

Winter 3-2-1999

Equality Before the Law: An Exploration of the Pursuit of Government Funding by Muslim Schools in Britain

Marie Parker-Jenkins

Follow this and additional works at: <https://digitalcommons.law.byu.edu/elj>

 Part of the [Comparative and Foreign Law Commons](#), and the [Education Law Commons](#)

Recommended Citation

Marie Parker-Jenkins, *Equality Before the Law: An Exploration of the Pursuit of Government Funding by Muslim Schools in Britain*, 1999 BYU Educ. & L.J. 119 (1999).

Available at: <https://digitalcommons.law.byu.edu/elj/vol1999/iss2/5>

.

This Article is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Brigham Young University Education and Law Journal by an authorized editor of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

EQUALITY BEFORE THE LAW: AN EXPLORATION OF THE PURSUIT OF GOVERNMENT FUNDING BY MUSLIM SCHOOLS IN BRITAIN

*Marie Parker-Jenkins**

I. PROLOGUE

“The politics of difference . . . aims for an understanding of group difference . . . as entailing neither amorphous unity nor pure individuality.”¹

Until 1998, private Muslim schools had tried unsuccessfully to obtain the public funding afforded other denominational schools in Britain. The recent decision about awarding government funding to two private Muslim schools in Great Britain has put the spotlight on the issue of using the public purse to support private institutions and has brought to an end the fifteen-year battle that Muslim communities have waged in order to receive equal treatment under education law.²

This article provides an overview of this struggle, geographic and statistical background information, and social and legal issues emerging from the decision.

For over a decade, it has been clear that Britain must either provide equality before the law for all religious schools that fulfill government criteria or dismantle existing legislation and embrace a “common school” for all. Britain cannot have it both ways. The problem is located in a social justice model whereby financial support is forthcoming for all qualifying religious schools. Consistent and equitable government policy is required

* Professor Marie Parker-Jenkins is a professor at the School of Education and Social Science, University of Derby, Mickelover, Derby, United Kingdom. Because this article was originally presented as an address to the American Educational Research Association Conference held in San Diego, California in April 1998, it may not fully conform to traditional American legal writing conventions.

1. IRIS MARION YOUNG, *JUSTICE AND THE POLITICS OF DIFFERENCE*, 171 (1990). There are only two Muslim schools in receipt of public monies. One is the Islamia Primary School in Brent and the other is the Al-Furquan School in Birmingham.

2. *Islamia School Centre v. Brent Education Authority*, (1993).

to ensure parity of treatment for all minority groups who give expression to the reality of a multi-cultural/multi-faith society.

II. INTRODUCTION

Recently public debate on policy issues has increased regarding the educational provisions for pupils from ethnic minority backgrounds. Most of these debates are based within the context of social justice, cultural diversity, and the need for adopting educational procedures that are culturally and socially sensitive. Further, the issue of equality before the law has particular significance in allocating public funds for religious schools. This paper draws on my research of Muslim communities in Britain and provides: (A) background information, (B) objectives, (C) theoretical framework, (D) modes of inquiry, (E) data sources, (F) significance of study, and finally, (G) discussion of legal and philosophical concerns.

A. BACKGROUND

Government funding for Muslim schools has become a more prominent issue during the last decade. In the post-Rushdie era, the Gulf War and the Bosnian crisis have highlighted social policy concerns—especially advocacy for the educational needs of Muslim children. Dissatisfaction over educational policy in the last decade has centred on three issues: the difficulty of providing adequately for Muslim children in state schools. Additionally, the call for public funding of Muslim schools, and the general concerns of Muslim parents who feel an incompatibility between values taught at home and at school are also difficult issues. This section provides background information on Muslims in Britain and the development of British education along denominational lines.

Muslim immigration to Britain from South-East Asia and Africa began in the 1940s. Immigration was driven primarily by a lack of economic opportunity and unemployment.³ Economic growth in Britain created an increasing demand for unskilled labour until the 1970s. In addition, lax immigration policies

3. Muhammad Anwar, *Muslims in Britain: The 1991 Census and other Statistical Sources*, CENTER FOR THE STUDY OF CHRISTIANS AND MUSLIM RELATIONS, paper 9 (1993).

allowed for the increased influx of Muslim workers and their families.

Kinship and friendship networks during immigration contributed to various cultural and ethnic concentrations.⁴ Pakistanis and Indians who migrated to Britain in the 1960s and 1970s maintained ideological and economic ties with their countries of origin.⁵ Sizeable numbers of East Africans arrived from Kenya (in 1968) and Uganda (in 1972) in largely for political reasons.⁶

Muslims migrating to Britain settled in irregular patterns which caused Muslim communities to be unevenly distributed. The majority settled in the Greater London conurbation, the South-East, West Midlands, West Yorkshire, South Lancashire region, and Central Clyde side. Muslims frequently grouped together according to their countries of origin. These settlement patterns are significant to the education system, especially in areas of large concentrations. For example, the recently-established Bangladeshi community in Tower Hamlets, London, requires specific provisions from social services in general, and specifically from schools.

The age profile of Muslim communities is another factor which highlights the relevance of the schooling question. Thirty percent of Muslims are of school age, compared with a general figure of 13%; and almost 60% of Muslims are under twenty-five, compared to 32% nationally.⁷ The statistics underscore the importance of assessing the educational needs of first and second generation Muslim children and the extent to which their needs can be met within the state (public) school system.

Statistically, Muslims comprise the third largest religious minority in Britain today (after Roman Catholics and Anglicans).⁸ They are not, however, an homogenous group. Instead,

4. Colin Price, *The Study of Assimilation*, in J.A. Jackson (ed.), *Migration, SOCIOLOGICAL STUDIES*, No. 2 (1969).

5. J.L. WATSON, *BETWEEN THE TWO CULTURES: MIGRANTS AND MINORITIES IN BRITAIN* (1977).

6. DILIP HIRO, *BLACK BRITISH, WHITE BRITISH* (1971).

7. *Statistics-Muslim Population in Britain: A Short Report*, British Muslims Monthly Survey 1 (10), at 4-5 (1993).

8. *Id.*; See also S.A. Ashraf, *Forward* to J.M. HALSTEAD, *THE CASE FOR MUSLIM VOLUNTARY-AIDED SCHOOLS: SOME PHILOSOPHICAL REFLECTIONS*, The Islamic Agency (1986); Muhammad Anwar, *Muslims in Britain: The 1991 Census and other Statistical Sources*, CENTRE FOR THE STUDY OF CHRISTIANS AND MUSLIM RELATIONS, paper 9 (1993).

the Muslims in Britain are multicultural and multilingual in nature; sharing only a common faith. "Muslim" as a generic term encompasses people who are adherents to the same faith operating within Muslim communities, but differ markedly in cultural, linguistic, and socio-economic features, and who differ in their views of what Islam means and how it affects their lives. Furthermore, the word "Muslim" cannot automatically be associated with "Asian." This is an important distinction, because there is misconception that Muslims in Britain are all of Asian origin (i.e. from the Indian sub-continent).

Not all Asians are Muslim. Many embrace other religions, such as Hinduism, Sikhism, or Christianity. This theme will be considered later, but it is instructive to note here that while Muslims share common beliefs and a lifestyle based on the teachings of the Qur'an, they have diverse cultures and traditions. The generic label "Muslim" encompasses wide variations, and the educational needs of Muslim children are directly related to those variations particularly in religious background and cultural heritage. Additionally, the term "fundamentalism" is sometimes pejoratively linked with the word "Muslim."⁹ In a literal sense, "fundamentalism" relates to a strict adherence to religious beliefs. As in other religious groups, adherence to doctrine varies in Muslim communities.

There are no definitive statistics concerning the population of Muslims living in Britain. As official surveys do not ask ques-

9. The term "fundamentalism" is often pejoratively linked with the word "Muslim." The *Concise Oxford Dictionary* defines fundamentalism as "strict maintenance of traditional orthodox religious beliefs, such as the inerrancy of scripture and literal acceptance of the creeds as fundamentals of Protestant Christianity."

This definition could obviously be attached to a number of religious groups. Its origin, however, dates back to American Protestant churches and the establishment of the World Christian Fundamentalist Association (Yuval-Davis, 1992). Whether the term "fundamentalism" has any application to Muslim communities is questionable, however, since "some Muslim leaders have insisted that they are not fundamentalists, just devout Muslims. Others . . . would apply the label to Muslims, but argue that one cannot put Christian and Muslim fundamentalists in the same category because of the different nature of the two religions." N. Yuval-Davis, *Fundamentalism, Multiculturalism and Women in Britain*, in J. DONALD AND A. RATTANSI (EDS.), *RACE, CULTURE AND DIFFERENCE*, at 278 (1992).

Notwithstanding semantics and challenges on theological grounds, the term "fundamentalism" has been applied in this instance within the context of anti-Muslim racism (as used by the media during and after the Rushdie affair). It has been used in the context of "an abusive labelling of Muslims and their racialization as the collective 'barbaric others'" *Id.* The term has further currency as a social phenomenon that cuts across other religions and cultures.

tions pertaining to religious affiliation. Therefore, estimates have to be drawn from questions relating to ethnicity. Using the 1991 Census and other statistical sources on demographic and social details, Muhammad Anwar has attempted to calculate the number of Muslims in Britain.¹⁰ The 1991 British census was the first to ask which of nine categories of ethnicity those surveyed claimed: White, Black, Caribbean, Black Other, Indian, Pakistani, Bangladeshi, Chinese, or "any other" ethnic group. From this question on ethnicity, coupled with information on country of birth, calculations can be made regarding religious affiliation.

Taking into account recent demographic trends, Anwar estimates that as of 1993, the Muslim population in Britain was approximately 1.5 million, and Sarwar calculates that around 500,000 are children of compulsory school age. In the absence of questions on religious affiliation in statistical surveys such as the 1991 Census, no exact figure is available.¹¹ Finally, among the 1.5 million Muslims in Britain, there are variations based not only on nationality, but also on sectarian differences. This background in mind, this article now addresses methodological questions framing a review of the study's results and the broad philosophical issues that have emerged.

10. Muhammad Anwar, *Muslims in Britain: The 1991 Census and other Statistical Sources*, CENTRE FOR THE STUDY OF CHRISTIAN AND MUSLIM RELATIONS, paper 9 (1993). The data below further indicates that Muslims in Britain are not an homogenous group. The main countries of origin are the following:

Pakistan	564,000
Bangladesh	164,000
Middle East	109,500
India	114,000
Kenya	71,100
Turkey	41,000
Malaysia	27,000
Egypt	46,500
Libya	15,000
Morocco	13,600

THE ISLAMIC FOUNDATION (1991).

Also included, but in much smaller numbers, are Muslims who are Greek or Turkish in origin. There are also Muslims from Indonesia, the Philippines and Singapore.

11. G.C. Sarwar, *British Muslims and Schools*, Muslim Educational Trust (1994).

B. OBJECTIVES

The aim of this study was to examine the relationships between ethnicity, law, and educational policy regarding the education of pupils from Muslim background. The specific objectives were: (1) To provide an overview of Muslim communities in Britain and give demographic detail; (2) to examine the struggle by Muslim schools and other religious institutions in Britain to gain equal access to public funding; and (3) to explore the legal, political, and pedagogical issues contained in the debates surrounding the controversial question of public funds for Islamic schools.

C. THEORETICAL FRAMEWORK

This topic is positioned within two theoretical perspectives; religious schooling and the extent and tolerance of cultural diversity. First, religious schooling is not a new phenomenon in Britain. The clergy was responsible for initiating the establishment of schooling for the masses in the nineteenth century while the government generally showed reluctance to provide leadership in this area of public life. However, by the turn of the century, religious groups looked to the government to provide financial support and this developed as voluntary-aided schools, reiterated in The Education Act of 1944. A tradition of funding denominational schools thus developed. Currently there are over 7,000 Anglican and Catholic schools receiving public funds. The legislation that provides this is silent as to which denominations may seek funding for their schools. Under these statutes, nearly twenty-five non-Christian (Jewish) schools have applied for and received assistance.

Unlike the United States, Britain did not establish a separation of church and state. Therefore, schooling and religion have been financially linked since the end of the nineteenth century. Legislation enacted in 1902 and 1906 established voluntary denominational schools funded by government. These existed alongside those schools newly created by the British school boards—the forerunner of local education authorities. Categories of denominational schools were designated in the Act with various levels of government control but were generally referred to as voluntary aided schools (i.e. they were established at the instigations of the church, but subsequently went on to receive financial aid from the government). However, the Act did not

specify religious affiliation. The relevant clauses of the Act provide for different levels of support according to whether a school is classified as "voluntary aided"¹² or "controlled,"¹³ but they do not specify which denominational groups are to be included in the scheme. Hence, Jewish schools have been established through the procedure of obtaining voluntary aided status. Muslims, and potentially Sikh, Hindu, and other minority groups also wish to avail themselves of this right.

Granting voluntary aided status to Muslim schools is a difficult issue. Unlike previous denominations, Muslims are perceived as a minority. Moreover, de facto racial segregation, as well as religious apartheid, appears to contradict government rhetoric on fostering multiculturalism. Notwithstanding the issue of "voluntary apartheid," lack of funding for minority faith groups creates an issue of equality before the law. Voluntary aided status brings with it grants towards capital costs of the buildings in addition to running costs and teachers' salaries. If Muslim schools were afforded this status, they would be placed in the same category as the more than 7,000 Anglican and Catholic schools and twenty-five Jewish institutions which currently receive government funding of 100% of their running costs and 85% of their capital costs.¹⁴ Figures provided in 1991 by the Department of Education and Science (now the Department for Education and Employment) demonstrate that approximately one third of maintained schools fall within the voluntary aided category and are denominational in character.¹⁵

The extent and tolerance of cultural diversity is the second perspective. Unlike the "melting pot" tradition of the United States, Britain has gone through a number of policy paradigms

12. "Voluntary aided schools" are those which were established by a voluntary body such as the Church and are now financed mostly by local government. Representatives of the establishing body hold a majority on the school governing body, and the school is run along the religious or philosophical lines consistent with that group. CRONER, *HEAD'S LEGAL GUIDE* (1998).

13. "Controlled schools" were originally established by voluntary organisations such as religious groups, but their running costs are met entirely by local government. Members of the foundation body are representatives on the governing body and therefore are able to have input on the developing ethos of the school. *Id.*

14. Marie Parker-Jenkins et al., *Muslims Gain Equality of Funding*, *TIMES EDUC. SUPPLEMENT*, January 16, 1998 at 18; Dept. of Educ., *The Parents Charter: You and your Child's Education* (1991).

15. DEPARTMENT OF EDUCATION, *THE PARENTS CHARTER: YOU AND YOUR CHILD'S EDUCATION* (Her Majesty's Stationary Office 1991).

in response to immigration. These policies have ranged from assimilation in the 1950s, integration in the 1960s, cultural pluralism in the 1970s, to experiments with equal opportunity/multiculturalism/anti-racism during the last two decades. Each stage of cultural diversity has met with varying degrees success. Happily, notions of social justice and social inclusiveness are now entering the debate. Until 1998, Muslim schools have been unable to access the public purse, despite satisfying parental demands and in some cases performing impressively in local authority league tables.¹⁶ Therefore, there has been, and still is, a need to explore pedagogical and policy issues as they relate to educational funding in "Muslim" communities.

D. *MODES OF INQUIRY*

There is a small but growing body of empirically based knowledge regarding Britain's government funding of Muslim schools. The author and her colleagues carried out ethnographic studies on Muslim issues in the British context. The author has visited, over a ten year period, Muslim schools in Britain and elsewhere looking at the issues surrounding funding for the diversity in society. These investigations have led to a number of funded research projects regarding the educational needs of Muslim children,¹⁷ gender and schooling,¹⁸ and the career destinations of Muslim women.¹⁹ This paper draws on the author's previous publications and unique empirical research into issues surrounding Muslim communities and schooling in Britain. The author highlights key issues to provide the reader with an overview of the situation in Britain and some emerging legal and philosophical concerns.

The methodology employed was predominantly qualitative (i.e., ethnographic procedures) using semi-structural interviews with open-ended questions to provide the opportunity for partici-

16. *Id.*

17. Marie Parker-Jenkins, *Muslim Matters: An Examination of the Educational Needs of Muslim Children in Britain*, 9 AM. J. ISLAMIC SOC. SCI., 351-369 (1992); MARIE PARKER-JENKINS, *CHILDREN OF ISLAM* (1995).

18. Marie Parker-Jenkins, and K.F. Haw, *Equity Within Islam Not Without It: The Perspectives of Muslim Girls in Britain*, 13 Muslim Educ. Q. 17-34 (1996).

19. Paper presented to the British Educational Research Association by Marie Parker-Jenkins et al., *Trying Twice as Hard to succeed: Muslim Women in Britain* (September 1997).

pants to voice their concerns. The participants were school administrators, teachers, parents, and former pupils located in established Muslim school communities.

E. DATA SOURCES

A number of sources were used for this study: (1) empirical evidence collected through visits in the 1990s to 25% of private Muslim schools in Britain and state schools with large numbers of Muslim pupils; (2) examination of policy documents governing multi-culturalism in Britain; and (3) research in Muslim and non-Muslim states (Britain, Turkey and Australia) examining arrangements for the funding of faith-based schools.

F. RESULTS

The findings of this study demonstrate that Muslim schools in Britain have increased in number over the last decade, and despite the lack of governmental support, they have performed impressively in league tables.²⁰ Furthermore, in an attempt to seek equality before the law over the issue of funding, Muslim schools have started a grass roots movement aimed at lobbying politicians at local and national levels to keep the issue at the forefront of the political agenda.

G. SIGNIFICANCE OF STUDY

The findings of this study are expected to accomplish the following: (a) contribute to framing future inquiries and expanding existing theoretical models on ethnicity, educational, and cultural diversity; (b) inform policy makers at the local, national and international level about the current status of religious schools in Britain and support new legislation aimed at equity in the treatment of religious schools; and (c) contribute to practice by providing guidance to educators, career officers, and community leaders in their attempts to enhance education and employment opportunities for ethnic minorities.

Britain needs to recognize the reality of multi-faith, multi-cultural, and multi-lingual societies and should support educational provision along these lines. Either Britain must fund all religious schools who meet government criteria or critically re-

20. Al-Madaris, *Yes!*, ASS'N OF MUSLIM SCHOOLS, 1998, Issue 7 (Newsletter).

evaluate provisions within legislation and dismantle the entire system. There cannot be inequality before the law for diverse communities.

With a new government in Britain, ethnic voters now hope to see their aspirations realized through policy change. After a decade of rejection by the Conservative party, hopes are pinned on the new Labor government to ensure equity in treatment of religious schools in the country.

This study also looked at issues of equity and social justice within cultural pluralism. Should Britain be moving to a common school for all children and thus rejecting segregation? Or is such a move to assimilation counter to the recognition and legitimization of diversity?

III. DISCUSSION

A. CULTURAL IDENTITY

Increasingly, recognition of the enormous differentiation and the diversity in the historical and cultural experiences of minorities that Stuart Hall describes as "the new ethnicities,"²¹ displaces previously stable political categories. This new cultural politic engages rather than suppresses difference and represents a broader concept of ethnicity. "We are all in a sense, ethnically located and our ethnic identities are crucial to our subjective sense of who we are."²² The importance of identity is echoed in the writings of Islamic theorists,²³ and is an issue schools should take into account. Debate over what it means to be "British" features an important element within multicultural education. Realistically, total assimilation of British Muslims is unlikely since "it is unreasonable to expect us to assimilate and lose our identity, for a community with such a strong religious identity total assimilation is absurdity."²⁴

Similarly, the expectation that Afro-Caribbean and Asian minorities would simply "blend into a homogeneous British or

21. Stuart Hall, *New Ethnicities*, in James Donald and Ali Rattansi (eds.), *RACE CULTURE AND DIFFERENCE* (1992).

22. *Id.* at 258.

23. G.C. Sarwar, *Muslims and Education in the U.K.*, Muslim Education Trust (1983); Syed Ali Ashraf, *NEW HORIZONS IN MUSLIM EDUCATION* (1985); M.S. RAZA, *ISALM IN BRITAIN: PAST, PRESENT, AND FUTURE*, 2nd ed. (1993).

24. G.C. SARWAR, *BRITISH MUSLIMS AND SCHOOLS*, Muslim Educational Trust, 30 (1994).

even English stew, perhaps adding some harmless spice, was revealed as not only hopelessly unrealistic but symptomatic of a form of racism which regarded 'Britishness' and 'Western' as the only touchstones of cultural value."²⁵

The Swann Report stopped at the West Indian and Asian divide and never fully explored their ethnic differences.²⁶ "Sub-ethnicities" have not been adequately explored, argues Ali C. Rattansi, and consequently any discussion of needs has generally been subsumed under a generic label such as "Asian." That label does not adequately describe children of vast cultural differences and identities. This study has pointed to the importance of deconstructing the term "Muslim" in such a way as to recognize the huge differentiation within the category and to provide more refinement and determination of what needs require accommodation, for which pupils, at what level, and for what reasons. Furthermore,

[A] range of 'black' groups have begun to explore, construct and express identities and experiences not exhausted by the experience of and struggle against racism, or the polarisation between social democratic and revolutionary strategic positions [T]here is emerging a new cultural politics of differences Neither the multiculturalist nor the anti-racist movement in education has yet engaged with these 'new ethnicities'.²⁷

Along similar lines, Iris Young rejects an assimilationist model, and states that "the politics [of difference] asserts that . . . groups have distinct culture, experiences, and perceptions on social life with humanly positive meaning, some of which may even be superior to the culture and perspectives of mainstream society."²⁸ Pupils of faith groups such as Sikh, Hindu, Jewish, Brethren, or Rastafarian can also be subject to abuse because of their appearance. Some children may suffer double-edged prejudice and discrimination evoked both by their ethnicity and their religion. The issue has to be seen within a broad context of pro-

25. Ali C. Rattansi, *Changing the Subject? Racism, Culture and Education*, in JAMES DONALD AND ALI C. RATTANSI (eds.) *RACE, CULTURE AND DIFFERENCE*, 13 (1992).

26. See M. SWANN, *EDUCATION FOR ALL: A SUMMARY OF THE SWANN REPORT ON THE EDUCATION OF ETHNIC MINORITY CHILDREN*, (1985).

27. *Id.* at 41.

28. IRIS MARION YOUNG, *JUSTICE AND THE POLITICS OF DIFFERENCE*, 166 (1990).

moting social justice for all children. A rethinking of educational interventions and strategies is required if racism and cultural difference are to be adequately addressed in the future.

IV. LEGAL DIMENSIONS

Until 1998, private Muslim schools tried unsuccessfully to receive public funding. In the most documented case, that of the Islamic School in Brent, London, was taken to the High Court and the conservative government asked the Court to reconsider its most recent rejection.²⁹

Private Muslim schools, which boast long waiting lists, have been increasingly clamouring for the public funding afforded to other denominational schools in Britain.³⁰ Feversham College in Bradford (formerly the Muslim Girls Community College) is another example of a school currently going through the relevant stages of the procedure. They obtained support from the local education authority, who expressed concern with the lack of schools for children within its area.³¹ In a policy statement on multicultural education, the opposition Labour Party signalled its general support regarding voluntary-aided status for Muslim schools. Similarly, Baroness Cox unsuccessfully attempted to introduce the *Education Amendment Act 1991*,³² which would have extended eligibility for public funding to independent schools providing an alternative religious ethos to existing state schools. More recently, the Education Act³³ was modified to contain a provision for the government support of schools formed by voluntary groups. Finally, the door was thus being pushed open for Muslim schools to receive state financing.

29. *Islamia School Centre v. Brent Education Authority* (1993). (The Islamic School in Brent went to appeal the government's refusal to grant it voluntary aided status in August 1993, and the High Court ruled that it should reconsider the decision. See BRITISH MUSLIM MONTHLY SURVEY, 1 (10) at 115 (1993). In light of voluntary aided status given to a Jewish school at the same time, the issue became more contentious.) See *Islamic and VA Status*, BRITISH MUSLIM MONTHLY SURVEY, 2 (8) at 20 (1993).

30. JOHN MARK HALSTEAD, *THE CASE FOR MUSLIM VOLUNTARY AIDED SCHOOLS: SOME PHILOSOPHICAL REFLECTIONS*, The Islamic Academy (1986).

31. See Bradford Muslim Girls School, BRITISH MUSLIM MONTHLY SURVEY, 2 (6), 1994 at 20-21; and 1 (10) at 15.

32. The Education Amendment Act (1991) London: HMSO, Bill 8, HL.

33. The Education Act (1993) HMSO, part vi, § 229-230. See also Geoffrey. Walford, *The New Religious Grant-Maintained Schools*, EDUC., MGMT. & ADMIN., 22 (2) at 123-130 (1994).

Many believe that the ideal environment to promote the Muslim identity and faith is within this separate school system. Muslims maintain that these independent schools are not intended to disunite society but to preserve their Islamic identity. Government financed Muslim schools would thus be permeated by an Islamic ethos to support their "unshakeable faith."³⁴ Muslim children, it is argued, would be better British citizens as a result of such schools. These children would provide a moral compass and instill a new sense of morality into British society.

Presently, there are approximately sixty independent Muslim schools in Britain that serve the needs of children whose parents are financially able and willing to pay.³⁵ Only an approximate figure can be given, for these institutions open and close randomly due to financial insecurity. In 1989, for example, the figure cited for number of schools was fifteen,³⁶ and by the early 1990s the number given was in the area of twenty.³⁷ The institutions include a collection of single-sex schools for girls and boys, both primary and boarding.³⁸ It is calculated that Muslim schools provide education for around 1% of an approximate population of 300,000-500,000 Muslim pupils in Britain.³⁹ It was from the approximately sixty Muslim schools in the country that a sample was selected to inform the study for this article and for my book *Children of Islam* (1995)⁴⁰ and this article. Varying in number from approximately 5 to 1,800 on roll, Muslim schools coincide with the establishment of Muslim communities around the country, namely the London, Leicester, Birmingham, Bradford, Kidderminster, and Dewsbury areas. Relying on community support, they are seldom purpose-built rather they operate

34. JOHN MARK HALSTEAD, *THE CASE FOR MUSLIM VOLUNTARY AIDED SCHOOLS: SOME PHILOSOPHICAL REFLECTIONS*, The Islamic Academy (1986).

35. The current figure of 60 schools is documented in a number of Islamic publications eg. Al-Madaris (1998).

36. S. Midgeley, *Muslims Turn to Separate Schools to Preserve Islamic Faith*, THE INDEPENDENT, January 20, 1989 at 9. See also Marie Parker-Jenkins, *Muslim Matters: An Examination of the Educational Needs of Muslim Children in Britain*, AM. J. ISLAMIC SOC. SCI., vol. 9, no. 3 at 351-369 (1992).

37. *Education (Schools) Bill Amendments*, ISLAMIA, April 18, 1992 at 2 (Newsletter); and Raza, (1993).

38. Frances Rafferty, *Muslim Boarding Schools Planned*, TIMES EDUC. SUPPLEMENT, December 6, 1991 at 5; Midgeley, (1989).

39. C. Weston, *Separate Schools Debate Offers Test*, THE GUARDIAN, July 22, 1989; W. Berliner, *Muslim Schools Stand Their Ground*, EDUC. GUARDIAN, March 23, 1993 at 6-7; Sarwar, (1994).

40. MARIE PARKER-JENKINS, *CHILDREN OF ISLAM* (1995).

above a mosque or in unused schools, invariably connected to one or more mosques based on sectarian divisions, as mentioned earlier.

Muslim schools provide for parents who feel their children are caught in "culture clash." These parents feel that the whole ethos of British state schools and educational policy is inconsistent with their way of life. Sarwar has highlighted the importance of cultural identity for Muslims and fear that their community is threatened by the undermining of cultural consciousness.⁴¹ Since government supported Muslim schools were not a reality until 1998, there remained a basic problem: Muslim parents aspired to keep their children faithful in the face of perceived Western materialism and permissiveness.

Some Muslim parents have chosen private schooling in the absence of financial assistance from the government, while others do not wish to see their children educated in ideological isolation and instead look to state schools to accommodate their needs. There is no uniform view among Muslim parents in this instance, as with those of other faiths, about the need for their children to attend a denominational school, or whether spiritual matters can be left to the family and attendance at religious services. Differences of opinion are highlighted by Taylor and Hegarty,⁴² and the Swann Report.⁴³ Both cite Cypriot Muslims who are said to oppose separate schooling. Similarly, Bradford's first Asian Lord Mayor is quoted as saying, "I don't want separate in any form. . . . [W]hat we want is accommodation of our cultural needs, especially in the education system."⁴⁴

This view contrasts markedly with the argument proffered by organisations like the Muslim Education Trust. They suggest that there is a sizeable number of Muslim parents who do want government funding for separate schools.⁴⁵ For supporters of Muslim schools, the curriculum, both formal and hidden, should

41. G.C. Sarwar, *Muslims and Education in the U.K.*, Muslims Education Trust (1983).

42. M. TAYLOR AND S. HEGARTY, *THE BEST OF BOTH WORLDS?: A REVIEW OF RESEARCH INTO THE EDUCATION OF PUPILS OF SOUTH ASIAN ORIGIN* (1985).

43. Swann Report (1985).

44. JOHN MARK HALSTEAD, *THE CASE FOR MUSLIM VOLUNTARY AIDED SCHOOLS: SOME PHILOSOPHICAL REFLECTIONS*, *The Islamic Academy* at 52 (1986).

45. D. Cumper, *Muslim Schools: Implications of the Educational reform Act 1988*, *NEW COMMUNITY* 6 (3) at 379-389 (1990).

ideally reflect an Islamic orientation.⁴⁶ The significance of Islam and the importance of the Qur'an in education necessitate specific responsibilities of Muslim parents, and accordingly, certain rights and duties of their children.

Another type of inadequacy is the proper provision for Muslim children. In the East End of London, where Britain's largest Bangladeshi community is established, "thousands of Muslim children were without school places in 1989 and 1990."⁴⁷ The situation has still not been adequately addressed. Notwithstanding the government's legal obligation to provide schooling facilities and access to the national curriculum, sizeable numbers of Muslim children have been denied their basic education entitlement.

Single-sex schooling is also part of the appeal for Muslim schools. Under section 36 of the *Education Act* (1944), it is the duty of the parent of every child of compulsory school age to cause them to receive efficient full-time education suitable to their age, ability, and aptitude, either by attendance at school or otherwise. The term "or otherwise" refers to home tutoring or education within the private sector. Instances have arisen where Muslim parents have failed to ensure that their daughters attend school because of an ideological opposition to co-educational schooling, and court proceedings have ensued.⁴⁸ Single-sex education continues to be an aspiration for some Muslim parents who see the phasing out of such schools as contrary to their interests. In Bradford, the Muslim Parents Association was formed in 1974 to represent the Muslim view on this issue. From this time forth, a number of private Muslim schools were founded along single-sex lines and in accordance with Islamic principles.⁴⁹ More recently, Muslim schools for boys have been established to accommodate the wishes of Muslim communities who have expressed a need for single-sex schooling for their sons

46. MUHAMMAD ANWAR, *YOUNG MUSLIMS IN A MULTICULTURAL SOCIETY: THEIR NEEDS AND POLICY IMPLICATIONS*, The Islamia Foundation (1982); E. HULMES, *EDUCATION AND CULTURAL DIVERSITY* (1989).

47. N. Yuval-Davis, *Fundamentalism, Multiculturalism and Women in Britain*, in JAMES DONALD AND ALI RATTANSI (EDS.), *RACE, CULTURE AND DIFFERENCE*, at 286 (1992).

48. See HULL, *BRITISH MUSLIMS MONTHLY SURVEY*, 1993 1 (9) at 10. (the case of a Muslim father who successfully appealed against his daughter having to attend a mixed secondary school).

49. *Id.*

as well as their daughters.⁵⁰ In the absence of schools promoting an Islamic faith, Muslim parents have opted for alternative denominational schools, such as Anglican or Catholic, because they are more supportive of both moral education and single-sex schooling.⁵¹

The issue of state funding for faith-based schools has generated much debate in the 1990s due to the decline in Christian intake and the clamouring for financial support for Muslim schools. Critical re-evaluation of the religious clauses of the 1944 Education Act with a view to dismantling all denominational schooling is a possible solution to the problem.⁵² This would clearly provoke angry responses from Anglicans, Roman Catholics, and Jews who presently hold voluntary aided status.⁵³ While private Muslim schools continue their struggle for equal access to the same funds, and the vast majority of Muslim children look to the state school system for their needs to be accommodated.

There are interesting points arising from the two Muslim schools that have recently been approved for funding. First, by choosing primary schools, the government has neatly side-stepped the issue of girls' education at the secondary level. The government is satisfied that the two schools in question comply with statutory provisions, deliver the national curriculum, and offer equal access to both boys and girls. Thus, the government has avoided the more controversial allegation that girls in Muslim secondary schools are offered a narrow curriculum that is more appropriate for "a life of domesticity."⁵⁴

Second, rather than giving the schools "voluntary-aided" status consistent with other religious schools in the country, the government has opted for the label of "grant maintained status." This latter category has emerged in the last decade and covers a range of schools that have opted out of local government control

50. *Muslim Boys Secondary School*, ISLAMIA, March 23, 1994 at 6-7 (Newsletter).

51. CENTRE FOR THE STUDY OF ISLAM AND CHRISTIAN-MUSLIM RELATIONS, *Citizenship and Religious Education* (1985) (Report of seminar held at Westhill College, Selly Oak, Birmingham); J.S. Neilson, *Introduction to Islam and Religious Education in England*, in EUROPE-RESEARCH PAPERS NO. 3, CSICR (1987).

52. Swann Report, 1985; COMMISSION FOR RACIAL EQUALITY, *Schools of Faith* (1990).

53. R. Lustig, *Faith Schools Hope for More Charity*, THE INDEPENDENT, March 17, 1990 at 5.

54. MARGHERITA N. RENDEL, WHOSE HUMAN RIGHTS? (1997).

to assume more independence in their governance. How could two private schools opt out of local government control if they had never opted in? It would seem that expediency may have had some bearing on the decision, and the government's choice of a label that gives cover to a philosophical as well as religious ethos in schooling. It is now clear that the decision brings an end to the British government's intransigence and a beginning of equal opportunity for Muslim schools.

Finally, the developing notion of social justice is more socially inclusive than the more narrow concept of equal opportunity as understood in Britain in the 1980s. The abandonment of equal opportunity rhetoric caused disillusionment, in the past. However, with a new government, cultural diversity and equality should return to the center of the political stage. Extending social inclusion to Muslim schools means they can be brought into the mainstream and the marginalization of their children can be reduced.

V. CONCLUSION

In the aftermath of *The Satanic Verses*,⁵⁵ debate was generated in Britain over the social and educational needs of Muslims. Media treatment of the Rushdie affair, the Gulf War, and the Bosnian crisis, often presenting negative Muslim images, have added to a climate of "Islamophobia."⁵⁶ It is necessary to view the place of Muslims in Britain without inferring a threat to the indigenous population. To find the equilibrium between majority group children accommodation is required, not confrontation. This balance will require compromise on all sides. Ethnic minorities will have to relinquish some of their ethnic heritage. In exchange, teachers seeking to meet the educational needs of children from diverse backgrounds will have to ensure that multicultural antiracist strategies remain at the forefront of their practice. Society as a whole needs to move away from a utopian concept of total assimilation towards a more pragmatic realism.⁵⁷ Society needs to assure that all its citizens are treated equally before the law in accessing education, and that parity of

55. SALMON RUSHDIE, *THE SATANIC VERSES* (1988).

56. N.A. Kazmi, *Xenophobia and Islam*, DIALOGUE, Public Affairs Committee for Shi'a Muslims, July 1997 at 6.

57. This theme is discussed in depth in HENRY T. TRUEBA, *RAISING SILENT VOICES: EDUCATING THE LINGUISTIC MINORITIES FOR THE 21ST CENTURY* (1989).

esteem is provided to assist in the formulation of children's status and identity in society.