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Assimilation in the Name of Pluralism: Education, Law and Religion in Ontario, Canada

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ASSIMILATION IN THE NAME OF PLURALISM
EDUCATION, LAW AND RELIGION IN
ONTARIO, CANADA

Ken Badley

Introduction

Draw a Venn diagram with three circles, one called law, one called religion and one called education. This chapter explores the overlap among these. The first half involves two clusters of questions. First, it asks what the questions, in fact, are, dealing first with issues concerning religion in publicly-funded schools. A second cluster of questions concerns those flashpoint issues of curriculum identified by religious parents and the independent religious schools some of them choose for their children. Throughout the chapter, I make reference to recent court cases involving religion and education in the Canadian province of Ontario, usually following those references with remarks about responses to the cases and the policies that followed them. In a second major section called “Helpful Perspectives,” I offer observations from several points of view as means to illumine further the conflicts that sparked the various legal actions. Here I survey historical arguments: legal, constitutional, philosophical (including rights and natural justice), and utilitarian social points of view. I also examine several remarks related to the key concepts involved in these debates, and the viewpoints of religious persons. The chapter ends by exploring briefly three pedagogical possibilities for treating religion in school classrooms.
The Issues

Religion in publicly-funded schools: I begin our survey of the issues by asking two questions. What is the range of possible approaches to religion in education? What are the possible modalities of treatment? Very briefly, the range runs from ignoring religion to conducting actual religious education (RE) as I show on the following continuum:

- ignore
- education about religion (EAR)
- mention
- religious education (RE)

Such a continuum is useful for my purposes here, because it provides a simple typology that I can use throughout this discussion. But it serves two other purposes as well. First, it raises the question: "If the continuum were extended, would indoctrination be the next concept to appear on the right end?" Second, it allows me to point to a difference between what I will call an unproblematic use of religion and a problematic use of religion, a key distinction for understanding why followers of many religions protest what occurs in Ontario’s publicly-funded schools. I will return to these two matters shortly.

The above continuum attempts to catch, albeit very sketchily, the range of approaches schools might take to religion. Baldly, one might ignore—or try to ignore—religion in schools as if religion were not a part of life, or at least not a very important part. I tease “or try to ignore” both because students are almost certain to raise questions about the religious dimension of life even if curriculum planners and teachers try to ignore it, and because of my plan to make religion problematic momentarily. Jumping to the other end of my continuum, I recognize that one can carry out explicit RE by scheduling religious instruction or activity into the school program. Indeed, such activity and instruction figure centrally in at least two of the court cases I deal with herein. And such explicit RE continues today in independent schools throughout Ontario. What many apparently miss because they have never made religion problematic is that all education is meant to serve one ultimate end or another and is therefore always a kind of religious education. Indeed, this kind of RE figures centrally in another of the cases with which I deal in this chapter. Where and how RE occurs are not so much our interests at this point, however, for I am here simply surveying possible ways one might approach religion in education.

The middle range of options is, of course, much more complex in reality than this continuum indicates. Running from mention to just short of religious education is an array of kinds and degrees of education about religion.
Other Canadian provinces demonstrate this range. Like British Columbia, the three Atlantic provinces other than Newfoundland all prohibit religious education (RE) during school hours, but all attempt to include education about religion (EAR) as appropriate in social studies and history courses.2 Newfoundland, with its church-run school boards, has traditionally offered Christian RE, but the largest of the boards, the Integrated Education Council, has recently attempted to move more toward EAR in its Grades 10–12 program.3 Saskatchewan and Alberta both grant local boards the right to provide RE, both with opting out a possibility for students.4 Both provinces also expect EAR to occur in other classes where appropriate. Those with classroom experience know that what is prescribed rarely catches the range of what actually happens in schools. Presumably, in all provinces, more than is allowed happens in some classrooms, and less than is prescribed happens in others.

By the end of this chapter, I will propose that a combination of three approaches (opt-in RE, respectful EAR and what I will call worldview teaching across the curriculum) are all required to meet the twin demands of the plural setting Canada has become and the protection of the rights of all students.

Earlier, I promised to return to two matters that arose in my initial presentation of the continuum of what might be done: the question of indoctrination and the problematization of religion. I begin to fulfill that promise by asking where indoctrination belongs on this continuum. For some, the range of approaches I listed almost necessarily ends with indoctrination (or worse) on the right end.5 Rather than accept that bit of dogma without good reasons, I want to suggest that if indoctrination implies teaching without justifying belief or without allowing learners the freedom to reject what is taught, then it may occur in teaching that denies the importance of religion as easily as it may occur in teaching that aims to promote religion.

The second matter I promised to return to is religion. In what sense of this key term is the continuum I have provided accurate and in what sense is it inaccurate? If one accepts that religion has to do with God, worship, anticipation of paradise, the reading of sacred books and the like, then, clearly, one may attempt to ignore religion or one may claim that one is not involved in religious education if one avoids certain topics. In fact, this narrow definition of religion has a wide following, and, as we might expect, educational practices consistent with it can be observed in many schools in Ontario.

Yet, things are not as simple as some wish. Lexicographers, philosophers of education and judges have all struggled, along with others, to define this difficult concept. If one adopts a definition substantially wider than the naive one I suggested in the paragraph above (which, incidentally, almost misses Buddhism), one runs into genuine difficulty defending the claim that one has kept religion out of school curriculum. For the sake of argument, accept momentarily the definition that locates religion anywhere humans ask about what
is ultimate, about whatever they finally see as the locus of their deepest allegiances. On this account of *religion*, a fundamental commitment to rationality, physical pleasure, political power or economic profitability all constitute religion. A curriculum founded on these commitments or meant to bring about partiality toward these or other such goods would, on this definition of *religion*, be a religious curriculum (or perhaps only a curriculum with religious foundations or elements). Education with this curriculum either at its centre or as its object would be *religious education*. Obviously not all my readers will accept the degree to which I have broadened the definition of *religion*. Nevertheless, I have caught rather accurately how many religious believers view the parallels between their own at-bottom commitments and the apparent at-bottom commitments of the educational establishment, its claims to neutrality notwithstanding.

My brief discussion of indoctrination and my problematization of *religion* come together at this point: many people of faith believe that state schools indoctrinate their children into a religion of contemporary materialism and humanism. When they voice their charge, they often hear one of two mutually contradictory answers: (1) that public schools are value-neutral places where no indoctrination takes place, or (2) that common schools are necessary in a multi-cultural nation such as Canada, because people with many different backgrounds and worldviews must adopt some common values for Canada to survive as a nation, and the state has no other apparatus at its disposal to bring that about.

**Flashpoint Issues**

Followers of acknowledged world religions—including most Muslims, some Sikhs, some Hindus, some Jews and some Christians—identify a range of issues as problematic for them. I will survey these issues under two headings: Public Schools and Independent Schools.

**Public schools:** One issue concerns daily opening and closing exercises. Here, the Zylberberg case (*Zylberberg et al. vs. Sudbury Board of Education*) has been determinative. In this case, the Ontario Court of Appeal found (September 23, 1988) that religious opening and closing exercises allowed under subsection 28 (1) of *Ontario Schools Regulation 262* violated the Charter rights of non-Christian students by giving the Christian religion primacy. In response, the Ontario Ministry of Education (MOE) released on January 12, 1989 its *Memorandum 108, Opening or Closing Exercises in Public Elementary and Secondary Schools*. According to this policy, schools may sing either of Canada’s national anthems and they may add readings:
that impart social, moral, or spiritual values and that are representative of our multicultural society. Readings may be chosen from both scriptural writings, including prayers, and secular writings.  

This Memorandum states specifically that “the collective recitation of a specific reading from a particular religious tradition can no longer be permitted, as such a practice is not in accordance” with the Charter. Memorandum 108 does permit a period of silence that students may use for silent prayer or personal reflection. It also includes an opt-out clause for parents who object to their children’s presence in the opening or closing activity.

The three-page Memorandum 108 was finally expanded in 1993 into a more substantial guide, Opening or Closing Exercises for Public Schools in Ontario. This guide repeats from Memorandum 108 the purposes of opening or closing exercises: One is educational—to contribute to the social, moral and spiritual development of students. The other is patriotic—to nurture esteem for a loyalty to Canada. The memorandum also identifies as integral to these purposes the function of “reinforcing the positive societal values” that Canadians share.

To reflect those purposes, the booklet of guidelines called Opening and Closing Exercises includes thirty-seven pages of sample poetry, prose, prayers and readings from a variety of sources, including various scriptures of the acknowledged religions. These samples are organized under themes such as “Commitment to Non-Violent Problem Solving,” “Commitment to Honesty, Equity and Justice” and “Pride in Canada—Its Heritage, Diversity and Ideals.” The introduction suggests other themes as well, though at no point does it come closer to recognizing the supernatural than the suggested theme “Sense of Transcendence.”

Memorandum 108 and the 1993 Opening and Closing Exercises make clear that Ontario still views schools as a primary means of assimilation; only the goals have changed. For some Christians, that change of goals—the end of Protestant hegemony—spelled (and spells) disaster. Some other Christians have welcomed the change, as have virtually all members of other religious minorities, not just those centrally involved in the case.

A second issue is, of course, the teaching of religion as part of the educational curriculum. What is now known as the Elgin County case focused on this question. After several years of unresolved conflict over the teaching of the Christian religion, several parents finally took the Elgin County Board of Education to court. The Ontario Provincial Court ruled in favour of the board, but the Ontario Court of Appeal’s unanimous decision on January 31, 1990, went against the Elgin County Board of Education and the Ministry of Education. It found religious education (even with an opting-out clause) indoctrinating and therefore unconstitutional—(under Charter sections 2 (freedom of religion) and 15 (equality before the law, and rights to equal protection and benefit without discrimination)). The Court ruled that teaching about religion that did not
indoctrinate in a particular religion (i.e., EAR) was not in contravention of the Charter. Specifically, the Appeal Court struck down subsection 28(4) of Regulation 262 regarding religious instruction because “it permitted the teaching of a single religious tradition as if it were the exclusive means through which to develop moral thinking and behaviour.”

As a consequence of Elgin and Memorandum 112 (which quickly followed the Elgin decision), education about religion is now permitted up to one hour per week in Grades 1–8, and optional world religions courses remain available in Grades 11 and 12. A 35 page Resource Guide on EAR in Ontario Public Elementary Schools appeared in August, 1994, to assist school boards in their development of curriculum materials appropriate within the Elgin and Memorandum 112 understandings of the Charter. This guide was developed by a 15 to 20, member committee with wide representation from both the MOE and various faith communities. The document does not tell boards what to teach; rather, it provides the guidelines within which they may develop or choose their own curriculum materials and resources.

The Resource Guide on EAR quotes at length a passage directly from the Elgin County judgment dealing with what may and may not occur in Ontario’s classrooms. That passage uses language like “convert,” “press for student acceptance,” and “conform [to a particular belief]” to indicate the Court’s and now, presumably, the Ministry of Education’s concern with the intentions and methods of those who sponsor and carry out school-based education about religion. Teachers are not to “impose any particular view” or “teach ... what to believe.” In summary, the “school’s approach to religion is one of instruction, not indoctrination” [the third point of the eight-point passage cited from Elgin].

Daily opening and closing religious exercises and the case that decided their future held the attention of many interested in religion in Ontario education for several years. But other issues have arisen as well, some of them also leading to court cases.

The Bal case, which is now making its way to the Supreme Court of Canada, involves several families (representing several faiths) but takes its name from a Sikh family from Mississauga, Ontario, which has argued that state schools systematically eradicate their family’s efforts to raise their children within their own faith and traditions. Mr. Monohar Singh Bal, a leader in the Canadian Sikh community, has argued that according to provisions on education in the British North America Act (1867) and Constitution Act (1982) (S.92 & 93), he should not have to send his children to an alternative Sikh school to have them educated in ways that recognize the importance of faith in Sikh families and to the Sikh understanding of education. Thus the Bal case is about finding space within state-funded schools to offer opt-in, faith-based teaching. A key argument in the Bal case revolves around the question whether or not schools are
neutral or can be neutral as regards religion. Bal lost at both the Ontario Provincial Court and at the Appeal Court of Ontario. Interestingly, the second court stated that, in its opinion, the case was not about whether schools could be neutral as regards religion, but rather was primarily about funding. The case will next be heard in the Supreme Court of Canada.

A third flashpoint issue is the observance or non-observance of religious holidays and festivals, an issue on which religious persons who care about what is now done do not all agree on what should be done. Some want their high days reflected in the school calendar or recognized and treated in the curriculum. Others do not want the key elements of their cultic life paraded—ethnicized—in school classrooms for all to see.

A whole cluster of issues revolves around sexuality. These have become focus points, not only for some Christians whose children are in state schools, but also for followers of other acknowledged religions. Specifically, the curricular treatment of AIDS, abortion, homosexuality, birth control, and chastity are of great concern. A single sentence from Ontario’s AIDS materials may illustrate the difficulties in this area: “Sexual abstinence is the most effective means of preventing the spread of AIDS.” Some religious believers wish that they could simply take that sentence out of context. But it is a recommendation so qualified by instructions in how to avoid both AIDS and abstinence that many view it as simply window dressing.

Finally, many Christians express concern about how other forms of spirituality are approached in curriculum. Aboriginal spirituality and New Age spirituality and practices especially become the focus of concern for some, and periodically serve as the immediate reason some Christians place their children in independent schools. By way of contrast, some Christians are pleased that traditional Aboriginal spirituality periodically surfaces in the curriculum. First, Aboriginals see all of life as religious, a viewpoint shared by many Christians, Muslims, Jews, Hindus and Sikhs. Reformed Christians, especially, often take joy when a non-dualistic view of life appears in the school curriculum, for the appearance of one such view opens the conversation for others. Second, some Christians, recognizing that active Christians are a minority in Canada, believe that when one minority is honoured in the curriculum, space may be wedged open for other minorities to be so honoured.

Independent schools: Independent schools are educational institutions established by and for members of a particular community—most often for members of religious communities. For supporters of such schools (that is, a minority of Christians, Jews, Sikhs and Muslims), the justice and legal aspects of funding independent religious schools is a definite flashpoint issue. Funding is not available in Ontario for independent religious schools.
The Ontario Alliance of Christian Schools and the Canadian Jewish Congress have sought funding for independent religious schools, grounding their arguments in various Constitutional and Charter guarantees regarding education, equality of treatment under law, and religious freedom. The lower-court judgment of this case (known as Adler/Elgersma) included this plain-language summary of the claim:

School attendance is mandatory and parents are under statutory obligation to cause children to attend school. These requirements can be met by attendance at a public school or a Roman Catholic separate school. Such attendance does not require the payment of any fees by the parents. The applicants are precluded by the dictates of conscience and religion from sending their children to either of these schools. They are required therefore to provide satisfactory instruction for their children elsewhere. This entails sending them to independent schools at which the parents must pay the tuition fees. Thus, they do not receive equal benefit of the law as required by s.15 of the Charter and there is interference with their rights of religion and conscience which are guaranteed under s.2.27

The Adler/Elgersma case was denied in both Ontario courts, the only consolation being the above note to the effect that constitutional rights were infringed.

Following the Ontario Court of Appeal's unanimous denial (delivered in Summer 1994), the Alliance/Congress appealed to the Supreme Court of Canada, finally having their day in court in January, 1996. That court judged later in 1996 that Sections 92 and 93 of the Constitution applied only to public schools and Roman Catholic schools, and not to independent schools run by minority religious groups. The Court did note that although Ontario was not required to pay for the education of children in independent schools, it was permitted to do so. Mr. Justice Iacobucci, in a minority opinion, said that:

nothing in [the Court's reasoning] should be taken to mean that the province's legislative power is limited to these two school systems [public and Catholic] ... the province could, if it [chose] pass legislation extending funding to denominational schools other than Roman Catholic ones without infringing the rights guaranteed to Roman Catholic separate schools under section 93.28

Roman Catholic educational leaders made an interesting response to this case. They went public with their support of the particular Jews and Christians involved in Adler/Elgersma, repeatedly calling it a scandal that they receive funding for schools themselves but other religious groups receive none. They based their support on the Constitutional clause (s.93) which underlies funding of Roman Catholic schools in Ontario.29

A second issue, usually mentioned in the same breath as funding, is curriculum control in independent schools. Many advocates of independent
schooling fear that government funding will bring with it government control. The argument and its counter-argument both need more unpacking than can occur here. Briefly, those fearing government intrusion argue that what the government funds, the government naturally has or certainly will demand the right to control. Those favouring funding offer more than one counter-argument. First, the government already determines many parts of the curriculum without contributing a penny to independent education. Second, independent schools in other constituencies have managed to retain their identity despite receiving government funds.

One recent conflict between the Ontario Alliance of Christian Schools and the Ministry of Education appears almost as an exception to a normally co-operative relationship. Ontario’s MOE has always credited Religious Studies courses taught in Grades 11 and 12. The MOE challenged the right of member high schools of the Ontario Alliance to grant Ontario Diploma credits for Grade 9 and 10 Religious Studies courses. The parties settled out of court, with the MOE granting the right to credit the courses, as Roman Catholic schools have always done.

Teacher certification for independent schools is a third flashpoint issue for some followers of the major, acknowledged religions. In Ontario, such certification is not required by the Ministry of Education, and religious schools have varied in their responses. For a small minority of religious persons, regulations for home schools are also an issue. Ontario has a set of regulations in place to govern home schooling.

The evolution/creation controversy flares up periodically, although overall it is more an American issue than a Canadian or Ontario issue. Among the independent Christian schools, many schools connected with A.C.S.I. use materials from the Creation Science organization in California. Schools connected with C.S.I. are divided in their handling of creation and evolution, as are Muslim schools. In both cases, those most concerned (teachers and parents) hold views from across a continuum which, roughly, might have God and chance as its two termini. Roman Catholic schools tend to follow the example of public schools in this area, and do not generally address Biblical viewpoints regarding origins (certainly not along Creation Science lines).

Helpful Perspectives: Other Questions and Considerations

Having surveyed the current situation in both public and independent schools, I am now positioned to stand back a few steps from the immediate details of Ontario’s educational landscape, including the court cases, in order to gaze at that landscape from several, quite different points of view.
The historical perspectives: In this chapter I have not repeated those parts of Ontario's educational history available elsewhere. Doubtless, a historical perspective leads to a certain kind of understanding of today's situation, especially the Zylberberg and Elgin judgments governing religious opening exercises and the teaching of acknowledged religions in state schools.

Since its inception as a British colony, Ontario has struggled both with how to deal with religion within education and how to honour the interests of minorities. Historically, the Canadian Aboriginal, French, Jewish and Roman Catholic minorities of this province have experienced a mainly majoritarian and assimilationist face of an English, often Anglican, Protestant establishment. Although the Protestant hegemony has been broken, the assimilationist educational establishment remains, and is now bringing the power of its educational bureaucracy to bear on religion itself. Active Protestants now feel the assimilationism as keenly as Roman Catholics felt it historically. The shifts have been so marked that Protestants now look for allies among Hindus, Jews, Muslims, and Sikhs.

Historical arguments about religion in Ontario education tend to focus on Canada's origins as a "Christian country" and what those origins ought to imply for educational law today. Christians who are also assimilationists have demonstrated a fondness for this argument, because it offers an apparent justification for requiring immigrants who follow religions other than Christianity to get on board. That the argument fails to distinguish language, culture, religion, dress and even race is often lost on those offering the argument, although new Canadians spot the gloss intuitively. That the historical (read majoritarian) argument has great potential to boomerang on Christians is also apparently lost on those most fond of it: in a nation where only one-quarter of those identified by census as Christian actively participate in religious life, "getting on board" could arguably imply that the school systems of Canada should explicitly become instruments of secularization.

The Legal and Constitutional Perspective

Canadian legal and constitutional arguments focus on the clauses governing education in the 1867 British North America Act and the 1982 Constitution Act (in which the 1867 sections are reproduced without alteration). Very briefly, Section 92 moved education out of federal jurisdiction and made it a provincial matter. Section 93 guaranteed parents the right to choose the kind of denominational education they wished for their children. In 1867, a Protestant minority in Quebec and a Roman Catholic minority in Ontario both feared attempts at assimilation through education. Section 93 seems most obviously to apply to those two groups in 1867. But central to the constitutional/legal arguments is the
question: What does Section 93 imply today? Which parents? Which denominations? Which religions? Which provinces? And what if the "public" schools of Ontario have become secular? The situation is much changed, for now in Ontario and the rest of Canada, followers of faiths other than Christianity seek, in return for their educational dollars, some recognition of the connection between faith and life.

Canadians are required by law to support a school system with a portion of their property taxes. A portion of their provincial income taxes is also paid to schools, based on the September 30th registration at each school. In most provinces, these two taxes are directed to either a Roman Catholic system or a public system. Although there are local variations, this is the essence of Canadian school law regarding funding. But when one asks how to realize sections 92 and 93 in practise, especially when facing the possibility that a multitude of different parent groups might conceivably apply for funding, what is straightforward on the surface can become quite complicated under it. For example, should courts or should legislatures decide these matters? The Constitution and the Charter of Rights and Freedoms are federal, while education acts are provincial. How should disagreements in education law be settled? I will not attempt to answer these questions here, but we all must recognize how thorny they have become in recent decades.

American thought and judicial history, although they have no legal bearing on Canadian law, still have become important in recent years. The quotation of an American college textbook definition of indoctrination in Elgin, for example, illustrates this importance, as do church-state separation arguments that appear periodically in Canada. Although I want to avoid a too-lengthy exploration of American law here, I must mention at least two points. First, I note the famous language of the First Amendment to the American Constitution, that "Congress shall make no law respecting the establishment of a religion or prohibiting the free exercise thereof." These words are the subject of endless debate, regarding both what the drafters meant (and whether their intentions still bear on the contemporary situation) and what the Amendment might imply now. One might review dozens of cases to trace the life and effects of the amendment. Here, I will mention just one in detail, Lemon v. Kurtzman, the centrally important 1971 case that established a three-pronged standard for legislation:

- that it must have a secular purpose (a clause under which benefits may go to religion as long as the purpose is validly secular; e.g., a school bus for transporting children so they receive education)

- that the principal or primary effect must neither advance nor inhibit religion. Lemon's initial wording is mild, but other clauses stiffen it so that primary effect includes potential effects (must guard against "the potential from impermissible fostering of religion," and "... must be certain that ... teachers do not inculcate religion"; 619)
must not foster undue entanglement between state and religion.39

My reason for mentioning the famous Lemon test for legislation is that similar “separation” language now surfaces periodically in Canada, at the same time that U.S. courts (since 1995) have been finding the “Lemon test” increasingly simplistic and unworkable.

The Philosophical, Rights and Natural Justice Perspective

Those wanting to see religion included more comprehensively in Canadian education, especially in the forms of opt-in RE in state schools or funding for independent schools, often point to Canada’s signature on the 1948 United Nations Universal Declaration of Human Rights (which includes reference to freedom of thought, conscience and religion). Such signatory arguments, which seem to come in tandem with rights or natural justice arguments, tend to focus on freedom, parental choice and the rights of minorities. In this perspective, parents have the right to educate their children in the ways they choose. The state has no inherent or prior claim on children, their minds or their time.40 It has only such claims on children as parents designate. In reality, the state does have a claim on parents’ taxes, however, and can thereby exercise significant coercive power over parents and their children. Governments the world over, despite signing such documents as this particular U.N. declaration, continue to use school classrooms as their front-line apparatus for socialization of children into patriotic and national values.

The Statist, Utilitarian Social and Pragmatic Perspective

This approach to questions of religion in education is usually taken to counter the rights arguments mentioned just above. These arguments start with a question something like: “How does one teach people how to get along in plural settings?” After pointing to linguistic, cultural, racial and religious pluralism, those who prefer this line of argument then point to the common school, where children will learn together, as the obvious way for people to learn to get along. The CMEC, the (provincial) Council of Ministers of Education, Canada, published its own statement on pluralism in 1992 in its Memorandum of Agreement, “The Mission of Education and Training in Canada.”41 On the first page, they state that:

Canada is a highly diversified country in every respect. Linguistic, racial, cultural and religious differences, within and among provinces and territories, are a fundamental characteristic of its people. We
view this pluralism as a source of great richness for the country, and believe that its strength lies in maintaining a profound respect for differences.

Though the ministers do not expropriate this recognition of pluralism for the purposes of defending educational uniformity, others have historically done so and still do. In Ontario particularly, the Ministry of Education has often acted historically as if its reason for being was defence of the public school system, rather than the oversight of the education system.

The Conceptual/Linguistic Perspective

First, the concept public functions quite centrally, usually in opposition to the concept private. If one looks at such phrases as public event, public document, public person, public life, public building, and public transit, one finds that public refers to that which is open to all. The complaint in the Bal case revolves partly around the sense of inaccess—one might call it religious inaccess—to the experience at the public schools for which tax payers pay. Unfortunately, for those seeking to make public problematic, the public/private distinction is so well-established in Western, liberal thought that one encounters a kind of hegemonic resistance when one raises a question.

Informal observation of curriculum materials in Canadian schools indicates that the concept tolerance is a dominant theme in the Social Studies curriculum in general. Tolerance is lauded as a virtue in Canadian classrooms, although I am aware that intolerance is also taught, for example, with reference to smoking, or to pollution and ecology, where one view is deemed worthy of schoolchildrens’ respect and polluters are regularly identified as villains. Careful parents might want to ask that the concept of tolerance be located in a larger nexus of concepts, such as celebration, respect, assimilation, and annihilation. Perhaps schools might want to teach children that tolerance is much less than celebration and respect, that it is much more than assimilation and annihilation, and that they should learn to respond appropriately to each situation of difference they encounter.

The concept pluralism itself warrants examination, especially with reference to my own preferred term, plurality. The point is simply that -ism words usually connote the promotion of the state of affairs under discussion. Thus, plurality is a descriptive way of saying manyness; pluralism prescribes the state of plurality. Unarguably, we confront manyness in Canada: racially, linguistically, religiously and in many other ways. According to the usual way we use -ism and -ity words, we would expect this state of manyness in Canada to be denoted by the word plurality. However, we find that the word pluralism
dominates contemporary usage. We should ask why, and with what effect? We might also want to ask who promotes this unusual usage and for what purpose?

Neutrality requires attention both because it has figured historically in U.S. education law, and because it is discussed throughout the English-speaking world as an educational ideal, especially with reference to religion.\textsuperscript{45}

Indoctrination in education has already been debated for three or four decades, but still needs further thought. Philosophers of education have debated whether indoctrination refers to the (1) intentions of the teaching activity; (2) the means of teaching that violate the student’s agency and autonomy; (3) the contents that are doctrinaire; and (4) the outcome of teaching resulting in the fact that students believe things unshakeably or without good reasons. The third (content) criterion remains of particular interest to followers of acknowledged religions because, for some critics, religious teaching is the paradigm of indoctrination. One fruitful direction of exploration with regard to this term involves the term I name just below, \textit{religion}. What will we say about indoctrination if we accept the broader definition of religion—that it has to do with our at-bottom allegiances—and not the narrower definition—that it has only to do with views of life based on the supposed existence or worship of a Divine Being or Beings?

I argue therefore that the word \textit{religion} itself requires more work. Does it include only what I have called the acknowledged religions, or can the word also imply worldview and ideology? What is at stake in broadening the range of the term? And what reasons will people give to resist such broadening?

In this section, I have discussed six concepts, all of which figure importantly in the debate about religion in education: public, tolerance, pluralism, neutrality, indoctrination and religion. Some of these already carry legal weight. But they all must be made problematic if Ontario’s citizens, especially its religious minorities, are to realize justice.

The Religious Persons’ Perspectives

From the viewpoint of a follower of one of the acknowledged world religions, how do Ontario’s schools handle religions? Of course, there is no single viewpoint here. Broadly speaking, some members of most religions are content, while others express concerns, reservations and even outrage. In other words, dividing lines do appear.

Among Muslims, for example, a majority of those in Ontario avail themselves of the public schools. This reliance on public education may not indicate satisfaction, however. Muslims in Ottawa recently sued Ottawa’s public school board over the annual school calendar.\textsuperscript{46} This suit followed Ottawa’s adjusting the school opening date in the fall of 1994 to accommodate Rosh
Hashanah but not to accommodate Ramadan. Other Muslims place their children in Islamic day schools, although transportation and tuition can render this a difficult choice for some families. A few Muslim parents have sent their children to the Timothy Christian School in Rexdale (north-west Toronto) to accomplish some of their goals. For them the school is at least not secular, although the religion is not that which they would prefer to be taught.

Sikhs face similar difficulties, as I noted earlier with reference to the Bal case. At the same time, of course, many Sikhs are content with the education provided in Ontario’s public schools. Like Sikhs, Christians are not unanimous in their judgments about public schools and what should happen in them, or about independent schools. The point of this very brief discussion remains, however; many religious persons take a decidedly negative view of the secularization of Ontario’s schools in the 1980s and 1990s.

Conclusions and Proposals

How should a province such as Ontario proceed, given its need to satisfy so many constituencies? As I warned I would do, I propose a combination of three approaches: opt-in RE, respectful EAR, and what I will call worldview teaching across the curriculum.

Elgin found opt-out RE traumatic for those students required to leave a classroom in order to avoid what would be taught there. Opt-in RE would satisfy this concern. In middle and senior schools, schedules can facilitate students’ opting in to RE instead of out. Just as they presently walk into specific rooms for their courses in language, math, science and the like, students could walk into a room for instruction in religion. Perhaps not all parents will want their children to study religion; as Quebec has already done, Ontario (or any other constituency adopting this approach) would have to provide some option to accommodate such persons.47

By respectful EAR, I mean education about religions that attempts to give voice to the followers of the respective religions. Much EAR seems either to reduce religious belief simply to that which people believe or to examine only its history. Some EAR gives students the impression that all religions are equally true (and therefore equally untrue). Respectful EAR would attempt to view each religion as it is viewed by persons on the inside of that religion. Granted, by definition, this is impossible for anyone but an insider. But in curriculum development and in pedagogy, such respect is not impossible. Using materials written by insiders, or at least those vetted by them, is one step toward showing such respect. Using classroom guests who are insiders to religions is another.48

My third suggestion, that we teach worldviews across the curriculum, connects with my desire to make religion problematic. All students and teachers
need to recognize that we all base our lives on certain foundations and that we all
direct our lives toward certain ends. On this account, both the Sikh and the
person who checks "No religion" on the census form actually live according to
certain basic convictions and allegiances. Educators, especially to the degree that
they talk about critical thinking, ought themselves to recognize that they, as well
as their students, live according to a worldview, even if they do not reflect daily
on what it is. Were the educational establishment to recognize the central role of
worldviews in daily living, members of (acknowledged) religious minorities
would have a much easier time gaining recognition of their educational rights
within Ontario education.

I do not pretend that these three movements or gestures would solve all
the problems raised by recent court cases or by the cultural, racial and religious
plurality that is present-day Ontario. But they would do much to meet the
growing list of apparently irreconcilable demands.

NOTES

1. The radically mis-educative character of this approach still escapes some in the
debate on religion in education. How one could claim to educate broadly while ignoring
any aspect of life—economic, social, numeric, jural, moral, biotic or religious—is
beyond the present author's understanding.


3. With a text by this author, Worldviews: The Challenge of Choice (Irwin, 1996). How schools will handle religion in Newfoundland's schools as a result of the 1997 referendum to end church-control of education remains to be seen.

4. Alberta 1988 School Act, S33(1) and S25(1)(e), and letter from Lloyd E. Symyrozum, Alberta Director of Curriculum, 1992.10.23; letter from Arleen Hynd, Saskatchewan Deputy Minister of Education, 1992.10.15.

5. Titles such as Mary L. Allen's Education or Indoctrination (Caldwell, Idaho: Caxton, 1955) illustrate the tension some see at the right end of my continuum. The most recent substantial work on indoctrination is Elmer Thiessen's worthwhile Teaching for Commitment (Toronto: McGill-Queen's University Press, 1993). Thiessen deconstructs the argument that RE necessarily implies indoctrination.

6. At some points in this chapter, the context does not make clear whether I intend the problematic or the unproblematic sense of religion. In those cases, I mention which
meaning I intend. Parallel with that distinction, I use *RE* to refer to religious education within the acknowledged religions such as Christianity, Islam and Jainism, and *religious education* to refer to education toward any of the ends, goods, ideals or worldviews I included in the wider sense of *religion* I have differentiated.

7. Although the second answer contradicts the first, that contradiction is not obvious to all.

8. An interim policy actually went into effect on September 28, five days after the Zylberberg judgement.


11. Actually from S.4(5) of *Ontario Regulation 298.*


14. More comment on the erasure of vestiges of Christendom appears in the section below.

15. The Glenn Watson Report (*The Report of the Ministerial Inquiry on Religious Education in Ontario Public Elementary Schools*) was in the middle of the Elgin County controversy. The Watson Commission was struck on January 12, 1989, and reported in January, 1990. It recommended compulsory “Religion Studies” for one hour per week in elementary schools. Watson recommended that all religions were to be studied in non-doctrinaire ways, that one-third of the content was to be about the Christian religion, and that no exemptions from class were to be allowed.

Elgin County accepted the argument that opting-out of class was traumatic for the students who physically left a room to avoid religious instruction. Presumably, schools could, if they wanted, find ways to schedule and structure instruction to prevent the necessity of such physical movement (some variation of opting-in). Watson anticipated Elgin County nicely by calling for EAR instead of RE, and then by disallowing opting-out. Given that some parents wish for their children no instruction about religion at all (not even EAR), the MOE and school boards may be required to act courageously and offer in public the argument that religion is an aspect of life as real as any other aspect and that just as children cannot opt out of mathematics, they cannot avoid studying about religion.


17. On February 28, 1990, an interim policy was released by MOE, which served until January 1, 1991, when *Memorandum #112* (passed in December 1990) took effect. *Memorandum 112, 2.*
18. This guideline document does include an extended quotation about indoctrination that was quoted in the Elgin case (with source noted: from Religion in the Public Schools, a 1986 publication from the American Association of School Administrators, which had, in turn, been quoted from a statement by the Public Education Religion Studies Centre, Wright State University; on p. 7 in Resource Guide and pp. 52–52 in Elgin County judgement). The passage in question warrants mention both for what it says and for what it fails to say, especially in light of how important this quotation appears to have become in Ontario education. (It may also warrant examination because of its origins and genealogy!)

The quoted passage uses language like “convert,” “press for student acceptance,” and “conform [to a particular belief]” to indicate the Court’s (and now, presumably, the MOE’s) concern with the intentions and methods of those who sponsor and carry out school-based education about religion. Teachers are not to “impose any particular view” or “teach ... what to believe.”

In summary, the “school’s approach to religion is one of instruction, not indoctrination.” The summary point (actually the third of eight points) contradicts the rest of the list. The other items on the list work toward establishing a definition of what kinds of instructional aims and activities indoctrination includes and excludes. In doing so, they make clear that indoctrination happens through and during instruction. In Elgin County schools, the problems that led to the Elgin case arose in the first place because Christian ministers were in Elgin Country schools giving instruction.

Contradictions notwithstanding, the list now appears as part of the Resource Guide for elementary EAR, and regardless of how little articulation exists between it and the current discussion of indoctrination within philosophy of education, this much-quoted list now has the status of law in Ontario.

19. The Elgin judgment drew that citation, in turn, from an American college textbook.

20. Applicants are: Monahar Singh Bal, Douglas Barron, Albert Dreise, Sajjad Hanif, Marian Heinen Kits, Marvin McDonald, Zeyad Sakaa, Darshan Singh. The Ontario Multi-Faith Coalition for Freedom in Education is sponsoring the case.

21. The Attorney General and MOE drew on the expert witness of Mr. Clive Beck, a leading thinker in moral education, and full professor of philosophy of education at the Ontario Institute for Studies in Education. Interestingly, Beck’s defence of the possibility of schools being neutral regarding religion rests partly on the work of Paul Hirst, a leading philosopher of education, who has, in the last two years, rejected his earlier views of religion and neutrality.

22. At the time of writing, Muslims in Ottawa are suing over the structure of the annual school calendar. This suit followed Ottawa’s having adjusted the school opening date in the Fall of 1994 to accommodate Rosh Hashanah but not to accommodate Ramadan (Abdul-Kareem Abdul-Aziz and The Islamic Schools Federation of Ontario vs. Ottawa Board of Education).

24.  Ontario is not exceptional in taking this approach, however. The material from most provinces similarly tips the hat to abstinence, usually with a single paragraph, but then proceeds to explain in great detail how to become sexually active without contracting AIDS or STDs. A paragraph on abstinence followed by eighty pages of instruction on how to live while abstaining from sex might give greater credence to the contents of the single paragraph.

25.  Parading and ethnicization remain concerns. Will repeated, passing and shallow exposure to rituals ratcheted out of their historical and cultural context possibly inoculate children to spiritual reality?

26.  Shortly before the time of writing, the Supreme Court of Canada heard and gave its judgment in the *Adler/Elgersma* case, a petition by the Ontario Jewish Congress and the Ontario Alliance of Christian Schools to receive the provincial instructional grant that is paid to all public and Roman Catholic school boards on a per-student basis. The lowest Court judgment in *Adler/Elgersma*, on August 4, 1992, affirmed the no-funding position, although it recognized the appellants, constitutional right to funding.


29.  See, for example, the articles in the February 19, 1995, *Catholic New Times*: “Educational Justice Can’t be Only for Catholics” (p. 5), and “Contrast in Treatment of Religious Schools Dramatized by Events in Ontario” (pp. 1; 9).

30.  In one study, many Christian schoolers reported that they were freed from the constant struggle for funds so that they finally could concentrate on issues of identity and how that might be reflected in the curriculum and other parts of the school program. See Harro van Brummelen, “The Effects of Government Funding on Private Schools: Appraising the Perceptions of Long-Term Principals and Teachers on British Columbia’s Christian Schools.” *Canadian Journal of Education* 18, 1 (1993): 14–28.

31.  Those independent school advocates who argue that the MOE often seems to function not as the ministry that oversees all Ontario education but also as the agency that protects state schools, find more evidence for their view in cases such as this one.

32.  Among the three Christian school organizations, various standards are required. By policy, member schools in The Ontario Alliance of Christian Schools (associated with Christian Schools International) require an education degree (equal to the state school requirement) plus five courses taught under auspices of Ontario Christian School Teachers Association. Many teachers lack at least one of these certificates, and a few lack both. Teachers in ACSI (Association of Christian Schools International) school are encouraged but not required to become certified. Staff at ACE (Accelerated Christian
Education) schools are encouraged not to become certified. The ACE philosophy is adamantly anti-statist and holds certification to be an unwarranted state intrusion into church and home.

33. Based on anecdotal reportage only, I state that many teachers in both A.C.S.I. and C.S.I. schools hold views far more liberal than is known by their employing boards, their students, or even their administrators.

34. Unfortunately, strident and vocal supporters of the Creation Science movement, whose origins are even more recent than those they claim for the earth, are considered by most in the educational establishment to be the voice of Christians regarding creation. More moderate explanations of how a Creator God may have worked are drowned out in the evolution/creationism controversy.

35. In Alberta, the “public” system may, by law, be the Roman Catholic system, where the local population contains a majority of Roman Catholics. This is the case in just one municipality.

36. The number of variations is increasing rapidly, with several provinces making massive changes to school laws.

37. For a hostile example, see Not Carved in Stone, Renton H. Patterson (Burnstown, Ontario: General Store Publishing, 1992).

38. Stephen L. Carter has ably reviewed those cases in The Culture of Disbelief (New York: Doubleday, 1994). He addresses the ban on school prayer, the teaching of scientific creationism, the right of parents to exempt children from educational programs on religious grounds, and voucher programs. He argues that the constitutional separation of church and state is right-headed, but does not require the elimination of religion from all public debate. See especially his ideas on religion in public education (chs. 9–10).

39. Other American cases with important bearing on our discussion in this chapter include (1) Pierce v. Society of Sisters, the 1925 case that struck down an Oregon law requiring attendance at public schools, as long as the religious school attended in their stead has an educational program that meets certain minimum standards (“The child is not the mere creature of the State ...”;) 535); (2) Everson v. Board of Education, the 1947 New Jersey case which established that parents could be reimbursed for costs of busing their children to a religious school; (3) McCollum v. [Champaign, Illinois] Board of Education (1948), which struck down a compulsory released time program involving church teachers on public-school premises with co-operation between school officials and a religious council as an impermissible aid to religion; (4) Zorach v. Clauson, which in 1952 established that a New York City release time RE program was a permissible accommodation of religion, because it was held off the school grounds, and to deny the program would be to show “callous indifference” to traditions or “hostility” to religion; (5) Abingdon in 1963, established that learning about religions in public schools is helpful in understanding their cultures; (6) Epperson v. Arkansas, which determined in
1968, with reference to the teaching of creationism but not evolution, that states may not adopt programs or practices that "aid or oppose" any religion [a conclusion leading this writer to ask if the state should therefore teach nothing?]; (7) Mozert v. Hawkins County Board of Education (1984–1988), which raised the question of whether coerced exposure to value systems different from those of a [fundamentalist] child's parents' values is unconstitutional (in this case, the parents' claims that schools should not teach tolerance; (8) Edwards v. Aguillard (1987), which struck down creation science teaching in Louisiana because it had a religious purpose.

40. A principle recognized in several U.S. religion in education cases.
43. This is based on observation of materials brought home by my own children over the last nine years in Regina and Toronto.
44. This distinction comes largely from Cal Seerveld and Paul Marshall's contributions to the Inter-disciplinary Seminar at The Institute for Christian Studies in 1992 and 1993.
46. Abdul-Kareem Abdul-Aziz and The Islamic Schools Federation of Ontario vs. Ottawa Board of Education.
47. Quebec provides Roman Catholic and Protestant RE when parents request that it be taught. A "non-religious" course known as Moral Education must be provided for those students not enrolled in the RE courses.
48. Such a possibility raises again for some the possibility—or even the likelihood—of indoctrination. I would respond that a regular classroom teacher can as easily indoctrinate student as a guest representing an acknowledged religion. In fact, the accumulated authority of the regular teacher may make indoctrination more possible than it is for the guest. Rather than focus on the religious qualifications (for critics of RE and EAR, this should probably read disqualifications) of the guest, those concerned about indoctrination might want to examine the personal dispositions of all persons in classrooms. My own search for the right disposition leaves me with such words as generosity (which to some sounds patronizing), and words from the whole group that include impartiality, fairness, and evenhandedness.