutes of Special Combined Meeting of the Regional Executive of Congress and the JPRC, 29 September

1950. A meeting between Congress representatives and the Director of Education, Donald Graham, and the Principals of Forest Hill Collegiate and Forest Hill Junior High, Messrs. Tough and Chellew, held earlier that day was reported to this meeting. There, the Forest Hill educators had explained that the issue of class composition was an outgrowth of the school administrations' 50

interest in the social aspect of teen-age life. At that stage, the administration observed pressures on students, from both Jewish and non-Jewish homes, to select their friends from their own religious denomination. They also observed that as many as 50 percent of non-Jewish female students in Grades 10 to 12 were being removed to private schools as part and parcel of this pressure. Attempts to maintain an equal number of Jews and non-Jews in each class, was described as a response to the possibility of Forest Hill becoming a "particularly Jewish community." In a way, the Forest Hill Board saw themselves facing a reverse form of *Judenrein*.

⁵²OJA, JPRC Papers, MG8/S, Minutes of Special Combined Meeting of Regional Executive of Congress and the JPRC, 18 October 1950, referring to letter to Forest Hill Board of Education from Irving Oelbaum, Chair of the Central Region of Congress, 16 October 1950.

⁵³OJA, JPRC Papers, MG8/S, JPRC Minutes, 16 November 1950. The decision to back off was based on the understanding that the Jewish community's resentment had largely dissipated.

⁵⁴*Time Magazine*, 13 November 1950, 38.

⁵⁵*Canadian News*, 8 December 1950.

⁵⁶*Hebrew Journal*, 8 December 1950.

⁵⁷*Hebrew Journal*, 10 December 1950.

⁵⁸*Hebrew Journal*, 12 December 1950.

⁵⁹*National Jewish Post*, 26 January 1950. Suggestions were made after the fact that the incident was the cause of Rabbi Feinberg's resignation from the chairmanship of the JPRC. Feinberg denied this, citing "constantly increasing duties in his congregation." *Canadian News*, 15 December 1950. In fact, Rabbi Feinberg claimed that his own congregation exerted no pressure on him. Feinberg, *Storm the Gates of Jericho* (1964), p. 310.

⁶⁰*Hebrew Journal*, 14 December 1950.

⁶¹Holy Blossom, the oldest synagogue in Ontario, was formed in September of 1856. The congregation's annals disclose many examples of

strong statements by congregation rabbis on the subject of religion in public schools. For example, in 1926 in response to an argument by Canadian church leaders that the state needed the force of religion to foster responsible citizenship in the schools, Rabbi Ferdinand Isserman countered that the “public welfare required schools to be secular.” Like Feinberg, the American-trained Isserman was attuned to the separation of church and state. See Alan Rose, ed., *A People And Its Faith. Essays On Jews and Reform Judaism In A Changing Canada* (Toronto, 1959), p. 69. On the other hand, in 1941 Rabbi Feinberg’s immediate predecessor, Rabbi Maurice Eisendrath, counselled the Ontario Jewish community to consider compromising its strict separationist attitude toward religious education. Eisendrath compared the desire of the Christian majority to combat “godlessness’ by having religion taught in the schools to state-mandated inoculations against typhoid over the objections of anti-vaccinationist citizens. Over twenty years later, in his autobiography, Rabbi Eisendrath admitted that the concept of majority rule that he had espoused in 1941 had had “deleterious effects in American life.” Maurice Eisendrath, *Can Faith Survive?* (New York, 1964), p. 96.

⁶²Published and distributed by David Stanley, whose Toronto-based operations, according to Congress research, had a reputation as purveying anti-Semitic and anti-negro(sic) material. OJA, JCRC Papers, MG8/S, File 32A, JCRC Legal Committee Minutes, 1964. The Legal Committee determined not to commence an action against Stanley.

⁶³Feinberg complained that the “more pacific element” in Congress including “elders who had no children in school,” would not take positions that were forceful enough to suit his “American brand of militancy.” Feinberg, *Storm the Gates of Jericho*, p. 298.

⁶⁴In an internal memorandum detailing the early activities of the JPRC, a staff member confided that “Of all the allegations [claiming that the JPRC was ineffective], the one which carries with it real harm is the charge of ‘hush hush.’ Lately, it has become as easy for a great many Jews in North America to say ‘hush hush’ when confronted with the problem of anti-Semitism as it has become simple for the anti-Semite to say ‘Jews’ when he is confronted with the world’s woes.” OJA, JPRC Papers, MG8/S, Reel 1, 1944. Activity Report of the Joint Public Relations Committee dated April, 1944. It’s likely that Ben Lappin drafted this report as he was appointed the

first full-time executive director of the JPRC in November, 1942. Prior to that time the executive-director of Congress doubled in that position for the JPRC as well. Ben Kayfetz Interview, 13 August 1996. See also *Pathways to the Present. Canadian Jewry and the Canadian Jewish Congress* (Toronto, 1986), p. 30.

⁶⁵Congress' partner in the JPRC, B'nai Brith, whose American antecedents carried on a dialectic between "its thrust toward acceptance by American society and its desire to maintain Jewish integrity," had very similar concerns. Deborah Dash Moore, *B'Nai B'rith and the Challenge of Ethnic Leadership* (Albany, 1981), p. xiii. Although Congress also argued that government and church activities were relatively benign, there were exceptions. At the end of World War I the refusal of the Toronto Board of Education to permit Jewish students at King Edward Public School to fly the "Jewish flag" precipitated a "strike" by these students which spread to several other Toronto schools. Shmuel Shammai, "The Jews and the Public Education System: The Students' Strike Over the 'Flag Fight' in Toronto After the First World War," *Canadian Jewish Historical Society Journal* 10 (1988): 46-53. To Shammai, the flag fight was an indication of the strength of the assimilationist posturing on the part of public educators.

⁶⁶One could even argue that these rabbis were making the case for preserving the place of religion in the "public square" long before the concerns expressed by Christian-American theologians decades later. The concern for the "naked public square" found a voice in R. J. Neuhaus who complained that the American polity was paying the price of taking the path of least resistance. He argued that by choosing to fudge the presence of religion in public places in order to avoid discussion which could lead to confrontation, society succeeded in derailing the fanatic, but at the cost of excluding religion as a participant in democratic processes. Richard John Neuhaus, *The Naked Public Square: Religion and Democracy in America* (Grand Rapids, Michigan, 1984). Neuhaus' contention that most Americans agree with the separation of church and state but not its expression in the resulting hostility to religion is echoed by other theologians. See Martin E. Marty. "Hell Disappeared. No One Noticed. A Civic Argument," *Harvard Theological Review* 78 (1985): 381-398. American Jewish thinkers also participated in this discussion and some adopted Neuhaus' arguments. See David Dalin ed., *American Jews and the Separationist Faith: The New Debate On Religion*

in *Public Life* (Washington, D.C., 1992). Taking the position of the three Orthodox rabbis, but moving it up a notch, in researching his case for taking religion seriously, Stephen Carter found that some parents of Jewish public school students were “glad that the Christian kids prayed in school [because it was] a reminder of just what you are up against in the world.” Stephen L. Carter, *The Culture of Disbelief. How American Law and Politics Trivializes Religious Devotion* (New York, 1993), p. 185.

⁶⁷With his American background, Feinberg viewed the separation of church and state as a means by which Jews could attain equality. This might have worked within the context of American tradition which urged “conformity with the religion-blind Constitution.” Naomi W. Cohen, *Jews in Christian America. The Pursuit of Religious Equality* (New York, 1992), pp. 5-7. However, traditions were very different in Canada where religion played a major role.

⁶⁸These arguments were contained in a memorandum, endorsed by Frank Scott, Dean of McGill Law School and prepared for Congress by a young Harry Arthurs who would subsequently serve as Dean of Osgoode Hall Law School. Apparently, fear that success in such a test case would, in the eyes of the larger community, associate Jews with godlessness exceeded any concerns over the possibility of losing such a case. OJA, JCRC Papers, MG8/S. JCRC Minutes, 28 November 1962.

⁶⁹For example, the Ethical Education Association, a valued ally of Congress from 1959 to 1969 and the Canadian Civil Liberties Association which followed in this role. Alan Borovoy Interview, 12 March 1997.

⁷⁰In particular, the experience of Wilmington Avenue Public School in North York from 1959 until 1961. OJA, JPRC Papers, MG8/S, Religious Education in the Public Schools Sub-File. JPRC Minutes, 1959-1961. Board-wide exemption eventually came to North York in 1967.

⁷¹*Globe and Mail*, 17 September 1970.

⁷²Arguments for and against the Jewish community seeking government funding for Jewish Day Schools which also represented each of the lobbying positions were most ably outlined in 1962 by Joseph Diamond, Director of the Bureau of Jewish Education, on behalf of Jewish Day School funding and Sydney M. Harris, National Chairman of the JCRC, on behalf of the opposition to the Drew Regulation. PAC, Plaut Papers, MG 31, F6, Volume 44, June, 1962.

⁷³This has not changed appreciably if the December, 1994 com-

plaint by a Jewish parent of a student in Toronto's Withrow Public School is any indication. When Hal Koblin learned that, as part of her daily classroom activities, his six year old daughter was rehearsing the Christmas carol, "Away in the Manger" for a school concert, he objected. The school principal obliged by removing this carol from the program. Subsequently, the press villainized both the principal and Koblin. Among other things, Koblin's complaint and the principal's attempt at a remedy were characterized as "the secular evisceration of a Christian holy day." *Globe and Mail*, 16 December 1994, and generally *Globe and Mail*, 12, 16, 20 and 24 December 1994. As for the Lord's Prayer, the unsuccessful attempt by the Toronto Board of Education in 1979 to eliminate the Lord's Prayer from opening exercises in Board schools attested to this prayer's privileged position. PAO, Davis Papers, RG 3-49, CU-1-1, 1979. Lord's Prayer.

⁷⁴Leo Pfeffer, one of the American Jewish community's leading advocates for the separation of church and state, felt that, "it would be fatuous to believe that Christmas can be banished from the public school. It is as much part of the American school culture as Thanksgiving and graduation day." Leo Pfeffer, *Church, State and Freedom* (Boston, 1953), p. 490.

⁷⁵The Drew Regulation was only repealed in 1990 as the result of a decision of the Ontario Court of Appeal, relying on the freedom of religion and anti-discrimination sections of the Charter of Rights and Freedoms. *The Corporation of the Canadian Civil Liberties Association v. The Minister of Education and the Elgin County Board of Education*, (1990) 71 O.R. (2d) 341.