

THE TESSELLATE INSTITUTE



2009 ANNUAL REPORT



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Al hamdulillah, *The Tessellate Institute* (TTI) has completed two successful projects this year, both of which go toward fulfilling its mandate of conducting academically sound and policy-relevant research into issues relating to ethno-religious minorities in Canada, the results of which are disseminated to the general public through open seminars, speeches and TTI's own website.

- 1) "Interdisciplinary Perspectives on Faith-Based Arbitration" was a panel sponsored by the Tessellate Institute at the Association of Muslim Social Scientists' annual regional conference held at Wilfred Laurier University, on May 21, 2009.

The panel was convened to bring scholarly expertise to bear on the questions raised by the proposal of faith-based arbitration in Ontario. By 2009, that is, four years after the "sharia law" controversy in Ontario resulted in the Ontario Liberal government's decision to ban all faith-based arbitration, from an immediate policy perspective the debate was "over." In my introduction to the panel I argued that the impetus related to faith-based arbitration is not. In 2008 Britain faced a controversy over comments made by the Archbishop of Canterbury that endorsed the idea that some elements of Islamic law be recognised in the English legal system.

As the public debate in Ontario about faith-based arbitration was conducted without a great deal of empirical knowledge of the issues at hand, and also evinced a bigotry against Muslims that was disturbing to many Ontarians, TTI concluded that dispassionate analysis, based on empirical data, of the questions related to the use of Islamic law by Muslims in multicultural societies was essential for future policy considerations.

The panellists at the AMSS conference were:

- Dr Julie MacFarlane, Faculty of Law, University of Windsor, "The Use of Islamic Dispute Resolution Processes in North American Mosques: An Empirical Study;"
- Dr Anna C. Korteweg, Department of Sociology, University of Toronto, "Debating Sharia in Ontario: Representations of Muslim Women's Agency;"
- Christopher Cutting, PhD Candidate, Department of Religious Studies, University of Waterloo, "Problematizing the Secular: Ongoing Faith Based Practices in Ontario Family Law."
- Dr Annie Bunting, Department of Law and Society, York University, "Family Law's Legal Pluralism."

Overall, and from the different disciplinary perspectives of law, sociology and religious studies, the scholars on the panel had arrived at some strikingly similar conclusions based on their very different, yet empirically based, research:

- That the Ontario family law act was misunderstood by the public, including Muslims;

- That policymakers had little understanding of the communities who would use faith-based arbitration;
- That the voices of those who would seek religious family law were largely absent from the debate;
- That non-observant Muslims also have an interest in religious family law due to identity issues, attachment to culture and so on;
- That the press misrepresented the role of imams, who, with a few notable exceptions, in practice aim to achieve fairness in their mediations, and are not routinely ‘anti-woman’;
- That the press also misrepresented those who would use FBA as ‘ignorant’ or ‘vulnerable’ without allowing the nuances and complexity of seeing religious women as having agency (ie the capacity to reason and act in their own best interests);
- That the State desire to protect “vulnerable” women was not achieved via the amendments that prohibited faith based arbitration;
- That Muslim women were no different from other Canadian women with respect to family pressure;
- That secularism did not require the absence of faith-based arbitration, and ‘separation of church and state’ was not necessarily beneficial to Muslim women (especially with respect to access to divorce, which was not covered by the Act, and remains a problem for both Jewish and Muslim women);
- That the dynamics involving questions of incorporating aspects of Islamic family law into Canada’s legal system, religious people and identity in a multicultural society, agency, separation of religion and State are far from settled by the 2005 Liberal Govt decision, and that there will be more ‘chapters’ to follow in Ontario’s future.

A short, though lively, question-and-answer session followed.

- 2) **Mosqueone.com: Oral Histories of Toronto’s First Mosque** is the result of a project that was funded by the *Olive Tree Foundation* and co-sponsored by the *International Development and Relief Foundation*.

The project was borne out of multiple needs:

- i) To begin documenting the history of Muslims in Canada before that history is lost to time.
- ii) To demonstrate via history that Muslims have a positive historical legacy of contributing to the development of Canadian society and are not simply ‘fresh off the boat immigrants’ who do not know anything about Canadian values
- iii) To provide alternative media to counter the prevalent negative stereotypes of Muslims that appear in the mainstream press

The project aimed to produce a multi-media website that was an oral history of Toronto's first mosque, including other relevant textual and photographic documents.

It is evident, and based on feedback we have received from others, the resultant website has met, even exceeded, the expectations for this project. It is the first of its kind focusing on the Muslim community of Toronto, indeed, Canada.

The MosqueOne website is an oral history of the Dundas St mosque, founded in 1961 - 68, by *The Muslim Society of Toronto*. Its existence is largely unknown, though many of its founders have become important pillars of a gamut of Canadian Muslim institutions.

Mosqueone.com contains full transcripts of interviews with 8 pioneers, plus over 100 video clips, over 3 dozen photographs, legal documents, over seven years' of recorded minutes from the organization that operated the mosque, and other academic work pertaining to this mosque.

The project highlights the important role the mosque played in the orientation and integration of Muslims into Toronto's society. It was recognised as a "terrific resource" by MPP Kathleen Wynne, who spoke at the launch of the web site, for those wishing to study further immigration, diversity, the religious history of Toronto, and the formation of Canadian Muslim identity.

The website was launched on November 10, 2009, at the Cumberland Room in the International Student Centre of the University of Toronto, St George Campus. The *Muslim Students Association (University of Toronto, St. George Campus)*, whose own history is linked to Toronto's first mosque, hosted the event.

In attendance at the launch were the speakers: MPP, Education, Kathleen Wynne, Dr J O'Connell, Jawad Jafry; academics, policy-makers, non-Muslim and Muslim community leaders, project participants and others who used to attend the Dundas St mosque. The estimated guests were 50.

Post-project publicity included:

- Article in *Toronto Star*, "Humble Beginning for Great Faith," Noor Javed, Saturday, Nov 7, 2009
- OTF e-list
- M Bhabha e-list
- Ansar Housing e-list
- News articles in *The Muslim Voice*, *The Islamic Horizons*, *Search for Common Ground*
- Article in *West Toronto Junction Historical Society* newsletter
- Article at Iqra.ca
- CAIR-CAN e-list
- Toronto Muslims e-list



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Inshallah, in 2010 we will continue to explore the oral history of Canadian Muslim pioneers, as well as other topics related to Muslims and civic engagement.

Katherine Bullock, PhD
President, TTI