



Our Culture, Our Heritage, Our Values: Whose Culture, Whose Heritage, Whose Values?

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Abstract

This article reflects on the question of how culture and religion enter legal cases and public debates about the place of majoritarian religious symbols in diverse societies that have some democratic will to inclusion. In the context of the new diversity, the article considers how the articulation of “our culture and heritage” as a strategy for preserving “formerly” religious symbols and practices in public spaces excludes particular groups from the narrative of who “we” are as a nation. The reader is invited to consider how challenges to such symbols and practices might be articulated as a challenge to privilege and power and that a refusal to acknowledge those power relations puts the reputation of democracy and human rights at risk.

Keywords: Diversity, religion, nonreligion, indigenous peoples.

Résumé

Cet article traite de la manière dont la culture et la religion interviennent dans les affaires juridiques et les débats publics portant sur la place des symboles religieux des groupes majoritaires dans diverses sociétés qui ont une certaine volonté démocratique d’inclusion. Dans le contexte de la nouvelle diversité, l’article examine comment l’articulation de « notre culture et notre patrimoine » est une stratégie de préservation « d’anciens » symboles et pratiques religieux dans les espaces publics et qui va par conséquent exclure des groupes particuliers du récit de qui « nous » sommes en tant que nation. Le lecteur est invité à réfléchir à la manière dont les contestations de ces symboles et pratiques pourraient être articulées comme une remise en question et une opposition face aux privilèges et au pouvoir. De plus, il est illustré que le refus de reconnaître ces relations de pouvoir semble pouvoir mettre en péril la réputation et la valeur de la démocratie et des droits de l’homme.

Mots clés: Diversité, religion, non-religion, populations indigènes, patrimoine.

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In 2011, the Grand Chamber of the European Court of Human Rights ruled on the case of a crucifix hanging on a public-school classroom wall in Italy.¹ An atheist parent challenged the presence of the crucifix. Although the decision centres around the “margin of appreciation,”² many of the submissions in favour of keeping the crucifix focused on its cultural value and its cherished place in Italy’s heritage. In early 2017, the board of directors for the Hôpital du Saint-Sacrement in Quebec City removed a crucifix from the entryway of the hospital following a complaint made by a patient. In their reflections on the presence of the crucifix, the board acknowledged that people who come to hospitals are vulnerable and often not there by choice, lending a potentially coercive force to the crucifix. The public reaction to the board’s decision to remove the crucifix was a passionate defence of it as “our culture and heritage.” Advocates for its presence seamlessly transubstantiated the crucifix from a religious symbol to a cultural artefact. Public debate was almost exclusively focused on the fact that the crucifix represented Quebec’s culture and heritage. There was little discussion of its religious meaning. In the town of Greece, New York, two members of the community, one atheist, one Jewish, unsuccessfully challenged the recitation of Christian prayer before town board meetings. The US Supreme Court held in 2014 that these prayers “lend gravity to the occasion and reflect values long part of the Nation’s heritage” and did not violate the Establishment clause of the United States Constitution.³ Five years later, the Supreme Court upheld as constitutional the presence of a forty-foot high cross on public property, noting that the passage of time creates a presumption of constitutionality.⁴ The passage of time, it seems, creates an historical pedigree that erects a protective barrier around this Christian symbol.

There are countless examples like these in countries which have had an historically strong Christian presence. My interest in these stories is in the fact that the preservation of majoritarian religious symbols and practices in the public sphere is increasingly justified on the basis of “our culture and heritage” (Beaman 2020).⁵ But who is “us”? *Whose* culture? *Which* heritage is worthy of preservation, protection, enshrinement? At what point does a Christian prayer become “culture,” a universal symbol, applicable to all? And what happens when the “us” is

¹ *Lautsi and others v Italy*, 19 March 2011, European Court of Human Rights (Grand Chamber), No 30814/06 [Lautsi].

² In European Law, the margin of appreciation doctrine is, in essence, the deference paid to individual states through granting national authorities some leeway to decide “whether a particular restriction on a right is required in the given circumstance” and in accordance with their own national context (Evans 2001, 142; see also Fokas 2015).

³ *Town of Greece v Galloway*, 572 U. S. 565 (2014) at 14 [Town of Greece].

⁴ *The American Legion v American Humanist Association* 588 U. S. ____ (2019) at 21 [American Legion].

⁵ Although much of the time this translation to culture works to protect majoritarian religion—and here I focus specifically on Christian majorities—in rare instances this has not been the case. For example, in February 2020, the Federal Administrative Court of Switzerland ruled that the logo of Jägermeister alcohol, which depicts a Latin cross, is not offensive toward Christians (BBC News 2020).

disavowed? When someone says “that ‘us’ is not me”? How is the deployment of particular notions of “our culture and heritage” related to, and justified by, notions of the common good?

This paper begins with the premise that notions of the common good in diverse societies must be built on an inclusive foundation. This means that the “us” should be conceptualized more broadly than a reflection of the majority population. My aim in this paper is to demonstrate how the transubstantiation of symbols and practices that have commonly been understood as religious into what some courts and social actors are framing as broad expressions of “our culture and heritage” erodes or displaces this common foundation, thereby undermining the common good. In other words, the “us” imagined in rhetorical deployments of “our culture and heritage” is an exclusive conceptualization of a “we” that is Christian and white. While this may seem to be an obvious argument, both legal and public reactions to challenges of symbols such as crucifixes and practices such as Christian prayers rely, either explicitly or implicitly, on a rather selective understanding of who is included in the “we.” It deploys an inaccurate historical “we” to continue discriminatory and exclusionary practices. Moreover, even when that exclusivity is acknowledged, the universality of the symbol or practice in question is projected on to a broader “we”—the “love” expressed by the crucifix, for example, pertains to everyone. The option to leave the room, or to not participate, is also deployed as a defence strategy, forcing the dissenters to self-identify as not part of the “us,” either past or present.

The problematization of culture is not new. Scholarship has grappled with the meaning of “culture” from a number of disciplines, including law, anthropology, and sociology (Loader 2015; Merry 2001; Ortner 1996; Sikka 2012). Scholars of multiculturalism have been especially attentive to the multiple meanings and power relations called up in invocations of culture and the dangers of its essentialization in the service of the preservation of hierarchy (Phillips 2010). The most prevalent tension in these discussions is between a notion of culture as fixed and systems-based and, on the other end of the spectrum, one that takes a social constructionist approach. It is the latter approach that largely guides the discussion that follows: culture is produced through power relations between social actors in specific times and places. It may be institutionalized in ways that fix its meaning and content, thus lending it authority and obscuring the hierarchies it produces and maintains. The circulation of this essentialized and sometimes institutionalized construct in law and public discourse is partly the focus of this paper.

Scholarship on heritage can be largely grouped into two categories: first, discussions about the material management of heritage and second, the critical analyses of the social construction of heritage (Astor, Burchardt, and Griera 2017; Waterton and Watson 2013). As with culture, the characterization of a symbol or practice as part of “our heritage” is embedded in power relations. The construction of “our heritage” is often linked to national imaginaries (Astor, Burchardt, and Griera 2017; Zubrzycki 2016). In their book *The Invention of Tradition*, Eric Hobsbawm and Terence Ranger (1983) highlight the use of “tradition” as a strategy for the production of social cohesion and nationhood in diverse societies. Roger Finke and Rodney Stark (2005) challenge the myth of “religious America” in their

book *The Churching of America, 1776–2005: Winners and Losers in Our Religious Economy*. In that work they demonstrate that, contrary to popular narratives, the United States was not overwhelmingly religious in the eighteenth and early to mid-nineteenth centuries in terms of church membership and participation. Drawing on census data, they demonstrate that nominal affiliation was the norm, pointing out that how we measure religion matters. It also impacts the ways that we construct “our culture and our history.” Although by the late 1800s almost 50 percent of the American population was churched, this is a far cry from the narrative of a great religious past invoked by “our culture and heritage” in public discourse as well as by numerous scholars (Finke and Stark 2005). Yet, narratives of the truth of particular imaginaries of who “we” are and the history of that “us” persist.

The remainder of this article reflects on the question of how culture and religion enter legal cases and public debates about the place of majoritarian religious symbols in diverse societies. I invite the reader to think about how challenges to such symbols and practices are in fact challenges to privilege and power and, further, to consider the possibility that a refusal to acknowledge those power relations puts the reputation of democracy and human rights at risk. Democracy is not “survival of the fittest” or “majority rules.” As Chief Justice Brian Dickson said in the early 1985 *Big M Drug Mart*⁶ Charter case on freedom of religion: “What may appear good and true to a majoritarian religious group, or to the state acting at their behest, may not, for religious reasons, be imposed upon citizens who take a contrary view. The Charter safeguards religious minorities from the threat of ‘the tyranny of the majority.’”⁷

Democracy is a sophisticated interplay of the will of the people coupled with basic protections, including freedom of conscience and freedom of religion, which includes the freedom not to have a religion.

Most of the discussion that follows focuses on Canada as a case study. In that light, it is important to ask, what are the specific circumstances in which the rhetoric of “our culture and heritage” is being deployed? This will differ from context to context as histories, economies, cultures and institutions differ from place to place. I focus here on changes in religion specifically. A new diversity (Beaman 2017a) has emerged that has four key parts: first, 24 percent of Canadians now identify as having no religion (Statistics Canada 2011). This group is made up of humanists, atheists, agnostics, freethinkers, the spiritual but not religious and those who are indifferent to religion. Second, affiliation with institutional religion is in decline (Clarke and Macdonald 2017). This means diminished participation in church services, baptisms, religious funerals and weddings and so on. Churches are closing and their buildings being torn down or repurposed as condominiums, university buildings, and cafes. Third, increased migration has resulted in increased religious diversity. Finally, Indigenous spiritualities have attracted more attention, in part because of the Truth and Reconciliation Commission of Canada (2015) and

⁶ *R v Big M Drug Mart*, [1985] 1 SCR 295.

⁷ *Ibid* at para 96.

its Calls to Action. Combined, these four elements form the “new diversity” and offer the context of current change and shifts in power relations around religion.

Understanding the contemporary context is important, although the focus on recent events is not intended to erase the links between the current situation and historical developments. In this respect, the “new” diversity is not so new. Moreover, it is important to acknowledge the social anxiety and potential conflict that accompany the changes that have produced the new diversity. Previously viable social arrangements are no longer feasible: for example, the assumption that Christian symbols and practices represent “us” is subject to increasing challenge. Established power relations are being reconfigured in the context of human rights guarantees of equality and freedom of religion as well as broader principles of inclusion and a commitment to diversity that exists, at least in principle, in social institutions, policy, and civil society. Renegotiation includes a ceding of privilege and creating space for new voices. It also means acknowledging the degree to which symbols and practices are socially constructed in specific circumstances, often to uphold particular power relations.

Understanding this context of social change is vital when asking the question, “whose culture, whose heritage?” For although Christianity has been a majority religion in many western democracies, it has been accompanied by other traditions and worldviews, including nonreligious, Indigenous lifeways, and migrant/minority religions. Thus, when “our heritage and culture” is invoked to defend the presence of Christian symbols and practices in the public sphere—in hospitals, legislatures, public squares—such a framing erases past diversities and excludes the social contributions of minority groups and Indigenous peoples. It also thwarts the negotiation of shared space in a complex future in which a wide range of people might potentially live well together. It marks the past and the present as belonging to a chosen group who define the characteristics of belonging.

These tensions and erasures played out in a case originating in Quebec and which made its way through the Commission des droits de la personne et des droits de la jeunesse, the Quebec Human Rights Tribunal,⁸ the Quebec Court of Appeal,⁹ and the Supreme Court of Canada.¹⁰ I use the *Saguenay* case as a narrative thread to illustrate the discursive framing of the complex issues emerging from the new diversity. I then turn to some of the constituent components of the erasures to illustrate the gaps in claims to “our heritage and culture” in a social context in which diversity, inclusion, and equality are celebrated touchstones of human rights and civil society.

The *Saguenay* Case: “Our Culture and Heritage” in a Canadian context

In 2006, Alain Simoneau attended municipal council meetings of the City of Saguenay. The meetings began with a prayer, in a room decorated with a crucifix and a sacred heart statue. The mayor led the prayer and began by making the sign of

⁸ *Simoneau v Tremblay*, 2011 QCTDP 1 [*Saguenay Tribunal*].

⁹ *Saguenay (Ville de) v Mouvement laïque québécois*, 2013 QCCA 936 [*Saguenay CA*].

¹⁰ *Mouvement laïque québécois v Saguenay (City)*, 2015 SCC 16, [2015] 2 SCR 3 [*Saguenay SC*].

the cross and saying, “in the name of the Father, the Son and the Holy Spirit.”¹¹ Alain Simoneau found this troubling and asked the mayor to stop. The mayor refused. Joined by Mouvement Laïque Québécois, an atheist activist group in Quebec, they filed a complaint about the prayer, the crucifix and the statue with the Quebec Human Rights Commission. The matter was eventually heard by the Tribunal. At the core of the arguments by the City was the idea that the prayer, crucifix and statue were not religious, but part of the culture and heritage of the city and indeed of Quebec. The City also claimed that rather than being sectarian, they reflected universal values held by all. The City called upon the state to protect this heritage and culture. The Tribunal decided in favour of Alain Simoneau, finding that the City and Mayor violated the Quebec *Charter of Human Rights and Freedoms*, including freedom of conscience and religion (s. 3), the right to dignity (s. 4), and the equality provision (s. 10), and held that the prayer, the crucifix, and the statue had religious meaning.¹²

Subsequently, the Court of Appeal said that the prayer and artefacts should be protected under a principle of benevolent neutrality. Citing the *Lautsi* decision with approval (and indeed there are many similarities in tone and approach), the Court gave credence to the heritage and culture value of the prayer and the artefacts. Despite the argument that these were not religious, the mayor made the following statement: “This fight [referring to the Tribunal hearing], I do it because I love Christ. ... When I get to the other side, I can be a little arrogant. I can say, ‘I fought for you.’ There is no finer argument. It’s extraordinary.”¹³

The Supreme Court of Canada overturned the Court of Appeal decision, affirming the findings of the Quebec Human Rights Tribunal on the matter of prayer:

[T]he Tribunal’s finding in the instant case of discrimination contrary to ss. 3 and 10 of the *Quebec Charter* was reasonable. The exclusion caused by the practice and the By-law in the case at bar resulted in an infringement of Mr. Simoneau’s freedom of conscience and religion, and it follows that the prayer necessarily had the effect of impairing his right to full and equal exercise of that freedom. (*Ford*, at pp. 786–87)¹⁴

The Court held that the state cannot hide behind “the guise” of culture and heritage to justify privileging religion. However, in its reasoning, the Court did not rule out the possibility of a situation in which religious practices and symbols might be protected as culturally important. This leaves open the door for future claims that draw on culture and heritage to justify the public presence of a religious practice or symbol.

Despite the ultimate finding of the Supreme Court of Canada that the recitation of the prayer at the beginning of the municipal council meeting violated Mr. Simoneau’s rights, the evidence and discussion in the case illustrate the myriad dimensions of the religion-to-culture transformation and the discursive forms it

¹¹ *Saguenay Tribunal*, *supra* note 8 at para 46.

¹² *Ibid* at paras 234 and 354.

¹³ *Saguenay CA*, *supra* note 9 at para 151.

¹⁴ *Saguenay SC*, *supra* note 10 at para 126.

takes. In a number of cases, for example, artefacts are reconfigured as nonreligious art (the crucifix was declared to be outside of canonical standards and thus not “really” a crucifix). They are noted to be non-coercive, harmless, universal—even in the face of complaints attesting to feelings of exclusion, alienation, and offence.

There is a temptation to read this case as a Quebec-specific phenomenon.¹⁵ But it is important to note that the reaction to the decision of the Supreme Court declaring the pre-council meeting prayer to be a violation of human rights was Canada-wide. Municipalities all across the country, it turned out, were beginning their meetings with Christian prayers. And they defended this on the basis of culture and heritage. Prayer is intertwined in provincial legislative rituals across Canada as well as in Parliament, justified as being part of “our” culture and heritage.¹⁶

With the synopsis of this case in mind, I turn below to the specifics of who is excluded from the characterization of Christian practices and symbols as “our heritage.” Reference to “our culture” is a discursive strategy deployed in a wide range of contexts across different jurisdictions. I will trace in a bit more detail the elements I’ve identified above with a view to considering who and what are erased by upholding Christian symbols and practices as “our culture and heritage.” The discourse in these cases, along with the public discussions they provoke, does not centre on an explicit reference to “the history and culture of us, we Christians,”¹⁷ but rather is presented as “the history and culture of us, everyone, the nation.” This distinction is important in that the former would not erase other groups who have contributed to nation building, and indeed, on whose territory the nation is built. It would, of course, be a claim to a particular kind of privilege, but it could then be named and debated as such—should majoritarian symbols have special status. The universal “us” is an exclusionary formulation that contributes to the alienation of individuals and groups from the common narrative and the common good. We therefore turn first to Indigenous peoples and the erasure of Indigenous spiritualities from the narrative of “our culture and heritage” to defend the presence of Christian symbols and practices.

¹⁵ In 2007, the Quebec government created the Consultation Commission on Accommodation Practices Related to Cultural Differences to investigate perceived anxieties among the majority French-Canadian (and historically Catholic) population over accommodations received by religious minorities. The Commission’s final report recognized that “a number of seemingly neutral or universal norms reproduce in actual fact worldviews, values, and implicit norms specific to the majority culture or population” (Bouchard and Taylor 2008, 161). For a discussion of the Bouchard–Taylor Commission and its outcomes, see Lefebvre and St-Laurent (2018). See also Lavoie (2018) for a discussion of the ways women who wear the hijab and work in Quebec’s civil service interpret *laïcité* in their everyday lives. Quebec passed Bill 21, *An Act respecting the Laicity of the State*, into law in June 2019. It has been criticized for targeting religious minorities because it prevents people from wearing ostentatious religious symbols while administering or receiving public services.

¹⁶ Newfoundland and Labrador is the only province that has never used prayer to open legislative meetings (Phelps Bondaroff et al. 2019, 13–14).

¹⁷ This would be difficult and would result in further essentialization and exclusion in a different register: Canada’s history is rich in terms of a wide range of Christian groups who might not feel included in the “our culture and heritage as Christians” statement either.

Our Indigenous Heritage

Canada is built on Indigenous territory (as are, for example, the United States and Australia). Over the course of colonial appropriation of Indigenous lands, Indigenous peoples were murdered, lied to, deliberately infected with disease, and, through the residential school initiative, had their culture and heritage seriously undermined. The facts about colonizer settlement, the process of land appropriation and attempts at cultural annihilation are set out in the report of the Truth and Reconciliation Commission in 2015:

The central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as "cultural genocide." (The Truth and Reconciliation Commission of Canada 2015, 1)

Although a number of treaties (seventy) were negotiated (between 1701 and 1923) which purport to be contracts by which First Nations peoples ceded their territories, it is widely acknowledged that there was a disparity in understandings of what was being agreed to.¹⁸ Fundamentally different legal systems and understandings of property are partly at the root of those different understandings. Promises of friendship and a nation-to-nation relationship were made, as well as peaceful economic and military relations. Guarantees of a continued right to use the land were broken and have been the subject of litigation ever since.¹⁹ In his critical reading and recovery of treaty agreements, John Borrows has argued: "The profound history of painful and oft-times treacherous dispossession behind treaty implementation should never be overlooked. To ignore, excuse or forget this tragic legacy would dishonor those who suffered and potentially run the risk of repeating our history" (2006, 191).

Borrows's affirmative view of the treaties presents them as evidence of an intention to create a new intercultural society. They are also evidence of Indigenous equality: "Indigenous peoples pledged their most sacred honour to abide by these treaties' terms in numerous negotiations. The Crown likewise promised they would honour the agreements in accordance with their highest principles. Each party references their own laws in reaching an accord" (Borrows 2006, 191). Borrows highlights the potential of the treaties to provide the foundation for alternative ways of thinking, which surely cannot be characterized by the monolithic assertion of the right of Christian symbols to dominate the landscape: "Treaties provide access to alternative conceptions of our relationship to one another and the earth. They are among our highest laws and should be respected as such" (2006, 212). Amadahy and Lawrence highlight the centrality of the *Indian Act* in maintaining control over Indigenous territory as well as Indigenous social and political life and indeed

¹⁸ See Government of Canada (2018).

¹⁹ See Nicholas Shrubsole's (2019) *What Has No Place, Remains: The Challenges for Indigenous Religious Freedom in Canada Today*.

identity (2009, 113–114). Self-governance and nation-to-nation relations have become core components of the contemporary conversation about reconciliation (Nikolakis 2019). Recognition of Indigenous cultures as central to contemporary Canada is also part of this (Tully 1995).²⁰ There is a further complication when considering the configuration of culture as it manifests vis-à-vis Christian religious symbols: the forced conversion of Indigenous peoples through early colonization and the residential school programme has left a legacy of what William Closson James (2006) describes as “dimorphism,” in which both Christian and Indigenous practices have a place within Indigenous lifeways. However, as the Truth and Reconciliation Commission of Canada (2015) laid bare, extreme caution must be exercised in assessing the place of Christianity in Indigenous lives. That assessment is the prerogative of Indigenous voices.

Indigenous peoples make up 4.9 percent of the Canadian population or 1,673,785 people according to Statistics Canada in 2016. The Indigenous population is younger than the general population and is growing in number (this is in part due to a greater willingness to identify as Indigenous). The relatively small number of Indigenous peoples often occludes a fundamentally important part of the story: Canada was built on the backs of Indigenous peoples—built on *their* heritage and culture. This is not to say that culture is a concept that is only present in (Christian) religious symbols cases or public discussions. Indeed, it played a central role in the discussion of the Supreme Court of Canada in the *Ktunaxa Nation* decision.²¹ But its construction is different: in that case, “culture” is used to refer specifically to Indigenous culture. It does not imagine a broader shared experience that is related to non-Indigenous peoples but rather separates “Indigenous culture” as being distinct from “us.” The defence of Christian symbols relies on a narrative of “our culture and heritage” which is singularly Christian. To say that a crucifix should remain because it is our culture and heritage excludes many Indigenous peoples from the “us” imaginary of settler Canadians. To talk of “our culture and heritage” as a justification for maintaining Christian prayers before legislative sessions and municipal council meetings, and crosses and crucifixes in public places such as hospitals and houses of government, is to present Indigenous peoples as guests on their own land. We turn now to other erasures the “our culture and heritage” mantra facilitates.

²⁰ “Indigenous nations across Canada had exercised powers through their own institutions that resemble what political and legal theory considers to be sovereignty: they waged war and secured peace, created currencies, exercised foreign policy and treaty making, and more generally governed their own affairs and tried to deliver welfare outcomes to their peoples. In the course of colonization, these powers were annexed by the Crown, and Indigenous nations found themselves left out of the prevailing political order. Reclaiming some of these powers and reclaiming their right to be “self-governing,” free of outside interference, are central ambitions for many Indigenous peoples across the world” (Nikolakis 2019, 57).

²¹ *Ktunaxa Nation v British Columbia* (Forests, Lands and Natural Resource Operations), 2017 SCC 54, [2017] 2 SCR 386. For insightful commentaries see Kislowicz and Luk (2019) and Bakht and Collins (2017).

A Nation of Immigrants

Migration is an important part of the story of Canada. To be sure, the British and the French comprise the bulk of the early settlers, but there is more to the story. The first national census in 1871 showed Muslims of Lebanese origins already living in Alberta. “These early immigrants to Alberta initially established themselves as merchants, bringing goods to fur traders and remote farms” (Selby, Barras, and Beaman 2018, 68). A visit to Canada by a Sikh regiment in 1897 resulted in Canada being seen as a good place for employment, and between 1904 and 1908, over 5000 Sikhs immigrated to British Columbia (Nayar 2004, 16). They were predominantly of the farming caste (Jat) and found work in lumber camps and sawmills, but also in other types of manual labour, including on farms (Nayar 2004, 15–16). Today people of South Asian origins, including Sikhs, make up 5.7 percent of the population. The first Jewish congregation was formed in 1768 in Montreal, but Jews were present in the 1600s, including Joseph de la Penha, a “Dutch Jewish merchant of Spanish and Portuguese descent, [who] was granted the territory of Labrador by England’s King William III in 1697” (Tulchinsky 2008, 13). In terms of religious affiliation, approximately 1 percent of the total Canadian population identifies as Jewish (Statistics Canada 2011).

The contribution of immigrant groups to the settling and economic “success” of the young nation cannot be underestimated, and smaller groups often made contributions to the building of the “nation” in disproportionate ways. The example of Chinese migrants illustrates: the first Chinese immigrants arrived in then British North America in the 1780s, but larger groups arrived in Canada post-Confederation, when British Columbia joined the union on the condition that a railway be built that would join the east and west. The government decided to employ Chinese labourers in order to reduce the cost of such an expansive railway. “In 1880, five years before the railway would be completed, the Canadian Pacific Railway signed several agreements with Chinese labor contractors in Guangdong Province. Initially, more than five thousand laborers came through these contracts directly from China, and another seven thousand Chinese railway workers were recruited from California. Thousands more came to Canada as contract laborers over the next several years” (Holland 2007, 151). The work was dangerous, made all the more so because of negligence and little care for the safety of the workers. An estimated 600 workers were killed during the construction of the railway (Wickberg 1982, 22–23).

Although some of the Chinese workers were indeed Christian (and thus might be included in the “our culture and our heritage” being marshalled in defence of the practice of prayer or the display of crosses or crucifixes in public spaces), many self-declared this way as a result of social pressure. “Chinese residents in Prairie Canada felt pressure to be baptized, or at the very least to self-identify as Christian on tax rolls or the census. Those who did otherwise risked being branded as heathens” (Marshall 2014, 138). Christianity was associated with nationalism, and thus Chinese immigrants, at least in public, “dressed, moved, and behaved deferentially in an effort to appear as Good Christians and loyal nationalists” (Marshall 2014, 20). The point is not that Chinese rail workers were not “really” Christian. It is to

demonstrate that diverse groups, many of whom were not European Christians, contributed to the building of Canada as a nation, and yet the rhetoric of our culture and heritage used to defend the presence of Christian symbols and practices suppresses this fact. Today people of Chinese origin make up 5.1 percent of Canada's population (Statistics Canada 2016).

Immigrants—beyond the French and the English whose stories of “our culture and heritage” dominate—were actively involved in the nation-building project of Canada, including providing vital supplies for early fur traders who contributed to the wealth of key companies like the Hudson's Bay company and the national railway.²² The claim of “our culture and heritage” in relation to the public presence of Christian religious symbols and practices obfuscates this contribution, and it creates a monolithic history of white Christian achievement which is belied by Canada's diverse religious and nonreligious heritage.

More recent history is also rich with religious diversity. Migration from the 1970s onward visibly amplified the existing diversity rather than creating something completely new.²³ This increase involves intersections of ethnicity and religiosity (Bramadat and Seljak 2005) resulting in a diversity that gradually became a signpost of Canadian identity through the lens of multiculturalism, although not without controversy.²⁴ Multiculturalism is included in section 27 of the *Canadian Charter of Rights and Freedoms* passed in 1982 and subsequently in the *Canadian Multiculturalism Act* passed in 1988,²⁵ bringing it into public and legal discourse.²⁶ For example, in the 2006 *Multani*²⁷ case, in which a Sikh boy sought to wear his kirpan to school, the Supreme Court of Canada stated:

The argument that the wearing of kirpans should be prohibited because the kirpan is a symbol of violence and because it sends the message that using force is necessary to assert rights and resolve conflict must fail. Not only is this assertion contradicted by the evidence regarding the symbolic nature of the kirpan, it is also disrespectful to believers in the Sikh religion and does not take into account Canadian values based on multiculturalism.²⁸

Similarly, multicultural values were recognized by the Supreme Court in *Saguenay*: “On the contrary, a neutral public space free from coercion, pressure and judgment on the part of public authorities in matters of spirituality is intended to protect every person's freedom and dignity. The neutrality of the public space therefore

²² See Marshall (2014).

²³ According to Statistics Canada (2018), visible minorities made up 53 percent of immigrants arriving to Canada during the 1970s, a dramatic increase from 12.4 percent prior to 1971. The number of non-Christian immigrants has also increased: Muslims, Hindus, Sikhs, and Buddhists comprised 2.9 percent of immigrants arriving before 1971, and 33 percent between 2001 and 2011.

²⁴ For critical perspectives on multiculturalism in Canada, see Bannerji (2000), Chazan et al. (2011), Day (2000), and Kernerman (2005). See Bouchard (2012) for an argument that it is interculturalism rather than multiculturalism that should define Quebec's approach to diversity.

²⁵ Section 27 of the *Charter* states: “This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.”

²⁶ For discussions on multiculturalism in and beyond Canada, see Guo and Wong (2015), Kymlicka (2001; 2007), Mielusel and Pruteanu (2020), Ryan (2010), Vertovec and Wessendorf (2010), and Winter (2015).

²⁷ *Multani v Commission scolaire Marguerite-Bourgeoys*, 2006 SCC 6, [2006] 1 SCR 256.

²⁸ *Ibid* at para 71.

helps preserve and promote the multicultural nature of Canadian society enshrined in s. 27 of the *Canadian Charter*.²⁹

Apologies for past discriminatory actions have also formed part of the narrative of an inclusive and equal Canada.³⁰ This multicultural (and multi-religious) version of “us” stands in stark contrast to the “us” in defensive public and legal narratives of “our culture and heritage.” So too do human rights protections that guarantee equality seem to be at odds with these narratives. In short, one narrative constructs an exclusive version of an “us” that valorizes Christian symbols and practices as representative of everyone; the other narrative, which emerged in more recent history, is one of inclusion, equality, and a richly diverse population. The reality, though, is that the richly diverse population has always existed, even before Canada became a country in 1867, including diverse Indigenous populations, religiously diverse settlers, and nonreligious people.

Nonreligion

Nonreligion, or unbelief, is perhaps the most difficult category to trace historically. As noted above vis-à-vis the Chinese immigrant railway workers, the social pressure to belong to Christianity was immense. This was further complicated by the fact that, until 1971, the national survey was carried out in person. Face-to-face reporting—to a person one could quite possibly know—may add social pressure to identify with religion. While it is impossible to know how many were merely saying they were Christian, it is worth recognizing the complexity of equating religious affiliation with commitment to symbols and practices.

Historian Lynne Marks (2017) has traced the presence of the nonreligious in the Canadian west, an area that has a disproportionately high number of people who self-describe as nonreligious. In 1901, the irreligious “made up 1.5 percent of the BC population, as compared to the 0.16 percent of irreligious among all Canadians. Stated otherwise, about 30 percent of all non-religious Canadians lived in British Columbia, at a time when the province was home to about 3 percent of Canada’s total population” (2017, 29).³¹ Further, as Marks notes, “The vast majority of British Columbians who defined themselves as irreligious, or who demonstrated their irreligion by staying away from religious institutions, did not come from non-Christian racialized groups: they were Euro-Canadians. Elsewhere in the country, they would be expected to define themselves as Christian” (2017, 9–10).

As of 2011, 44 percent of the population of British Columbia has no religious affiliation, compared with 24 percent of the total Canadian population (Statistics Canada 2011). In Quebec, “as of 2011, only 10.1% of Catholics attend church ‘at

²⁹ *Saguenay SC*, *supra* note 10 at para 74.

³⁰ Official apologies made by the Canadian Government include: in 2006 to Chinese Canadians for an immigration head tax that was in place until 1923 and the subsequent refusal to allow entry to Chinese immigrants until 1947; in 2008 to survivors of residential schools; and in 2016 for the *Komagata Maru* incident in 1914 when Sikh, Muslim, and Hindu ship passengers were denied entry into Canada (Brosseau and Dewing 2018).

³¹ In 1921, 21,739 people identified as having “no religion” (0.24 percent of the population) and 1,126 people identified as “free thinkers” (Department of Trade and Commerce 1924, 570).

least once a week' and 42.7% of Catholics 'never attend' church" (Clarke and Macdonald 2017, 143). Yet identification with Roman Catholicism is still high, something Clarke and Macdonald (2017) predict will fall given the large number of children now being raised completely without religion.

A survey published in *Faith Today* notes that the heyday of church attendance in post-World War II saw 67 percent of Canadians attending church or synagogue weekly, a figure that is now at 11 percent (Hiemstra 2020). However, the period prior to World War II does not show the deep commitment, at least as evidenced by church attendance, that is often part of the myth of a religious past. According to Kurt Bowen (2004), historical evidence for Toronto showed weekly attendance at 45 percent in 1882 and 55 percent in 1896. However, levels of attendance had begun their decline by 1956, albeit slowly (Bowen 2004, 13). In sharp contrast, the *Faith Today* article reported that half of those surveyed were agnostic, atheist, or non-religious, meaning that, combined, this group is now larger than those who identify as Christian (Hiemstra 2020).

Not all of those who self-identify as nonreligious object to religious practices and symbols in the public sphere. Many people are indifferent. However, not only (as the Supreme Court of Canada noted) should culture and heritage not be a guise for the protection of religious practices, it should also not be used as a blunt instrument to enforce a particular religious paradigm, such as, in the case of Canada, a Christian majoritarianism. To suggest that nonreligious people are not being hurt,³² or that they can leave the room,³³ or that they are being too radical,³⁴ or that they suffer some kind of a psychosis³⁵ (all of these were discussed in the *Saguenay* case) is to exclude the nonreligious from "our culture."

Decline and Varieties of Institutional Religion

Brian Clarke and Stuart Macdonald's (2017) careful study of the decline of Christianity in Canada suggests that not only is institutional religion declining and likely to continue to do so, but many of those who identify with Christianity do so in a peripheral way, meaning that they are not attached to institutional rituals or symbols. As noted above, many are simply indifferent. The picture is complex, and Christianity has played and continues to play an important role in Canadian society: "Christians still dominate the religious composition of Canada (67%), but that is down significantly from the approximately 96% of Canadians who identified as various kinds of Christians in 1961" (Clarke and Macdonald 2017, 6). Nonetheless, Clarke and Macdonald note that the trend of decline is likely to continue and conclude that "Canadian society is entering into a new era, a post-Christian era" (2017, 11).

To state of a prayer at municipal council meetings that it is "our heritage and culture" and assume that this statement represents the Christians present, or those who nominally identify as Christian, is also inaccurate. By this I don't mean that the

³² *Saguenay CA*, *supra* note 9 at para 112.

³³ *Ibid.* at para 18.

³⁴ *Saguenay Tribunal*, *supra* note 8 at para 135.

³⁵ *Ibid.* at para 174.

symbol or practice is rejected, but that the politicization of its presence is contested among Christians who see such entanglements as distasteful. Even those who are active, participating, observant Christians are not in agreement about the place of Christian symbols and practices in the public sphere. Christianity is richly textured in Canada and includes a wide range of approaches to the public presence of the Christian message, symbols, and practices (Bramadat and Seljak 2008; Reimer-Kirkham 2019; Young and Shipley 2020).

The politicization of this issue has had a number of impacts, including making it difficult for those who might agree that crucifixes have no place in legislative houses, or prayers at municipal meetings, to state that publicly. A second impact has been that, for those who are observant, the political wrangling over what is most sacred to them is a desecration of it. There is not uniform agreement among Christians, despite the broad “our culture and heritage” claims from those who defend the ongoing presence of Christian symbols and practices.

Conclusion

At the beginning of this article, I asked what happens when the “us” is disavowed—when someone says that “us” is not me? In the *Saguenay* case, Alain Simoneau was characterized by one of the expert witnesses (who was not a psychologist or a psychiatrist, but an anthropologist), as having neuropsychological problems or being psychiatrically disturbed by virtue of the mere fact that he objected to the prayer and religious artefacts.³⁶ Simoneau received threatening phone calls and had little crosses thrown in his car with “Simoneau the Catholic” and “Simoneau the converted one” written on them. In the Italian case of *Lautsi*, Justice Bonello referred to Ms. Lautsi’s legal complaint as “anti-crucifix vitriol.”³⁷ In the *Town of Greece* case, Stephens and Galloway, the legal complainants, were accused of being “ignorant of the history of our country.”³⁸ It is well known in the United States that sometimes complainants must use pseudonyms to bring cases forward that challenge the presence of Christian religion, so frequently have such claimants been the target of death threats and threats of harm.

Questioning the universality of particular symbols or practices is not intended to deny the importance, specialness, or even religious relevance of those symbols and practices to a particular group of people. However, even for that group, a blanket declaration and defence of symbols on this basis is problematic for a number of reasons: it flattens difference within this group, disallowing the complex relationships people have with symbols and practices even when they are “their own.” It politicizes symbols and practices that are “sacred” to some, dragging them into the mud of political bickering and point scoring.

³⁶ The expert “could not see how the reciting of the prayer could have a negative cognitive impact other than minimal inconvenience on a non-believer. Rather, to claim that the municipal council prayer prejudices a non-believer would be indicative of a problem of a [TRANSLATION] ‘neuropsychological or psychiatric’ kind” (*Saguenay Tribunal*, *supra* note 8 at para 174).

³⁷ *Lautsi*, *supra* note 1 at 39.

³⁸ *Town of Greece*, *supra* note 3 at 8.

The declaration that “it’s our culture and heritage,” in response to challenges to religious practices and symbols in the public sphere, was identified as a “guise” by the Supreme Court of Canada in the *Saguenay* decision. The exclusionary impact of claims to particular versions of “our culture and heritage” in cases justifying the presence of religious symbols and practices was noted by the Supreme Court, particularly for the nonreligious: “Even if a religious practice engaged in by the state is ‘inclusive,’ it may nevertheless exclude non-believers; whether it is consistent with the Quebec Charter depends not on the extent to which it is inclusive, but on its exclusive nature and its effect on the complainant’s ability to act in accordance with his or her beliefs.”³⁹

More recently, the dissenting judgment by Justice Ruth Bader Ginsberg in the *American Legion* decision also offers insight into the process and consequences of mobilization of discourses of culture and heritage. In that case, a forty-foot-tall cross, located on public property and established in memory of soldiers who died in World War I, was maintained by the local municipality. The majority of the court did not find a violation of the Establishment Clause,⁴⁰ citing historical reasons. However, Justice Ginsberg mobilized a different version of history, arguing that the impact of the cross was to elevate “Christianity over other faiths, and religion over nonreligion.”⁴¹ Rejecting the characterization of the cross as a secular symbol and emphasizing the ways that it ties the state to religion, she stated that “[a]n exclusively Christian symbol, the Latin cross is not emblematic of any other faith.”⁴² Challenging the majority characterization of the historical trajectory of the cross, Justice Ginsberg noted:

At the dedication ceremony, the keynote speaker analogized the sacrifice of the honored soldiers to that of Jesus Christ, calling the Peace Cross “symbolic of Calvary,” where Jesus was crucified. Local reporters variously described the monument as “[a] mammoth cross, a likeness of the Cross of Calvary, as described in the Bible”; “a monster [C]alvary cross”; and “a huge sacrifice cross.” *The character of the monument has not changed with the passage of time.*⁴³

Justice Ginsberg’s judgment takes a critical approach to history, calling attention to the ways that it is constructed as truth to bolster particular claims. Even a cursory examination of some of the practices and symbols declared to have deep historical meaning reveals that claim to be constructed. This was the case in *Saguenay*, where both the practice of saying the prayer and the display of the crucifix were revealed to be relatively recent phenomena. Not only does the claim of “our culture and heritage” involve denial that it is not everyone’s culture and heritage (that is, that it does not belong to the diverse present), but it also involves the creation of a homogenous “us” in the past.

³⁹ *Saguenay SC*, *supra* note 10 at para 137.

⁴⁰ The First Amendment reads, in relation to religion: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....”

⁴¹ *American Legion*, *supra* note 4 at 3.

⁴² *Ibid.* at 7.

⁴³ *Ibid.* at 11 (references omitted and emphasis added).

Noting that 30 percent of the population of the United States is not Christian, Justice Ginsburg stated that “the State’s choice to display the cross on public buildings or spaces conveys a message of exclusion: It tells them they ‘are outsiders, not full members of the political community.’”⁴⁴ Justice Ginsberg’s judgment captures the exclusionary power of religious symbols and practices that are couched in terms of culture and justified as part of “our history” or heritage. It is important, as I have argued elsewhere (Beaman 2020), that the specific social, economic, political, and cultural context of each example be carefully considered.⁴⁵ The separation of church and state, for example, in the United States gives a different repertoire of narratives and justifications that can be drawn upon in both law and public discussions. At the same time, however, there is a remarkable continuity of the shift from religion to culture across contexts, even though the details in their expression may differ.⁴⁶

To be sure, in some contexts, there are attempts to expand the “us” to include other religious practices. This may be seen to move in a direction that recognizes not only a diverse past, but an inclusive, future-forming approach in contradistinction to one which is past-preserving (and, as I have argued here, a particular exclusionary version of the past).⁴⁷ However, in many contexts (both in Canada and elsewhere) there remains an ardent defence of past practices that are decidedly monocultural.⁴⁸ What is the solution? A public sphere devoid of symbols and practices is unlikely to meet the goal of inclusion and equality or to exemplify what it means to live well together. Eradicating or erasing practices and symbols that are held dear by some is likely to cause alienation and social conflict. But continuing claims to privilege through a narrative that selectively celebrates one group will also have the same result. To describe state defence of “our heritage and culture” by one group as “neutral” is problematic.

A more productive approach recognizes the exclusions perpetuated in current narratives and actively engages with multiple constituencies to create future-forming and inclusive strategies.⁴⁹ In its consideration of opening prayers, the BC Humanist Organization has recommended that the Legislative Assembly of British Columbia “Abolish the practice of legislative prayer altogether,” “Replace the practice with a First Nations territorial acknowledgement,” or “Replace the practice with a time for silent reflection” (Phelps Bondaroff et al. 2019, 76). Such modifications in practices raise the question of whether a shift in national values is

⁴⁴ Ibid. at 5–6.

⁴⁵ Further, rather than a protective shield, culture can also be used to dismiss—“it’s only cultural, not religious.”

⁴⁶ See Astor and Maryl (2020) for a discussion of the culturalization of religion as a phenomenon in modern societies. For specific examples of a religion-to-culture shift outside of Canada, see Barras and Dabby (2014), Griera and Clot-Garrell (2015), Martínez-Ariño et al. (2015), and Taira (2019a; 2019b).

⁴⁷ See Beaman (2020).

⁴⁸ Municipal councils and legislatures across Canada continue to open with prayer. There are no data on how many municipalities engage in this practice.

⁴⁹ Rousseau (2011) proposes that the collective ritual practices of political institutions in liberal democratic societies need not be discarded to be inclusionary; instead, these practices can be reinvented with the purpose of including both believers and nonbelievers.

also necessary. This, of course, depends on context. But in the examples provided here, versions of inclusion, diversity, multiculturalism, equality, and so on are already part of the national narratives and values. In Canada, for example, “multicultural heritage” is written into the *Canadian Charter of Rights and Freedoms*. Equality is part of the national narrative of France. The United States is characterized as a nation of immigrants, diverse, full of opportunity and freedom. And so on. My core concern in this paper is the disjuncture between these narratives and the invocation of a narrow version of “our culture and heritage” that supports practices and symbols that are not, in fact, shared by constituent groups.

What constitutes “culture” and “heritage” can shift and be reconstructed in more inclusive ways. Recent inclusion of Indigenous rituals such as smudging in ceremonies and in schools, for example, see a deployment of cultural framing to support their presence. Such was the case in the Supreme Court of British Columbia’s *Alberni*⁵⁰ judgment, which framed a Nuuchahnulth smudging ritual as cultural, not religious, thus making it acceptable for elementary school students to observe in the classroom. Such reframing does not always work to support inclusiveness, though, as is illustrated by the framing of the niqab as “cultural” to justify excluding niqab-wearing women from public spaces (Bakht 2020).

Notions of the common good must be built on an inclusive foundation. This is not to deny the preciousness of specific groups’ symbols and heritage—and the value of protecting them—but to encourage a critical examination of claims to universality and the “us” in “our culture.” Protection in a model that does not validate the privilege of particular groups will require engaged discussion, debate, negotiation, and “agonistic respect.”⁵¹ The social construction of culture and heritage means that these are not concepts with fixed content that attach to particular symbols and practices. Expressions of the common good in successful democracies are necessarily inclusive of multiple histories and worldviews. Claims to a singular narrative of “our culture and heritage” must be subject to careful scrutiny.

References

- Amadahy, Zainab, and Bonita Lawrence. 2009. Indigenous peoples and Black people in Canada: Settlers or allies? In *Breaching the Colonial Contract: Anti-Colonialism in the US and Canada*, ed. Arlo Kempf, 105–136. Cham: Springer.
- Astor, Avi, and Damon Mayrl. 2020. Culturalized religion: A synthetic review and agenda for research. *Journal for the Scientific Study of Religion* (2020): online first. <https://doi.org/10.1111/jssr.12661>.
- Astor, Avi, Marian Burchardt, and Mar Griera. 2017. The politics of religious heritage: Framing Claims to religion as culture in Spain. *Journal for the Scientific Study of Religion* 56 (1): 126–42.

⁵⁰ *Servatius v Alberni School District No. 70*, 2020 BCSC 15. For a discussion see Beaman and Strumos (forthcoming).

⁵¹ See Beaman (2017b) for a discussion on achieving equality through what political theorist William E. Connolly (2005) calls “agonistic respect.”

- Bakht, Natasha, and Lynda Collins. 2017. "The earth is our mother": Freedom of religion and the preservation of indigenous sacred sites in Canada." *McGill Law Journal* 62 (3): 777–812.
- Bakht, Natasha. 2020. *In your face: Law, justice, and niqab-wearing women in Canada*. Toronto: Irwin Law.
- Bannerji, Himani. 2000. *The dark side of the nation: Essays on multiculturalism, nationalism, and gender*. Toronto: Canadian Scholars' Press.
- Barras, Amélie, and Dia Dabby. 2014. Only skin deep? Revising the secular narrative through circumcision. In *Globalized Religion and Sexual Identity: Contexts, Contestations, Voices*, ed. Heather Shipley, 86–106. Leiden: Brill.
- BBC News. 2020. Jägermeister logo does not offend Christians, Swiss court rules. *BBC News*, February 20. <https://www.bbc.com/news/world-europe-51567705>.
- Beaman, Lori G. 2017a. Recognize the new religious diversity. *Canadian Diversity* 14 (4): 17–19.
- Beaman, Lori G. 2017b. *Deep equality in an era of religious diversity*. Oxford: Oxford University Press.
- Beaman, Lori G. 2020. *The transition of religion to culture in law and public discourse*. Oxon: Routledge.
- Beaman, Lori G., and Lauren Strumos. Forthcoming. Smudging, yoga and ethical veganism: Exploring the boundaries of religious and spiritual practice in law. In *New Spiritualities and the Culture of Well-being*, ed. Géraldine Mossière. Cham: Springer.
- Borrows, John. 2006. Ground-rules: Indigenous treaties in Canada and New Zealand. *New Zealand Universities Law Review* 22 (2): 188–212.
- Bouchard, Gérard. 2012. *L'interculturalisme : Un point de vue québécois*. Montreal: Boréal.
- Bouchard, Gérard, and Charles Taylor. 2008. *Building the future: A time for reconciliation*. Montreal: Government of Quebec.
- Bowen, Kurt. 2004. *Christians in a secular world: The Canadian experience*. Montreal and Kingston: McGill-Queen's University Press.
- Bramadat, Paul, and David Seljak, eds. 2005. *Religion and ethnicity in Canada*. Toronto: Pearson Education Canada.
- Bramadat, Paul, and David Seljak, eds. 2008. *Christianity and Ethnicity in Canada*. Toronto: University of Toronto Press.
- Brousseau, Laurence, and Michael Dewing. 2018. *Canadian multiculturalism* (Background Paper). Publication no. 2009-20-E. Ottawa: Library of Parliament.
- Chazan, May, Lisa Helps, Anna Stanley, and Sonali Thakkar, eds. 2011. *Home and native land: Unsettling multiculturalism in Canada*. Toronto: Between the Lines Press.
- Clarke, Brian, and Stuart Macdonald. 2017. *Leaving Christianity: Changing allegiances in Canada since 1945*. Montreal and Kingston: McGill-Queen's University Press.
- Connolly, William E. 2005. *Pluralism*. Durham, NC: Duke University Press.
- Day, Richard J. F. 2000. *Multiculturalism and the history of Canadian diversity*. Toronto: University of Toronto Press.
- Department of Trade and Commerce. 1924. *Sixth census of Canada, 1921: Volume—Population, Number, Sex and Distribution—Racial Origins—Religions*. Ottawa: F. A. Acland.
- Evans, Carolyn. 2001. *Freedom of Religion under the European Convention on Human Rights*. New York: Oxford University Press.
- Finke, Roger, and Rodney Stark. 2005. *The churching of America, 1776–2005: Winners and losers in our religious economy*. New Brunswick: Rutgers University Press.

- Fokas, Effie. 2015. Directions in religious pluralism in Europe: Mobilizations in the shadow of European Court of Human Rights religious freedom jurisprudence. *Oxford Journal of Law and Religion* 4 (1): 54–74.
- Government of Canada. 2018. Treaties and agreements. <https://www.rcaanc-cirnac.gc.ca/eng/1100100028574/1529354437231>.
- Griera, Mar, and Anna Clot-Garrell. 2015. Banal is not trivial: Visibility, recognition, and inequalities between religious groups in prison. *Journal of Contemporary Religion* 30 (1): 23–37.
- Guo, Shibao, and Lloyd Wong, eds. 2015. *Revisiting multiculturalism in Canada: Theories, policies and debates*. Rotterdam: Sense Publishers.
- Hiemstra, Rick. 2020. Not Christian anymore. *Faith Today*, January 8. <http://www.faithtoday.ca/Magazines/2020-Jan-Feb/Not-Christian-anymore>.
- Hobsbawm, Eric, and Terence Ranger, eds. 1983. *The invention of tradition*. Cambridge: Cambridge University Press.
- Holland, Kenneth M. 2007. A history of Chinese immigration in the United States and Canada. *American Review of Canadian Studies* 37 (2): 150–60.
- James, William Closson. 2006. Dimorphs and cobblers: Ways of being religious in Canada. In *Religion and Canadian Society: Traditions, Transitions, and Innovations*, ed. Lori G. Beaman, 119–131. Toronto: Canadian Scholars' Press Inc.
- Kernerman, Gerald P. 2005. *Multicultural nationalism: Civilizing difference, constituting community*. Vancouver: UBC Press.
- Kislowicz, Howard, and Senwung Luk. 2019. Recontextualizing *Ktunaxa Nation v. British Columbia*: Crown land, history and Indigenous religious freedom. *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference* 88. <https://digitalcommons.osgoode.yorku.ca/sclr/vol88/iss1/9/>.
- Kymlicka, Will. 2001. *Politics in the vernacular: Nationalism, multiculturalism and citizenship*. Oxford: Oxford University Press.
- Kymlicka, Will. 2007. *Multicultural odysseys: Navigating the new international politics of diversity*. Oxford: Oxford University Press.
- Lavoie, Bertrand. 2018. *La fonctionnaire et le hijab : Liberté de religion et laïcité dans les institutions publiques québécoises*. Montréal: Presses de l'Université de Montréal.
- Lefebvre, Solange, and Guillaume St-Laurent, eds. 2018. *Dixans plus tard : La Commission Bouchard-Taylor, succès ou échec?* Montreal: Québec Amérique.
- Loader, Colin. 2015. Alfred Weber, "The Sociological Concept of Culture." *Cultural Sociology* 9 (2): 256–70.
- Marks, Lynne. 2017. *Infidels and the damn churches*. Vancouver: UBC Press.
- Marshall, Alison R. 2014. *Cultivating connections: The making of Chinese prairie Canada*. Vancouver: UBC Press.
- Martínez-Ariño, Julia, Gloria García-Romeral, Gemma Ubasart-González, and Mar Griera. 2015. Demonopolisation and dislocation: (Re-)negotiating the place and role of religion in Spanish prisons. *Social Compass* 62 (1): 3–21.
- Merry, Sally Engle. 2001. Changing rights, changing culture. In *Culture and Rights: Anthropological Perspectives*, ed. Jane K. Cowan, Marie-Bénédicte Dembour, and Richard A. Wilson, 31–55. Cambridge: Cambridge University Press.
- Mielusel, Ramona, and Simona Emilia Pruteanu, eds. 2020. *Citizenship and belonging in France and North America: Multicultural perspectives on political, cultural and artistic representations of immigration*. Cham: Palgrave Macmillan.
- Nayar, Kamala Elizabeth. 2004. *The Sikh diaspora in Vancouver: Three generations amid tradition, modernity, and multiculturalism*. Toronto: University of Toronto Press.

- Nikolakis, William. 2019. The evolution of Indigenous self-governance in Canada. In *Reclaiming Indigenous governance: Reflections and insights from Australia, Canada, New Zealand, and the United States*, ed. William Nikolakis, Stephen Cornell, and Harry W. Nelson, 55–70. Tucson: The University of Arizona Press.
- Ortner, Sherry B. 1996. *Making Gender: The Politics and Erotics of Culture*. Boston: Beacon Press.
- Phelps Bondaroff, Teale N., Ian Bushfield, Katie E. Marshall, Ranil Prasad, and Noah Laurence. 2019. *Report: An analysis of prayer in the Legislative Assembly of British Columbia, 2003–2019*. BC Humanist Association. https://d3n8a8pro7vhmx.cloudfront.net/bchumanist/pages/2639/attachments/original/1568097489/House_of_Prayer.pdf?1568097489.
- Phillips, Anne. 2010. *Gender and culture*. Cambridge: Polity Press.
- Reimer-Kirkham, Sheryl. 2019. Complicating nursing's views on religion and politics in healthcare. *Nursing Philosophy* (2019): <https://doi.org/10.1111/nup.12282>.
- Rousseau, Louis. 2011. Prière et démocratie municipale. *Éthique publique* 13 (2): 1–5. <https://doi.org/10.4000/ethiquepublique.862>.
- Ryan, Phil. 2010. *Multiculturalphobia*. Toronto: University of Toronto Press.
- Selby, Jennifer A., Amélie Barras, and Lori G. Beaman. 2018. *Beyond accommodation*. Vancouver: UBC Press.
- Shrubsole, Nicholas. 2019. *What has no place, remains: The challenges for Indigenous religious freedom in Canada today*. Toronto: University of Toronto Press.
- Sikka, Sonia. 2012. Moral relativism and the concept of culture. *Theoria: A Journal of Social and Political Theory* 59 (133): 50–69.
- Statistics Canada. 2011. Religion (108), Immigrant Status and Period of Immigration (11), Age Groups (10) and Sex (3) for the Population in Private Households of Canada, Provinces, Territories, Census Metropolitan Areas and Census Agglomerations, 2011 National Household Survey. <http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/dt-td/Rp-eng.cfm?LANG=E&APATH=3&DETAIL=0&DIM=0&FL=A&FREE=0&GC=0&GID=0&GK=0&GRP=0&PID=105399&PRID=0&PTYPE=105277&S=0&SHO WALL=0&SUB=0&Temporal=2013&THEME=95&VID=0>.
- Statistics Canada. 2016. Census profile, 2016 census: Ethnic origin. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=PR&Code1=01&Geo2=PR&Code2=01&Data=Count&SearchText=Canada&SearchType=Begins&SearchPR=01&B1=Ethnic+origin&TABID=1>.
- Statistics Canada. 2018. Immigration and ethnocultural diversity in Canada. <https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-010-x/99-010-x2011001-eng.cfm>.
- Taira, Teemu. 2019a. From Lutheran dominance to diversity: Religion in Finnish newspapers 1946–2018. *Temenos: Nordic Journal of Comparative Religion* 55 (2): 225–47.
- Taira, Teemu 2019b. Suvivirsi ja kristinuskon “kulttuuristuminen” katsomuksellisen monimuotoisuuden aikana.” *Uskonnonutkija* 8 (1).
- Truth and Reconciliation Commission of Canada. 2015. *Truth and Reconciliation Commission of Canada: Calls to Action*. Winnipeg: Truth and Reconciliation Commission of Canada. http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf.
- Tulchinsky, Gerald. 2008. *Canada's Jews: A People's Journey*. Toronto: University of Toronto Press.
- Tully, James. 1995. *Strange Multiplicity: Constitutionalism in an age of diversity*. Cambridge: Cambridge University Press.
- Vertovec, Steven, and Susanne Wessendorf, eds. 2010. *The multiculturalism backlash: European discourses, policies and practices*. London: Routledge.

- Waterton, Emma, and Steve Watson. 2013. Framing theory: Towards a critical imagination in heritage studies. *International Journal of Heritage Studies* 19 (6): 875–909.
- Wickberg, Edgar. 1982. *From China to Canada: A history of the Chinese communities in Canada*. Toronto: McClelland and Stewart Ltd.
- Winter, Elke. 2015. Rethinking multiculturalism after its “retreat”: Lessons from Canada. *American Behavioral Scientist* 59 (6): 637–57.
- Young, Pamela Dickey, and Heather Shipley. 2020. *Identities under construction: Religion, gender, and sexuality among youth in Canada*. Montreal: McGill-Queen’s University Press.
- Zubrzycki, Geneviève. 2016. *Beheading the saint: Nationalism, religion, and secularism in Quebec*. Chicago: The University of Chicago Press.

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