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A NORMATIVE APPROACH TO THE LEGITIMACY OF MUSLIM SCHOOLS IN MULTICULTURAL BRITAIN

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ABSTRACT: Debate has grown about the legitimacy of Muslim faith schools within the British education system. At the same time, scepticism has developed towards multiculturalism as a normative approach for dealing with diversity. This article argues that it is worth retaining the normative impetus of multiculturalism by returning to its roots in political philosophy. In particular, we can draw on Will Kymlicka's distinction between 'internal restrictions' and 'external protections' as a way to assess the legitimacy of minority claims. Having outlined this distinction, the paper applies it to the case of Muslim Schools.

Keywords: Muslim schools, faith schools, Kymlicka, multiculturalism, liberalism, British Muslims

1. INTRODUCTION

Within the ebb and flow of political discourse in Great Britain, the view about the legitimacy of Muslim schools changes. In moments of calm, they have been promoted. For example, in the early New Labour years they were encouraged as part of a broader agenda which saw faith schools as a way to improve standards in education (Walford, 2008). More often than not, however, their legitimacy has been questioned. The scrutiny under which they are held often reflects post-9/11 consternation surrounding Muslims, and on occasions, fears have come to a head. In 2001, in the aftermath of riots in Bradford, Oldham and Burnley, Muslim schools were criticised as being divisive (Brown, 2001). More recently, their legitimacy has again been questioned as a result of an alleged 'Trojan horse' plot for an extremist Muslim takeover of schools in Birmingham.¹

The questioning of the legitimacy of Muslim schools is often enmeshed within a broader political discourse that questions multiculturalism as a suitable normative model for dealing with Muslim minorities in Britain. Within this discourse, multiculturalism is compared unfavourably with 'British values' on the basis of the former's supposed relativism and passivity. For example, in 2011 Prime Minister David Cameron labelled multiculturalism a position of 'passive tolerance', in contrast to his preferred 'muscular liberalism' (Cameron, 2011). He reiterated this point within the political discourse that surrounded the Birmingham schools incident, when he emphasised the need for a 'muscular defence' of 'British values', adding that – for anyone who lives here – refusing them is 'not an option' (Walters, 2014).

While these comments might demonstrate genuine concern, there is a danger of throwing the baby out with the bath water if multiculturalism is dismissed too readily. Multiculturalism is a position with roots in political philosophy, and if we re-engage with those roots, we realise that it is not a position of passivity. On the contrary, multiculturalism's normative distinction between external protections and internal restrictions provides us with a standard by which to determine the legitimacy of any given cultural claim. It does this in a way that evades the charge of passivity, while at the same time protecting what is good about multiculturalism; namely, its inclination to value diversity positively.²

This article will make a case for the distinction between external protection and internal restriction by applying it to the Muslim schools debate. To be clear, the Muslim school debate could refer to one of two related debates: first, it could refer to debate about the legitimacy of Muslim schools in general; and second, it could refer to the debate about whether Muslim schools should receive state funding. This article has relevance for both debates, and will comment on the implication for state funding in the Conclusion. But first, it is necessary to contextualise this discussion.

2. CONTEXTUALISING THE MUSLIM SCHOOLS DEBATE

Muslim schools are not a homogeneous entity and they can be differentiated in various ways. Most relevant for our discussion is the differentiation between state-funded and privately-funded Muslim schools. Of the latter, some are 'well established institutions' (Parker-Jenkins *et al.*, 2005, p. 45), while many are poorly funded and stand in a precarious position (Open Society Institute, 2005, p. 126). Some are relatively liberal and teach Islamic studies in a western humanities tradition, whereas others – *madrasas* or *Dar ul-Ulooms* – are 'often highly insular' (Mandaville, 2007, p. 229). Some schools attempt to develop an Islamic ethos that permeates the whole school (Parker-Jenkins *et al.*, 2005, p. 40), whereas others are 'cultural protection zones' (Meer, 2010, p. 121). While the former are more likely to be ethnically mixed and focused on Islam, the latter are more likely to be mono-cultural, single sex and mainly concerned with protecting a cultural identity.

It is important to contextualise state-funded Muslim schools by considering them within the trajectory of religion within the British education system as a whole. Education along religious lines pre-dated state education, and when efforts were made for mass education during the Industrial Revolution, this was the preserve of churches rather than the state (Parker-Jenkins *et al.*, 2005, p. 12). When the state did, in the late nineteenth century, start to fill the gap in provision left by churches, this did not see a battle between the two powers. A system emerged whereby many state-funded schools in Britain also had a religious affiliation. This system has never been surpassed, and, as the religious landscape has changed, so too have the religious groups making claims for schools. So, while Great Britain continues to have an established church in the

form of the Church of England, its monopoly on state funding has been challenged historically; first, by the Nonconformists and Dissenters, through the Jewish and Catholic claim, to today, where various minorities – including Muslims, but also Sikhs, Hindus, 7th Day Adventists and Greek Orthodox – have also claimed state funding (Parker-Jenkins *et al.*, 2005, p. 13).

Focusing on Muslim schools within this trajectory, Islamia Primary School in London became the first to receive public funding in 1997 (Parker-Jenkins, 2002). Today, well over a decade later, there are 12 publically funded Muslim schools. To put this in perspective, there are 7000 publically funded Christian schools. Or to put this in perspective another way, state-funded Muslim schools make a small minority of the 156 registered Muslim schools in Britain (Association of Muslim Schools, 2013). Also, in comparison with other European nations with a tradition of religious schooling, Britain follows, rather than leads, in terms of giving state funds – for example, the Netherlands funds 46 Muslim schools (Driessen and Merry, 2006). While there is not a consensus amongst private Muslim schools over the desirability of receiving state funds (Walford, 2001), it is also the case that many have argued for state funding and have failed to receive it. This has resulted in a questioning of parity of the state regarding funding, and the idea that Muslim schools are held under more scrutiny than other schools (Ansari, 2004, p. 324; Parker-Jenkins, 2002). Given all of this, we might say that the debate over the legitimacy of Muslim schools is very much alive, since it remains to be seen whether other Muslim schools will join the first few within the state-funded sector.

Any debate about the legitimacy of a cultural claim ought to take into account the specifics of the context, and there are two pertinent points to take from what has been said in this section. First, given the diversity of Muslim schools in Britain, a statement pertaining to the legitimacy or otherwise of *all* Muslim schools is unlikely (the implications of any normative criteria would probably be different for different schools). Second, given that the state currently legitimates religious diversity by funding many religious schools, and parity demands that there is no reason to hold Muslims under more critical scrutiny than anyone else, any criteria for the legitimacy of Muslim schools must also be equally applicable to other schools.

3. EXTERNAL PROTECTION AND INTERNAL RESTRICTION

In this section I will outline the normative distinction that sees cultural claims as legitimate if they are claims for external protection, or as illegitimate if they are claims for internal restriction. While the distinction comes from Will Kymlicka's (1995) classic *Multicultural Citizenship*, for reasons that will be elaborated on, I will argue that the definition of cultural claims that warrant external protection should be broader than his version allows.

Kymlicka argues that before endorsing or opposing cultural claims, we must differentiate claims for external protection and claims for internal

restriction (1995, p. 35). The former seeks to ‘protect the group from the impact of *external decisions*’ (i.e. the economic or political decision of the larger society/the majority), whereas the latter ‘is intended to protect the group from the impact of *internal dissent*’ (1995, p. 35; original emphasis). Internal restrictions involve ‘*intra group relations*’, where a group makes a claim hoping to ‘restrict the liberty of its members’ (1995, p. 36; original emphasis). External protections, by contrast, can be seen as ‘putting the various groups on a more equal footing, by reducing the extent to which the smaller group is vulnerable to the larger’ (1995, pp. 36–37). This is far from guaranteed, and hence, external protection might be needed to ‘protect a particular ethnic ... group from the destabilizing impact of the decisions of the larger society’ (1995, p. 37). Kymlicka argues that external protections should be encouraged by the state, while internal restrictions should be avoided.

To understand why Kymlicka thinks this, we need to be aware of the underlying normative justification of his theory: the principle of individual autonomy - (1995, p. 75). In order to lead an autonomous life, first we must ‘lead our lives from the inside, in accordance with our beliefs about what gives value to life’, and second we must ‘be free to question those beliefs’ (1995, p. 81). The key point that differentiates Kymlicka’s account from other liberal accounts is that he emphasises culture is essential for individual autonomy, rather than its antagonist. As he points out, autonomy is ‘intimately linked with and dependent on culture’ (1995, p. 75). To live a free and autonomous life we need culture, since it provides us with a ‘context of choice’ (1995, p. 82).

Individual autonomy also provides the underlying justification for internal restrictions, the critical part of his distinction. Since Kymlicka focuses more on external protections than on internal restrictions, I borrow from other philosophers to elaborate on this latter category. Brian Barry points out the danger of blindly accepting cultural claims when he states that we might ignore the potential ‘communities have for abusing, oppressing and exploiting their members’ (2001, p. 117). Susan Okin (1999) makes the same point with a specific focus on females. She uses the examples of polygamy, clitoridectomy and forced marriage to show that many minority cultural practices can have a negative effect on women and therefore should not be uncritically endorsed. Within Kymlicka’s framework, these kinds of claims would be considered illegitimate internal restrictions.

While Kymlicka’s critical standard of internal restriction is important, his notion of what merits external protection could be broader. This is because communitarian cultures³ often argue for external protection, not on the basis that their culture functions as a context of choice, but rather on the basis of other deep psychological benefits that cultural membership provides; aspects like a sense of trust, belonging, identity, solidarity and self-esteem (see Parekh, 2000; Taylor, 1994). For simplicity, I will refer to this as the ‘well-being’ justification for culture. Philosopher of multiculturalism Monique Deveaux neatly illustrates the difference between the well-being justification and Kymlicka’s ‘overly liberal

account of cultural identity' (Deveaux, 2000, p. 132). She points out that minorities might not value individual autonomy, and instead they might stress that culture 'provides a sense of place and belonging – a secure and stable context', something that 'provides emotional and psychological stability partly by delimiting the chaotic and confusing array of lifestyle choices in the modern world' (2000, p. 132).⁴ While the well-being justification is not beyond critical reproach, it is at least a matter of reasonable disagreement whether it is normatively worse than one which focuses on culture as a context of choice. In light of this, it seems reasonable to broaden the notion of external protections at the political level. However, if we do broaden external protection, it is important that we do not do so at the expense of its distinction from internal restriction, which remains an important critical standard.

The ideas of the deliberative philosopher Seyla Benhabib (2002) can help us here. Fundamental to Benhabib's theory is that we ought to treat everybody as moral equals. This imperative has a particular meaning for Benhabib, when she says that determining what constitutes well-being in any given situation means listening to the voices of 'all potentially affected' by that situation (2002, pp. 105–108). This goes for cultural claims too, which are legitimate to the extent that they receive the approval of all potentially affected by them. This approach has the advantage of not determining in advance what people might consider important to their well-being in any given situation.⁵ For example, we do not assume, as the liberal stance tends to, that well-being is bound to be enhanced to the extent that individual autonomy is. People are free to forward their argument for a cultural claim without reference to individual autonomy (as in the Deveaux quotation above). However, the deliberative approach allows us to retain the normative category of internal restriction. Because all people potentially affected are involved, we must listen to the voices of those people – mentioned above – at risk of being abused, exploited or oppressed by their community. Arguing against a given cultural claim on the basis of those dissenting voices is not an imposition of a liberal standard, but rather is something we ought to do if we consider people morally equal.

The deliberative approach also pushes us away from abstract debate towards an empirical engagement with the real world of the multicultural. In relation to a consideration of the legitimacy of Muslim schools, it means listening to the empirical voices of all potentially affected by them. It is on the basis of such an empirical engagement that we should then try to determine whether the cultural claim in question is best characterised as a normatively legitimate claim for external protection, or, on the other hand, an illegitimate attempt at internal restriction.⁶

4. THE DISTINCTION APPLIED TO MUSLIM SCHOOLS

External Protections

I will begin the empirical analysis by drawing on evidence and argumentation in order to suggest that a cogent case can be made for Muslim schools as warranting external protection, not on the basis of their being contexts of choice, but rather on the basis that they attend to the well-being of individuals from more communitarian cultures.

Research shows that Muslim communities in Britain are often communitarian. The historian Humayun Ansari describes the development of ‘a patchwork of Muslim communities’ (Ansari, 2004, p. 343), which the sociologist Tahir Abbas characterises as being ‘close-knit’ with ‘strong local community structures’ (Abbas, 2004, p. 7). Within these close-knit communities, traditional family structures are deemed more central than in the population in general (Ansari, 2004, p. 264). Finally, religion is held to be more important than it is for the majority of the rest of society (for example, Modood *et al.*, 1997). For example, a study by the Department for Education and Skills shows that 85% of Pakistanis and Bangladeshis hold that ‘religion is very important’, whereas less than 10% of white British state the same (Department for Education and Skills, 2007, p. 23).⁷

Given this general picture of Muslims in Britain, it is unsurprising that the claims they make within the education system are not primarily for the protection of culture as a context of choice. Academics and Muslim groups have attempted to list the main needs of Muslim children (for example, Muslim Council of Britain, 2007; Parker-Jenkins, 1995). Their lists of needs include concerns about dress (e.g. an understanding of modesty), *halal* meal provision, provision for prayer, allowances made for those fasting during Ramadan, allowances made in relation to Islamic festivals, concerns about physical education (e.g. modesty in the school kit, separation of the sexes in swimming lessons), concern about religious education (e.g. that material about Islam is accurate; that schools honour the right of pupils to withdraw from religious education), concerns about collective worship (e.g. that Muslim pupils have Islamic collective worship), concerns about sex education and relationship education (e.g. that schools take into account ‘Islamic moral perspectives’ when teaching sex education) and language (that Muslims be given the opportunity to study Arabic and other languages relevant to their background).⁸

In some communities there clearly is a notion that the kinds of needs just mentioned could be met within the context of a Muslim school (for example, Hewer, 2001; Mustafa, 1999). Educationalist Chris Hewer’s account of the emergence of Muslim schools in Birmingham serves to illustrate this point. He charts the way that Muslim parents, when faced with what they perceived to be ‘the unacceptable alternative of a publically funded school that did not accord with [their] concerns’, began to set up schools; ‘small schools were established in homes, mosques and similar buildings by groups of concerned parents and

community leaders ... who wanted their children to be educated to a high standard in an Islamic environment' (Hewer, 2001, pp. 518–519). Based on more recent and more extensive empirical research into Muslim schools, Marie Parker-Jenkins *et al.* found that there was a preference amongst some for Muslim schools since 'the curriculum can reflect and celebrate cultural heritage and serve as a site for religious worship' (2005, p. 6). In the terminology of the philosophical discussion above, it is reasonable to speculate that the ability of Muslim schools to incorporate the needs of Muslim children in this way might well enhance their well-being – their sense of identity, belonging and esteem.

A number of empirical studies have shown that the well-being created by Muslim schools can provide a secure basis for the social integration of Muslims.⁹ The sociologist Clair Tinker argues in her study of Muslim schools that they allow Muslim pupils to feel 'secure in their group identity without fear of assimilation' (2009, p. 547). Similarly, professor of religion Andrew Wright focuses on the way that religious groups, like Muslims, have 'a secure sense of shared identity' whose recognition is a 'pre-condition ... to engage positively with broader society' (Wright, 2003, p. 149). Empirical research by anthropologist Patricia Kelly, comparing Muslim schools in Britain and Canada, concludes that 'the psychological and social effects [of such schools] were vital to integration in mainstream society' (Kelly, 1999, p. 197). Finally, governmental research, conducted by Ofsted (2009), showed similar evidence. In all of the 51 independent faith schools visited (including Muslim schools), 'the pupils gained a strong sense of personal worth and of belonging to their faith community', which were seen as 'fundamental to the development of a pupils identity, their sense of self-worth and esteem' (Ofsted, 2009, p. 8).

There are other tangible results of this form of external protection – particularly, the willingness amongst pupils in Muslim schools to pursue further education. I will quote a Muslim head teacher from a Runnymede Trust consultation on faith schools,¹⁰ since this statement illustrates the point well:

What we are creating are confident British Muslims who are not having identity crises. Faith schools actually serve orthodox and traditional communities. It provides opportunities for young people from these backgrounds ... Eight years ago when I took over the school, only two-thirds of girls went on to further education because of the cultural fear. By understanding that and putting in place structures of trust with a strong Islamic ethos, around 95% of girls in the school now go on to further education. (Runnymede Trust, 2008, p. 43)

A similar sentiment is expressed by a Muslim teacher in another study (Haw, 1998). She states 'we gave Muslim women an opportunity to come into school. I think that was the positive part of Muslim schools', and adds that these women 'who would hesitate to go into mainstream schools, managed not only to come in, but to complain. They were taking an interest and were aware of what was happening in school' (1998, p. 78). The sentiments expressed here show that well-being, particularly in the form of trust and solidarity, developed as a result

of there being Muslim schools in these communities, and that this actually served to allow a greater number of Muslim girls to go on to university than might have otherwise.¹¹

The well-being through trust and solidarity that developed in Muslim schools also enabled girls to challenge and question their own identity. Kay Haw's (1998) research into a Muslim school is a good example of this. She points out that 'due to the ethos and philosophy of the school students believed they had the freedom to explore ideas about being a woman, or specifically a Muslim woman' (1998, p. 118). She points out that in this school 'the girls felt secure enough in their own identity to question, to challenge and assert their rights as women and Muslims' (Haw, 1998, p. 118). She sees this attitude reflected in the attitudes of the teachers. She quotes one saying:

I think because they are in a more safe environment they're more able to ask questions that they might not ask in a more supposedly open environment. So I think they're able to criticise and question and get their doubts out while they're still within a safe community ... I do feel the girls fulfil themselves without necessarily rebelling against their own system and their culture but see how to change things within. (Haw, 1998, p. 120)

Haw's research captures well the significance that cultural and religious values have for the well-being of the girls in her study, as well as showing that it is from within this context that positive changes might occur.

Finally, we should consider the issue of equality in educational attainment. Given the fact that 'pupils with Pakistani and Bangladeshi heritage are significantly below the national average [in educational attainment]' (Hewer, 2001, p. 518), it is noteworthy that 'the best [Muslim schools] compare very favourably with non-Muslim schools' (Open Society Institute, 2005, p. 138). For example, Islamia primary school came third out of the 51 schools in the Brent district in 2001 according to Key Stage 2 SAT results (2005, p. 138). In 2002, *al-Furqan* school in Birmingham, Leicester Islamic Academy, *Madani* School in Tower Hamlets, *Tayyibah* School in Hackney and Brondesbury College in Brent – a list including state-funded and non-state-funded schools – saw 100% of pupils entered gain five or more GCSE pass grades, and Feversham College in Bradford saw 53% achieve these grades, in comparison with the Bradford average of 37% (2005, p. 138). While this is not a complete overview of attainment in Muslim schools, it would not be unreasonable to suggest that the well-being and sense of belonging pupils feel in these schools might be a contributory factor in their relatively high attainment.¹²

Empirical research and voices within Muslim communities suggest that a cogent argument is being made that Muslim schools enable the well-being of pupils from more communitarian cultures. To the extent that this is a true reflection of Muslim schools, they should be considered legitimate. This having been said, such a conclusion must be tempered by two points. First, while there is some research on Muslim schools, there is not much, so any conclusion would

have to be read in a tentative light. Perhaps more concerning, however, there is also empirical evidence that points in the other direction – to the way Muslim schools internally restrict.

Internal Restrictions

While communitarian cultures might have many positive aspects that attend to the well-being of their members, there may also be negative points, like patriarchal and other intolerant structures. Just as the positive about communitarian cultures might find itself manifest within schools, so too might the negative. A full picture, therefore, would be incomplete without reference to contrary empirical evidence – to voices of those who point out internal restrictions in Muslim communities and schools. I will concentrate in this section on two examples, sexuality and gender.

The issue of sexuality in religious schools gained impetus at the end of the last decade with the publication of the Stonewall School Report, which showed an ‘almost epidemic’ extent of homophobic bullying within British schools (Hunt and Jenson, 2008, p. 1). The report showed that, within religious schools, 75% of young gay people have experienced bullying, in comparison with 65% in all schools. While this shows a worryingly high level of bullying in all schools, the 10 percentage point difference is not to be brushed off as insignificant, especially in light of dispensations that religious schools have in this area. Religious schools can potentially refuse to employ a homosexual teacher on the basis that they can employ teachers ‘whose religious opinions are in accordance with the religion ... specified’ (Parker-Jenkins *et al.*, 2005, p. 99). This dispensation was seen by opponents as leaving the door open for schools to ‘teach that homosexuality is wrong’ (Williams, 2010).

Multiculturalism would be misguided if it added further to this; for example, by arguing that Muslim schools should be exempt from learning the acceptability of homosexuality. A clear example of this line of argument is made by Halstead and Lewicka (1998), who argue that Muslim children should not be taught a more accepting attitude towards homosexuality because the ‘notion of homosexuality as a lifestyle at all, let alone a natural and equally valid one, is itself incoherent from a Muslim perspective’ (1998, p. 49). They begin the argument that leads to this conclusion by contrasting the ‘Muslim perspective’ with the ‘homosexual perspective’. Halstead and Lewicka begin by outlining ‘the taken for granted assumptions that appear to be widely shared by western homosexuals’ (1998, pp. 51–52); assumptions which, they argue, ‘are receiving a sympathetic hearing from liberals, sex education specialists, Christians, members of other world religions and the population at large’ (1998, p. 49).¹³ The assumptions they identify are that homosexuality is based on sexual preference for the same sex; that homosexuality and heterosexuality are equal; that it is not a choice to be born homosexual or heterosexual; and, finally, that homosexuals experience prejudice in many societies (1998, pp. 51–52). The homosexual

perspective also contains the normative proposition that homosexuality is a valid alternative lifestyle.

Halstead and Lewicka contrast this ‘homosexual perspective’ with ‘the Muslim perspective’. They suggest that, according to Islam, the idea of sexuality cannot be disassociated from God’s will. God’s intention is for sexual acts only to take place within a marriage between a man and a woman. Any other sexual acts are considered adulterous, ruling out sexual acts between two people of the same sex. As such, they suggest, ‘it makes no more sense to say that one has been “created homosexual” as it does to say that one has been “created adulterous” ... both involve intentional acts that contravene God’s Law’ (Halstead and Lewicka, 1998, p. 58). Additionally, the case of two men performing penetrative sex is a further contravention of God’s law beyond it being a sexual relationship outside marriage – in fact, it is an ‘abomination’ (1998, p. 49). It is on this basis, then, that homosexuality should be taught to Muslim children as a controversial issue.

Regardless of the empirical problem with this argument – that it assumes rather than demonstrates that the so-called ‘Muslim perspective’ is widely held by British Muslims – the main problem is that the argument reifies the Muslim perspective as one which is bound to continue to internally restrict vulnerable minorities. Indeed, they accept that sympathy towards homosexuality now characterises Christianity and many other world religions (which was not always the case) – yet somehow, for Islam, this is just not an option (neither now nor in the future). Furthermore, upholding this reified position ends up distorting the reality. There are, currently, gay and lesbian Muslims and Islamic scripture is being questioned by some Muslim groups in order to emphasise a more tolerant attitude on this issue (Merry, 2005). By presenting the Muslim position as they do, Halstead and Lewicka delay the emergence of Islam becoming more tolerant in the future, and, even worse, they condemn those who are homosexual Muslims now to a situation of internal restriction.

A very clear example of this is that, as a part of their overall argument, Halstead and Lewicka oppose the inclusion of the voice of a gay Muslim in an educational collection of voices about religion and sex education. Indeed, they see the inclusion of his voice as ‘rather worrying’ given the fact that it goes against the ‘Muslim position’ (Halstead and Lewicka, 1998, p. 62). Yet the voice of the gay Muslim reprinted in the collection is someone’s genuine voice and experience. It is reprinted from a report by SHAKTI, a group whose aim is to support gay and lesbian members of South Asian communities. The report tells the story of a 23-year-old gay Muslim man who recalls running away from home, and whose brother ‘would rather see [him] dead, than see [him] sleep with another man’ (Thompson, 1993, pp. 97–98). The inclusion of the voice of this man would be imperative on the type of multiculturalism that eschews internal restrictions.

A similar point about internal restrictions can be made with reference to gender. The patriarchal nature of some Muslim communities can have a

particular effect on girls and women.¹⁴ Practices like *purdah* (the separation of sexes) and arranged marriages need to be considered, as does the concept of *izzat* – a concept that refers to family honour, and while it is not specifically Islamic, the concept does have a varying degree of cultural currency within Muslim communities in Britain (for example, Ansari, 2004, p. 277; Bhatti, 1999, p. 55; Ijaz and Abbas, 2010, p. 319). While abstractly the concept requires observation by both men and women, often, in practice, the concept is focused more on the modesty, morality and sexuality of women. For example, in their discussion of South Asians and gender in education, Aisha Ijaz and Tahir Abbas point out that, amongst older generations of British Muslims, the concept was ‘exclusively associated with women’, where parents ‘allowed their sons unlimited freedom while curtailing the activities of their daughters’ (2010, p. 319). Of course, we should not generalise about the prevalence of such concepts and practices, since their significance and meaning varies across community, class, ethnicity and generation – indeed, Ijaz and Abbas point out that younger generations of British Muslims ‘resented the “double standards” of their culture that treated young men differently from young women’ (2010, p. 320). Nevertheless, to the extent that claims for Muslim schools become part and parcel with these practices and concepts, granting their legitimacy risks perpetuating internal restriction.

There is some empirical evidence which suggest that these concepts and practices do form a part of the motivation for Muslim schools. Empirical work has shown that a major motivation for Muslim schools is that they provide a morally ‘safe’ environment for girls, especially post-pubescent girls (for example, Haw, 1998; Mustafa, 1999). Also, proponents of Muslim schools incorporate these ideas in their argumentation. The Muslim Educational Trust, for example, emphasises a domestic role for women. As one of their publications argues, women ‘should not lose sight of the basic duty’ – namely that she ‘is a mother first, and only then does her profession ... come into the picture. Her success will be measured by her success in bringing up stable, integral, happy and morally-sound generations’ (Ad-Darsh, 1996, p. 27). As with Halstead and Lewicka’s assertion on homosexuality, this assertion should not be confused as an empirical statement about the viewpoint of Muslims on this issue. However, it can be criticised since it is forwarded within a broader argument for Muslim schools, and, if it was accepted, it would probably lead to an increase of the internal restriction of women. Such arguments become particularly criticisable when members of the community themselves speak out against them.

Voices of internal dissent are expressed in the statements of organisations like Women against Fundamentalism, South Asia Solidarity Group and Southall Black Sisters.¹⁵ In the early 1990s, when the argument was gathering momentum for state-funded Muslim schools, Saeeda Khanum, in a Women against Fundamentalism collection, warned that ‘*izzat* has become more blatant a means of social control’ in South Asian Pakistani Muslim communities, and that Muslim schools have become mechanisms for ‘exercising that control’ and

for stifling ‘dissent and exert absolute control over the lives of women in the community’ (Khanum, 1992, pp. 142 and 144). More recently, in a South Asia Solidarity Group publication, the message has been reiterated that toleration for the teaching of cultural and religious values should not be mixed up with ‘policing women’s behaviour’ (London Development Education Centre and South Asia Solidarity Group, 2002, p. 9). Backing this up, they quote Fabbeh Husein, a student from a Bradford College, who complains about her experience in a Muslim school – which she said was ‘more about regulating the sexuality of the female than developing intellectual power and thinking’ (2002, p. 10).

This evidence shows that there is potential for internal restrictions based on gender in Muslim communities, that there is the potential for these restrictions to be institutionalised within Muslim schools and that there is internal opposition to such restriction. As I stated in the philosophical discussion, any cultural claim that would probably lead to internal restriction does not treat people as moral equals, since it does not take the well-being of all into account. Therefore, any school which contains internal restriction – for example, by deriding homosexuals or by policing women’s behaviour – simply cannot be considered legitimate. Of course, the picture we have drawn here of internal restriction is not an empirical representation of all Muslim schools in Britain – indeed, we saw in the previous section evidence of some of their positive effects. In light of that, our conclusions about the legitimacy of Muslim schools have to be more tentative. In the final section I will point to some of these conclusions, specifically about the issue of state funding for Muslim schools.

5. CONCLUSION: STATE-FUNDED MUSLIM SCHOOLS?

In *Strange Multiplicity*, James Tully discusses the statue *The Spirit of Haida Gwaii* by the Canadian sculptor Bill Reid. The statue contains 12 characters on a boat, mixtures of animals, humans and mythical creatures. Tully discusses each of these characters as if types within a multicultural society. He described one of the characters – the raven – as ‘the individual member of any culture, small or large, who wishes to dissent from all others and express him – or herself in a distinctive way’ (Tully, 1995, p. 165). One of the problems of the putatively passive position of multiculturalism is that it does not sufficiently take into account these metaphorical ravens when it uncritically tolerates communitarian cultures.

However, I have shown that multiculturalism can avoid the characterisation of passivity if it takes heed of its basis in political philosophy. Specifically, the distinction between external protection and internal restriction allows us to assess the legitimacy of cultural claims. Cultures deserve to be externally protected when they enable well-being, which I have defined here as the positive psychological effects of cultural membership. I have also argued that, at an empirical level, well-being is something that can only be determined through dialogue with those actually affected by a given cultural claim. However, while such a dialogue

might uncover the way a given claim increases the well-being of the members of a community, it might also uncover the potential it has for increasing the oppression or abuse of internal minorities. Cultural claims that lead to such internal restrictions should be considered illegitimate, not on the basis that they violate liberal standards, but on the basis of a desire to treat all people affected by a given decision as moral equals.

While in the previous section we did see evidence that some Muslim schools are capable of being internally restrictive, I also stated that this should not be seen as a decisive statement on their illegitimacy. Given the lack of empirical evidence, it is difficult to say whether the picture of Muslim schools painted in the internal restrictions section is more representative than the picture painted on external protections. Furthermore, given that Muslim schools are not a homogeneous entity, the truth is likely to be that different schools show some or both of these aspects to different degrees. Therefore, rather than conclude with a decisive statement on the legitimacy of Muslim schools, we can conclude by saying that future research should aim to uncover whether (and to what extent, under what circumstances) Muslim schools do or could provide for the well-being of their pupils, while not, at the same time, internally restricting them (or some of them).

One pragmatic suggestion along those lines would be, given the historical trajectory of religion in the British education system and the fact that state-funded religious schools are a normal part of the religious landscape, we have an opportunity to confer legitimacy (or otherwise) on Muslim schools. To the extent that a Muslim school is a place of internal restriction, state funding ought to be questioned – or, indeed, withdrawn – whereas to the extent that Muslim schools provide for the well-being of their members, state funding should be forthcoming – or, indeed, encouraged. Given that there are many currently non-state-funded Muslim schools that would benefit from receiving state funding, this is a genuine possibility.¹⁶

To finish our normative argument, it is worth returning to the issue of parity. Since Muslim schools find themselves to be under more critical scrutiny than other types of schools, it is imperative that the normative standards that are applied to them are applied to all schools in the same way – otherwise they appear as double standards. The fact that the British education system permits state-funded religious schools certain dispensations in relation to their policies on homosexuality, for example, means that the state already legitimises a system which creates internal minorities. While we would not want any schools to do this, it would be unfair to single out Muslim schools above any other for pursuing this possibility. Therefore, it is appropriate to see state funding as an opportunity to confer legitimacy on Muslim schools, but only in the same breath as we say that the state funding of schools – in general – must be attached to a normative position which rejects internal restriction.

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8. NOTES

- ¹ The ‘Trojan horse’ incident refers to an alleged plot by Muslim hardliners to take over academy schools with a large Muslim intake in Birmingham. Then education secretary Michael Gove set up an investigation chaired by Peter Clarke, a former counter-terrorism chief, into these schools. The report found that there was no evidence of radicalisation, but that there was evidence of intolerance, a narrowness of curriculum and a hard-line strand of Sunni Islam within some of these schools (Clarke, 2014). While this article is not a direct comment on the incident, the distinction between external protection and internal restriction explored in it might help provide normative clarity on an issue that often gets lost in a general political rhetoric.
- ² The term multiculturalism can be considered both descriptive and normative (Parekh, 2000, p. 6). As a descriptive term, it means a society with two or more cultures within it. As a normative term, it refers to a response to the fact that tries to preserve diversity, rather than a response that would aim to get rid of it (assimilation). While it will become apparent that this paper does not value all kinds of diversity uncritically, the position taken is a form of multiculturalism since it holds that – all other things being equal – diversity is a good thing. Diversity is a good thing because it reflects the reality of our human cultural existence.
- ³ I use the adjective communitarian in a loose descriptive sense to describe cultures where the focus is more on the community than on the individual.
- ⁴ To Kymlicka’s credit, he does not ignore the well-being justification. He says that cultural membership is the ‘primary foci of identification’, ‘based on belonging’, it is bound up with ‘esteem’, ‘dignity’, ‘self identity’, ‘solidarity’ and ‘trust’ (1995, pp. 89–90). In Kymlicka’s own view, however, when there is a tension between the well-being justification and the individual autonomy justification, the latter must win out. Indeed, it is on this basis that Kymlicka *et al.* (2003) is more sceptical of claims made by religious groups, as opposed to cultural groups, since the former are less conducive to individual autonomy.
- ⁵ Although I have defined well-being broadly as the positive psychological effects of group membership, as Bhikhu Parekh points out (2000, p. 217) well-being cannot be defined in the abstract since it is always culturally interpreted and defined. Deliberative theory’s emphasis on the voices of all potentially affected allows us to access these interpretations without making *a priori* assumptions.
- ⁶ It might be pointed out that the distinction between external protection and internal restriction does not exhaust the debate over the legitimacy of Muslim schools. One might reasonably mention other important aspects such as social integration (for example, Tinker, 2009), and equality (for example, Gewirtz and Cribb, 2008). While these are indeed important aspects of the debate, the distinction offered here provides a basis for such a debate. By which I mean, firstly, internal restrictions provide a bottom line in relation to legitimacy; even if a school increased social

integration or equality of attainment between groups, its legitimacy would still be questioned to the extent that it was internally restrictive. Secondly, given the deliberative focus on determining what warrants external protection, aspects such as social integration and equality in attainment should also be considered within that deliberation. Thus, while I do not provide a full discussion of these aspects, both of them are mentioned in the empirical discussion of external protection.

⁷ Of course, Pakistanis and Bangladeshis are not necessarily Muslims, and there are other ethnic groups that are Muslim. That said, the same study shows that almost all Pakistanis and Bangladeshis are Muslim and that these groups make up over two-thirds of the British Muslim population.

⁸ A list of ‘Muslim needs’ should not be read uncritically. Indeed, it is pertinent to note that one of the documents cited here, the Muslim Council of Britain’s (2007) *Meeting the Needs of Muslim in State Schools*, is much maligned within the Trojan horse report (Clarke, 2014, pp. 123–127). The Trojan report argues that the Muslim Council of Britain’s recommendations do not represent the real views of Muslims, but rather they represent a particularly hard-line version of Sunni Islam. For balance, the Muslim Council of Britain – which has consistently referred to itself as an umbrella group for the different branches of Islam – considered it ‘patently absurd’ to be described in the way they were by the report (Muslim Council of Britain, 2014). The extent to which a group that claims to represent a larger group really does is always an empirical question. However, just as we should not uncritically accept the viewpoint of those who claim to represent, neither should we suggest that they have no legitimacy within the group simply because we disagree with them (e.g. because their conservatism jars with our liberalism). Indeed, it might have been the case that the Trojan horse report was too quick to dismiss the Muslim Council of Britain’s recommendations since academics have pointed out that these Muslim needs do have some currency within Muslim communities (for example, Parker-Jenkins, 1995).

⁹ I am not claiming here to exhaust the debate on Muslim schools and social integration; rather, I am highlighting a connection between social integration and well-being. The potential for Muslim schools in relation to social integration mentioned here would have to be balanced against the relative lack of face-to-face contact between Muslims and non-Muslims that Muslim schools might imply.

¹⁰ The Runnymede Trust is a leading race equality think-tank in Britain.

¹¹ This sets up something of a dilemma for a strict liberal perspective. Muslim schools are not – at an ideological level – the context of choice providers that liberal schools are. However, the by-product of the trust developed within them might, paradoxically, mean that the net amount of autonomy in society is greater. Put in simple terms: more Muslim schools, more Muslims at university, more opportunities and choices open to them later in life.

¹² I am making a link here between equality of attainment and well-being, rather than a decisive statement about the role of Muslim schools in equal attainment. This is because if Muslim schools were seen as the answer to the underachievement of Muslim children, this might lead to another form of inequality; inequality between Muslims who had access to Muslim schools and Muslims who did not.

¹³ I may be reading too much into the phraseology here, but by referring to a ‘homosexual perspective’ their argument does seem to imply that having a certain sexuality causes you to hold certain axiomatic and demonstrable propositions about it, and further that one can have empathy towards, but not actually share, these propositions if one does not share the sexuality. All this seems erroneous epistemologically speaking.

¹⁴ As Leila Ahmed (1992) points out in her seminal discussion of gender and Islam, it is important not to confuse patriarchal interpretations of Islam with Islam as such.

- ¹⁵ Women against Fundamentalism (n.d.) was formed in 1989 ‘to oppose fundamentalism in all religions’; South Asia Solidarity Group (n.d.) is ‘an anti-imperialist, anti-racist organization based in Britain’ a group that aims to; and Southall Black Sisters (n.d.) was formed in 1979 to ‘meet the needs of “black” (Asian and African Caribbean) women’.
- ¹⁶ I stress that state funding is a possible opportunity, not *the* solution. While many Muslim schools want to be state funded, many do not. It would be extremely questionable to say that the normative standard of internal restriction is only imperative on those schools that cannot afford to buy out of their normative responsibility by remaining private.

9. REFERENCES

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