

## **Answer Key--Discriminatory Law Case Study: Racial Segregation through Separate Schools Clause**

<https://www.thecanadianencyclopedia.ca/en/article/racial-segregation-of-black-people-in-canada>

**Law:** *Common Schools Act* - Separate Schools Clause (1850)

### **Background Information:**

Slavery was abolished in Canada in 1834 but racial segregation continued for some time.

In 1850, the *Common Schools Act* was amended to include the Separate Schools Clause- this allowed for separate schools for Catholics, Protestants and Blacks.

**How did this Law maintain inequalities? Consider political, social, and economic factors.**

#### Political:

- White school trustees in Ontario created separate schools for Black children in parts of SW Ontario, without consulting Black communities.
- Schools were racially segregated by law in Ontario and Nova Scotia.
- When Black parents sued school trustees when Black children were not admitted to White schools. Yet courts upheld the racial segregation of schools.
- Racial segregation in education continued in Nova Scotia until 1950 and the last school closed in 1983 - far later than what many Canadians would assume.

#### Social:

- In other provinces, it was common for white families to deny Black children admittance to local schools.
- School trustees often used the Separate Schools Clause to request separate schools for Black children despite what Black parents and communities wanted.
- Racial segregation could take place through separate school buildings called “negro schools”, White and Black students attending at different times, or students attending at the same time but being physically segregated in different spaces. These different scenarios reflect negative stereotypes about mixing races.
- In some cases if there was no separate school available, Black children were denied their education.

**How was this law reformed or amended?**



Activism by Black parents led to the slow dissolution of racially segregated schools in Ontario, the last closing in 1965. In 1965, Leonard Braithwaite, a Black MPP, advocated for the Separate Schools clause to be removed from provincial education policy.

**Legacy of Law and/or policy:**

Racial segregation in Canada was present in many forms. Although each province was different, Black people were regularly segregated or denied fair access to education, employment, housing, and health care, among other services. Black communities in Canada are still fighting for recognition of their history in Canada, particularly in the school curriculum.