Religious Diversity in Canadian Public Schools
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Introduction

This work is grounded in the notion that “the very idea of law must be autobiographical.” As Martha-Marie Kleinhans and Roderick Macdonald explain, “the perspective of legal meaning moves through a circle of narrative construction by a dynamic, creative subject.” My interest in schools and religion is influenced by my own lived experiences. My parents’ stories about growing up Jewish in the 1950s and 1960s, my mother in Montreal and my father in Tehran, and their experiences of school, as well as my own, inform not only my understanding of religion but also the legal and relational framings in which they occurred.

My mother’s family came to Canada from the four corners of Eastern Europe in the early 1920s, some to escape earlier pogroms that had touched my extended family, while others simply had had the foresight to leave while it was still an economically viable option. By the 1960s, most of Canada’s Jews were found in either Montreal or Toronto. According to Harold Troper, these two cities differed greatly from each other, which shaped how Jews – and other religious groups – engaged in relationships:

Montreal, long characterized by lines of separation between linguistic and religious boundaries, remained a city of boundaries – territorial boundaries, boundaries of imagination, boundaries of language, and boundaries of possibility. Montreal’s Jews lived very much within their geographic, linguistic, institutional, and mind space, at once part of the larger city yet in many ways separate and distinct from others with whom
they shared the same urban complex. Toronto, by contrast, was far more fluid.4

This lack of fluidity has been remarked upon by other authors when speaking about Jews in Montreal, suggesting that they even constitute a “third solitude,”5 beyond English and French populations in Quebec, reinforcing the boundaries between communities of belonging.

My mother’s family, like many others at the time, was considered observant but not religious. In practice, this meant that her family kept kosher and observed the Jewish holidays. Yet subtle but substantive differences existed within her family structure as well: for example, her maternal grandparents observed the Sabbath pedantically, but her paternal grandparents much less so. At that time, only deeply religious children attended Jewish day schools in Montreal. My mother, then the eldest of three children, attended Barclay School, an elementary (primary K-7) school in Park Extension, then a predominantly Jewish neighbourhood in the post–Second World War period.6

At the opening of each school day, my mother, like all other students, was expected to recite the Lord’s Prayer and sing accompanying hymns, since Barclay School was part of the Protestant School Board of Greater Montreal (PSBGM). Yet she recounts an unspoken understanding between Jewish students attending Barclay, to mouth the words to the Lord’s Prayer and hymns, and not actually speak or sing them. This is to say nothing of the Protestant children attending the same school who may have also chosen to remain silent during this time.7 This gesture, albeit accomplished without conversation, can be seen as an act of resilience or resistance in the face of majoritarian practices: it is, in other words, an illustration of children’s agency and imagination. Despite the expectation to conform to what I refer to here as a “Protestant ethic” (or Christian religious practice), the school did take its significant minority population into account, since the PSBGM school calendars had all the Jewish holidays marked off as “JH” and administrators, teachers, and students alike did not expect the Jewish children to show up on those days. My mother was considered, for all intents and purposes of the school board, an “honorary Protestant,”8 yet very much a Jew.9 Anecdotally – and yet without contradiction – she recalls participating in Christmas
pageants at the school and also celebrating Christmas morning with her Protestant friend.

My father’s story is that of an immigrant to Canada. His family were entrenched Baghdadi Jews until 1948, when they left Iraq for Tehran as a result of ethnic backlash and the creation of the state of Israel. As one author explains, “[b]etween 1950 and 1951, some 120,000 Jews – approximately 90 percent of the Iraqi Jewish community – left for Israel and the West in the whole-scale emigration the emigrants referred to as the tasqiî.”10 My father’s family was part of this mass wave of emigration, and this exodus coloured their everyday lives. My grandparents grew up speaking French and English, on top of Arabic and Hebrew, and then Farsi. My grandfather was educated in a religious Jewish school in Bagdad, where students learned mainly prayers and services by rote. He had memorized everything and could recite without looking at a text, a skill he retained until his death. My grandmother, on the other hand, although culturally Jewish, was unobservant and agnostic, and attended the Alliance française in Baghdad, like her mother before her.

My father, a young polyglot, was enrolled in the Community School in Tehran. Run by American Presbyterian missionaries, the school was attended by children of American ex-patriates, foreign diplomats, journalists, and a growing Baghdadi Jewish transplanted middle class. The “American School,” as it was known, walked a fine line, as my father explained, “between proselytizing Christianity and a broad secular identity that respect[ed] students who [we]re Muslim, Jewish, Zoroastrian, Hindu or Sikh.”11 The school was closed on Fridays to respect the Muslim Sabbath, holding classes from Monday to Thursday, and then again on Saturday.12 And although Tehran was abuzz with activity on Sunday, the Community School was closed to respect the Christian day of rest. Jews attending the Community School were in a state of constant religious in-betweens. My father recalls pictures of Jesus and crucifixes hanging in each classroom; every school day began with a general assembly featuring prayer and hymns in the chapel. He was a member of the choir that put on a Christmas program of hymns every year; indeed, many choir members were Jewish but they joined voluntarily and enjoyed themselves, according to my father. In addition to academic courses (e.g., math, geography, history), all students had to enrol in Bible class (New Testament) and were given grades that
counted, as he put it. My father notes that these latter classes were taken with a sense of humour, and students argued incessantly with teachers about whether or not Jesus was the Son of God. Even more striking, during my father’s time at the school, no fellow student ever converted, despite the school’s missionary ethic. Outside of the Community School, my father was enrolled in Jewish and Hebrew classes at his synagogue in Tehran; it was all very perfunctory, mainly to prepare him for his bar mitzvah. Although the classes were well attended, few students took them seriously, and the great majority of students were more interested in Western culture and looked to America for inspiration. Under the cover of darkness in early 1965, my father’s family made their move to Canada, where my father completed his high school education in Montreal. Following the Iranian Revolution in 1979, Tehran’s Community School permanently closed its doors in 1980.

My own experience of education in Quebec began with the public school system in Montreal, via the then Catholic school board. However, I did not continue my education there due to a student’s repeated anti-Semitic behaviour, unpunished by both his parents and unsanctioned by school administrators at the time. As a result, I found a place in the lycée system – the international networks of schools that share the French national curriculum – much like my paternal grandmother and great-grandmother before me. I continued with Hebrew school on Tuesday afternoons, after my other school time had finished. And although the lycée was undoubtedly Catholic in its roots, religion did not play a central role in the school and thus was very welcoming to all kinds of ethnic and religious minorities. Religious education at the lycée reflected the provincial government’s vision at the time, with students choosing between catechism and moral education classes. Moral education was populated by those who simply did not want to receive a course in religion or who were part of another religious denomination.

Some might think that my story and those of my parents are merely anecdotal – or jarring to the legalistic narrative of law, religion, and education. Yet they represent located experiences of religious minorities navigating confessional school systems, both inside and outside of Canada. My parents’ experiences deeply influenced my understanding – and questioning – of identity and student experiences. Their stories speak to how
education and religion mixed in previous generations, and to their long-term pedagogical, political, and identity-based effects. Most importantly, their experiences offer situated lessons in nation, education, and diversity. My school experiences also resonate with Macdonald and Kleinhans’s autobiographical approach to law, as I draw on them to inform, question, and challenge my understanding of religion in public schools, to which I now turn.

Stories of Religion, Education, and Law

I’ve addressed you as “Justices,” as I ought, but, given the nature of this case, I would like to suggest that I read to you a book because, to some extent, this is a book for children of all ages.

– Joseph Arvay, counsel

The story of contested books destined for kindergarten and pre-kindergarten begins here before the Supreme Court of Canada in Chamberlain v Surrey School District No 36. Rarely, if ever, does one get an opportunity to read a child’s book to Supreme Court justices, as Joseph Arvay did. Yet the story behind the story serves as the foundation for my work in this book, namely, to analyze the relationship between public schools and religion in the Canadian context. This book examines the complexities of hearing children’s voices and relationships to their communities of belonging through three Supreme Court of Canada cases by revisiting the documentary record. When conflicts arise in the school setting and are brought before the legal system for adjudication, this process often strips away the issue of children’s voices. It shapes the argument in a linear way and forces multi-dimensional conversations into a confrontational legal format. A better space for these types of deliberations, I suggest, is in the schools. Such an approach would enable schools, which are constitutive of their own rules and relationships, to find organic solutions appropriate to local conditions. In addressing such questions, schools should be guided by doctrines of substantive equality. This book invites readers to critically rethink the role of law in the Canadian educational paradigm.

Public schools have long been entrusted with a unique mandate, that of socializing society’s children. Beyond parents and their particular community of belonging, schools and educators embody an ancillary form of
knowledge, what Karen L. Robson has referred to as “secondary socialization,” within the child’s social system. This occurs while children learn necessary skills associated with mathematics, the subtleties of language, and many other core subjects. Yet familial and educational forms of socialization can also lead us to interrogate and question the validity of these systems. Religion’s place in these public schools engages us in a deeper reflection of how we articulate and situate our identities, as both individuals and members of communities. Public schools embody a shared mission – and vision – of education and thus create an inimitable site of scholarly investigation about religion, secularism, and community.

There has been a remarkable number of cases on the intersection of religion and public schools over the last two decades in Canada. These include cases about kirpans in schools, books about same-sex parents and school curriculum, distribution of Bibles in schools, dissemination of religious materials on school grounds, requests for prayer space, ethics and religious culture programs, exemptions from religious education programs, accommodations for religious beliefs from school boards, and inclusion of non-minority faith students in subsidized public schools. Indeed, many, if not most, of Canada’s defining moments in matters of religion and (public) education law have come about in the last twenty years.

Religion and education are by no means merely a Canadian issue: they are also a matter of great import across multiple jurisdictions over the same time frame. In Europe, mandatory collective worship in schools, crucifixes in classrooms, exclusion from school for wearing religious garments, and admission policies to religious schools have further fuelled considerations on religion and education. Myriam Hunter-Henin notes that many claims launched before the European Court of Human Rights following the 2004 French law on ostensible religious symbols in schools were found to be inadmissible. The US Supreme Court has examined cases involving student-led and initiated prayer at football games as well as a pledge of allegiance policy as applied to elementary school students. An interim report released by the UN Special Rapporteur on Freedom of Religion or Belief in 2015 recommended that further attention be placed on the child’s right to freedom of religion in the setting of international law. A further 2017 interim report by the same rapporteur underscored the particular
importance of schools in that context, confirming the importance of freedom of religion in various national, supranational, and international settings and reiterating its continued relevance as a domain of study.

Vestiges: Religion and Education

Litigation creates a record of what happened, regardless of the outcome. The story told in this record is important in and of itself. It will be argued here that not enough attention has been given to the documents that not only make up the court file but also create, to a great extent, our understanding and perception of these children and their relationships. Carol Heimer speaks about documentary practices in organizations, noting that “the bureaucratic uses of documents often assume that someone outside the organization will have a rather different relation to the subjects of their documents.” Her words resonate deeply within the legal setting. This requires that we pay close attention to how the legal record is shaped, by whom, and according to what internal processes. Particular consideration is given here to how the particular sources are employed, quoted, obliquely referenced, or ignored by the judge.

Of the ninety or so cases that have argued for freedom of religion before the Supreme Court of Canada, only one-tenth have involved children. Religious litigation involving children has revolved around either education or health. This initial conclusion should give us pause. We could wonder how discourses on religion shape or are refashioned through the vectors of health and education. We might reflect on how children are characterized in these conversations and, relatedly, what kind of voice they are given and how their claims are heard. The preliminary considerations regarding the place and space occupied by education and health jurisprudence involving children merits further attention. The late Joe Arvay’s words that introduce the previous section on religion, education, and law also invite us to ask how these stories can be told differently.

In focusing on the remaining education cases from the initial cases on freedom of religion, I zero in on litigation due to a religious practice in an institutional space or a religious education program. Three singular cases retain my attention in this book. The rationale behind this case selection can be understood as recognizing the triangulation of the relationship between the state, the parents, and the children. The focus on public schools,
rather than all schools (public and private), grounds my analysis in a shared understanding of school spaces. Private schools are not exempt from either initiating or being on the receiving end of legal challenges arising from religious diversity and education; however, these schools proceed on a confessional framework and thus are predisposed towards the inclusion of religious instruction. The choice of public schools in this case selection insures a commonality of actors and spaces for the legal analysis and for the broader scope of this book’s narrative. Three cases corresponded to the criteria previously identified: Chamberlain, Multani, and Commission scolaire des chênes. I ask the reader, therefore, to reflect upon the following three stories as stories here, and to bear in mind that they also represent legal cases and therefore sites of legal storytelling:

- James Chamberlain was a teacher who wanted to bring in additional educational resources for kindergarten and pre-kindergarten students in order to share more inclusive stories about families. Titles included Belinda's Bouquet, Asha's Mums, and One Dad, Two Dads, Brown Dad, Blue Dad. The school board trustees blocked these books because they did not reflect the well-being and best interests of children and their families, and were not in line with their religious beliefs about familial relationships. The school board’s decisions were appealed by judicial review before the courts because the school board had overstepped its mandate and contravened the secular mission of schools.

- Gurbaj Singh Multani, a young adolescent student of Sikh origin, dropped his kirpan, a ceremonial dagger, in his school courtyard. The school board reached an understanding with Gurbaj and his parents about how he could carry his kirpan in school. The governing body of the school board, however, rejected the internal agreed-upon decision and suggested instead a symbolic kirpan made of a non-dangerous material; the council of commissioners of said school board confirmed this decision. The latter decisions were appealed to the court by way of judicial review because they had substantially infringed the student’s right to freedom of religion.

- A student, known only as X, wished to be exempt from an ethics and religious culture program from the Commission scolaire des chênes. This program, mandatory in all schools, was designed to present one
course to all students, irrespective of their (ir)religious background. This vision of education clashed with the student’s and his parent’s understanding and education regarding their Catholic upbringing, which provided the support for their appeal for exemption to the school board. The school board refused the exemption, paving the way for review before the courts.

Although all three of these stories differ in terms of litigious content – books, kirpan, and school curriculum – cross-current themes are present. These include the need for encounters with diversity (and a diversity of encounters), the articulation of school boundaries (the expected behaviour on school premises as opposed to outside of school grounds, for example), the presence of some voices and the exclusion of others, the internal decision-making processes, and finally the existence of an actionable cause before the courts. Taken as a whole, Chamberlain, Multani, and Commission scolaire des chênes engender a singular narrative on religion and public education in Canada.

As readers will no doubt discern, there is a Quebec-centredness in litigated education cases in Canada. Setting aside the education and religion cases, one could also argue that there are a disparate number of litigated cases on freedom of religion from Quebec before the Supreme Court of Canada. During the corresponding time frame, an equivalent number of freedom of religion cases were contested before the Supreme Court of Canada in the rest of the country. With regard to the Quebec focus of recent freedom of religion litigation (roughly from 2004 to 2012), Sujit Choudhry has suggested that these cases map the linguistic cases from the 1980s, insofar as “it can be said that modern Quebec nationalism is as much about secular nation building as it was about linguistic nation building.” Choudhry’s nation-building argument has perhaps aged less well in the intervening years, as the freedom of religion cases have come from both within and outside of Quebec, pulling at the fabric of Canadian society as a whole, rather than constituting a unidirectional strain on our national composition.

The secularization of public schools in Quebec, achieved through a constitutional amendment in 1997, has resulted in several (litigated) discussions about how, where, and whether religion should be and is taught
in these schools. Some could argue that the Quebec cases on education and religion are outliers – remnants of French Quebecers’ tenuous relationship with the Catholic Church – and thus should be excluded from the wider conversation on this subject. Rather, many of the questions asked in the Quebec cases are emblematic of broader discussions on this topic. These questions invite us to think about how educational spaces and curricula are shaped, and about their historical (religious) remnants, which remain embedded in the current-day legal discourse.

Whereas other authors have engaged with some parts of the educational and religious identity debate, this book focuses on an arc of cases on religious diversity in the setting of public schools in Canada, to construct a narrative of these issues. This approach offers a comprehensive analysis of religious diversity in public schools in Canada in order to reconsider the role of law. In this context, this work privileges the child’s position and voice, elements often absent from discussions on the place of religion in schools; as such, they will complement other works that focus more broadly on curricular control and concerns and teachers’ rights and obligations. This research employs a rich mixed methodological framework, drawing on background information, evidentiary files, and administrative frameworks, thereby offering a distinct landscape for inquiry beyond judicial decisions and outcomes. While the research is derived from the Canadian context, it will no doubt resonate with scholars thinking about diversity, children and the law, education, and decision-making processes beyond this jurisdiction.

More broadly, this book engages with questions about education, identity, and citizenry, and therefore enhances ongoing reflections as seen in contemporaneous works by Suhraiya Jivraj, Benjamin Justice and Colin Macleod, Robert Vipond, and Kyriaki Topidi. As these authors each note, education is profoundly interlaced with questions of citizenship and belonging, and ultimately represents a powerful shared concern.

Finally, it is impossible to engage in a discussion on education, identity, and citizenry without recognizing, almost in the same breath, that schools can also be sites of inequality, racism, and bias. While this book does not purport to do a deep dive into all these issues, I acknowledge that they are part and parcel of education’s landscape in Canada. Ultimately, this awareness informs how differences in belonging are shaped and how we construct
our understanding of education. As Katherine Lyon and Neil Guppy note in their recent longitudinal review of research on race, ethnicity, and inequality in Canada, the "education story related to race and ethnicity is in Canada a more complicated, decentralized narrative with sensitivity to Aboriginal, linguistic, and religious fragmentation necessary as well."\textsuperscript{57} Lyon and Guppy’s diagnosis should give us pause for thought when thinking through education’s architecture and the effects in both shaping and educating students. Some have pointed out that structural or institutional effects of racism and bias have particularly deleterious effects on racialized\textsuperscript{58} and marginalized\textsuperscript{59} minorities in the school system in Canada. Others stress that the issue of racism in schools may be sidestepped by way of jest.\textsuperscript{60} While provinces across Canada have enacted inclusive policies to counter discrimination in education,\textsuperscript{61} it remains a live issue, before the courts of both law\textsuperscript{62} and public opinion.\textsuperscript{63} As such, it becomes impossible to ignore these concerns or their effects on students’ understandings of belonging within education’s domain.

**On Method**

I draw on the primary sources from selected cases in order to establish the methodology that undergirds this book. This is accomplished in two ways. First, it requires focusing on the evidentiary record, as established by the parties when the case first went to trial. Included in these often voluminous files are the original introductory or declaratory motions that led to adjudication. Other documents of interest contained in the evidentiary record include affidavits, transcripts of examinations and cross-examinations, court transcripts, expert reports, newspaper articles, and appended or subsequent legal motions. These documents form the basis for the qualitative document analysis contained in this book. Second, the book engages in qualitative empirical legal research through chosen Canadian case studies. Three case studies anchor my legal analysis, as noted above, and are woven throughout the book.

I draw on legal stories to provide context\textsuperscript{64} for how children are discussed, spoken about, and spoken to, as well as for how they respond when faced with questions about their community of belonging in the context of schools. I am interested in stories that are mediated through law and that unpack the narratives behind the legal categories. I speak of both
“stories” and “legal storytelling”; although each of these terms will be more thoroughly unpacked in Chapters 2 and 3, an initial distinction is provided here to guide the reader in their use. “Stories” refers to the recounting of an event, which can include narratives. Telling a story, therefore, or the act of storytelling, engages the teller of the tale in choosing facts, context, and perspective, which can, consequently, shift the perspective of the tale. In other words, relevance is the filter for stories. This takes on a different qualitative dimension in law’s story (or stories) through legal storytelling. “Legal storytelling” refers to the litigation stories told in court, relying on the evidentiary record established by and for the court, encompassing the stories told by the parties, either directly or indirectly through their lawyers, as well as the judge’s rendering of the stories, not to mention expert reports and testimony, and court transcripts. The act of recounting an experience through this lens also underscores its relational aspect, where “[a]ttentiveness to the relational context reveals how relations of trust, belief, acceptance and equality allow the narrative voice to flourish, and how relations of coercion, inequality, distrust, and skepticism or silence can restrict stories.”

Seeking out only individual discourses by children can present a false image of how these relationships and exchanges occur, and can also construct a distorted sense of agency. Rather, I use children’s narratives to illustrate the importance of relationships, since they enable research from within the existing system, to borrow from Jennifer Nedelsky. I draw from these experiences of learning and therefore build on the relationship not only between writer and reader but also between teacher and student. Finally, I underscore the fact that voice is not simply about speaking vocally: this suggests a reorientation in how we appreciate one’s voice, as well as the space it occupies, and therefore how we hear one’s contribution. The shift from visual cues to vocal ones is also addressed by Desmond Manderson, who suggests “the changing paradigms of our age involve a movement from the visual to the aural, which is itself a movement from monism to pluralism.”

Finally, children are often characterized by law as a “fragile” or excluded group, which leaves them particularly exposed within the legal setting. Exploring how children are talked about within freedom of religion cases is therefore crucial to understanding the legal story that is then told.
Moreover, stories about difference or exclusion can arise in different media. Legal narratives (or stories) are employed here, as told by the parties to the court, in order to illustrate that children’s voices are often excluded from the legal process when questions of freedom of religion arise. Moreover, despite a reapportioning of power between the state and the parents in such cases, it is rare that children gain more place in law’s arena. Indeed, as Martha Minow has argued, state intervention is always present to some degree. She refers to this as “latent power” and suggests that the state can therefore never truly be neutral or be an “uninvolved” party.72 The specific vision of childhood, as proposed by the United Nations Convention on the Rights of the Child, suggests that children’s rights are evolving and progressing with regard to education and religion.73 Thus, parents and the state retain important rights in this educational process.

**Chapter Overview**

This book sets out stories of religion and schools in Canada, both within and outside of the courts, over the course of five chapters. It does so by retelling the stories of three prominent cases in the area on the basis of court documents, and posits that children’s voices are marginalized in these cases. This book argues that the legalization of disputes in this area stymies local problem solving and opportunities for children’s participation at age-appropriate levels. The case studies explored here act as a unique form of shorthand to speak about the nation, education, and diversity.

**Chapter 1** examines how education is understood through the multi-layered legal framework in Canada. Education can be one of the three pillars of religious socialization (school, church, and home). This chapter argues that schools constitute a distinct territory – and thus scale of analysis – and consequently a specific space for legal analysis. **Chapter 1** sets the stage for the following chapters, which address children’s belonging in/before the courts (**Chapters 2 and 3**) and in institutional spaces (**Chapters 4 and 5**). **Chapter 2** engages in depth with the legal trajectory in three cases (**Chamberlain**, **Multani**, and **Commission scolaire des chênes**) to focus particularly on the litigation stories told in court. The chapter relies on the evidentiary record to engage with a much more detailed examination of the various perspectives involved in these cases. In the context of this analysis, I also evaluate how law characterizes
questions involving children, education, and religion. Building on the previous thick legal analysis of Chamberlain, Multani, and Commission scolaire des chênes, Chapter 3 underscores the challenges of putting children at the forefront of these settings, and the inadequacies of children's voices in the legal setting. Approaching these cases through a “deep” analysis also forces us to decelerate when talking about religious diversity in schools, and reflect not only on whether the situation is characterized as a “victory” or “loss” but also on the relational weight of such a decision on the actors involved. In other words, Chapter 3 suggests that an attentive examination of these cases requires that we also look at the backdrop, or their underbelly, in order to understand more fully the context in which litigation emerged.

In contrast with the two previous chapters, Chapter 4 engages with a different type of analysis. It engages in depth with the administrative arc in the three case studies (Chamberlain, Multani, and Commission scolaire des chênes) prior to litigation. It argues that particular internal processes in schools can illuminate or conceal children's voices through their administrative makeup, organizational politics, and internal codes of conduct. Drawing on the insights of legal pluralism and the importance of informal sites of law-making, this chapter suggests that internal processes present a better opportunity for children's voices to be included in the decision-making process. The shift to the institutional lens enables us to examine the policy options that structure and colour students’ school experiences, and ultimately sets the grounds for Chapter 5. Finally, Chapter 5 focuses on the institutional framing rather than the formal judicial processes – more specifically, relations of belonging – to engage with the diversity questions facing public schools. This approach emphasizes the importance of law playing a preventive role in safeguarding children’s religious diversity rather than merely taking a retroactive approach in the wake of violations. Chapter 5 suggests that an institutional lens allows us to understand issues without framing them in the language of an adversarial legal dispute. Institutional problems and dilemmas that arise in specific contexts may best be resolved by considering individual differences and concrete needs, thereby encouraging a culture of inclusion and diversity. This chapter explores the promise, rather than the peril, of educational institutional framing in its everyday application, by advancing a framework
of inclusion and pragmatic problem solving rather than one of rights violation and formal legal standards.

The concluding chapter proposes that administrative and pedagogical contexts in public schools reveal a much thicker discussion about how we deal with religious diversity than solely focusing on legal disputes. Focusing on school interactions highlights their governing rules and relationships: schools, therefore, provide a deeply relational approach to rule and decision making, built on the power of relationships. As Colleen Sheppard reminds us, “[e]quality is measured by actual outcomes – by examining the effects of laws, policies, and programs on economic, social, political, and psychological well-being.” This means that we need to look beyond what formal equality under the law offers, to grasp its measurable (and contextual) value on the ground: this is known as substantive equality. The approach proposed here offers a binding agent of sorts between substance and process in the educational system. My conclusions will no doubt find resonance with other existing topics, such as the accommodation of religious holidays, prayer in schools, religious dress, the funding of denominational schools, and religious-based class exemptions. The mediation of religious diversity in public schools enables us to re-evaluate the role of law in this conversation.