**ISLAM AND TORONTO PUBLIC SCHOOLS:
A Case Study of Contradictions in Canada's Multicultural Policy**

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ABSTRACT

The accommodation of religious minorities in the public school system became a flashpoint in the national debate over state-sanctioned multiculturalism in Canada during the 1990s. While it is often argued that official multiculturalism is at the very crux of Canadian identity, the practical application of this policy created a cultural paradox. For Muslims, religion is a component part of culture, and their requests for religious accommodation test the limits of multiculturalism by challenging the division of sacred and secular space in mainstream society. Three sets of competing discourses engender this social problem. The first is the politics of multiculturalism at the federal level; the second is the Islamic worldview expressed by Muslims as it represents identity politics in Toronto; and the third is education reform in Ontario. The case study is an analysis of the Toronto Muslim community's efforts since 1999 to lobby the Toronto District School Board for sweeping changes to both curriculum and public policy to facilitate religious accommodation of Muslim students. This case study represents a microcosm of the social, political and cultural paradoxes created by the conflict of discourses. It illustrates the contradictions of official multiculturalism in Canada.

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INTRODUCTION

THE PROBLEM

The accommodation of religious minorities in the public school system has become a flashpoint in the national debate over state-sanctioned multiculturalism in Canada. While it is often argued that official multiculturalism is at the very crux of Canadian identity, the practical application of this policy has created a cultural paradox in Canadian society. Although the federal Multiculturalism Act encourages minority groups to maintain their ancestral traditions, Canada's cultural mainstream has expressed certain limits to the toleration of diversity. Fuelling dissension are lingering questions about the extent to which longstanding public institutions, such as the public school system, ought to mandate reform to ensure equity for minority groups. While the term equality refers to a condition of sameness among groups, the concept of equity involves recourse of justice – specific actions that supplement, correct, or remedy imbalances with respect to rank and power in Canadian society. The point in question is the scope of such change.

The issue grew in the 1990s, becoming a critical matter for public conversation after September 11, 2001. Although the attacks took place on U.S. soil, their aftermath reverberated worldwide, and Canada was no exception. Soon after the attacks, there were heightened tensions between religious and therefore cultural groups in Canada. The winter of 2001-2002 featured national and local media coverage of racist-driven episodes of vandalism, assault, and harassment. Routine news stories about American pressure to reform Canadian immigration policies have also aggravated uneasiness about differences in Canadian society. With security legislation, immigration, and refugee policies all

under review, there has been an unravelling of multiculturalism as a social project in Canada.

RELIGION & MULTICULTURALISM

Religion is a component part of culture, and in the 1990s the Muslim community's requests for religious accommodation in Ontario public schools tested the limits of official multiculturalism by challenging the division of sacred and secular space in mainstream society. A 1994 lawsuit against the former Ottawa Board of Education over the recognition of Islamic holy days, requests for the provision of prayer rooms in schools, and the fight for public funding for Islamic schools were all contentious issues in Ontario during 1990s. In the year 2000, the controversy over religious accommodation was re-ignited when Toronto-area Muslims petitioned the Toronto District School Board for sweeping changes to its curriculum and administrative policies to accommodate Muslim students attending Toronto-area public schools.

EDUCATION, RELIGION & MULTICULTURALISM

This thesis contends that the Muslim community's requests for religious accommodation in public schools test the limits of state-sanctioned multiculturalism in Canada precisely because they focus on the religious variable as a component of multiculturalism. By challenging the division of sacred and secular space in mainstream society, they reveal inherent contradictions in Canada's multicultural promise. The controversies surrounding these requests signal that an Anglo-Canadian Christian hegemony continues to assume a normative position in Canada's cultural discourse. Moreover, the controversies have highlighted a key weakness in Canada's multicultural model – its inability to reconcile the incongruity posed by cultural relativism.

Furthermore, it is the hypothesis that the federal multiculturalism policy does not effectively address the religious component of identity politics in Canada. Additionally, conflict is inevitable because the federal and provincial governments are undertaking contradictory approaches to managing cultural diversity.

This case study seeks to investigate the failure of multiculturalism by examining inherent contradictions in Canada's multicultural discourse. Utilizing an interdisciplinary approach drawing on political science, sociology, cultural studies, and religious studies, the analysis is framed to address the following fundamental questions:

- Does a Protestant-Christian hegemonic discourse continue to flourish in Ontario public schools?
- Does this Protestant-Christian hegemonic discourse threaten the authenticity of Muslim students?
- Can public education in Ontario serve the needs of Muslim students?
- What is the definition of "public" in the institution of public education?

There are three sets of competing discourses that contribute to the social problem. The first is the politics of multiculturalism at the federal level. The second is the Islamic worldview publicly expressed by the Toronto Muslim Community as it represents identity politics in Canada. The third is the reform of education in the province of Ontario.

For Canadian Muslims, religion is an essential element of Canadian multiculturalism. Religion is central to Islamic cultural identity and cannot be separated from the politics of recognition. The Canadian Muslim population is actually

multicultural itself, arriving in Canada from many different countries as dissimilar as Pakistan, Indonesia, and Egypt. However, around some issues, such as education, they unite as a cultural group because of the significance of their shared religious beliefs.

As stated above, conflict is unavoidable because two levels of government, federal and provincial, are undertaking contradictory approaches to managing cultural diversity in the public space. The federal legislation acknowledges the freedom minority groups to preserve, enhance, and share their cultural heritage (which includes religion), additionally aiming to encourage and assist the country's social, cultural, economic, and political institutions to be inclusive. According to the federal strategy, multiculturalism involves the management of diversity through formal initiatives at the federal, provincial, and municipal jurisdictions (Canada, 1995:1). However, for its part, the Ontario government has determined that public schools ought to be free from religious content.

Despite its origins in the Victorian era as a Protestant system, education in Ontario responded to demographic change in the 20th century by becoming a public system. During the late 1980s, two key rulings by the Ontario Court of Appeal further redefined Ontario's public education system as a neutral, or value-free, secular space.

In 1988, the Ontario Court of Appeal twice declared Ontario's Education Act unconstitutional with rulings in two separate cases – both dealing with the issue of religious content in public schools. The first ruling struck down the section of Ontario's Education Act that authorized religious prayers, specifically the Lord's Prayer, in public schools. In that case, a group of parents in Sudbury objected to the recitation of the Lord's Prayer in public schools, and took the local school board to court arguing that the practice discriminated against non-Christians. The board argued that Canada had a

Christian heritage, and that any student had the right to an exemption. The Court agreed and ruled that Ontario's Education Act infringed upon freedom of conscience and religion, as guaranteed by Section 2(a) of the Canadian Charter of Rights and Freedoms (Sweet, 1997: 32-33).

The second case centred on the constitutionality of a religious-education course taught by born-again Christians in public schools administered by the Elgin County Board of Education. Local parents, the Canadian Jewish Congress and the Canadian Civil Liberties Association objected to the course and took the board to court. The Court ruled such courses were unconstitutional and constituted religious coercion, thereby violating the rights of religious minorities, even if students had the right to an exemption (Sweet, 1997: 33).

The Government of Ontario responded to the two 1988 Ontario Court of Appeal rulings by issuing Memorandum 112, a policy prohibiting religious instruction in Ontario public schools. The scope of the policy included optional courses and scenarios where coercion was not a factor (Sweet, 1997: 34).

Then in June 2001, the Government of Ontario introduced a tuition tax credit for parents who send their children to private schools – including both faith-based and non-sectarian institutions – effectively reversing longstanding policy opposing such government-funded tax vouchers. Under the new program, parents are eligible to claim a maximum of \$3,500 per student each year. The total cost to taxpayers is estimated at \$300 million per annum once the program is fully implemented in 2006. About 100,000 students attend the province's 733 private schools (The Canadian Press, 2001).

DEMOGRAPHIC CHANGE

Canada's Muslim population is growing. The latest official statistics are published in the 2001 Census that enumerated 579,640 Muslims in Canada, an increase of 128.9 per cent up from 253,300 in 1991. Muslims now represent two per cent of Canada's total population. In fact it is estimated that by the year 2010, Islam will become the second largest religion in both Canada and the United States (Canada's Muslims, 1999). It is also the fastest growing religion worldwide with a current estimated population of 1.2 billion (Muslim Population Statistics, 2000.).

This increases the potential for conflict as more Canadian Muslims face the challenge of participating in secular life, while simultaneously maintaining their Islamic identity. The separation of church and state has relegated religious identity to the private sphere in Canada. In contrast, Islamic values are intended to be universal, applicable to all aspects of a Muslim's life.

As a result, the Muslim community's requests for religious accommodation are viewed suspiciously by the dominant culture as an attempt to inject sacred values into a public space that the Ontario Court of Appeals has ruled should be value-free. This contradicts the sensibility of the federal multiculturalism policy that recognizes multiculturalism as a fundamental characteristic of Canadian society, correspondingly premised on the mosaic model in which there exists no monolithic Canadian culture or cultural identity. Consequently, Canadian Muslims have argued that minority groups are unequally privileged in Canadian society, and that official multiculturalism offers little more than an empty promise of Canadian identity.

CHAPTER OUTLINE

Chapter One discusses “The Politics of Multiculturalism in Canada” by utilizing approaches from the disciplines of political science and cultural studies. It begins with the history of multiculturalism in Canada. Next it discusses the scope of the federal policy, including constitutional provisions. Using various secondary sources, Canadians’ attitudes toward the policy are also examined. Then, drawing on the works of Reginald Bibby, Neil Bissoondath, Charles Taylor, Jeremy Webber, Himani Bannerji and Eva Mackey, a conceptual framework is established to discuss contemporary challenges and critiques of the federal policy.

Chapter Two examines “Muslims as a Cultural Group.” As already mentioned, the Muslim population is itself multicultural in Canada, arriving from many different countries of origin. However, when the essential basics of Islam are considered, it can be seen how Canadian Muslims may unite as a cultural group despite linguistic differences and other cultural heterogeneity.

Drawing on the discipline of religious studies, this chapter sets out the basic tenets of Islam that do unite Canadian Muslims into a coherent worldview, especially with respect to their attitude toward education, despite different countries of origin. This review highlights certain generally held Islamic values with respect to identity, knowledge, education, and space. A brief history of Islam in Canada is also provided, in addition to contemporary demographics. Lastly, this chapter discusses factors affecting Islamic identity in Canada.

Chapter Three begins with a brief history of “Public Education in Ontario.” This includes an analysis of historic and contemporary constitutional arrangements. Its

evolution from a Victorian-age Protestant Christian institution to a modern secular system is also examined. The role of the court system and other factors affecting contemporary public policy are discussed up to the announcement in June 2001 of a private education tax credit.

Chapter Four is a case study of the Toronto Muslim community's requests for religious accommodation in the city's public schools. It begins with a history of conflict between the Muslim community and the Ontario education system in the 1990s. This includes the lawsuit over recognition of Islamic holy days in Ottawa schools in 1994 and other early requests for religious accommodation, such as prayer rooms. The community's ongoing endeavour to gain public funding for private Islamic schools is also discussed as background to the June 2001 cabinet announcement. An examination of these early controversies sets the stage for the case study, which is an analysis of the Toronto Muslim community's efforts since 1999 to petition the Toronto District School Board for sweeping religious changes to both curriculum and public policy. The case study demonstrates the social, political and cultural paradoxes created by the federal multiculturalism policy, thereby examining the severity of the conflict.

The formal analysis is rooted in the conceptual framework established in Chapter One. As this story has just begun to unfold, research for this section includes archival and documentary resources; news, commentary and multimedia sources; and interviews with public figures involved in the issue, people who have identified themselves by participating in the public debate.

CONCLUSION

The value of the case study is not dependent on the resolution of the conflict in Toronto. It may not be resolved in the next few months or the next few years. The value will be in the analysis of the dynamics of the conflict within the described conceptual framework, so that learnings from this case study may help interpret similar conflicts in other times and places. The case study also provides original, scholarly research that examines the intellectual, social, political and cultural contradictions posed by multiculturalism.

The Conclusion describes the value and limitations of the study. The approach provides new information based on the conceptual framework outlined in Chapter One. A discussion of the case study's findings is also provided. Specifically, this includes an analysis of the findings presented in relation to the current body of academic theory on multiculturalism.

CHAPTER ONE

THE POLITICS OF MULTICULTURALISM IN CANADA

The politics of multiculturalism set the stage for the issue of religious accommodation of minority groups in public institutions, such as the public school system. In this case, official multiculturalism fails to create a unifying socio-political discourse for Canada's multitude of disparate cultural and religious groups. The policy is often criticized for having too broad a scope, thereby contributing to the unplanned development of cultural relativism – the concept that all cultures are different but equally valued in Canada. Moreover, it is assumed there exists no monolithic Canadian culture or Canadian cultural identity. Critics of the policy would argue an absence of reasonable limits on multiculturalism has retarded the emergence of a cohesive Canadian culture. According to this view, multiculturalism has failed as the common social project because it is unable to reconcile individual rights with collective aspirations.

Conversely, multiculturalism is also criticized for not going far enough; particularly for its inability to address the pervasive nature of racism in Canadian society. It is argued that state-sponsored multiculturalism is merely a veneer to disguise, rather than dismantle, an Anglo-Canadian Christian hegemony that privileges the mainstream to the detriment of minority groups. Thus, multiculturalism is a shallow attempt to showcase diversity without challenging systemic inequities. The Toronto Muslim community's requests for religious accommodation are controversial because they test the limits of toleration in Canadian society by challenging the exclusivity of Canadian institutions. Muslims are demanding more than just lip service to the notion of cultural equality; they are demanding equal citizenship.

This chapter will begin with a historical overview of the development of Canada's immigration and multiculturalism policies. Next it will discuss the scope of the federal legislation, including constitutional provisions. Canadians' attitudes toward the federal policy are subsequently examined. Then, drawing on the works of Reginald Bibby, Neil Bissoondath, Charles Taylor, Jeremy Webber, Himani Bannerji and Eva Mackey, a conceptual framework will be established to discuss contemporary challenges and critiques of the federal policy.

At the outset of this chapter, it is essential to provide a historical compendium of Canada's immigration policy, as immigration is central to the politics of multiculturalism. Economic, social, and racial considerations were integral to the evolution of Canadian immigration policy. Historically, the immigration policy articulated a desire to promote a homogenous Anglo-Canadian national culture.

The Immigration Act of 1910 established a scheme that designated source countries as having preferred and non-preferred status. Countries in North Western Europe and the United States were categorized as preferred countries, while countries such as Italy, Greece, Syria, Turkey and other Central or Eastern European states bore the label of non-preferred. This classification program excluded immigrants from countries in Asia and Africa, as the government viewed these peoples as being socially problematic:

The admission of Chinese and other immigrants from South East Asia was regulated under separate acts (Chinese Immigration Act of 1885), special provisions (for immigrants from India), or by Gentlemen's Agreements (for Japan). Immigration affected by the act were those deemed undesirable because of climatic, industrial, social, educational, labour or other conditions, customs, habits, modes of life and methods of holding property and their probable ability to become readily assimilated (Green, 1976: 14).

The government further institutionalized ethnic discrimination by implementing admission requirements that were more stringent for nationals of the non-preferred states and for Jewish peoples, regardless of their citizenship (Green, 1976: 15). The stipulations of this act remained virtually unmodified until the late 1950s.

Immigration facilitated an expansion of Canadian society and significantly altered its perceived social character. Immigration policies reflected a desire to perpetuate a British national character, however as economic deficiencies in the domestic labour market intensified, more expansionist postures were adopted. The propagation of hegemonic ideals and the perceived necessity of a homogenous collective identity persisted as issues of mass contention. A prospective immigrant's potential for assimilation was linked to his/her ethnic group and national origin. Compulsory assimilation was a desired social ideal, as newly landed ethnic groups were considered to pose a threat to the purity of the Anglo-Canadian culture (Francis & Smith, 1982: 122). Xenophobia manifested itself in theories of assimilation that predominated this period.

The assimilation theory that achieved early public acceptance was Anglo-conformity. This view demanded that immigrants renounce their ancestral culture and traditions in favour of the behaviour and values of Anglo-Canadians (Francis & Smith, 1982: 122).

The federal government responded to mounting anti-ethnic sentiments through the implementation of quota systems with India, Pakistan, and Ceylon in 1951. These quotas remained at constant levels until 1962 (Green, 1976: 31).

During the 1960s, the interrelationship between economics and immigration was firmly established. The federal government recognized immigration as a viable and effective method to augment the population while simultaneously relieving labour shortages. Economic demands necessitated an exploitation of foreign labour markets.

Thus it was economic need, not humanitarianism that led to the liberalization of Canadian immigration policy in the 1960s. Increases in immigration levels were structured to occur in proportion to Canada's absorptive capacity. Absorptive capacity was defined as "an inflow great enough to meet domestic labour shortages, but not so large that it would disrupt these markets (Green, 1976: 32)."

In 1967 the Point System was introduced to reduce systemic discrimination in the immigration policy. The criteria focused on factors such as language skills, education and occupational demand. Immigrants arriving in Canada at this time were either skilled or semi-skilled workers. In addition, chain migration of entire families was facilitated through the family sponsorship class (Li & Bolaria, 1983: 8).

Another significant aspect of the immigration policy was the displaced persons and refugee relocation program. At the end of the Second World War, Canada did not have a defined refugee policy and did not ratify the 1952 United Nations High Commission for Refugees Convention until 1969. Any policy that developed prior to 1969 existed on an ad hoc basis. It has been argued that it was primarily economic self-interest, not benevolence that directed Canadian initiatives in this area. The refugee policy was in direct correlation with the existing labour shortages and the preferred countries policy (Green, 1976: 29). Refugees were selected based on criteria such as age, education, language skills, and vocational training.

It is also worth noting recent changes to the Immigration and Refugee Protection Act enacted in June 2002 to increase national security in a post-September 11 era. The new rules are tougher for both skilled workers and asylum seekers requesting entry into Canada. Critics had deemed the new rules controversial arguing they will narrow

opportunities for immigrants with valuable trade skills (The Canadian Press, 2002).

Under the revamped Points System, work experience, language skills, education, and training as well as a Canadian job offer gives a prospective immigrant a higher score. So does age, if an applicant is between the ages of 21 and 49. A minimum score of 75 is the new requirement up from 70 under the previous system (The Canadian Press, 2002). It is too early to determine the impact of the new rules on state-sanctioned multiculturalism in Canada.

The evolution of Canada's multiculturalism policy took place over three distinct phases. The first phase occurred during the pre-1971 era. The focus of this period was to bolster nation building through immigration. The immigration policies of this stage are outlined above. During this stage, the Anglo-conformity of new ethnic groups was a required cultural norm. It was believed that racial and ethnic differences threatened the integrity of the nation and the cohesion of Canadian culture.

In 1942, the federal government created a Citizenship Branch with a mandate "...to foster among the new Canadians a wider knowledge and appreciation of the best traditions of Canadian life (Canada, 1991: 4)." The policy aimed to integrate recent European immigrants whose nationalities were neither English nor French.

After the Second World War, Anglo-conformity fell out of favour with Canadians and was replaced by the melting-pot theory of assimilation. This new strategy envisioned "a biological merging of settled communities with new immigrant groups and a blending of their cultures in to a new Canadian type (Francis & Smith, 1982: 123)." This new Canadian typology was expedited by the introduction of the Canadian Citizenship Act of 1947, which, for the first time, granted Canadians their own citizenship. It also specified

that all Canadians had equal standing with respect to their rights and responsibilities as citizens (Canada, 1991: 4).

In 1960, the federal government also enacted the Canadian Bill of Rights to provide a legal guarantee of certain fundamental rights to all Canadians regardless of national origin, colour, religion or sex. However, it is important to note that the Bill of Rights did not supersede provisions of the 1910 Immigration Act, which continued to promote systemic discrimination on the basis of national origin until its overhaul in 1967.

Then, as a member of the United Nations, Canada ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1970. The convention postulates that all humans are entitled to equality under the law.

The second phase took place between 1971 and 1981. This phase marks the inception of official multiculturalism in the realm of public policy. Multiculturalism was first introduced as a state-sanctioned stratagem in 1971. The Royal Commission on Bilingualism and Biculturalism (1963-1971) first legitimized the presence and contributions of non-charter ethnic groups in Canada. The 1971 report stated that multiculturalism should exist within a bilingual framework. Canada had previously established the parity of English and French through the Official Languages Act of 1969. The commission's findings served to abrogate former policies of assimilation through Anglo-conformity. The integration of new ethnic groups was ensconced as the contemporary cultural model (Canada, 1995:4).

The key objectives of this policy were to help retain ethnic identities, to facilitate the full participation of ethnic groups in Canadian society, to foster cross-cultural exchange and to provide immigrants with either English or French language skills.

Between 1971 and 1981 government funding for federal multiculturalism programs totalled \$200 million. Language and cultural maintenance programs received the core of this funding (Canada, 1995: 4).

During this time, Canada also was a signatory to the 1976 International Covenant on Civil and Political Rights, which recognizes the inherent rights of all persons to practise their own culture and religion, in addition to using their own language. The following year, Parliament enacted the Canadian Human Rights Act (1977). The legislation aimed to ensure equality and eliminate discrimination in areas of federal jurisdiction. The act also established the Canadian Human Rights Commission.

The third phase of multiculturalism policy began in 1982 and continues to the present day. Policy initiatives were broadened to include anti-racism initiatives and employment equity programs. The Canadian Charter of Rights and Freedoms became part of constitutional law in 1982, subsequently changing the scope of race relations by legitimizing the collective rights of ethnic groups. References to multiculturalism (and its component parts of culture and religion) occur throughout the Charter. Section 2(a) guarantees freedom of conscience and religion. Meanwhile, Section 15(1) of the Charter enshrines equality rights in the Constitution:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Section 15(2) creates a provision for the development of programs to aid disadvantaged groups in Canadian society.

The multicultural heritage of Canada was also recognized by Section 27 of the Charter that instructs the judiciary to interpret the Charter “in a manner consistent with

the preservation and enhancement of the multicultural heritage of Canadians.” In terms of enforcement, Section 24(1) stipulates that “anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.”

The application of the Charter is delineated in Section 32(1)(a)(b). Its scope includes the Parliament and government of Canada and all matters within the authority of the federal Parliament; the legislature and government of each province, including all matters within provincial jurisdiction; and all matters relating to the territories.

During this period, the government also sponsored a series of conferences, community consultations and government studies to assess the extent of racial discrimination and to identify barriers to the integration of new immigrants. The findings and recommendations of reports such as *Equality Now!* in 1984 and *Building the Canadian Mosaic* in 1987, culminated into Bill C-93, the Canadian Multiculturalism Act, in 1988.

Keeping in step with the Charter’s recognition of collective rights, the new Multiculturalism Act redefined Canadian cultural identity to include the cultures, languages, and traditions of ethnic minorities. It also established a link between multiculturalism and citizenship. The federal government also passed Bill C-18 thereby establishing the Department of Multiculturalism and Citizenship in 1991 (Canada, 1995: 31). The federal government defines multiculturalism as a nation-building project.

Multiculturalism in Canada refers to the presence and persistence of diverse racial and ethnic minorities who define themselves as different and who wish to remain so. Ideologically, multiculturalism consists of a relatively coherent set of ideas and ideals pertaining to the celebration of Canada’s cultural mosaic.

Multiculturalism at the policy level is structured around the management of diversity through formal initiatives at the federal, provincial and municipal domains. Finally, multiculturalism is the process by which racial and ethnic minorities compete with central authorities for achievement of certain goals and aspirations (Canada, 1995:1).

The act's Preamble describes multiculturalism as "a fundamental characteristic of Canadian society." It also defines the component variables of multiculturalism as race, national or ethnic origin, colour, and religion. Providing context, the Preamble draws on previous legislation in the following order including: the Canadian Charter of Rights and Freedoms, the Constitution Act, the Official Languages Act, the Citizenship Act, the Canadian Human Rights Act, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.

Section 3, Clause 3(1) of the act specifies ten general policy objectives:

- (a) recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage;
- (b) recognize and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada's future;
- (c) promote the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assist them in the elimination of any barrier to that participation;
- (d) recognize the existence of communities whose members share a common origin and their historic contribution to Canadian society, and enhance their development;
- (e) ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity;
- (f) encourage and assist the social, cultural, economic and political institutions of Canada to be both respectful and inclusive of Canada's multicultural character;

- (g) promote the understanding and creativity that arise from the interaction between individuals and communities of different origins;
- (h) foster the recognition and appreciation of the diverse cultures of Canadian society and promote the reflection and the evolving expressions of those cultures;
- (i) preserve and enhance the use of languages other than English and French, while strengthening the status and use of the official languages of Canada; and
- (j) advance multiculturalism throughout Canada in harmony with the national commitment to the official languages of Canada.

The Multiculturalism Act, as delineated in Section 2, applies to all federal institutions including cabinet departments, Crown corporations, agencies, boards, commissions and government councils. Additionally, Clause 3(2)(b) encourages federal institutions to liaise with individual communities across Canada. However, the Territories, Indian bands, and band councils are excluded from the act's purview.

The Charter and the new Multiculturalism Act profoundly changed the nature of Canadian cultural identity. For the first time, ethnic minorities were given constitutional recognition. There was a new focus on group rights and increased political clout for minority groups. According to the federal legislation, multiculturalism is a "fundamental characteristic of the Canadian heritage and identity." In reference to the cultural mosaic, Canadian culture is defined as all encompassing, meaning all cultures are afforded equal status. Therefore, there exists no monolithic Canadian culture or Canadian cultural identity. Although this new strategy reinforced bilingualism, Canadian culture was no longer exclusively bicultural.

Canadian demographics have drastically changed over the last 30 years. According to the 2001 Census, Canada had a total immigrant population of 5.4 million or 18 per cent of the total population. Of the 1.8 million recent arrivals (those arriving

between 1991 and 2001), 58 per cent were born in Asia, including the Middle East; 20 per cent in Europe; 11 per cent in the Caribbean, and Central and South America; eight per cent in Africa; and three per cent in the United States. This is a marked change for Canada, as Europeans previously comprised 90 per cent of immigrants that arrived before 1961. Additionally, the 2001 Census reported that Canada was home to almost four million people who identified themselves as visible minorities. That meant visible minorities constituted 13.4 per cent of the total population of 31.4 million.

However, despite the increase of ethnic diversity, support for multiculturalism is modest. A 2003 poll conducted by Environics Research Group/Focus Canada for the Association of Canadian Studies found that Canadians gave less importance to multiculturalism as an aspect of Canadian identity in 2003 than they did just three years earlier in 2000. The findings suggest that while 47 per cent of Canadians surveyed in 2003 considered multiculturalism very important, that number was seven points higher in 2000 with 54 per cent of respondents. The survey of 2,002 adult Canadians is considered accurate to within plus or minus 3.5 per cent, 19 times out of 20 (ACS-Environics, 2003).

Meanwhile in the wake of the Sept. 11, 2001, attacks, a 2002 Ekos poll found that 48 per cent of Canadians surveyed agreed with racial profiling in the interests of national security. The survey included 1,209 Canadians countrywide and is considered accurate between plus or minus 2.8 percentage points, 19 times out of 20 (Canadian Press, 2002).

That same year, a Leger Marketing survey found that 54 per cent of respondents thought that Canada accepted too many immigrants, compared with 26 per cent who said not enough immigrants were accepted. Another 20 per cent had no response. Sixty-one per cent of respondents said they preferred Western Europe as a source of immigration,

while Arab countries garnered only 34 per cent support. That poll surveyed 1,511 Canadians across the country and is considered accurate within 2.6 percentage points, 19 times out of 20 (Canadian Press, 2002).

Additionally, a 2001 Leger Marketing survey conducted two months after the Sept. 11 attacks found that 83.5 per cent of Canadians thought the government should be stricter with immigration regulations, while 13.1 per cent said it should not. That poll surveyed 1,524 Canadians across the country and is considered accurate within 2.6 percentage points, 19 times out of 20.

While Canadians generally support the idea of cultural diversity, they demonstrate less enthusiasm for the policy when it involves personal sacrifice or changing longstanding tradition. Survey findings show that support for multiculturalism is strongest when cultural expression is restricted to ethnic festivals and performing arts. There is less support for funding heritage language programs, and minimal support for programs that attempt to rectify systemic inequalities among ethnic groups such as employment equity (Fleras & Elliott, 1992: 114).

Finally, it is important to note that Canadians express high levels of support for values that endorse Canadian identity. In other words, despite state-sanctioned multiculturalism, Canadians acknowledge the existence of a dominant culture and expect minority groups to conform to this cultural ideal (Fleras & Elliott, 1992: 115).

These critiques are further explored in the conceptual framework for this project based on the six pieces of literature on this topic. The six authors are critics in the debate over official multiculturalism, however there are others who present a more positive view. The first piece is Reginald Bibby's book Mosaic Madness: The Poverty and

Potential of Life in Canada, which examines multiculturalism as a cultural paradox. The second is Neil Bissoondath's controversial book Selling Illusions: The Cult of Multiculturalism in Canada, which provides a pessimistic critique of the policy's inherent divisiveness. The third is a Jeremy Webber article entitled "Multiculturalism and the Limits to Toleration", which analyzes the issue of cultural accommodation. The fourth is Charles Taylor's article "The Politics of Recognition", which discusses tensions between universal and particularist definitions of equality. The fifth is Himani Bannerji's article "On the Dark Side of the Nation: Politics of Multiculturalism and the State of Canada", which examines the role of hegemonic discourses. The sixth is Eva Mackey's book The House of Difference: Cultural Politics and National Identity in Canada, which deconstructs multiculturalism as a unifying nation-building project.

In his book, Mosaic Madness: The Poverty and Potential of Life in Canada, Reginald Bibby argues that the mosaic (multicultural) model is based on a flawed premise of cultural relativism that grants equal status to minority cultures. He asserts Canadians are longing for a sense of collective consensus on Canadian identity – a goal that multiculturalism has failed to achieve.

Cultural relativism threatens the integrity of Canadian culture by promoting ethnocentrism (Bibby, 1990: 10). Minority groups are encouraged to maintain their own cultural values, even if their beliefs conflict with those of the majority. If all cultures have equal standing, whose rights should be honoured and whose rights should be ignored? Under this model, cultures will inevitably clash. The fragments of the mosaic he argues, do not add up to a healthy and cohesive Canadian culture.

Canada has been encouraging the freedom of groups and individuals without simultaneously laying down cultural expectations. Canada has also been

encouraging the expression of viewpoints without simultaneously insisting on the importance of evaluating the merits of these view points ... To encourage individual mosaic fragments may well result in the production of individual mosaic fragments – and not much more (Bibby, 1990: 10).

Neil Bissoondath's book Selling Illusions: The Cult of Multiculturalism in Canada is a cynical commentary on the divisive nature of Canada's multiculturalism policy. The book's central argument is that official multiculturalism serves to segregate Canadians along ethnic lines, consequently retarding the emergence of a coherent Canadian cultural identity.

Bissoondath describes Canada as a country weak in symbols and homegrown traditions (Bissoondath, 1994: 75). Canadians, he argues, do not have a strong sense of Canadian identity and lack a cohesive Canadian culture. Bissoondath's project is to neutralize race politics by adopting a colour-blind approach to ethnicity. Immigrants are encouraged to reject ethnic labels and to define themselves simply as Canadian (Bissoondath, 1994: 73).

He argues that multiculturalism has eliminated Canada's cultural centre, thereby weakening a collective sense of Canadian values. Mainstream Canadians have a fear of losing Canadian identity to a new amorphous culture (Bissoondath, 1994: 71). He also contends "Canadians are increasingly intolerant of demands made by ethnic groups, and are frustrated by the lack of conformity in Canadian society" (Bissoondath, 1994: 1). Bissoondath asserts the frustrations of mainstream Canadians are a direct result of the absence of reasonable limits on the scope of multiculturalism. Simply put, he says multiculturalism has gone too far.

Bissoondath argues state-sanctioned multiculturalism has further embittered Canadian identity politics by encouraging immigrants to hold on to idealized notions of

their ancestral cultures instead of integrating into the Canadian mainstream (1994: 129). As such, Bissoondath contends that official multiculturalism should be eliminated. The promotion of ancestral cultures and languages is the responsibility of the family, not the state. Mainstream Canadians should not have to bear the unnecessary tax burden of promoting foreign cultures (Bissoondath, 1994: 213).

Immigrants come to Canada to become Canadians, not ethnics, asserts Bissoondath. Immigrants need to actively participate in all aspects of Canadian life. Equality can only be achieved by embracing mainstream Canadian values.

Author Jeremy Webber expands the debate over imposing limits to multiculturalism in his article “Multiculturalism and the Limits to Toleration”. Webber questions the extent of Canada’s obligation to accommodate minority cultures. He argues that complete cultural deference is impossible because Canadian culture is informed by a particular set of normative standards (Webber, 1996; 275). These standards, including conceptions of justice and morality, are deeply rooted in Canada’s colonial history (Webber, 1996; 274). Consequently, moral judgements of minority cultures are inevitable in Canadian society.

While Webber acknowledges the existence of a hegemonic discourse, he argues the imposition of these standards is necessary (to some extent) to ensure a functional society. A shared set of public values is essential to the creation of a common community among disparate cultural groups. This presupposed neutrality of the public sphere ensures the full participation of all citizens regardless of their racial/ethnic origins (Webber, 1996; 270). Therefore, like Bibby and Bissoondath, Webber argues that immigrant groups should not isolate themselves from the mainstream. Minority cultures

must be adaptable, as these groups have an obligation to participate in Canadian society (Webber, 1996; 276).

Webber, however, also recognizes the limitations of these normative standards and articulates they cannot be applied on a universal basis. Canada needs to cultivate a tolerance for competing visions, as they serve two essential functions in Canadian culture. First, they facilitate a critical evaluation of Canadian cultural values by providing a point of comparison. Second, minority cultures offer valuable knowledge that may be applicable to the Canadian context (Webber, 1996; 274).

The solution according to Webber is a nuanced approach to accommodating minority cultures. This requires the mitigation of normative standards with principles of cultural pluralism. Under this stratagem, Canadians actively evaluate the merits of proposed cultural accommodations, hence precluding an anything-goes cultural relativism (Webber, 1996; 278). This proposal also quells Bissoondath's unease about the imposition of foreign values on Canadian culture.

According to Charles Taylor, the challenge of multiculturalism is to resolve the social marginalization of minority groups without compromising Canada's fundamental liberal character. In his article entitled "The Politics of Recognition", Taylor justifies imposing limits to the scope of multiculturalism by highlighting the values of difference-blind liberalism. Similar to Webber, Taylor's model necessitates the neutrality of the public sphere to facilitate the inclusion of diverse cultural groups (Taylor, 1994; 62).

Taylor's solution is a regime of reciprocal recognition among equals. Equality of citizenship is a central tenet that advocates the precedence of individual rights over collective goals (Taylor, 1994; 56). As such, the self is located in the individual, and not

in a cultural group. The state has an obligation to treat all individuals equally, whereas citizens have an obligation to partake in the common social project (Taylor, 1994; 50).

Canada's multicultural project has departed from traditional liberal notions of equality by shifting the focus from empowering the individual, to empowering groups. Multiculturalism necessitates the recognition of minority cultures by stressing differences among groups (Taylor, 1994; 38). Its corresponding politics of recognition demands equal status for minority cultures through the realization of collective aspirations.

While Taylor concedes that equal recognition is essential to a liberal democracy, he refutes the claim that cultural equality should be dictated by the ethics of multiculturalism (Taylor, 1994; 69). Privileging group aspirations over individual rights is a detriment to the liberal concept of universal human equality. Societal recognition only forms part of an individual's identity; the other part is derived from a person's dialogical process with other individuals (Taylor, 1994; 33). The neutrality of a liberal society ensures this dialogue remains open and unconstrained. Thus, Taylor rejects the argument that this neutrality is a veneer for cultural hegemony.

Himani Bannerji takes a more radical approach in her critique of state-sponsored multiculturalism. In her article, "On the Dark Side of the Nation: Politics of Multiculturalism and the State of Canada", she argues multiculturalism is merely a guise for maintaining hegemonic power relations in Canada.

Canada is a constructed entity, whereby the state uses its moral authority to construct and manipulate official cultural identities (Bannerji, 1996: 105). Bannerji rejects Taylor's conception of a neutral liberal state. The state operates under an illusion of neutrality to legitimate its common social project – the imagined community. This

imagined community creates an artifice of individualized political equality, in order to subvert demands for equitable power relations among cultural groups (Bannerji, 1996: 110). Therefore, cultural groups are perceived to be different but equal, and moreover, on the same footing as the dominant culture.

The imagined community obscures the overarching hegemonic discourse. The multiculturalism policy co-opts minorities through an assurance of political empowerment, yet these groups continue to occupy a marginal role in Canadian society. Bannerji describes the ambiguous role of minority groups as the “outsiders-insiders” of the Canadian nation (Bannerji, 1996: 105).

Contrary to the values espoused by the imagined community, the state continues to privilege Euro-Canadians over all other cultural groups. Bannerji vehemently identifies whiteness as the hegemonic discourse of the nation-state (Bannerji, 1996: 118). As a result, minority groups are trapped in the modern-day confines of the Anglo-French colonial discourse (Bannerji, 1996: 109).

According to Bannerji, whiteness is not simply a racial indicator, but a marker of mainstream cultural identity. This includes culturally esteemed moral qualities such as masculinity (patriarchy), liberal individualism, western capitalism, and modernity (Bannerji, 1996: 117).

In the Canadian context, whiteness is constructed as the cultural norm, whereas minority identities are constructed in opposition to that standard. In this view, whiteness represents the essential Canadian self. However despite its dominance, whiteness is not readily identified as the dominant discourse because it too creates a facade of neutrality (Bannerji, 1996: 119). Whiteness is constructed as a worldview that represents all of

humanity, rather than the specific interests of one racialized group. This serves to disguise the prevalence of both institutional and overt racism in Canadian society (Bannerji, 1996: 122).

Finally, Eva Mackey analyzes multiculturalism as a nation-building project rife with contradictions, arguing it actually bolsters an Anglo-Canadian hegemony rather than challenging systemic inequities among cultural groups. In her book The House of Difference: Cultural Politics and National Identity in Canada, Mackey contends that multiculturalism implicitly constructs a core Anglo-Canadian culture and reinforces its dominance by defining other cultures as “multicultural” in contrast to that primary identity (Mackey, 1999: 2). Consequently, multiculturalism is key to the construction of both white and non-white identities, and the maintenance of hierarchical power relations among cultural groups.

Multiculturalism is a nation-building project premised on the institutionalization of pluralism. Mackey asserts nation-building is a dual process entailing both the management of populations and the creation of a national identity. Mythological narratives, such as the legacy of Canadian tolerance and justice, are essential to the emergence of a cohesive Canadian identity (Mackey, 1999: 23).

Multiculturalism derives its legitimacy precisely because it is a state-sponsored project, with the government taking an active role in the propagation of such myths. The empowerment of minority groups however, is subject to the fluctuating needs of the nation-building project (Mackey, 1999: 25). Thus Mackey’s analysis deconstructs multiculturalism as the unifying national project, determining instead that its ideology is

conflicted and contradictory because Canadian nationhood transforms itself at different moments in different historical contexts (Mackey, 1999: 18).

In conclusion, although each author utilizes a different analytical approach, they share the view that official multiculturalism has failed to create a cohesive socio-political framework for Canadian diversity. Canadians have long been obsessed with the creation of a unifying treatise – a common social ideology and/or project that binds the populace to an imagined Canadian community. However, multiculturalism in its current context fails this challenge because it is unable to reconcile two fundamental Canadian principles – notions of liberal individualism and collective aspirations. Bibby, Bissoondath, Webber, and Taylor criticize the policy for lacking reasonable limits and for promoting cultural relativism at the expense of Canadian culture. On the other hand, Bannerji and Mackey take an opposite view, and criticize the policy for failing to address the insidious nature of racism in Canadian society. Multiculturalism has created a discourse of competing interests thereby preventing the emergence of a unified cultural discourse.

CHAPTER TWO

MUSLIMS AS A CULTURAL GROUP

Canada's Islamic community is challenging the exclusivity of Canadian identity by blurring the boundaries between sacred and secular spaces in Canadian society. Muslims comprise a mosaic within the larger Canadian mosaic, with ethnic and cultural origins as diverse as Europe, the Middle East, Africa, Asia, and the United States. However, despite linguistic differences and other cultural heterogeneity, when the essential basics of Islam are considered, it can be seen how Muslims may unite as a cultural group in the Canadian context. For their part, Canadian Muslims consider themselves part of the worldwide Islamic Diaspora and are personally impacted by events occurring in the Muslim world. The umma¹, or universal Muslim brotherhood, is a major determinant of Islamic identity. However, the politics of recognition also occur on the home front, as Canadian Muslims test the limits of state-sanctioned multiculturalism by demanding institutional accommodation. Mainstream resistance to their requests has revealed inherent contradictions in Canada's multicultural promise, exposing that an Anglo-Canadian Christian hegemony remains firmly entrenched in Canadian society. (A detailed analysis is provided in the Chapter Four case study.) Consequently, Islam has served to reinforce both individual and group identities for Canadian Muslims, enabling the community to transcend all racial, ethnic, and class divisions, and operate in some contexts as a unified religious, social, and political group.

The first section of this chapter draws on the discipline of religious studies to provide a brief overview of Islamic theology to establish a framework for Islamic identity

¹ This and other terms in this thesis are listed in the "Glossary of Islamic Terms and Arabic Names" beginning on page 113.

in the Canadian context. More specifically, it is explained how basic Islamic tenets unite Canadian Muslims into a coherent worldview despite different countries of origin. This analysis highlights certain generally held Islamic values in terms of identity, knowledge, education, and space. Next, a brief history of Islam in Canada is provided, along with a contemporary demographic profile of the community. Lastly, this chapter reviews factors affecting Islamic identity in Canada, especially with respect to their attitude toward public education.

Islamic theology provides a religious foundation for Muslim identity in Canada. Islam is the youngest of the three western monotheistic faiths that originated in the Middle East, the first two being Judaism and Christianity. The Arabic word Islam simply means “self-surrender to the will of Allah.” (Islamic Circle of North America, 1992) The faith’s founder, Prophet Muhammad (569-632 A.D.), established the religion during the sixth century A.D., after divine revelations from the Angel Gabriel. Muslims believe that Prophet Muhammad is God’s final prophet to humanity before Judgement Day. His mission was to re-establish monotheism by realigning religious practice with the teachings of the prior Judeo-Christian prophets.

Allah is not the name of a particular deity but simply the Arabic word for God. The Islamic concept of God is singular, as expressed by the concept of tawhid or divine oneness: “Say: God, He is One. God is the eternal refuge. He neither begets, nor was he begotten. Nor is there anyone equal to him.” (Qur’an 112) According to this framework, God is absolute, unequalled, and eternal. Similar to Jewish and Christian doctrines, Islam describes God as moral and jealous. Furthermore, God’s essence is unknowable and

inconceivable to humanity, transcending all temporal and spatial limitations (Oxtoby, 1996: 374).

The concept of prophethood is central to Islam. As stated previously, Muslims consider Prophet Muhammad God's final prophet to humanity before the final Judgement Day. It is believed the Angel Gabriel revealed to Muhammad the contents of the Qur'an, Islam's holy book, to provide humanity with a universal and immutable truth. Muslims also believe that Muhammad's life example – both his actions and sayings – are divinely inspired and equivalent to serving God's will (Oxtoby, 1996: 371). Islam also recognizes Noah, Abraham, Moses, and Jesus as divine prophets because all affirmed the unity of God (Makarem, 1972: 28). With the addition of Muhammad, this group of five major prophets, called *ulu al-azm*, are revered for receiving divine revelations that form the basis of Islamic religious and legal doctrine.

Specifically, Noah is credited for giving the earth and humanity a second start after a great flood (also recorded in Jewish and Christian holy books), and contributed dietary and marriage laws. Noachic laws constitute the first Islamic *shari'ah* or holy law (Oxtoby, 1996: 365). Abraham converted his people from idol worship into a monotheistic tradition. The majority of prophets that follow him are his descendants through his sons Ishmael and Isaac (Oxtoby, 1996: 365). Moses is recognized for receiving the Ten Commandments on Mount Sinai and for his miracles, including the parting of the Red Sea. Moses' example is considered an affirmation of God's omnipotence and further basis of the Islamic concept of divine oneness (Oxtoby, 1996: 365-366). Lastly, Muslims also consider Jesus a prophet, regarding his virgin birth and healing powers as miracles. However, the Qur'an denies his divinity and disputes

Christianity's claim that he is the son of God. Muslims believe that Jesus will return on Judgement Day to kill the devil and establish true Islam on earth (Oxtoby, 1996: 366).

After the Muhammad's death in 632 A.D., Islam was divided into two major sects, Sunni and Shi'a. (There are further sub-sects within both the Sunni and Shi'a groupings, but a discussion of those divisions is beyond the scope of this thesis.) Sunni Muslims constitute the vast majority, about five-sixths of Muslims today, and have certain theological differences from Shi'as (Oxtoby, 1996: 488). For instance, while both groups accept the authority of the Prophet and the Qur'an, Sunnis believe in the primacy of the Qur'an. This means they believe Muhammad is God's prophet because the Qur'an identifies him as such.

In contrast, the minority Shi'a Muslims believe in the primacy of the Prophet. Accordingly, the Qur'an is God's word because Prophet Muhammad declared it as such. Thus, Muhammad is central to the interpretation of divine will. This is significant because Shi'a Muslims claim direct lineage to Muhammad, and consequently emphasize the importance of personal allegiance and devotion to him (Metcalf, 1996: 186-187).

Despite doctrinal discrepancies, all Muslims derive their religious teachings from two major sources. The first is the Qur'an, Islam's holy book written in Arabic, which was revealed to Muhammad over a period of 22 years. Muhammad is considered the transmitter of the divine revelation and the Qur'an is considered an accurate recitation of God's word (Oxtoby, 1996, 370). Unlike the Bible, the Qur'an is not popularly translated into vernacular languages. Muslims from Pakistan, South Africa or any other country study it, and often memorize it, in Arabic. This is as unique for Muslims as Latin was for medieval Christians. It is important to note that although the Qur'an provides a written

source of theological literature, Islam is primarily an aural or spoken tradition. Verses of the Qur'an are meant to be recited aloud (preferably in group settings), not read silently by individuals. Additionally, in Islam there is a prohibition against making religious icons, idols or other such art objects (Metcalf, 1996: 47-49). Further discussion of Islamic symbolism is provided later in this chapter. The Qur'an is also considered the principle legal and moral guide for Muslims.

The second authority is the sunnah, which is defined as the aggregate example of Muhammad's word and deeds (Oxtoby, 1996, 488). It is meant to serve as a moral and behavioural guide for Muslims. The most important section of sunnah literature is the Hadith, a collection of pronouncements from Muhammad that complement the Qur'an. Both texts instruct Muslims to submit to divine will through faithful service called *saawa*, and the establishment of a universal brotherhood or *umma*.

Interpretation of the Qur'an and the Hadith form the basis of Islamic jurisprudence or divine law called *shari'ah*. The purpose of *shari'ah* is to establish a moral code of conduct for Islamic society. This code is comprehensive, covering issues such as behaviour, law, customs, culture, clothing, expression, and dietary habits. Actions are designated as either *halal* (fulfilling the requirements of Islamic law) or *haram* (in violation of Islamic law). For example, the Qur'anic surah 2:173 explicitly forbids the consumption of carrion (any animal that dies spontaneously either from illness or by being killed improperly), blood, pork, and animals sacrificed to any deity other than to God. Additionally, in surah 5:90, the Qur'an forbids the consumption of wine and all other intoxicants. Although there is disagreement among Muslims about the literal interpretation of *shari'ah*, there is widespread agreement over its status as divine law.

Muslims around the world are similarly united by the Five Pillars of Islam – shahadah (declaration of faith); salah (prayer); zakah (alms giving); siyam (fasting); and hajj (pilgrimage to Mecca). Shahadah requires a Muslim to declare belief in the oneness of God and the finality of the prophethood of Muhammad. Salah obliges the believer to perform prayers five times a day at dawn, noon, late afternoon, sunset, and nightfall, facing the direction of Mecca, Saudi Arabia. Thus, all secular activities are scheduled around prayer. Zakah is the required expenditure each Muslim gives to the larger Islamic community to assist the poor and to fund community projects. Alms giving usually takes the form of an annual payment consisting of one fortieth of a person's income. Siyam occurs during the month of Ramadan, when Muslims (except for children, the elderly, the sick, and pregnant women) are required to fast from sunrise to sunset to achieve self-purification. Finally, those who are physically and financially able are expected to complete the hajj to Mecca at least once during their lifetime.

Currently, Islam is the world's fastest growing religion with an estimated population of 1.2 billion worldwide, or approximately 20 per cent of the earth's six billion people (Muslim Population Statistics, 2000). Although, Islam is often misconstrued as a Middle Eastern phenomenon, only 18% of the world's Muslims actually live in the Arab world. In fact the largest Muslim country is Indonesia, with an estimated population of 120,000,000 Muslims (Taibah, 1998: 6). Large concentrations of Muslims also live in Asia, Africa, Europe, North America, South America, and Australia.

In Canada, the Muslim population is also experiencing tremendous growth now numbering two per cent of the total population. As noted in the introduction, the latest official statistics on religion in Canada are published in the 2001 Census, calculating

579,640 Muslims across Canada. That marks an increase of 128.9 per cent in 2001, up from 253,300 in 1991 – more than doubling over the 1991-2001 decade. Ontario is the home province for the vast majority of Muslims, with 61 per cent or 352,500 living in that province in 2001. There were 145,600 Muslims enumerated in Ontario in 1991. It is estimated by the year 2010, Islam will become the second largest religion in both Canada and the United States (Canada's Muslims, 1999).

Muslim immigration to Canada has taken place in three separate junctures, largely structured by the changing political agenda of Canadian immigration policy. The earliest Muslim migrants on record, a group of 13, arrived in Canada in 1871. They were a group of young men from Syria, Lebanon, and Turkey that secured employment as unskilled labourers in Toronto, Montreal, and rural Alberta (Husaini, 1990: 20-22).

The 1911 Census reported that the population had ballooned to an estimated 1,500. From this group, approximately two thirds were Turkish, while the remaining one third were of Arab descent (Husaini, 1990: 20). However, as stated in Chapter One, conservative immigration policies introduced in 1910 designated sources countries with either preferred or non-preferred status. Countries in North Western Europe along with the United States were preferred states, while Italy, Greece, Syria, Turkey, and other Central or Eastern European countries were deemed non-preferred (Green, 1976: 14). There was also a total ban against Asian and African immigrants. These policies effectively curbed large-scale Muslim immigration until the late 1960s, as immigration policies of this time reflected a desire to perpetuate a British national character, to protect the purity of the Anglo-Canadian Christian culture (Francis & Smith, 1982: 122).

Discriminatory policies also disrupted Canada's established Muslim population by forcing many migrant workers to return to their ancestral countries. This is evidenced in the sharp population decline between 1911 and 1931. It is estimated the Muslim population dropped from 1,500 in 1911 to only 645 in 1931 (Husaini, 1990: 20).

The second episode of Muslim immigration took place between 1965 and 1975. During the 1960s, the federal government reversed its conservative stance, as immigration was now recognized as a viable and effective method to augment the population while simultaneously relieving labour shortages. The 1967 Point System was designed to make Canada accessible to skilled foreign labourers, which for the first time included African, Asian, and Caribbean immigrants. Muslim immigrants arriving in Canada at this time were either skilled or semi-skilled workers admitted on criteria such as language skills, education, and occupational demand. Many were proficient in either English or French. In addition, the family sponsorship class promoted the chain migration of complete families. During this time, the majority Muslim immigrants were of Asian origin, settling in the urban centres of Ontario, Quebec, Alberta, and British Columbia. By 1970, the Muslim community's population had recovered from previous losses reaching an estimated 33,370 (Husaini, 1990: 20-23).

Another significant factor influencing Muslim immigration to Canada was the expulsion of Asians from Uganda in 1972. This led to the subsequent settlement of 6,000 Shi'a Imami Isma'ili Muslim refugees in Canada and the United States over the next three years (Waugh et al., 1983: 151). The vast majority of these migrants had a commercial/professional background and continued to work in this capacity upon settlement in Canada.

The third segment of Muslim immigration began in 1975 and continues to the present day. By 1981, the Muslim population had reached 98,160 (Husaini, 1990:23). Currently, the majority of Muslims continue to arrive in Canada as independent immigrants or through family class sponsorship from Asia, Africa, Europe, and the United States. In addition, over the last 10 years, significant numbers of Muslim refugees have also arrived from war-torn countries in Eastern Europe, Africa, and Asia. However, in an effort to strengthen national security in a post-September 11 climate, the government enacted new provisions to the Immigration and Refugee Protection Act in June 2002 to toughen the rules for both skilled workers and asylum seekers seeking entry into Canada. Critics had deemed the new rules controversial arguing they will narrow opportunities for immigrants with valuable trade skills (The Canadian Press, 2002). It is too early to determine the impact of these new regulations on Muslim immigration to Canada.

Canadian sociologist Sharon McIrvin Abu-Laban has divided Muslim immigrants to North American into three “cohort” types that overlap the above stated immigration junctures. Her analysis includes immigration to both Canada and the United States: “Pioneer” families (nineteenth century to the Second World War); “Transitional” families (post-Second World War to 1967); and “Differentiated” families (1968 to present). (Denny, 1994: 356)

Pioneer families represent the early Muslim immigrants. This generation was disproportionately male, unskilled labour with limited English language skills. Abu-Laban describes this group as having a strong Islamic identity but notes there was virtually no opportunity for Islamic guidance and congregation in Canada at that time.

Inter-religious marriage was common as Muslim spouses were not widely available in Canada (Denny, 1994: 356). (Islam permits exogamy for males; it requires endogamy for females.)

The transitional families represent the end of the first wave and the beginning of the second wave of Muslim immigrants to Canada. This group included many students, the majority of whom were upper-class males, from Arab and South Asian countries. Abu-Laban contends this highly-educated group constituted the first significant “brain drain” from their ancestral countries. This group was largely characterized as “Eid Muslims” – meaning they only chose to participate in religious functions during the two Eid festivals each year. There was also a high rate of inter-religious marriage among this group. However, what really distinguishes the transitional cohort from their predecessors was their entry into the North American education system and workforce, where they experienced widespread institutionalized racism both in terms of educational curriculum and hiring practices. Abu-Laban argues that racial discrimination was compounded by a lack of established Islamic institutions in Canada at that time (Denny, 1994: 356-357). Both the pioneer and transitional groups felt enormous pressure to assimilate into North American society.

Abu-Laban’s third classification, differentiated families, are represented by people who immigrated near the end of the second wave and those who continue to arrive as part of the third phase of Muslim immigration to Canada. Unlike previous generations, the diversity of Muslims increased with this generation, as immigrants arrived from a wider assortment of source countries. Unlike, the pioneer and transitional cohorts, this group demonstrates a pronounced resistance to assimilating into North

American culture. These immigrants are more politically and socially organized, and take an active role in creating Muslim space in North American societies by establishing institutions such as mosques, community groups, and Islamic schools (Denny, 1994: 357).

For Muslims, Islam is more than just a religion; it is a way of life. The Islamic faith organizes all aspects of a Muslim's life, intertwining sacred and secular activities. Canadian Muslims however, face the challenge of participating in secular life, while simultaneously maintaining their Islamic identity. The separation of church and state has relegated religious identity to the private sphere in Canada. By contrast, Islamic values are intended to be universal, applicable to all aspects of a Muslim's life. As noted above, Islamic practices such as salah (obligatory prayers) define the rhythm of secular existence. Therefore, it is difficult for Canadian Muslims to reconcile these conflicting value systems.

Combining the sacred and the secular can only be achieved through unity of purpose. This has led to a renaissance of the Islamic concept of umma, as enshrined in the Qur'an and the Hadith.

And hold fast, all of you together, to the rope of Allah and do not be divided.
And recall Allah's favour upon you; how you were enemies and He brought about reconciliation between your hearts so that you become, by His grace, brothers.
You were on the brink of an abyss of fire and he saved you from it (Qur'an 3:103).

The Canadian Muslim community is unique because it represents a microcosm of the global umma that is realized in a non-Islamic, secular, and pluralistic context (Denny, 1994: 357). The revival of the umma has enabled Canadian Muslims to transcend all racial, ethnic, and class divisions, despite their overwhelming diversity. Islam is the

binding force, and a major determinant of both individual and group identity. It is not only a shared religion, but also a shared ideational foundation. The umma concept advocates an egalitarian ideal that does not discriminate on the basis of race, colour, or social status (Oxtoby, 1996: 375). In fact, race and class-based discrimination are contrary to the teachings of the Qur'an as stated in surah 49:13: "Humankind, We have created you all of one male and one female and made you different peoples and tribes in order that you may know one another. Surely, the noblest of you in God's sight is he who fears God most." Similarly, converts to Islam are guaranteed these same rights. In other words, Islamic identity includes a set of inbuilt rights and responsibilities for its adherents, and it is these collective ideals that allow Muslims to operate, in some contexts, as a unified religious, social, and political group in Canadian society (Metcalf, 1996: 47).

The concept of umma also informs a global Islamic culture, as Canadian Muslims also consider themselves part of the worldwide Islamic diaspora. The perpetuation of diasporic identities has three major implications for the Canadian Islamic community. First, Canadian Muslims share a religious identity with Muslims all over the world. Second, international events affecting the Muslim world directly impact the Canadian Islamic community. Third, these international incidents also influence mainstream Canadian perceptions of Islam and Canadian Muslims (Husaini, 1990: 18).

Islamic identity is also based on the example of the Prophet Muhammad, as delineated in the Qur'an and Hadith. Aspects of identity include dress, language, customs, and specific behaviour codes. Conflicts occur when Islamic ethics are inconsistent with mainstream Canadian cultural values. For example, Islamic law

requires both men and women to dress modestly in public, thereby prohibiting the wearing of shorts, tank tops, and other revealing garments. As stated previously, Islamic behaviour codes also prohibit the consumption of pork and alcohol. Food restrictions require that all meat be halal (fulfilling the requirements of Islamic law in terms of slaughter practices). Other conflicts may include a prohibition on dating (as traditional marriages are arranged) and sexual promiscuity (Husaini, 1990: 16).

Family life is also central to Islamic identity. For Muslims, the sense of self is located in the family and the community, not in the individual. Families act as a socialization agent, reinforcing Islamic behaviour codes. The convergence of family and religion has helped strengthen resistance to assimilation (Waugh et al., 1991: 7). Women in particular, play an important role in the private religiosity of the family (Waugh et al., 1991: 10).

Both the Qur'an and Hadith make provisions for issues such as proper mate selection, marriage, divorce, children, inheritance, and the responsibility of individual family members. Traditional Islamic families follow the patriarchal model. Women are partners complementary to men. They retain their own identity within the family, as the wife does not take the name of her husband nor her husband's family. Moreover, women run their own financial affairs irrespective of marital status. Islamic law also protects women's rights including inheritance rights, property rights, the right to a divorce, control over dowry, and child custody (Waugh et al., 1991: 8).

While Islamic identity underscores the value of communal life, Canadian culture emphasizes individualism, especially since the 1982 Charter of Rights and Freedoms. Reconciling these two ideals has changed the norms of Islamic family life. Muslim

immigrants have generally adapted from the joint family system to a nuclear family structure. This shift has displaced the elderly as traditional family leaders. This loss of status has made it difficult for elderly immigrants to adapt to life in Canada (Husaini, 1990: 112). In addition, excessive individualism among some youth also contributes to family conflict.

Racism is a major challenge facing Canadian Muslims. The historic rivalry between Christianity and Islam, heightened during the Crusades, is at the root of the animosity between the two groups. (While Canada is technically a secular country, Muslims have argued that an Anglo-Canadian Christian hegemony continues to exist in mainstream society. This argument will be further examined in Chapter Four's case study.) This historic religious enmity has contributed to a widespread stereotype that Islam is an aggressive religion, expanding by the power of the sword (Hoffman, 1997: 1). These historic grievances form the basis of a racist typecast depicting Muslims as terrorists, extremists, and hijackers in mainstream Canadian cultural discourse.

Moreover, western mass media have distorted the definition of jihad to exclusively mean "holy war" or "religious war" in its English translation. For Muslims, the primary meaning of jihad is not killing, but rather to "struggle in God's way." (Lang, 1994: 186) Jihad signals a Muslim's intent to submit to divine will and live according to God's commandments. Hence, for Canadian Muslims jihad is about protecting their religious and cultural identities in the face of western assimilation.

Canada's participation in the 1991 Persian Gulf War further embittered racism against Canada's Muslim community. In his book The Gulf Within: Canadian Arabs, Racism and the Gulf War, author Zuhair Kashmeri argues that Arabs were easily targeted

as Canada's enemy because most are not white. The Canadian media routinely characterized Arabs as unscrupulous terrorists waging a "holy war" against peaceful western democratic countries, inflaming suspicions about the threat of Arab terrorism in Canada (Kashmeri, 1991: 114).

Such examples of racism affect pride in religious identity, especially among youth. As a result, teenagers may feel reluctant to self-identify as Muslims (Waugh et al., 1991: 107). Mainstream Canadian attitudes toward ethnic and religious minority groups are key to identity politics. In 1991, the same year of the Persian Gulf War, the Multiculturalism and Citizenship branch of the federal government published a national survey conducted by Angus Reid on Canadian attitudes toward multiculturalism. The following are some of those findings:

Canadians generally feels somewhat more comfortable around people who are born in Canada than among recent immigrants. On the whole, Canadians feel less comfortable with people from the following groups: Indo-Pakistanis, Sikhs, West Indian Blacks, Arabs and Muslims – than they do with people of other groups. 51% of Canadians think that recent immigrants should have as much say about the future of Canada as people who were born and raised here (Canada, 1993: 60).

In his book, Kashmeri argues that Canadian authorities questioned the loyalties of Muslim citizens during the Gulf War, despite the fact many were third and fourth generation Canadians. The Royal Canadian Mounted Police (RCMP) responded by developing a national plan to counter the potential Arab threat. The National Emergency Operations Plan involved establishment of a national command post at RCMP headquarters in Ottawa. Officers across the country collected intelligence information about Canadian Muslims suspected of political subversion. The RCMP also worked in conjunction with the federal government, the Canadian Security Intelligence Service

(CSIS), Canada Customs, and the U.S. Federal Bureau of Investigation (Kashmeri, 1991: 114).

During the war Canadian Muslims were subject to racial and religious harassment by Canadian intelligence officers. Phones were tapped, homes searched (without warrants), and many suspects were put under surveillance. Muslims were questioned about their political beliefs, their support for the war, and their religious commitment (Kashmeri, 1991: 65 & 100). The religious activities at mosques across the country were also closely monitored. However, it was later revealed that CSIS assessment reports dating from September 1990 until the end of the war in February 1991 consistently indicated that there was little or no threat of Arab terrorism in Canada (Kashmeri, 1991: 104).

In addition, incidents of racial harassment and violence against Muslims also increased during the war. For example, an elementary school student was kicked out of class for disputing that Saddam Hussein was an evil dictator, while others were routinely prohibited from entering the United States, despite having Canadian citizenship. Muslim women were also harassed for donning the hijab, a religious head covering (Kashmeri, 1991: x).

The social and psychological effects of the war on Canada's Muslim community were severe. Symptoms of mass anxiety and neurosis quickly spread, prompting Muslim leaders to seek professional assistance to help the community cope with the racism. For example, in Montreal, more than 50 children assembled for a group therapy session. Similar approaches were also taken with adult community members. Dr. Mohammad Adam was among the group of Montreal psychiatrists working with religious leaders. He

reported his caseload increased by 2,000 per cent during the Gulf War due to an overload of psychological stress in the Muslim community (Kashmeri, 1991: 78).

The racism of the Gulf War marked a turning point for the Islamic community. Many of those who bought into the ideals of Canadian multiculturalism, now felt cheated out of Canadian identity. Multiculturalism was now revealed as an empty promise of cultural equality, as it had no effect on state-sanctioned activities during the war. This is because the Multiculturalism Act does not define multiculturalism in legal terms, but rather simply enshrines it as a political ideal. As a result, the act has no legal effect on matters of foreign policy and national security (Kashmeri, 1991: 127). Furthermore, its provisions do not compel the federal government to consider ethnic views when considering major issues like an international war. In fact, the federal government did not even hold a full parliamentary debate before deciding to join the American-led war effort. (Kashmeri, 1991: 127).

Canadian Muslims were affected personally by the war whether or not they were of Arab descent. Racial and religious harassment by state authorities brought the war home, reinforcing the significance of the international Muslim umma. The Gulf War was pivotal to the community's political mobilization, thereby raising the prominence of diasporic politics in Canada. Thus, the assertion of Islamic identity became more than just a religious affiliation; it became an expression of resistance to Canadian racism. Now, in a post-9/11 era, where terrorism, national security, racial profiling, and the second Gulf War are in the news, many of the same concerns have arisen.

For example, a 2003 poll commissioned by the Association for Canadian Studies and conducted by Environics Research Group/Focus Canada studied whether the second

war in Iraq would affect levels of intolerance in Canada. The findings suggest that on a national basis, concern over anti-immigrant sentiment is highest (70 per cent of respondents) followed by anti-Arab (68 per cent of respondents) and anti-Native (66 per cent of respondents) sentiment. Ontario and Quebec residents surveyed expressed the most concern over anti-Arab sentiment, while Western Canadians highlighted concerns over anti-immigrant and anti-Native sentiments. Additionally, 30 per cent of Canadians surveyed said they think negatively about the image projected by Arabs in Canadian society. The poll surveyed 2,002 Canadians adults and the results are considered accurate to within plus or minus 3.5 per cent, 19 times out of 20 (ACS-Envionics, 2003).

The first Gulf War prompted the Canadian Muslim community to reaffirm Islamic identity through the creation of Muslim symbols. This phenomenon marks a pronounced break from the religion's an-iconic tradition (Hoffman, 1997: 97). The creation of symbols serves two functions. First, it provides an opportunity for cultural validation that is absent in mainstream culture. Second, it allows minority groups to challenge racism on both the individual and systemic levels (Husaini, 1990: 17).

Academic Charles Taylor, whose article "The Politics of Recognition" is outlined in Chapter One, argues social recognition is necessary for minorities to affirm their cultural identities. This recognition is required from both the self and mainstream society. In order to develop a healthy sense of self, one must be able to see oneself reflected in the cultural mainstream. Social misrecognition leads to self-hatred.

The need for symbols has led to the proliferation of Islamic art objects in Canada. Islamic calligraphy denoting verses from the daily salah is the most common example. This type of calligraphy is found on banners, posters, and collectible plates that are

prominently displayed in the Muslim home (Metcalf, 1996:4). Islamic calligraphy has traditionally adorned mosques, such as the holy shrines in Mecca and Medina.

There has also been a desire to create more secular based symbols. This has led to the “commodification of Islam” in the west, as items available include key chains, bumper stickers, jewelry, t-shirts, and posters of the holy shrines in Mecca and Medina (Metcalf, 1996: 3).

The mosque is a more traditional symbol of the Islamic community. A mosque creates sacred space in secular cultures, by providing a venue for Muslims to congregate for religious and social functions. Religious services sustain an awareness of Islamic identity, while social functions integrate the larger community by promoting an informal network of friends and family (Waugh et al., 1991: 108). A mosque’s distinct architecture, traditionally consisting of a dome and minaret, distinguishes it from other buildings in the Canadian cultural landscape (Metcalf, 1996: 41). The mosque as an Islamic symbol also links Canadian Muslims to the global Muslim umma.

Finally, the hijab has also become an important symbol of Islamic identity in Canada. The hijab is a controversial symbol even among Muslims and there is great debate over its validity as an Islamic shari‘ah. A more detailed discussion of the hijab’s symbolism will be provided in Chapter Four.

The merging of sacred and secular values is also achieved through the creation of Islamic institutions. There are four main types of Islamic institutions in Canada: religious, cultural, socio-political, and business/trade. Religious institutions include mosques, jamatkhannas, and Islamic schools, whereas cultural institutions promote the arts, music, and Islamic festivals. Socio-political institutions are the source of political

leadership for the Canadian Islamic community. These organizations provide a political voice for Muslims in Canadian society, and often lobby the government and media on issues of relevance to the community. Three prominent national examples include the Islamic Society of North America (ISNA), The Council of Muslim Communities in Canada, and the Canadian Council of Muslim Women.

The ISNA is the largest Muslim umbrella group in North America, with individual and institutional members in both Canada and the United States. Its annual convention attracts about 5,000 people each year who participate in discussions relating to the advancement of the umma in addition to other religious, social, and political issues. ISNA is also involved in Islamic education, fundraising for community projects, and provides information on Islamic banking services (Denny, 1994: 362-363).

The Council of Muslim Communities in Canada (CMCC) was first established in 1972. Its mandate is to strengthen ties among Muslim organizations across Canada. It has also been instrumental in establishing an interfaith dialogue with other religious communities. Additionally, the CMCC undertakes lobbying activities at the national level (Husaini, 1990: 50). It is also involved in international humanitarian work with Non-Governmental Organizations.

The Canadian Council of Muslim Women (CCMW) was established in 1982, and serves as an umbrella organization for Muslim women's groups across the country. Its mandate is to create an awareness of Muslim women's issues in Canadian society, and to promote an international Islamic sisterhood (Husaini, 1990: 51). It has facilitated women's representation in both religious and secular life.

Islamic business and trade organizations have promoted international trade delegations, thereby creating trade networks with countries in the Muslim world. Small-scale business ventures include importing ethnic foods, clothing, and cultural products. Large-scale trade includes the export of oil and gas technology, agricultural technology, auto parts, machinery, telecommunications, iron, steel, and other natural resources. Service export trade has encompassed medical/pharmaceutical, mechanical and chemical engineering, education, computer-based technologies (Husaini, 1990: 72-81).

While Canadian multiculturalism has encouraged the preservation of ethnic identities, these cultures often remain static within Canadian society. Political theorist Louis Hartz has argued that preserving “old world” customs is not enough to ensure cultural survival in the west. Maintaining strong collective identities hinges on the ability of immigrant cultures to remain dynamic in the Canadian context. In his book The Founding of New Societies, Hartz advances a Fragment Theory of immigrant identity. He contends immigrant groups only represent a small fragment of their original cultures, making them vulnerable to assimilation. The theory follows that once a fragment is removed from the larger culture and transplanted into Canadian society, it loses context and stimulus for change. In order to compensate, the fragment universalizes its experience to create the semblance of a coherent culture (Hartz, 1964: 3-5). The focus of group identity becomes the preservation of culture, rather than the creation of culture. This is problematic because a static culture becomes irrelevant to subsequent generations (Hartz, 1964: 12). Thus, assimilation is inevitable if a culture cannot remain dynamic in its new setting.

The ongoing threat of cultural assimilation has prompted some Muslim groups to take a proactive stance by adapting Islamic practices to life in Canada. Harnessing change within the religion has allowed some Muslims to more easily reconcile sacred and secular values. However, these reform movements are controversial, creating a flash point for conflict within the Muslim community.

For example, the Shi'a Imami Isma'ili community, a Shi'a minority group, is putting a modern spin on Islamic identity by giving fresh relevance to old truths. Isma'ilis have updated Islamic theology to meet the needs of modern life in Canada. Unlike other Muslims, Isma'ilis do not believe in a literal interpretation of the Qur'an and Islamic shar'iah (holy law). Instead, they contend Islam's message is allegorical and subject to esoteric reinterpretation with respect to a community's time and spatial location (Makarem, 1972: 35).

The Isma'ili leader His Highness Prince Karim Aga Khan IV has also encouraged Isma'ili immigrants to renounce cultural values that prevent their full integration into mainstream society. Moreover, he has stressed the necessity of Isma'ilis to completely identify with the national aspirations of the country in which they live (Nasr, 1977: 256). Hence, Isma'ili immigrants are discouraged from participating in the diasporic politics of the Muslim world. They are instead persuaded to strike a balance between sacred and secular life in Canada.

Additionally, Isma'ili theology has advanced the traditional concept of umma to include all people, irrespective of religion or race (Daftary, 1998: 54). In doing so, the faith has remained permeable to new ideas from a variety of faiths and philosophies. This Doctrine of Interconfessionalism recognizes the fundamental equality and relative

truth of all religions (Lewis, 1940: 94). This is very controversial because other Muslims believe Islam is an immutable truth, thereby rejecting the validity of all other religions (Metcalf, 1996: 14).

This reformist stance has put Isma'ilis at odds with the larger Muslim community, which has historically dismissed them as heretics. Orthodox Muslims argue that esoteric interpretation distorts the Islamic message by undermining fundamental values (Usmani, 1995: 62). Furthermore, the Qur'anic message and the Islamic shar'iah are considered universal truths, transcending both time and space. Moreover, it is argued that Isma'ili theology has the potential to disrupt unity within the larger umma by threatening the coherence of Islamic identity.

Other Muslim groups have devised less radical strategies to create a dynamic Islamic culture. The creation of Islamic English has kept the religion accessible to first generation Canadian youth who have lost fluency in Arabic. In some mosques, services are conducted in both Arabic and English to keep the Islamic message relevant to younger generations. Black Muslims in the United States have long used Islamic English as a strategy to preserve the centrality of religious life (Metcalf, 1996: xviii).

The impact of this Anglicization process is two-fold. First, Arabic words are translated and written in English text. This increases the familiarity of Islam by granting Arabic terms common currency in everyday English. For example, the Arabic term for God is written in English with the spelling A-l-l-a-h. Second, Islamic English allows Muslims to enrich Canadian culture, by contributing to the cosmopolitanism of English (Metcalf, 1996: xiv).

This phenomenon of adapting a foreign language is not without precedent. The South Asian language of Urdu is one such example. Urdu is based on Sanskrit, an ancient Hindustani language. However, despite its aural similarities to other Indian languages such as Hindi and Punjabi, Urdu is visually distinguishable because it is written in Arabic script. Thus, for South Asian Muslims, Urdu has become the primary language of Islamic worship (Metcalf, 1996: xiv).

Some religious leaders have rejected the use of Islamic English, arguing it is tantamount to assimilation as the English language privileges an Anglo-Saxon cultural hegemony (Metcalf, 1996: xviii). Anglo culture, with its contemporary focus on liberal ideology, inherently contradicts the Islamic ethos. Moreover, English has limitations and fails to capture the true essence Arabic (Metcalf, 1996: xvi).

Arbitrary divisions between sacred and secular spaces in mainstream society hinder the preservation of religious identity for Canadian Muslims. Islamic identity is more than just a religious affiliation, as collective ideals enable Muslims to operate in some contexts as a unified religious, social, and political group. That is not to suggest Muslims in Canada are completely homogenous with respect to religion, culture, and/or politics. The reformist trend of the Shi'a Imami Isma'ili community is one example of divergent views among Muslims. However, with their inherent diversity, Canadian Muslims represent a microcosm of the global umma. Additionally, when the fundamental tenets of Islam are considered, there is widespread agreement on collective norms – sufficient evidence to substantiate the classification of Muslims as a cultural group in the Canadian context.

CHAPTER THREE

PUBLIC EDUCATION IN ONTARIO

Public education in Ontario has evolved from a series of scattered, church-run, schoolhouses during the Victorian era to a mainstream, modern system that claims to be quintessentially secular. Yet until very recently, religion, specifically a Protestant-Christian ethos, was a fundamental aspect of public education. In fact, the initial role of education was to promote a society based on Protestant-Christian values. While the Canadian Constitution also provided for Roman Catholic education rights, Catholics largely remain religious minorities in Ontario. The latest available provincial enrolment figures are for the year 2000, showing a total of 2,131,626 elementary and secondary school students. [Two thirds of the students (1,461,289) are in the public system; one third (670,337) are in the Catholic system (Ontario, 2000: 1).] The system was forced to adopt secular policies due to changing demographics but retains a Protestant legacy. Both legislature and the judiciary have decreed that the role of public schools is no longer to indoctrinate but to educate (Evangelical Fellowship of Canada, 1997: 3). This chapter begins with a brief history of public education in Ontario, including an analysis of historic and contemporary constitutional arrangements. Specifically, its evolution from a Victorian-age Protestant Christian institution to a modern secular system will be examined. The role of the court system and other factors affecting contemporary public policy will be discussed up to the announcement in June 2001 of a private education tax credit.

Canada's Constitution sets the framework for education as a matter of provincial jurisdiction. At the time of Confederation in 1867, the British North America Act (later

renamed the Constitution Act, 1867, after the repatriation of Canada's Constitution in 1982) created the Dominion of Canada based on the political principle of divided sovereignty, meaning that the powers and responsibilities of government were divided between federal and provincial systems (Whittington & Van Loon, 1996: 161). The BNA Act specifically lists federal and provincial areas of responsibility. Education is scheduled as a matter of provincial authority in Section 93:

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions: --

(1.) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:

(2.) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:

(3.) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education:

(4.) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any decision of the Governor General in Council under this Section.

Section 93 is premised on the view that education is faith-based and therefore provides Constitutional guarantees for denominational and separate schools. Historically, this is based on the assumption of a homogenous Christian population comprised of either Protestants or Roman Catholics. According to this approach, education is

inherently linked to Protestant and Roman Catholic religious identities, in addition to English- and French-language rights.

Although the BNA Act stipulated education as a provincial responsibility, it also created three Constitutional loopholes for the federal government to exercise authority in areas of provincial jurisdiction. The first granted the federal government the power of disallowance; meaning it could block provincial legislation even on matters in provincial jurisdiction. However, while the federal government could effectively negate provincial laws, it was not permitted to legislate on provincial matters. The federal government used its power of disallowance 112 times after Confederation but it has not been used since 1943 (Jackson & Jackson, 1994: 195). The second is the power of a province's Lieutenant-Governor to veto provincial legislation. This power has not been used; and although it remains on the books, its future use is considered improbable. The third power accorded a province's Lieutenant-Governor the power of reservation – to hold over provincial legislation for federal approval. About 70 bills have been reserved since Confederation, the most recent in 1961. However, it is unlikely (though not impossible) that it will be employed again (Jackson & Jackson, 1994: 195). Lastly, it should be noted that although education still falls under provincial mandate, there exists considerable contemporary political debate over whether education also encompasses cultural matters, broadcasting, occupation training and research – areas which fall under the federal mandate (Jackson & Jackson, 1994: 196).

The repatriation of Canada's Constitution in 1982 further enshrined education rights in yet another Constitutional document, The Canadian Charter of Rights and Freedoms. Minority language education rights are addressed in Section 23, guaranteeing

the children of Canadian citizens, who received their primary education in Canada in either English or French, the right to be educated in the same language if it is the minority language of the province in which they reside. The right is qualified as it is only applicable “where numbers warrant.” Moreover, it guarantees the right of Canadian citizens to have their children educated in their first language (if either English or French) in their home province whether or not their parents were able to receive their education in that language.

Religion was the driving force behind the establishment of Ontario’s school system beginning in the 17th century. In particular, the Anglican, Roman Catholic and Methodist Churches were central to the creation of the first settlement schools. These Christian churches achieved milestones for the province’s education system. The Roman Catholic Church started the province’s first French-language education program in the 17th century and the first English-language Catholic class in 1839. The Anglican Church established English-language schools for York settlement (now Toronto) with Anglican leader Reverend John Strachan serving as president of the province’s General Board of Education. The Methodist Church promoted the concept of public education for all children, with Methodist adherent Egerton Ryerson serving as Ontario’s superintendent of education from 1844-1876 (Royal Commission on Learning, 1995; II-2&3).

Religious groups (the Christian denominations) were the energy fuelling the devotion of the school system, and religion (Christian beliefs) was part of the curriculum. This was not comparative religions or the study of world religions. This was the propagation of faith – a denomination presenting its worldview to students as the

exclusively correct worldview for them. The 1995 report of the Royal Commission on Learning describes the role of religion in the first church-run schools:

The curriculum of the pioneer school dealt with the three Rs (reading, writing, and arithmetic) and a fourth R, religion: reading texts frequently used were the Bible and various religious tracts ... Often the impetus for this initiative came from the fourth R – religion with local ministers reminding their flocks (in a largely Protestant population) of their duty to ensure that their progeny could read, understand and follow the Bible.

The first limited provision of provincial government assistance for education began in 1816. By the 1840s, parents were lobbying for more public support and control of education. This culminated in the Common School Act of 1841, which doubled government funding for schools and introduced compulsory property taxes as a means of funding elementary education. Furthermore, a province-wide General Board of Education was established, consisting of one superintendent and six advisors. The board served to centralize the administration of schools, its purview including regulations regarding organization, teachers and textbooks. (Royal Commission on Learning, 1995: II-2).

As stated above, the protection of denominational Catholic schools was first addressed at the time of Confederation in Section 93 of The Constitution Act, 1867. Constitutional provisions notwithstanding, public funding for Catholic separate schools was historically contested in Ontario, an English-language and Protestant-majority province. For example, Egerton Ryerson, Ontario's former superintendent of education (1844-1876) opposed the extension of funding to Catholic secondary schools, arguing it would undermine the public system (Royal Commission on Learning, 1995: II-3). However, despite opposition, the provincial government enacted The Scott Act in 1863 to provide further recognition and financing for Catholic education in Ontario. In addition

to increased funding, The Scott Act was significant because it enabled the election of separate school trustees.

The provincial government enacted several other reforms during late 1800s and early 1900s to centralize education standards across Ontario. In 1891, the government passed a law making school attendance mandatory for children between the ages of eight and 14. Parents or guardians who failed to comply were subject to legal penalties. The mandatory age was later raised to 16 in 1919. Next, the province addressed socio-economic inequities by eliminating elementary and secondary school fees in 1871 and 1921 respectively (Royal Commission on Learning, 1995: II-3). Throughout the 1900s, the government further centralized education by amalgamating local school boards into larger units based on the provincial county system. By 1969, more than 2,000 local units were reorganized into about 190 county school boards (Royal Commission on Learning, 1995: II-3).

In addition to ensuring equitable access to the evolving public system, the provincial government also endeavoured to adopt centralized standards for teachers. In 1850, Ontario adopted the first set of provincial guidelines for qualifying teachers that included basic literacy and geographic knowledge. The establishment of the first “normal school,” a predecessor to the modern teacher’s college, was opened in Toronto in 1847. The province also set up the now defunct “county model schools” for teacher training during the 1850s to provide low-standard certification (Royal Commission on Learning, 1995: II-3). The province later passed the 1944 Teaching Profession Act that prompted the creation of professional associations such as the Ontario Teachers Federation.

Provincial legislation during the 1980s helped bolster the status of Roman Catholic and French-language schools. The first measure was Bill 30 in 1984, which extended public funding for Roman Catholic separate schools beyond Grade 10 until graduation. The second was Bill 75 in 1986, which gave Ontario's minority Francophone community increased control over French-language education, independent of the Anglophone majority and the Anglophone Roman Catholic Church. The 1991 Cousineau Report later advocated that Franco-Ontarians be given full control over French-language education (Royal Commission on Learning, 1995: II-9&10). Currently, the province's education system is based on another fundamental piece of legislation, the Ontario Education Act, 1990. The provisions which refer to religious instruction are outlined later in this chapter.

Increased centralization and government control of education resulted in a decline in the Christian churches' influence over education policy. In fact, politicians and educators actively questioned the fundamental purpose of public education and whether or not religion, specifically a Protestant-Christian ethic, ought to be a component part of the curriculum. However, it should be noted that unlike their public counterparts, religion remains at the core of Ontario's separate school system:

Although sharing this general ambiguity of purposes relating to wider goals of schooling, Roman Catholic and French-language schools have always had the specific purposes of maintaining religious and/or linguistic identities in the midst of a large majority of (until recently) Protestant and English-speaking people (Royal Commission on Learning, 1995: II-5).

At this juncture, it is essential to define and differentiate between the faith-based and secular definitions of education. The faith-based model contends that education and religion are integrally connected and cannot be separated from one another, whereas the

secularist approach argues that children ought to be educated from a religiously-neutral perspective because while education is a public matter, faith is a private issue (Evangelical Fellowship of Canada, 1997: 3).

While modern public education appears to be moving toward a secular model, a Protestant-Christian hegemony has provided an enduring legacy. For example, as recently as 1967, the Department of Education's key policy document for grades one through six (Curriculum P1, J1) stated: "the schools of Ontario exist for the purpose of preparing children to live in a democratic society that bases its way of life upon the Christian ideal ... to choose and accept as his own those ideals of conduct and endeavour that a Christian and democratic society approves."

In addition, the court system has also played an active role in secularizing public education. During the late 1980s, two key rulings by the Ontario Court of Appeal further redefined Ontario's public education system as a neutral, secular space.

In 1988, the Ontario Court of Appeal twice declared Ontario's Education Act unconstitutional with rulings in two separate cases - both dealing with the issue of religious content in public schools. The first ruling struck down Regulation 262, section 28(1) of Ontario's Education Act, the provision that authorized religious prayers, specifically the Lord's Prayer, in public schools. It read as follows:

28(1) A public school shall be opened or closed each school day with religious exercises consisting of the reading of the Scriptures or other suitable readings and the repeating of the 'Lord's Prayer' or other suitable prayers.

In that case, a group of parents in Sudbury objected to the recitation of the Lord's Prayer in public schools, and took the local school board to court arguing that the practice discriminated against non-Christians. The board argued that Canada had a Christian

heritage, and that any student had the right to an exemption. The Court agreed with the parents and ruled that the Ontario Education Act infringed upon freedom of conscience and religion, as guaranteed by Section 2(a) of the Canadian Charter of Rights and Freedoms (Sweet, 1997: 32-33).

The second case centred on the constitutionality of a religious-education course taught by born-again Christians in public schools administered by the Elgin County Board of Education. Local parents, the Canadian Jewish Congress and the Canadian Civil Liberties Association objected to the course and took the board to court. The Court ruled that such courses were unconstitutional and constituted religious coercion, thereby violating the rights of religious minorities, even if students had the right to an exemption (Sweet, 1997: 33).

The Government of Ontario responded to the two 1988 Ontario Court of Appeal rulings by issuing Memorandum 112, a policy prohibiting indoctrinational religious instruction in Ontario public schools. The scope of the policy included optional courses and scenarios where coercion was not a factor (Sweet, 1997: 34). As a result, two confessional schools operating under the public system were ordered to cease confessional activities (Evangelical Fellowship of Canada, 1997: 2).

In 1997, the Supreme Court of Canada also ruled on the issue in *Adler et al. v. Ontario*. In that case, individual Calvinist Christians, along with members of the Sikh, Hindu, Muslim, and Jewish faiths challenged the constitutionality of Ontario's Education Act, claiming a violation of the Charter's freedom of religion and equality. They argued that Ontario's Education Act, by requiring mandatory school attendance, discriminated against those whose conscience or beliefs prevented them from sending their children to

either the publicly-funded secular or publicly-funded Roman Catholic schools, due to the high costs of their children's religious education. The applicants also sought funding equivalent to that of public and Roman Catholic schools. The Supreme Court rejected the Charter challenge and ruled that the province of Ontario is not constitutionally required to provide faith-based education, although it may do so if it chooses (Evangelical Fellowship of Canada, 1997: 2).

Currently, the Ontario Education Act (1990) makes the following provisions for religious education:

Religious instruction

51. (1) Subject to the regulations, a pupil shall be allowed to receive such religious instruction as the pupil's parent or guardian desires or, where the pupil is an adult, as the pupil desires.

Religious exercises

(2) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by the pupil's parent or guardian, or by the pupil, where the pupil is an adult. R.S.O. 1990, c. E.2, s. 51.

Provisions Relating to Roman Catholic Boards

Religious education

52. A Roman Catholic board may establish and maintain programs and courses of study in religious education for pupils in all schools under its jurisdiction. 1997, c. 31, s. 28.

Visitors

53. (3) A member of the clergy of the Roman Catholic Church may visit a Roman Catholic school in the area where the member has pastoral charge. 1997, c. 31, s. 28.

In response to growing cultural and racial diversity, Bill 21 was introduced in 1993 to amend the Education Act by ensuring that school boards across the province develop and implement anti-racism and ethno-cultural equity strategies. These programs were based on the Ontario Human Rights Code's definition of discrimination, which

includes variables of race, ethnicity, national origin, faith, dress, and accent. Anti-racism and ethno-cultural equity were to be reflected in both education policy and curriculum; which includes everything in the school environment including interactions with other students, staff, and the larger community (Ontario, 1993: 13).

Anti-racism and ethno-cultural equity school board policies reflect a commitment to the elimination of racism within schools and in society at large. Such policies are based on the recognition that some existing policies, procedures, and practices in the school system are racist in their impact, if not their intent, and that they limit the opportunities of students and staff belonging to Aboriginal and racial and ethno-cultural minority groups to fulfill their potential and maximize their contributions to society ... In recent years, there has been a substantial increase in Ontario's racial and cultural diversity. In important respects, however, Ontario's school system has been and continues to be mainly European in perspective (Ontario, 1993: 5).

The 1995 report of the Royal Commission on Learning also defined equity to include a religious component on par with racial, cultural, and linguistic variables. The Commission's report acknowledged that religious minority groups in Ontario – among them Muslims – reported widespread criticism that their religious beliefs are not being sufficiently accommodated in public schools:

Members of religious minorities expressed two major concerns. First, they argued they should be in the same position as Roman Catholics, whose children are educated within a Roman Catholic framework through the publicly funded system. Sikhs, Jews, Christians, Muslims, and members of other groups asked for public financial support for separate schools or school systems based on their religions.

Second, they said that religious minorities are not understood and respected, either because of negative or inadequate representation in the curriculum or even because of curriculum content; they believe that all students should receive more information about a range of religions ... It has been argued that the silence of the public school curriculum on matters of religion runs the risk of devaluing students' beliefs and of conveying the idea that religion is alien to the wonder and the task of learning (Royal Commission on Learning, 1995: XVI-2&3).

While the Royal Commission on Learning provided a platform for religious minorities to voice their concerns, the report did not endorse the idea of public funding

for religious private schools. It noted that such a recommendation was outside the terms of reference and mandate of the Commission as prescribed by the Constitution (which only guarantees Catholic- and French-education rights) and the two 1988 Ontario Court of Appeals rulings regarding religious instruction in public schools (Royal Commission on Learning, 1995: XVI-3).

The issue of public funding for religious private schools continues to be highly controversial. As stated above, the issue has been raised but roundly rejected by the judiciary. However, the idea was initially endorsed by the 1985 Report of the Commission on Private Schools in Ontario. The Shapiro Commission, as it was also called, recommended that religious schools be permitted to apply for “associate” status with local school boards (Royal Commission on Learning, 1995: II-11).

Moreover, religious groups have argued that denying public funding for religious private schools is a violation of Article 26 (3) of the United Nations Universal Declaration of Human Rights which states: “All parents have a prior right to choose the kind of education that shall be given to their child” (Evangelical Fellowship of Canada, 1997: 2).

Although, the Government of Ontario has not implemented the funding recommendations of the Shapiro Commission, in June 2001 it introduced a tuition tax credit for parents who send their children to private schools – including both faith-based and non-sectarian institutions. This cabinet announcement effectively reversed longstanding policy opposing such government-funded tax vouchers. Under the new program, parents are eligible to claim a maximum of \$3,500 per student each year. The total cost to taxpayers is estimated at \$300 million per annum once the program is fully

implemented in 2006. About 100,000 students attend the province's 733 private schools (The Canadian Press, 2001).

CHAPTER FOUR – CASE STUDY

INTRODUCTION

For Canadian Muslims, institutional accommodation is key to meeting the challenge of participating in secular life while simultaneously maintaining their Islamic identity. Religion is a defining aspect of Islamic cultural identity and cannot be separated from the politics of multiculturalism. Muslims contend that religious accommodation in public institutions, such as the public school system, is inherent to Canada's multicultural promise and the means by which equitable citizenship is more easily facilitated for minority groups. However the issue of changing long-standing public institutions has ignited a controversy over the limits to mainstream toleration. At issue is the impracticality of implementing a policy that lacks clearly defined parameters. The central questions are: What are the limits? What are the consequences for Canadian culture and cultural identity? Does official multiculturalism effectively address inequities caused by racism in Canadian society?

Islam is now Canada's fastest growing religion and Toronto is the cradle of this change. The 2001 Census data showed that Canada's Muslim population more than doubled over the 1991-2001 decade, with Muslims now represent two per cent of Canada's total population. Ontario is the home province for the vast majority of Muslims, with 61 per cent or 352,500 living in that province in 2001. There were 145,600 Muslims enumerated in Ontario in 1991. The 2001 Census also found that most Muslims living in Ontario are concentrated in the Greater Toronto Area numbering 254,000 or five per cent of Toronto's total population, an increase from three per cent or 105,970 in 1991. It is important to note the limitations of these figures, which are already

outdated, as they do not represent further demographic changes occurring in 2002 and the first seven months of 2003, the endpoint of this study. The federal government collects information about religious affiliation every 10 years.

Regardless of one's standpoint on the fractious debate over religious accommodation, this issue reveals inherent contradictions in official multiculturalism, as the practical application of this policy does not create a unifying socio-political discourse for Canada's multitude of disparate cultural and religious groups. A case that effectively illustrates these contradictions is that of the Toronto Muslim community and the Toronto District School Board.

There are three sets of competing discourses that contribute to this social problem. The first, outlined in Chapter One, is the politics of multiculturalism at the federal level that encourages minority groups to preserve and promote ancestral cultures and identities. The second is the Islamic worldview publicly expressed by the Muslim Community as it represents identity politics in Toronto, Canada. The third discourse is the reform of education in the province of Ontario which moving away from its religious origins toward a neutral or value-free secular system.

The conceptual framework established in Chapter One provides the starting point for this analysis. Although each theorist uses a different analytical approach, all share the view that official multiculturalism fails as a social project because it is unable to reconcile two fundamental Canadian principles; liberal individualism and collective aspirations. Bibby, Bissoondath, Webber, and Taylor criticize the policy for lacking reasonable limits and for promoting cultural relativism to the detriment of Canadian culture. In contrast, Bannerji and Mackey criticize the policy for failing to remedy

inequities caused by racism in Canadian society. This case study aims to demonstrate how multiculturalism has created a system of competing interests thereby preventing the emergence of a unified cultural discourse.

This case study will begin with a short history of conflict between the Muslim community and the Ontario education system beginning in the 1990s, as these early clashes provide the context for the case of Muslims in Toronto public schools. Additionally, the community's ongoing efforts to gain public funding for Islamic private schools is also discussed in relation to the June 2001 cabinet announcement regarding private school tuition credits in Ontario. The case study itself is an analysis of the Toronto Muslim community's efforts since 1999 to lobby the Toronto District School Board for sweeping changes to both curriculum and public policy to facilitate religious accommodation of Muslim students. This case study represents a microcosm of the social, political, and cultural paradoxes created by official multiculturalism in Canada. The analysis of this conflict's dynamics is grounded in the described conceptual framework. Therefore, the value of this case study is not dependent on resolution of the Toronto conflict, but rather the study may help interpret similar conflicts in other times and places.

BACKGROUND

While requests for religious accommodation in Ontario public schools are more common in the present day, the issue is far from resolved. Current federal and provincial human rights legislation, as outlined in Chapters One and Three, provides legal protection against racial and religious discrimination, but fails to provide clear solutions for conflicts arising over religious accommodation of minority groups. Even though all

Ontario schools have developed and implemented anti-racism and ethno-cultural equity strategies, as per an amendment to the Education Act in 1993, there exist no hard-and-fast rules when dealing with issues of religious accommodation. These matters tend to be discretionary, falling under the purview of individual boards and their member schools. The absence of province-wide standards on religious accommodation means education policy is fluid, tempered by the current political climate in the post-September 11 era and ongoing lobby efforts by minority groups, such as the Muslim community. It also means that not all groups have equitable access to such accommodations.

Conflicts between the Muslim community and Ontario public schools in the 1990s demonstrate that not all requests for accommodation have been readily embraced, providing context for the Toronto study. While there were controversies raging elsewhere in the country, specifically the hijab controversies in Quebec schools, a pivotal case that galvanized Ontario's Muslim community occurred in 1994, when the now-defunct Ottawa Board of Education agreed to delay the start of the school year by two days to accommodate Jewish students observing Rosh Hashanah, the Jewish New Year. However, when Ottawa's Muslim community requested that the board schedule professional activity days on two Muslim holy days, Eid-al-fitr and Eid-al-azah, they were flatly refused.

Ottawa's Muslim community considered this an issue of religious discrimination because there were 7,500 Muslim students in the board's district at that time; a population three times larger than that of Jewish students (Trichur, 1997: 8). This prompted the Muslim community to file a lawsuit against the board in Ontario Divisional Court. In April 1997, that court ruled against the Muslim community, finding that it was

not discriminatory for the Ottawa Board of Education to accommodate Christian and Jewish holy days, but not those of Muslims.

In his 62-page ruling, Justice Dennis O'Leary wrote that since Rosh Hashanah falls at the start of the school year only once every 30 to 40 years, the Ottawa Board of Education's decision to accommodate Jewish students could not be regarded as a precedent for recognizing all holy days. O'Leary also noted a trend of secularization among Canada's majority Christian groups, saying that Canadian courts are now increasingly recognizing Christmas and Easter as secular pause days, rather than religious pause days (Harvey, 1997: A1). As for Christian institutions, he wrote: "... in the Roman Catholic Church, there are now only two holy days – Christmas and New Year's Day." Furthermore, O'Leary said there is no evidence that Good Friday is a Christian holy day and that few Christian children attend church services on that day (Harvey, 1997: A1).

In July of that year, The Ontario Appeal Court upheld the Divisional Court ruling by tossing out the community's request for an appeal (Harvey, 1990; A1). That decision outraged Ottawa's Muslim community, which had spent approximately \$35,000 in legal fees over three years (Trichur, 1997: 8).

In October of 1997, the Islamic Schools Federation of Ontario announced it was considering launching a lawsuit against Ottawa's amalgamated English public board for damages on the grounds of discrimination. The lawyer representing the group, Emilio Binavince, also said Muslim parents may withhold property taxes to make their point if the new amalgamated board also refused official recognition of Islamic holy days (Trichur, 1997: 8). No lawsuit was filed.

The controversy surrounding accommodation of religious holy days illustrates the fallibility of multiculturalism. Bibby's analysis points to the emergence of unchecked cultural relativism creating incongruity in Canadian culture. Each group is encouraged to preserve and promote its own culture, which invariably clash, thereby hindering collective consensus on Canadian identity. The key difficulty, he argues, is determining whose rights should be upheld and whose rights should be trampled (Bibby, 1990;10). Similarly, Bissoondath argues multiculturalism promotes divisiveness among groups because the policy lacks reasonable limits. Requests for cultural and/or religious accommodation put groups at odds, embittering identity politics. He adds such demands are being met with increasing resistance because Canadians are frustrated by the lack of conformity in Canadian society (Bissoondath, 1994; 1). Furthering this critique, Webber questions the extent of Canada's obligation to provide such cultural accommodations. While acknowledging the existence of an Anglo-Canadian hegemony, he makes the case that such core values are necessary for Canadian society to remain functional (Webber, 1996; 274-275). Finally, Taylor contends the neutrality of public space is key to ensure inclusion of disparate culture groups (Taylor, 1994; 62). Principal actors in this conflict have also expressed similar views. For example, in an interview with the Ottawa Sun in October 1997, Ted Best, former chairman of the now-defunct Ottawa Board of Education said: "It opens up a real Pandora's box ... If we do this for our Islamic friends, we would have to recognize holy days for the Jewish faith, the Baha'i faith. Where would it end?"

However, from an anti-racist perspective, the early controversies over accommodation accentuate the fact minority groups are unequally privileged in Canadian society. Bannerji contends the state, through its various institutions, creates a false

impression of political equity among its citizenry in order to maintain the status quo (Bannerji, 1996: 110). Therefore, hegemony and neutrality are mutually exclusive in the public space. Similarly, Mackey argues multiculturalism is rife with contradiction. Cultural groups appear on equal footing with the dominant culture particularly because multiculturalism is a state-sponsored initiative, subverting critical examination of institutional inequities that exist in the public sphere (Mackey, 1999: 23). For his part, Quasem Mahmud, head of the Islamic Schools Federation of Ontario, told the Ottawa Citizen in September 1997 that the holy days case was inherently about religious equality: “My role as a Muslim (leader) is to ensure the Muslims are going to identify with this country ... You cannot live in a society and feel you are not part of it. The way Muslims think is that any land is the land of God, be it here or be it there. Once you are on the land, you are part of this society, you belong to it. We don’t have this concept of isolating ourselves.”

While multiculturalism has created the illusion of cultural equality, a cultural hierarchy remains deeply entrenched in the Canadian consciousness. Muslims are usually constructed as visible minorities in Canadian society even though many are Caucasians. This means they lack the cultural currency enjoyed by other groups in Canada. For this reason, some Muslims have decided to completely opt out of public education, arguing a faith-centred education system is the only way to maintain Islamic identity in a secular society. As stated in Chapter Three, the issue of public funding for religious private schools continues to be highly controversial in Ontario. Although the 1985 Report of the Commission on Private Schools in Ontario recommended that religious schools be permitted to apply for “associate” status with local school boards,

that argument has been routinely rejected by the courts. In a 1997 landmark case, *Adler et al. v. Ontario*, the Supreme Court of Canada ruled that the province of Ontario is not constitutionally required to provide faith-based education, although it may do so if it chooses. In that case, a coalition of individual Calvinistic Christians, along with members of the Sikh, Hindu, Muslim, and Jewish faiths challenged the constitutionality of Ontario's Education Act, claiming a violation of the Charter's freedom of religion and equality. The coalition argued that Ontario's Education Act, by requiring mandatory school attendance, discriminated against those whose conscience or beliefs prevented them from sending their children to either the publicly-funded secular or publicly-funded Roman Catholic schools, due to the high costs of their children's religious education. The applicants also sought funding equivalent to that of public and Roman Catholic schools (Evangelical Fellowship of Canada, 1997: 2).

Proponents of faith-based separate schools have also argued that denying public funding for religious private schools is a violation of Article 26 (3) of the United Nations Universal Declaration of Human Rights which states: "All parents have a prior right to choose the kind of education that shall be given to their child" (Evangelical Fellowship of Canada, 1997: 2).

In November 1999, the United Nations human rights committee ruled that Ontario discriminates against non-Catholics by funding Catholic schools but not separate schools for other faith groups. Ontario is the only Canadian province with that policy. The basis for the UN ruling is a 1979 covenant by which Canada and all of its provinces pledged to abide by the International Covenant of Civil and Political Rights and the rulings of the UN human rights committee (Harvey, 2000: A10).

Although the Government of Ontario has refused to tamper with its constitutional arrangements regarding education, in June 2001 it introduced a tuition tax credit for parents who send their children to private schools. The new program included both faith-based and non-sectarian institutions. This cabinet announcement was significant because it effectively reversed longstanding policy opposing such government-funded tax vouchers. Under the new system, parents are eligible to claim a maximum of \$3,500 per student each year. The total cost to taxpayers is estimated at \$300 million per annum once the program is fully implemented in 2006. About 100,000 students attend the province's 733 private schools (The Canadian Press, 2001).

In the case of Ontario's Muslim community, the first Islamic schools opened during the 1980s. There are currently 25 across the province, with 18 in the Toronto area alone. Most have lengthy waiting lists and new schools are being constructed every year to keep up with the growing demand. According to the Ontario Ministry of Education, there were 2,240 children in Islamic schools in 1999, but the Muslim community estimates current numbers to be closer to 4,000. Tuition costs range from about \$150 to \$350 a month (Toronto Star, 2001: A1 & A10).

All Islamic schools are registered with the Ministry of Education but are not regulated or inspected unless they offer an Ontario Secondary School Diploma. Moreover, teachers are not required to hold teaching certificates, although most do. On average, teachers earn 85 per cent of the standard public board salary, while others work as volunteers (Toronto Star, 2001: A10).

Jasmin Zine, an education expert and PhD Candidate at the Ontario Institute for Studies in Education/University of Toronto, says Islamic schools are rapidly being

established across Toronto because public education is falling out of favour with Muslim parents who want their children to be in a spiritually-centred educational setting. She also identifies fears of assimilation and racism within the public school system as driving factors.

“Those (Islamic) schools function as an important reproduction of Islamic identity,” Zine says. “So there is a lot of growth in producing schools right now I think because the community feels that many kids, when they go into the public system, don’t have spaces to express their identity, have a difficult time practising their faith and keeping it up. It is very difficult to do within the confines of public education.”

THE CASE OF MUSLIMS AND THE TORONTO DISTRICT SCHOOL BOARD

There are an estimated 300,000 Muslim students attending Toronto District schools (Scrivener, 2000: H7). However, the controversy over the religious accommodation of Muslim students continues to churn, with the polemic gaining new relevance since the September 11 attacks in 2001. Guidelines and procedures for religious accommodations have been in place at the Toronto District School Board (“TDSB”) since 2000, but the document has done little to quell the wrangling. In an era when buzz-words like “Islamic fundamentalism” and “terrorism” top mainstream political discourse, while conversely “racial profiling” is a stark reality for the Islamic collective consciousness, new questions are being raised about the limits to toleration and the role of religion in public schools. There are also lingering quarrels about the TDSB’s broad-based equity policy, specifically as to whether this approach fuels competition rather than solidarity among marginalized groups (Zine, 2001: 240). Among Toronto Muslims themselves, there is continued disagreement over the scope of religious

accommodations, as some ultraconservative voices persist to lobby for more radical change. Additionally, there is increased resistance from the education system as administrators and teachers, already overburdened in the wake of provincial budget cuts, find it difficult to cope with increasing demands. This has left the Muslim community to negotiate identity and equity issues in a system structured around competing discourses – an exemplification of the fallibility of multiculturalism in Canada.

Because this is an unfolding story, research for this study also includes interviews with four public figures involved in the issue. These interviews help describe intricacies of the conflict not necessarily evident in other forms of research. The participants were chosen because there exists a pre-established public record – in the form of official documents and/or multimedia reports – of their comments and/or activities relating to this topic. As such, their collected narratives become new scholarly research in this field of study. All participants were asked the same set of questions pre-approved by Carleton University's Ethics Committee. (See Appendices 1 to 3) The participants were as follows:

- Abdul Hai Patel – Imam and Co-ordinator of Islamic Council of Imams – Canada
- Jasmin Zine – Education Expert and PhD Candidate at the Ontario Institute for Studies in Education/University of Toronto
- Alimamy Bangura – Executive Director of Muslim Educational Network, Training and Outreach Service (MENTORS)
- Patricia E. Hayes – Human Rights Officer, Toronto District School Board.

A fifth interview was conducted with Ihsan El-Sayed, a representative of the

Toronto District Muslim Education Assembly, but she did not complete the consent form so her remarks will not be used. Her group's position will be represented in this study through the use of public documents.

The seeds of this controversy were first sewn in 1993, when the Ontario enacted Bill 21 – the Memorandum 119 amendment to the Education Act – mandating all schools to develop and implement anti-racism and ethno-cultural equity strategies. At that time, school boards were given a prototype for policy development, which included faith as a variable. However, each school board fashioned individual equity policies. As a result, each school board has a different approach to dealing with equity issues. As for faith issues, lack of province-wide standards means that religious accommodation is discretionary and varies from board to board. The result is a raging debate over what constitutes equity.

In Toronto, such ideological cleavages were revealed in 1997 when the province enacted legislation to amalgamate the seven municipalities of Greater Toronto into one “mega city.” The province's goal was to increase efficiency by eliminating duplication of services, including education. As a result, local boards of education were dismantled and the present-day Toronto District School Board was created. Before amalgamation, each school board in the Greater Toronto Area had already implemented its own equity policies. Amalgamation presented the challenge of collating these policies for the newly created TDSB. A Local Education Improvement Committee was established to study the existing policies of each former board and to make policy recommendations for the amalgamated board. A subcommittee of this group, comprised of board staff and community members, specifically examined equity issues. Education expert Zine,

describes the task of defining equity as contentious, noting that “political positioning” between members of the equity subcommittee, many of whom were members of the former school boards, created a rivalry over whose previous policies to adopt as “the model” for the new Toronto board (Zine, 2001: 245).

The essential problem was how to deal with the issue of anti-racism. The defunct Toronto Board of Education was the only board among the seven that did not have a separate anti-racism policy. It opted instead for a broad-based equity policy that also included gender, sexual orientation, economic and class issues, and disability (Zine, 2001: 243). Former Toronto Board members serving on the equity subcommittee jockeyed for a similar all-inclusive equity policy for the new amalgamated board. Opponents argued for a separate anti-racism policy (Zine, 2001: 244).

In May 1998, The Task Group for the Development of an Anti-racism and Ethno-cultural Equity Policy was established to create a draft policy for public consultation. The task group, comprised of board members, community advocates, parents, and students, presented their draft policy to the Standing Committee on the School Board the following October. Public consultations raised criticisms that the draft was too narrow in focus, as it dealt specifically with aboriginal, race, ethnicity, and faith. Groups excluded from the policy dismissed the draft as “divisive,” by setting up “competing interests among minority groups” (Zine, 2001: 244). Critics questioned why racial and cultural groups were being privileged over other disadvantaged groups.

These concerns prompted the task group to seek a legal opinion on the draft. The finding was that the policy was “legal” and that single-issue policies do not contravene the Human Rights Code (Zine, 2001: 245). Although the school board sought to assure

opponents that separate policies would also be developed to address other forms of discrimination, Zine says opponents remained skeptical.

The task group itself was criticized for under-representation of minority groups. The majority of Toronto board representatives were of “European heritage” therefore it was questioned whether it was appropriate for this group to develop equity policies that primarily affect minorities (Zine, 2001: 245).

In November 1998, these profound divisions led an independent group, The Antiracism and Multicultural Educators Network of Ontario, to produce a competing document entitled “Equity For All.” Their argument was that a narrow focus on race, ethnicity, and faith excluded other disadvantaged minority groups such as gays and lesbians, women, the working class, and the disabled (Zine, 2001: 240-241). However this proposal too was roundly criticized, particularly by the Muslim community for its selective distribution and dearth of input from faith groups (Zine, 2001: 257).

In order to reach a compromise, the board decided to reclassify the original anti-racism and ethno-cultural equity policy as an internal “resource document” for staff, rather than as “policy.” Additionally, other disadvantaged groups were promised similar “resource documents.” The idea was to create a comprehensive “Equity Foundation Statement” as the sole policy. The Equity Foundation Statement was adopted in June 1999 and remains current board policy. The full statement reads:

The Board will therefore ensure that:

- a. The curriculum of our schools accurately reflects and uses the variety of knowledge of all peoples as the basis for instruction; that it actively provides opportunities for all students to understand the factors that cause inequity in society, and to understand the similarities, differences, and the connections between different forms of discrimination; and that it helps students to acquire the skills and knowledge that enable them to challenge

- unjust practices, and to build positive human relationships among their fellow students, and among all members of the society.
- b. All our students are provided with equitable opportunities to be successful in our system; that institutional barriers to such success are identified and removed; and that all learners are provided with supports and rewards to develop their abilities and achieve their aspirations.
 - c. Our hiring and promotion practices are bias-free, and promote equitable representation of our diversity at all levels of the school system; that all our employees have equitable opportunities for advancement; that their skills and knowledge are valued and used appropriately; and that they have equitable access to available support for their professional development needs.
 - d. The contributions of our diverse community of parents and community groups to our schools are valued and encouraged; and that they are provided with equitable opportunities for working with staff and with each other for the benefit of all students.
 - e. Students, employees, parents, and community partners are provided with effective procedures for resolving concerns and complaints that may arise from their experiences of unfair or inequitable treatment within the school system.
 - f. Financial and human resources are provided to support the work of staff, students, parents, and community groups, and for staff development, in promoting equity and inclusion in the school system.
 - g. Procedures are in place at all levels of the system for implementing, reviewing, and developing policies, programs, operations, and practices that promote equity in the system, for assessing their effectiveness, and for making changes where necessary. (TDSB, 2002:4-5)

The policy's content is divided into five sections outlining the board's equity commitments:

- Anti-Racism and Ethnocultural Equity
- Anti-Sexism and Gender Equity
- Anti-Homophobia, Sexual Orientation, and Equity
- Anti-Classism and Socio-Economic Equity
- Equity for Persons with Disabilities

Additionally, policy for each section includes the following:

- Board Policies, Guidelines, and Practices

- Leadership
- School-Community
- Curriculum
- Language
- Student Evaluation, Assessment, and Placement
- Guidance
- Employment and Promotion Practices
- Staff Development
- Harassment

The most striking and yet controversial aspect of the Equity Foundation Statement is the board's definition of equity, which emphasizes the idea that different forms of discrimination are fundamentally linked. Critics, including some in the Muslim community, counter this view of interlocking systems of oppression arguing there is no equality of difference between oppressed groups and therefore no basis on which to construct parity between different forms of discrimination – particularly because core values often clash among groups. In other words, one group could be accommodated to the detriment of another. This ties into Bibby's argument that nonspecific equity policies only result in cultural paradox. In particular reference to the TDSB's Equity Foundation Statement, Zine writes: "The theoretical assumptions of interlocking systems of oppression as being mutually connected do not easily translate into ready-made political alliances among oppressed groups in society." She instead suggests a nuanced approach to equity in public education, as equity means different things to different groups. Therefore, lumping all groups together under an across-the-board equity statement does

little to remedy inequity in schools because disadvantaged groups must vie against each other's inclusion (Zine, 2001: 253-254; 240).

A flashpoint for some Muslims and non-Muslims alike was the inclusion of sexual orientation issues in the Equity Foundation Statement. (It is important to note that objections relating to sexual orientation issues originated from various quarters in the Toronto community and not solely from Muslims. Moreover, there is varied opinion amongst Muslims on issues of sexual orientation.) Some Muslims (and others) argued the TDSB's policy encouraged a gay lifestyle, which runs contrary to Islamic beliefs (Schrivener, 2000: H7).

Commenting on the issue in a Toronto Star report dated February 12, 2000, Alimamy Bangura, education activist and executive director of Muslim Educational Network, or MENTORS, said: "Our community is not known to be activist, but it's driven a wrench between the board and the community."

For her part, Zine frames the issue within the context of "moral authority," noting parents were "...concerned with the scope of the document as it related to sexuality issues. However, their concern over lesbian and gay issues was not from a human rights perspective (Zine, 2001: 260)." Additionally, Zine counters criticism that objections to the document were rooted in homophobia. She writes, "The majority of mainstream religious views do not incite hatred with regard to sexuality issues, they simply disagree with sexual practices that are discouraged by their doctrines (Zine, 2001: 261)." She says education policy ought to accommodate varied points of view.

Currently, parents can only request student exemptions for curriculum dealing with biological sex and personal hygiene. However, the board's curriculum on diversity,

which includes consideration of the lesbian and gay community, is compulsory for all students. Patricia E. Hayes, a Toronto board Human Rights Officer, says there are no exemptions because removing certain students would “create a poisonous environment” for children from the lesbian and gay community. She concedes however, the policy’s application lacks consistency: “We have administrators who, for them, either they don’t really understand or they just don’t have the time or whatever to try to convince parents about what anti-homophobia education is, what human rights education is ... or maybe they themselves are also homophobic.”

This dissatisfaction galvanized some Muslims to organize and take a more proactive stance in education reform. Many felt TDSB’s Equity Foundation Statement was inadequate to ensure Muslim students were appropriately accommodated in daily school life. In February 2000, some members of the Muslim community, in consultation with the Islamic Council of Imams (Canada), education officials and others, prepared and submitted a draft document on religious accommodation to the TDSB for consideration. Their requests, although seemingly reasonable to some in the Muslim community, raised the ire of the mainstream and provoked criticism that requests for multicultural accommodations have gone too far. While some requests were easy to facilitate, others were much more radical in their scope, going as far as challenging epistemology, curriculum, and pedagogy.

Some of the draft’s highlights include the following:

- Muslim students should be exempted from art classes that require them to depict humans and animal figures, as this is against Islam. The draft suggest teachers provide alternative assignments on geometric patterns or Islamic architecture;
- The board should provide alternatives to the music curriculum as only

certain percussion instruments are allowed in Muslim practice. Viable alternatives include “singing, clapping and snapping of fingers”;

- School activities requiring students to shake hands, touch or have close physical contact with members of the opposite sex should be avoided;
- Sex education taught in schools should accommodate Islamic views. The draft suggests: “Discussion of issues of dating and sexual relations should accommodate Islamic views on abstinence Where possible, classroom(s) would be gender segregated to discuss sensitive issues; and
- School cafeterias should ensure all food items are halal for Muslim students. This means foods should follow Islamic dietary rules and not include pork, lard or gelatin (Scrivener, 2000: H7).

The TDSB prepared its final document on religious accommodations later in 2000. The document entitled “Guidelines & Procedures For the Accommodation of Religious Requirements, Practices and Observances,” is not official school board policy, but rather an internal resource document for school board staff. In terms of content, the 70-page document begins by outlining the TDSB’s mission and values. It then outlines the legislative and policy context for issue defining areas of accommodation along with general guidelines and procedures including: religious holy days and celebrations; opening and closing exercises; prayer; dietary requirements, fasting; religious attire; modesty requirements; and participation in daily activities and curriculum. Descriptions of religious requirements, practices and observances are outlined for the each of the following religions: Bahá’i; Buddhism; Hinduism; Islam; Jainism; Jehovah’s Witness; Judaism; Rastafari; Seventh-Day Adventist Church; Sikhism; and Church of Christ, Scientist. Limitations are also delineated. Firstly, religious accommodations are based on the request of parents and students. Therefore, individual students and families bear the onus of informing school officials of their needs. Secondly, school officials are not responsible for monitoring student compliance. Thirdly, religious accommodations are

defined within “the larger context of the secular public education system (TDSB, 2000: 11).” As a result, not all requests can be accommodated. The schools have the right to reject accommodations on the basis of public safety, health, to protect the human rights and freedoms of others, or on the basis such practices violate other TDSB policies (TDSB, 2000: 11).

The section on Islam is by far the longest, 13 pages, and outlines various accommodations for Muslim students including daily prayers; Friday congregational prayers; observation of Islamic holy days; Hajj; fasting during Ramadan; Islamic dietary restrictions, male-female interactions; Islamic dress; physical education; human sexuality; school trips and camping; music; dance; and visual arts.

Here are some highlights:

- When daily prayers conflict with class time, students should be allowed time for prayer. Teachers should “be aware of the Muslim prayer schedule during exams and/or tests, class outings, and overnight outings.” A prayer timetable is also provided.
- Accommodation is requested for students and staff travelling to Mecca to observe the hajj.
- In terms of dietary restrictions, food products containing pork should be clearly identified. “Some objectionable food items include: pepperoni, pork hot dogs, bacon, gelatin in Jello, candies, and desserts; animal shortening in breads, puddings, crackers, cookies; rennet and pepsin in cheese etc.” Vegetarian or halal food are listed as appropriate alternatives.
- With respect to male-female interacts, it is noted: “Gender relations in the Islamic community are predicated upon social distance between members of the opposite sex. After puberty, Islam does not allow any kind of casual touching of privacy between unrelated people of the opposite sex.” The recommendation is a reactive rather than proactive approach, to allow the individual student to define such parameters. However, it is noted that for some students taboos include “shaking hands, touching or any other close physical contact between members of the opposite sex.” It is also written that some students participating in group work or paired assignments will not feel comfortable sitting next to members of the

opposite sex. Islamic behaviour codes also bear upon school trips, camping, social events and school dances.

- The significance of Islamic dress is noted for both males and females. In the case of women, the TDSB document notes that the hijab “characterizes the appearance of many Muslim women.” Further, “the wearing of hijab is primarily an Islamic requirement and within the Islamic context, is seen as a symbol of identity and modesty.” An Islamic dress code may clash with various aspects of school life including curriculum and physical education. The guidelines provide alternatives for males and females regarding apparel for gym, sports, swimming, showers/change rooms and co-educational classes. A “climate of acceptance” is also emphasized to deter religious-based harassment.
- As noted above, the issue of human sexuality within the curriculum has antagonized some Islamic parents. As such, it is noted that within Islam, the teaching of sexuality is predicated on issues of male-female segregation, therefore some students may require exemptions.
- Lastly, music, dance and visual arts curriculum may also be at variance with Islamic values. Specific to music, the document outlines prohibitions against string and wind instruments however identifies certain percussion instruments as acceptable. Song lyrics can also be a source of consternation. Music and visual alternatives proposed in the draft copy (stated above) were incorporated in the final text.

Despite being in place for three years, the TDSB’s guidelines and procedures on religious accommodation have done little to quell the larger debate over religious accommodations. While all parties interviewed for this case study applaud the development of the document as a crucial first step, they say the issue is far from resolved. Central to their critique is the practical application of this guide, the juncture that reveals the inherent contradictions of multicultural policy. While the federal policy defines multiculturalism as “the management of diversity through formal initiatives at the federal, provincial and municipal domains,” it cannot force provincial or municipal governments to enact such policies. Moreover, the federal policy can only encourage institutions, such as the public school system, to be inclusive and respectful of

Canada's multicultural reality – it cannot enforce compliance. While the federal policy recognizes the freedom of minority groups to preserve and enhance their cultural heritage, it does not provide contingency models for the inevitable clash of values among such groups. Therefore, while the federal policy constructs equality among disadvantaged groups, it cannot ensure equity; at least not in practical terms.

In terms of the Toronto case, Muslim community leaders have questioned the handbook's status as an internal resource document rather than as school board policy. They claim the document is not widely available to parents and unlike other equity documents it was never translated into various minority languages. As a result, many parents are unaware of the document or their right to request religious accommodations – a hindrance to what they deem is full and equitable participation.

“The accommodation document is not widely distributed to parents. So unless the parents happen to know about it, the board is not going to go out of the way to say ‘Look, this document does exist,’” said Alimamy Bangura, executive director of MENTORS, a Muslim education group that works with the TDSB to help develop policies regarding Islam. Established in 1996, this community organization has an executive board of five members. Its larger membership varies as the group's activities rely on volunteers. Bangura says his group often acts as the “mediator” between Muslim parents and the TDSB in matters of conflict.

“What happened when the policy came out, it was in-serviced among principals in the schools,” Zine explains. “The document is part of a binder that principals get. And within that binder are all the very cumbersome equity policies ... and now it is buried within all of these.”

“Our contention was that it wasn’t available for the communities. So parents often don’t know that they can request accommodations ... and the whole issue of accommodation is contingent on requesting. You can’t request something that you don’t know that you have the right to request.” Zine suggests the TDSB hold community forums on religious accommodation to inform parents of board policies and procedures.

The fact the document has not been translated only compounds the difficulty of minority parents accessing information on religious accommodations, Bangura adds. “All board documents are translated but this document is the only one that I know of that has not been translated. ... In a way the board is saying, the accommodation is there, we have to ask for it, but we are not going to give you copies. In fact, there are no copies available for distribution.”

However, Patricia E. Hayes, a Human Rights Officer at the TDSB, says the document was designed for school administrators and was never intended for mass public distribution. “Certainly, the ‘Equity Foundation Statement’ has been translated, the ‘Know Your Rights,’ the human rights document for students, has been translated ... This document is the guidelines and procedures for administrators for when there is a request for accommodations. So, it’s a reference document for administrators, it is really not a public document,” says Hayes. “Oh sure, if a parent called and wanted a document for whatever reason, we would certainly send them a copy ... Well you’re (Rita Trichur) not a member of the school board, you asked for it and you got it.”

Abdul Hai Patel (an Imam and Co-ordinator of Islamic Council of Imams - Canada, a group that helped develop the TDSB document) says that he is content with the guide but has concerns over how it is implemented and enforced. “And now the

principals and the staff need to be aware of it, which in some cases, they are not,” he says. “I’ve had calls where school principals were not aware of the existence of the guide. That’s a matter of them getting their own communications.”

Bangura adds: “In fact some schools have never even shared this document with the teachers. It’s only kept in the principal’s office.”

Just as some staff are more aware of the guide than others, so too is their willingness to comply, Zine says. Given issues of administrative discretion, she notes the guidelines are not applied uniformly in each TDSB school. “You will find some school that are just more open toward diversity,” she explains, “The principals are very committed to equity, anti-racism, diversity. My son, for example, goes to public school, and for Ramadan the kids who are fasting don’t have to go to the cafeteria. They go to the library. A teacher comes and supervises but what they do is have their prayers there.”

Religious accommodations are contingent on the availability of school staff and resources, which varies from school to school. Zine says having a large population of Muslim students in a school does not guarantee accommodation. “You’ll find some schools in Toronto where there are 80 per cent Muslim students there, which could be a good or a bad thing. For example, around accommodation, schools don’t have to accommodate if it causes undue hardship. ... And if there’s a lot of students, they argue there’s just too many or we can’t accommodate in terms of space.”

Hayes says while parents and students bear the onus of making the request, schools administrators have an obligation to look for resources in the surrounding community if none are available in on campus. This includes networking with area Muslim community groups, mosques, and volunteer organizations. “But you’ll always

find individuals who feel if they can get away with not accommodating will do that. So we do get calls. I get calls from a parent of a student who say they've asked for say a prayer room and for some reason the school says they don't have the space, but there has been no negotiations. ... Sometimes the will is not there to accommodate."

In some instances however, resistance comes not from school administrators but rather from the surrounding community. For example, in order to accommodate Islamic dietary requirements, some Toronto schools have started ordering halal pizzas from local Muslim businesses but this practice does not sit well with all parents. "They (the schools) have received calls from parents (non-Muslims) who says they do not wish their child to be eating halal pizza. And they don't have a good excuse other than they just don't want their child to be eating halal pizza ... From what I understand, there's no taste (difference). It's beef pepperoni and the kids don't know the difference. And the schools have said it is a bit more expensive but they're just glad that they can accommodate. But they are getting calls from non-Muslim parents once word is out that they are no longer ordering from Pizza Pizza," Hayes says.

The controversy surrounding religious accommodations is linked to competing discourses at the provincial level. While the province requires all schools to have equity policies, equity itself is not centred in educational discourse. As a result, it exists as an add-on and is vulnerable when political priorities, and consequently funding, shift from education to other areas of provincial jurisdiction. Teachers already burdened in the aftermath of provincial budget cuts to education are resistant to more change including the development and implementation of curriculum alternatives for religious accommodation, Zine says.

“There is a lot of tension really since the Harris government has come in. Within the educational system, teachers are under a lot stress already. There have been a lot of changes that have been implemented very quickly without a lot of preparation,” says Zine. “Teachers would not be open to anything else, to any other burden added to their load.”

Budget cuts at both the Ministry of Education and the TDSB have further marginalized equity commitments. For example, as of April 4, 2003, the TDSB eliminated several equity positions including school-community education advisors, translators, multicultural consultants, and youth/community workers. Community workers formed the link between the board and the community often advocating on behalf of parents and students. Bangura says community groups such as MENTORS cannot fill the gap because their participation is contingent on the board’s invitation.

“We’ve always depended on them (community workers) to bring us into the system. They are the key to get us into the board,” Bangura says. “We can come from outside, but we can only get in as far as the door is open for us.”

The issue of political will aside there remains much debate about the limits to accommodating diversity in a secular public school system. Among Muslims themselves there is much disagreement about the scope of such accommodations. The Toronto District Muslim Education Assembly (“TDMEA”), an ultra-conservative Muslim group, argues that the TDSB’s guidelines on religious accommodation do not go far enough. Ihsan El-Sayed, a founding member of TDMEA, originally agreed to an interview but refused to sign the consent form. Her remarks will not be included in this section. However, the group’s position will be discussed through the use of public documents

posted on the group's Web site (<http://tdmea.tripod.com>) and various multi-media reports. TDMEA has presented the board with a competing document on religious accommodations entitled "Basic Document: Muslim Beliefs and Practices." Their approach is radical, calling for a total overhaul of the public school system to conform to Islamic values. Their key criticism is the inclusion of sexual orientation and gender issues in the board's equity policy, which they argue erodes the right of Muslim students to religious freedom. On their Web site, the group accuses the school board of a "deceptive campaign" which puts "Muslims and Islam under attack" to promote homosexuality and feminism. It has also prepared a declaration on religious accommodation for parents to sign and to present to school officials.

Hayes says the group's document "borders on hate material" and school administrators will not accept it. However, group representatives still have the right to present deputations to the board regarding their concerns providing they follow board procedures.

Other Muslims have branded TDMEA as a "fringe group," and have written letters to the board distancing themselves from the assembly. The Islamic Council of Imams – Canada has done this, for example (Garrison, 2000: 2). Zine says the assembly's requests for accommodation were "largely unreasonable," adding their document was "written in a tone that was very demanding and just was destructive."

"They were asking ... 'would you build facilities (for ritual abolitions) in every school?'" Zine explains. "They only exist in mosques and they wanted them to be built in schools. I mean just ridiculous things that are really, you know, not reasonable." Religious accommodation requires compromise from all sides, Zine says, adding

Muslims need “to look for flexibility within your own faith that allows you to negotiate around some of these things.”

The events of September 11, 2001 have presented a new set of challenges for Toronto’s Muslim community. Although the attacks took place on American soil, Muslims in this country did not escape the ensuing anti-Islamic backlash. The issues of global Islamic umma and the policies of domestic governments bear directly on the identity politics of Canadian Muslims. Moreover, international and domestic politics plays out in the classroom. Imam Patel gave an address on this topic at Brock University in St. Catharines, Ontario, in October 2002:

9/11 has and still is having a profound affect on Muslims. Media has played an unethical role for implicating Islam and not the individuals, hijacking a peaceful religion. With all eyes set on the Muslims in the world, everything from racial profiling to legislation such as Bill C-36 and other anti-terrorism measures enacted and enforced brutally at times by governments, have challenged Muslim identity in no small measure.

Bangura says Muslim students have increasingly become the target of racism since the September 11, 2001 attacks, and his group has received a rash of complaints concerning racial harassment in TDSB schools. The most common complaints include excessive or unjustified suspensions for Muslim students, racial profiling, name calling, and racial harassment of female students wearing hijab, he says.

“Racism or racial profiling, which I think is what we are talking about these days, has a lot to do with not necessarily skin colour, but it has everything to do with identity,” explains Bangura. “I’m dealing with a case right now with a young man (high school) from Iraq where somebody wrote a profanity and signed the name ‘Iraq.’ Now this boy is now guilty of having done that by the fact that he came from Iraq and he is the only

person who is known to have come from Iraq. He was punished through suspension, just like that, and that is a form of racism.

“Because of his nationality, he is being charged for a crime that he did not commit, so that’s becoming more frequent now. So racism has to be looked upon as an identity issue much more so than just an issue of colour.”

Other Muslim students have complained that since the 9/11 attacks, their free speech rights have been silenced and they are prevented from congregating and discussing issues affecting their community. Bangura says in one case a student’s private Web site (not posted on a school server) was shut down and the student was suspended for discussing such issues as the global umma, terrorism, the Palestinian conflict, and Osama bin Laden.

“And some (principals) will not accept discussions amongst students of the same religion to go on, they have to for example, when the students have their meetings, they are chaperoned by a teacher who may not necessarily be a Muslim. So you know, in effect, kind of ... it minimizes the kind of discourse that should go on in those meetings. And I believe, while it is important that the students be supervised, but religion always brings emotion amongst students and students should be able to talk freely about their views on certain subject matters as long as those views are not calling for violence.

“But quite a number of students have been muzzled since 9/11 because of this hysteria by the school board that everything is going to lead to violence. When people have a certain perspective of a community, especially the Muslim community, if you look in the media everything is about how the Muslims are violent. Muslims are terrorists. So this resonates in the culture of people. So the sight of a Muslim would draw

automatically, this perception that these people are violent because that is all they see on television, that's what they read in the newspaper. So there is this entrenched belief in the minds of a lot of people, that this religion of ours, is a very violent religion. It is a religion that preaches hate. It is a religion that preaches intolerance. It's all about throwing bombings at people.

"So, given this public perception, the system that knows no better, kind of reinforces this belief, and the relationship between teacher and student is acted out with this kind of understanding. So when a child is followed to the washroom because they think he is going to do something, perhaps he is going to plant a bomb there, to me this is ... there is tolerance but there is also ignorance in the system and I think that is what needs to be addressed."

Multicultural policies must have practical value as they affect the daily existence of minority groups. For Muslims, religion and culture are the same because Islam is a total way of life. Although the TDSB advances the concept of a secular school system, Muslim students define themselves through Islam.

"Even though we have a secular, public school system, our students are not secular. You don't hang your religious identity and spirituality at the door when you enter the classroom. So how our religious identities implicate our participation in the public sphere, including religion, is very, very critical. And it's something that isn't taken up in a lot of the policies and practices for the matter in education," Zine says.

Zine argues religion ought to become a central component of the public school curriculum, including matters of pedagogy. She says that currently such content exists as add-ons and the points of entry into the curriculum are narrow. The curriculum as it

stands is largely Eurocentric. Such a move would benefit all students, not just Muslims, by increasing general knowledge of Canada's multicultural reality. Patel adds that the goal of the Muslim community is not proselytization but rather meaningful education of all students that includes shaping the character of future citizens.

Therefore mainstream resistance to the Muslim community's requests for accommodation is based on cultural misunderstanding. "It is not obvious because in the western world, the church and state are separate, so they try to separate religion and culture. But in a number of eastern religions, not just Islam, the religion is the culture. In many cases, they have many traditions that the people blend into one. So then people (mainstream Canadians) have not yet recognized that aspect," Patel says. Further Zine says some groups have more cultural currency and political influence than others in Canadian society. New immigrant groups are at a disadvantage when it comes to organizing around the politics of education.

Hayes says much of the misunderstanding is due to misperceptions of Islam. Additionally, the Muslim community has asked for more accommodations than other faith groups because of faith prescriptions, growing student populations, and organized lobby efforts. Other faith groups have asked for relatively "minor" accommodations such as exemptions during opening exercises, the national anthem, and on religious holy days. The Muslim community's requests have been more "direct." Also souring attitudes was the objection from some Muslims over the inclusion of sexual orientation in the board's equity policy, although Hayes notes opposition also came from other groups.

"Well, I guess the issues that I see working with the Toronto District School Board is that it (Islam) is not a familiar or well-understood religion, so therefore Muslim

students are sometimes facing incorrect perceptions or stereotypes which become barriers for them to sort of interact or be treated in an equal manner within the system – either by other students or by staff. Also, given the whole situation with 9/11 plus what is happening in the world in general

CONCLUSION

This thesis began with a list of four fundamental questions to examine the inherent contradictions of Canada's multicultural discourse as it relates to the Toronto case study:

- Does a Protestant-Christian hegemonic discourse continue to flourish in Ontario public schools?
- Does this Protestant-Christian hegemonic discourse threaten the authenticity of Muslim students?
- Can public education in Ontario serve the needs of Muslim students?
- What is the definition of "public" in the institution of public education?

The answers have become obvious. Yes, a Protestant-Christian hegemony continues to flourish in Ontario's public education system. The case of Muslim students at the Toronto District School Board clearly demonstrates that public education is not religiously neutral. Resistance to the Muslim community's requests for religious accommodation brings to the fore a clash of values between the mainstream and marginalized groups. Muslims argue inequitable power relations disrupt authentic expression of Islamic identity, putting them at a disadvantage in Toronto public schools. Public education can serve the needs of Muslim students but only through reform. Although this process has begun through implementing new policies, equity is not centred in educational discourse. Currently, equity exists as an "add-on" and the points of entry remain narrow. More comprehensive reforms are required including changes to curriculum, epistemology, and pedagogy. Multicultural policies alone have not solved the Toronto problem.

This whole investigation of what constitutes “public” education has taken place within a dynamic, and often volatile, conversation about Canadian identity. The case study demonstrates how multiculturalism has created a system of competing interests thereby preventing the emergence of a unified cultural discourse. This has been a Canadian preoccupation since before Confederation in 1867 and if current demographics are any indication, discussions on nation-building are likely to continue.

The Toronto study demonstrates that while state-sanctioned multiculturalism is touted as quintessentially Canadian, the practical application of the policy has created a cultural paradox. There are three sets of competing and contradictory discourses that contribute to this social problem. The first is the politics of multiculturalism at the federal level. The second is the Islamic worldview publicly expressed by the Toronto Muslim Community as it represents identity politics in Canada. The third is the reform of education in the province of Ontario. This thesis argues that the Muslim community’s requests for religious accommodation test the limits of state-sanctioned multiculturalism precisely because they focus on religion as a component of multiculturalism. By challenging the divisions of sacred and secular spaces in mainstream society, they reveal inherent contradictions in Canada’s multicultural promise. Moreover, the controversies over religious accommodation signal that an Anglo-Canadian Christian hegemony continues as normative in Canadian culture.

However, this is just one case study focusing on one group at one point in time. The problem is not going away. Islam is now the second-largest religion in Canada representing two per cent of the total population. More population growth is estimated for Muslims across North America, therefore the social problem identified in the Toronto

case may increase in dimension in other locales. The value of the case study is not dependent on resolution of the Toronto conflict as it may not be resolved in the next few months or even years. The value is in the analysis of the dynamic of the conflict within the described theoretical framework so that learnings from this case may help interpret similar conflicts in other times and places. Monitoring the Toronto situation or replicating it in other cities would be good next steps for academic investigation – whether it be the Jewish community in Montreal or the Sikhs of Vancouver. This is a time of tremendous change and public institutions have trouble dealing with change. Canadian tradition needs to reform itself to new realities. Therefore it is incumbent on the Canadian state to address the fallibility of official multiculturalism because the incongruity posed by cultural relativism is only likely to broaden.

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GLOSSARY OF ISLAMIC TERMS AND ARABIC NAMES

(derived from Islamic Circle, 1992; Oxtoby, 1996; Denny, 1994)

Agha Khan *n.* leader of the Shi'a Imami Isma'ili community

Angel Gabriel *n.* disclosed divine revelation to Prophet Muhammad during the sixth century A.D.

Eid-al-azah *n.* Islamic holy day that celebrates the start of the fasting month of Ramadan

Eid-al-fitr *n.* Islamic holy day that celebrates breaking of the fast at the end of Ramadan

Five Pillars of Islam *n.* central tenets of Islamic faith including shahadah (declaration of faith), salah (prayer), zakah (alms giving), siyam (fasting), and hajj (pilgrimage to Mecca); sanctions exoteric Islamic practices

Hadith *n.* a collection of pronouncements from Prophet Muhammad that complement the Qur'an

hajj *n.* one of the Five Pillars of Islam; annual pilgrimage to Mecca; Muslims are expected to complete at least once during their lifetime

halal *adj.* fulfills the requirements of Islamic law; usually applies to customs, food and the slaughter of animals

haram *adj.* contravenes the requirements of Islamic law; usually applies to customs, food and the slaughter of animals

hijab *n.* a woman's veil or headcovering

Islam *n.* monotheistic religion of Muslims; translated from Arabic to mean self-surrender to the will of Allah

jamatkhanna *n.* house of worship for Shi'a Imami Isma'ilis

jihad *n.* struggle in God's way or struggle in defence of faith

Muslim *n.* an adherent of Islam

Prophet Muhammad (569-632 A.D.) *n.* founded Islam during the sixth century A.D.

Qur'an *n.* Islamic holy book

Ramadan *n.* the month that able-bodied Muslims fast from sunrise to sunset to achieve self-purification

saava *n.* faithful service through which Muslims submit to divine will

salah *n.* one the Five Pillars of Islam; an obligation to perform prayers five times a day at dawn, noon, late afternoon, sunset, and nightfall

shahadah *n.* one of the Five Pillars of Islam; a declaration of faith in the oneness of God and the finality of the prophethood of Muhammad

shari'ah *n.* body of Islamic law

Shi'a *n.* one of two major sects of Islam; its adherents claim direct lineage to the Prophet Muhammad and believe in his primacy

Shi'a Imami Isma'ilis *n.* A reformist Shi'a community; adherents lineage runs through the seventh imam and continues through their present day leader, the Agha Khan; adherents often referred to as Isma'ilis

siyam *n.* one of the Five Pillars of Islam; fasting during month of Ramadan

sunnah *n.* the aggregate example of Muhammad's word and deeds; includes the Hadith

surah *n.* denotes a chapter or passage of the Qur'an

Sunni *n.* one of two major sects of Islam; constitutes the majority of Muslims; its adherents believe in the primacy of the Qur'an

tawhid *n.* concept of divine oneness or monotheism

ulu al-azm *n.* group of five major prophets recognized by Islam including Noah, Abraham, Moses, Jesus, and Muhammad

umma *n.* universal Muslim brotherhood

zakah *n.* one of the Five Pillars of Islam; alms giving to help the poor or community endeavours

APPENDIX ONE – INTERVIEW SCHEDULE

- 1) Abdul Hai Patel – Imam and Co-ordinator of Islamic Council of Imams –
Canada

Telephone interview held on Tuesday, February 25, 2003 at 3:00 p.m.

- 2) Jasmin Zine – Education Expert and PhD Candidate at the Ontario Institute
for Studies in Education/University of Toronto

In-person interview held at the Ontario Institute for Studies in Education on
Wednesday, February 26, 2003 at 1 p.m.

- 3) Alimamy Bangura – Executive Director of Muslim Educational Network,
Training and Outreach Service (MENTORS)

Telephone interview held on Tuesday, March 4, 2003 at 10:00 a.m.

- 4) Patricia E. Hayes – Human Rights Officer, Toronto District School Board

Telephone interview held on Friday, March 14, 2003 at 2 p.m.

APPENDIX TWO – SAMPLE INTERVIEW QUESTIONS

- 1) What is your full name?
- 2) What is your occupation and/or title?
- 3) Do you consider religion or religious diversity as part of Canadian multiculturalism? Please explain why or why not.
- 4) What is Islamic identity in the Toronto context? What does it mean to be Muslim in Toronto? What are the factors affecting Islamic identity in Toronto?
- 5) What is the role of religion in the Toronto public school system?
- 6) Are Muslim students accommodated in Toronto public schools? Would you like to see changes? Please explain your answer.
- 7) Have there been challenges or problems implementing current policy or policies? Please explain your response.