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Bruce A. Collet¹

Abstract

In this article the author examines public schools in the United States as sites where immigrants and refugees express their religious identities as part of their integration processes. In particular, the author examines the schools as “sites of refuge” for refugee students. Although public schools provide refugees with opportunity for study without regard to race, religion, nationality, membership of a particular social group or political opinion (areas of potential persecution under the 1951 UN Convention Regarding the Status of Refugees), owing to their liberal and secular nature they necessarily put constraints on the degree to which students may exercise their particularistic cultural identities. Religion is an area in which such constraints are often most apparent. The article analyzes Will Kymlicka’s theory of polyethnic group rights as a possible framework for both understanding migrant ethnic cultures and integration processes generally, as well as a defense for providing accommodations for the religious identities and religious expressions of immigrant and refugee students. With conditions, the author believes that, by guaranteeing the right to refugee students’ societal culture, polyethnic rights comprise a viable framework for supporting immigrants and refugees in their integration into the United States. However, the framework works only to the degree that it is consistent with and advances liberal ends, including student autonomy and freedom.

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immigrants, refugees, ethnicity, group rights, liberalism, church–state relations

While public schools in the United States provide refugees with opportunity for study without regard to race, religion, nationality, membership of a particular social group or political opinion (areas of potential persecution under the 1951 UN Convention Regarding the Status of Refugees), owing to their liberal and secular nature they necessarily put constraints on the degree to which students may exercise their particularistic cultural identities (Cambron-McCabe, McCarthy, & Thomas, 2004; United Nations High Commissioner for Refugees [UNHCR], 2000). Religion is an area in which such constraints are often most apparent. This article examines challenges and issues that migrants face in exercising their religious identities in public schools and focuses specifically on refugees as a unique case, both with respect to the manner in which they enter the United States and the degree to which religiosity factors into their integration processes. These challenges and issues reflect questions of fundamental concern to liberals and are brought into sharper focus through an analytical framework drawn from contemporary liberalism.

Working from the above, in the first part of the article I discuss some major issues facing migrants in expressing their religious identities in the public schools and then move to examining refugees as a unique migrant group. I follow this with a discussion of the role of religion in migrant integration processes. In the second part of the article I focus on a stream of contemporary liberal thought particularly attentive to theories of self that include rather than exclude cultural membership as an important (though not necessarily fixed) constituent part. Specifically, I examine Will Kymlicka's theory of polyethnic group rights as a framework for both understanding migrant ethnic cultures and integration processes generally, and as a possible liberal defense for providing accommodations for the religious identities and expressions of migrant students. In keeping with the article's theme, I further analyze Kymlicka's framework as a viable construct for examination of refugees and their religious expression in the schools.

The article employs Castles and Millers' (2003) terminology to differentiate between "immigrants" and "refugees." First, the word *migrant* is used as a comprehensive category to refer to one who moves from one country to another. A "voluntary migrant," or "immigrant," is one who elects to migrate to a different country, usually for economic or family resettlement reasons, or both. An "involuntary migrant," or "refugee," is one who is forced to leave

his or her home country and who either is unable or unwilling to return. As Castles and Miller note, however, the difference between “voluntary” and “involuntary” is not always easy to draw, and certainly one may have experienced elements of both (many immigrants may have had experiences of involuntary migration in their pasts, and vice versa). I try to remain sensitive to this nuance throughout the work.

For his part, Will Kymlicka employs the terms *immigrant* and *refugee* (and not the term *migrant*) in his discussion of polyethnicity and polyethnic group rights. His discussion of these constructs is most fully born out in his 1996 book, *Multicultural Citizenship*. One of the chief aims of the work is to reconceptualize whether group-based rights in all cases threaten liberalism’s core commitment to individual freedom and to individual rights and whether pluralism threatens social cohesion and national identity. Polyethnic rights comprise one of three group-differentiated rights frameworks discussed in the work (the other two being self-government rights and special representation rights) and refer to rights meant to help ethnic and religious minorities express their cultural particularity without such expression acting as a barrier to their successful integration into society.¹

Kymlicka’s rationale for extending polyethnic rights to ethnic and religious minorities as a liberal response rests most fundamentally on protecting freedom. He argues that ensuring an ethnic minority groups’ equal and secure access to their societal culture means providing them with a viable context of choice. Such rights are liberal rather than illiberal, as freedom of choice is dependent on shared cultural meanings, social practices, and language. However, Kymlicka also recognizes that enabling integration involves providing equal access to mainstream culture, through such things as the provision of language training and fighting patterns of discrimination and prejudice. Yet the route toward ensuring common rights of citizenship cannot be coherently argued through asserting a conception of universal individual rights prefaced on the idea that cultural differences are “already” accommodated due to of freedom of association. This is because the state unavoidably promotes certain cultural identities and thereby disadvantages others (for instance, English as the dominant language or work weeks scheduled around the Christian calendar). To promote their stability in the face of the possible inequalities resulting from this, Kymlicka advances that a liberal view requires equality between minority and majority groups (or “external protections”). At the same time, a liberal view also requires freedom *within* the minority group or a guarantee that individuals’ basic civil or political liberties are not restricted by their own group members. With conditions, I believe that, by guaranteeing the right to their societal culture, Kymlicka’s argument

for polyethnic rights comprises a viable framework for supporting immigrants as well as refugees in their integration into the United States. However, the framework works here only to the degree that it is consistent with and advances liberal ends, most notably individual freedom and autonomy.

A note about method. The aim and scope of this project necessarily draws upon some very broad and distinct areas of inquiry, and pulling them together increases its vulnerability to such issues as oversimplification, conceptual conflation, and spurious reasoning. Hence, it is important at the onset to address the article's limitations, namely, that it is neither a legal analysis of refugee policy nor church–state relations, that it provides a focused examination of a particular stream in liberal thought, and, as noted above, though the article highlights the case of refugees, the points derived more broadly apply to a range of migrant groups and “types.” Finally, inasmuch as the article observes and analyzes religion and religiosity among migrants, it does not assume religion to be a necessary or even essential component of one's identity. Recognizing the article's vulnerabilities and defining its limitations, however, does not preclude discussion of interrelationships across the areas discussed, and indeed it is through thoughtful and rational consideration of their mutual connections that the purpose of the article is fully realized.

Migrant Minority Religions and U.S. Public Schools

Religious diversity in the United States is nothing new and indeed played an integral role in the very founding of the republic. Yet the *spread* of religious diversity in the country, in terms of numbers and types of religions, is a phenomenon unique to the past 40 years. For instance, commenting on data from the General Social Survey administered by the National Opinion Research Center, Portes and Rumbaut observe that between 1972 and 2002 there occurred a notable increase in the number of non-Christian religions in the United States, specifically Buddhism, Hinduism, and Islam. Furthermore, Pew Research Center's U.S. Religious Landscape Survey found that religious affiliation in the United States was both very diverse as well as extremely fluid (Pew Research Center, 2008). Yet two fundamental (and related) problems apparent in the literature caution against immediately associating this new religious diversity with a greater spirit of democratic pluralism and openness in the public schools. First, despite the new religious diversity, the United States still remains an overwhelmingly Christian nation (Portes & Rumbaut, 2006), and Christians have been able to influence policy making in U.S. schools in ways that religious minorities have not (Cambron-McCabe et al., 2004). This has been a particularly important matter regarding church–state relations in the schools, as courts

have shown considerable deference to legislatures and individual school boards in educational matters (Cambron-McCabe et al., 2004). Second, even where controls *are* taken for what is recognized or perceived as an undue influence of a dominant religion, the idea that public schools may somehow be “neutral” with respect to culture faces some rather daunting challenges, not only with respect to such basic things as language and dress codes but also public holidays, and even the definition of the school week itself (Kymlicka, 1995).

The above two problems, which I discuss in greater detail further on, are intimately connected to at least four broad issue areas that migrants possessing and expressing minority religions face in the public schools. First, migrants may suffer from a lack of understanding of their particular faith background from not only their teachers and the school administrative and leadership staff but also their peers. For instance, Subedi noted that the majority of U.S. teachers are White, middle-class, and “disconnected from the lives of communities of color” (p. 228) and that White teachers’ limited knowledge of the histories and experiences of students of color impedes their “ability to work with diverse populations in schools” (p. 228). In her own research on the matter, Subedi found resistance to recognizing discourses on religion among preservice teachers, particularly when religious issues interconnected with topics concerning gender and race. Her findings corroborate other work demonstrating that preservice teachers, when confronted with diverse topics, often resist new knowledge (Milner, 2003) as well as studies suggesting that the majority of working teachers refrain from questioning the structural contexts of school cultures (Bell, 2002; Sleeter, 1993; Subedi, 2006). Ahmad and Szpara’s study of Muslim migrant children in New York illustrates and adds to the above points. Drawing from in-depth interviews conducted with Muslim children in Queens, the authors conclude that the students did not believe their classmates nor their teachers understood Islam and did not believe their peers and teachers effectively drew distinctions between Islam as a practice “and the cultural differences of Muslims at large” (p. 298). Furthermore, the interviewees believed that misperceptions and negative stereotypes about Islam and Muslim values were “pervasive” in schools and that such misperceptions and stereotypes had affected them (Ahmad & Szpara, 2003; Sleeter 2001).

Closely tied to a lack of understanding diverse faith backgrounds is a *denial* of migrant minority religions and cultures. Most dramatically, this involves cases of denying minority religion migrant students the right to express their religious identities through wearing specific dress and/or their right to practice their faith through prayer, observation of dietary restrictions, or other related matters, even where such rights are protected by the Free Exercise Clause. There is growing body of scholarship addressing problems of racism, ethnocentrism, and

xenophobia directed against Muslim migrants students (Abu El-Haj, 2002; Ahmad & Szpara, 2003; Amad, 2003; Haynes, 1998; Hodge, 2002; Merry, 2007; Sarroub, 2005) and many recent cases involving denial of religion pertain to Muslim migrant students in the schools (Ahmad & Szpara, 2003; Marshall, 2006). However, others have involved different minority religions. For instance, Casey (2008) documented the 1995 refusal of the California Livingston School District to allow three young Khalsa Sikh children to wear their "kirpans" or ceremonial knives on the grounds that the symbols violated school policy, and a California statute making it a crime to carry knives over a certain size on school property. The kirpan constitutes one of five symbols of the Sikh faith, and it is required wear for observant Sikh males. The case was brought before the Ninth Circuit court, which ruled in favor of the children, conditional upon their addressing certain school safety concerns.

The official school curriculum also serves as an effective gauge in assessing inattention or insensitivity to minority religions, and by extension, an instrument of power for maintaining unequal power relations between groups. As Apple (1995) forcefully asserted, the official curriculum advances what counts as "legitimate" knowledge, which in turn influences interpretation of what counts as "real." And privileging dominant perspectives in the curriculum may well negatively influence the identities of students coming from historically underrepresented groups (Sarroub, 2005). For instance, Loewen (1995) asserts that *precisely because* of controversy associated with religion, American history textbooks tend to omit discussion of the topic altogether. As has been the case through much of the history of American schooling, the curriculum can also be a conduit for the assertion of the dominant religion. For instance, there has been political activity at the school district and state levels pertaining to teaching evolution and alternative theories in no less than 40 states. In one such case, in 1999 the Kansas State Board of Education actually rejected proposed science standards emphasizing evolution and, instead, adopted an alternative set that eliminated a requirement that local school districts teach or test students about evolution (Cambron-McCabe et al., 2004).²

A third broad area concerns problems migrants experience due to a highly individualistic orientation toward student identity at the expense of more collectivist orientations. For instance, Gibson (1998) detailed how Sikh high school students faced problems in negotiating a school culture that emphasized individual self-expression and individual reward systems rather than a communal sense of being. Generally, what is critical to note here is that religion is very often expressed as a *group and communal* activity among many newly arrived migrants (Portes & Rumbaut, 2006). As discussed later, this particular phenomenon speaks to a very deep issue concerning liberal ends.

A final problem area concerns the risk of a static rather than dynamic treatment of culture in U.S. public schools, most notably in the curriculum. This area is unique in that it is not so much about either a misunderstanding or denial of migrant minority religions but rather about framing the notion of culture itself. Principally, the issue concerns the problem of essentializing minority cultures, where such representations are treated only at a superficial level, or “added” to the curriculum without actually changing its core structure, or in ways that prevent nuanced, complex, and more fluid understandings (Banks & Banks, 2004). Eck (2000) has further documented that throughout U.S. history, such faiths as Islam, Hinduism, and Buddhism and their attendant practices have been depicted as strange, exotic, and uncivilized.

The Case of Refugees

While further research is needed with regard to how migrants generally and refugees in particular negotiate religion in U.S. schools, within the general migrant population I believe that refugees constitute a case worthy of particular attention by liberals. This is so for two reasons. The first concerns adherence to international refugee law, which depends on a commitment to human rights, and therein is of basic interest to liberals. The second concerns patterns of heightened religiosity within diasporic groups owing to factors related to the forced migration experience, and an intrinsic relationship religiosity has to integration processes. Other types of migrants of course also qualify for this discussion, inasmuch as U.S. immigration policy is informed by liberal principles, and religion plays a key role in their integration patterns and processes as well. However, refugees, vis-à-vis both the policy structures that significantly define and guide their lives and their unique circumstances and integration processes serve as a rather “heightened” case. To demonstrate the above points, in what follows I provide a brief historical overview of refugee definitions and policy and then examine the role of religion in migrant integration processes.

In the years immediately following the World War II, the United Nations began preparation for what would eventually become the central international instrument used in the determination of refugee status today. In 1949, and again in 1950, a UN ad hoc committee on Stateless and Related Problems met and reviewed a draft convention regarding refugees, submitted by then Secretary-General Trygve Lie. Between the two sessions, the UN Economic and Security Council reviewed and made rulings on the committee’s first report. The ad hoc committee then submitted a final report to the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, held in Geneva in July 1951. The outcome of this was the *1951 Convention relating to the Status of Refugees* (Grahl-Madsen, 1966).

Review of the 1951 Convention's mandate regarding refugees is critical toward understanding its cultural and political context, as well as subsequent efforts to broaden its scope. The 1951 Convention's mandate read that refugees included any person who

as a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (UNHCR, 2007, p. 16)

Drawing from the above mandate, James Hathaway writes that the 1951 Convention definition reflected two important characteristics. First, restricting the scope of the definition to persons fearing "persecution" because of civil or political status reflected a strategic conceptualization, allowing Western states to afford priority to protecting persons whose flight was motivated by pro-Western political values. This in turn worked to facilitate condemnation of Soviet bloc politics by maximizing the international visibility of political émigrés from the Soviet Union. Second, limiting the scope of mandatory international protection to refugees whose flight was prompted by a "pre-1951 event" within Europe reflected a Eurocentric focus, as it was geared specifically toward the redistribution of postwar European refugees. This in turn worked to ensure that there existed no binding obligation for the establishment of non-European refugee rights or assistance (Hathaway, 1991). Based on the above analysis, Hathaway concludes that the 1951 Convention ultimately resulted in an "incomplete and politically partisan human rights rationale" (8). Despite its shortcomings, the convention definition would stand as the internationally recognized standard and instrument for refugee determination for the next 16 years.

In 1967 the UN established the *Protocol Relating to the Status of Refugees*. Hathaway (1991) writes that the protocol was significant in that it eliminated the requirement that refugee claims relate to a pre-1951 event in Europe, and hence, expanding the scope of the convention definition to include refugees "from all regions of the world" (p. 10). Notwithstanding the limitations of its scope (as Hathaway points out), the formal universalization of refugee status signified by the protocol nonetheless represented a significant step in the direction of embracing human rights.

The United States is not party to the 1951 Convention but is signatory to the 1967 Protocol. The present legal basis of refugee admissions to the United States

is the Refugee Act of 1980, which, according to the U.S. Department of State (USDS), “embodies the American tradition of granting refuge to diverse groups suffering or fearing persecution” (USDS 2001 Annual report on international religious freedom (2001).U.S.Department of State. 2001, p. 637). Designed to bring U.S. law into greater compliance with international law, an intrinsic objective of the Refugee Act involved eliminating a bias within previous U.S. refugee admissions that favored aliens from hostile countries of origin (Yarnold, 1990).³ In terms of refugee definitions, the Refugee Act used one derived from the 1951 Convention, the components of which include Article 33, which addresses the important principle of *nonrefoulement*, or restriction on removal to a country proven to pose a threat to life or freedom (UNHCR, 2000).

Religion and Integration

Religion has historically played a very important role in forced migration, both as a “push factor,” wherein people have been forced to leave their home countries due to persecution because of their particular faith, and as a “pull factor,” wherein people have fled to countries where they can practice their faith without fear of persecution (Musalo, 2004; Van Hear, 1998). Indeed, the contemporary refugee protection regime itself arose out of the failure of the international community to offer protection to Jewish victims of the Holocaust (Musalo, 2004). However, religion has played an additional role in the phenomenon of migration more generally, namely, to assist migrants in their integration to the host country. Perhaps nowhere has this been more the case than within the United States.

The possibility that a factor of cultural particularism (religion) may be related to successful integration within rather than isolation from U.S. mainstream society stands contrary to a prevailing view within the native born population. This view basically holds that the assertion of a distinct ethnic identity and culture among migrants undermines national unity and the preservation of the nation’s culture (Portes & Rumbaut, 2006). Adherents to this type of reasoning within the liberal tradition (i.e., identifying with one’s particular ethnocultural group stands in opposition to embracing a “common” civic identity) are well known and were made particularly popular during the cultural wars of the 1980s and early 1990s. For instance, Allan Bloom’s (1987) *Closing of the American Mind*, and Arthur Schlesinger’s (1992) *The Disuniting of America*, captured the public’s imagination and served as rallying points for a (re)assertion of (a particular version of) a united civic identity. Yet drawing on extensive empirical research, Alejandro Portes and Rumbaut Rumbaut write that religion most commonly *accompanies* the process of migration by ameliorating the traumas of departure and early settlement, protecting

migrants from external attacks and discrimination, and smoothing their acculturation to the new environment. They assert that this significance of religion is not hard to understand, as it sustains moral cohesion and normative controls (and hence powers against the danger of *anomie*, in the Durkheimian sense) and is consistent with the key role of religious conviction and religious charisma in guiding human action and assisting important change processes as investigated most famously by Max Weber (Portes & Rumbaut, 2006). Thus, Portes and Rumbaut write that arguably the “most important role” of religion in migrant communities is “the development of ethnic communities and the reassertion of national cultures and language” (p. 304). As they summarize, the road to successful integration “has commonly *passed through* the creation of ethnic communities and the reenactment of elements of the migrants’ culture, with strong religious undertones” (p. 304, italics added).

Religion may be of particular importance to refugees in their resettlement and integration processes at the individual and communal levels. Significantly, refugees may well have experienced multiple levels of psychological trauma, occurring not only prearrival but at the transit and postarrival stages as well (Centre for Refugee Studies, 2008). As above, religion serves to ameliorate trauma among migrants generally. For refugees, however, religion may additionally help them in coping with trauma tied specifically to the forced migration experience (e.g., witnessing the murder of family and/or friends, being tortured, being raped, losing the entirety of one’s possessions, and livelihood). Studies in fact have found significant associations between religiosity and psychosocial adaptation processes among refugee groups (Stoll & Johnson, 2007; Westermeyer & Nugent, 1994).

Second, faith-based organizations in the United States have had a long history of working with the government in resettling refugees (Nawyn, 2006; Nichols, 1988), and this pattern continues today. For instance, the list of agencies participating in the U.S. Refugee Admissions Reception and Placement Program in financial year 2007–2008 included Church World Service, Episcopal Migration Ministries, Hebrew Migrant Aid Society, Lutheran Immigration and Refugee Service, the United States Conference of Catholic Bishops, and World Relief (USDS, 2007).⁴ Nawyn finds that as faith-based Voluntary Resettlement Agency (VOLAGs) are more embedded than are Mutual Assistance Associations (MAAs) in the social welfare system, they are bound to exclusively secular service provision. On the other hand, she finds that MAAs are more firmly planted in migrant culture, maintain more distant or indirect relations to the state, and, as a consequence, can and often do use religion to build migrant communities (Nawyn, 2006). Yet Nawyn also finds that religion *does* operate significantly within the faith-based VOLAG community, though it

does so differently than for MAAs. For faith-based VOLAGs, religion serves as a motivational factor for conducting their services (e.g. resettlement as divinely mandated service), and for MAAs it serves as a force for community mobilizing and community building.

Nawyn's analysis regarding the roles of nongovernmental organizations in refugee resettlement reveals that MAA efforts of community building through rather than circumventing around ethnicity reflect a very natural process of integration for first-generation migrants. This again is substantiated by empirical research. For instance, Zhou, Bankstong, and Kim (2002) studied how during the 1980s a Buddhist temple constructed by Laotian refugees in New Iberia, Louisiana, served as a site that empowered them with a renewed sense of pride and place in the United States. Furthermore, as the temple grew financially, it became a support place for those in search of employment as well as housing loans.

Finally, it is important to note that the significance of religion to adaptation does not stop with the first generation, although the dynamics change. Portes and Rumbaut (2006) for instance write that "selective acculturation," understood as the process by which second-generation children learn the language and culture of the host society while preserving elements of their parents' culture, offers the best way to ward off challenges to successful adaptation and educational achievement (p. 316). Religion plays a key role in this process, as continual observance of parents' faith proffers benefits associated with selective acculturation, including a common set of meanings as well as more open channels of communication between the two generations, and a system of beliefs and norms "antithetical to downward assimilation" (p. 316).⁵ According to their Children of Migrants Longitudinal Study (CILS-III), Portes and Rumbaut conclude that, with other predictors taken into account, being a member of an established religion is "strongly and positively associated" with higher educational achievement and higher occupational prestige and that it is "significantly and negatively related" to incidents of downward assimilation (p. 323). Given the above, Portes and Rumbaut do point out that the evidence cautions against a "too-uniform or too-celebratory" account of the role of religion (p. 331). As they write, not all first- or second-generation migrants follow the path of embracing their heritage religions as a means of integrating into the host society.

Discussion of Liberal Concerns and the Applicability of Will Kymlicka's Framework to the Issues

The school problems and issues I discuss reflect questions of fundamental concern to liberals. Discussion of these questions, however, does not at all assume uniformity within the liberal tradition. Certainly there exist points

where liberals differ. Yet it is reasonable to assert that liberals are preoccupied with many of the same basic *questions*, including the definition, level of importance, and operation of liberty and freedom, individualism and autonomy, tolerance, justice, and what it means to live the good life (Gutmann, 1987; Merry, 2007; Tozer, Violas, & Senese, 1995). In this sense, the problems and issues I discuss do speak to such matters. That the United States remains an overwhelmingly Christian nation and that there are inherent complications to assertions of “culturally neutrality” in the civic sphere raise questions across the constructs mentioned above. These questions take sharper focus when applied to the educational issues. For instance, how can teachers understand the concept of tolerance if they lack understanding of their students’ cultures and cultural backgrounds? By what right can schools advance conceptions of student autonomy if they deny significant aspects of how students conceive their own identity? What consequences do essentialized and static notions of culture have for students’ sense of freedom?

To be fair, many liberal concerns regarding religion and the schools are, at least by law, addressed by the schools through the Establishment and Free Exercise Clauses of the First Amendment of the U.S. Constitution.⁶ Briefly, the Establishment Clause is used primarily to challenge state advancement or endorsement of a religion, reflecting Thomas Jefferson’s famous “wall of separation” metaphor. Lawsuits under the Free Exercise Clause in turn typically focus on secular government regulations allegedly having a coercive effect on religious practices (Cambron-McCabe et al., 2004). Cambron-McCabe et al. write that as establishment case issues involve the legality of governmental actions and free exercise cases involve claims of governmental secular practices burdening religious exercise, they represent poles on a spectrum that must be balanced to maintain the constitutionality of governmental practices. Difficult church–state controversies involve competing claims under the two clauses, as both are cast in absolute terms, “either of which, if expanded to a logical extreme, would tend to clash with the other” (p. 28).⁷ Though it is fair to conclude that the Supreme Court has worked to protect liberal principles regarding church–state relations in the public schools, Cambron-McCabe et al. write that the principle of wholesale governmental neutrality toward religion demanded by the First Amendment has been easier to assert than to apply. Second, the vast majority of court cases involving church–state relations in the schools pertain to Christianity (Cambron-McCabe et al., 2004). This is of course consonant with the fact that 78.4% of Americans are Christian (Pew Research Center, 2008). However, the discrepancy may also be due at least in part to the relative lack of social and political power on the behalf of minority religion migrant groups.

Polyethnicity and Polyethnic Group Rights

In what follows, I situate my discussion of migrant minority religions and the public schools within Kymlicka's framework regarding polyethnicity and polyethnic group rights, and I focus on refugees as a particular case for analysis. Where warranted, the discussion includes attention to some of the major detractors to Kymlicka's line of thought, his response, and analysis of his response in light of the article's focus.

One of the most interesting, albeit basic connections that may initially be drawn between Kymlicka's framework and the discussion concerns the very recognition of a polyethnic group. Put simply, *naming* a group as such puts them on the map, and from the literature it would appear that many of the groups in question are simply "off the map" for a great number of teachers who teach them. This is rather simple of course, but it also represents the most essential starting point for any possibility of connecting these ideas to actual school policies and practices. Migrants may suffer from a lack of understanding of their particular faith background from their teachers, school administrative and leadership staff, and their peers, and it would seem that the notion of a "polyethnic group" might serve as a starting point for deeper and more extensive learning. As Casey (2008) writes, knowledge about the religious needs and requirements of students advances understanding between the school and the family and "prepares teachers and school administrators for questions when they arise" (p. 41). This being said, of course, there are many ways in which groups might be identified, and polyethnicity is but one construct within which to position and conceptualize a multiple number of ethnic groups existing in the larger society.

However, beginning the discussion here with the notion of "polyethnic" also allows for examining the degree to which refugees might properly fit within the framework. Kymlicka by and large writes about polyethnic rights as pertaining to immigrants. Refugees, however, represent a special type of migrant as they do not leave their home countries voluntarily, and for Kymlicka, questions concerning the possibility of their return to their homelands as well as determining which country should redress the injustices they have experienced complicate neatly identifying these groups as polyethnic groups (Kymlicka, 1995). As Kymlicka writes, "The best that refugees can realistically expect is to be treated as immigrants, with the corresponding polyethnic rights, and hope to return to their homeland as quickly as possible" (p. 99). However, inasmuch as the framework is concerned with facilitating *liberal* ends, it would appear that greater attention needs to be given to the very reason refugees enter the United States in the first place (or any other state signatory to the said conventions for that matter). Notwithstanding its

limitations, as discussed, the 1967 Protocol embodies fundamental liberal principles, and refugees seek *refuge* precisely to realize them. In many cases, access to their respective societal cultures is intrinsically connected to this; the Iraqi woman whose life is threatened for practicing her Christian faith, the Chinese man whose Buddhist practice is perceived as insurrection. Though it is certainly true that such cases as these may be individually based, they are also commonly characteristic of refugee ethnic *groups*.⁸ More so, as noted earlier, refugees may exhibit a heightened sense of religiosity in association with their psychosocial adaptation to their new country, and this provides a further rationale for securing a right to their culture. Finally, reflecting the fine line between voluntary and forced migration, refugee communities very often *become* long-term communities because of protracted instability in their homelands and/or the new opportunities they have found in the host society (Castles & Miller, 2003). This raises the issue of relationship between citizenship and polyethnic rights. Though a fuller discussion of the issue is outside the bounds of this article, generally I believe that formal citizenship should not be an insurmountable obstacle toward migrants enjoying the kinds of rights Kymlicka is discussing. Arguably, some of the most fundamental *needs* for access to a societal culture occur in the initial years of resettlement and are not timed to the number of resident years required for citizenship qualification in the United States.

The next level of connecting polyethnicity and polyethnic group rights to the discussion concerns the issue of *denying* migrants their religion and culture, above and beyond the issue of simply being unaware of these things. This is perhaps where the strongest case can be made for asserting a right to culture as a means toward facilitating individual freedom and individual autonomy. To review the argument, freedom and culture are intimately related, as culture and, specifically, “societal culture” is deeply connected to individuals’ freedom of choice. A societal culture provides its members, in both the public and private spheres, with meaningful ways of life across the full range of human activities (social, religious, economic, educational, recreational, etc.). Hence, societal cultures provide the options of choices for individuals, the meanings attached to such options, and the lens through which individual members identify their experiences as valuable (Kymlicka, 1995). Kymlicka asserts that in as much as liberals are concerned with protecting individual freedom of choice, they must also be concerned, at least to a certain degree, with protecting the societal cultures within which individuals realize this freedom.

As earlier referenced, many liberal detractors to this association between freedom and culture argue that a system of universal rights already accommodates cultural differences by allowing people the freedom to associate with

others in pursuit of shared religious or ethnic practices (Kymlicka, 1995). Giving political recognition or support to particular cultural practices is thought to be unnecessary because the “cultural marketplace” will operate on its own to attract adherents, and unfair, because it “subsidizes some people’s choices at the expense of others” (p. 107). On this view, the state should remain detached from the cultural marketplace altogether and should refrain from either promoting or inhibiting the maintenance of any particular culture. Instead, it should respond with a kind of “benign neglect” to national and ethnic differences. However, Kymlicka counters that this “strict separation of state and ethnicity” view is both mistaken and actually incoherent, as the state “unavoidably promotes certain cultural identities” (p. 108). Though Kymlicka acknowledges that the majority of Americans do participate in a common culture defined by a modern, secular and industrialized civilization, he asserts that there also exists a dominant culture, whose members benefit from certain privileges promoted by the state through such things as government decisions on languages, internal boundaries, public holidays, and state symbols. Hence, lest one were to deny that such things as the English language and Christmas had any reference to a specific culture, the benign neglect view simply makes no sense. Kymlicka’s argument is not so much to *eliminate* the majority nation’s language and societal culture (although he does have some suggested changes), but rather, in the name of fairness, to extend the same benefits and opportunities to certain minority groups, including polyethnic groups.

Given that the United States still remains an overwhelmingly Christian nation and given the disproportionate amount of power Christians have in influencing policy making in U.S. schools, the argument for affording polyethnic rights in the name of equality seems only fair. These rights simply addresses the concern that ethnic groups be provided equal access to the mainstream culture(s) as the dominant culture and also similar supports already enjoyed by the members of the dominant culture. Read in the context of public school accommodations for religious identities and religious expressions, polyethnic rights provide a basis for recognizing that minority religions may involve group, and not only individualized expression, but also, reflecting this, equal opportunities to engage in silent prayer, observe religious holidays, participate in symbolic religious expressions (e.g. wearing of *hijab* by Muslim girls, or the *kirpan* of Sikh boys), form religious groups, and be exempt from certain secular activities. Though this is not a finite list, it should be viewed as one comprising some of the key areas often discussed with regard to religious accommodations. Furthermore, from the research, it would seem that refugees represent a sort of “flagship community” for migrants’ rights here, inasmuch as access to their societal cultures may be particularly germane to their integration processes.

Second, and this goes back to earlier points made regarding the very recognition of a polyethnic group, Kymlicka's argument for polyethnic rights in the name of diversity addresses the potential that ethnic groups have to contributing to diversity within the majority culture. Again, read in the context of public school accommodations for religious identities and religious expressions, polyethnic rights provide a basis for equal opportunities to inform such things as religious displays and holiday observations. Perhaps more fundamentally, however, polyethnic rights afforded in this area provide a rationale for including in the curriculum knowledge about a spectrum of religions. Teaching *about* religion (as distinct from teaching *in* religion) in fact serves a very liberal purpose, namely, to expose students to differing perspectives. For instance, Cambron-McCabe et al. (2004) write that although the proselytization of students by public school teachers violates the Establishment Clause, "the Supreme Court has emphasized that it is permissible, even desirable, to teach the Bible and other religious documents from a literary, cultural, or historical perspective" (p. 40).

Finally, the findings of Portes and Rumbaut and others appear to provide empirical support, if not justification, for Kymlicka's argument for polyethnic rights, in as much as polyethnic rights are seen as a way of protecting and advancing the most effective ways in which migrants actually and already integrate. As discussed, religion has been shown to facilitate rather than obstruct migrant integration, and the resettlement infrastructure in the United States, particularly where Mutual Aid Associations are concerned, appears to reflect this. Furthermore, Kymlicka notes that since the 1970s the United States, similar to Canada and Australia, has rejected the assimilationist model of immigration policy and has become more tolerant and pluralistic in accepting the freedom of migrants to maintain aspects of their native cultures.

Much of the preceding discussion has been concerned with matching empirical research regarding the integration processes of immigrant and refugee communities, with a liberal framework that speaks to certain problems they have experienced in schools. However, as earlier mentioned, the article is not an argument for religiosity or religious expression, or a statement that migrants must *necessarily* have a religion to effectively integrate, or an argument that religion is a vital component of migrant's identity. Indeed, I believe the central *liberal* question the article concerns itself with is precisely the freedom to which students may or may *not* identify with or be identified with a cultural group, including that group's religion. This raises some of the more difficult questions with respect to applying the framework.

Though liberal assimilationist views that crusade against cultural particularism weaken considerably in light of Kymlicka's (1995) argument regarding the problem with "benign neglect," the question about the degree to which a group might promote group rights over the rights of the individual is

a serious one. Kymlicka addresses this by asserting that a liberal view also requires *freedom within* the minority group, and this is secured by a protection against internal restrictions, or “demands by the minority culture to restrict the basic civil or political liberties of its own members” (p. 152). A troubling dilemma here is reconciling how freedom and equality within migrant cultures may be ensured, without *imposing* such liberal values onto migrant cultures (and hence compromising equality between groups). Kymlicka’s argument that polyethnic rights are meant to facilitate integration and that most migrants *want to* integrate in part addresses this issue, inasmuch as integration entails fulfilling a desire for inclusion. However, his stronger defense is that liberals work to “compel respect” for liberal principles amongst newly arrived migrant groups.

Compelling respect for liberal principles among some groups is, however, easier said than done. Indeed, some migrant groups may revert to forms of religious fundamentalism as a response to conditions perceived as a threat to their traditional cultural identities (Castles & Miller, 2003). This can polarize relationships between parents and their children, wherein the former attempt to instill in their young traditional cultural values and the latter try to create new identities that may incorporate not only traditional cultural practices but also practices learned in the host society (Collet, 2007). Here, group-differentiated rights may run the risk of giving greater license to parents to exert influence on the school toward providing religious accommodations, even at the expense of compromising the autonomy of their daughters and sons. As Casey (2008) writes, included in the religious freedoms guaranteed by our Constitution is the freedom for individuals to determine whether they *want to* be religious. Concomitantly, inasmuch as societal cultures are dynamic and change, schools that advance static or essentialized representations of migrant cultures (either through the curriculum or through other forms of school discourse) also run the risk of undermining the choices students have to freely form and pursue a conception of the good, and potentially as well their ability to critically distance themselves from their inherited cultures. For refugee students, the school as a site of refuge must be a site of liberty in every sense of the term.

Appendix

Rejoinder

From *Refuge to Polis*: Shifting the Rationale for Religiosity in Schools
Dr. Don Dippo
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(continued)

Appendix (continued)

Toronto, Canada

June, 2009

Sorting out the appropriate relationship between religion and public schooling has never been as easy as the simple assertion of separation of church and state would imply (Haynes, 2009). In *Sites of Refuge: Refugees, Religiosity, and Public Schools in the United States*, Bruce Collet uses the concept of polyethnic group rights (Kymlicka, 1995) to make the case for accommodating the religious identities and religious expressions of immigrant and refugee students in public schools. He argues that, as “sites of refuge” where religious identities can be expressed, schools have the potential to play an important part in supporting integration processes of immigrants and refugees. The article centers on the extraordinary circumstances of forced migration and a recognition of the importance of religion in the lives of forced migrants, to make the case for religious accommodation in what are ostensibly secular public schools. The overarching concern of the article is with processes of integration. The claim is that “by guaranteeing the right to their societal culture, polyethnic rights comprise a viable framework for supporting immigrants and refugees in their integration into the United States” (Collet, 2010, p.2). The case is clearly presented, well argued, and compelling and makes a significant contribution to ongoing policy discussions regarding an historically thorny but increasingly timely issue. That said, my intention in this rejoinder is to shift the discussion somewhat from school-as-refuge to school-as-polis and to ask whether the integration interests of recent immigrants and refugees might not be better served by a more inclusive approach to religiosity in schools that is less about collective exception and more about social transformation.

The Case for Exception: Public School as Refuge

One way (perhaps the most common way) of interpreting the state commitment to educational “neutrality” is to imagine schools as religion-free zones. To hold this view requires one to ignore the overwhelmingly Christian dimensions of mainstream cultural contexts in the United States and to set aside the obviously Christian origins of definitions of the school week and indeed the school year. Nonetheless, there are many who insist that liberalism and secularism demand that constraints and limitations be placed on the expression of religious identity in schools. Contrary to this view, Collet argues that for purposes of integration, exceptions to the “necessary constraints” on religious expression should be made for refugees. He bases this

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argument on the recognition, supported by extensive empirical research, of the centrality of religion for many people in migration and postmigration experiences. Not only does religion help to ameliorate trauma but it often plays a central role in resettlement and community building. This is not to say that Collet is indifferent to the larger project of social transformation. Indeed, citing Kymlicka, he makes the point that the very recognition of a polyethnic group “addresses the potential that ethnic groups have to contributing to diversity within the majority culture” (Collet, 2010, p. 24). Nor does it imply that there are not good reasons to recognize the unique circumstances of refugees and forced migrants. Rather my question is whether it might not be a better strategy to focus less on the extraordinary situation of the refugee—“a sort of ‘flagship community’ for migrants rights” (Collet, 2010, p. 24)—and place more emphasis on the benefits of an enlarged vision of more inclusive schools and a more inclusive society.

The Case for Transformation: Public School as Polis

Another perhaps less common way of interpreting the state commitment to educational “neutrality” is to imagine schools that allow for the expression of many religions rather than none (or just one). This shift enables us to think about the religion of the refugee not as something that requires an “exemption” from the principle of school neutrality but rather as something that makes an important contribution to religious liberty, inclusivity, and pluralism both in the school and in the larger society. Such a position emphasizes interaction and engagement as an important component of integration. It sees integration not as a one-way process whereby forced migrants and refugees learn to adapt to the meanings, values, and practices of the dominant culture. Instead, integration through interaction and engagement is about making new common meanings, values, and practices and transforming dominant cultures. In describing Hannah Arendt’s conception of the “democratic person,” Gert Biesta (2007) sets out an interesting description of the public sphere rich in implications for how we think about the place of religiosity in schools. Talking about subjectivity as a quality of human action and interaction, Biesta writes,

While we could refer to Arendt’s position as a social conception of subjectivity—Arendt argues, after all, that we cannot be a subject in isolation—I prefer to call it a *political* conception. The main reason for this is that Arendt holds that *my* subjectivity is only possible in

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the situation in which others can be subjects as well. Not any social situation will therefore do. In those situations in which we try to control the responses of others or deprive others of the opportunity to begin, we cannot come into the world either, our subjectivity is not a possibility. Arendt relates subjectivity, in other words, to the life of the *polis*, the public sphere where we live—and *have* to live—with others who are not like us. It is here that we can see the link between Arendt's political conception of subjectivity and the idea of democracy, in that democracy can precisely be understood as the situation in which *everyone* has the opportunity to be a subject, in which everyone has the opportunity to act and, through their actions, bring their beginnings and initiatives into the world of difference and plurality. (Biesta, 2007, p. 8)

Bringing the conversation back to the question of school policy, could the *polis* be an appropriate metaphor for thinking about religiosity and public schooling? The Ontario Ministry of Education apparently thinks so and has recently produced a policy document entitled “Realizing the Promise of Diversity: Ontario’s Equity and Inclusive Education Strategy” (Ontario Ministry of Education, 2009). The document is premised on an assumption of difference and plurality and a recognition that schools are indeed public spheres where we have to learn to live with others who are not like us. The document begins by defining three core concepts:

Diversity: The presence of a wide range of human qualities and attributes within a group, organization, or society. The dimensions of diversity include, but are not limited to, ancestry, culture, ethnicity, gender, gender identity, language, physical and intellectual ability, race, religion, sex, sexual orientation, and socio-economic status. (p. 4)

Equity: A condition or state of fair, inclusive, and respectful treatment of all people. Equity does not mean treating people the same without regard for individual differences. (p. 4)

Inclusive Education: Education that is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings, and the broader environment, in which diversity is honoured and all individuals are respected. (p. 4)

The document sets out a vision of an inclusive education system (p. 10), describes the guiding principles that are to inform the inclusive education

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strategy (p. 11), and establishes leadership, policy, and accountability as core priorities (p. 12). The framework is comprehensive and intended to address the range of socially constituted significant human differences. With respect to religious difference, the strategy directs every school board in Ontario to “have religious accommodation guidelines in place, and communicate these guidelines to the school community” by 2009-2010 (p. 21). The Toronto District School Board (n.d.) is singled out in the strategy document as a board whose “policies embed the principles of fairness, equity, and inclusive education and include comprehensive guidelines for religious accommodation designed to ensure that students and staff can observe the tenets of their faith free from harassment or discrimination” (p. 16).

The “Guidelines and Procedures for Religious Accommodations” of the Toronto District School Board (Toronto District School Board, n.d.) begin by outlining the legislative and policy context within which the guidelines and procedures have been developed (not unlike the American Constitution’s First Amendment commitment to “free exercise”):

The Canadian Charter of Rights and Freedoms protects freedom of religion. The *Ontario Human Rights Code* protects an individual’s freedom from discriminatory or harassing behaviour based on religion. (p. 1)

The *Ontario Human Rights Policy Guidelines on Creed and the Accommodation of Religious Observances* defines accommodation as a duty corresponding to the right to be free from discrimination. (p. 2)

The duty to accommodate applies to students and staff in Toronto schools and covers areas that include but are not limited to observation of major religious holy days and celebrations, school opening or closing exercises, prayer, dietary requirements, fasting, religious attire, modesty requirements in physical education, and participation in daily activities and curriculum (p. 4). The document makes clear that the duty to accommodate is not absolute—that accommodations apply to individuals and not to whole classes or to classroom practices in general and that the board cannot accommodate religious values and beliefs that conflict with the Ontario Human Rights Code or with board policies (p. 8). That said, the Guidelines and Procedures are intended to support a flexible and commonsense approach to dealing with questions of religion and schooling and express the hope that a commitment to accommodation and dialogue with members of diverse religious communities “will help to build an environment of mutual respect and understanding” (p. 1).

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A policy does not make a community harmonious. Still, it does provide a place to turn for support for activities and initiatives that might make schooling more inclusive, more participatory, and, in Arendt's formulation, more democratic. As George Dei puts it,

Inclusion is not bringing people into what already exists; it is making a new space, a better space for everyone. (Dei, 2006, cited in Ontario Ministry of Education, 2009, p. 2)

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Notes

1. Kymlicka's (1995) working definition of "culture" in *Multicultural Citizenship* focuses specifically on the kind of multiculturalism arising from national and ethnic differences. He writes that he is using the term "a culture" as synonymous with "a 'nation' or 'a people'," or as "an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history" (p. 18).
2. Regarding this case, Cambron-McCabe, McCarthy, & Thomas (2008) write that by 2007 the standards had been changed four times, reflecting a series of power shifts at the board.
3. Countries deemed hostile at the time of the act's passage would have included those with communist, socialist, and leftist forms of government. The degree to which the United States has been fully compliant with the objective of eliminating political

bias has however been questioned by legal scholars. For instance, in her analysis of asylum-related appeals between 1980 and 1987, Barbara Yarnold found that the hostile country bias in refugee admissions had been perpetuated—and even intensified—through policy implementation by agencies within the immigration bureaucracy. See Barbara Yarnold (1990), “Administrative Policy Making: Adjudication by the Board of Immigration Appeals in Asylum-Related Appeals 1980-1987,” *Policy Studies Review*, 9(4), 681-701.

4. The other agencies participating in financial year 2007-2008 included Ethiopian Community Development Council, Iowa Bureau of Refugee Services, International Rescue Committee, and the U.S. Committee for Refugees and Migrants (U.S. Department of State, 2007).
5. Portes and Rumbaut discuss “downward assimilation” as reflecting cases where learning the cultural ways of the host society leads to downward rather than upward mobility (p. 264).
6. As education is primarily a state and not a federal function, most church–state school controversies have been initiated through the Fourteenth Amendment, which incorporates First Amendment guarantees. Cambron-McCabe et al. (2004) state that the Fourteenth Amendment, adopted in 1868, “specifically placed restrictions on *state* action impairing personal rights” (p. 25, italics in the original).
7. In full, Cambron-McCabe et al. (2004) write:

Whereas the Establishment Clause is used primarily to challenge governmental advancement of religion, lawsuits under the Free Exercise Clause usually focus on secular (nonreligious) government regulations alleged to have a coercive effect on religious practices. In establishment cases, the legality of the governmental action itself is at issue, but in free exercise claims, individuals often accept the secular nature of government regulation but assert that it burdens their religious exercise. . . . To evaluate free exercise claims, the judiciary traditionally applied a balancing test including an assessment of whether practices dictated by a sincere and legitimate religious belief were impeded by the governmental action, and if so, to what extent. (p. 27)

8. That the current global refugee rights regime established by the 1951 Convention and 1967 Protocol is perhaps closest to the fundamental tenets of liberalism it is has ever been should not detract attention from the fact that criteria establishing a “well-founded fear” are very often rooted in ethnic group identity and that targeted U.S. refugee policies very often take the form of large or semilarge ethnic group resettlements. In the first case, the convention persecution criteria of race and religion directly relate to ethnicity, as very often does criteria relating to nationality (for instance, Bosnian or Rwandan refugees; UNHCR, 2000).

Furthermore, refugee claims to persecution regarding “membership of a particular social group” often intersect with ethnic factors (for instance, persecution of women; UNHCR, 2000). In the second case, group-based access comprises one of the three broad categories of refugee admissions to the United States (the other two are individual case referrals and family-based access), and refugee groups here are often (also) ethnic groups (for instance, the Somali Bantu ethnic group or Iranian religious minorities).

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Bio

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